

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

To: Appropriations

SENATE BILL NO. 3159
(As Sent to Governor)

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..... \$ 16,263,220.00.

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.	4,116
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.	0
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.....		1,779,595.00
84	Equipment.....		511,645.00
85	Subsidies, Loans and Grants.....		<u>33,000.00</u>
86	Total.....	\$	6,505,883.00

87	FUNDING:		
88	General Funds.....	\$	0.00
89	Special Funds.....		<u>6,505,883.00</u>
90	Total.....	\$	6,505,883.00

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. In addition to the salary adjustments provided in
132 Section 3 (b) of this act, from the funds provided herein, the
133 Mississippi Department of Corrections may, with the assistance of
134 the State Personnel Board, implement a reorganization of the
135 following correctional personnel positions:

136 Job Title

137 Deputy Warden

138 Major

139 Captain

140 Lieutenant

141 Correctional Officer IV

142 Correctional Officer III

143 Correctional Officer II

144 Correctional Officer I

145 Correctional Officer Trainee

146 Field Officer IV

147 Field Officer III

148 Field Officer II

149 Field Officer I

150 New Positions

151 Correctional Officer Cadet

152 Field Worker

153 Correctional Service Aide II

154 Correctional Service Aide I

155 None of the increase authorized above shall be implemented
156 before all Correctional Officers Trainee I, II, III and IV have
157 received an increase. It is the intention of the Legislature that
158 a complete reporting of the implementation of this reorganization
159 be provided to the House Appropriations Committee, the Senate

160 Appropriations Committee and the Joint Legislative Budget
161 Committee.

162 SECTION 5. Of the funds appropriated in Sections 1 and 2,
163 and authorized for expenditure in Section 3, it is the intention
164 of the Legislature that any contractual service payments made by
165 the department to defray medical expenses for inmates shall be at
166 the currently established Medicaid reimbursement rate; however, if
167 hospital and medical providers will not contract at the Medicaid
168 reimbursement rate, the Department of Corrections may enter into a
169 negotiated contract.

170 SECTION 6. Of the funds appropriated in Sections 1 and 2,
171 none shall be expended for personnel housing under the
172 jurisdiction of the Department of Corrections unless the
173 department shall collect a reasonable rent, after a finding of
174 fact as to what is a reasonable rent, and/or the cost of utilities
175 furnished to said housing, except that the Superintendent of the
176 Central Mississippi Correctional Facility may be provided with a
177 housing expense allowance in lieu of being furnished with a
178 dwelling house. The Department of Corrections shall not pay for
179 the installation or monthly service of any telephone installed in
180 a staff residence under its jurisdiction.

181 SECTION 7. Of the funds appropriated in Sections 1 and 2,
182 and authorized for expenditure in Section 3, payment may be
183 authorized for court ordered attorney fees and any accrued
184 interest subject to the approval of the Office of the Attorney
185 General.

186 SECTION 8. No part of the funds herein appropriated shall be
187 used for the purpose of returning escaped state convicts to the
188 State Penitentiary from a distance of over one hundred (100) miles
189 beyond the borders of the state, except upon approval of the
190 Governor in each specific case.

191 SECTION 9. None of the money herein appropriated shall be
192 paid to any person who by the provision of Section 47-5-47,

193 Mississippi Code of 1972, as amended, is prohibited from being an
194 employee of the Mississippi Department of Corrections. The State
195 Department of Finance and Administration shall at least annually
196 make a report to the Joint Legislative Committee on Performance
197 Evaluation and Expenditure Review and to the Attorney General
198 stating the name of any person prohibited under the provisions of
199 Section 47-5-47, Mississippi Code of 1972, as amended, from being
200 an employee of the Mississippi Department of Corrections who has
201 during the preceding year received any money herein appropriated.

202 In the event that any such person prohibited as hereinabove
203 provided from receiving funds herein appropriated should receive
204 any of said funds, the Attorney General shall immediately commence
205 action to recover the monies so paid to said person and to enjoin
206 the further employment of said person at the Mississippi
207 Department of Corrections.

208 SECTION 10. It is the intention of the Legislature that the
209 Commissioner of the Mississippi Department of Corrections may
210 transfer between the divisions of Support, Medical Services,
211 Parole Board, Farming Operations and Local Confinement, both funds
212 and positions not to exceed fifteen percent (15%) of the
213 authorized budgets in the aggregate. The Commissioner of the
214 Mississippi Department of Corrections shall submit written
215 justification for the transfer to the Legislative Budget Office
216 and the Department of Finance and Administration on or before the
217 fifteenth of the month prior to the effective date of the
218 transfer. It is further the intention of the Legislature that no
219 transfer may be made under the provisions of this section to
220 increase or decrease the salaries category of any budget set forth
221 in the original appropriations made under this act, but may be
222 used to contract with counties to house state inmates in
223 facilities authorized by Section 47-5-931, Mississippi Code of
224 1972. It is further the intention of the Legislature that any
225 transfers made under the provisions of this paragraph shall be for

226 the removal of state inmates from county jails or of an emergency
227 nature.

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

232 SECTION 12. In compliance with the "Mississippi Performance
233 Budget and Strategic Planning Act of 1994," it is the intent of
234 the Legislature that the funds provided herein shall be utilized
235 in the most efficient and effective manner possible to achieve the
236 intended mission of this agency. Based on the funding authorized,
237 this agency shall make every effort to attain the targeted
238 performance measures provided below:

239 <u>Performance Measures</u>	<u>FY2000 Target</u>
240 Mississippi State Penitentiary	
241 Average population (inmates)	4,600
242 Participants in programs (inmates)	5,030
243 Successful program completion (inmates)	3,505
244 Central Mississippi Correctional Facility	
245 Average population (inmates)	2,600
246 Participants in programs (inmates)	1,550
247 Successful program completion (inmates)	898
248 South Mississippi Correctional Facility	
249 Average population (inmates)	2,150
250 Participants in programs (inmates)	1,321
251 Successful program completion (inmates)	985
252 Community Based Services	
253 Average population (offenders)	15,000
254 Supportive Services	
255 Purchase orders generated (transactions)	10,000
256 Payment vouchers generated (transactions)	15,000
257 Farming Operations	
258 Vegetables produced (pounds)	5,000,000

259	Unit cost per pound of vegetable (\$)	1.13
260	Inmate days worked (days)	146,000
261	Parole Board	
262	Cost per parole hearing (\$)	187.00
263	Parole hearings (hearings)	600
264	Number paroled (offenders)	200
265	Reimbursement - Local Confinement	
266	Average approved monthly population (inmates)	865
267	Average unapproved monthly population (inmates)	600

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

272 SECTION 13. In addition to all other sums herein
273 appropriated, the following sum, or so much thereof as may be
274 necessary, is hereby appropriated out of any money in the State
275 General Fund not otherwise appropriated, to the Department of
276 Corrections for the purpose of paying the expenses of counties for
277 holding state prisoners in county jails, for the period beginning
278 July 1, 1999, and ending June 30, 2000.....
279 \$ 9,665,044.00.

280 SECTION 14. Of the funds appropriated under the provisions
281 of Section 2, telephone commission funds in an amount not to
282 exceed One Million Dollars (\$1,000,000.00) are provided and shall
283 be available to the Department of Corrections to defray the
284 expenses associated with contracts for certain new prison beds
285 that will become available to the Department of Corrections during
286 Fiscal Year 2000, prior to any other allocation of said funds.

287 SECTION 15. With the funds provided in this act, it is the
288 intention of the Legislature that the Mississippi Department of
289 Corrections pay Gwen Chew Two Thousand Six Hundred Eleven Dollars
290 and Thirty-one Cents (\$2,611.31) for services provided in prior
291 fiscal years. This payment will be considered complete and total

292 compensation for prior services provided by Gwen Chew.

293 SECTION 16. The money herein appropriated shall be paid by
294 the State Treasurer out of any money in the State Treasury to the
295 credit of the proper fund or funds as set forth in this act, upon
296 warrants issued by the State Fiscal Officer; and the State Fiscal
297 Officer shall issue his warrants upon requisitions signed by the
298 proper person, officer or officers, in the manner provided by law.

299 SECTION 17. This act shall take effect and be in force from
300 and after July 1, 1999.