

Senate Amendments to House Bill No. 1695

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

7 **SECTION 1.** The following sum, or so much thereof as may be
8 necessary, is hereby appropriated out of any money in the State
9 General Fund not otherwise appropriated, to the Governor's Office
10 - Division of Medicaid for the purpose of providing medical
11 assistance under the Mississippi Medicaid Law and defraying the
12 expenses of the administration of such law, as provided in Section
13 43-13-101 et seq., Mississippi Code of 1972, for the fiscal year
14 beginning July 1, 2007, and ending June 30, 2008.....
15 \$ 254,928,735.00.

16 **SECTION 2.** The following sum, or so much thereof as may be
17 necessary, is hereby appropriated out of any money in the State
18 Treasury to the credit of the Medical Care Fund created by Section
19 43-13-143, Mississippi Code of 1972, for the purpose of providing
20 medical assistance under the Mississippi Medicaid Law for the
21 fiscal year beginning July 1, 2007, and ending June 30, 2008.....
22 \$ 290,875,942.00.

23 **SECTION 3.** The following sum, or so much thereof as may be
24 necessary, is hereby appropriated out of any money in any special
25 fund in the State Treasury to the credit of the Governor's Office
26 - Division of Medicaid which is comprised of special source funds
27 collected by or otherwise available to the commission, for the
28 purpose of providing medical assistance under the Mississippi
29 Medicaid Law and defraying the expenses of the administration of
30 such law, for the fiscal year beginning July 1, 2007, and ending
31 June 30, 2008..... \$ 3,393,503,065.00.

32 Prior period recovery of funds may be maintained and expended
33 by the division when the recovery is received or finalized.

34 **SECTION 4.** The following sum, or so much thereof as may be
35 necessary, is hereby appropriated out of any money in the State
36 Treasury to the credit of the Health Care Expendable Fund, for the
37 purpose of defraying the expenses of the Governor's Office -
38 Division of Medicaid for the fiscal year beginning July 1, 2007,
39 and ending June 30, 2008..... \$ 95,743,220.00.

40 The above funds shall be allocated as follows:

41	CHIP Program at 200% level of poverty...\$	3,541,227.00
42	Eyeglasses for adults.....\$	860,012.00
43	Home and Community Waiver Program.....\$	2,425,741.00
44	Disabled worker buy-in to the Medicaid	
45	program.....\$	928,307.00
46	Dental fee increase.....\$	1,112,957.00
47	Miscellaneous.....\$	151,767.00
48	Medical Services Program Matching Funds.\$	86,723,209.00

49 It is the intention of the Legislature that funds may be
50 shifted among the above allocated line items where needed in the
51 discretion of the Executive Director of the Division of Medicaid.

52 **SECTION 5.** Of the funds appropriated under the provisions of
53 Sections 1, 2, 3 and 4, not more than the amounts set forth below
54 shall be expended for the respective major objects or purposes of
55 expenditure:

56 MAJOR OBJECTS OF EXPENDITURE:

57 Personal Services:

58	Salaries, Wages and Fringe Benefits.. \$	42,786,279.00
59	Travel and Subsistence.....	1,212,556.00
60	Contractual Services.....	116,737,707.00
61	Commodities.....	2,567,500.00

62 Capital Outlay:

63	Other Than Equipment.....	0.00
64	Equipment.....	1,725,000.00
65	Vehicles.....	0.00
66	Wireless Communication Devices.....	0.00

67 Subsidies, Loans and Grants..... 3,870,021,920.00
68 Total..... \$ 4,035,050,962.00

69 FUNDING:

70 General Funds..... \$ 254,928,735.00
71 Special Funds..... 3,780,122,227.00
72 Total..... \$ 4,035,050,962.00

73 AUTHORIZED POSITIONS:

74	Permanent:	Full Time.....	958
75		Part Time.....	0
76	Time-Limited:	Full Time.....	0
77		Part Time.....	0

78 Funds are provided herein to adjust the Variable Compensation
79 Plan to ensure that all full-time employees receive a pay increase
80 equal to the realignment component of the Variable Compensation
81 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)
82 whichever is greater, to be awarded on July 1, 2007.

83 With the funds herein appropriated, it is the intention of
84 the Legislature that it shall be the agency's responsibility to
85 make certain that funds required to be appropriated for "Personal
86 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
87 funds appropriated for that purpose, unless programs or positions
88 are added to the agency's Fiscal Year 2009 budget by the
89 Mississippi Legislature. Based on data provided by the
90 Legislative Budget Office, the State Personnel Board shall
91 determine and publish the projected annual cost to fully fund all
92 appropriated positions in compliance with the provisions of this
93 act. It shall be the responsibility of the agency head to insure
94 that no single personnel action increases this projected annual
95 cost and/or the Fiscal Year 2008 appropriation for "Personal
96 Services" when annualized, with the exception of escalated funds.
97 If, at the time the agency takes any action to change "Personal
98 Services," the State Personnel Board determines that the agency
99 has taken an action which would cause the agency to exceed this
100 projected annual cost or the Fiscal Year 2008 "Personal Services"
101 appropriated level, when annualized, then only those actions which

102 reduce the projected annual cost and/or the appropriation
103 requirement will be processed by the State Personnel Board until
104 such time as the requirements of this provision are met.

105 Any transfers or escalations shall be made in accordance with
106 the terms, conditions and procedures established by law or
107 allowable under the terms set forth within this act. The State
108 Personnel Board shall not escalate positions without written
109 approval from the Department of Finance and Administration. The
110 Department of Finance and Administration shall not provide written
111 approval to escalate any funds for salaries and/or positions
112 without proof of availability of new or additional funds above the
113 appropriated level.

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

118 The agency shall not take any action to promote or otherwise
119 award salary increases through reallocation, reclassification,
120 realignment, education benchmark, career ladder, or any other
121 means to increase salaries of employees or positions unless
122 specifically exempted by the following conditions: the award of
123 teacher pay increases, the advancement of a trainee/cadet to the
124 next level of a bona fide career ladder, the award of an
125 educational benchmark for the attainment of Certified Public
126 Accountant License or higher level professional certification as
127 determined by the State Personnel Board, the immediate replacement
128 of a departing employee with an individual from within state
129 service or a new hire at a salary level equivalent to that of the
130 departing employee, and the emergency appointment of nurses,
131 pharmacists or other health care professionals at a salary to be
132 determined by the State Personnel Board, unless otherwise
133 authorized in this act.

134 **SECTION 6.** It is the intention of the Legislature that the
135 Governor's Office - Division of Medicaid shall maintain complete
136 accounting and personnel records related to the expenditure of all

137 funds appropriated under this act and that such records shall be
138 in the same format and level of detail as maintained for Fiscal
139 Year 2007. It is further the intention of the Legislature that
140 the agency's budget request for Fiscal Year 2009 shall be
141 submitted to the Joint Legislative Budget Committee in a format
142 and level of detail comparable to the format and level of detail
143 provided during the Fiscal Year 2008 budget request process.

144 **SECTION 7.** In compliance with the "Mississippi Performance
145 Budget and Strategic Planning Act of 1994," it is the intent of
146 the Legislature that the funds provided herein shall be utilized
147 in the most efficient and effective manner possible to achieve the
148 intended mission of this agency. Based on the funding authorized,
149 this agency shall make every effort to attain the targeted
150 performance measures provided below:

151		FY2008
152	<u>Performance Measures</u>	<u>Target</u>
153	Administrative Services	
154	Admin as a Percent of Total Budget (%)	4.26
155	Medical Services	
156	Recipients (Persons)	674,000

157 A reporting of the degree to which the performance targets
158 set above have been or are being achieved shall be provided in the
159 agency's budget request submitted to the Joint Legislative Budget
160 Committee for Fiscal Year 2009.

161 **SECTION 8.** It is the intention of the Legislature that
162 whenever two (2) or more bids are received by this agency for the
163 purchase of commodities or equipment, and whenever all things
164 stated in such received bids are equal with respect to price,
165 quality and service, the Mississippi Industries for the Blind
166 shall be given preference. A similar preference shall be given to
167 the Mississippi Industries for the Blind whenever purchases are
168 made without competitive bids.

169 **SECTION 9.** Of the funds appropriated in Sections 1, 2, 3 and
170 4, an additional amount not less than Two Hundred Fifty Thousand
171 Dollars (\$250,000.00) shall be expended in the Home and Community

172 Based Waiver Program over and above the amount expended in Fiscal
173 Year 2007.

174 **SECTION 10.** It is the intention of the Legislature that the
175 Executive Director of the Division of Medicaid may authorize
176 increases in any major objects of expenditures in total amounts
177 not to exceed twenty-five percent (25%) of the appropriated amount
178 of each major object of expenditure, provided that other major
179 objects of expenditure are decreased by a corresponding dollar
180 amount. It is further the intention of the Legislature that any
181 transfers made under the provision of this paragraph shall be of
182 an emergency nature and that in no case shall the transfers be
183 made which substantially alter the legislative intent for the
184 various programs as set forth in the original appropriations made
185 under this act. However, no transfers shall be authorized which
186 increase the major object of expenditure "Salaries, Wages and
187 Fringe Benefits."

188 **SECTION 11.** Of the funds appropriated under the provisions
189 of Section 2, One Hundred Twenty-eight Million Nine Hundred
190 Thousand Dollars (\$128,900,000.00) shall be derived from the
191 Working Cash-Stabilization Reserve Fund for the purpose of
192 providing medical assistance under the Mississippi Medicaid law.

193 **SECTION 12.** Of the funds appropriated under the provisions
194 of Section 2, Twenty-nine Million Four Hundred Thousand Dollars
195 (\$29,400,000.00) shall be derived from the Budget Contingency
196 Fund, as created in Section 27-103-301, Mississippi Code of 1972,
197 for the purpose of matching available federal funds.

198 **SECTION 13.** The money herein appropriated shall be paid by
199 the State Treasurer out of any money in the State Treasury to the
200 credit of the proper fund or funds as set forth in this act, upon
201 warrants issued by the State Fiscal Officer; and the State Fiscal
202 Officer shall issue his warrants upon requisitions signed by the
203 proper person, officer or officers, in the manner provided by law.

204 **SECTION 14.** This act shall take effect and be in force from
205 and after July 1, 2007.

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John O. Gilbert
Secretary of the Senate