MISSISSIPPI LEGISLATURE REGULAR SESSION 2007

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

To: Appropriations

SENATE BILL NO. 3143

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

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

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

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

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

SUPPORT

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:	
Salaries, Wages and Fringe Benefits.. $	125,997,027.00
Travel and Subsistence.....	452,934.00
Contractual Services.....	19,079,318.00

Commodities			13,000,000.00
Capital Outlay:			
Other Than Equipment			274,578.00
Equipment			765,576.00
Vehicles			251,189.00
Wireless Communication Devices			0.00
Subsidies, Loans and Grants			96,044.00
Total		$	159,916,666.00
FUNDING:			
General Funds		$	146,098,148.00
Special Funds			13,818,518.00
Total		$	159,916,666.00
AUTHORIZED POSITIONS:			
Permanent:	Full Time	3,247	
	Part Time	23	
Time-Limited:	Full Time	124	
	Part Time	0	

MEDICAL SERVICES

MAJOR OBJECTS OF EXPENDITURE:			
Personal Services:			
Salaries, Wages and Fringe Benefits		$	272,213.00
Travel and Subsistence			0.00
Contractual Services			44,366,299.00
Commodities			0.00
Capital Outlay:			
Other Than Equipment			0.00
Equipment			0.00
Vehicles			0.00
Wireless Communication Devices			0.00
Subsidies, Loans and Grants			0.00
Total		$	44,638,512.00
FUNDING:			
General Funds		$	44,366,299.00

Special Funds			272,213.00
Total			$ 44,638,512.00
AUTHORIZED POSITIONS:			
Permanent:	Full Time	3	
	Part Time	0	
Time-Limited:	Full Time	0	
	Part Time	0	

PAROLE BOARD

MAJOR OBJECTS OF EXPENDITURE:			
Personal Services:			
Salaries, Wages and Fringe Benefits			$ 572,764.00
Travel and Subsistence			23,000.00
Contractual Services			54,549.00
Commodities			6,000.00
Capital Outlay:			
Other Than Equipment			0.00
Equipment			0.00
Vehicles			0.00
Wireless Communication Devices			0.00
Subsidies, Loans and Grants			0.00
Total			$ 656,313.00
FUNDING:			
General Funds			$ 656,313.00
Special Funds			0.00
Total			$ 656,313.00
AUTHORIZED POSITIONS:			
Permanent:	Full Time	8	
	Part Time	0	
Time-Limited:	Full Time	0	
	Part Time	0	

FARMING OPERATIONS

MAJOR OBJECTS OF EXPENDITURE:			
Personal Services:			

Salaries, Wages and Fringe Benefits..		$	624,780.00
Travel and Subsistence.....			3,000.00
Contractual Services.....			134,462.00
Commodities.....			1,520,000.00
Capital Outlay:			
Other Than Equipment.....			180,000.00
Equipment.....			159,692.00
Vehicles.....			0.00
Wireless Communication Devices.....			0.00
Subsidies, Loans and Grants.....			28,806.00
Total.....		$	2,650,740.00
FUNDING:			
General Funds.....		$	0.00
Special Funds.....			2,650,740.00
Total.....		$	2,650,740.00
AUTHORIZED POSITIONS:			
Permanent:	Full Time.....	14	
	Part Time.....	0	
Time-Limited:	Full Time.....	0	
	Part Time.....	0	

PRIVATE PRISONS

MAJOR OBJECTS OF EXPENDITURE:			
Personal Services:			
Salaries, Wages and Fringe Benefits..		$	0.00
Travel and Subsistence.....			0.00
Contractual Services.....			75,547,043.00
Commodities.....			0.00
Capital Outlay:			
Other Than Equipment.....			0.00
Equipment.....			0.00
Vehicles.....			0.00
Wireless Communication Devices.....			0.00
Subsidies, Loans and Grants.....			0.00

Total			$ 75,547,043.00
FUNDING:			
General Funds			$ 75,547,043.00
Special Funds			0.00
Total			$ 75,547,043.00
AUTHORIZED POSITIONS:			
Permanent:	Full Time	0	
	Part Time	0	
Time-Limited:	Full Time	0	
	Part Time	0	

REGIONAL FACILITIES

MAJOR OBJECTS OF EXPENDITURE:			
Personal Services:			
Salaries, Wages and Fringe Benefits			$ 0.00
Travel and Subsistence			0.00
Contractual Services			33,225,136.00
Commodities			0.00
Capital Outlay:			
Other Than Equipment			0.00
Equipment			0.00
Vehicles			0.00
Wireless Communication Devices			0.00
Subsidies, Loans and Grants			0.00
Total			$ 33,225,136.00
FUNDING:			
General Funds			$ 33,225,136.00
Special Funds			0.00
Total			$ 33,225,136.00
AUTHORIZED POSITIONS:			
Permanent:	Full Time	0	
	Part Time	0	
Time-Limited:	Full Time	0	
	Part Time	0	

LOCAL CONFINEMENT - COUNTY JAILS

MAJOR OBJECTS OF EXPENDITURE:		
Personal Services:		
Salaries, Wages and Fringe Benefits	$	0.00
Travel and Subsistence		0.00
Contractual Services		10,176,264.00
Commodities		0.00
Capital Outlay:		
Other Than Equipment		0.00
Equipment		0.00
Vehicles		0.00
Wireless Communication Devices		0.00
Subsidies, Loans and Grants		0.00
Total	$	10,176,264.00
FUNDING:		
General Funds	$	10,176,264.00
Special Funds		0.00
Total	$	10,176,264.00

AUTHORIZED POSITIONS:		
Permanent:	Full Time	0
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

Funds are provided herein to adjust the Variable Compensation Plan to ensure that all full-time employees receive a pay increase equal to the realignment component of the Variable Compensation Plan or One Thousand Dollars ($1,000.00), or Three Percent (3%) whichever is greater, to be awarded on July 1, 2007.

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008 funds appropriated for that purpose, unless programs or positions

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

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

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

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

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

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

Performance Measures	FY08 Target
Institutions - Parchman	
Average Population (Inmates)	4,450
Participants in Programs (Inmates)	3,100
Successful Program Completion (Inmates)	1,200
Central MS Correctional Fac	
Average Population (Inmates)	3,250
Participants in Programs (Inmates)	2,000
Successful Program Completion (Inmates)	1,150
South MS Correctional Fac	
Average Population (Inmates)	2,015
Participants in Programs (Inmates)	1,600

Successful Program Completion (Inmates)	900
Community Corrections	
Average Population (Offenders)	24,000
Farming	
Vegetables Produced (Pounds)	3,800,000
Dozens of Eggs Sold (Dozens)	600,000
Parole Board	
Number Paroled (Offenders)	1,250
Number of Paroles Revoked (Revocations)	225
Private Prisons	
Private Prison Beds Funded (Beds)	4,890
Medical Services	
Average Population Covered (Inmates)	14,598
Regional Facilities	
Regional Prison Beds Funded (Beds)	3,060
Local Confinement	
Local Confinement Population (Inmates)	1,324

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2009.

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

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

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

SECTION 7. No part of the funds herein appropriated shall be used for the purpose of returning escaped state convicts to the State Penitentiary from a distance of over one hundred (l00) miles beyond the borders of the state, except upon approval of the Governor in each specific case.

SECTION 8. None of the money herein appropriated shall be paid to any person who by the provision of Section 47-5-47, Mississippi Code of l972, as amended, is prohibited from being an employee of the Mississippi Department of Corrections. The State Department of Finance and Administration shall at least annually make a report to the Joint Legislative Committee on Performance Evaluation and Expenditure Review and to the Attorney General stating the name of any person prohibited under the provisions of Section 47-5-47, Mississippi Code of l972, as amended, from being an employee of the Mississippi Department of Corrections who has during the preceding year received any money herein appropriated. In the event that any such person prohibited as herein above provided from receiving funds herein appropriated should receive any of said funds, the Attorney General shall immediately commence action to recover the monies so paid to said person and to enjoin the further employment of said person at the Mississippi Department of Corrections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Utilize Mississippi owned media companies when feasible.

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

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

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