

By: Senator(s) Hall, Burton, Posey, Jordan
(18th), Ross, Simmons, Turner, White (5th),
Woodfield

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3159

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 2000.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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, 1999, and ending June 30, 2000.....
11 \$ 230,560,418.00.

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, 1999, and ending
18 June 30, 2000..... \$ 15,412,684.00.

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.. \$ 115,007,752.00
27 Travel and Subsistence..... 657,245.00

28	Contractual Services.....	79,436,779.00
29	Commodities.....	16,317,465.00
30	Capital Outlay:	
31	Other Than Equipment.....	1,804,578.00
32	Equipment.....	2,393,444.00
33	Subsidies, Loans and Grants.....	<u>397,320.00</u>
34	Total.....	\$ 216,014,583.00
35	FUNDING:	
36	General Funds.....	\$ 206,257,246.00
37	Special Funds.....	<u>9,757,337.00</u>
38	Total.....	\$ 216,014,583.00
39	AUTHORIZED POSITIONS:	
40	Permanent: Full Time.	4,108
41	Part Time.	32
42	Time-Limited: Full Time.	57
43	Part Time.	0
44	MEDICAL SERVICES	
45	FUNDING:	
46	General Funds.....	\$ 23,359,288.00
47	Special Funds.....	<u>0.00</u>
48	Total.....	\$ 23,359,288.00
49	AUTHORIZED POSITIONS:	
50	Permanent: Full Time.	8
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..	\$ 715,884.00
58	Travel and Subsistence.....	50,000.00
59	Contractual Services.....	102,800.00
60	Commodities.....	26,000.00

61	Capital Outlay:		
62	Other Than Equipment.....		0.00
63	Equipment.....		49,200.00
64	Subsidies, Loans and Grants.....		<u>0.00</u>
65	Total.....	\$	943,884.00

66	FUNDING:		
67	General Funds.....	\$	943,884.00
68	Special Funds.....		<u>0.00</u>
69	Total.....	\$	943,884.00

70	AUTHORIZED POSITIONS:		
71	Permanent: Full Time.		24
72	Part Time.		0
73	Time-Limited: Full Time.		0
74	Part Time.		0

FARMING OPERATIONS

76	MAJOR OBJECTS OF EXPENDITURE:		
77	Personal Services:		
78	Salaries, Wages and Fringe Benefits..	\$	967,984.00
79	Travel and Subsistence.....		17,686.00
80	Contractual Services.....		845,973.00
81	Commodities.....		2,350,000.00
82	Capital Outlay:		
83	Other Than Equipment.....		948,877.00
84	Equipment.....		500,523.00
85	Subsidies, Loans and Grants.....		<u>24,304.00</u>
86	Total.....	\$	5,655,347.00

87	FUNDING:		
88	General Funds.....	\$	0.00
89	Special Funds.....		<u>5,655,347.00</u>
90	Total.....	\$	5,655,347.00

91	AUTHORIZED POSITIONS:		
92	Permanent: Full Time.		28
93	Part Time.		0

94 Time-Limited: Full Time. 0
95 Part Time. 0

96 From the funds provided in the budget category "Personal
97 Services: Salaries, Wages and Fringe Benefits," funds may be
98 expended for the following purposes, in compliance with the
99 policies established by the State Personnel Board and any
100 conditions placed on such expenditures:

101 (a) The components of the Variable Compensation Plan
102 shall be maintained within the constraints of the funds
103 appropriated herein.

104 (b) Funds are provided to adjust the Variable
105 Compensation Plan, including realignment, to ensure that all
106 full-time employees with at least six (6) months of continuous
107 current service, as of June 30, 1999, receive an increase of One
108 Thousand Five Hundred Dollars (\$1,500.00). Funds are provided to
109 adjust critical job classes up to an additional One Thousand
110 Dollars (\$1,000.00).

111 (c) If an employee is currently at or above the end
112 salary for his or her job classification, then the increase shall
113 be built into the employee's base salary. To be eligible for any
114 increase authorized in this section, employees may not have a
115 current performance rating below "meets expectations" as of the
116 effective date of the increase. Employees who subsequently
117 receive a performance rating of "meets expectations" or above
118 during Fiscal Year 2000 shall receive the salary increase
119 effective the date of the rating.

120 It is the agency's responsibility to make certain that funds
121 required to be appropriated for "Personal Services" for Fiscal
122 Year 2001 do not exceed Fiscal Year 2000 funds appropriated for
123 that purpose unless programs or positions are added to the
124 agency's budget by the Mississippi Legislature.

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

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

131 SECTION 4. From the funds provided herein, the agency head
132 may, as approved by the State Personnel Board, implement a
133 professionalism program for correctional personnel.

134 SECTION 5. Of the funds appropriated in Sections 1 and 2,
135 and authorized for expenditure in Section 3, it is the intention
136 of the Legislature that any contractual service payments made by
137 the department to defray medical expenses for inmates shall be at
138 the currently established Medicaid reimbursement rate; however, if
139 hospital and medical providers will not contract at the Medicaid
140 reimbursement rate, the Department of Corrections may enter into a
141 negotiated contract.

142 SECTION 6. Of the funds appropriated in Sections 1 and 2,
143 none shall be expended for personnel housing under the
144 jurisdiction of the Department of Corrections unless the
145 department shall collect a reasonable rent, after a finding of
146 fact as to what is a reasonable rent, and/or the cost of utilities
147 furnished to said housing, except that the Superintendent of the
148 Central Mississippi Correctional Facility may be provided with a
149 housing expense allowance in lieu of being furnished with a
150 dwelling house. The Department of Corrections shall not pay for
151 the installation or monthly service of any telephone installed in
152 a staff residence under its jurisdiction.

153 SECTION 7. Of the funds appropriated in Sections 1 and 2,
154 and authorized for expenditure in Section 3, payment may be
155 authorized for court ordered attorney fees and any accrued
156 interest subject to the approval of the Office of the Attorney
157 General.

158 SECTION 8. No part of the funds herein appropriated shall be
159 used for the purpose of returning escaped state convicts to the

160 State Penitentiary from a distance of over one hundred (100) miles
161 beyond the borders of the state, except upon approval of the
162 Governor in each specific case.

163 SECTION 9. None of the money herein appropriated shall be
164 paid to any person who by the provision of Section 47-5-47,
165 Mississippi Code of 1972, as amended, is prohibited from being an
166 employee of the Mississippi Department of Corrections. The State
167 Department of Finance and Administration shall at least annually
168 make a report to the Joint Legislative Committee on Performance
169 Evaluation and Expenditure Review and to the Attorney General
170 stating the name of any person prohibited under the provisions of
171 Section 47-5-47, Mississippi Code of 1972, as amended, from being
172 an employee of the Mississippi Department of Corrections who has
173 during the preceding year received any money herein appropriated.

174 In the event that any such person prohibited as hereinabove
175 provided from receiving funds herein appropriated should receive
176 any of said funds, the Attorney General shall immediately commence
177 action to recover the monies so paid to said person and to enjoin
178 the further employment of said person at the Mississippi
179 Department of Corrections.

180 SECTION 10. It is the intention of the Legislature that the
181 Commissioner of the Mississippi Department of Corrections may
182 transfer between the divisions of Support, Medical Services,
183 Parole Board, Farming Operations and Local Confinement, both funds
184 and positions not to exceed fifteen percent (15%) of the
185 authorized budgets in the aggregate. The Commissioner of the
186 Mississippi Department of Corrections shall submit written
187 justification for the transfer to the Legislative Budget Office
188 and the Department of Finance and Administration on or before the
189 fifteenth of the month prior to the effective date of the
190 transfer. It is further the intention of the Legislature that no
191 transfer may be made under the provisions of this section to
192 increase or decrease the salaries category of any budget set forth

193 in the original appropriations made under this act, but may be
194 used to contract with counties to house state inmates in
195 facilities authorized by Section 47-5-931, Mississippi Code of
196 1972. It is further the intention of the Legislature that any
197 transfers made under the provisions of this paragraph shall be for
198 the removal of state inmates from county jails or of an emergency
199 nature.

200 SECTION 11. It is the intent of the Legislature that all
201 prisoners at Parchman shall work a minimum of eight (8) hours per
202 day, excluding prisoners with a physical disability or those
203 incarcerated in maximum security.

204 SECTION 12. In compliance with the "Mississippi Performance
205 Budget and Strategic Planning Act of 1994," it is the intent of
206 the Legislature that the funds provided herein shall be utilized
207 in the most efficient and effective manner possible to achieve the
208 intended mission of this agency. Based on the funding authorized,
209 this agency shall make every effort to attain the targeted
210 performance measures provided below:

211 <u>Performance Measures</u>	<u>FY2000 Target</u>
212 Mississippi State Penitentiary	
213 Average population (inmates)	4,600
214 Participants in programs (inmates)	5,030
215 Successful program completion (inmates)	3,505
216 Central Mississippi Correctional Facility	
217 Average population (inmates)	2,600
218 Participants in programs (inmates)	1,550
219 Successful program completion (inmates)	898
220 South Mississippi Correctional Facility	
221 Average population (inmates)	2,150
222 Participants in programs (inmates)	1,321
223 Successful program completion (inmates)	985
224 Community Based Services	
225 Average population (offenders)	15,000

226	Supportive Services	
227	Purchase orders generated (transactions)	15,000
228	Payment vouchers generated (transactions)	25,000
229	New hires (persons)	1,000
230	Farming Operations	
231	Vegetables produced (pounds)	3,000,000
232	Unit cost per pound of vegetable (\$)	2.16
233	Inmate days worked (days)	87,000
234	Parole Board	
235	Cost per parole hearing (\$)	187.00
236	Parole hearings (hearings)	5,000
237	Number paroled (offenders)	1,500
238	Reimbursement - Local Confinement	
239	Average approved monthly population (inmates)	865
240	Average unapproved monthly population (inmates)	600

241 A reporting of the degree to which the performance targets
242 set above have been or are being achieved shall be provided in the
243 agency's budget request submitted to the Joint Legislative Budget
244 Committee for Fiscal Year 2001.

245 SECTION 13. In addition to all other sums herein
246 appropriated, the following sum, or so much thereof as may be
247 necessary, is hereby appropriated out of any money in the State
248 General Fund not otherwise appropriated, to the Department of
249 Corrections for the purpose of paying the expenses of counties for
250 holding state prisoners in county jails, for the period beginning
251 July 1, 1999, and ending June 30, 2000.....
252 \$ 9,665,044.00.

253 SECTION 14. Of the funds appropriated under the provisions
254 of Section 2, telephone commission funds in an amount not to
255 exceed One Million Dollars (\$1,000,000.00) are provided and shall
256 be available to the Department of Corrections to defray the
257 expenses associated with contracts for certain new prison beds
258 that will become available to the Department of Corrections during

259 fiscal year 2000, prior to any other allocation of said funds.

260 SECTION 15. The money herein appropriated shall be paid by
261 the State Treasurer out of any money in the State Treasury to the
262 credit of the proper fund or funds as set forth in this act, upon
263 warrants issued by the State Fiscal Officer; and the State Fiscal
264 Officer shall issue his warrants upon requisitions signed by the
265 proper person, officer or officers in the manner provided by law.

266 SECTION 16. This act shall take effect and be in force from
267 and after July 1, 1999.