

Chapter No. 160

10/SS26/A370SG

IN 1 & 1/MA

SENATE BILL NO. 3143

Originated in Senate

Donald D. Gagne

Secretary

SENATE BILL NO. 3143

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE DEPARTMENT OF MENTAL HEALTH AND CERTAIN PROGRAMS OF THE DIVISION OF ALCOHOL AND DRUG ABUSE, FOR FISCAL YEAR 2011.

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

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the support and maintenance of the Department of Mental Health for the fiscal year beginning July 1, 2010, and ending June 30, 2011
..... \$ 205,944,462.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby authorized for expenditure out of any special source funds which are collected by or otherwise become available for the support and maintenance of the Department of Mental Health for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 430,902,096.00.

SECTION 3. Of the funds appropriated under the provisions of Section 2, Thirteen Million Nine Hundred Fifty-one Thousand Eight Hundred Eighty-six Dollars (\$13,951,886.00) shall be derived from the Health Care Expendable Fund created in Section 43-13-407, Mississippi Code of 1972, for the support and maintenance of the Department of Mental Health. The funds provided for in this section shall be allocated as follows:

\$ 4,259,790.00 Expenses of the Department of Mental Health.

\$ 379,417.00 Alzheimer's disease services development and implementation of Senate Bill No.

	2100, 1997 Regular Session.
\$ 3,896,641.00	Medicaid matching funds.
\$ 252,944.00	Psychotropic drugs or Medicaid match.
\$ 505,890.00	Alzheimer's Disease Program, prepayment to Medicaid, etc.
\$ 2,727,792.00	Holding centers, group homes, substance abuse programs, Children's Programs, Prepayment of Medicaid, etc.
\$ 636,374.00	Crisis Centers
\$ 1,138,252.00	Physician services at community mental health centers.
\$ 50,590.00	Grant for Epilepsy Foundation of Mississippi or Medicaid match.
\$ <u>104,196.00</u>	Specialized Treatment Facility.
\$ 13,951,886.00	TOTAL

SECTION 4. Of the funds appropriated under the provisions of Section 1 and authorized for expenditure under the provisions of Section 2, not more than the amounts set forth below shall be expended:

CENTRAL OFFICE

FUNDING:

General Funds	\$ 3,238,327.00
Special Funds	<u>7,468,405.00</u>
Total	\$ 10,706,732.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 6,519,737.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	64
	Part Time	0
Time-Limited:	Full Time	32

Part Time 0

SERVICE BUDGET

FUNDING:

General Funds	\$	14,548,602.00
Special Funds		<u>39,621,123.00</u>
Total	\$	54,169,725.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 0.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	0
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

EAST MISSISSIPPI STATE HOSPITAL

FUNDING:

General Funds	\$	37,993,775.00
Special Funds		<u>24,920,661.00</u>
Total	\$	62,914,436.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 48,880,382.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	1,110
	Part Time	4
Time-Limited:	Full Time	102
	Part Time	20

ELLISVILLE STATE SCHOOL AND FARM

FUNDING:

General Funds	\$	13,170,272.00
Special Funds		<u>93,435,903.00</u>
Total	\$	106,606,175.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 64,069,392.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	1,561
	Part Time	30
Time-Limited:	Full Time	88
	Part Time	0

MISSISSIPPI STATE HOSPITAL

FUNDING:

General Funds	\$	78,147,062.00
Special Funds		<u>58,335,468.00</u>
Total	\$	136,482,530.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 103,060,498.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	2,186
	Part Time	0
Time-Limited:	Full Time	144
	Part Time	0

CENTRAL MISSISSIPPI RESIDENTIAL CENTER

FUNDING:

General Funds	\$	6,703,834.00
Special Funds		<u>1,307,577.00</u>
Total	\$	8,011,411.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 5,977,898.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	138
	Part Time	0
Time-Limited:	Full Time	10
	Part Time	0

MISSISSIPPI ADOLESCENT CENTER

FUNDING:

General Funds	\$ 3,738,926.00
Special Funds	<u>252,598.00</u>
Total	\$ 3,991,524.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 3,776,150.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	87
	Part Time	0
Time-Limited:	Full Time	5
	Part Time	0

SPECIALIZED TREATMENT FACILITY

FUNDING:

General Funds	\$ 2,910,515.00
Special Funds	<u>4,895,612.00</u>
Total	\$ 7,806,127.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be

appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 5,534,475.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	147
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

DIVISION OF ALCOHOL AND DRUG ABUSE

FUNDING:

General Funds	\$	0.00
Special Funds		<u>6,202,106.00</u>
Total	\$	6,202,106.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 511,130.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	7
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

BROOKHAVEN CRISIS INTERVENTION CENTER

FUNDING:

General Funds	\$	1,495,214.00
Special Funds		<u>735,455.00</u>
Total	\$	2,230,669.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 1,648,846.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	35
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

BOSWELL REGIONAL CENTER

FUNDING:

General Funds	\$	6,972,222.00
Special Funds		<u>32,497,557.00</u>
Total	\$	39,469,779.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 23,075,840.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	490
	Part Time	3
Time-Limited:	Full Time	110
	Part Time	2

NORTH MISSISSIPPI STATE HOSPITAL

FUNDING:

General Funds	\$	9,250,293.00
Special Funds		<u>4,041,295.00</u>
Total	\$	13,291,588.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 10,144,653.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	210
	Part Time	0
Time-Limited:	Full Time	1

Part Time 0

NORTH MISSISSIPPI REGIONAL CENTER

FUNDING:

General Funds	\$	7,851,756.00
Special Funds		<u>63,997,658.00</u>
Total	\$	71,849,414.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 44,633,045.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	943
	Part Time	9
Time-Limited:	Full Time	192
	Part Time	9

HUDSPETH REGIONAL CENTER

FUNDING:

General Funds	\$	7,826,905.00
Special Funds		<u>54,499,962.00</u>
Total	\$	62,326,867.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 38,701,113.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	913
	Part Time	25
Time-Limited:	Full Time	41
	Part Time	0

SOUTH MISSISSIPPI REGIONAL CENTER

FUNDING:

General Funds	\$	5,014,831.00
Special Funds		<u>35,349,993.00</u>
Total	\$	40,364,824.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 24,830,241.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	520
	Part Time	7
Time-Limited:	Full Time	86
	Part Time	3

SOUTH MISSISSIPPI STATE HOSPITAL

FUNDING:

General Funds	\$	7,081,928.00
Special Funds		<u>3,340,723.00</u>
Total	\$	10,422,651.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed the following amount: \$ 7,525,875.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	155
	Part Time	0
Time-Limited:	Full Time	1
	Part Time	0

JACKSON COUNTY CRISIS INTERVENTION CENTER

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits	\$0
Travel and Subsistence	0

Contractual Services	0
Commodities	0
Capital Outlay:	
Other Than Equipment	0
Equipment	0
Vehicles	0
Wireless Communication Devices	0
Subsidies, Loans and Grants	0
Total	\$0

FUNDING:

General Funds	\$0
Special Funds	0
Total	\$0

AUTHORIZED POSITIONS:

Permanent:	Full Time	0
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal

Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The

Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

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

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

<u>Performance Measures</u>	<u>FY11 Target</u>
Services Management	
State Institutions Operated (Number of)	12
Units Monitored, etc (Number of)	1,480
Grants Administered (Number of)	510
Mental Health Services	
Group Homes - Alternative Living (Beds)	248
Halfway Houses (Beds)	34
Psychotropic Drugs Purchased (Prescriptions)	11,150
Mental Retardation Services	
Community Living Clients (Clients)	215
Work Activity & Employment Related (Clients)	1,300
Children & Youth Services	
Group Homes (Beds)	75
Chemical Dependency (Beds)	20
3% Alcohol Tax-alcohol/drug Prg	

Residential Treatment Beds (Beds)	745
Out-Patient Admissions (Number of)	9,750
Mi - Institutional Care	
Patient & Resident Days (Number of)	597,685
Operating Cost per Patient & Resident Day (\$)	373.28
Mi - Pre/post Inst Care	
Clients Served (Number of)	1,091
Mi - Support Services	
Support as a Percent of Total Budget (%)	5.47
Mr - Institutional Care	
Patient & Resident Days (Number of)	505,730
Operating Cost per Patient & Resident Day (\$)	310.53
Mr - Group Homes	
ICF/MR Patient & Resident Days (Number of)	223,248
Non ICF/MR Patient & Resident Days (Number of)	79,166
Mr - Community Programs	
Home & Comm Based Waiver Clients (Number of)	2,318
Non Home & Comm Based Waiver Clients (Number of)	1,895
Units of Service Delivered (Number of)	1,637,767
Mr - Support Services	
Support as a Percent of Total Budget (%)	4.07
Crisis Center - Grenada Ctr	
Patient & Resident Days (Number of)	3,882
Operating Cost per Patient & Resident Day (\$)	502.00
Crisis Center - Cleveland Ctr	
Patient & Resident Days (Number of)	4,160
Operating Cost per Patient & Resident Day (\$)	666.81
Crisis Center - Newton Ctr	
Patient & Resident Days (Number of)	6,240
Operating Cost per Patient & Resident Day (\$)	337.37

Brookhaven Crisis Interv Ctr

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Patient & Resident Days (Number of)	3,940
Operating Cost per Patient & Resident Day (\$)	615.98
Crisis Center - Corinth Ctr	
Patient & Resident Days (Number of)	5,723
Operating Cost per Patient & Resident Day (\$)	507.00
Crisis Center - Batesville Ctr	
Patient & Resident Days (Number of)	5,723
Operating Cost per Patient & Resident Day (\$)	502.00
Crisis Center - Laurel Ctr	
Patient & Resident Days (Number of)	5,840
Operating Cost per Patient & Resident Day (\$)	426.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

SECTION 6. The Department of Mental Health and its facilities shall have the authority, within funding and spending authority appropriated under the provisions of Section 1, authorized for expenditure in Sections 2 and 3, and allocated under the provisions of Section 4 of this act, to transfer funds to the Division of Medicaid in payment of Medicaid match and designate that the funds thus transferred shall be applied to Medicaid match obligations arising in the subsequent fiscal year.

SECTION 7. Any person within the Department of Mental Health who must work on a statutory holiday or any holiday proclaimed by the Governor, may at the discretion of the Director of the Institution and the Executive Director of the Department of Mental Health and within available personnel funds, be paid "callback pay" in lieu of "compensatory time credit."

SECTION 8. Of the funds appropriated to the "Service Budget" funds are included for the support of community mental health services for Fiscal Year 2011.

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

SECTION 9. Ellisville State School is authorized to draw up to Two Hundred Thousand Dollars (\$200,000.00) from interest earned on funds invested in Ellisville State School Client's Trust Fund for the purpose of supplementing the cost of the construction of a new chapel on the grounds of Ellisville State School.

SECTION 10. The Department of Mental Health and its facilities shall have the express legal authority, within funding and spending authority appropriated under the provisions of Sections 1 and 2, and allocated under the provisions of Section 4 of this act, to purchase land for use by residential facilities operated by the Department, either directly or by means of transferring funds to the Bureau of Building, Grounds and Real Property Management, and to transfer such funds to Bureau of Building, Grounds, and Real Property Management for the purposes of constructing and equipping group homes for persons with mental illness, mental retardation, and/or substance abuse; constructing and equipping such other buildings as may be required for

treatment of persons with mental illness, mental retardation, and/or substance abuse; repair and renovate existing buildings; and to construct, repair and/or renovate employee housing. Any intermediate care facilities for the mentally retarded (ICF/MR) constructed with funds authorized in this section shall be authorized to participate in Medicaid funding available for such services.

SECTION 11. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure, will observe the following criteria:

(a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost-effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 12. It is the intention of the Legislature that the Department of Mental Health shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee in a format and level of

detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.

SECTION 13. It is the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane, cable and phone services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state furnished housing shall include single-family and multifamily residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

SECTION 14. It is the intention of the Legislature that the Executive Director of the Department of Mental Health shall have authority to transfer cash from one special fund treasury fund to another special fund treasury fund under the control of the Department of Mental Health. The purpose of this authority is to more efficiently use available cash reserves. It is further the intention of the Legislature that the Executive Director of the Department of Mental Health shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth (15th) of the month prior to the effective date of the transfer. None of the funds transferred with this section may be transferred to the Central Office for Personal Services.

SECTION 15. It is the intention of the Legislature that the Department of Mental Health shall have the authority to receive, budget and expend funds from any source, including beginning cash in excess of beginning cash when spending authority was initially appropriated, that may become available to the department in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. The department is authorized to

escalate other special funds in an amount not to exceed Fifty Million Dollars (\$50,000,000.00).

SECTION 16. Of the funds herein appropriated: (1) The Department of Mental Health, with approval by the Board, may contract with a Community Mental Health Center, or suitable entities, for the purpose of operating the Crisis Intervention Center at Grenada. Employees of the center shall be participants in the Public Employees' Retirement System. The Department will provide quarterly progress reports to the Chairmen of the Senate and House Public Health and Appropriation Committees.

As of the effective date of any such contract, all employee positions assigned by the Department of Mental Health to the Crisis Center at Grenada, Mississippi, shall be eliminated and all employees will no longer be employed by the Department of Mental Health. The Department of Mental Health shall make all reasonable efforts to place the subject employees in vacant positions at other Department of Mental Health locations. Employees for whom no comparable positions can be found shall be terminated due to reduction in force pursuant to this act.

(2) The Department of Mental Health, with approval by the board, may contract with suitable entities for the purpose of operating the crisis intervention centers in Batesville, Brookhaven, Cleveland, Corinth, Laurel and Newton. The department shall provide quarterly progress reports on the operation of the crisis intervention centers to the Chairmen of the Senate and House Public Health and Appropriation Committees.

SECTION 17. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to

the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 18. The Department of Mental Health, with prior approval by the Board of Mental Health, is hereby authorized to transfer General Fund and Special Fund spending authority between and within budgets. It is further the intention of the Legislature that the Department of Mental Health shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth of the month prior to the effective date of the transfer. However, no transfers shall be authorized which increase the major object of expenditure "Salaries, Wages and Fringe Benefits" in any budget authorized in Section 4 of this act.

SECTION 19. The Department of Finance and Administration (DFA) shall transfer funds back to the Department of Mental Health, upon the request of the Department of Mental Health, where the funds received by DFA from the Department of Mental Health were special funds (neither general funds or bond funds) and where those funds are not required for the payment of costs already incurred on a building or repair project. For the purposes of this section, the term "special funds" includes any state source special funds including, but not limited to, funds from the Health Care Expendable Fund. The duty of DFA to transfer funds back to the Department of Mental Health under this section applies to any funds described in this section that were transferred to DFA, regardless of the year that the transfer was made by the Department of Mental Health.

SECTION 20. Of the funds authorized in Section 2, the following sum is anticipated to be derived from funds provided pursuant to the American Recovery and Reinvestment Act of 2009 ...

..... \$ 22,969,561.00.

If the amount that ultimately becomes available for this agency from the American Recovery and Reinvestment Act of 2009 differs from the above stated amount, the agency shall immediately report the actual amount to Legislative Budget Office and the agency may use the American Recovery and Reinvestment Act of 2009 escalation authorization contained within this act to increase the expenditure authority as necessary.

SECTION 21. It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

SECTION 22. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or

made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 23. Of the funds provided within this act, no former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of contract services to the Chairmen and members of the Senate and House Appropriation Committees.

SECTION 24. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

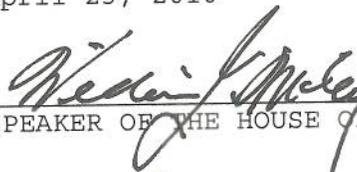
SECTION 25. This act shall take effect and be in force from and after July 1, 2010, except for Section 19 which shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
April 22, 2010



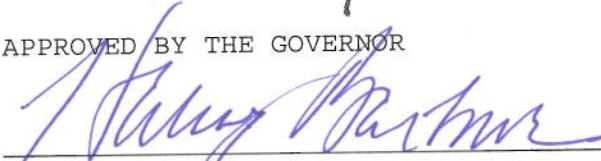
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 23, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

5/21/10 10:43a