

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 3036

BY: 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, 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

24 **MAJOR OBJECTS OF EXPENDITURE:**

25	Personal Services:		
26	Salaries, Wages and Fringe Benefits..	\$	105,810,691.00
27	Travel and Subsistence.....		452,934.00
28	Contractual Services.....		17,000,000.00
29	Commodities.....		12,000,000.00
30	Capital Outlay:		
31	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.....		<u>0.00</u>
76	Total.....	\$	503,875.00

77 FUNDING:

78	General Funds.....	\$	503,875.00
79	Special Funds.....		<u>0.00</u>
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.....		<u>28,806.00</u>
97	Total.....	\$	2,680,135.00
98	FUNDING:		
99	General Funds.....	\$	0.00
100	Special Funds.....		<u>2,680,135.00</u>
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.....		<u>0.00</u>
118	Total.....	\$	68,525,678.00
119	FUNDING:		
120	General Funds.....	\$	38,310,945.00

121	Special Funds.....		<u>30,214,733.00</u>
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
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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
172 who has been employed for twelve (12) months or longer by an
173 amount equal to One Thousand Dollars (\$1,000.00), effective on
174 July 1, 2006.

175 With the funds herein appropriated, it is the intention of
176 the Legislature that it shall be the agency's responsibility to
177 make certain that funds required to be appropriated for "Personal
178 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
179 funds appropriated for that purpose, unless programs or positions
180 are added to the agency's Fiscal Year 2008 budget by the
181 Mississippi Legislature. Based on data provided by the
182 Legislative Budget Office, the State Personnel Board shall
183 determine and publish the projected annual cost to fully fund all
184 appropriated positions in compliance with the provisions of this

185 act. It shall be the responsibility of the agency head to insure
186 that no single personnel action increases this projected annual
187 cost and/or the Fiscal Year 2007 appropriation for "Personal
188 Services" when annualized, with the exception of escalated funds.
189 If, at the time the agency takes any action to change "Personal
190 Services," the State Personnel Board determines that the agency
191 has taken an action which would cause the agency to exceed this
192 projected annual cost or the Fiscal Year 2007 "Personal Services"
193 appropriated level, when annualized, then only those actions which
194 reduce the projected annual cost and/or the appropriation
195 requirement will be processed by the State Personnel Board until
196 such time as the requirements of this provision are met.

197 Any transfers or escalations shall be made in accordance with
198 the terms, conditions and procedures established by law or
199 allowable under the terms set forth within this act. The State
200 Personnel Board shall not escalate positions without written
201 approval from the Department of Finance and Administration. The
202 Department of Finance and Administration shall not provide written
203 approval to escalate any funds for salaries and/or positions
204 without proof of availability of new or additional funds above the
205 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
311 will be paid by the department or its contracted medical service
312 provider an amount no greater than the reimbursement rate

313 applicable based on the Mississippi Medicaid reimbursement rate.
314 This limitation applies to all medical care services, durable and
315 nondurable goods, prescription drugs and medications provided to
316 any and all incarcerated persons outside of the correctional or
317 detention facility.

318 **SECTION 13.** It is the intention of the Legislature that the
319 Commissioner of the Mississippi Department of Corrections shall
320 have the authority to transfer cash from one special fund treasury
321 fund to another special fund treasury fund under the control of
322 the Department of Corrections. The purpose of this authority is
323 to more efficiently use available cash reserves. It is further
324 the intention of the Legislature that the Department of
325 Corrections shall submit written justification for the transfer to
326 the Legislative Budget Office and the Department of Finance and
327 Administration on or before the fifteenth (15th) of the month
328 prior to the effective date of the transfer.

329 **SECTION 14.** The Commissioner of the Mississippi Department
330 of Corrections is hereby authorized to transfer spending authority
331 between and within budgets, both positions and funds, in an amount
332 not to exceed twenty-five percent (25%) of the authorized budgets
333 in the aggregate. It is further the intention of the Legislature
334 that the Department of Corrections shall submit written
335 justification for the transfer to the Legislative Budget Office
336 and the Department of Finance and Administration on or before the
337 fifteenth (15th) of the month prior to the effective date of the
338 transfer. However, no transfers shall be authorized which
339 increase the major object of expenditure "Salaries, Wages and
340 Fringe Benefits" in any budget authorized in Section 3 of this
341 act.

342 **SECTION 15.** It is the intention of the Legislature that the
343 Mississippi Department of Corrections shall have the authority to
344 receive, budget, and expend funds from any source, including

345 beginning cash in excess of beginning cash when spending authority
346 was initially appropriated, that may become available to the
347 department in accordance with the rules and regulations of the
348 Department of Finance and Administration in a matter consistent
349 with the escalation of federal funds.

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

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

361 **SECTION 18.** Of the funds appropriated under the provisions
362 of Section 2, Fifty-six Million Dollars (\$56,000,000.00) shall be
363 derived from the Budget Contingency Fund, as created in Section
364 27-103-301, Mississippi Code of 1972.

365 **SECTION 19.** It is the intention of the Legislature that
366 whenever two (2) or more bids are received by this agency for the
367 purchase of commodities or equipment, and whenever all things
368 stated in such received bids are equal with respect to price,
369 quality and service, the Mississippi Industries for the Blind
370 shall be given preference. A similar preference shall be given to
371 the Mississippi Industries for the Blind whenever purchases are
372 made without competitive bids.

373 **SECTION 20.** The money herein appropriated shall be paid by
374 the State Treasurer out of any money in the State Treasury to the
375 credit of the proper fund or funds as set forth in this act, upon
376 warrants issued by the State Fiscal Officer; and the State Fiscal

377 Officer shall issue his warrants upon requisitions signed by the
378 proper person, officer or officers, in the manner provided by law.

379 **SECTION 21.** This act shall take effect and be in force from
380 and after July 1, 2006.