

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

To: Appropriations

SENATE BILL NO. 3040

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 2007.

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, 2006, and ending June 30, 2007.....  
10 ..... \$ 223,479,461.00.

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, 2006, and ending  
16 June 30, 2007..... \$ 313,937,405.00.

17 **SECTION 3.** Of the funds appropriated under the provisions of  
18 Section 2, Nineteen Million Two Hundred Sixteen Thousand Five  
19 Hundred Eighty-two Dollars (\$19,216,582.00) shall be derived from  
20 the Health Care Expendable Fund created in Section 43-13-407,  
21 Mississippi Code of 1972, for the support and maintenance of the  
22 Department of Mental Health. The funds provided for in this  
23 section shall be allocated as follows:

24 \$ 5,225,891.00 Expenses of the Department of Mental  
25 Health.

26	\$ 522,589.00	Alzheimer's disease services development
27		and implementation of Senate Bill No.
28		2100, 1997 Regular Session.
29	\$ 5,367,025.00	Medicaid matching funds.
30	\$ 348,392.00	Psychotropic drugs or Medicaid match.
31	\$ 696,786.00	Alzheimer's Disease Program, prepayment
32		to Medicaid, etc.
33	\$ 4,633,622.00	Crisis centers, holding centers, group
34		homes, substance abuse programs,
35		Children's Programs, Prepayment of
36		Medicaid. etc.
37	\$ 1,567,767.00	Physician services at community mental
38		health centers.
39	\$ 69,679.00	Grant for Epilepsy Foundation of
40		Mississippi or Medicaid match.
41	<u>\$ 784,830.00</u>	Crisis Centers and Specialized Treatment
42		Facility.
43	\$19,216,582.00	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..	\$ 5,550,920.00
53	Travel and Subsistence.....	210,000.00
54	Contractual Services.....	889,475.00
55	Commodities.....	143,860.00
56	Capital Outlay:	
57	Other Than Equipment.....	0.00
58	Equipment.....	45,000.00

59	Subsidies, Loans and Grants.....		<u>4,766,772.00</u>
60	Total.....	\$	11,606,027.00

61 FUNDING:

62	General Funds.....	\$	3,047,550.00
63	Special Funds.....		<u>8,558,477.00</u>
64	Total.....	\$	11,606,027.00

65 AUTHORIZED POSITIONS:

66	Permanent:	Full Time.....	65
67		Part Time.....	0
68	Time-Limited:	Full Time.....	18
69		Part Time.....	0

70 **SERVICE BUDGET**

71 MAJOR OBJECTS OF EXPENDITURE:

72 Personal Services:

73	Salaries, Wages and Fringe Benefits..	\$	0.00
74	Travel and Subsistence.....		0.00
75	Contractual Services.....		1,147,251.00
76	Commodities.....		0.00
77	Capital Outlay:		
78	Other Than Equipment.....		0.00
79	Equipment.....		0.00
80	Subsidies, Loans and Grants.....		<u>50,609,862.00</u>

81	Total.....	\$	51,757,113.00
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82 FUNDING:

83	General Funds.....	\$	16,442,993.00
84	Special Funds.....		<u>35,314,120.00</u>
85	Total.....	\$	51,757,113.00

86 AUTHORIZED POSITIONS:

87	Permanent:	Full Time.....	0
88		Part Time.....	0
89	Time-Limited:	Full Time.....	0
90		Part Time.....	0

91 **EAST MISSISSIPPI STATE HOSPITAL**

92	MAJOR OBJECTS OF EXPENDITURE:	
93	Personal Services:	
94	Salaries, Wages and Fringe Benefits.. \$	40,231,291.00
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..... \$	52,255,172.00

103	FUNDING:	
104	General Funds..... \$	35,126,369.00
105	Special Funds.....	<u>17,128,803.00</u>
106	Total..... \$	52,255,172.00

107	AUTHORIZED POSITIONS:	
108	Permanent: Full Time.....	1,044
109	Part Time.....	2
110	Time-Limited: Full Time.....	78
111	Part Time.....	4

**ELLISVILLE STATE SCHOOL AND FARM**

113	MAJOR OBJECTS OF EXPENDITURE:	
114	Personal Services:	
115	Salaries, Wages and Fringe Benefits.. \$	55,393,648.00
116	Travel and Subsistence.....	126,000.00
117	Contractual Services.....	4,653,109.00
118	Commodities.....	5,252,965.00
119	Capital Outlay:	
120	Other Than Equipment.....	400,000.00
121	Equipment.....	489,344.00
122	Subsidies, Loans and Grants.....	<u>15,232,898.00</u>
123	Total..... \$	81,547,964.00

124 FUNDING:

125	General Funds.....	\$	17,711,298.00
126	Special Funds.....		<u>63,836,666.00</u>
127	Total.....	\$	81,547,964.00

128 AUTHORIZED POSITIONS:

129	Permanent: Full Time.....	1,564
130	Part Time.....	28
131	Time-Limited: Full Time.....	49
132	Part Time.....	0

133 **MISSISSIPPI STATE HOSPITAL**

134 MAJOR OBJECTS OF EXPENDITURE:

135 Personal Services:

136	Salaries, Wages and Fringe Benefits..	\$	93,646,249.00
137	Travel and Subsistence.....		96,289.00
138	Contractual Services.....		13,067,900.00
139	Commodities.....		9,906,916.00

140 Capital Outlay:

141	Other Than Equipment.....		106,859.00
142	Equipment.....		508,536.00
143	Subsidies, Loans and Grants.....		<u>6,084,975.00</u>
144	Total.....	\$	123,417,724.00

145 FUNDING:

146	General Funds.....	\$	85,908,752.00
147	Special Funds.....		<u>37,508,972.00</u>
148	Total.....	\$	123,417,724.00

149 AUTHORIZED POSITIONS:

150	Permanent: Full Time.....	2,204
151	Part Time.....	6
152	Time-Limited: Full Time.....	168
153	Part Time.....	0

154 **CENTRAL MISSISSIPPI RESIDENTIAL CENTER**

155 MAJOR OBJECTS OF EXPENDITURE:

156 Personal Services:

157	Salaries, Wages and Fringe Benefits..	\$	5,950,130.00
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158	Travel and Subsistence.....		19,460.00
159	Contractual Services.....		1,003,091.00
160	Commodities.....		842,138.00
161	Capital Outlay:		
162	Other Than Equipment.....		93,334.00
163	Equipment.....		179,286.00
164	Subsidies, Loans and Grants.....		<u>2,000.00</u>
165	Total.....	\$	8,089,439.00
166	FUNDING:		
167	General Funds.....	\$	7,034,458.00
168	Special Funds.....		<u>1,054,981.00</u>
169	Total.....	\$	8,089,439.00
170	AUTHORIZED POSITIONS:		
171	Permanent: Full Time.....	122	
172	Part Time.....	0	
173	Time-Limited: Full Time.....	12	
174	Part Time.....	0	
175	<b>BROOKHAVEN JUVENILE REHABILITATION FACILITY</b>		
176	MAJOR OBJECTS OF EXPENDITURE:		
177	Personal Services:		
178	Salaries, Wages and Fringe Benefits..	\$	3,862,129.00
179	Travel and Subsistence.....		7,300.00
180	Contractual Services.....		509,389.00
181	Commodities.....		302,955.00
182	Capital Outlay:		
183	Other Than Equipment.....		7,000.00
184	Equipment.....		41,640.00
185	Subsidies, Loans and Grants.....		<u>6,000.00</u>
186	Total.....	\$	4,736,413.00
187	FUNDING:		
188	General Funds.....	\$	4,689,163.00
189	Special Funds.....		<u>47,250.00</u>
190	Total.....	\$	4,736,413.00

191	AUTHORIZED POSITIONS:		
192	Permanent:	Full Time.....	92
193		Part Time.....	0
194	Time-Limited:	Full Time.....	8
195		Part Time.....	0

196 **SPECIALIZED TREATMENT FACILITY**

197 MAJOR OBJECTS OF EXPENDITURE:

198	Personal Services:		
199	Salaries, Wages and Fringe Benefits..	\$	1,495,153.00
200	Travel and Subsistence.....		12,257.00
201	Contractual Services.....		516,258.00
202	Commodities.....		345,121.00
203	Capital Outlay:		
204	Other Than Equipment.....		30,000.00
205	Equipment.....		64,138.00
206	Subsidies, Loans and Grants.....		<u>492,836.00</u>
207	Total.....	\$	2,955,763.00

208 FUNDING:

209	General Funds.....	\$	1,898,682.00
210	Special Funds.....		<u>1,057,081.00</u>
211	Total.....	\$	2,955,763.00

212 AUTHORIZED POSITIONS:

213	Permanent:	Full Time.....	59
214		Part Time.....	0
215	Time-Limited:	Full Time.....	0
216		Part Time.....	0

217 **DIVISION OF ALCOHOL AND DRUG ABUSE**

218 MAJOR OBJECTS OF EXPENDITURE:

219	Personal Services:		
220	Salaries, Wages and Fringe Benefits..	\$	298,964.00
221	Travel and Subsistence.....		23,100.00
222	Contractual Services.....		45,600.00
223	Commodities.....		8,700.00

224	Capital Outlay:		
225	Other Than Equipment.....		0.00
226	Equipment.....		18,300.00
227	Subsidies, Loans and Grants.....		<u>4,060,042.00</u>
228	Total.....	\$	4,454,706.00

229 FUNDING:

230	General Funds.....	\$	0.00
231	Special Funds.....		<u>4,454,706.00</u>
232	Total.....	\$	4,454,706.00

233 AUTHORIZED POSITIONS:

234	Permanent: Full Time.....	5
235	Part Time.....	0
236	Time-Limited: Full Time.....	0
237	Part Time.....	0

238 **BOSWELL REGIONAL CENTER**

239 MAJOR OBJECTS OF EXPENDITURE:

240 Personal Services:

241	Salaries, Wages and Fringe Benefits..	\$	20,672,141.00
242	Travel and Subsistence.....		45,000.00
243	Contractual Services.....		3,021,807.00
244	Commodities.....		2,248,170.00

245 Capital Outlay:

246	Other Than Equipment.....		250,000.00
247	Equipment.....		320,176.00
248	Subsidies, Loans and Grants.....		<u>4,241,478.00</u>
249	Total.....	\$	30,798,772.00

250 FUNDING:

251	General Funds.....	\$	9,235,010.00
252	Special Funds.....		<u>21,563,762.00</u>
253	Total.....	\$	30,798,772.00

254 AUTHORIZED POSITIONS:

255	Permanent: Full Time.....	476
256	Part Time.....	3



257 Time-Limited: Full Time..... 104  
 258 Part Time..... 0

**NORTH MISSISSIPPI STATE HOSPITAL**

260 MAJOR OBJECTS OF EXPENDITURE:

261 Personal Services:

262 Salaries, Wages and Fringe Benefits.. \$ 9,636,742.00  
 263 Travel and Subsistence..... 37,488.00  
 264 Contractual Services..... 1,316,241.00  
 265 Commodities..... 1,155,682.00  
 266 Capital Outlay:  
 267 Other Than Equipment..... 30,000.00  
 268 Equipment..... 71,000.00  
 269 Subsidies, Loans and Grants..... 0.00  
 270 Total..... \$ 12,247,153.00

271 FUNDING:

272 General Funds..... \$ 10,316,812.00  
 273 Special Funds..... 1,930,341.00  
 274 Total..... \$ 12,247,153.00

275 AUTHORIZED POSITIONS:

276 Permanent: Full Time..... 188  
 277 Part Time..... 0  
 278 Time-Limited: Full Time..... 1  
 279 Part Time..... 0

**NORTH MISSISSIPPI REGIONAL CENTER**

281 MAJOR OBJECTS OF EXPENDITURE:

282 Personal Services:

283 Salaries, Wages and Fringe Benefits.. \$ 38,800,384.00  
 284 Travel and Subsistence..... 112,000.00  
 285 Contractual Services..... 4,563,119.00  
 286 Commodities..... 5,426,000.00  
 287 Capital Outlay:  
 288 Other Than Equipment..... 65,000.00  
 289 Equipment..... 709,744.00

290	Subsidies, Loans and Grants.....		<u>11,090,247.00</u>
291	Total.....	\$	60,766,494.00

292 FUNDING:

293	General Funds.....	\$	10,517,903.00
294	Special Funds.....		<u>50,248,591.00</u>
295	Total.....	\$	60,766,494.00

296 AUTHORIZED POSITIONS:

297	Permanent:	Full Time.....	885
298		Part Time.....	9
299	Time-Limited:	Full Time.....	163
300		Part Time.....	10

301 **HUDSPETH REGIONAL CENTER**

302 MAJOR OBJECTS OF EXPENDITURE:

303 Personal Services:

304	Salaries, Wages and Fringe Benefits..	\$	31,914,930.00
305	Travel and Subsistence.....		122,500.00
306	Contractual Services.....		4,109,425.00
307	Commodities.....		3,191,800.00
308	Capital Outlay:		
309	Other Than Equipment.....		150,000.00
310	Equipment.....		339,900.00
311	Subsidies, Loans and Grants.....		<u>11,349,031.00</u>
312	Total.....	\$	51,177,586.00

313 FUNDING:

314	General Funds.....	\$	8,158,123.00
315	Special Funds.....		<u>43,019,463.00</u>
316	Total.....	\$	51,177,586.00

317 AUTHORIZED POSITIONS:

318	Permanent:	Full Time.....	847
319		Part Time.....	21
320	Time-Limited:	Full Time.....	39
321		Part Time.....	0

322 **SOUTH MISSISSIPPI REGIONAL CENTER**

323	MAJOR OBJECTS OF EXPENDITURE:	
324	Personal Services:	
325	Salaries, Wages and Fringe Benefits.. \$	21,507,248.00
326	Travel and Subsistence.....	77,000.00
327	Contractual Services.....	3,311,421.00
328	Commodities.....	2,361,505.00
329	Capital Outlay:	
330	Other Than Equipment.....	100,000.00
331	Equipment.....	358,670.00
332	Subsidies, Loans and Grants.....	<u>5,542,459.00</u>
333	Total..... \$	33,258,303.00

334	FUNDING:	
335	General Funds..... \$	7,198,680.00
336	Special Funds.....	<u>26,059,623.00</u>
337	Total..... \$	33,258,303.00

338	AUTHORIZED POSITIONS:	
339	Permanent: Full Time.....	540
340	Part Time.....	8
341	Time-Limited: Full Time.....	94
342	Part Time.....	3

**SOUTH MISSISSIPPI STATE HOSPITAL**

344	MAJOR OBJECTS OF EXPENDITURE:	
345	Personal Services:	
346	Salaries, Wages and Fringe Benefits.. \$	6,429,752.00
347	Travel and Subsistence.....	14,500.00
348	Contractual Services.....	923,072.00
349	Commodities.....	804,650.00
350	Capital Outlay:	
351	Other Than Equipment.....	30,000.00
352	Equipment.....	136,263.00
353	Subsidies, Loans and Grants.....	<u>10,000.00</u>
354	Total..... \$	8,348,237.00

355 FUNDING:

356	General Funds.....	\$	6,193,668.00
357	Special Funds.....		<u>2,154,569.00</u>
358	Total.....	\$	8,348,237.00

359 AUTHORIZED POSITIONS:

360	Permanent:	Full Time.....	132
361		Part Time.....	0
362	Time-Limited:	Full Time.....	13
363		Part Time.....	0

364 Funds are provided herein to adjust the Variable Compensation  
365 Plan to ensure that all full-time employees receive a pay increase  
366 equal to the realignment component of the Variable Compensation  
367 Plan or Twelve Hundred Dollars (\$1,200.00), whichever is greater,  
368 beginning on July 1, 2006.

369 Pursuant to policies established by the State Personnel  
370 Board, agency heads may, on a case by case basis and within funds  
371 available, recommend equity salary adjustments to Fiscal Year 2006  
372 agency appropriation acts where application of limitations result  
373 in awarding one employee a salary increase greater than another  
374 employee within the same agency, with the same job classification  
375 series and greater longevity.

376 With the funds herein appropriated, it is the intention of  
377 the Legislature that it shall be the agency's responsibility to  
378 make certain that funds required to be appropriated for "Personal  
379 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007  
380 funds appropriated for that purpose, unless programs or positions  
381 are added to the agency's Fiscal Year 2008 budget by the  
382 Mississippi Legislature. Based on data provided by the  
383 Legislative Budget Office, the State Personnel Board shall  
384 determine and publish the projected annual cost to fully fund all  
385 appropriated positions in compliance with the provisions of this  
386 act. It shall be the responsibility of the agency head to insure  
387 that no single personnel action increases this projected annual  
388 cost and/or the Fiscal Year 2007 appropriation for "Personal

389 Services" when annualized, with the exception of escalated funds.  
390 If, at the time the agency takes any action to change "Personal  
391 Services," the State Personnel Board determines that the agency  
392 has taken an action which would cause the agency to exceed this  
393 projected annual cost or the Fiscal Year 2007 "Personal Services"  
394 appropriated level, when annualized, then only those actions which  
395 reduce the projected annual cost and/or the appropriation  
396 requirement will be processed by the State Personnel Board until  
397 such time as the requirements of this provision are met.

398 Any transfers or escalations shall be made in accordance with  
399 the terms, conditions and procedures established by law or  
400 allowable under the terms set forth within this act. The State  
401 Personnel Board shall not escalate positions without written  
402 approval from the Department of Finance and Administration. The  
403 Department of Finance and Administration shall not provide written  
404 approval to escalate any funds for salaries and/or positions  
405 without proof of availability of new or additional funds above the  
406 appropriated level.

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

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

418		FY07
419	<u>Performance Measures</u>	<u>Target</u>
420	Services Management	
421	State Institutions Operated (Number of)	12

422	Units Monitored, etc (Number of)	1,450
423	Grants Administered (Number of)	461
424	Mental Health Services	
425	Group Homes - Alternative Living (Beds)	261
426	Halfway Houses (Beds)	35
427	Psychotropic Drugs Purchased (Prescriptions)	9,800
428	Mental Retardation Services	
429	Community Living Clients (Clients)	220
430	Work Activity & Employment Related (Clients)	1,000
431	Children & Youth Services	
432	Group Homes (Beds)	107
433	Chemical Dependency (Beds)	20
434	3% Alcohol Tax-alcohol/drug Prg	
435	Residential Treatment Beds (Beds)	753
436	Out-Patient Admissions (Number of)	12,000
437	Mi - Institutional Care	
438	Patient & Resident Days (Number of)	652,315
439	Operating Cost per Patient & Resident	
440	Day (\$)	258
441	Mi - Pre/post Inst Care	
442	Clients Served (Number of)	871
443	Mi - Support Services	
444	Support as a Percent of Total Budget (%)	5.75
445	Mr - Institutional Care	
446	Patient & Resident Days (Number of)	518,307
447	Operating Cost per Patient & Resident	
448	Day (\$)	262
449	Independent Living Skills (Client Days)	2,816
450	Mr - Group Homes	
451	ICF/MR Patient & Resident Days (Number of)	200,297
452	Non ICF/MR Patient & Resident	
453	Days (Number of)	86,923
454	Mr - Community Programs	

455	Home & Community Based Waiver	
456	Clients (Number of)	1,925
457	Non Home & Community Based Waiver	
458	Clients (Number of)	2,119
459	Units of Service Delivered (Number of)	2,352,303
460	Mr - Support Services	
461	Support as a Percent of Total Budget (%)	4.60
462	Mi - Crisis Intervention Ctr	
463	Patient & Resident Days (Number of)	36,239
464	Mi - Residential Apartments	
465	Patient & Resident Days (Number of)	6,935
466	Mi - Residential Homes	
467	Patient & Resident Days (Number of)	3,650
468	Mi - Footprints Adult Day Svcs	
469	Clients Served (Number of)	25

470 A reporting of the degree to which the performance targets  
471 set above have been or are being achieved shall be provided in the  
472 agency's budget request submitted to the Joint Legislative Budget  
473 Committee for Fiscal Year 2008.

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

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

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

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

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



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

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

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

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

551       **SECTION 13.** Of the funds appropriated to the "Service  
552 Budget" in the category "Subsidies, Loans and Grants," funds are

553 included for the support of community mental health services for  
554 Fiscal Year 2007.

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

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

581         **SECTION 15.** The Department of Mental Health and its  
582 facilities shall have the express legal authority, within funding  
583 and spending authority appropriated under the provisions of  
584 Section 1, authorized for expenditure under the provisions of  
585 Sections 2 and 3, and allocated under the provisions of Section 4

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

601       **SECTION 16.** Of the General Funds appropriated to the  
602 "Service Budget" in the category of "Subsidies, Loans and Grants,"  
603 the sum required may be expended to fund the Home and Community  
604 Based Waiver Option for community mental retardation services as  
605 authorized under Section 43-13-117(29) of the Mississippi Code of  
606 1972 (Annotated).

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

615       **SECTION 18.** The following sum, or so much thereof as may be  
616 necessary, is hereby reappropriated out of any money in the  
617 special fund in the State Treasury to the credit of the Department  
618 of Mental Health Funds 3372, 3373, 3374, 3375, 3376, 3377, 3382,

619 3384, 3385, 3386, 3387, 3388 and 3391 for the fiscal year  
620 beginning July 1, 2006, and ending June 30, 2007.....  
621 ..... \$ 10,000,000.00

622 Notwithstanding the amount reappropriated under the  
623 provisions of this section, in no event shall the amount expended  
624 exceed the unexpended balance as of June 30, 2006, or change the  
625 purpose for which the funds were originally authorized.

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

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

640 **SECTION 21.** None of the funds appropriated for the support  
641 of community mental health, mental retardation, or substance abuse  
642 services shall be made available to any service provider which,  
643 upon determination of the Executive Director of the Department of  
644 Mental Health, has an outstanding monetary obligation owed to the  
645 Department of Mental Health or to the Division of Medicaid,  
646 pursuant to an audit or programmatic review performed by the  
647 Department of Mental Health, that has not been resolved, including  
648 those audits or programmatic reviews that occurred prior to  
649 July 1, 2006.

650 **SECTION 22.** No program or entity certified by the Department  
651 of Mental Health which also receives state source, federal source,

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

680       **SECTION 23.** Special funds appropriated in the Service Budget  
681 of the Department of Mental Health shall include an allocation of  
682 Three Million Five Hundred Fifty-nine Thousand Three Hundred  
683 Eleven Dollars (\$3,559,311.00) from Title XX Social Services Block  
684 Grant funding received by the State of Mississippi, unless the

685 total Title XX Social Services Block Grant award received by the  
686 State of Mississippi is reduced or increased by the federal  
687 government from what was received in federal fiscal year ending  
688 September 30, 2006. In cases where the total grant received by  
689 the State of Mississippi is reduced or increased, the percentage  
690 of the grant allocated to the Department of Mental Health shall be  
691 the same as was allocated for the federal year ending  
692 September 30, 2006.

693       **SECTION 24.** The Executive Director of the Department of  
694 Mental Health is hereby authorized to transfer and receive into  
695 the Central Office accounts of the Department of Mental Health  
696 certain funds which originated from the various Department of  
697 Mental Health facilities as transfers to the Department of Finance  
698 and Administration - Bureau of Building and Real Property  
699 Management for building/renovation/repair for certain projects  
700 that have not been obligated by the Bureau of Building and Real  
701 Property Management for the purpose for which the funds were  
702 transferred. Said funds are currently held in a Department of  
703 Finance and Administration account and may be held in Fund 3391.  
704 The Executive Director is further provided authority to transfer  
705 those funds from the Central Office to any other Department of  
706 Mental Health facility in any amount at his discretion.

707       **SECTION 25.** The money herein appropriated shall be paid by  
708 the State Treasurer out of any money in the State Treasury to the  
709 credit of the proper fund or funds as set forth in this act, upon  
710 warrants issued by the State Fiscal Officer; and the State Fiscal  
711 Officer shall issue his warrants upon requisitions signed by the  
712 proper person, officer or officers in the manner provided by law.

713       **SECTION 26.** This act shall take effect and be in force from  
714 and after July 1, 2006.