

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

SENATE BILL NO. 2052

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 \$ 209,226,324.00.

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..... \$ 75,174,906.00.

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:

Table with 2 columns: Description and Amount. Rows include Salaries, Wages and Fringe Benefits (\$ 112,461,709.00), Travel and Subsistence (452,934.00), and Contractual Services (17,000,000.00).

29	Commodities.....	12,000,000.00
30	Capital Outlay:	
31	Other Than Equipment.....	274,578.00
32	Equipment.....	1,117,107.00
33	Subsidies, Loans and Grants.....	<u>96,044.00</u>
34	Total.....	\$ 143,402,372.00

35 FUNDING:

36	General Funds.....	\$ 127,147,981.00
37	Special Funds.....	<u>16,254,391.00</u>
38	Total.....	\$ 143,402,372.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	3,488
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..	\$ 239,410.00
48	Travel and Subsistence.....	0.00
49	Contractual Services.....	34,914,548.00
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.....	\$ 35,153,958.00

56 FUNDING:

57	General Funds.....	\$ 20,965,050.00
58	Special Funds.....	<u>14,188,908.00</u>
59	Total.....	\$ 35,153,958.00

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:

Personal Services:

68	Salaries, Wages and Fringe Benefits.. \$	399,768.00
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..... \$	496,651.00

FUNDING:

78	General Funds..... \$	496,651.00
79	Special Funds.....	0.00
80	Total..... \$	496,651.00

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:

Personal Services:

89	Salaries, Wages and Fringe Benefits.. \$	585,838.00
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.....	\$ 2,681,105.00

98 FUNDING:

99	General Funds.....	\$ 0.00
100	Special Funds.....	<u>2,681,105.00</u>
101	Total.....	\$ 2,681,105.00

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.....	67,200,755.00
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.....	\$ 67,200,755.00

119 FUNDING:

120	General Funds.....	\$ 38,310,945.00
121	Special Funds.....	<u>28,889,810.00</u>
122	Total.....	\$ 67,200,755.00

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.....		25,142,756.00
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.....	\$	25,142,756.00
140	FUNDING:		
141	General Funds.....	\$	16,886,846.00
142	Special Funds.....		8,255,910.00
143	Total.....	\$	25,142,756.00
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.....		10,323,633.00
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.....	\$	10,323,633.00

161	FUNDING:		
162	General Funds.....	\$	5,418,851.00
163	Special Funds.....		<u>4,904,782.00</u>
164	Total.....	\$	10,323,633.00

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 The agency shall not take any action to promote or otherwise
206 award salary increases through reallocation, reclassification,
207 realignment, education benchmark, career ladder, or any other
208 means to increase salaries of employees or positions unless
209 specifically exempted by the following conditions: the award of
210 teacher pay increases, the advancement of a trainee/cadet to the
211 next level of a bona fide career ladder, the award of an
212 educational benchmark for the attainment of Certified Public
213 Accountant License or higher level professional certification as
214 determined by the State Personnel Board, the immediate replacement
215 of a departing employee with an individual from within state
216 service or a new hire at a salary level equivalent to that of the
217 departing employee, and the emergency appointment of nurses,
218 pharmacists or other health care professionals at a salary to be
219 determined by the State Personnel Board, unless otherwise
220 authorized in this act.

221 **SECTION 4.** In compliance with the "Mississippi Performance
222 Budget and Strategic Planning Act of 1994," it is the intent of
223 the Legislature that the funds provided herein shall be utilized
224 in the most efficient and effective manner possible to achieve the
225 intended mission of this agency. Based on the funding authorized,

226 this agency shall make every effort to attain the targeted
227 performance measures provided below:

228		FY06
229	<u>Performance Measures</u>	<u>Target</u>
230	Institutions - Parchman	
231	Average Population (Inmates)	4,500
232	Participants in Programs (Inmates)	2,316
233	Successful Program Completion (Inmates)	1,005
234	Central MS Correctional Fac	
235	Average Population (Inmates)	3,168
236	Participants in Programs (Inmates)	506
237	Successful Program Completion (Inmates)	306
238	South MS Correctional Fac	
239	Average Population (Inmates)	2,170
240	Participants in Programs (Inmates)	1,046
241	Successful Program Completion (Inmates)	895
242	Community Corrections	
243	Average Population (Offenders)	25,309
244	Farming	
245	Vegetables Produced (Pounds)	3,600,000
246	Dozens of Eggs Sold (Dozens)	560,000
247	Parole Board	
248	Number Paroled (Offenders)	1,250
249	Number of Paroles Revoked (Revocations)	225
250	Private Prisons	
251	Private Prison Beds (Beds)	4,843
252	Medical Services	
253	Average Population Covered (Inmates)	14,500
254	Regional Facilities	
255	Regional Prison Beds (Beds)	2,750
256	Local Confinement	
257	Local Confinement Population (Inmates)	1,650

258 A reporting of the degree to which the performance targets
259 set above have been or are being achieved shall be provided in the
260 agency's budget request submitted to the Joint Legislative Budget
261 Committee for Fiscal Year 2007.

262 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
263 none shall be expended for personnel housing under the
264 jurisdiction of the Department of Corrections unless the
265 department shall collect a reasonable rent, after a finding of
266 fact as to what is a reasonable rent, and/or the cost of utilities
267 furnished to said housing. The Department of Corrections shall
268 not pay for the installation or monthly service of any telephone
269 installed in a staff residence under its jurisdiction.

270 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
271 and authorized for expenditure in Section 3, payment may be
272 authorized for court ordered attorney fees and any accrued
273 interest subject to the approval of the Office of the Attorney
274 General.

275 **SECTION 7.** No part of the funds herein appropriated shall be
276 used for the purpose of returning escaped state convicts to the
277 State Penitentiary from a distance of over one hundred (100) miles
278 beyond the borders of the state, except upon approval of the
279 Governor in each specific case.

280 **SECTION 8.** None of the money herein appropriated shall be
281 paid to any person who by the provision of Section 47-5-47,
282 Mississippi Code of 1972, as amended, is prohibited from being an
283 employee of the Mississippi Department of Corrections. The State
284 Department of Finance and Administration shall at least annually
285 make a report to the Joint Legislative Committee on Performance
286 Evaluation and Expenditure Review and to the Attorney General
287 stating the name of any person prohibited under the provisions of
288 Section 47-5-47, Mississippi Code of 1972, as amended, from being
289 an employee of the Mississippi Department of Corrections who has
290 during the preceding year received any money herein appropriated.

291 In the event that any such person prohibited as herein above
292 provided from receiving funds herein appropriated should receive
293 any of said funds, the Attorney General shall immediately commence
294 action to recover the monies so paid to said person and to enjoin
295 the further employment of said person at the Mississippi
296 Department of Corrections.

297 **SECTION 9.** It is the intent of the Legislature that all
298 prisoners at Parchman shall work a minimum of eight (8) hours per
299 day, excluding prisoners with a physical disability or those
300 incarcerated in maximum security.

301 **SECTION 10.** It is the intention of the Legislature that the
302 Department of Corrections shall have the authority to accept,
303 budget and expend any special funds collected or otherwise
304 available, through the sell of scrap or recycled material, for the
305 purpose of providing recycling equipment, supplies or services for
306 use within the department.

307 **SECTION 11.** None of the funds appropriated herein can be
308 directly or indirectly associated with the ACA accreditation in
309 the Community Services Division.

310 **SECTION 12.** It is the intention of the Legislature that the
311 per diem rates paid to regional facilities shall not exceed
312 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
313 All regional facilities shall continue to receive the annual three
314 percent (3%) increase in the per diem rate as authorized in
315 Section 47-5-933, Mississippi Code of 1972, however, in no event
316 shall any regional facility's per diem rate exceed Twenty-nine
317 Dollars and Seventy-four Cents (\$29.74) per inmate.

318 **SECTION 13.** Effective July 1, 2005, the department or its
319 contracted medical provider will pay to a provider of a medical
320 service for any and all incarcerated persons from a correctional
321 or detention facility an amount based upon negotiated fees as
322 agreed to by the medical care service providers and the department
323 and/or its contracted medical provider. In the absence of

324 negotiated discounted fee schedule, medical care service providers
325 will be paid by the department or its contracted medical service
326 provider an amount no greater than the reimbursement rate
327 applicable based on the Mississippi Medicaid reimbursement rate.
328 This limitation applies to all medical care services, durable and
329 nondurable goods, prescription drugs and medications provided to
330 any and all incarcerated persons outside of the correctional or
331 detention facility.

332 **SECTION 14.** It is the intention of the Legislature that the
333 Commissioner of the Mississippi Department of Corrections shall
334 have the authority to transfer cash from one special fund treasury
335 fund to another special fund treasury fund under the control of
336 the Department of Corrections. The purpose of this authority is
337 to more efficiently use available cash reserves. It is further
338 the intention of the Legislature that the Department of
339 Corrections shall submit written justification for the transfer to
340 the Legislative Budget Office and the Department of Finance and
341 Administration on or before the fifteenth (15th) of the month
342 prior to the effective date of the transfer.

343 **SECTION 15.** The Commissioner of the Mississippi Department
344 of Corrections is hereby authorized to transfer spending authority
345 between and within budgets, both positions and funds, in an amount
346 not to exceed twenty-five percent (25%) of the authorized budgets
347 in the aggregate. It is further the intention of the Legislature
348 that the Department of Corrections shall submit written
349 justification for the transfer to the Legislative Budget Office
350 and the Department of Finance and Administration on or before the
351 fifteenth (15th) of the month prior to the effective date of the
352 transfer. However, no transfers shall be authorized which
353 increase the major object of expenditure "Salaries, Wages and
354 Fringe Benefits" in any budget authorized in Section 3 of this
355 act.

356 **SECTION 16.** It is the intention of the Legislature that the
357 Mississippi Department of Corrections shall have the authority to
358 receive, budget, and expend funds from any source, including
359 beginning cash in excess of beginning cash when spending authority
360 was initially appropriated, that may become available to the
361 department in accordance with the rules and regulations of the
362 Department of Finance and Administration in a matter consistent
363 with the escalation of federal funds.

364 **SECTION 17.** The department is authorized to expend available
365 funds on technology or equipment upgrades or replacements when the
366 savings generated from such upgrades or replacements exceed
367 expenditures thereof.

368 **SECTION 18.** Of the funds appropriated under the provisions
369 of Section 2, Fifty-six Million Dollars (\$56,000,000.00) shall be
370 derived from the Budget Contingency Fund, as created in Section
371 27-103-301, Mississippi Code of 1972, to be allocated as follows:

372	Medical Services.....	\$13,949,498.00
373	Private Prisons.....	28,889,810.00
374	Regional Facilities.....	8,255,910.00
375	Local Confinement - County Jails.....	4,904,782.00
376	Total.....	\$56,000,000.00

377 **SECTION 19.** It is the intention of the Legislature that the
378 Department of Corrections shall have the authority to accept,
379 budget and expend any portion of confiscated funds received in
380 conjunction with its participating in investigations of illegal
381 activities of any offender under the supervision of the agency.
382 These funds shall be used to provide security enhancement within
383 the Department of Corrections.

384 **SECTION 20.** The money herein appropriated shall be paid by
385 the State Treasurer out of any money in the State Treasury to the
386 credit of the proper fund or funds as set forth in this act, upon
387 warrants issued by the State Fiscal Officer; and the State Fiscal

388 Officer shall issue his warrants upon requisitions signed by the
389 proper person, officer or officers, in the manner provided by law.

390 **SECTION 21.** This act shall take effect and be in force from
391 and after July 1, 2005.