

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

To: Appropriations

SENATE BILL NO. 3036

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 2007.

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, 2006, and ending June 30, 2007.....
11 \$ 220,346,464.00.

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, 2006, and ending
18 June 30, 2007..... \$ 10,327,917.00.

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.. \$ 114,666,582.00
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.....		1,117,107.00
33	Subsidies, Loans and Grants.....		<u>96,044.00</u>
34	Total.....	\$	145,607,245.00

35 FUNDING:

36	General Funds.....	\$	138,141,707.00
37	Special Funds.....		<u>7,465,538.00</u>
38	Total.....	\$	145,607,245.00

39 AUTHORIZED POSITIONS:

40	Permanent:	Full Time.....	2,987
41		Part Time.....	19
42	Time-Limited:	Full Time.....	114
43		Part Time.....	0

44 **MEDICAL SERVICES**

45 MAJOR OBJECTS OF EXPENDITURE:

46 Personal Services:

47	Salaries, Wages and Fringe Benefits..	\$	159,909.00
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.....	\$	21,124,959.00

56 FUNDING:

57	General Funds.....	\$	20,965,050.00
58	Special Funds.....		<u>159,909.00</u>
59	Total.....	\$	21,124,959.00

60 AUTHORIZED POSITIONS:

61	Permanent:	Full Time.....	0
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62	Part Time.....	0
63	Time-Limited: Full Time.....	1
64	Part Time.....	0

PAROLE BOARD

MAJOR OBJECTS OF EXPENDITURE:

67	Personal Services:	
68	Salaries, Wages and Fringe Benefits.. \$	526,182.00
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..... \$	623,065.00

FUNDING:

78	General Funds..... \$	623,065.00
79	Special Funds.....	0.00
80	Total..... \$	623,065.00

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.. \$	623,829.00
90	Travel and Subsistence.....	4,500.00
91	Contractual Services.....	136,437.00
92	Commodities.....	1,520,000.00
93	Capital Outlay:	
94	Other Than Equipment.....	180,000.00

95	Equipment.....	208,898.00
96	Subsidies, Loans and Grants.....	<u>28,806.00</u>
97	Total.....	\$ 2,702,470.00

98 FUNDING:

99	General Funds.....	\$ 0.00
100	Special Funds.....	<u>2,702,470.00</u>
101	Total.....	\$ 2,702,470.00

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 Funds are provided herein to adjust the Variable Compensation
171 Plan to ensure that all full-time employees receive a pay increase
172 equal to the realignment component of the Variable Compensation
173 Plan or Twelve Hundred Dollars (\$1,200.00), whichever is greater,
174 beginning on July 1, 2006.

175 Pursuant to policies established by the State Personnel
176 Board, agency heads may, on a case by case basis and within funds
177 available, recommend equity salary adjustments to Fiscal Year 2006
178 agency appropriation acts where application of limitations result
179 in awarding one employee a salary increase greater than another
180 employee within the same agency, with the same job classification
181 series and greater longevity.

182 With the funds herein appropriated, it is the intention of
183 the Legislature that it shall be the agency's responsibility to
184 make certain that funds required to be appropriated for "Personal
185 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
186 funds appropriated for that purpose, unless programs or positions
187 are added to the agency's Fiscal Year 2008 budget by the
188 Mississippi Legislature. Based on data provided by the
189 Legislative Budget Office, the State Personnel Board shall
190 determine and publish the projected annual cost to fully fund all
191 appropriated positions in compliance with the provisions of this
192 act. It shall be the responsibility of the agency head to insure
193 that no single personnel action increases this projected annual

194 cost and/or the Fiscal Year 2007 appropriation for "Personal
195 Services" when annualized, with the exception of escalated funds.
196 If, at the time the agency takes any action to change "Personal
197 Services," the State Personnel Board determines that the agency
198 has taken an action which would cause the agency to exceed this
199 projected annual cost or the Fiscal Year 2007 "Personal Services"
200 appropriated level, when annualized, then only those actions which
201 reduce the projected annual cost and/or the appropriation
202 requirement will be processed by the State Personnel Board until
203 such time as the requirements of this provision are met.

204 Any transfers or escalations shall be made in accordance with
205 the terms, conditions and procedures established by law or
206 allowable under the terms set forth within this act. The State
207 Personnel Board shall not escalate positions without written
208 approval from the Department of Finance and Administration. The
209 Department of Finance and Administration shall not provide written
210 approval to escalate any funds for salaries and/or positions
211 without proof of availability of new or additional funds above the
212 appropriated level.

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

217 **SECTION 4.** In compliance with the "Mississippi Performance
218 Budget and Strategic Planning Act of 1994," it is the intent of
219 the Legislature that the funds provided herein shall be utilized
220 in the most efficient and effective manner possible to achieve the
221 intended mission of this agency. Based on the funding authorized,
222 this agency shall make every effort to attain the targeted
223 performance measures provided below:

224 FY07

<u>Performance Measures</u>	<u>Target</u>
Institutions - Parchman	

227	Average Population (Inmates)	4,520
228	Participants in Programs (Inmates)	2,820
229	Successful Program Completion (Inmates)	1,200
230	Central MS Correctional Fac	
231	Average Population (Inmates)	3,150
232	Participants in Programs (Inmates)	2,000
233	Successful Program Completion (Inmates)	1,150
234	South MS Correctional Fac	
235	Average Population (Inmates)	2,200
236	Participants in Programs (Inmates)	2,140
237	Successful Program Completion (Inmates)	1,420
238	Community Corrections	
239	Average Population (Offenders)	27,190
240	Farming	
241	Vegetables Produced (Pounds)	3,800,000
242	Dozens of Eggs Sold (Dozens)	600,000
243	Parole Board	
244	Number Paroled (Offenders)	1,250
245	Number of Paroles Revoked (Revocations)	225
246	Private Prisons	
247	Private Prison Beds Funded (Beds)	4,843
248	Medical Services	
249	Average Population Covered (Inmates)	14,773
250	Regional Facilities	
251	Regional Prison Beds Funded (Beds)	2,750
252	Local Confinement	
253	Local Confinement Population (Inmates)	1,600
254	A reporting of the degree to which the performance targets	
255	set above have been or are being achieved shall be provided in the	
256	agency's budget request submitted to the Joint Legislative Budget	
257	Committee for Fiscal Year 2008.	

258 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
259 none shall be expended for personnel housing under the

260 jurisdiction of the Department of Corrections unless the
261 department shall collect a reasonable rent, after a finding of
262 fact as to what is a reasonable rent, and/or the cost of utilities
263 furnished to said housing. The Department of Corrections shall
264 not pay for the installation or monthly service of any telephone
265 installed in a staff residence under its jurisdiction.

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

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

276 **SECTION 8.** None of the money herein appropriated shall be
277 paid to any person who by the provision of Section 47-5-47,
278 Mississippi Code of 1972, as amended, is prohibited from being an
279 employee of the Mississippi Department of Corrections. The State
280 Department of Finance and Administration shall at least annually
281 make a report to the Joint Legislative Committee on Performance
282 Evaluation and Expenditure Review and to the Attorney General
283 stating the name of any person prohibited under the provisions of
284 Section 47-5-47, Mississippi Code of 1972, as amended, from being
285 an employee of the Mississippi Department of Corrections who has
286 during the preceding year received any money herein appropriated.
287 In the event that any such person prohibited as herein above
288 provided from receiving funds herein appropriated should receive
289 any of said funds, the Attorney General shall immediately commence
290 action to recover the monies so paid to said person and to enjoin
291 the further employment of said person at the Mississippi
292 Department of Corrections.

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

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

303 **SECTION 11.** None of the funds appropriated herein can be
304 directly or indirectly associated with the ACA accreditation in
305 the Community Services Division.

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

314 **SECTION 13.** Effective July 1, 2006, the department or its
315 contracted medical provider will pay to a provider of a medical
316 service for any and all incarcerated persons from a correctional
317 or detention facility an amount based upon negotiated fees as
318 agreed to by the medical care service providers and the department
319 and/or its contracted medical provider. In the absence of
320 negotiated discounted fee schedule, medical care service providers
321 will be paid by the department or its contracted medical service
322 provider an amount no greater than the reimbursement rate
323 applicable based on the Mississippi Medicaid reimbursement rate.
324 This limitation applies to all medical care services, durable and
325 nondurable goods, prescription drugs and medications provided to

326 any and all incarcerated persons outside of the correctional or
327 detention facility.

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

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

352 **SECTION 16.** It is the intention of the Legislature that the
353 Mississippi Department of Corrections shall have the authority to
354 receive, budget, and expend funds from any source, including
355 beginning cash in excess of beginning cash when spending authority
356 was initially appropriated, that may become available to the
357 department in accordance with the rules and regulations of the

358 Department of Finance and Administration in a matter consistent
359 with the escalation of federal funds.

360 **SECTION 17.** The department is authorized to expend available
361 funds on technology or equipment upgrades or replacements when the
362 savings generated from such upgrades or replacements exceed
363 expenditures thereof.

364 **SECTION 18.** It is the intention of the Legislature that the
365 Department of Corrections shall have the authority to accept,
366 budget and expend any portion of confiscated funds received in
367 conjunction with its participating in investigations of illegal
368 activities of any offender under the supervision of the agency.
369 These funds shall be used to provide security enhancement within
370 the Department of Corrections.

371 **SECTION 19.** The money herein appropriated shall be paid by
372 the State Treasurer out of any money in the State Treasury to the
373 credit of the proper fund or funds as set forth in this act, upon
374 warrants issued by the State Fiscal Officer; and the State Fiscal
375 Officer shall issue his warrants upon requisitions signed by the
376 proper person, officer or officers, in the manner provided by law.

377 **SECTION 20.** This act shall take effect and be in force from
378 and after July 1, 2006.