

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	REGIONAL FACILITIES		
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	LOCAL CONFINEMENT - COUNTY JAILS		
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.