

MISSISSIPPI LEGISLATURE

2014 Regular Session

To: Appropriations

By: Senator(s) Clarke, Burton, Lee, Jackson (32nd),  
McDaniel, Simmons (13th)

## Senate Bill 2868

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
MAINTENANCE OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS  
FOR FISCAL YEAR 2015.

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, 2014, and ending  
June 30, 2015.....  
..... \$  
336,735,685.00.

**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, 2014, and ending  
June 30, 2015..... \$ 23,951,640.00.

**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:

**SUPPORT**

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

FUNDING:

General Funds.....	\$
142,338,239.00	
Special Funds.....	_____
<u>20,723,087.00</u>	
Total.....	\$
163,061,326.00	

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	2,930
	Part Time.....	15
Time-Limited:	Full Time.....	136
	Part Time.....	0

**FARMING OPERATIONS**

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

FUNDING:

General Funds.....	
\$	0.00

Special Funds..... \_\_\_\_\_  
2,986,010.00

Total..... \$  
2,986,010.00

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	10
	Part Time.....	0
Time-Limited:	Full Time.....	0
	Part Time.....	0

**PAROLE BOARD**

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

FUNDING:

General Funds.....	\$
750,194.00	
Special	
Funds.....	<u>0.00</u>
Total.....	\$
750,194.00	

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	8
	Part Time.....	0
Time-Limited:	Full Time.....	0
	Part Time.....	0

**PRIVATE PRISONS**

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

FUNDING:

General Funds.....	\$
70,456,787.00	
Special	
Funds.....	<u>0.00</u>
Total.....	\$
70,456,787.00	

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	0
	Part Time.....	0
Time-Limited:	Full Time.....	0
	Part Time.....	0

**MEDICAL SERVICES**

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

FUNDING:

General Funds.....	\$
64,477,055.00	
Special Funds.....	<u>          </u>
<u>242,543.00</u>	
Total.....	\$
64,719,598.00	

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	0
	Part Time.....	0
Time-Limited:	Full Time.....	2
	Part Time.....	0

### **REGIONAL FACILITIES**

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

#### FUNDING:

General Funds.....	\$
45,208,829.00	
Special	
Funds.....	<u>0.00</u>
Total.....	\$
45,208,829.00	

#### AUTHORIZED POSITIONS:

Permanent:	Full Time.....	0
	Part Time.....	0
Time-Limited:	Full Time.....	0
	Part Time.....	0

### **LOCAL CONFINEMENT**

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

#### FUNDING:

General Funds.....	\$
13,504,581.00	

Special  
 Funds..... 0.00  
 Total..... \$

13,504,581.00

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	0
	Part Time.....	0
Time-Limited:	Full Time.....	0
	Part Time.....	0

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 2016 do not exceed Fiscal Year 2015 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2015 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 ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2015 appropriations 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 2015 "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.

**SECTION 4.** None of the funds appropriated under the provisions of Sections 1 and 2 of this act may be expended by the Department of Corrections after September 1, 2014, until the Commissioner of Corrections, on behalf

of the State of Mississippi, has submitted an application to the United States Secretary of Homeland Security to participate in the Criminal Alien Program of the United States Immigration and Customs Enforcement, in order to identify criminal aliens who are incarcerated in state correctional facilities and ensure that they are not released into the community by securing a final order of removal that deports the aliens back to their home countries before the termination of their sentences.

**SECTION 5.** 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:

FY2015

Performance

Measures

Target

Institutions - Parchman

Average Population

(Inmates) 3.93

Participants in Programs

(Inmates) 700



Successful Program Completion		
(Inmates)	87	
Central MS Correctional Fac		
Average Population		
(Inmates)	3,637	
Participants in Programs		
(Inmates)	529	
Successful Program Completion		
(Inmates)	150	
South MS Correctional Fac		
Average Population		
(Offenders)	3,235	
Community Corrections		
Supervised Probationers/Parolees		
38,000		
Community Work Center		
Population	1,518	
Supportive Services		
Security		
Terminations		400
Security New		
Hires		400
Farming		
Vegetables Produced (Pounds)		
1,600,000		
Dozens of Eggs Sold (Dozens)		
180,000		

Parole Board

Number Paroled	
(Offenders)	4,423

Number of Paroles Revoked	
(Revocations)	470

Private Prisons

Private Prison Beds Funded	
(Beds)	4,619

Medical Services

Average Population Covered (Inmates)	
	20,810

Regional Facilities

Regional Prison Beds Funded	
(Beds)	4,408

Local Confinement

Local Confinement Population	
(Inmates)	2,197

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 2016.

**SECTION 6.** 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.

It is further the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane and cable services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state furnished housing shall include single-family and multifamily residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

**SECTION 7.** 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 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 1972, 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 1972, 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. None of the monies appropriated herein may be used to pay for cosmetic medical procedures for any prisoner. Cosmetic medical procedure means any medical procedure performed in order to change an individual's appearance without significantly serving to

prevent or treat illness or disease or to promote proper functioning of the body.

**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 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 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 manner 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.** 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 19.** Of the funds appropriated under the provisions of Section 2 and allocated in Section 3, within the private prisons' budget, Two Hundred Sixty-two Thousand Nine Hundred Nine Dollars (\$262,909.00) shall be used for educational efforts at the Walnut Grove Youthful Correctional Facility.

**SECTION 20.** It is the intention of the Legislature that the Mississippi Department of Corrections shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2014. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2016 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2015 budget request process.

**SECTION 21.** It is the intention of the Legislature for the Mississippi Department of Corrections to manage



funds budgeted and allocated. In so doing, the commissioner of the department shall have the authority to amend, extend and/or renew the term of any lease agreement or any inmate housing agreement in connection with a correctional facility. Notwithstanding any statutory limits to the contrary, such amendment, extension and/or renewal may be for a length of time up to and including ten (10) years as is necessary for the continued operations of such facilities and implementation of the Department's duties and responsibilities in accordance with Title 47 of the Mississippi Code of 1972, as amended.

**SECTION 22.** Of the funds appropriated herein, not more than Four Million Dollars (\$4,000,000.00) may be used to pay invoices from fiscal years 2013 and 2014.

**SECTION 23.** 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 24.** This act shall take effect and be in force from and after July 1, 2014.