

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

To: Appropriations

SENATE BILL NO. 3076

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 2006.

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, 2005, and ending June 30, 2006.....  
11 ..... \$ 208,351,780.00.

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, 2005, and ending  
18 June 30, 2006..... \$ 13,197,735.00.

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.. \$ 106,123,699.00  
27 Travel and Subsistence..... 452,934.00  
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.....	617,107.00
33	Subsidies, Loans and Grants.....	<u>96,044.00</u>
34	Total.....	\$ 136,564,362.00

35 FUNDING:

36	General Funds.....	\$ 126,275,537.00
37	Special Funds.....	<u>10,288,825.00</u>
38	Total.....	\$ 136,564,362.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	3,201
41	Part Time.....	23
42	Time-Limited: Full Time.....	124
43	Part Time.....	0

44 **MEDICAL SERVICES**

45 MAJOR OBJECTS OF EXPENDITURE:

46 Personal Services:

47	Salaries, Wages and Fringe Benefits..	\$ 236,810.00
48	Travel and Subsistence.....	0.00
49	Contractual Services.....	20,965,050.00
50	Commodities.....	0.00
51	Capital Outlay:	
52	Other Than Equipment.....	0.00
53	Equipment.....	0.00
54	Subsidies, Loans and Grants.....	<u>0.00</u>
55	Total.....	\$ 21,201,860.00

56 FUNDING:

57	General Funds.....	\$ 20,965,050.00
58	Special Funds.....	<u>236,810.00</u>
59	Total.....	\$ 21,201,860.00

60 AUTHORIZED POSITIONS:

61	Permanent: Full Time.....	0
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62	Part Time.....	0
63	Time-Limited: Full Time.....	2
64	Part Time.....	0

**PAROLE BOARD**

MAJOR OBJECTS OF EXPENDITURE:

67	Personal Services:	
68	Salaries, Wages and Fringe Benefits.. \$	397,668.00
69	Travel and Subsistence.....	25,000.00
70	Contractual Services.....	61,883.00
71	Commodities.....	10,000.00
72	Capital Outlay:	
73	Other Than Equipment.....	0.00
74	Equipment.....	0.00
75	Subsidies, Loans and Grants.....	0.00
76	Total..... \$	494,551.00

FUNDING:

78	General Funds..... \$	494,551.00
79	Special Funds.....	0.00
80	Total..... \$	494,551.00

AUTHORIZED POSITIONS:

82	Permanent: Full Time.....	8
83	Part Time.....	0
84	Time-Limited: Full Time.....	0
85	Part Time.....	0

**FARMING OPERATIONS**

MAJOR OBJECTS OF EXPENDITURE:

88	Personal Services:	
89	Salaries, Wages and Fringe Benefits.. \$	576,833.00
90	Travel and Subsistence.....	4,500.00
91	Contractual Services.....	136,437.00
92	Commodities.....	1,551,641.00
93	Capital Outlay:	
94	Other Than Equipment.....	180,000.00

95	Equipment.....	208,898.00
96	Subsidies, Loans and Grants.....	<u>13,791.00</u>
97	Total.....	\$ 2,672,100.00

98 FUNDING:

99	General Funds.....	\$ 0.00
100	Special Funds.....	<u>2,672,100.00</u>
101	Total.....	\$ 2,672,100.00

102 AUTHORIZED POSITIONS:

103	Permanent: Full Time.....	14
104	Part Time.....	0
105	Time-Limited: Full Time.....	0
106	Part Time.....	0

107 **PRIVATE PRISONS**

108 MAJOR OBJECTS OF EXPENDITURE:

109 Personal Services:

110	Salaries, Wages and Fringe Benefits..	\$ 0.00
111	Travel and Subsistence.....	0.00
112	Contractual Services.....	38,310,945.00
113	Commodities.....	0.00
114	Capital Outlay:	
115	Other Than Equipment.....	0.00
116	Equipment.....	0.00
117	Subsidies, Loans and Grants.....	<u>0.00</u>
118	Total.....	\$ 38,310,945.00

119 FUNDING:

120	General Funds.....	\$ 38,310,945.00
121	Special Funds.....	<u>0.00</u>
122	Total.....	\$ 38,310,945.00

123 AUTHORIZED POSITIONS:

124	Permanent: Full Time.....	0
125	Part Time.....	0
126	Time-Limited: Full Time.....	0
127	Part Time.....	0

128	<b>REGIONAL FACILITIES</b>		
129	MAJOR OBJECTS OF EXPENDITURE:		
130	Personal Services:		
131	Salaries, Wages and Fringe Benefits..	\$	0.00
132	Travel and Subsistence.....		0.00
133	Contractual Services.....		16,886,846.00
134	Commodities.....		0.00
135	Capital Outlay:		
136	Other Than Equipment.....		0.00
137	Equipment.....		0.00
138	Subsidies, Loans and Grants.....		0.00
139	Total.....	\$	16,886,846.00
140	FUNDING:		
141	General Funds.....	\$	16,886,846.00
142	Special Funds.....		0.00
143	Total.....	\$	16,886,846.00
144	AUTHORIZED POSITIONS:		
145	Permanent: Full Time.....		0
146	Part Time.....		0
147	Time-Limited: Full Time.....		0
148	Part Time.....		0
149	<b>LOCAL CONFINEMENT - COUNTY JAILS</b>		
150	MAJOR OBJECTS OF EXPENDITURE:		
151	Personal Services:		
152	Salaries, Wages and Fringe Benefits..	\$	0.00
153	Travel and Subsistence.....		0.00
154	Contractual Services.....		5,418,851.00
155	Commodities.....		0.00
156	Capital Outlay:		
157	Other Than Equipment.....		0.00
158	Equipment.....		0.00
159	Subsidies, Loans and Grants.....		0.00
160	Total.....	\$	5,418,851.00

161	FUNDING:	
162	General Funds.....	\$ 5,418,851.00
163	Special Funds.....	<u>0.00</u>
164	Total.....	\$ 5,418,851.00

165 AUTHORIZED POSITIONS:

166	Permanent: Full Time.....	0
167	Part Time.....	0
168	Time-Limited: Full Time.....	0
169	Part Time.....	0

170 With the funds herein appropriated, it is the intention of  
171 the Legislature that it shall be the agency's responsibility to  
172 make certain that funds required to be appropriated for "Personal  
173 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006  
174 funds appropriated for that purpose, unless programs or positions  
175 are added to the agency's Fiscal Year 2007 budget by the  
176 Mississippi Legislature. Based on data provided by the  
177 Legislative Budget Office, the State Personnel Board shall  
178 determine and publish the projected annual cost to fully fund all  
179 appropriated positions in compliance with the provisions of this  
180 act. It shall be the responsibility of the agency head to insure  
181 that no single personnel action increases this projected annual  
182 cost and/or the Fiscal Year 2006 appropriation for "Personal  
183 Services" when annualized, with the exception of escalated funds.  
184 If, at the time the agency takes any action to change "Personal  
185 Services," the State Personnel Board determines that the agency  
186 has taken an action which would cause the agency to exceed this  
187 projected annual cost or the Fiscal Year 2006 "Personal Services"  
188 appropriated level, when annualized, then only those actions which  
189 reduce the projected annual cost and/or the appropriation  
190 requirement will be processed by the State Personnel Board until  
191 such time as the requirements of this provision are met.

192 Any transfers or escalations shall be made in accordance with  
193 the terms, conditions and procedures established by law or

194 allowable under the terms set forth within this act. The State  
 195 Personnel Board shall not escalate positions without written  
 196 approval from the Department of Finance and Administration. The  
 197 Department of Finance and Administration shall not provide written  
 198 approval to escalate any funds for salaries and/or positions  
 199 without proof of availability of new or additional funds above the  
 200 appropriated level.

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

205 **SECTION 4.** In compliance with the "Mississippi Performance  
 206 Budget and Strategic Planning Act of 1994," it is the intent of  
 207 the Legislature that the funds provided herein shall be utilized  
 208 in the most efficient and effective manner possible to achieve the  
 209 intended mission of this agency. Based on the funding authorized,  
 210 this agency shall make every effort to attain the targeted  
 211 performance measures provided below:

212	FY06
213 <u>Performance Measures</u>	<u>Target</u>
214 Institutions - Parchman	
215 Average Population (Inmates)	4,794
216 Participants in Programs (Inmates)	2,316
217 Successful Program Completion (Inmates)	1,005
218 Central MS Correctional Fac	
219 Average Population (Inmates)	3,168
220 Participants in Programs (Inmates)	506
221 Successful Program Completion (Inmates)	306
222 South MS Correctional Fac	
223 Average Population (Inmates)	2,170
224 Participants in Programs (Inmates)	1,046
225 Successful Program Completion (Inmates)	895
226 Community Corrections	

227	Average Population (Offenders)	25,309
228	Farming	
229	Vegetables Produced (Pounds)	3,600,000
230	Dozens of Eggs Sold (Dozens)	560,000
231	Parole Board	
232	Number Paroled (Offenders)	1,250
233	Number of Paroles Revoked (Revocations)	225
234	Private Prisons	
235	Private Prison Beds Funded (Beds)	4,715
236	Medical Services	
237	Average Population Covered (Inmates)	15,186
238	Regional Facilities	
239	Regional Prison Beds Funded (Beds)	2,750
240	Local Confinement	
241	Approved Monthly Population (Inmates)	1,250
242	Unapproved Monthly Population (Inmates)	419
243	A reporting of the degree to which the performance targets	
244	set above have been or are being achieved shall be provided in the	
245	agency's budget request submitted to the Joint Legislative Budget	
246	Committee for Fiscal Year 2007.	

247           **SECTION 5.** It is the intention of the Legislature that the  
248 Department of Corrections may use any federal funds that may  
249 become available for the construction of a certified fail-safe  
250 lethal/nonlethal fencing system at any of its maximum security  
251 units for that purpose.

252           **SECTION 6.** The department of its contracted medical provider  
253 will pay to a provider of a medical service for any and all  
254 incarcerated persons from a correctional or detention facility an  
255 amount no greater than the reimbursement rate applicable based on  
256 the Mississippi Medicaid reimbursement rate. This limitation  
257 applies to all medical care services, durable and nondurable  
258 goods, prescription drugs and medications provided to any and all

259 incarcerated persons outside of the correctional or detention  
260 facility.

261       **SECTION 7.** Of the funds appropriated in Sections 1 and 2,  
262 none shall be expended for personnel housing under the  
263 jurisdiction of the Department of Corrections unless the  
264 department shall collect a reasonable rent, after a finding of  
265 fact as to what is a reasonable rent, and/or the cost of utilities  
266 furnished to said housing. The Department of Corrections shall  
267 not pay for the installation or monthly service of any telephone  
268 installed in a staff residence under its jurisdiction.

269       **SECTION 8.** Of the funds appropriated in Sections 1 and 2,  
270 and authorized for expenditure in Section 3, payment may be  
271 authorized for court ordered attorney fees and any accrued  
272 interest subject to the approval of the Office of the Attorney  
273 General.

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

279       **SECTION 10.** None of the money herein appropriated shall be  
280 paid to any person who by the provision of Section 47-5-47,  
281 Mississippi Code of 1972, as amended, is prohibited from being an  
282 employee of the Mississippi Department of Corrections. The State  
283 Department of Finance and Administration shall at least annually  
284 make a report to the Joint Legislative Committee on Performance  
285 Evaluation and Expenditure Review and to the Attorney General  
286 stating the name of any person prohibited under the provisions of  
287 Section 47-5-47, Mississippi Code of 1972, as amended, from being  
288 an employee of the Mississippi Department of Corrections who has  
289 during the preceding year received any money herein appropriated.  
290 In the event that any such person prohibited as herein above  
291 provided from receiving funds herein appropriated should receive

292 any of said funds, the Attorney General shall immediately commence  
293 action to recover the monies so paid to said person and to enjoin  
294 the further employment of said person at the Mississippi  
295 Department of Corrections.

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

300       **SECTION 12.** It is the intention of the Legislature that the  
301 Department of Corrections shall have the authority to accept,  
302 budget and expend any special funds collected or otherwise  
303 available, through the sell of scrap or recycled material, for the  
304 purpose of providing recycling equipment, supplies or services for  
305 use within the department.

306       **SECTION 13.** None of the funds appropriated herein can be  
307 directly or indirectly associated with the ACA accreditation in  
308 the Community Services Division.

309       **SECTION 14.** It is the intention of the Legislature that the  
310 per diem rates paid to regional facilities shall not exceed  
311 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.  
312 All regional facilities shall continue to receive the annual three  
313 percent (3%) increase in the per diem rate as authorized in  
314 Section 47-5-933, Mississippi Code of 1972, however, in no event  
315 shall any regional facility's per diem rate exceed Twenty-nine  
316 Dollars and Seventy-four Cents (\$29.74) per inmate.

317       **SECTION 15.** It is the intention of the Legislature that the  
318 Commissioner of the Mississippi Department of Corrections may  
319 transfer between certain budgets authorized in Section 3,  
320 including Support, Medical Services, Parole Board, Farming  
321 Operations, Private Prisons and Local Confinement and Regional  
322 Facilities, both positions and funds in an amount not to exceed  
323 twenty-five percent (25%) of the authorized budgets in the  
324 aggregate. The Commissioner of the Mississippi Department of

325 Corrections shall submit written justification for the transfer to  
326 the Legislative Budget Office and the Department of Finance and  
327 Administration on or before the fifteenth of the month prior to  
328 the effective date of the transfer. However, no transfers shall  
329 be authorized which increase the major object of expenditure  
330 "Salaries, Wages and Fringe Benefits" in any budget authorized in  
331 Section 3 of this act.

332       **SECTION 16.** It is the intention of the Legislature that the  
333 Mississippi Department of Corrections may use funds appropriated  
334 herein to enter into a lease purchase agreement to purchase  
335 property located at 421 West Pascagoula Street in Jackson,  
336 Mississippi, for use as the Hinds County Probation and Parole  
337 Office and the Statewide Records Office for the Mississippi  
338 Department of Corrections. Total outlays for any such agreement  
339 to purchase this facility must be less than the total outlays to  
340 lease this property over a ten-year period and shall be approved  
341 by the Executive Director of the Department of Finance and  
342 Administration.

343       **SECTION 17.** It is the intention of the Legislature that the  
344 Department of Corrections shall have the authority to accept,  
345 budget and expend any portion of confiscated funds received in  
346 conjunction with its participating in investigations of illegal  
347 activities of any offender under the supervision of the agency.  
348 These funds shall be used to provide security enhancement within  
349 the Department of Corrections.

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

356       **SECTION 19.** This act shall take effect and be in force from  
357 and after July 1, 2005.