

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

To: Appropriations

SENATE BILL NO. 3142
(As Sent to Governor)

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 2005.

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, 2004, and ending June 30, 2005.....
10 \$ 188,182,061.00.

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, 2004, and ending
16 June 30, 2005..... \$ 356,674,060.00.

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.....	\$	17,024,100.00

61 FUNDING:

62	General Funds.....	\$	2,754,889.00
63	Special Funds.....		<u>14,269,211.00</u>
64	Total.....	\$	17,024,100.00

65 AUTHORIZED POSITIONS:

66	Permanent:	Full Time.....	87
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..	\$	50,432,891.00
74	Travel and Subsistence.....		126,208.00
75	Contractual Services.....		4,474,143.00
76	Commodities.....		5,050,928.00
77	Capital Outlay:		
78	Other Than Equipment.....		470,000.00
79	Equipment.....		250,000.00
80	Subsidies, Loans and Grants.....		<u>14,876,262.00</u>
81	Total.....	\$	75,680,432.00

82 FUNDING:

83	General Funds.....	\$	15,765,800.00
84	Special Funds.....		<u>59,914,632.00</u>
85	Total.....	\$	75,680,432.00

86 AUTHORIZED POSITIONS:

87	Permanent:	Full Time.....	1,634
88		Part Time.....	32
89	Time-Limited:	Full Time.....	56
90		Part Time.....	0

91 **EAST MISSISSIPPI STATE HOSPITAL**

92	MAJOR OBJECTS OF EXPENDITURE:		
93	Personal Services:		
94	Salaries, Wages and Fringe Benefits..	\$	43,089,112.00
95	Travel and Subsistence.....		41,489.00
96	Contractual Services.....		3,129,311.00
97	Commodities.....		5,695,452.00
98	Capital Outlay:		
99	Other Than Equipment.....		119,000.00
100	Equipment.....		178,380.00
101	Subsidies, Loans and Grants.....		<u>3,245,266.00</u>
102	Total.....	\$	55,498,010.00

103	FUNDING:		
104	General Funds.....	\$	29,731,693.00
105	Special Funds.....		<u>25,766,317.00</u>
106	Total.....	\$	55,498,010.00

107	AUTHORIZED POSITIONS:		
108	Permanent:	Full Time.....	1,343
109		Part Time.....	6
110	Time-Limited:	Full Time.....	121
111		Part Time.....	40

HUDSPETH REGIONAL CENTER

113	MAJOR OBJECTS OF EXPENDITURE:		
114	Personal Services:		
115	Salaries, Wages and Fringe Benefits..	\$	31,049,911.00
116	Travel and Subsistence.....		124,630.00
117	Contractual Services.....		2,709,252.00
118	Commodities.....		3,191,209.00
119	Capital Outlay:		
120	Other Than Equipment.....		150,000.00
121	Equipment.....		389,000.00
122	Subsidies, Loans and Grants.....		<u>8,607,769.00</u>
123	Total.....	\$	46,221,771.00

124 FUNDING:

125	General Funds.....	\$	7,734,701.00
126	Special Funds.....		<u>38,487,070.00</u>
127	Total.....	\$	46,221,771.00

128 AUTHORIZED POSITIONS:

129	Permanent: Full Time.....	948
130	Part Time.....	28
131	Time-Limited: Full Time.....	48
132	Part Time.....	0

133 **MISSISSIPPI STATE HOSPITAL**

134 MAJOR OBJECTS OF EXPENDITURE:

135 Personal Services:

136	Salaries, Wages and Fringe Benefits..	\$	92,059,966.00
137	Travel and Subsistence.....		107,495.00
138	Contractual Services.....		15,512,831.00
139	Commodities.....		12,019,906.00
140	Capital Outlay:		
141	Other Than Equipment.....		253,906.00
142	Equipment.....		4,137,409.00
143	Subsidies, Loans and Grants.....		<u>6,209,166.00</u>
144	Total.....	\$	130,300,679.00

145 FUNDING:

146	General Funds.....	\$	70,593,967.00
147	Special Funds.....		<u>59,706,712.00</u>
148	Total.....	\$	130,300,679.00

149 AUTHORIZED POSITIONS:

150	Permanent: Full Time.....	2,975
151	Part Time.....	11
152	Time-Limited: Full Time.....	221
153	Part Time.....	0

154 **NORTH MISSISSIPPI REGIONAL CENTER**

155 MAJOR OBJECTS OF EXPENDITURE:

156 Personal Services:

157	Salaries, Wages and Fringe Benefits..	\$	33,671,125.00
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158	Travel and Subsistence.....		112,000.00
159	Contractual Services.....		4,162,620.00
160	Commodities.....		4,825,906.00
161	Capital Outlay:		
162	Other Than Equipment.....		71,500.00
163	Equipment.....		743,353.00
164	Subsidies, Loans and Grants.....		<u>20,248,289.00</u>
165	Total.....	\$	63,834,793.00
166	FUNDING:		
167	General Funds.....	\$	9,798,074.00
168	Special Funds.....		<u>54,036,719.00</u>
169	Total.....	\$	63,834,793.00
170	AUTHORIZED POSITIONS:		
171	Permanent: Full Time.....	994	
172	Part Time.....	12	
173	Time-Limited: Full Time.....	160	
174	Part Time.....	13	
175	SOUTH MISSISSIPPI REGIONAL CENTER		
176	MAJOR OBJECTS OF EXPENDITURE:		
177	Personal Services:		
178	Salaries, Wages and Fringe Benefits..	\$	22,244,177.00
179	Travel and Subsistence.....		79,000.00
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.....		400,809.00
185	Subsidies, Loans and Grants.....		<u>6,705,288.00</u>
186	Total.....	\$	35,202,200.00
187	FUNDING:		
188	General Funds.....	\$	7,466,108.00
189	Special Funds.....		<u>27,736,092.00</u>
190	Total.....	\$	35,202,200.00

191	AUTHORIZED POSITIONS:		
192	Permanent:	Full Time.....	602
193		Part Time.....	8
194	Time-Limited:	Full Time.....	101
195		Part Time.....	4

BOSWELL REGIONAL CENTER

MAJOR OBJECTS OF EXPENDITURE:

198	Personal Services:		
199	Salaries, Wages and Fringe Benefits..	\$	19,058,929.00
200	Travel and Subsistence.....		45,104.00
201	Contractual Services.....		2,521,807.00
202	Commodities.....		1,948,170.00
203	Capital Outlay:		
204	Other Than Equipment.....		257,350.00
205	Equipment.....		320,176.00
206	Subsidies, Loans and Grants.....		<u>4,234,024.00</u>
207	Total.....	\$	28,385,560.00

FUNDING:

209	General Funds.....	\$	8,845,312.00
210	Special Funds.....		<u>19,540,248.00</u>
211	Total.....	\$	28,385,560.00

AUTHORIZED POSITIONS:

213	Permanent:	Full Time.....	507
214		Part Time.....	3
215	Time-Limited:	Full Time.....	113
216		Part Time.....	2

NORTH MISSISSIPPI STATE HOSPITAL

MAJOR OBJECTS OF EXPENDITURE:

219	Personal Services:		
220	Salaries, Wages and Fringe Benefits..	\$	8,449,440.00
221	Travel and Subsistence.....		26,000.00
222	Contractual Services.....		1,381,063.00
223	Commodities.....		1,212,882.00

224	Capital Outlay:		
225	Other Than Equipment.....		45,000.00
226	Equipment.....		174,000.00
227	Subsidies, Loans and Grants.....		<u>0.00</u>
228	Total.....	\$	11,288,385.00

229 FUNDING:

230	General Funds.....	\$	7,143,490.00
231	Special Funds.....		<u>4,144,895.00</u>
232	Total.....	\$	11,288,385.00

233 AUTHORIZED POSITIONS:

234	Permanent: Full Time.....	233
235	Part Time.....	0
236	Time-Limited: Full Time.....	4
237	Part Time.....	0

238 **SOUTH MISSISSIPPI STATE HOSPITAL**

239 MAJOR OBJECTS OF EXPENDITURE:

240 Personal Services:

241	Salaries, Wages and Fringe Benefits..	\$	6,405,969.00
242	Travel and Subsistence.....		16,000.00
243	Contractual Services.....		985,115.00
244	Commodities.....		770,066.00

245 Capital Outlay:

246	Other Than Equipment.....		40,000.00
247	Equipment.....		149,865.00
248	Subsidies, Loans and Grants.....		<u>10,000.00</u>
249	Total.....	\$	8,377,015.00

250 FUNDING:

251	General Funds.....	\$	5,288,260.00
252	Special Funds.....		<u>3,088,755.00</u>
253	Total.....	\$	8,377,015.00

254 AUTHORIZED POSITIONS:

255	Permanent: Full Time.....	204
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.. \$ 5,562,696.00
 263 Travel and Subsistence..... 21,000.00
 264 Contractual Services..... 715,384.00
 265 Commodities..... 821,569.00
 266 Capital Outlay:
 267 Other Than Equipment..... 555,572.00
 268 Equipment..... 274,000.00
 269 Subsidies, Loans and Grants..... 251,548.00
 270 Total..... \$ 8,201,769.00

271 FUNDING:

272 General Funds..... \$ 4,649,672.00
 273 Special Funds..... 3,552,097.00
 274 Total..... \$ 8,201,769.00

275 AUTHORIZED POSITIONS:

276 Permanent: Full Time..... 180
 277 Part Time..... 0
 278 Time-Limited: Full Time..... 14
 279 Part Time..... 0

BROOKHAVEN JUVENILE REHABILITATION FACILITY

281 MAJOR OBJECTS OF EXPENDITURE:

282 Personal Services:

283 Salaries, Wages and Fringe Benefits.. \$ 4,138,979.00
 284 Travel and Subsistence..... 7,340.00
 285 Contractual Services..... 471,998.00
 286 Commodities..... 305,981.00
 287 Capital Outlay:
 288 Other Than Equipment..... 10,000.00
 289 Equipment..... 65,519.00

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

291 Total..... \$ 5,005,817.00

292 FUNDING:

293 General Funds..... \$ 4,665,817.00

294 Special Funds..... 340,000.00

295 Total..... \$ 5,005,817.00

296 AUTHORIZED POSITIONS:

297 Permanent: Full Time..... 118

298 Part Time..... 0

299 Time-Limited: Full Time..... 10

300 Part Time..... 0

301 **SPECIALIZED TREATMENT FACILITY**

302 MAJOR OBJECTS OF EXPENDITURE:

303 Personal Services:

304 Salaries, Wages and Fringe Benefits.. \$ 3,158,757.00

305 Travel and Subsistence..... 12,238.00

306 Contractual Services..... 320,000.00

307 Commodities..... 193,633.00

308 Capital Outlay:

309 Other Than Equipment..... 20,000.00

310 Equipment..... 175,000.00

311 Subsidies, Loans and Grants..... 5,500.00

312 Total..... \$ 3,885,128.00

313 FUNDING:

314 General Funds..... \$ 687,512.00

315 Special Funds..... 3,197,616.00

316 Total..... \$ 3,885,128.00

317 AUTHORIZED POSITIONS:

318 Permanent: Full Time..... 100

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..... \$	13,056,766.00
336	Special Funds.....	<u>38,700,347.00</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.. \$	316,322.00
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>3,781,327.00</u>
354	Total..... \$	4,193,349.00

355 FUNDING:

356	General Funds.....	\$	0.00
357	Special Funds.....		<u>4,193,349.00</u>
358	Total.....	\$	4,193,349.00

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 2006 do not exceed Fiscal Year 2005
368 funds appropriated for that purpose, unless programs or positions
369 are added to the agency's Fiscal Year 2006 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 2005 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 2005 "Personal Services"
382 appropriated level, when annualized, then only those actions which
383 reduce the projected annual cost and/or the appropriation
384 requirement will be processed by the State Personnel Board until
385 such time as the requirements of this provision are met.

386 Any transfers or escalations shall be made in accordance with
387 the terms, conditions and procedures established by law or
388 allowable under the terms set forth within this act. The State

389 Personnel Board shall not escalate positions without written
 390 approval from the Department of Finance and Administration. The
 391 Department of Finance and Administration shall not provide written
 392 approval to escalate any funds for salaries and/or positions
 393 without proof of availability of new or additional funds above the
 394 appropriated level.

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

399 **SECTION 5.** In compliance with the "Mississippi Performance
 400 Budget and Strategic Planning Act of 1994," it is the intent of
 401 the Legislature that the funds provided herein shall be utilized
 402 in the most efficient and effective manner possible to achieve the
 403 intended mission of this agency. Based on the funding authorized,
 404 this agency shall make every effort to attain the targeted
 405 performance measures provided below:

406	FY2005
407 <u>Performance Measures</u>	<u>Target</u>
408 Services Management	
409 State Institutions Operated (Number of)	12
410 Units Monitored, etc (Number of)	1,112
411 Grants Administered (Number of)	486
412 Mental Health Services	
413 Group Homes - Alternative Living (Beds)	35
414 Halfway Houses (Beds)	258
415 Psychotropic Drugs Purchased (Prescriptions)	20,000
416 Mental Retardation Services	
417 Community Living Clients	2,400
418 Work Activity & Employment Related (Clients)	1,050
419 Children & Youth Services	
420 Group Homes (Beds)	72
421 Chemical Dependency (Beds)	20

422	3% Alcohol Tax-alcohol/drug Prg	
423	Residential Treatment Beds	684
424	Out-Patient Admissions	8,100
425	Performance Measures are included in the	
426	Mi - Institutional Care	
427	Patient & Resident Days (Number of)	703,662
428	Operating Cost per Patient & Resident Day	311
429	Mi - Pre/post Inst Care	
430	Clients Served (Number of)	1,817
431	Mi - Support Services	
432	Percent of Support Staff to Direct Staff (%)	10
433	Support as a Percent of Total Budget	11
434	Mr - Institutional Care	
435	Patient & Resident Days (Number of)	409,754
436	Cost per Patient & Resident Day	303
437	Patient & Resident Days (Client Days)	50,328
438	Independent Living Skills (Client Days)	6,038
439	ICF/MR Licensed Client Bed Days	58,350
440	Mr - Group Homes	
441	Community Based Services (Client Days)	56,000
442	ICF & MR Residential Services (Client Days)	156,612
443	ICF & MR Group Home (Client Days)	35,770
444	Mr - Community Programs	
445	Clients Served - HCBW (Individuals)	678
446	Therapy for Children & Families (Sessions)	7,000
447	Employment Support (Contacts & Visits)	23,109
448	Case Management (Contacts)	5,612
449	Residential ICF & MR Program (Clients)	1,540
450	Mr - Support Services	
451	Percent of Support Staff to Direct Staff (%)	3.03
452	Support as a Percent of Total Budget	22
453	Mi - Crisis Intervention Ctr	
454	Patient & Resident Days (Number of)	0

455 Mi - Residential Apartments
 456 Patient & Resident Days (Number of) 0
 457 Mi - Residential Homes
 458 Patient & Resident Days (Number of) 0
 459 Mi - Footprints Adult Day Svcs
 460 Clients Served (Number of) 20

461 A reporting of the degree to which the performance targets
 462 set above have been or are being achieved shall be provided in the
 463 agency's budget request submitted to the Joint Legislative Budget
 464 Committee for Fiscal Year 2006.

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

469 **SECTION 7.** Of the funds appropriated under the provisions of
 470 Section 1, authorized for expenditure in Sections 2 and 3, and
 471 allocated in Section 4 to the "Central Office," funds are included
 472 to compensate part-time members of the Sexual Predator Review
 473 Board at an hourly rate not to exceed the hourly rate for
 474 similarly qualified and titled full-time state employees, plus
 475 fringe benefits allowable for such part-time employees.

476 **SECTION 8.** Of the funds appropriated under the provisions of
 477 Section 1, authorized for expenditure under the provisions of
 478 Sections 2 and 3, and allocated under the provisions of Section 4,
 479 funds in the amount of Two Hundred Thousand Dollars (\$200,000.00)
 480 may be expended for the support of a pilot project to provide
 481 authority for East Mississippi State Hospital and Mississippi
 482 State Hospital to contract with local hospitals located in
 483 counties with a population of less than fifty thousand (50,000) to
 484 provide emergency inpatient care to individuals committed by the
 485 Chancery Court to East Mississippi State Hospital or Mississippi
 486 State Hospital for treatment of mental illness if, at the time
 487 that such commitment is made, a bed is not available for admission

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

504 **SECTION 9.** It is the intention of the Legislature that the
505 Executive Director of the Department of Mental Health shall have
506 authority to transfer cash from one special fund treasury fund to
507 another special fund treasury fund under the control of the
508 Department of Mental Health. The purpose of this authority is to
509 more efficiently use available cash reserves. It is further the
510 intention of the Legislature that the Executive Director of the
511 Department of Mental Health shall submit written justification for
512 the transfer to the Legislative Budget Office and the Department
513 of Finance and Administration on or before the fifteenth (15th) of
514 the month prior to the effective date of the transfer.

515 **SECTION 10.** The Executive Director of the Department of
516 Mental Health and the directors of each separate facility operated
517 by the Department of Mental Health are hereby authorized to
518 transfer spending authority from any major objects to any other
519 major objects in any amounts deemed necessary for the efficient
520 management and operation of their budgets, provided that the total

521 spending authority remains unchanged after such transfers and the
522 total of such transfers into any major object do not exceed
523 twenty-five percent (25%) of the original appropriated amount for
524 that major object plus any escalations of spending authority that
525 have occurred during any given fiscal year.

526 **SECTION 11.** It is the intention of the Legislature that the
527 Department of Mental Health shall have the authority to receive,
528 budget, and expend funds from any source, including beginning cash
529 in excess of beginning cash when spending authority was initially
530 appropriated, that may become available to the department in
531 accordance with the rules and regulations of the Department of
532 Finance and Administration in a manner consistent with the
533 escalation of federal funds.

534 **SECTION 12.** The Department of Mental Health and its
535 facilities shall have the authority, within funding and spending
536 authority appropriated under the provisions of Section 1,
537 authorized for expenditure in Sections 2 and 3, and allocated
538 under the provisions of Section 4 of this act, to transfer funds
539 to the Division of Medicaid in payment of Medicaid match and
540 designate that the funds thus transferred shall be applied to
541 Medicaid match obligations arising in the subsequent fiscal year.

542 **SECTION 13.** Any person within the Department of Mental
543 Health who must work on a statutory holiday or any holiday
544 proclaimed by the Governor, may at the discretion of the Director
545 of the Institution and the Executive Director of the Department of
546 Mental Health and within available personnel funds, be paid "call
547 back pay" in lieu of "compensatory time credit."

548 **SECTION 14.** Of the funds appropriated to the "Service
549 Budget" in the category "Subsidies, Loans and Grants," funds are
550 included for the support of community mental health services for
551 Fiscal Year 2005.

552 Provided, however, that none of the funds appropriated for
553 the support of community mental health services shall be made

554 available to any Regional Mental Health/Retardation Center which
555 does not receive from each of its participating counties a dollar
556 amount equivalent to what the proceeds of a three-fourths (3/4)
557 mill tax on all taxable property in the county in Fiscal Year 1982
558 would have been or the amount of funds contributed to the center
559 by the county in Fiscal Year 1984, whichever shall be greater. By
560 means of performance contracts, the Department of Mental Health
561 shall disburse the funds appropriated in this section for services
562 for the mentally ill, mentally retarded and alcohol/drug abusers.
563 The State Board of Mental Health and the Department of Mental
564 Health shall be responsible for selecting the types of services
565 which shall be provided with the funds appropriated in this
566 section, for developing and monitoring performance contracts and
567 for holding contractors accountable for utilization of funds.

568 **SECTION 15.** Funds presently included or any funds received
569 in the future for timber funds at Ellisville State School and East
570 Mississippi State Hospital are hereby authorized for transfer to
571 the regular operating budgets of the respective facilities. Each
572 facility shall receive such funds as "Special" funds, and such
573 funds shall be available for use in payment of any and all
574 expenses of each facility, paid by the State Treasurer upon
575 warrants issued by the State Fiscal Officer; and the State Fiscal
576 Officer shall issue his warrants upon requisitions signed by the
577 proper person, officer or officers in the manner provided by law.

578 **SECTION 16.** The Department of Mental Health and its
579 facilities shall have the express legal authority, within funding
580 and spending authority appropriated under the provisions of
581 Section 1, authorized for expenditure under the provisions of
582 Sections 2 and 3, and allocated under the provisions of Section 4
583 of this act, to purchase land for use by residential facilities
584 operated by the Department, either directly or by means of
585 transferring funds to the Bureau of Building, Grounds and Real
586 Property Management, and to transfer such funds to Bureau of

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

598 **SECTION 17.** Of the General Funds appropriated to the
599 "Service Budget" in the category of "Subsidies, Loans and Grants,"
600 the sum required may be expended to fund the Home and Community
601 Based Waiver Option for community mental retardation services as
602 authorized under Section 43-13-117(29) of the Mississippi Code of
603 1972 (Annotated).

604 **SECTION 18.** With the funds herein appropriated, the
605 Department of Mental Health is authorized to provide home and
606 community based treatment and institutional treatment to not more
607 than ten (10) persons at any given time who, on or after reaching
608 their twenty-first birthday (age 21), suffered a severe brain
609 injury and whose condition as a result of that brain injury would
610 have resulted in their classification as developmentally disabled
611 if such injury had occurred prior to their twenty-first birthday.

612 **SECTION 19.** The following sum, or so much thereof as may be
613 necessary, is hereby reappropriated out of any money in the
614 special fund in the State Treasury to the credit of the Department
615 of Mental Health Funds 3372, 3373, 3374, 3375, 3376, 3377, 3382,
616 3384, 3385, 3386, 3387, 3388 and 3391 for the fiscal year
617 beginning July 1, 2004, and ending June 30, 2005.....
618 \$ 10,000,000.00

619 Notwithstanding the amount reappropriated under the
620 provisions of this section, in no event shall the amount expended
621 exceed the unexpended balance as of June 30, 2004, or change the
622 purpose for which the funds were originally authorized.

623 **SECTION 20.** None of the funds appropriated herein may be
624 used to pay for alternative residential placement or
625 hospitalization for mental health, mental retardation, or
626 substance treatment of a person committed to the Department of
627 Mental Health under Sections 41-21-61 et seq., 41-21-107, 41-31-1
628 et seq., 43-21-315 and 43-21-611, Mississippi Code of 1972.

629 **SECTION 21.** Of the funds appropriated under the provisions
630 of Section 1, authorized for expenditure in Sections 2 and 3, and
631 allocated in Section 4 to Mississippi State Hospital, funds not to
632 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) may be
633 expended for preplanning costs associated with a project or
634 projects to renovate buildings on the campus of Mississippi State
635 Hospital to meet standards of the Joint Commission on
636 Accreditation of Healthcare Organizations.

637 **SECTION 22.** None of the funds appropriated for the support
638 of community mental health, mental retardation, or substance abuse
639 services shall be made available to any service provider which,
640 upon determination of the Executive Director of the Department of
641 Mental Health, has an outstanding monetary obligation owed to the
642 Department of Mental Health or to the Division of Medicaid,
643 pursuant to an audit or programmatic review performed by the
644 Department of Mental Health, that has not been resolved, including
645 those audits or programmatic reviews that occurred prior to
646 July 1, 2004.

647 **SECTION 23.** From the funds provided herein, the Department
648 shall have the authority to adjust salaries of academic teachers
649 and speech pathologists to be commensurate to the teacher's salary
650 scale as provided in the Mississippi Teacher Opportunity Program

651 for the 2004-2005 school year, as outlined in Section 37-19-7,
652 Mississippi Code of 1972, effective July 1, 2003.

653 **SECTION 24.** No program or entity certified by the Department
654 of Mental Health which also receives state source, federal source,
655 or Medicaid funding directly from the Department of Mental Health
656 or by virtue of state source funds appropriated to the Department
657 of Mental Health for Medicaid match for provision of mental
658 health, mental retardation, or substance abuse services shall pay
659 to any person employed by that program or entity a salary or
660 compensation, directly or indirectly, in excess of the salary
661 provided for a similar position under the classification system of
662 the State Personnel Board for a person with similar credentials,
663 educational level, and directly related years of experience in the
664 position. Any person whose current salary already exceeds the
665 allowable amount as determined under this section shall be allowed
666 to retain his or her current salary, but no increases shall be
667 granted until such time as the allowable maximum salary under the
668 classification system of the State Personnel Board exceeds the
669 current salary paid to that person. Those programs and entities
670 may adopt a system of compensation that includes additional
671 compensation for Educational Benchmarks as allowed under the State
672 Personnel Board system. Further, the Department of Mental Health
673 and the State Personnel Board shall collaborate in determining
674 similarity of positions in those programs or entities affected by
675 this section to positions within the classification system of the
676 State Personnel Board in any manner they deem appropriate to
677 efficiently implement the provisions of this section. Staff
678 of the State Personnel Board and the Department of Mental Health
679 shall be the final authority in the determination of corresponding
680 job titles and pay grades. Failure to comply with the provisions
681 of this section shall be cause to reduce or terminate funding
682 received from the Department of Mental Health.

683 **SECTION 25.** Special funds appropriated in the Service Budget
684 of the Department of Mental Health shall include an allocation of
685 Three Million Five Hundred Seventy-seven Thousand Six Hundred
686 Thirteen Dollars (\$3,577,613.00) from Title XX Social Services
687 Block Grant funding received by the State of Mississippi, unless
688 the total Title XX Social Services Block Grant award received by
689 the State of Mississippi is reduced or increased by the federal
690 government from what was received in federal fiscal year ending
691 September 30, 2004. In cases where the total grant received by
692 the State of Mississippi is reduced or increased, the percentage
693 of the grant allocated to the Department of Mental Health shall be
694 the same as was allocated for the federal year ending September
695 30, 2004.

696 **SECTION 26.** The Executive Director of the Department of
697 Mental Health is hereby authorized to transfer and receive into
698 the Central Office accounts of the Department of Mental Health
699 certain funds which originated from the various Department of
700 Mental Health facilities as transfers to the Department of Finance
701 and Administration - Bureau of Building and Real Property
702 Management for building/renovation/repair for certain projects
703 that have not been obligated by the Bureau of Building and Real
704 Property Management for the purpose for which the funds were
705 transferred. Said funds are currently held in a Department of
706 Finance and Administration account and may be held in Fund 3391.
707 The Executive Director is further provided authority to transfer
708 those funds from the Central Office to any other Department of
709 Mental Health facility in any amount at his discretion.

710 **SECTION 27.** Of the funds appropriated under the provisions
711 of Section 2, Eight Million Two Hundred Thousand Dollars
712 (\$8,200,000.00) shall be derived from the Budget Contingency Fund
713 created in Section 27-103-301, Mississippi Code of 1972, for the
714 purpose of defraying the following expenses of the operation of
715 the Department of Mental Health:

716 Crisis Centers..... \$6,800,000.00
717 Epilepsy Association..... \$ 100,000.00
718 Central Mississippi Residential Center \$ 300,000.00
719 East Mississippi State Hospital..... \$1,000,000.00

720 **SECTION 28.** The money herein appropriated shall be paid by
721 the State Treasurer out of any money in the State Treasury to the
722 credit of the proper fund or funds as set forth in this act, upon
723 warrants issued by the State Fiscal Officer; and the State Fiscal
724 Officer shall issue his warrants upon requisitions signed by the
725 proper person, officer or officers in the manner provided by law.

726 **SECTION 29.** This act shall take effect and be in force from
727 and after July 1, 2004.