

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

To: Appropriations

SENATE BILL NO. 3137

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 2005.

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, 2004, and ending June 30, 2005.....
11 \$ 214,908,264.00.

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, 2004, and ending
18 June 30, 2005..... \$ 12,730,540.00.

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.. \$ 124,476,331.00
27 Travel and Subsistence..... 492,934.00
28 Contractual Services..... 12,012,772.00

29	Commodities.....	9,510,682.00
30	Capital Outlay:	
31	Other Than Equipment.....	204,578.00
32	Equipment.....	1,110,925.00
33	Subsidies, Loans and Grants.....	<u>96,044.00</u>
34	Total.....	\$ 147,904,266.00

35 FUNDING:

36	General Funds.....	\$ 138,227,147.00
37	Special Funds.....	<u>9,677,119.00</u>
38	Total.....	\$ 147,904,266.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	3,673
41	Part Time.....	31
42	Time-Limited: Full Time.....	123
43	Part Time.....	0

44 MEDICAL SERVICES

45 FUNDING:

46	General Funds.....	\$ 20,176,594.00
47	Special Funds.....	<u>242,886.00</u>
48	Total.....	\$ 20,419,480.00

49 AUTHORIZED POSITIONS:

50	Permanent: Full Time.....	0
51	Part Time.....	0
52	Time-Limited: Full Time.....	2
53	Part Time.....	0

54 PAROLE BOARD

55 MAJOR OBJECTS OF EXPENDITURE:

56 Personal Services:

57	Salaries, Wages and Fringe Benefits..	\$ 405,599.00
58	Travel and Subsistence.....	25,000.00
59	Contractual Services.....	61,883.00
60	Commodities.....	10,000.00

61 Capital Outlay:

62	Other Than Equipment.....		0.00
63	Equipment.....		0.00
64	Subsidies, Loans and Grants.....		<u>0.00</u>
65	Total.....	\$	502,482.00

66 FUNDING:

67	General Funds.....	\$	502,482.00
68	Special Funds.....		<u>0.00</u>
69	Total.....	\$	502,482.00

70 AUTHORIZED POSITIONS:

71	Permanent: Full Time.....	8
72	Part Time.....	0
73	Time-Limited: Full Time.....	0
74	Part Time.....	0

75 FARMING OPERATIONS

76 MAJOR OBJECTS OF EXPENDITURE:

77 Personal Services:

78	Salaries, Wages and Fringe Benefits..	\$	590,631.00
79	Travel and Subsistence.....		5,100.00
80	Contractual Services.....		227,850.00
81	Commodities.....		1,590,041.00
82	Capital Outlay:		
83	Other Than Equipment.....		180,000.00
84	Equipment.....		208,898.00
85	Subsidies, Loans and Grants.....		<u>8,015.00</u>
86	Total.....	\$	2,810,535.00

87 FUNDING:

88	General Funds.....	\$	0.00
89	Special Funds.....		<u>2,810,535.00</u>
90	Total.....	\$	2,810,535.00

91 AUTHORIZED POSITIONS:

92	Permanent: Full Time.....	14
93	Part Time.....	0
94	Time-Limited: Full Time.....	0

95 Part Time..... 0

96 PRIVATE PRISONS

97 FUNDING:

98 General Funds..... \$ 34,570,289.00

99 Special Funds..... 0.00

100 Total..... \$ 34,570,289.00

101 AUTHORIZED POSITIONS:

102 Permanent: Full Time..... 0

103 Part Time..... 0

104 Time-Limited: Full Time..... 0

105 Part Time..... 0

106 REGIONAL FACILITIES

107 FUNDING:

108 General Funds..... \$ 16,565,044.00

109 Special Funds..... 0.00

110 Total..... \$ 16,565,044.00

111 AUTHORIZED POSITIONS:

112 Permanent: Full Time..... 0

113 Part Time..... 0

114 Time-Limited: Full Time..... 0

115 Part Time..... 0

116 LOCAL CONFINEMENT - COUNTY JAILS

117 FUNDING:

118 General Funds..... \$ 4,866,708.00

119 Special Funds..... 0.00

120 Total..... \$ 4,866,708.00

121 AUTHORIZED POSITIONS:

122 Permanent: Full Time..... 0

123 Part Time..... 0

124 Time-Limited: Full Time..... 0

125 Part Time..... 0

126 With the funds herein appropriated, it is the intention of
127 the Legislature that it shall be the agency's responsibility to

128 make certain that funds required to be appropriated for "Personal
129 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
130 funds appropriated for that purpose, unless programs or positions
131 are added to the agency's Fiscal Year 2006 budget by the
132 Mississippi Legislature. Based on data provided by the
133 Legislative Budget Office, the State Personnel Board shall
134 determine and publish the projected annual cost to fully fund all
135 appropriated positions in compliance with the provisions of this
136 act. It shall be the responsibility of the agency head to insure
137 that no single personnel action increases this projected annual
138 cost and/or the Fiscal Year 2005 appropriation for "Personal
139 Services" when annualized, with the exception of escalated funds.
140 If, at the time the agency takes any action to change "Personal
141 Services," the State Personnel Board determines that the agency
142 has taken an action which would cause the agency to exceed this
143 projected annual cost or the Fiscal Year 2005 "Personal Services"
144 appropriated level, when annualized, then only those actions which
145 reduce the projected annual cost and/or the appropriation
146 requirement will be processed by the State Personnel Board until
147 such time as the requirements of this provision are met.

148 Any transfers or escalations shall be made in accordance with
149 the terms, conditions and procedures established by law or
150 allowable under the terms set forth within this act. The State
151 Personnel Board shall not escalate positions without written
152 approval from the Department of Finance and Administration. The
153 Department of Finance and Administration shall not provide written
154 approval to escalate any funds for salaries and/or positions
155 without proof of availability of new or additional funds above the
156 appropriated level.

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

161 **SECTION 4.** In compliance with the "Mississippi Performance
 162 Budget and Strategic Planning Act of 1994," it is the intent of
 163 the Legislature that the funds provided herein shall be utilized
 164 in the most efficient and effective manner possible to achieve the
 165 intended mission of this agency. Based on the funding authorized,
 166 this agency shall make every effort to attain the targeted
 167 performance measures provided below:

168	FY2005
169 <u>Performance Measures</u>	<u>Target</u>
170 Institutions - Parchman	
171 Average Population (Inmates)	5,664
172 Participants in Programs (Inmates)	2,957
173 Successful Program Completion (Inmates)	1,314
174 Central MS Correctional Fac	
175 Average Population (Inmates)	3,155
176 Participants in Programs (Inmates)	1,522
177 Successful Program Completion (Inmates)	895
178 South MS Correctional Fac	
179 Average Population (Inmates)	2,146
180 Participants in Programs (Inmates)	1,964
181 Successful Program Completion (Inmates)	1,436
182 Community Corrections	
183 Average Population (Offenders)	28,489
184 Farming	
185 Vegetables Produced (Pounds)	5,500,000
186 Dozens of Eggs Sold (Dozens)	650,000
187 Parole Board	
188 Number Paroled (Offenders)	950
189 Number of Paroles Revoked (Revocations)	225
190 Private Prisons	
191 Private Prison Beds Funded (Beds)	3,472
192 Medical Services	
193 Average Population Covered (Inmates)	15,331

194	Regional Facilities	
195	Regional Prison Beds Funded (Beds)	2,585
196	Local Confinement	
197	Approved Monthly Population (Inmates)	1,465
198	Unapproved Monthly Population (Inmates)	350

199 A reporting of the degree to which the performance targets
200 set above have been or are being achieved shall be provided in the
201 agency's budget request submitted to the Joint Legislative Budget
202 Committee for Fiscal Year 2006.

203 **SECTION 5.** It is the intention of the Legislature that the
204 Department of Corrections may use any federal funds that may
205 become available for the construction of a certified fail-safe
206 lethal/non-lethal fencing system at any of its maximum security
207 units for that purpose.

208 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
209 and authorized for expenditure in Section 3, it is the intention
210 of the Legislature that any contractual service payments made by
211 the department to defray medical expenses for inmates shall be at
212 the currently established Medicaid reimbursement rate; however, if
213 hospital and medical providers will not contract at the Medicaid
214 reimbursement rate, the Department of Corrections may enter into a
215 negotiated contract.

216 **SECTION 7.** Of the funds appropriated in Sections 1 and 2,
217 none shall be expended for personnel housing under the
218 jurisdiction of the Department of Corrections unless the
219 department shall collect a reasonable rent, after a finding of
220 fact as to what is a reasonable rent, and/or the cost of utilities
221 furnished to said housing. The Department of Corrections shall
222 not pay for the installation or monthly service of any telephone
223 installed in a staff residence under its jurisdiction.

224 **SECTION 8.** Of the funds appropriated in Sections 1 and 2,
225 and authorized for expenditure in Section 3, payment may be
226 authorized for court ordered attorney fees and any accrued

227 interest subject to the approval of the Office of the Attorney
228 General.

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

234 **SECTION 10.** None of the money herein appropriated shall be
235 paid to any person who by the provision of Section 47-5-47,
236 Mississippi Code of 1972, as amended, is prohibited from being an
237 employee of the Mississippi Department of Corrections. The State
238 Department of Finance and Administration shall at least annually
239 make a report to the Joint Legislative Committee on Performance
240 Evaluation and Expenditure Review and to the Attorney General
241 stating the name of any person prohibited under the provisions of
242 Section 47-5-47, Mississippi Code of 1972, as amended, from being
243 an employee of the Mississippi Department of Corrections who has
244 during the preceding year received any money herein appropriated.
245 In the event that any such person prohibited as herein above
246 provided from receiving funds herein appropriated should receive
247 any of said funds, the Attorney General shall immediately commence
248 action to recover the monies so paid to said person and to enjoin
249 the further employment of said person at the Mississippi
250 Department of Corrections.

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

255 **SECTION 12.** It is the intention of the Legislature that the
256 Department of Corrections shall have the authority to accept,
257 budget and expend any special funds collected or otherwise
258 available, through the sell of scrap or recycled material, for the

259 purpose of providing recycling equipment, supplies or services for
260 use within the department.

261 **SECTION 13.** None of the funds appropriated herein can be
262 directly or indirectly associated with the ACA accreditation in
263 the Community Services Division.

264 **SECTION 14.** It is the intention of the Legislature that the
265 per diem rates paid to regional facilities shall not exceed
266 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
267 All regional facilities shall continue to receive the annual three
268 percent (3%) increase in the per diem rate as authorized in
269 Section 47-5-933, Mississippi Code of 1972, however, in no event
270 shall any regional facility's per diem rate exceed Twenty-nine
271 Dollars and Seventy-four Cents (\$29.74) per inmate.

272 **SECTION 15.** It is the intention of the Legislature that the
273 Commissioner of the Mississippi Department of Corrections may
274 transfer between certain budgets authorized in Section 3,
275 including Support, Medical Services, Parole Board, Farming
276 Operations, and Private Prisons, both positions and funds in an
277 amount not to exceed twenty-five percent (25%) of the authorized
278 budgets in the aggregate. The Commissioner of the Mississippi
279 Department of Corrections shall submit written justification for
280 the transfer to the Legislative Budget Office and the Department
281 of Finance and Administration on or before the fifteenth of the
282 month prior to the effective date of the transfer. However, no
283 transfers shall be authorized which increase the major object of
284 expenditure "Salaries, Wages and Fringe Benefits" in any budget
285 authorized in Section 3 of this act.

286 **SECTION 16.** It is the intention of the Legislature that the
287 Mississippi Department of Corrections may use funds appropriated
288 herein to enter into a lease purchase agreement through the State
289 Master Lease Program to purchase property located at 421 West
290 Pascagoula Street in Jackson, Mississippi, for use as the Hinds
291 County Probation and Parole Office and the Statewide Records

292 Office for the Mississippi Department of Corrections. Total
293 outlays for any such agreement to purchase this facility must be
294 less than the total outlays to lease this property over a ten-year
295 period and shall be approved by the Executive Director of the
296 Department of Finance and Administration.

297 **SECTION 17.** The money herein appropriated shall be paid by
298 the State Treasurer out of any money in the State Treasury to the
299 credit of the proper fund or funds as set forth in this act, upon
300 warrants issued by the State Fiscal Officer; and the State Fiscal
301 Officer shall issue his warrants upon requisitions signed by the
302 proper person, officer or officers, in the manner provided by law.

303 **SECTION 18.** This act shall take effect and be in force from
304 and after July 1, 2004.