

House Amendments to Senate Bill No. 3036

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE 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:

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, 2006, and ending June 30, 2007.....
11 \$ 211,974,179.00.

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, 2006, and ending
18 June 30, 2007..... \$ 65,700,135.00.

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:

SUPPORT

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

| | |
|---------------------------------------|----------------------|
| Salaries, Wages and Fringe Benefits.. | \$ 105,810,691.00 |
| Travel and Subsistence..... | 452,934.00 |
| Contractual Services..... | 17,000,000.00 |
| Commodities..... | 12,000,000.00 |

Capital Outlay:

| | |
|---------------------------|------------|
| Other Than Equipment..... | 274,578.00 |
|---------------------------|------------|

| | | |
|----|----------------------------------|-------------------|
| 32 | Equipment..... | 1,117,107.00 |
| 33 | Subsidies, Loans and Grants..... | <u>96,044.00</u> |
| 34 | Total..... | \$ 136,751,354.00 |

35 FUNDING:

| | | |
|----|--------------------|---------------------|
| 36 | General Funds..... | \$ 129,888,612.00 |
| 37 | Special Funds..... | <u>6,862,742.00</u> |
| 38 | Total..... | \$ 136,751,354.00 |

39 AUTHORIZED POSITIONS:

| | | |
|----|------------------------------|-------|
| 40 | Permanent: Full Time..... | 2,987 |
| 41 | Part Time..... | 19 |
| 42 | Time-Limited: Full Time..... | 114 |
| 43 | Part Time..... | 0 |

44 **MEDICAL SERVICES**

45 MAJOR OBJECTS OF EXPENDITURE:

46 Personal Services:

| | | |
|----|---------------------------------------|------------------|
| 47 | Salaries, Wages and Fringe Benefits.. | \$ 157,258.00 |
| 48 | Travel and Subsistence..... | 0.00 |
| 49 | Contractual Services..... | 34,914,548.00 |
| 50 | Commodities..... | 0.00 |
| 51 | Capital Outlay: | |
| 52 | Other Than Equipment..... | 0.00 |
| 53 | Equipment..... | 0.00 |
| 54 | Subsidies, Loans and Grants..... | <u>0.00</u> |
| 55 | Total..... | \$ 35,071,806.00 |

56 FUNDING:

| | | |
|----|--------------------|----------------------|
| 57 | General Funds..... | \$ 20,965,050.00 |
| 58 | Special Funds..... | <u>14,106,756.00</u> |
| 59 | Total..... | \$ 35,071,806.00 |

60 AUTHORIZED POSITIONS:

| | | |
|----|------------------------------|---|
| 61 | Permanent: Full Time..... | 0 |
| 62 | Part Time..... | 0 |
| 63 | Time-Limited: Full Time..... | 1 |
| 64 | Part Time..... | 0 |

65 **PAROLE BOARD**

66 MAJOR OBJECTS OF EXPENDITURE:

| | | | |
|-----|---------------------------------------|----|--------------|
| 67 | Personal Services: | | |
| 68 | Salaries, Wages and Fringe Benefits.. | \$ | 406,992.00 |
| 69 | Travel and Subsistence..... | | 25,000.00 |
| 70 | Contractual Services..... | | 61,883.00 |
| 71 | Commodities..... | | 10,000.00 |
| 72 | Capital Outlay: | | |
| 73 | Other Than Equipment..... | | 0.00 |
| 74 | Equipment..... | | 0.00 |
| 75 | Subsidies, Loans and Grants..... | | 0.00 |
| 76 | Total..... | \$ | 503,875.00 |
| 77 | FUNDING: | | |
| 78 | General Funds..... | \$ | 503,875.00 |
| 79 | Special Funds..... | | 0.00 |
| 80 | Total..... | \$ | 503,875.00 |
| 81 | AUTHORIZED POSITIONS: | | |
| 82 | Permanent: Full Time..... | 8 | |
| 83 | Part Time..... | 0 | |
| 84 | Time-Limited: Full Time..... | 0 | |
| 85 | Part Time..... | 0 | |
| 86 | FARMING OPERATIONS | | |
| 87 | MAJOR OBJECTS OF EXPENDITURE: | | |
| 88 | Personal Services: | | |
| 89 | Salaries, Wages and Fringe Benefits.. | \$ | 601,494.00 |
| 90 | Travel and Subsistence..... | | 4,500.00 |
| 91 | Contractual Services..... | | 136,437.00 |
| 92 | Commodities..... | | 1,520,000.00 |
| 93 | Capital Outlay: | | |
| 94 | Other Than Equipment..... | | 180,000.00 |
| 95 | Equipment..... | | 208,898.00 |
| 96 | Subsidies, Loans and Grants..... | | 28,806.00 |
| 97 | Total..... | \$ | 2,680,135.00 |
| 98 | FUNDING: | | |
| 99 | General Funds..... | \$ | 0.00 |
| 100 | Special Funds..... | | 2,680,135.00 |
| 101 | Total..... | \$ | 2,680,135.00 |

| | | | |
|-----|---------------------------------------|----------------|---------------|
| 102 | AUTHORIZED POSITIONS: | | |
| 103 | Permanent: | Full Time..... | 14 |
| 104 | | Part Time..... | 0 |
| 105 | Time-Limited: | Full Time..... | 0 |
| 106 | | Part Time..... | 0 |
| 107 | PRIVATE PRISONS | | |
| 108 | MAJOR OBJECTS OF EXPENDITURE: | | |
| 109 | Personal Services: | | |
| 110 | Salaries, Wages and Fringe Benefits.. | \$ | 0.00 |
| 111 | Travel and Subsistence..... | | 0.00 |
| 112 | Contractual Services..... | | 68,525,678.00 |
| 113 | Commodities..... | | 0.00 |
| 114 | Capital Outlay: | | |
| 115 | Other Than Equipment..... | | 0.00 |
| 116 | Equipment..... | | 0.00 |
| 117 | Subsidies, Loans and Grants..... | | 0.00 |
| 118 | Total..... | \$ | 68,525,678.00 |
| 119 | FUNDING: | | |
| 120 | General Funds..... | \$ | 38,310,945.00 |
| 121 | Special Funds..... | | 30,214,733.00 |
| 122 | Total..... | \$ | 68,525,678.00 |
| 123 | AUTHORIZED POSITIONS: | | |
| 124 | Permanent: | Full Time..... | 0 |
| 125 | | Part Time..... | 0 |
| 126 | Time-Limited: | Full Time..... | 0 |
| 127 | | Part Time..... | 0 |
| 128 | REGIONAL FACILITIES | | |
| 129 | MAJOR OBJECTS OF EXPENDITURE: | | |
| 130 | Personal Services: | | |
| 131 | Salaries, Wages and Fringe Benefits.. | \$ | 0.00 |
| 132 | Travel and Subsistence..... | | 0.00 |
| 133 | Contractual Services..... | | 25,142,756.00 |
| 134 | Commodities..... | | 0.00 |
| 135 | Capital Outlay: | | |
| 136 | Other Than Equipment..... | | 0.00 |

| | | |
|-----|----------------------------------|------------------|
| 137 | Equipment..... | 0.00 |
| 138 | Subsidies, Loans and Grants..... | <u>0.00</u> |
| 139 | Total..... | \$ 25,142,756.00 |

| | | |
|-----|--------------------|---------------------|
| 140 | FUNDING: | |
| 141 | General Funds..... | \$ 16,886,846.00 |
| 142 | Special Funds..... | <u>8,255,910.00</u> |
| 143 | Total..... | \$ 25,142,756.00 |

| | | |
|-----|------------------------------|---|
| 144 | AUTHORIZED POSITIONS: | |
| 145 | Permanent: Full Time..... | 0 |
| 146 | Part Time..... | 0 |
| 147 | Time-Limited: Full Time..... | 0 |
| 148 | Part Time..... | 0 |

149 **LOCAL CONFINEMENT - COUNTY JAILS**

| | | |
|-----|---------------------------------------|-----------------|
| 150 | MAJOR OBJECTS OF EXPENDITURE: | |
| 151 | Personal Services: | |
| 152 | Salaries, Wages and Fringe Benefits.. | \$ 0.00 |
| 153 | Travel and Subsistence..... | 0.00 |
| 154 | Contractual Services..... | 8,998,710.00 |
| 155 | Commodities..... | 0.00 |
| 156 | Capital Outlay: | |
| 157 | Other Than Equipment..... | 0.00 |
| 158 | Equipment..... | 0.00 |
| 159 | Subsidies, Loans and Grants..... | <u>0.00</u> |
| 160 | Total..... | \$ 8,998,710.00 |

| | | |
|-----|--------------------|---------------------|
| 161 | FUNDING: | |
| 162 | General Funds..... | \$ 5,418,851.00 |
| 163 | Special Funds..... | <u>3,579,859.00</u> |
| 164 | Total..... | \$ 8,998,710.00 |

| | | |
|-----|------------------------------|---|
| 165 | AUTHORIZED POSITIONS: | |
| 166 | Permanent: Full Time..... | 0 |
| 167 | Part Time..... | 0 |
| 168 | Time-Limited: Full Time..... | 0 |
| 169 | Part Time..... | 0 |

170 For the fiscal year beginning on July 1, 2006, funds are

171 provided herein to adjust the annual compensation of each employee

who has been employed for twelve (12) months or longer by an amount equal to One Thousand Dollars (\$1,000.00), effective on July 1, 2006.

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 2008 do not exceed Fiscal Year 2007 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2008 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 2007 appropriation 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 2007 "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.

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.

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

210 **SECTION 4.** In compliance with the "Mississippi Performance
211 Budget and Strategic Planning Act of 1994," it is the intent of
212 the Legislature that the funds provided herein shall be utilized
213 in the most efficient and effective manner possible to achieve the
214 intended mission of this agency. Based on the funding authorized,
215 this agency shall make every effort to attain the targeted
216 performance measures provided below:

| | | |
|-----|---|---------------|
| 217 | | FY07 |
| 218 | <u>Performance Measures</u> | <u>Target</u> |
| 219 | Institutions - Parchman | |
| 220 | Average Population (Inmates) | 4,520 |
| 221 | Participants in Programs (Inmates) | 2,820 |
| 222 | Successful Program Completion (Inmates) | 1,200 |
| 223 | Central MS Correctional Fac | |
| 224 | Average Population (Inmates) | 3,150 |
| 225 | Participants in Programs (Inmates) | 2,000 |
| 226 | Successful Program Completion (Inmates) | 1,150 |
| 227 | South MS Correctional Fac | |
| 228 | Average Population (Inmates) | 2,200 |
| 229 | Participants in Programs (Inmates) | 2,140 |
| 230 | Successful Program Completion (Inmates) | 1,420 |
| 231 | Community Corrections | |
| 232 | Average Population (Offenders) | 27,190 |
| 233 | Farming | |
| 234 | Vegetables Produced (Pounds) | 3,800,000 |
| 235 | Dozens of Eggs Sold (Dozens) | 600,000 |
| 236 | Parole Board | |
| 237 | Number Paroled (Offenders) | 1,250 |
| 238 | Number of Paroles Revoked (Revocations) | 225 |
| 239 | Private Prisons | |
| 240 | Private Prison Beds Funded (Beds) | 4,843 |

| | | |
|-----|--|--------|
| 241 | Medical Services | |
| 242 | Average Population Covered (Inmates) | 14,773 |
| 243 | Regional Facilities | |
| 244 | Regional Prison Beds Funded (Beds) | 2,750 |
| 245 | Local Confinement | |
| 246 | Local Confinement Population (Inmates) | 1,600 |

247 A reporting of the degree to which the performance targets
248 set above have been or are being achieved shall be provided in the
249 agency's budget request submitted to the Joint Legislative Budget
250 Committee for Fiscal Year 2008.

251 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
252 none shall be expended for personnel housing under the
253 jurisdiction of the Department of Corrections unless the
254 department shall collect a reasonable rent, after a finding of
255 fact as to what is a reasonable rent, and/or the cost of utilities
256 furnished to said housing. The Department of Corrections shall
257 not pay for the installation or monthly service of any telephone
258 installed in a staff residence under its jurisdiction.

259 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
260 and authorized for expenditure in Section 3, payment may be
261 authorized for court ordered attorney fees and any accrued
262 interest subject to the approval of the Office of the Attorney
263 General.

264 **SECTION 7.** No part of the funds herein appropriated shall be
265 used for the purpose of returning escaped state convicts to the
266 State Penitentiary from a distance of over one hundred (100) miles
267 beyond the borders of the state, except upon approval of the
268 Governor in each specific case.

269 **SECTION 8.** None of the money herein appropriated shall be
270 paid to any person who by the provision of Section 47-5-47,
271 Mississippi Code of 1972, as amended, is prohibited from being an
272 employee of the Mississippi Department of Corrections. The State
273 Department of Finance and Administration shall at least annually
274 make a report to the Joint Legislative Committee on Performance
275 Evaluation and Expenditure Review and to the Attorney General

276 stating the name of any person prohibited under the provisions of
277 Section 47-5-47, Mississippi Code of 1972, as amended, from being
278 an employee of the Mississippi Department of Corrections who has
279 during the preceding year received any money herein appropriated.
280 In the event that any such person prohibited as herein above
281 provided from receiving funds herein appropriated should receive
282 any of said funds, the Attorney General shall immediately commence
283 action to recover the monies so paid to said person and to enjoin
284 the further employment of said person at the Mississippi
285 Department of Corrections.

286 **SECTION 9.** It is the intent of the Legislature that all
287 prisoners at Parchman shall work a minimum of eight (8) hours per
288 day, excluding prisoners with a physical disability or those
289 incarcerated in maximum security.

290 **SECTION 10.** It is the intention of the Legislature that the
291 Department of Corrections shall have the authority to accept,
292 budget and expend any special funds collected or otherwise
293 available, through the sell of scrap or recycled material, for the
294 purpose of providing recycling equipment, supplies or services for
295 use within the department.

296 **SECTION 11.** It is the intention of the Legislature that the
297 per diem rates paid to regional facilities shall not exceed
298 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
299 All regional facilities shall continue to receive the annual three
300 percent (3%) increase in the per diem rate as authorized in
301 Section 47-5-933, Mississippi Code of 1972, however, in no event
302 shall any regional facility's per diem rate exceed Twenty-nine
303 Dollars and Seventy-four Cents (\$29.74) per inmate.

304 **SECTION 12.** Effective July 1, 2006, the department or its
305 contracted medical provider will pay to a provider of a medical
306 service for any and all incarcerated persons from a correctional
307 or detention facility an amount based upon negotiated fees as
308 agreed to by the medical care service providers and the department
309 and/or its contracted medical provider. In the absence of
310 negotiated discounted fee schedule, medical care service providers

will be paid by the department or its contracted medical service provider an amount no greater than the reimbursement rate applicable based on the Mississippi Medicaid reimbursement rate. This limitation applies to all medical care services, durable and nondurable goods, prescription drugs and medications provided to any and all incarcerated persons outside of the correctional or detention facility.

SECTION 13. It is the intention of the Legislature that the Commissioner of the Mississippi Department of Corrections shall have the authority to transfer cash from one special fund treasury fund to another special fund treasury fund under the control of the Department of Corrections. The purpose of this authority is to more efficiently use available cash reserves. It is further the intention of the Legislature that the Department of Corrections 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.

SECTION 14. The Commissioner of the Mississippi Department of Corrections is hereby authorized to transfer spending authority between and within budgets, both positions and funds, in an amount not to exceed twenty-five percent (25%) of the authorized budgets in the aggregate. It is further the intention of the Legislature that the Department of Corrections 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. However, no transfers shall be authorized which increase the major object of expenditure "Salaries, Wages and Fringe Benefits" in any budget authorized in Section 3 of this act.

SECTION 15. It is the intention of the Legislature that the Mississippi Department of Corrections 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 matter consistent with the escalation of federal funds.

SECTION 16. The department is authorized to expend available funds on technology or equipment upgrades or replacements when the savings generated from such upgrades or replacements exceed expenditures thereof.

SECTION 17. It is the intention of the Legislature that the Department of Corrections shall have the authority to accept, budget and expend any portion of confiscated funds received in conjunction with its participating in investigations of illegal activities of any offender under the supervision of the agency. These funds shall be used to provide security enhancement within the Department of Corrections.

SECTION 18. Of the funds appropriated under the provisions of Section 2, Fifty-six Million Dollars (\$56,000,000.00) shall be derived from the Budget Contingency Fund, as created in Section 27-103-301, Mississippi Code of 1972.

SECTION 19. 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 20. All expenditures of funds appropriated by this act for the purposes of advertising through the media shall comply with the provisions of this section. All notices, advertisements, or announcements designed to accomplish distribution of vital information paid for wholly or in part through funds appropriated by this act and distributed through the media shall be placed according to a formula based upon the following criteria:

380 (a) Outlets of the Mississippi Public Broadcasting
381 System shall receive twenty percent (20%) of all expenditures
382 allotted for any advertising campaign undertaken by the agency to
383 which funds are appropriated by this act. All distribution of
384 information undertaken by the Mississippi Broadcasting System
385 under these requirements shall conform to the accepted standards
386 of information distribution common to public media.

387 (b) Media outlets, other than outlets of the
388 Mississippi Public Broadcasting System, shall receive placement of
389 such notices through the following method of distribution and
390 based upon commonly accepted boundaries of distribution:

391 (i) Newspapers. Newspapers demonstrating
392 established market reach through verifiable and auditable
393 circulation numbers shall receive twenty-five percent (25%) of all
394 expenditures allotted for distribution of vital information, and
395 such expenditures to the individual newspapers shall be determined
396 and prorated based upon the verifiable and auditable share of
397 total circulation within the individual counties. This
398 requirement does not replace the requirements and systems
399 currently in place regarding legal notices in the newspapers.

400 (ii) Radio. Radio stations demonstrating
401 established market reach through verifiable and auditable market
402 share information as recorded through reputable and established
403 rating services shall receive twenty percent (20%) of all
404 expenditures allotted for such distribution of vital information,
405 and such expenditures to the individual stations shall be
406 determined and prorated based upon the verifiable and auditable
407 share of total market reach within the individual counties.

408 (iii) Television. Television stations and
409 television cable outlets demonstrating established market reach
410 through verifiable and auditable market share information as
411 recorded through reputable and established rating services shall
412 receive twenty percent (20%) of all expenditures allotted for such
413 distribution of vital information, and such expenditures to the
414 individual stations shall be determined and prorated based upon

415 the verifiable and auditable share of total market reach within
416 the individual demonstrated market reach area of the station or
417 cable outlet.

418 (iv) Magazines. Magazines demonstrating
419 established market reach through verifiable and auditable
420 circulation numbers shall receive ten percent (10%) of all
421 expenditures allotted for such distribution of vital information,
422 and such expenditures to the individual magazines shall be
423 determined and prorated based upon the verifiable and auditable
424 circulation numbers within the counties. If no magazine exists
425 which meets the criteria stated above, the portion of those funds
426 so allotted shall be distributed among the other media outlets
427 equally.

428 (v) Electronic media. Electronic media
429 demonstrating established market reach through verifiable and
430 auditable circulation numbers shall receive five percent (5%) of
431 all expenditures allotted for such distribution of vital
432 information, and such expenditures to the individual electronic
433 media outlets shall be determined and prorated based upon the
434 verifiable and auditable circulation numbers within the counties.
435 If no electronic media exists which meets the criteria stated
436 above, the portion of those funds so allotted shall be distributed
437 equally among the other media outlets.

438 Provisions of this section do not apply to the placement of
439 advertisements in national media outlets to recruit economic
440 development or to promote tourism in the state.

441 **SECTION 21.** The money herein appropriated shall be paid by
442 the State Treasurer out of any money in the State Treasury to the
443 credit of the proper fund or funds as set forth in this act, upon
444 warrants issued by the State Fiscal Officer; and the State Fiscal
445 Officer shall issue his warrants upon requisitions signed by the
446 proper person, officer or officers, in the manner provided by law.

447 **SECTION 22.** This act shall take effect and be in force from
448 and after July 1, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS AND TO
3 PAY THE EXPENSES OF COUNTIES FOR HOLDING STATE PRISONERS IN COUNTY
4 JAILS, FOR FISCAL YEAR 2007.

HR40\SB3036PH.J

Don Richardson
Clerk of the House of Representatives