

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

To: Appropriations

SENATE BILL NO. 3143

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS FOR
3 FISCAL YEAR 2008.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, for the support and
8 maintenance of the Mississippi Department of Corrections for the
9 fiscal year beginning July 1, 2007, and ending June 30, 2008.....
10 \$ 310,069,203.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the special
13 fund in the State Treasury to the credit of the Mississippi
14 Department of Corrections which is collected by or otherwise
15 become available for the purpose of defraying the expenses of the
16 Department, for the fiscal year beginning July 1, 2007, and ending
17 June 30, 2008..... \$ 16,741,471.00.

18 **SECTION 3.** Of the funds appropriated under the provisions of
19 Sections 1 and 2, not more than the amounts set forth below shall
20 be expended for the respective major objects or purposes of
21 expenditure:

22 **SUPPORT**

23 MAJOR OBJECTS OF EXPENDITURE:

24 Personal Services:

25 Salaries, Wages and Fringe Benefits.. \$ 125,997,027.00
26 Travel and Subsistence..... 452,934.00
27 Contractual Services..... 19,079,318.00

28	Commodities.....		13,000,000.00
29	Capital Outlay:		
30	Other Than Equipment.....		274,578.00
31	Equipment.....		765,576.00
32	Vehicles.....		251,189.00
33	Wireless Communication Devices.....		0.00
34	Subsidies, Loans and Grants.....		<u>96,044.00</u>
35	Total.....	\$	159,916,666.00
36	FUNDING:		
37	General Funds.....	\$	146,098,148.00
38	Special Funds.....		<u>13,818,518.00</u>
39	Total.....	\$	159,916,666.00
40	AUTHORIZED POSITIONS:		
41	Permanent: Full Time.....	3,247	
42	Part Time.....	23	
43	Time-Limited: Full Time.....	124	
44	Part Time.....	0	
45			MEDICAL SERVICES
46	MAJOR OBJECTS OF EXPENDITURE:		
47	Personal Services:		
48	Salaries, Wages and Fringe Benefits..	\$	272,213.00
49	Travel and Subsistence.....		0.00
50	Contractual Services.....		44,366,299.00
51	Commodities.....		0.00
52	Capital Outlay:		
53	Other Than Equipment.....		0.00
54	Equipment.....		0.00
55	Vehicles.....		0.00
56	Wireless Communication Devices.....		0.00
57	Subsidies, Loans and Grants.....		<u>0.00</u>
58	Total.....	\$	44,638,512.00
59	FUNDING:		
60	General Funds.....	\$	44,366,299.00

61	Special Funds.....		<u>272,213.00</u>
62	Total.....	\$	44,638,512.00

63 AUTHORIZED POSITIONS:

64	Permanent: Full Time.....	3
65	Part Time.....	0
66	Time-Limited: Full Time.....	0
67	Part Time.....	0

68 **PAROLE BOARD**

69 MAJOR OBJECTS OF EXPENDITURE:

70 Personal Services:

71	Salaries, Wages and Fringe Benefits..	\$	572,764.00
72	Travel and Subsistence.....		23,000.00
73	Contractual Services.....		54,549.00
74	Commodities.....		6,000.00

75 Capital Outlay:

76	Other Than Equipment.....		0.00
77	Equipment.....		0.00
78	Vehicles.....		0.00
79	Wireless Communication Devices.....		0.00
80	Subsidies, Loans and Grants.....		<u>0.00</u>

81	Total.....	\$	656,313.00
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82 FUNDING:

83	General Funds.....	\$	656,313.00
84	Special Funds.....		<u>0.00</u>
85	Total.....	\$	656,313.00

86 AUTHORIZED POSITIONS:

87	Permanent: Full Time.....	8
88	Part Time.....	0
89	Time-Limited: Full Time.....	0
90	Part Time.....	0

91 **FARMING OPERATIONS**

92 MAJOR OBJECTS OF EXPENDITURE:

93 Personal Services:

94	Salaries, Wages and Fringe Benefits..	\$	624,780.00
95	Travel and Subsistence.....		3,000.00
96	Contractual Services.....		134,462.00
97	Commodities.....		1,520,000.00
98	Capital Outlay:		
99	Other Than Equipment.....		180,000.00
100	Equipment.....		159,692.00
101	Vehicles.....		0.00
102	Wireless Communication Devices.....		0.00
103	Subsidies, Loans and Grants.....		<u>28,806.00</u>
104	Total.....	\$	2,650,740.00
105	FUNDING:		
106	General Funds.....	\$	0.00
107	Special Funds.....		<u>2,650,740.00</u>
108	Total.....	\$	2,650,740.00
109	AUTHORIZED POSITIONS:		
110	Permanent: Full Time.....		14
111	Part Time.....		0
112	Time-Limited: Full Time.....		0
113	Part Time.....		0
114	PRIVATE PRISONS		
115	MAJOR OBJECTS OF EXPENDITURE:		
116	Personal Services:		
117	Salaries, Wages and Fringe Benefits..	\$	0.00
118	Travel and Subsistence.....		0.00
119	Contractual Services.....		75,547,043.00
120	Commodities.....		0.00
121	Capital Outlay:		
122	Other Than Equipment.....		0.00
123	Equipment.....		0.00
124	Vehicles.....		0.00
125	Wireless Communication Devices.....		0.00
126	Subsidies, Loans and Grants.....		<u>0.00</u>

127 Total..... \$ 75,547,043.00

128 FUNDING:

129 General Funds..... \$ 75,547,043.00

130 Special Funds..... 0.00

131 Total..... \$ 75,547,043.00

132 AUTHORIZED POSITIONS:

133 Permanent: Full Time..... 0

134 Part Time..... 0

135 Time-Limited: Full Time..... 0

136 Part Time..... 0

137 REGIONAL FACILITIES

138 MAJOR OBJECTS OF EXPENDITURE:

139 Personal Services:

140 Salaries, Wages and Fringe Benefits.. \$ 0.00

141 Travel and Subsistence..... 0.00

142 Contractual Services..... 33,225,136.00

143 Commodities..... 0.00

144 Capital Outlay:

145 Other Than Equipment..... 0.00

146 Equipment..... 0.00

147 Vehicles..... 0.00

148 Wireless Communication Devices..... 0.00

149 Subsidies, Loans and Grants..... 0.00

150 Total..... \$ 33,225,136.00

151 FUNDING:

152 General Funds..... \$ 33,225,136.00

153 Special Funds..... 0.00

154 Total..... \$ 33,225,136.00

155 AUTHORIZED POSITIONS:

156 Permanent: Full Time..... 0

157 Part Time..... 0

158 Time-Limited: Full Time..... 0

159 Part Time..... 0

160	LOCAL CONFINEMENT - COUNTY JAILS		
161	MAJOR OBJECTS OF EXPENDITURE:		
162	Personal Services:		
163	Salaries, Wages and Fringe Benefits..	\$	0.00
164	Travel and Subsistence.....		0.00
165	Contractual Services.....		10,176,264.00
166	Commodities.....		0.00
167	Capital Outlay:		
168	Other Than Equipment.....		0.00
169	Equipment.....		0.00
170	Vehicles.....		0.00
171	Wireless Communication Devices.....		0.00
172	Subsidies, Loans and Grants.....		0.00
173	Total.....	\$	10,176,264.00
174	FUNDING:		
175	General Funds.....	\$	10,176,264.00
176	Special Funds.....		0.00
177	Total.....	\$	10,176,264.00
178	AUTHORIZED POSITIONS:		
179	Permanent: Full Time.....		0
180	Part Time.....		0
181	Time-Limited: Full Time.....		0
182	Part Time.....		0
183	Funds are provided herein to adjust the Variable Compensation		
184	Plan to ensure that all full-time employees receive a pay increase		
185	equal to the realignment component of the Variable Compensation		
186	Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)		
187	whichever is greater, to be awarded on July 1, 2007.		
188	With the funds herein appropriated, it is the intention of		
189	the Legislature that it shall be the agency's responsibility to		
190	make certain that funds required to be appropriated for "Personal		
191	Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008		
192	funds appropriated for that purpose, unless programs or positions		

193 are added to the agency's Fiscal Year 2009 budget by the
194 Mississippi Legislature. Based on data provided by the
195 Legislative Budget Office, the State Personnel Board shall
196 determine and publish the projected annual cost to fully fund all
197 appropriated positions in compliance with the provisions of this
198 act. It shall be the responsibility of the agency head to insure
199 that no single personnel action increases this projected annual
200 cost and/or the Fiscal Year 2008 appropriation for "Personal
201 Services" when annualized, with the exception of escalated funds.
202 If, at the time the agency takes any action to change "Personal
203 Services," the State Personnel Board determines that the agency
204 has taken an action which would cause the agency to exceed this
205 projected annual cost or the Fiscal Year 2008 "Personal Services"
206 appropriated level, when annualized, then only those actions which
207 reduce the projected annual cost and/or the appropriation
208 requirement will be processed by the State Personnel Board until
209 such time as the requirements of this provision are met.

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

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

223 The agency shall not take any action to promote or otherwise
224 award salary increases through reallocation, reclassification,
225 realignment, education benchmark, career ladder, or any other

226 means to increase salaries of employees or positions unless
 227 specifically exempted by the following conditions: the award of
 228 teacher pay increases, the advancement of a trainee/cadet to the
 229 next level of a bona fide career ladder, the award of an
 230 educational benchmark for the attainment of Certified Public
 231 Accountant License or higher level professional certification as
 232 determined by the State Personnel Board, the immediate replacement
 233 of a departing employee with an individual from within state
 234 service or a new hire at a salary level equivalent to that of the
 235 departing employee, and the emergency appointment of nurses,
 236 pharmacists or other health care professionals at a salary to be
 237 determined by the State Personnel Board, unless otherwise
 238 authorized in this act.

239 **SECTION 4.** In compliance with the "Mississippi Performance
 240 Budget and Strategic Planning Act of 1994," it is the intent of
 241 the Legislature that the funds provided herein shall be utilized
 242 in the most efficient and effective manner possible to achieve the
 243 intended mission of this agency. Based on the funding authorized,
 244 this agency shall make every effort to attain the targeted
 245 performance measures provided below:

246	FY08
247 <u>Performance Measures</u>	<u>Target</u>
248 Institutions - Parchman	
249 Average Population (Inmates)	4,450
250 Participants in Programs (Inmates)	3,100
251 Successful Program Completion (Inmates)	1,200
252 Central MS Correctional Fac	
253 Average Population (Inmates)	3,250
254 Participants in Programs (Inmates)	2,000
255 Successful Program Completion (Inmates)	1,150
256 South MS Correctional Fac	
257 Average Population (Inmates)	2,015
258 Participants in Programs (Inmates)	1,600

259	Successful Program Completion (Inmates)	900
260	Community Corrections	
261	Average Population (Offenders)	24,000
262	Farming	
263	Vegetables Produced (Pounds)	3,800,000
264	Dozens of Eggs Sold (Dozens)	600,000
265	Parole Board	
266	Number Paroled (Offenders)	1,250
267	Number of Paroles Revoked (Revocations)	225
268	Private Prisons	
269	Private Prison Beds Funded (Beds)	4,890
270	Medical Services	
271	Average Population Covered (Inmates)	14,598
272	Regional Facilities	
273	Regional Prison Beds Funded (Beds)	3,060
274	Local Confinement	
275	Local Confinement Population (Inmates)	1,324
276	A reporting of the degree to which the performance targets	
277	set above have been or are being achieved shall be provided in the	
278	agency's budget request submitted to the Joint Legislative Budget	
279	Committee for Fiscal Year 2009.	

280 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
281 none shall be expended for personnel housing under the
282 jurisdiction of the Department of Corrections unless the
283 department shall collect a reasonable rent, after a finding of
284 fact as to what is a reasonable rent, and/or the cost of utilities
285 furnished to said housing. The Department of Corrections shall
286 not pay for the installation or monthly service of any telephone
287 installed in a staff residence under its jurisdiction.

288 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
289 and authorized for expenditure in Section 3, payment may be
290 authorized for court ordered attorney fees and any accrued

291 interest subject to the approval of the Office of the Attorney
292 General.

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

298 **SECTION 8.** None of the money herein appropriated shall be
299 paid to any person who by the provision of Section 47-5-47,
300 Mississippi Code of 1972, as amended, is prohibited from being an
301 employee of the Mississippi Department of Corrections. The State
302 Department of Finance and Administration shall at least annually
303 make a report to the Joint Legislative Committee on Performance
304 Evaluation and Expenditure Review and to the Attorney General
305 stating the name of any person prohibited under the provisions of
306 Section 47-5-47, Mississippi Code of 1972, as amended, from being
307 an employee of the Mississippi Department of Corrections who has
308 during the preceding year received any money herein appropriated.
309 In the event that any such person prohibited as herein above
310 provided from receiving funds herein appropriated should receive
311 any of said funds, the Attorney General shall immediately commence
312 action to recover the monies so paid to said person and to enjoin
313 the further employment of said person at the Mississippi
314 Department of Corrections.

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

319 **SECTION 10.** It is the intention of the Legislature that the
320 Department of Corrections shall have the authority to accept,
321 budget and expend any special funds collected or otherwise
322 available, through the sell of scrap or recycled material, for the

323 purpose of providing recycling equipment, supplies or services for
324 use within the department.

325 **SECTION 11.** It is the intention of the Legislature that the
326 per diem rates paid to regional facilities shall not exceed
327 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
328 All regional facilities shall continue to receive the annual three
329 percent (3%) increase in the per diem rate as authorized in
330 Section 47-5-933, Mississippi Code of 1972, however, in no event
331 shall any regional facility's per diem rate exceed Twenty-nine
332 Dollars and Seventy-four Cents (\$29.74) per inmate.

333 **SECTION 12.** The department or its contracted medical
334 provider will pay to a provider of a medical service for any and
335 all incarcerated persons from a correctional or detention facility
336 an amount based upon negotiated fees as agreed to by the medical
337 care service providers and the department and/or its contracted
338 medical provider. In the absence of negotiated discounted fee
339 schedule, medical care service providers will be paid by the
340 department or its contracted medical service provider an amount no
341 greater than the reimbursement rate applicable based on the
342 Mississippi Medicaid reimbursement rate. This limitation applies
343 to all medical care services, durable and nondurable goods,
344 prescription drugs and medications provided to any and all
345 incarcerated persons outside of the correctional or detention
346 facility.

347 **SECTION 13.** It is the intention of the Legislature that the
348 Commissioner of the Mississippi Department of Corrections shall
349 have the authority to transfer cash from one special fund treasury
350 fund to another special fund treasury fund under the control of
351 the Department of Corrections. The purpose of this authority is
352 to more efficiently use available cash reserves. It is further
353 the intention of the Legislature that the Department of
354 Corrections shall submit written justification for the transfer to
355 the Legislative Budget Office and the Department of Finance and

356 Administration on or before the fifteenth (15th) of the month
357 prior to the effective date of the transfer.

358 **SECTION 14.** The Commissioner of the Mississippi Department
359 of Corrections is hereby authorized to transfer spending authority
360 between and within budgets, both positions and funds, in an amount
361 not to exceed twenty-five percent (25%) of the authorized budgets
362 in the aggregate. It is further the intention of the Legislature
363 that the Department of Corrections shall submit written
364 justification for the transfer to the Legislative Budget Office
365 and the Department of Finance and Administration on or before the
366 fifteenth (15th) of the month prior to the effective date of the
367 transfer. However, no transfers shall be authorized which
368 increase the major object of expenditure "Salaries, Wages and
369 Fringe Benefits" in any budget authorized in Section 3 of this
370 act.

371 **SECTION 15.** It is the intention of the Legislature that the
372 Mississippi Department of Corrections shall have the authority to
373 receive, budget, and expend funds from any source, including
374 beginning cash in excess of beginning cash when spending authority
375 was initially appropriated, that may become available to the
376 department in accordance with the rules and regulations of the
377 Department of Finance and Administration in a matter consistent
378 with the escalation of federal funds.

379 **SECTION 16.** It is the intention of the Legislature that the
380 Department of Corrections shall have the authority to accept,
381 budget and expend any portion of confiscated funds received in
382 conjunction with its participating in investigations of illegal
383 activities of any offender under the supervision of the agency.
384 These funds shall be used to provide security enhancement within
385 the Department of Corrections.

386 **SECTION 17.** It is the intention of the Legislature that
387 whenever two (2) or more bids are received by this agency for the
388 purchase of commodities or equipment, and whenever all things

389 stated in such received bids are equal with respect to price,
390 quality and service, the Mississippi Industries for the Blind
391 shall be given preference. A similar preference shall be given to
392 the Mississippi Industries for the Blind whenever purchases are
393 made without competitive bids.

394 **SECTION 18.** It is legislative intent to ensure beneficial
395 information reaches as many Mississippians as possible. Further,
396 it is legislative intent that the expenditure of public funds for
397 this purpose be accomplished in an efficient and effective manner.

398 Therefore, state agencies as standard procedure, will observe
399 the following criteria:

400 (a) Develop goals and desired result for a campaign.

401 (b) Evaluate effectiveness through respected
402 advertising standards, including market reach and cost
403 effectiveness.

404 (c) Seek public service announcements, which would be
405 aired by media without cost.

406 (d) Itemize and justify professional assistance and
407 related expenses for creative and production costs outside of the
408 actual media expenditures.

409 (e) Utilize Mississippi owned media companies when
410 feasible.

411 **SECTION 19.** The department is authorized to expend available
412 funds on technology or equipment upgrades or replacements when it
413 will generate savings through efficiency or when the savings
414 generated from such upgrades or replacements exceed expenditures
415 thereof.

416 **SECTION 20.** The money herein appropriated shall be paid by
417 the State Treasurer out of any money in the State Treasury to the
418 credit of the proper fund or funds as set forth in this act, upon
419 warrants issued by the State Fiscal Officer; and the State Fiscal
420 Officer shall issue his warrants upon requisitions signed by the
421 proper person, officer or officers, in the manner provided by law.

422 **SECTION 21.** This act shall take effect and be in force from
423 and after July 1, 2007.