

House Amendments to Senate Bill No. 3137

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, 2004, and ending June 30, 2005.....
11 \$ 215,742,915.00.

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, 2004, and ending
18 June 30, 2005..... \$ 54,157,889.00.

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

FUNDING:

25	General Funds.....	\$	124,673,592.00
26	Special Funds.....		<u>11,095,108.00</u>
27	Total.....	\$	135,768,700.00

AUTHORIZED POSITIONS:

29	Permanent:	Full Time.....	3,673
30		Part Time.....	31
31	Time-Limited:	Full Time.....	123

32 Part Time..... 0

33 **MEDICAL SERVICES**

34 FUNDING:

35 General Funds..... \$ 24,245,634.00

36 Special Funds..... 12,759,106.00

37 Total..... \$ 37,004,740.00

38 AUTHORIZED POSITIONS:

39 Permanent: Full Time..... 0

40 Part Time..... 0

41 Time-Limited: Full Time..... 2

42 Part Time..... 0

43 **PAROLE BOARD**

44 MAJOR OBJECTS OF EXPENDITURE:

45 Personal Services:

46 Salaries, Wages and Fringe Benefits.. \$ 409,967.00

47 Travel and Subsistence..... 25,000.00

48 Contractual Services..... 61,883.00

49 Commodities..... 10,000.00

50 Capital Outlay:

51 Other Than Equipment..... 0.00

52 Equipment..... 0.00

53 Subsidies, Loans and Grants..... 0.00

54 Total..... \$ 506,850.00

55 FUNDING:

56 General Funds..... \$ 506,850.00

57 Special Funds..... 0.00

58 Total..... \$ 506,850.00

59 AUTHORIZED POSITIONS:

60 Permanent: Full Time..... 8

61 Part Time..... 0

62 Time-Limited: Full Time..... 0

63 Part Time..... 0

64 **FARMING OPERATIONS**

65 MAJOR OBJECTS OF EXPENDITURE:

66 Personal Services:

67	Salaries, Wages and Fringe Benefits..	\$	598,743.00
68	Travel and Subsistence.....		5,100.00
69	Contractual Services.....		227,850.00
70	Commodities.....		1,590,041.00
71	Capital Outlay:		
72	Other Than Equipment.....		180,000.00
73	Equipment.....		208,898.00
74	Subsidies, Loans and Grants.....		<u>8,015.00</u>
75	Total.....	\$	2,818,647.00
76	FUNDING:		
77	General Funds.....	\$	0.00
78	Special Funds.....		<u>2,818,647.00</u>
79	Total.....	\$	2,818,647.00
80	AUTHORIZED POSITIONS:		
81	Permanent: Full Time.....		14
82	Part Time.....		0
83	Time-Limited: Full Time.....		0
84	Part Time.....		0
85			
			PRIVATE PRISONS
86	FUNDING:		
87	General Funds.....	\$	41,127,589.00
88	Special Funds.....		<u>18,503,918.00</u>
89	Total.....	\$	59,631,507.00
90	AUTHORIZED POSITIONS:		
91	Permanent: Full Time.....		0
92	Part Time.....		0
93	Time-Limited: Full Time.....		0
94	Part Time.....		0
95			
			REGIONAL FACILITIES
96	FUNDING:		
97	General Funds.....	\$	19,526,069.00
98	Special Funds.....		<u>7,401,231.00</u>
99	Total.....	\$	26,927,300.00
100	AUTHORIZED POSITIONS:		
101	Permanent: Full Time.....		0

102 Part Time..... 0
 103 Time-Limited: Full Time..... 0
 104 Part Time..... 0

105 **LOCAL CONFINEMENT - COUNTY JAILS**

106 FUNDING:

107 General Funds..... \$ 5,663,181.00
 108 Special Funds..... 1,579,879.00
 109 Total..... \$ 7,243,060.00

110 AUTHORIZED POSITIONS:

111 Permanent: Full Time..... 0
 112 Part Time..... 0
 113 Time-Limited: Full Time..... 0
 114 Part Time..... 0

115 With the funds herein appropriated, it is the intention of
 116 the Legislature that it shall be the agency's responsibility to
 117 make certain that funds required to be appropriated for "Personal
 118 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
 119 funds appropriated for that purpose, unless programs or positions
 120 are added to the agency's Fiscal Year 2006 budget by the
 121 Mississippi Legislature. Based on data provided by the
 122 Legislative Budget Office, the State Personnel Board shall
 123 determine and publish the projected annual cost to fully fund all
 124 appropriated positions in compliance with the provisions of this
 125 act. It shall be the responsibility of the agency head to insure
 126 that no single personnel action increases this projected annual
 127 cost and/or the Fiscal Year 2005 appropriation for "Personal
 128 Services" when annualized, with the exception of escalated funds.
 129 If, at the time the agency takes any action to change "Personal
 130 Services," the State Personnel Board determines that the agency
 131 has taken an action which would cause the agency to exceed this
 132 projected annual cost or the Fiscal Year 2005 "Personal Services"
 133 appropriated level, when annualized, then only those actions which
 134 reduce the projected annual cost and/or the appropriation
 135 requirement will be processed by the State Personnel Board until
 136 such time as the requirements of this provision are met.

137 Any transfers or escalations shall be made in accordance with
138 the terms, conditions and procedures established by law or
139 allowable under the terms set forth within this act. The State
140 Personnel Board shall not escalate positions without written
141 approval from the Department of Finance and Administration. The
142 Department of Finance and Administration shall not provide written
143 approval to escalate any funds for salaries and/or positions
144 without proof of availability of new or additional funds above the
145 appropriated level.

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

150 **SECTION 4.** The funds authorized herein shall be used to fund
151 all operations of the agency with the following prohibitions:

152 (1) The agency shall not fill any current or future vacant
153 positions;

154 (2) The agency shall not take any action to promote or
155 otherwise award salary increases through reallocation,
156 reclassification, realignment, education benchmark, career ladder,
157 or any other means to increase salaries of employees or positions
158 except as allowed under the provisions set forth in House Bill No.
159 1279, 2004 Regular Session;

160 (3) The agency shall not expend funds for out-of-state
161 travel except as allowed under the provisions set forth in House
162 Bill No. 1279, 2004 Regular Session;

163 (4) The agency shall not expend funds for the purchase of or
164 contract for cellular phones, two-way radios or pagers, except for
165 support of employees in the Department of Public Safety and the
166 Bureau of Narcotics as recommended by Information Technology
167 Services or as allowed under the provisions set forth in House
168 Bill No. 1279, 2004 Regular Session;

169 (5) The agency shall not expend funds to publish or
170 distribute any annual reports or other publications;

171 (6) The agency shall not expend funds for public relation
172 activities regarding the functions, programs or services of the
173 agency except as allowed under the provisions set forth in House
174 Bill No. 1279, 2004 Regular Session;

175 (7) The agency shall not advertise the functions, programs
176 or services of the agency except that the Mississippi Development
177 Authority is authorized to expend funds for advertising to carry
178 out the purposes of key programs administered by the authority;

179 (8) The agency shall not expend funds for staff development
180 or training services;

181 (9) The agency shall not expend funds for the purchase of
182 new or replacement equipment or furniture, excluding lease
183 purchase payments on agreements in effect upon passage of this
184 appropriation bill, except as allowed under the provisions set
185 forth in House Bill No. 1279, 2004 Regular Session.

186 **SECTION 5.** It is the intention of the Legislature that none
187 of the funds appropriated above shall be expended unless members
188 of the Mississippi House of Representatives and Mississippi Senate
189 are notified at least five (5) days prior to a public ceremony
190 announcing the award of any grant in their district or any public
191 announcement or ceremony regarding the groundbreaking or opening
192 of a facility, roadway or bridge for which the Legislature has
193 made funds available. Any signage regarding any public event or
194 any new facility, roadway or bridge shall include the following
195 language: "Funds were made available for this project by the
196 Mississippi State Legislature."

197 **SECTION 6.** It is the intention of the Legislature that the
198 Mississippi Department of Corrections shall maintain complete
199 accounting and personnel records related to the expenditure of all
200 funds appropriated under this act and that such records shall be
201 in the same format and level of detail as maintained for Fiscal
202 Year 2004. It is further the intention of the Legislature that
203 the agency's budget request for Fiscal Year 2006 shall be
204 submitted to the Joint Legislative Budget Committee in a format

205 and level of detail comparable to the format and level of detail
206 provided during the Fiscal Year 2005 budget request process.

207 **SECTION 7.** In compliance with the "Mississippi Performance
208 Budget and Strategic Planning Act of 1994," it is the intent of
209 the Legislature that the funds provided herein shall be utilized
210 in the most efficient and effective manner possible to achieve the
211 intended mission of this agency. Based on the funding authorized,
212 this agency shall make every effort to attain the targeted
213 performance measures provided below:

214		FY2005
215	<u>Performance Measures</u>	<u>Target</u>
216	Institutions - Parchman	
217	Average Population (Inmates)	5,664
218	Participants in Programs (Inmates)	2,957
219	Successful Program Completion (Inmates)	1,314
220	Central MS Correctional Fac	
221	Average Population (Inmates)	3,155
222	Participants in Programs (Inmates)	1,522
223	Successful Program Completion (Inmates)	895
224	South MS Correctional Fac	
225	Average Population (Inmates)	2,146
226	Participants in Programs (Inmates)	1,964
227	Successful Program Completion (Inmates)	1,436
228	Community Corrections	
229	Average Population (Offenders)	28,489
230	Farming	
231	Vegetables Produced (Pounds)	5,500,000
232	Dozens of Eggs Sold (Dozens)	650,000
233	Parole Board	
234	Number Paroled (Offenders)	950
235	Number of Paroles Revoked (Revocations)	225
236	Private Prisons	
237	Private Prison Beds Funded (Beds)	4,457
238	Medical Services	
239	Average Population Covered (Inmates)	15,685

240	Regional Facilities	
241	Regional Prison Beds Funded (Beds)	2,750
242	Local Confinement	
243	Approved Monthly Population (Inmates)	1,465
244	Unapproved Monthly Population (Inmates)	350

245 A reporting of the degree to which the performance targets
246 set above have been or are being achieved shall be provided in the
247 agency's budget request submitted to the Joint Legislative Budget
248 Committee for Fiscal Year 2006.

249 **SECTION 8.** It is the intention of the Legislature that the
250 Department of Corrections may use any federal funds that may
251 become available for the construction of a certified fail-safe
252 lethal/non-lethal fencing system at any of its maximum security
253 units for that purpose.

254 **SECTION 9.** Of the funds appropriated in Sections 1 and 2,
255 and authorized for expenditure in Section 3, it is the intention
256 of the Legislature that any contractual service payments made by
257 the department to defray medical expenses for inmates shall be at
258 the currently established Medicaid reimbursement rate; however, if
259 hospital and medical providers will not contract at the Medicaid
260 reimbursement rate, the Department of Corrections may enter into a
261 negotiated contract.

262 **SECTION 10.** Of the funds appropriated in Sections 1 and 2,
263 none shall be expended for personnel housing under the
264 jurisdiction of the Department of Corrections unless the
265 department shall collect a reasonable rent, after a finding of
266 fact as to what is a reasonable rent, and/or the cost of utilities
267 furnished to said housing. The Department of Corrections shall
268 not pay for the installation or monthly service of any telephone
269 installed in a staff residence under its jurisdiction.

270 **SECTION 11.** Of the funds appropriated in Sections 1 and 2,
271 and authorized for expenditure in Section 3, payment may be
272 authorized for court ordered attorney fees and any accrued
273 interest subject to the approval of the Office of the Attorney
274 General.

275 **SECTION 12.** No part of the funds herein appropriated shall
276 be used for the purpose of returning escaped state convicts to the
277 State Penitentiary from a distance of over one hundred (100) miles
278 beyond the borders of the state, except upon approval of the
279 Governor in each specific case.

280 **SECTION 13.** None of the money herein appropriated shall be
281 paid to any person who by the provision of Section 47-5-47,
282 Mississippi Code of 1972, as amended, is prohibited from being an
283 employee of the Mississippi Department of Corrections. The State
284 Department of Finance and Administration shall at least annually
285 make a report to the Joint Legislative Committee on Performance
286 Evaluation and Expenditure Review and to the Attorney General
287 stating the name of any person prohibited under the provisions of
288 Section 47-5-47, Mississippi Code of 1972, as amended, from being
289 an employee of the Mississippi Department of Corrections who has
290 during the preceding year received any money herein appropriated.
291 In the event that any such person prohibited as herein above
292 provided from receiving funds herein appropriated should receive
293 any of said funds, the Attorney General shall immediately commence
294 action to recover the monies so paid to said person and to enjoin
295 the further employment of said person at the Mississippi
296 Department of Corrections.

297 **SECTION 14.** It is the intent of the Legislature that all
298 prisoners at Parchman shall work a minimum of eight (8) hours per
299 day, excluding prisoners with a physical disability or those
300 incarcerated in maximum security.

301 **SECTION 15.** It is the intention of the Legislature that the
302 Department of Corrections shall have the authority to accept,
303 budget and expend any special funds collected or otherwise
304 available, through the sell of scrap or recycled material, for the
305 purpose of providing recycling equipment, supplies or services for
306 use within the department.

307 **SECTION 16.** None of the funds appropriated herein can be
308 directly or indirectly associated with the ACA accreditation in
309 the Community Services Division.

310 **SECTION 17.** It is the intention of the Legislature that the
311 per diem rates paid to regional facilities shall not exceed
312 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
313 All regional facilities shall continue to receive the annual three
314 percent (3%) increase in the per diem rate as authorized in
315 Section 47-5-933, Mississippi Code of 1972, however, in no event
316 shall any regional facility's per diem rate exceed Twenty-nine
317 Dollars and Seventy-four Cents (\$29.74) per inmate.

318 **SECTION 18.** It is the intention of the Legislature that the
319 Commissioner of the Mississippi Department of Corrections may
320 transfer between certain budgets authorized in Section 3,
321 including Support, Medical Services, Parole Board, Farming
322 Operations, Private Prisons, Regional Facilities and Local
323 Confinement, both positions and funds in an amount not to exceed
324 twenty-five percent (25%) of the authorized budgets in the
325 aggregate. The Commissioner of the Mississippi Department of
326 Corrections shall submit written justification for the transfer to
327 the Legislative Budget Office and the Department of Finance and
328 Administration on or before the fifteenth of the month prior to
329 the effective date of the transfer. However, no transfers shall
330 be authorized which increase the major object of expenditure
331 "Salaries, Wages and Fringe Benefits" in any budget authorized in
332 Section 3 of this act.

333 **SECTION 19.** It is the intention of the Legislature that the
334 Mississippi Department of Corrections may use funds appropriated
335 herein to enter into a lease purchase agreement through the State
336 Master Lease Program to purchase property located at 421 West
337 Pascagoula Street in Jackson, Mississippi, for use as the Hinds
338 County Probation and Parole Office and the Statewide Records
339 Office for the Mississippi Department of Corrections. Total
340 outlays for any such agreement to purchase this facility must be
341 less than the total outlays to lease this property over a ten-year
342 period and shall be approved by the Executive Director of the
343 Department of Finance and Administration.

344 **SECTION 20.** Of the funds appropriated under the provisions
345 of Section 2, Forty Million Dollars (\$40,000,000.00) shall be
346 derived from the Budget Contingency Fund, as created in Section
347 27-103-301, Mississippi Code of 1972, to be allocated as follows:

348	Medical Services.....	\$12,514,972.00
349	Private Prisons.....	18,503,918.00
350	Regional Facilities.....	7,401,231.00
351	Local Confinement - County Jails.....	<u>1,579,879.00</u>
352	Total.....	\$40,000,000.00

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

359 **SECTION 22.** This act shall take effect and be in force from
360 and after July 1, 2004.

HR05\SB3137A.J

Don Richardson
Clerk of the House of Representatives