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Chapter No. 93
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SENATE BILL NO. 2855

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2855

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS FOR FISCAL YEAR 2016.

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, 2015, and ending June 30, 2016 ..... $ 333,063,329.00.

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 becomes available for the purpose of defraying the expenses of the department, for the fiscal year beginning July 1, 2015, and ending June 30, 2016 ..... $ 28,697,981.00.

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		$ 143,557,434.00
Special Funds		25,622,722.00
Total		$ 169,180,156.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	2,869
	Part Time	15
Time-Limited:	Full Time	133
	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		2,832,716.00
Total		$ 2,832,716.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	12
	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 0.00

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 ..... $ 72,858,541.00

Special Funds 0.00

Total ..... $ 72,858,541.00

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	$	64,000,000.00
Special Funds		242,543.00
Total	$	64,242,543.00

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	$	44,505,910.00
Special Funds		0.00
Total	$	44,505,910.00

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	$	7,391,250.00
Special Funds		0.00
Total	$	7,391,250.00

AUTHORIZED POSITIONS:

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

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2017 do not exceed Fiscal Year 2016 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2016 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 2016 appropriations for "Personal Services" when annualized, with the

exception of escalated funds and the award of benchmarks. 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 2016 "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.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating

to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

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, 2015, 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:

Performance Measures	FY2016 Target
Institutions - Parchman	
Adult Basic Education Program (Num of Slots)	150

Vocational Education Program (Num of Slots)	225
Alcohol and Drug Program (Num of Slots)	452
Central MS Correctional Fac	
Adult Basic Education Program (Num of Slots)	150
Vocational Education Program (Num of Slots)	75
Alcohol and Drug Program (Num of Slots)	191
South MS Correctional Fac	
Adult Basic Education Program (Num of Slots)	130
Vocational Education Program (Num of Slots)	75
Alcohol and Drug Program (Num of Slots)	200
Community Corrections	
Supervised Offenders to Offenders in Custody (Ratio)	2.16
Adult Basic Education Program (Num of Slots)	270
Alcohol and Drug Program (Num of Slots)	366
Supportive Services	
MDOC Custody Population per 100,000 MS Residents	640
Average Annual Incarceration Cost Per Inmate ($)	45.07
Percent of Offenders Returning to Incarceration within 3 yrs of Release (%)	33.00
Percent of Offenders Possessing GED Certificate or High School Diploma at Time of Release (%)	52.99

Percent of Offenders Obtaining Marketable Job Skills During Incarceration (%)	4.90
Number of Inmates to Correctional Officers (Ratio)	7.86
Farming	
Annual Income from Farm Sales ($)	1,580,000
Parole Board	
Number Paroled (Offenders)	3,071
Private Prisons	
Adult Basic Education Program (Num of Slots)	797
Vocational Education Program (Num of Slots)	309
Alcohol and Drug Program (Num of Slots)	467
Medical Services	
Number of Inmate Days in Hospital	3,700
Regional Facilities	
Adult Basic Education Program (Num of Slots)	833
Vocational Education Program (Num of Slots)	342
Alcohol and Drug Program (Num of Slots)	640
Local Confinement	
Total Number of Inmates Housed in County Jails (Inmate Days)	634,370

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 2017.

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 hereinabove 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 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 11. 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 a 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 12. 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 13. 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 14. 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 15. 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) may be used for educational efforts at the Walnut Grove Youthful Correctional Facility.

SECTION 16. 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 2015. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2017 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 2016 budget request process.

SECTION 17. 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 18. With the funds herein appropriated, it is the intent of the Legislature that upon vouchers submitted by the board of supervisors of any county housing offenders in county jails pending a probation or parole revocation hearing, the department shall pay the reimbursement costs as provided for in Section 47-5-901(3)(b), Mississippi Code of 1972, as amended by House Bill No. 585, 2014 Regular Session.

SECTION 19. With the funds herein appropriated, it is the intent of the Legislature, that for Fiscal Year 2016, the Department of Corrections shall reimburse municipalities, up to Twenty Dollars ($20.00) a day, for the cost incurred of housing inmates in any jail facility based on time served for the conviction of larceny, shoplifting, or related convictions where the value of the property taken is Five Hundred Dollars ($500.00) or more but is equal to or less than One Thousand Dollars ($1,000.00). A copy of the court abstract of record and the jail docket shall be provided to show the total number of days an individual was incarcerated in said jail facility. The reimbursement shall be payable back to the municipality upon receipt of required documentation and an invoice. Total

reimbursements resulting from this section shall not exceed One Hundred Twenty-five Thousand Dollars ($125,000.00).

SECTION 20. Of the funds appropriated under the provisions of Section 2, funds may be expended to defray the costs of clothing for sworn nonuniform law enforcement officers in an amount not to exceed One Thousand Dollars ($1,000.00) annually per officer.

SECTION 21. The following sum, or so much thereof as may be necessary, is reappropriated out of any money in the Capital Expense Fund as created in Section 27-103-303, Mississippi Code of 1972, not otherwise appropriated, to the Mississippi Department of Corrections, as authorized in SB 2868, 2014 Regular Session, for the fiscal year beginning July 1, 2015, and ending June 30, 2016 ..... $ 12,239,668.00.

SECTION 22. 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 23. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE SENATE
March 30, 2015

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 30, 2015

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

4/20/15
7:47 pm