

By: Senator(s) Gordon, Thames, Huggins,
Posey, Dearing, Hamilton, Simmons, Walls

To: Appropriations

SENATE BILL NO. 2950

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 2004.

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, 2003, and ending June 30, 2004.....
11 \$ 224,530,046.00.

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, 2003, and ending
18 June 30, 2004..... \$ 11,332,553.00.

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.. \$ 124,254,035.00
27 Travel and Subsistence..... 492,934.00
28 Contractual Services..... 11,108,230.00



29	Commodities.....		9,875,365.00
30	Capital Outlay:		
31	Other Than Equipment.....		204,578.00
32	Equipment.....		610,925.00
33	Subsidies, Loans and Grants.....		<u>96,044.00</u>
34	Total.....	\$	146,642,111.00

35 FUNDING:

36	General Funds.....	\$	138,214,368.00
37	Special Funds.....		<u>8,427,743.00</u>
38	Total.....	\$	146,642,111.00

39 AUTHORIZED POSITIONS:

40	Permanent:	Full Time.....	3,870
41		Part Time.....	35
42	Time-Limited:	Full Time.....	130
43		Part Time.....	0

44 MEDICAL SERVICES

45 FUNDING:

46	General Funds.....	\$	20,254,241.00
47	Special Funds.....		<u>0.00</u>
48	Total.....	\$	20,254,241.00

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..\$	376,328.00
58	Travel and Subsistence.....	25,000.00
59	Contractual Services.....	90,398.00
60	Commodities.....	10,000.00

61 Capital Outlay:



62	Other Than Equipment.....		0.00
63	Equipment.....		0.00
64	Subsidies, Loans and Grants.....		<u>0.00</u>
65	Total.....	\$	501,726.00

66 FUNDING:

67	General Funds.....	\$	501,726.00
68	Special Funds.....		<u>0.00</u>
69	Total.....	\$	501,726.00

70 AUTHORIZED POSITIONS:

71	Permanent: Full Time.....	8
72	Part Time.....	0
73	Time-Limited: Full Time.....	0
74	Part Time.....	0

75 FARMING OPERATIONS

76 MAJOR OBJECTS OF EXPENDITURE:

77 Personal Services:

78	Salaries, Wages and Fringe Benefits..	\$	638,656.00
79	Travel and Subsistence.....		5,100.00
80	Contractual Services.....		227,850.00
81	Commodities.....		1,590,041.00
82	Capital Outlay:		
83	Other Than Equipment.....		180,000.00
84	Equipment.....		255,148.00
85	Subsidies, Loans and Grants.....		<u>8,015.00</u>
86	Total.....	\$	2,904,810.00

87 FUNDING:

88	General Funds.....	\$	0.00
89	Special Funds.....		<u>2,904,810.00</u>
90	Total.....	\$	2,904,810.00

91 AUTHORIZED POSITIONS:

92	Permanent: Full Time.....	16
93	Part Time.....	0
94	Time-Limited: Full Time.....	0



95 Part Time..... 0

96 PRIVATE PRISONS

97 FUNDING:

98 General Funds..... \$ 41,830,285.00

99 Special Funds..... 0.00

100 Total..... \$ 41,830,285.00

101 AUTHORIZED POSITIONS:

102 Permanent: Full Time..... 0

103 Part Time..... 0

104 Time-Limited: Full Time..... 0

105 Part Time..... 0

106 REGIONAL FACILITIES

107 FUNDING:

108 General Funds..... \$ 16,876,666.00

109 Special Funds..... 0.00

110 Total..... \$ 16,876,666.00

111 AUTHORIZED POSITIONS:

112 Permanent: Full Time..... 0

113 Part Time..... 0

114 Time-Limited: Full Time..... 0

115 Part Time..... 0

116 LOCAL CONFINEMENT - COUNTY JAILS

117 FUNDING:

118 General Funds..... \$ 6,852,760.00

119 Special Funds..... 0.00

120 Total..... \$ 6,852,760.00

121 AUTHORIZED POSITIONS:

122 Permanent: Full Time..... 0

123 Part Time..... 0

124 Time-Limited: Full Time..... 0

125 Part Time..... 0

126 With the funds herein appropriated, it is the intention of

127 the Legislature that it shall be the agency's responsibility to



128 make certain that funds required to be appropriated for "Personal
129 Services" for Fiscal Year 2005 do not exceed Fiscal Year 2004
130 funds appropriated for that purpose, unless programs or positions
131 are added to the agency's Fiscal Year 2005 budget by the
132 Mississippi Legislature. Based on data provided by the
133 Legislative Budget Office, the State Personnel Board shall
134 determine and publish the projected annual cost to fully fund all
135 appropriated positions in compliance with the provisions of this
136 act. It shall be the responsibility of the agency head to insure
137 that no single personnel action increases this projected annual
138 cost and/or the Fiscal Year 2004 appropriation for "Personal
139 Services" when annualized. If, at the end of any calendar month,
140 the State Personnel Board determines that the agency has taken
141 action(s) which would cause the agency to exceed this projected
142 annual cost or the Fiscal Year 2004 "Personal Services"
143 appropriated level, when annualized, then only those actions which
144 reduce the projected annual cost and/or the appropriation
145 requirement will be processed by the State Personnel Board until
146 such time as the requirements of this provision are met.

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

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

153 **SECTION 4.** It is the intention of the Legislature that the
154 Department of Corrections may use any federal funds that may
155 become available for the construction of a certified fail-safe
156 lethal/non-lethal fencing system at any of its maximum security
157 units for that purpose.

158 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
159 and authorized for expenditure in Section 3, it is the intention
160 of the Legislature that any contractual service payments made by



161 the department to defray medical expenses for inmates shall be at
162 the currently established Medicaid reimbursement rate; however, if
163 hospital and medical providers will not contract at the Medicaid
164 reimbursement rate, the Department of Corrections may enter into a
165 negotiated contract.

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

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

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

187 **SECTION 9.** None of the money herein appropriated shall be
188 paid to any person who by the provision of Section 47-5-47,
189 Mississippi Code of 1972, as amended, is prohibited from being an
190 employee of the Mississippi Department of Corrections. The State
191 Department of Finance and Administration shall at least annually
192 make a report to the Joint Legislative Committee on Performance
193 Evaluation and Expenditure Review and to the Attorney General



194 stating the name of any person prohibited under the provisions of
 195 Section 47-5-47, Mississippi Code of 1972, as amended, from being
 196 an employee of the Mississippi Department of Corrections who has
 197 during the preceding year received any money herein appropriated.
 198 In the event that any such person prohibited as herein above
 199 provided from receiving funds herein appropriated should receive
 200 any of said funds, the Attorney General shall immediately commence
 201 action to recover the monies so paid to said person and to enjoin
 202 the further employment of said person at the Mississippi
 203 Department of Corrections.

204 **SECTION 10.** It is the intent of the Legislature that all
 205 prisoners at Parchman shall work a minimum of eight (8) hours per
 206 day, excluding prisoners with a physical disability or those
 207 incarcerated in maximum security.

208 **SECTION 11.** In compliance with the "Mississippi Performance
 209 Budget and Strategic Planning Act of 1994," it is the intent of
 210 the Legislature that the funds provided herein shall be utilized
 211 in the most efficient and effective manner possible to achieve the
 212 intended mission of this agency. Based on the funding authorized,
 213 this agency shall make every effort to attain the targeted
 214 performance measures provided below:

	FY2004
<u>Performance Measures</u>	<u>Target</u>
Institutions - Parchman	
Average Population (Inmates)	5,329
Participants in Programs (Inmates)	2,647
Central MS Correctional Fac	
Average Population (Inmates)	2,975
Participants in Programs (Inmates)	1,290
Successful Program Completion (Inmates)	887
South MS Correctional Fac	
Average Population (Inmates)	2,125
Participants in Programs (Inmates)	1,306



227	Successful Program Completion (Inmates)	996
228	Community Based Services	
229	Average Population (Offenders)	18,828
230	Farming	
231	Vegetables Produced (Pounds)	4,000,000
232	Dozens of Eggs Sold (Dozens)	550,000
233	Parole Board	
234	Number Paroled (Offenders)	1,490
235	Number of Paroles Revoked (Revocations)	200
236	Private Prisons	
237	Private Prison Beds Funded (Beds)	3,376
238	Medical Services	
239	Average Population Covered (Inmates)	14,816
240	Regional Facilities	
241	Regional Prison Beds Funded (Beds)	2,200
242	Local Confinement	
243	Approved Monthly Population (Inmates)	1,550
244	Unapproved Monthly Population (Inmates)	53

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 2005.

249 **SECTION 12.** It is the intention of the Legislature that the
250 Department of Corrections shall have the authority to accept,
251 budget and expend any special funds collected or otherwise
252 available, through the sell of scrap or recycled material, for the
253 purpose of providing recycling equipment, supplies or services for
254 use within the department.

255 **SECTION 13.** None of the funds appropriated herein can be
256 directly or indirectly associated with the ACA accreditation in
257 the Community Services Division.

258 **SECTION 14.** It is the intention of the Legislature that the
259 per diem rates paid to regional facilities shall not exceed



260 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
261 All regional facilities shall continue to receive the annual three
262 percent (3%) increase in the per diem rate as authorized in
263 Section 47-5-933, Mississippi Code of 1972, however, in no event
264 shall any regional facility's per diem rate exceed Twenty-nine
265 Dollars and Seventy-four Cents (\$29.74) per inmate.

266 **SECTION 15.** It is the intention of the Legislature that any
267 equipment transferred to the University of Mississippi Medical
268 Center from the Mississippi Department of Corrections during the
269 period of July 1, 1998, through June 30, 2003, shall be
270 transferred back to the Mississippi Department of Corrections as
271 of July 1, 2003. Furthermore, any equipment purchased by the
272 University of Mississippi Medical Center during this period of
273 time which replaced or refurbished equipment transferred to the
274 University of Mississippi Medical Center from the Mississippi
275 Department of Corrections shall also be transferred to the
276 Mississippi Department of Corrections as of July 1, 2003.

277 **SECTION 16.** It is the intention of the Legislature that the
278 Commissioner of the Mississippi Department of Corrections may
279 transfer between all budgets authorized in Section 3, including
280 Support, Medical Services, Parole Board, Farming Operations,
281 Private Prisons, Regional Facilities and Local Confinement -
282 County Jails, both positions and funds in an amount not to exceed
283 fifteen percent (15%) of the authorized budgets in the aggregate.
284 The Commissioner of the Mississippi Department of Corrections
285 shall submit written justification for the transfer to the
286 Legislative Budget Office and the Department of Finance and
287 Administration on or before the fifteenth of the month prior to
288 the effective date of the transfer. However, no transfers shall
289 be authorized which increase the major object of expenditure
290 "Salaries, Wages and Fringe Benefits" in any budget authorized in
291 Section 3 of this act.



292 **SECTION 17.** It is the intention of the Legislature that none
293 of the funds appropriated by this act shall be expended for
294 increased charges for State and School Employees' Health Insurance
295 Plan premium rates assessed by the Department of Finance and
296 Administration in excess of the Fiscal Year 2003 premium rates for
297 the health insurance plan.

298 **SECTION 18.** The money herein appropriated shall be paid by
299 the State Treasurer out of any money in the State Treasury to the
300 credit of the proper fund or funds as set forth in this act, upon
301 warrants issued by the State Fiscal Officer; and the State Fiscal
302 Officer shall issue his warrants upon requisitions signed by the
303 proper person, officer or officers, in the manner provided by law.

304 **SECTION 19.** This act shall take effect and be in force from
305 and after July 1, 2003.

