

**House Amendments to Senate Bill No. 3143**

**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:

5       **SECTION 1.** The following sum, or so much thereof as may be  
6 necessary, is hereby appropriated out of any money in the State  
7 General Fund not otherwise appropriated, for the support and  
8 maintenance of the Mississippi Department of Corrections for the  
9 fiscal year beginning July 1, 2007, and ending June 30, 2008.....  
10 ..... \$    261,999,580.00.

11       **SECTION 2.** The following sum, or so much thereof as may be  
12 necessary, is hereby appropriated out of any money in the special  
13 fund in the State Treasury to the credit of the Mississippi  
14 Department of Corrections which is collected by or otherwise  
15 become available for the purpose of defraying the expenses of the  
16 Department, for the fiscal year beginning July 1, 2007, and ending  
17 June 30, 2008..... \$    63,158,747.00.

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

**SUPPORT**

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

25           Salaries, Wages and Fringe Benefits.. \$   125,035,146.00  
26           Travel and Subsistence.....                   452,934.00  
27           Contractual Services.....                   19,079,318.00  
28           Commodities.....                   13,000,000.00

Capital Outlay:

30           Other Than Equipment.....                   274,578.00

31	Equipment.....	765,576.00
32	Vehicles.....	251,189.00
33	Wireless Communication Devices.....	0.00
34	Subsidies, Loans and Grants.....	<u>96,044.00</u>
35	Total.....	\$ 158,954,785.00

36 FUNDING:

37	General Funds.....	\$ 145,182,472.00
38	Special Funds.....	<u>13,772,313.00</u>
39	Total.....	\$ 158,954,785.00

40 AUTHORIZED POSITIONS:

41	Permanent: Full Time.....	3,247
42	Part Time.....	23
43	Time-Limited: Full Time.....	124
44	Part Time.....	0

45 **MEDICAL SERVICES**

46 MAJOR OBJECTS OF EXPENDITURE:

47 Personal Services:

48	Salaries, Wages and Fringe Benefits..	\$ 270,500.00
49	Travel and Subsistence.....	0.00
50	Contractual Services.....	44,366,299.00
51	Commodities.....	0.00
52	Capital Outlay:	
53	Other Than Equipment.....	0.00
54	Equipment.....	0.00
55	Vehicles.....	0.00
56	Wireless Communication Devices.....	0.00
57	Subsidies, Loans and Grants.....	<u>0.00</u>
58	Total.....	\$ 44,636,799.00

59 FUNDING:

60	General Funds.....	\$ 30,094,981.00
61	Special Funds.....	<u>14,541,818.00</u>
62	Total.....	\$ 44,636,799.00

63 AUTHORIZED POSITIONS:

64	Permanent: Full Time.....	3
65	Part Time.....	0

66 Time-Limited: Full Time..... 0  
 67 Part Time..... 0

**PAROLE BOARD**

69 MAJOR OBJECTS OF EXPENDITURE:

70 Personal Services:

71 Salaries, Wages and Fringe Benefits.. \$ 569,658.00  
 72 Travel and Subsistence..... 23,000.00  
 73 Contractual Services..... 54,549.00  
 74 Commodities..... 6,000.00  
 75 Capital Outlay:  
 76 Other Than Equipment..... 0.00  
 77 Equipment..... 0.00  
 78 Vehicles..... 0.00  
 79 Wireless Communication Devices..... 0.00  
 80 Subsidies, Loans and Grants..... 0.00  
 81 Total..... \$ 653,207.00

82 FUNDING:

83 General Funds..... \$ 653,207.00  
 84 Special Funds..... 0.00  
 85 Total..... \$ 653,207.00

86 AUTHORIZED POSITIONS:

87 Permanent: Full Time..... 8  
 88 Part Time..... 0  
 89 Time-Limited: Full Time..... 0  
 90 Part Time..... 0

**FARMING OPERATIONS**

92 MAJOR OBJECTS OF EXPENDITURE:

93 Personal Services:

94 Salaries, Wages and Fringe Benefits.. \$ 625,752.00  
 95 Travel and Subsistence..... 3,000.00  
 96 Contractual Services..... 134,462.00  
 97 Commodities..... 1,520,000.00  
 98 Capital Outlay:  
 99 Other Than Equipment..... 180,000.00  
 100 Equipment..... 159,692.00

101	Vehicles.....		0.00
102	Wireless Communication Devices.....		0.00
103	Subsidies, Loans and Grants.....		<u>28,806.00</u>
104	Total.....	\$	2,651,712.00
105	FUNDING:		
106	General Funds.....	\$	0.00
107	Special Funds.....		<u>2,651,712.00</u>
108	Total.....	\$	2,651,712.00
109	AUTHORIZED POSITIONS:		
110	Permanent: Full Time.....	14	
111	Part Time.....	0	
112	Time-Limited: Full Time.....	0	
113	Part Time.....	0	
114	<b>PRIVATE PRISONS</b>		
115	MAJOR OBJECTS OF EXPENDITURE:		
116	Personal Services:		
117	Salaries, Wages and Fringe Benefits..	\$	0.00
118	Travel and Subsistence.....		0.00
119	Contractual Services.....		75,547,043.00
120	Commodities.....		0.00
121	Capital Outlay:		
122	Other Than Equipment.....		0.00
123	Equipment.....		0.00
124	Vehicles.....		0.00
125	Wireless Communication Devices.....		0.00
126	Subsidies, Loans and Grants.....		<u>0.00</u>
127	Total.....	\$	75,547,043.00
128	FUNDING:		
129	General Funds.....	\$	55,580,370.00
130	Special Funds.....		<u>19,966,673.00</u>
131	Total.....	\$	75,547,043.00
132	AUTHORIZED POSITIONS:		
133	Permanent: Full Time.....	0	
134	Part Time.....	0	
135	Time-Limited: Full Time.....	0	

136 Part Time..... 0

137 **REGIONAL FACILITIES**

138 MAJOR OBJECTS OF EXPENDITURE:

139 Personal Services:

140 Salaries, Wages and Fringe Benefits.. \$ 0.00

141 Travel and Subsistence..... 0.00

142 Contractual Services..... 33,225,136.00

143 Commodities..... 0.00

144 Capital Outlay:

145 Other Than Equipment..... 0.00

146 Equipment..... 0.00

147 Vehicles..... 0.00

148 Wireless Communication Devices..... 0.00

149 Subsidies, Loans and Grants..... 0.00

150 Total..... \$ 33,225,136.00

151 FUNDING:

152 General Funds..... \$ 23,253,146.00

153 Special Funds..... 9,971,990.00

154 Total..... \$ 33,225,136.00

155 AUTHORIZED POSITIONS:

156 Permanent: Full Time..... 0

157 Part Time..... 0

158 Time-Limited: Full Time..... 0

159 Part Time..... 0

160 **LOCAL CONFINEMENT - COUNTY JAILS**

161 MAJOR OBJECTS OF EXPENDITURE:

162 Personal Services:

163 Salaries, Wages and Fringe Benefits.. \$ 0.00

164 Travel and Subsistence..... 0.00

165 Contractual Services..... 9,489,645.00

166 Commodities..... 0.00

167 Capital Outlay:

168 Other Than Equipment..... 0.00

169 Equipment..... 0.00

170 Vehicles..... 0.00

171	Wireless Communication Devices.....	0.00
172	Subsidies, Loans and Grants.....	<u>0.00</u>
173	Total.....	\$ 9,489,645.00

174 FUNDING:

175	General Funds.....	\$ 7,235,404.00
176	Special Funds.....	<u>2,254,241.00</u>
177	Total.....	\$ 9,489,645.00

178 AUTHORIZED POSITIONS:

179	Permanent: Full Time.....	0
180	Part Time.....	0
181	Time-Limited: Full Time.....	0
182	Part Time.....	0

183 Funds are provided herein to adjust the Variable Compensation  
184 Plan to ensure that all full-time employees receive a pay increase  
185 equal to the realignment component of the Variable Compensation  
186 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever  
187 is greater.

188 With the funds herein appropriated, it is the intention of  
189 the Legislature that it shall be the agency's responsibility to  
190 make certain that funds required to be appropriated for "Personal  
191 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
192 funds appropriated for that purpose, unless programs or positions  
193 are added to the agency's Fiscal Year 2009 budget by the  
194 Mississippi Legislature. Based on data provided by the  
195 Legislative Budget Office, the State Personnel Board shall  
196 determine and publish the projected annual cost to fully fund all  
197 appropriated positions in compliance with the provisions of this  
198 act. It shall be the responsibility of the agency head to insure  
199 that no single personnel action increases this projected annual  
200 cost and/or the Fiscal Year 2008 appropriation for "Personal  
201 Services" when annualized, with the exception of escalated funds.  
202 If, at the time the agency takes any action to change "Personal  
203 Services," the State Personnel Board determines that the agency  
204 has taken an action which would cause the agency to exceed this  
205 projected annual cost or the Fiscal Year 2008 "Personal Services"

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

210 Any transfers or escalations shall be made in accordance with  
211 the terms, conditions and procedures established by law or  
212 allowable under the terms set forth within this act. The State  
213 Personnel Board shall not escalate positions without written  
214 approval from the Department of Finance and Administration. The  
215 Department of Finance and Administration shall not provide written  
216 approval to escalate any funds for salaries and/or positions  
217 without proof of availability of new or additional funds above the  
218 appropriated level.

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

223 The agency shall not take any action to promote or otherwise  
224 award salary increases through reallocation, reclassification,  
225 realignment, education benchmark, career ladder, or any other  
226 means to increase salaries of employees or positions unless  
227 specifically exempted by the following conditions: the award of  
228 teacher pay increases, the advancement of a trainee/cadet to the  
229 next level of a bona fide career ladder, the award of an  
230 educational benchmark for the attainment of Certified Public  
231 Accountant License or higher level professional certification as  
232 determined by the State Personnel Board, the immediate replacement  
233 of a departing employee with an individual from within state  
234 service or a new hire at a salary level equivalent to that of the  
235 departing employee, and the emergency appointment of nurses,  
236 pharmacists or other health care professionals at a salary to be  
237 determined by the State Personnel Board, unless otherwise  
238 authorized in this act.

239 **SECTION 4.** In compliance with the "Mississippi Performance  
240 Budget and Strategic Planning Act of 1994," it is the intent of

241 the Legislature that the funds provided herein shall be utilized  
 242 in the most efficient and effective manner possible to achieve the  
 243 intended mission of this agency. Based on the funding authorized,  
 244 this agency shall make every effort to attain the targeted  
 245 performance measures provided below:

	FY08
<u>Performance Measures</u>	<u>Target</u>
Institutions - Parchman	
Average Population (Inmates)	4,450
Participants in Programs (Inmates)	3,100
Successful Program Completion (Inmates)	1,200
Central MS Correctional Fac	
Average Population (Inmates)	3,250
Participants in Programs (Inmates)	2,000
Successful Program Completion (Inmates)	1,150
South MS Correctional Fac	
Average Population (Inmates)	2,015
Participants in Programs (Inmates)	1,600
Successful Program Completion (Inmates)	900
Community Corrections	
Average Population (Offenders)	24,000
Farming	
Vegetables Produced (Pounds)	3,800,000
Dozens of Eggs Sold (Dozens)	600,000
Parole Board	
Number Paroled (Offenders)	1,250
Number of Paroles Revoked (Revocations)	225
Private Prisons	
Private Prison Beds Funded (Beds)	4,890
Medical Services	
Average Population Covered (Inmates)	14,598
Regional Facilities	
Regional Prison Beds Funded (Beds)	3,060
Local Confinement	
Local Confinement Population (Inmates)	1,324



276 A reporting of the degree to which the performance targets  
277 set above have been or are being achieved shall be provided in the  
278 agency's budget request submitted to the Joint Legislative Budget  
279 Committee for Fiscal Year 2009.

280 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,  
281 none shall be expended for personnel housing under the  
282 jurisdiction of the Department of Corrections unless the  
283 department shall collect a reasonable rent, after a finding of  
284 fact as to what is a reasonable rent, and/or the cost of utilities  
285 furnished to said housing. The Department of Corrections shall  
286 not pay for the installation or monthly service of any telephone  
287 installed in a staff residence under its jurisdiction.

288 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,  
289 and authorized for expenditure in Section 3, payment may be  
290 authorized for court ordered attorney fees and any accrued  
291 interest subject to the approval of the Office of the Attorney  
292 General.

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

298 **SECTION 8.** None of the money herein appropriated shall be  
299 paid to any person who by the provision of Section 47-5-47,  
300 Mississippi Code of 1972, as amended, is prohibited from being an  
301 employee of the Mississippi Department of Corrections. The State  
302 Department of Finance and Administration shall at least annually  
303 make a report to the Joint Legislative Committee on Performance  
304 Evaluation and Expenditure Review and to the Attorney General  
305 stating the name of any person prohibited under the provisions of  
306 Section 47-5-47, Mississippi Code of 1972, as amended, from being  
307 an employee of the Mississippi Department of Corrections who has  
308 during the preceding year received any money herein appropriated.  
309 In the event that any such person prohibited as herein above  
310 provided from receiving funds herein appropriated should receive

311 any of said funds, the Attorney General shall immediately commence  
312 action to recover the monies so paid to said person and to enjoin  
313 the further employment of said person at the Mississippi  
314 Department of Corrections.

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

319       **SECTION 10.** It is the intention of the Legislature that the  
320 Department of Corrections shall have the authority to accept,  
321 budget and expend any special funds collected or otherwise  
322 available, through the sell of scrap or recycled material, for the  
323 purpose of providing recycling equipment, supplies or services for  
324 use within the department.

325       **SECTION 11.** It is the intention of the Legislature that the  
326 per diem rates paid to regional facilities shall not exceed  
327 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.  
328 All regional facilities shall continue to receive the annual three  
329 percent (3%) increase in the per diem rate as authorized in  
330 Section 47-5-933, Mississippi Code of 1972, however, in no event  
331 shall any regional facility's per diem rate exceed Twenty-nine  
332 Dollars and Seventy-four Cents (\$29.74) per inmate.

333       **SECTION 12.** The department or its contracted medical  
334 provider will pay to a provider of a medical service for any and  
335 all incarcerated persons from a correctional or detention facility  
336 an amount based upon negotiated fees as agreed to by the medical  
337 care service providers and the department and/or its contracted  
338 medical provider. In the absence of negotiated discounted fee  
339 schedule, medical care service providers will be paid by the  
340 department or its contracted medical service provider an amount no  
341 greater than the reimbursement rate applicable based on the  
342 Mississippi Medicaid reimbursement rate. This limitation applies  
343 to all medical care services, durable and nondurable goods,  
344 prescription drugs and medications provided to any and all

345 incarcerated persons outside of the correctional or detention  
346 facility.

347       **SECTION 13.** It is the intention of the Legislature that the  
348 Commissioner of the Mississippi Department of Corrections shall  
349 have the authority to transfer cash from one special fund treasury  
350 fund to another special fund treasury fund under the control of  
351 the Department of Corrections. The purpose of this authority is  
352 to more efficiently use available cash reserves. It is further  
353 the intention of the Legislature that the Department of  
354 Corrections shall submit written justification for the transfer to  
355 the Legislative Budget Office and the Department of Finance and  
356 Administration on or before the fifteenth (15th) of the month  
357 prior to the effective date of the transfer.

358       **SECTION 14.** The Commissioner of the Mississippi Department  
359 of Corrections is hereby authorized to transfer spending authority  
360 between and within budgets, both positions and funds, in an amount  
361 not to exceed twenty-five percent (25%) of the authorized budgets  
362 in the aggregate. It is further the intention of the Legislature  
363 that the Department of Corrections shall submit written  
364 justification for the transfer to the Legislative Budget Office  
365 and the Department of Finance and Administration on or before the  
366 fifteenth (15th) of the month prior to the effective date of the  
367 transfer. However, no transfers shall be authorized which  
368 increase the major object of expenditure "Salaries, Wages and  
369 Fringe Benefits" in any budget authorized in Section 3 of this  
370 act.

371       **SECTION 15.** It is the intention of the Legislature that the  
372 Mississippi Department of Corrections shall have the authority to  
373 receive, budget, and expend funds from any source, including  
374 beginning cash in excess of beginning cash when spending authority  
375 was initially appropriated, that may become available to the  
376 department in accordance with the rules and regulations of the  
377 Department of Finance and Administration in a matter consistent  
378 with the escalation of federal funds.

379           **SECTION 16.** It is the intention of the Legislature that the  
380 Department of Corrections shall have the authority to accept,  
381 budget and expend any portion of confiscated funds received in  
382 conjunction with its participating in investigations of illegal  
383 activities of any offender under the supervision of the agency.  
384 These funds shall be used to provide security enhancement within  
385 the Department of Corrections.

386           **SECTION 17.** It is the intention of the Legislature that  
387 whenever two (2) or more bids are received by this agency for the  
388 purchase of commodities or equipment, and whenever all things  
389 stated in such received bids are equal with respect to price,  
390 quality and service, the Mississippi Industries for the Blind  
391 shall be given preference. A similar preference shall be given to  
392 the Mississippi Industries for the Blind whenever purchases are  
393 made without competitive bids.

394           **SECTION 18.** It is legislative intent to ensure beneficial  
395 information reaches as many Mississippians as possible. Further,  
396 it is legislative intent that the expenditure of public funds for  
397 this purpose be accomplished in an efficient and effective manner.

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

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

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

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

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

409                   (e) Utilize Mississippi owned media companies when  
410 feasible.

411           **SECTION 19.** The department is authorized to expend available  
412 funds on technology or equipment upgrades or replacements when it  
413 will generate savings through efficiency or when the savings

414 generated from such upgrades or replacements exceed expenditures  
415 thereof.

416       **SECTION 20.** Of the funds appropriated under the provisions  
417 of Section 2, Thirty-six Million Four Hundred Sixty-four Thousand  
418 Two Hundred Twenty-two Dollars (\$36,464,222.00) shall be derived  
419 from the Budget Contingency Fund, as created in Section  
420 27-103-301, Mississippi Code of 1972.

421       **SECTION 21.** Of the funds appropriated under the provisions  
422 of Section 2, Ten Million Dollars (\$10,000,000.00) shall be  
423 derived from the Working Cash-Stabilization Reserve Fund.

424       **SECTION 22.** The money herein appropriated shall be paid by  
425 the State Treasurer out of any money in the State Treasury to the  
426 credit of the proper fund or funds as set forth in this act, upon  
427 warrants issued by the State Fiscal Officer; and the State Fiscal  
428 Officer shall issue his warrants upon requisitions signed by the  
429 proper person, officer or officers, in the manner provided by law.

430       **SECTION 23.** This act shall take effect and be in force from  
431 and after July 1, 2007.

HR05\SB3143A.J

Don Richardson  
Clerk of the House of Representatives