

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

SENATE BILL NO. 3147
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF MENTAL
2 HEALTH TO FULLY FUND THE OPERATION AND MAINTENANCE OF THE SEVEN
3 MENTAL HEALTH CRISIS CENTERS FOR FISCAL YEAR 2008.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The following sum, or so much of it as may be
6 necessary, is appropriated out of any money in the State General
7 Fund not otherwise appropriated, to the Department of Mental
8 Health for the operation and maintenance of the seven (7) mental
9 health crisis centers for the fiscal year beginning July 1, 2007,
10 and ending June 30, 2008..... \$ 16,749,005.00.

11 **SECTION 2.** The following sum, or so much of it as may be
12 necessary, is appropriated out of the Health Care Expendable Fund
13 created in Section 43-13-407, Mississippi Code of 1972, to the
14 Department of Mental Health for the operation and maintenance of
15 the seven (7) mental health crisis centers for the fiscal year
16 beginning July 1, 2007, and ending
17 June 30, 2008..... \$ 636,374.00.

18 **SECTION 3.** The following sum, or so much of it as may be
19 necessary, is appropriated out of the Crisis Intervention Mental
20 Health Fund created in Section 41-21-151, Mississippi Code of
21 1972, to the Department of Mental Health for the operation and
22 maintenance of the seven (7) mental health crisis centers for the
23 fiscal year beginning July 1, 2007, and ending
24 June 30, 2008..... \$ 4,369,513.00.

25 **SECTION 4.** With the funds appropriated under the provisions
26 of this act, the following positions are authorized:

27 Permanent: Full Time..... 337

28	Part Time.....	0
29	Time-Limited: Full Time.....	0
30	Part Time.....	0

31 Funds are provided herein to adjust the Variable Compensation
32 Plan to ensure that all full-time employees receive a pay increase
33 equal to the realignment component of the Variable Compensation
34 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
35 is greater, to be awarded on July 1, 2007.

36 With the funds herein appropriated, it is the intention of
37 the Legislature that it shall be the agency's responsibility to
38 make certain that funds required to be appropriated for "Personal
39 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
40 funds appropriated for that purpose, unless programs or positions
41 are added to the agency's Fiscal Year 2008 budget by the
42 Mississippi Legislature. Based on data provided by the
43 Legislative Budget Office, the State Personnel Board shall
44 determine and publish the projected annual cost to fully fund all
45 appropriated positions in compliance with the provisions of this
46 act. It shall be the responsibility of the agency head to insure
47 that no single personnel action increases this projected annual
48 cost and/or the Fiscal Year 2008 appropriations for "Personal
49 Services" when annualized, with the exception of escalated funds
50 and educational benchmarks. If, at the time the agency takes any
51 action to change "Personal Services," the State Personnel Board
52 determines that the agency has taken an action which would cause
53 the agency to exceed this projected annual cost or the Fiscal Year
54 2008 "Personal Services" appropriated level, when annualized, then
55 only those actions which reduce the projected annual cost and/or
56 the appropriation requirement will be processed by the State
57 Personnel Board until such time as the requirements of this
58 provision are met. On January 1, 2008, the State Personnel Board
59 will make adjustments to the structure side of the compliance

60 report based on data provided by the Legislative Budget Office in
61 order for agencies to award educational benchmarks.

62 Any transfers or escalations shall be made in accordance with
63 the terms, conditions and procedures established by law or
64 allowable under the terms set forth within this act. The State
65 Personnel Board shall not escalate positions without written
66 approval from the Department of Finance and Administration. The
67 Department of Finance and Administration shall not provide written
68 approval to escalate any funds for salaries and/or positions
69 without proof of availability of new or additional funds above the
70 appropriated level.

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

75 **SECTION 5.** The Executive Director of the Department of
76 Mental Health shall have the authority to transfer not more than
77 twenty-five percent (25%) of the general funds appropriated in
78 this act to crisis centers operated by a facility to the facility
79 operating budget in whatever line items are necessary. The
80 executive director shall submit justification for such a transfer
81 to the Director of the Legislative Budget Office and the Executive
82 Director of the Department of Finance and Administration on or
83 before the fifteenth day of the month preceding the month in which
84 the transfer is to be made. Notwithstanding any provision of this
85 section to the contrary, the executive director shall not reduce
86 funding at any crisis center below that which is required to
87 operate that crisis center at full funding at full capacity.

88 **SECTION 6.** It is the intention of the Legislature that the
89 Executive Director of the Department of Mental Health shall have
90 authority to transfer cash from one special fund treasury fund to
91 another special fund treasury fund under the control of the
92 Department of Mental Health. The purpose of this authority is to

93 more efficiently use available cash reserves. It is further the
94 intention of the Legislature that the Executive Director of the
95 Department of Mental Health shall submit written justification for
96 the transfer to the Legislative Budget Office and the Department
97 of Finance and Administration on or before the fifteenth of the
98 month prior to the effective date of the transfer.

99 **SECTION 7.** It is the intention of the Legislature that the
100 Department of Mental Health shall have the authority to receive,
101 budget, and expend funds from any source, including beginning cash
102 in excess of beginning cash when spending authority was initially
103 appropriated, that may become available to the department in
104 accordance with the rules and regulations of the Department of
105 Finance and Administration in a manner consistent with the
106 escalation of federal funds.

107 **SECTION 8.** As a condition of receipt of the money
108 appropriated in this act, the Department of Mental Health shall
109 name the crisis center located in Brookhaven in honor of the late
110 Senator Billy V. Harvey.

111 **SECTION 9.** The money appropriated in this act shall be paid
112 by the State Treasurer out of any money in the State Treasury to
113 the credit of the proper fund or funds as set forth in this act,
114 upon warrants issued by the State Fiscal Officer; and the State
115 Fiscal Officer shall issue his warrants upon requisitions signed
116 by the proper person, officer or officers in the manner provided
117 by law.

118 **SECTION 10.** This act shall take effect and be in force from
119 and after July 1, 2007.