

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 3123**

**By Representative(s) Committee**

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

6           SECTION 1. The following sum, or so much thereof as may be  
7 necessary, is hereby appropriated out of any money in the State  
8 General Fund not otherwise appropriated, for the support and  
9 maintenance of the Mississippi Department of Corrections for the  
10 fiscal year beginning July 1, 2001, and ending June 30, 2002.....  
11 ..... \$           253,678,888.00.

12           SECTION 2. The following sum, or so much thereof as may be  
13 necessary, is hereby appropriated out of any money in the special  
14 fund in the State Treasury to the credit of the Mississippi  
15 Department of Corrections which is collected by or otherwise  
16 become available for the purpose of defraying the expenses of the  
17 Department, for the fiscal year beginning July 1, 2001, and ending  
18 June 30, 2002..... \$           14,744,448.00.

19           SECTION 3. Of the funds appropriated under the provisions of  
20 Sections 1 and 2, not more than the amounts set forth below shall  
21 be expended for the respective major objects or purposes of  
22 expenditure:

23	SUPPORT	
24	MAJOR OBJECTS OF EXPENDITURE:	
25	Personal Services:	
26	Salaries, Wages and Fringe Benefits.. \$	119,066,098.00
27	Travel and Subsistence.....	492,934.00
28	Contractual Services.....	100,358,080.00
29	Commodities.....	13,325,365.00
30	Capital Outlay:	
31	Other Than Equipment.....	804,578.00
32	Equipment.....	826,135.00
33	Subsidies, Loans and Grants.....	<u>97,320.00</u>
34	Total..... \$	234,970,510.00

35	FUNDING:	
36	General Funds..... \$	224,902,187.00
37	Special Funds.....	<u>10,068,323.00</u>
38	Total..... \$	234,970,510.00

39	AUTHORIZED POSITIONS:	
40	Permanent: Full Time.....	3,929
41	Part Time.....	31
42	Time-Limited: Full Time.....	97
43	Part Time.....	0

44	MEDICAL SERVICES	
45	FUNDING:	
46	General Funds..... \$	28,241,257.00
47	Special Funds.....	<u>0.00</u>
48	Total..... \$	28,241,257.00

49	AUTHORIZED POSITIONS:	
50	Permanent: Full Time.....	0
51	Part Time.....	0
52	Time-Limited: Full Time.....	0

53	Part Time.....	0
54	PAROLE BOARD	
55	MAJOR OBJECTS OF EXPENDITURE:	
56	Personal Services:	
57	Salaries, Wages and Fringe Benefits.. \$	387,644.00
58	Travel and Subsistence.....	25,000.00
59	Contractual Services.....	96,600.00
60	Commodities.....	20,800.00
61	Capital Outlay:	
62	Other Than Equipment.....	0.00
63	Equipment.....	5,400.00
64	Subsidies, Loans and Grants.....	<u>0.00</u>
65	Total..... \$	535,444.00
66	FUNDING:	
67	General Funds..... \$	535,444.00
68	Special Funds.....	<u>0.00</u>
69	Total..... \$	535,444.00
70	AUTHORIZED POSITIONS:	
71	Permanent: Full Time.....	7
72	Part Time.....	0
73	Time-Limited: Full Time.....	0
74	Part Time.....	0
75	FARMING OPERATIONS	
76	MAJOR OBJECTS OF EXPENDITURE:	
77	Personal Services:	
78	Salaries, Wages and Fringe Benefits.. \$	591,528.00
79	Travel and Subsistence.....	8,843.00
80	Contractual Services.....	695,973.00
81	Commodities.....	2,250,000.00
82	Capital Outlay:	

83	Other Than Equipment.....	730,848.00
84	Equipment.....	365,933.00
85	Subsidies, Loans and Grants.....	<u>33,000.00</u>
86	Total.....	\$ 4,676,125.00

87 FUNDING:

88	General Funds.....	\$ 0.00
89	Special Funds.....	<u>4,676,125.00</u>
90	Total.....	\$ 4,676,125.00

91 AUTHORIZED POSITIONS:

92	Permanent: Full Time.....	18
93	Part Time.....	0
94	Time-Limited: Full Time.....	0
95	Part Time.....	0

96 With the funds herein appropriated, it is the intention of  
97 the Legislature that it shall be the agency's responsibility to  
98 make certain that funds required to be appropriated for "Personal  
99 Services" for Fiscal Year 2003 do not exceed Fiscal Year 2002  
100 funds appropriated for that purpose, unless programs or positions  
101 are added to the agency's Fiscal Year 2003 budget by the  
102 Mississippi Legislature. Based on data provided by the  
103 Legislative Budget Office, the State Personnel Board shall  
104 determine and publish the projected annual cost to fully fund all  
105 appropriated positions in compliance with the provisions of this  
106 act. It shall be the responsibility of the agency head to insure  
107 that no single personnel action increases this projected annual  
108 cost and/or the Fiscal Year 2002 appropriation for "Personal  
109 Services" when annualized. If, at the end of any calendar month,  
110 the State Personnel Board determines that the agency has taken  
111 action(s) which would cause the agency to exceed this projected  
112 annual cost or the Fiscal Year 2002 "Personal Services"

113 appropriated level, when annualized, then only those actions which  
114 reduce the projected annual cost and/or the appropriation  
115 requirement will be processed by the State Personnel Board until  
116 such time as the requirements of this provision are met.

117 Any transfers or escalations shall be made in accordance with  
118 the terms, conditions, and procedures established by law.

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

123 SECTION 4. Of the funds appropriated in Sections 1 and 2,  
124 and authorized for expenditure in Section 3, it is the intention  
125 of the Legislature that any contractual service payments made by  
126 the department to defray medical expenses for inmates shall be at  
127 the currently established Medicaid reimbursement rate; however, if  
128 hospital and medical providers will not contract at the Medicaid  
129 reimbursement rate, the Department of Corrections may enter into a  
130 negotiated contract.

131 SECTION 5. Of the funds appropriated in Sections 1 and 2,  
132 none shall be expended for personnel housing under the  
133 jurisdiction of the Department of Corrections unless the  
134 department shall collect a reasonable rent, after a finding of  
135 fact as to what is a reasonable rent, and/or the cost of utilities  
136 furnished to said housing, except that the Superintendent of the  
137 Central Mississippi Correctional Facility may be provided with a  
138 housing expense allowance in lieu of being furnished with a  
139 dwelling house. The Department of Corrections shall not pay for  
140 the installation or monthly service of any telephone installed in  
141 a staff residence under its jurisdiction.

142 SECTION 6. Of the funds appropriated in Sections 1 and 2,

143 and authorized for expenditure in Section 3, payment may be  
144 authorized for court ordered attorney fees and any accrued  
145 interest subject to the approval of the Office of the Attorney  
146 General.

147 SECTION 7. No part of the funds herein appropriated shall be  
148 used for the purpose of returning escaped state convicts to the  
149 State Penitentiary from a distance of over one hundred (100) miles  
150 beyond the borders of the state, except upon approval of the  
151 Governor in each specific case.

152 SECTION 8. None of the money herein appropriated shall be  
153 paid to any person who by the provision of Section 47-5-47,  
154 Mississippi Code of 1972, as amended, is prohibited from being an  
155 employee of the Mississippi Department of Corrections. The State  
156 Department of Finance and Administration shall at least annually  
157 make a report to the Joint Legislative Committee on Performance  
158 Evaluation and Expenditure Review and to the Attorney General  
159 stating the name of any person prohibited under the provisions of  
160 Section 47-5-47, Mississippi Code of 1972, as amended, from being  
161 an employee of the Mississippi Department of Corrections who has  
162 during the preceding year received any money herein appropriated.

163 In the event that any such person prohibited as hereinabove  
164 provided from receiving funds herein appropriated should receive  
165 any of said funds, the Attorney General shall immediately commence  
166 action to recover the monies so paid to said person and to enjoin  
167 the further employment of said person at the Mississippi  
168 Department of Corrections.

169 SECTION 9. It is the intention of the Legislature that the  
170 Commissioner of the Mississippi Department of Corrections may  
171 transfer between the divisions of Support, Medical Services,  
172 Parole Board, Farming Operations and Local Confinement, both funds

173 and positions not to exceed fifteen percent (15%) of the  
174 authorized budgets in the aggregate. The Commissioner of the  
175 Mississippi Department of Corrections shall submit written  
176 justification for the transfer to the Legislative Budget Office  
177 and the Department of Finance and Administration on or before the  
178 fifteenth of the month prior to the effective date of the  
179 transfer. It is further the intention of the Legislature that no  
180 transfer may be made under the provisions of this section to  
181 increase or decrease the salaries category of any budget set forth  
182 in the original appropriations made under this act, but may be  
183 used to contract with counties to house state inmates in  
184 facilities authorized by Section 47-5-931, Mississippi Code of  
185 1972. It is further the intention of the Legislature that any  
186 transfers made under the provisions of this paragraph shall be for  
187 the removal of state inmates from county jails or of an emergency  
188 nature.

189 SECTION 10. It is the intent of the Legislature that all  
190 prisoners at Parchman shall work a minimum of eight (8) hours per  
191 day, excluding prisoners with a physical disability or those  
192 incarcerated in maximum security.

193 SECTION 11. In compliance with the "Mississippi Performance  
194 Budget and Strategic Planning Act of 1994," it is the intent of  
195 the Legislature that the funds provided herein shall be utilized  
196 in the most efficient and effective manner possible to achieve the  
197 intended mission of this agency. Based on the funding authorized,  
198 this agency shall make every effort to attain the targeted  
199 performance measures provided below:

200		FY2002
201	<u>Performance Measures</u>	<u>Target</u>
202	Institutions - Parchman	

203	Average Population (Inmates)	5,649
204	Participants in Programs (Inmates)	3,628
205	Successful Program Completion (Inmates)	2,159
206	Central MS Correctional Fac	
207	Average Population (Inmates)	2,929
208	Participants in Programs (Inmates)	1,390
209	Successful Program Completion (Inmates)	696
210	South MS Correctional Fac	
211	Average Population (Inmates)	2,174
212	Participants in Programs (Inmates)	2,070
213	Successful Program Completion (Inmates)	1,545
214	Community Based Services	
215	Average Population (Offenders)	15,000
216	Supportive Services	
217	Private Prison Beds (Beds)	6,900
218	Farming	
219	Vegetables Produced (Pounds)	5,500,000
220	Dozens of Eggs Sold (Dozens)	700,000
221	Parole Board	
222	Number Paroled (Offenders)	1,000
223	Number of Paroles Revoked (Revocations)	200
224	Medical Services	
225	Average Population Covered (Inmates)	15,537
226	A reporting of the degree to which the performance targets	
227	set above have been or are being achieved shall be provided in the	
228	agency's budget request submitted to the Joint Legislative Budget	
229	Committee for Fiscal Year 2003.	

230 SECTION 12. In addition to all other sums herein  
231 appropriated, the following sum, or so much thereof as may be  
232 necessary, is hereby appropriated out of any money in the State



233 General Fund not otherwise appropriated, to the Department of  
234 Corrections for the purpose of paying the expenses of counties for  
235 holding state prisoners in county jails, for the period beginning  
236 July 1, 2001, and ending June 30, 2002..... \$ 9,665,044.00.

237 SECTION 13. The money herein appropriated shall be paid by  
238 the State Treasurer out of any money in the State Treasury to the  
239 credit of the proper fund or funds as set forth in this act, upon  
240 warrants issued by the State Fiscal Officer; and the State Fiscal  
241 Officer shall issue his warrants upon requisitions signed by the  
242 proper person, officer or officers, in the manner provided by law.

243 SECTION 14. This act shall take effect and be in force from  
244 and after July 1, 2001.