

By: Senator(s) Gordon, Little, Huggins,  
Cuevas, Hyde-Smith, Simmons, Wilemon

To: Appropriations

SENATE BILL NO. 3137  
(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 2005.

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, 2004, and ending June 30, 2005.....  
11 ..... \$ 217,042,915.00.

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..... \$ 49,057,889.00.

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:

23 SUPPORT

24 MAJOR OBJECTS OF EXPENDITURE:

25 Personal Services:

26 Salaries, Wages and Fringe Benefits.. \$ 117,000,000.00  
27 Travel and Subsistence..... 467,934.00  
28 Contractual Services..... 17,000,000.00

29	Commodities.....	12,000,000.00
30	Capital Outlay:	
31	Other Than Equipment.....	274,578.00
32	Equipment.....	1,110,925.00
33	Subsidies, Loans and Grants.....	<u>96,044.00</u>
34	Total.....	\$ 147,949,481.00

35 FUNDING:

36	General Funds.....	\$ 134,954,373.00
37	Special Funds.....	<u>12,995,108.00</u>
38	Total.....	\$ 147,949,481.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	3,673
41	Part Time.....	31
42	Time-Limited: Full Time.....	123
43	Part Time.....	0

44 **MEDICAL SERVICES**

45 FUNDING:

46	General Funds.....	\$ 20,965,050.00
47	Special Funds.....	<u>8,865,803.00</u>
48	Total.....	\$ 29,830,853.00

49 AUTHORIZED POSITIONS:

50	Permanent: Full Time.....	0
51	Part Time.....	0
52	Time-Limited: Full Time.....	2
53	Part Time.....	0

54 **PAROLE BOARD**

55 MAJOR OBJECTS OF EXPENDITURE:

56 Personal Services:

57	Salaries, Wages and Fringe Benefits..	\$ 409,967.00
58	Travel and Subsistence.....	25,000.00
59	Contractual Services.....	61,883.00
60	Commodities.....	10,000.00

61 Capital Outlay:

62	Other Than Equipment.....		0.00
63	Equipment.....		0.00
64	Subsidies, Loans and Grants.....		0.00
65	Total.....	\$	506,850.00

66 FUNDING:

67	General Funds.....	\$	506,850.00
68	Special Funds.....		0.00
69	Total.....	\$	506,850.00

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..	\$	688,156.00
79	Travel and Subsistence.....		5,100.00
80	Contractual Services.....		138,437.00
81	Commodities.....		1,590,041.00
82	Capital Outlay:		
83	Other Than Equipment.....		180,000.00
84	Equipment.....		208,898.00
85	Subsidies, Loans and Grants.....		8,015.00
86	Total.....	\$	2,818,647.00

87 FUNDING:

88	General Funds.....	\$	0.00
89	Special Funds.....		2,818,647.00
90	Total.....	\$	2,818,647.00

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..... \$ 38,310,945.00

99 Special Funds..... 15,772,317.00

100 Total..... \$ 54,083,262.00

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..... \$ 16,886,846.00

109 Special Funds..... 6,781,805.00

110 Total..... \$ 23,668,651.00

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..... \$ 5,418,851.00

119 Special Funds..... 1,824,209.00

120 Total..... \$ 7,243,060.00

121 AUTHORIZED POSITIONS:

122 Permanent: Full Time..... 0

123 Part Time..... 0

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

125 Part Time..... 0

126 Any transfers or escalations shall be made in accordance with

127 the terms, conditions and procedures established by law or

128 allowable under the terms set forth within this act. The State  
 129 Personnel Board shall not escalate positions without written  
 130 approval from the Department of Finance and Administration. The  
 131 Department of Finance and Administration shall not provide written  
 132 approval to escalate any funds for salaries and/or positions  
 133 without proof of availability of new or additional funds above the  
 134 appropriated level.

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

139 **SECTION 4.** In compliance with the "Mississippi Performance  
 140 Budget and Strategic Planning Act of 1994," it is the intent of  
 141 the Legislature that the funds provided herein shall be utilized  
 142 in the most efficient and effective manner possible to achieve the  
 143 intended mission of this agency. Based on the funding authorized,  
 144 this agency shall make every effort to attain the targeted  
 145 performance measures provided below:

146	FY2005
147 <u>Performance Measures</u>	<u>Target</u>
148 Institutions - Parchman	
149 Average Population (Inmates)	5,664
150 Participants in Programs (Inmates)	2,957
151 Successful Program Completion (Inmates)	1,314
152 Central MS Correctional Fac	
153 Average Population (Inmates)	3,155
154 Participants in Programs (Inmates)	1,522
155 Successful Program Completion (Inmates)	895
156 South MS Correctional Fac	
157 Average Population (Inmates)	2,146
158 Participants in Programs (Inmates)	1,964
159 Successful Program Completion (Inmates)	1,436
160 Community Corrections	

161	Average Population (Offenders)	28,489
162	Farming	
163	Vegetables Produced (Pounds)	5,500,000
164	Dozens of Eggs Sold (Dozens)	650,000
165	Parole Board	
166	Number Paroled (Offenders)	950
167	Number of Paroles Revoked (Revocations)	225
168	Private Prisons	
169	Private Prison Beds Funded (Beds)	4,690
170	Medical Services	
171	Average Population Covered (Inmates)	15,600
172	Regional Facilities	
173	Regional Prison Beds Funded (Beds)	2,750
174	Local Confinement	
175	Approved Monthly Population (Inmates)	1,465
176	Unapproved Monthly Population (Inmates)	350

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

181 **SECTION 5.** It is the intention of the Legislature that the  
182 Department of Corrections may use any federal funds that may  
183 become available for the construction of a certified fail-safe  
184 lethal/nonlethal fencing system at any of its maximum security  
185 units for that purpose.

186 **SECTION 6.** Effective January 1, 2005, the department of its  
187 contracted medical provider will pay to a provider of a medical  
188 service for any and all incarcerated persons from a correctional  
189 or detention facility an amount no greater than the reimbursement  
190 rate applicable based on the Mississippi Medicaid reimbursement  
191 rate. This limitation applies to all medical care services,  
192 durable and nondurable goods, prescription drugs and medications

193 provided to any and all incarcerated persons outside of the  
194 correctional or detention facility.

195       **SECTION 7.** Of the funds appropriated in Sections 1 and 2,  
196 none shall be expended for personnel housing under the  
197 jurisdiction of the Department of Corrections unless the  
198 department shall collect a reasonable rent, after a finding of  
199 fact as to what is a reasonable rent, and/or the cost of utilities  
200 furnished to said housing. The Department of Corrections shall  
201 not pay for the installation or monthly service of any telephone  
202 installed in a staff residence under its jurisdiction.

203       **SECTION 8.** Of the funds appropriated in Sections 1 and 2,  
204 and authorized for expenditure in Section 3, payment may be  
205 authorized for court ordered attorney fees and any accrued  
206 interest subject to the approval of the Office of the Attorney  
207 General.

208       **SECTION 9.** No part of the funds herein appropriated shall be  
209 used for the purpose of returning escaped state convicts to the  
210 State Penitentiary from a distance of over one hundred (100) miles  
211 beyond the borders of the state, except upon approval of the  
212 Governor in each specific case.

213       **SECTION 10.** None of the money herein appropriated shall be  
214 paid to any person who by the provision of Section 47-5-47,  
215 Mississippi Code of 1972, as amended, is prohibited from being an  
216 employee of the Mississippi Department of Corrections. The State  
217 Department of Finance and Administration shall at least annually  
218 make a report to the Joint Legislative Committee on Performance  
219 Evaluation and Expenditure Review and to the Attorney General  
220 stating the name of any person prohibited under the provisions of  
221 Section 47-5-47, Mississippi Code of 1972, as amended, from being  
222 an employee of the Mississippi Department of Corrections who has  
223 during the preceding year received any money herein appropriated.  
224 In the event that any such person prohibited as herein above  
225 provided from receiving funds herein appropriated should receive

226 any of said funds, the Attorney General shall immediately commence  
227 action to recover the monies so paid to said person and to enjoin  
228 the further employment of said person at the Mississippi  
229 Department of Corrections.

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

234 **SECTION 12.** It is the intention of the Legislature that the  
235 Department of Corrections shall have the authority to accept,  
236 budget and expend any special funds collected or otherwise  
237 available, through the sell of scrap or recycled material, for the  
238 purpose of providing recycling equipment, supplies or services for  
239 use within the department.

240 **SECTION 13.** None of the funds appropriated herein can be  
241 directly or indirectly associated with the ACA accreditation in  
242 the Community Services Division.

243 **SECTION 14.** It is the intention of the Legislature that the  
244 per diem rates paid to regional facilities shall not exceed  
245 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.  
246 All regional facilities shall continue to receive the annual three  
247 percent (3%) increase in the per diem rate as authorized in  
248 Section 47-5-933, Mississippi Code of 1972, however, in no event  
249 shall any regional facility's per diem rate exceed Twenty-nine  
250 Dollars and Seventy-four Cents (\$29.74) per inmate.

251 **SECTION 15.** It is the intention of the Legislature that the  
252 Commissioner of the Mississippi Department of Corrections may  
253 transfer between certain budgets authorized in Section 3,  
254 including Support, Medical Services, Parole Board, Farming  
255 Operations, Private Prisons and Local Confinement and Regional  
256 Facilities, both positions and funds in an amount not to exceed  
257 twenty-five percent (25%) of the authorized budgets in the  
258 aggregate. The Commissioner of the Mississippi Department of



259 Corrections shall submit written justification for the transfer to  
260 the Legislative Budget Office and the Department of Finance and  
261 Administration on or before the fifteenth of the month prior to  
262 the effective date of the transfer. However, no transfers shall  
263 be authorized which increase the major object of expenditure  
264 "Salaries, Wages and Fringe Benefits" in any budget authorized in  
265 Section 3 of this act.

266       **SECTION 16.** It is the intention of the Legislature that the  
267 Mississippi Department of Corrections may use funds appropriated  
268 herein to enter into a lease purchase agreement to purchase  
269 property located at 421 West Pascagoula Street in Jackson,  
270 Mississippi, for use as the Hinds County Probation and Parole  
271 Office and the Statewide Records Office for the Mississippi  
272 Department of Corrections. Total outlays for any such agreement  
273 to purchase this facility must be less than the total outlays to  
274 lease this property over a ten-year period and shall be approved  
275 by the Executive Director of the Department of Finance and  
276 Administration.

277       **SECTION 17.** It is the intention of the Legislature that the  
278 Department of Corrections shall have the authority to accept,  
279 budget and expend any portion of confiscated funds received in  
280 conjunction with its participating in investigations of illegal  
281 activities of any offender under the supervision of the agency.  
282 These funds shall be used to provide security enhancement within  
283 the Department of Corrections.

284       **SECTION 18.** Of the funds appropriated under the provisions  
285 of Section 2, Thirty-three Million Dollars (\$33,000,000.00) shall  
286 be derived from the Budget Contingency Fund, as created in Section  
287 27-103-301, Mississippi Code of 1972, to be allocated as follows:

288	Medical Services.....	\$ 8,621,669.00
289	Private Prisons.....	15,772,317.00
290	Regional Facilities.....	6,781,805.00
291	Local Confinement - County Jails.....	1,824,209.00

292 Total.....\$33,000,000.00

293 **SECTION 19.** 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 20.** This act shall take effect and be in force from  
300 and after July 1, 2004.