

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

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
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 \$ 209,675,347.00.

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..... \$ 311,118,771.00.

17 **SECTION 3.** Of the funds appropriated under the provisions of
18 Section 2, Eighteen Million Three Hundred Forty Thousand Seventy-
19 five Dollars (\$18,340,075.00) 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 \$ 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 \$ 3,757,115.00 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 \$ 784,830.00 Crisis Centers and Specialized Treatment
 42 Facility.
 43 \$18,340,075.00 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

82 FUNDING:

83	General Funds.....	\$	13,322,275.00
84	Special Funds.....		<u>38,434,838.00</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..	\$	88,949,616.00
137	Travel and Subsistence.....		62,989.00
138	Contractual Services.....		11,983,946.00
139	Commodities.....		9,189,836.00
140	Capital Outlay:		
141	Other Than Equipment.....		106,859.00
142	Equipment.....		437,036.00
143	Subsidies, Loans and Grants.....		<u>6,084,975.00</u>
144	Total.....	\$	116,815,257.00

145 FUNDING:

146	General Funds.....	\$	82,479,421.00
147	Special Funds.....		<u>34,335,836.00</u>
148	Total.....	\$	116,815,257.00

149 AUTHORIZED POSITIONS:

150	Permanent:	Full Time.....	2,156
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..	\$	4,069,630.00
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158	Travel and Subsistence.....		9,460.00
159	Contractual Services.....		673,924.00
160	Commodities.....		618,638.00
161	Capital Outlay:		
162	Other Than Equipment.....		60,000.00
163	Equipment.....		55,953.00
164	Subsidies, Loans and Grants.....		<u>2,000.00</u>
165	Total.....	\$	5,489,605.00
166	FUNDING:		
167	General Funds.....	\$	4,434,624.00
168	Special Funds.....		<u>1,054,981.00</u>
169	Total.....	\$	5,489,605.00
170	AUTHORIZED POSITIONS:		
171	Permanent: Full Time.....	94	
172	Part Time.....	0	
173	Time-Limited: Full Time.....	12	
174	Part Time.....	0	
175	BROOKHAVEN JUVENILE REHABILITATION FACILITY		
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

SPECIALIZED TREATMENT FACILITY

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

FUNDING:

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

AUTHORIZED POSITIONS:

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

DIVISION OF ALCOHOL AND DRUG ABUSE

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.. \$ 5,626,255.00
 263 Travel and Subsistence..... 30,000.00
 264 Contractual Services..... 806,556.00
 265 Commodities..... 1,007,191.00
 266 Capital Outlay:
 267 Other Than Equipment..... 30,000.00
 268 Equipment..... 71,000.00
 269 Subsidies, Loans and Grants..... 0.00
 270 Total..... \$ 7,571,002.00

271 FUNDING:

272 General Funds..... \$ 6,640,002.00
 273 Special Funds..... 931,000.00
 274 Total..... \$ 7,571,002.00

275 AUTHORIZED POSITIONS:

276 Permanent: Full Time..... 102
 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.. \$	5,112,816.00
347	Travel and Subsistence.....	11,000.00
348	Contractual Services.....	296,288.00
349	Commodities.....	102,635.00
350	Capital Outlay:	
351	Other Than Equipment.....	20,000.00
352	Equipment.....	51,202.00
353	Subsidies, Loans and Grants.....	<u>10,000.00</u>
354	Total..... \$	5,603,941.00

355 FUNDING:

356	General Funds.....	\$	5,216,247.00
357	Special Funds.....		<u>387,694.00</u>
358	Total.....	\$	5,603,941.00

359 AUTHORIZED POSITIONS:

360	Permanent:	Full Time.....	110
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.** Of the funds appropriated under the provisions
708 of Section 2, Three Million One Hundred Twenty Thousand Seven
709 Hundred Eighteen Dollars (\$3,120,718.00) shall be derived from the
710 Budget Contingency Fund created in Section 27-103-301, Mississippi
711 Code of 1972.

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, 2006.