

By: Senator(s) Hall, Burton, Posey, Jordan  
(18th), Ross, Simmons, Turner, White (5th),  
Woodfield

To: Appropriations

SENATE BILL NO. 3159

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 2000.

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, 1999, and ending June 30, 2000.....  
11 ..... \$ 230,560,418.00.

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, 1999, and ending  
18 June 30, 2000..... \$ 15,412,684.00.

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.. \$ 115,007,752.00  
27 Travel and Subsistence..... 657,245.00

28	Contractual Services.....	79,436,779.00
29	Commodities.....	16,317,465.00
30	Capital Outlay:	
31	Other Than Equipment.....	1,804,578.00
32	Equipment.....	2,393,444.00
33	Subsidies, Loans and Grants.....	<u>397,320.00</u>
34	Total.....	\$ 216,014,583.00
35	FUNDING:	
36	General Funds.....	\$ 206,257,246.00
37	Special Funds.....	<u>9,757,337.00</u>
38	Total.....	\$ 216,014,583.00
39	AUTHORIZED POSITIONS:	
40	Permanent: Full Time. . . . .	4,108
41	Part Time. . . . .	32
42	Time-Limited: Full Time. . . . .	57
43	Part Time. . . . .	0
44	MEDICAL SERVICES	
45	FUNDING:	
46	General Funds.....	\$ 23,359,288.00
47	Special Funds.....	<u>0.00</u>
48	Total.....	\$ 23,359,288.00
49	AUTHORIZED POSITIONS:	
50	Permanent: Full Time. . . . .	8
51	Part Time. . . . .	0
52	Time-Limited: Full Time. . . . .	0
53	Part Time. . . . .	0
54	PAROLE BOARD	
55	MAJOR OBJECTS OF EXPENDITURE:	
56	Personal Services:	
57	Salaries, Wages and Fringe Benefits..	\$ 715,884.00
58	Travel and Subsistence.....	50,000.00
59	Contractual Services.....	102,800.00
60	Commodities.....	26,000.00

61	Capital Outlay:		
62	Other Than Equipment.....		0.00
63	Equipment.....		49,200.00
64	Subsidies, Loans and Grants.....		<u>0.00</u>
65	Total.....	\$	943,884.00

66	FUNDING:		
67	General Funds.....	\$	943,884.00
68	Special Funds.....		<u>0.00</u>
69	Total.....	\$	943,884.00

70	AUTHORIZED POSITIONS:		
71	Permanent: Full Time. . . . .		24
72	Part Time. . . . .		0
73	Time-Limited: Full Time. . . . .		0
74	Part Time. . . . .		0

FARMING OPERATIONS

76	MAJOR OBJECTS OF EXPENDITURE:		
77	Personal Services:		
78	Salaries, Wages and Fringe Benefits..	\$	967,984.00
79	Travel and Subsistence.....		17,686.00
80	Contractual Services.....		845,973.00
81	Commodities.....		2,350,000.00
82	Capital Outlay:		
83	Other Than Equipment.....		948,877.00
84	Equipment.....		500,523.00
85	Subsidies, Loans and Grants.....		<u>24,304.00</u>
86	Total.....	\$	5,655,347.00

87	FUNDING:		
88	General Funds.....	\$	0.00
89	Special Funds.....		<u>5,655,347.00</u>
90	Total.....	\$	5,655,347.00

91	AUTHORIZED POSITIONS:		
92	Permanent: Full Time. . . . .		28
93	Part Time. . . . .		0

94           Time-Limited: Full Time. . . . . 0  
95                            Part Time. . . . . 0

96           From the funds provided in the budget category "Personal  
97 Services: Salaries, Wages and Fringe Benefits," funds may be  
98 expended for the following purposes, in compliance with the  
99 policies established by the State Personnel Board and any  
100 conditions placed on such expenditures:

101                   (a) The components of the Variable Compensation Plan  
102 shall be maintained within the constraints of the funds  
103 appropriated herein.

104                   (b) Funds are provided to adjust the Variable  
105 Compensation Plan, including realignment, to ensure that all  
106 full-time employees with at least six (6) months of continuous  
107 current service, as of June 30, 1999, receive an increase of One  
108 Thousand Five Hundred Dollars (\$1,500.00). Funds are provided to  
109 adjust critical job classes up to an additional One Thousand  
110 Dollars (\$1,000.00).

111                   (c) If an employee is currently at or above the end  
112 salary for his or her job classification, then the increase shall  
113 be built into the employee's base salary. To be eligible for any  
114 increase authorized in this section, employees may not have a  
115 current performance rating below "meets expectations" as of the  
116 effective date of the increase. Employees who subsequently  
117 receive a performance rating of "meets expectations" or above  
118 during Fiscal Year 2000 shall receive the salary increase  
119 effective the date of the rating.

120           It is the agency's responsibility to make certain that funds  
121 required to be appropriated for "Personal Services" for Fiscal  
122 Year 2001 do not exceed Fiscal Year 2000 funds appropriated for  
123 that purpose unless programs or positions are added to the  
124 agency's budget by the Mississippi Legislature.

125           Any transfers or escalations shall be made in accordance with  
126 the terms, conditions, and procedures established by law.

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

131           SECTION 4. Of the funds appropriated in Sections 1 and 2,  
132 and authorized for expenditure in Section 3, it is the intention  
133 of the Legislature that any contractual service payments made by  
134 the department to defray medical expenses for inmates shall be at  
135 the currently established Medicaid reimbursement rate; however, if  
136 hospital and medical providers will not contract at the Medicaid  
137 reimbursement rate, the Department of Corrections may enter into a  
138 negotiated contract.

139           SECTION 5. Of the funds appropriated in Sections 1 and 2,  
140 none shall be expended for personnel housing under the  
141 jurisdiction of the Department of Corrections unless the  
142 department shall collect a reasonable rent, after a finding of  
143 fact as to what is a reasonable rent, and/or the cost of utilities  
144 furnished to said housing, except that the Superintendent of the  
145 Central Mississippi Correctional Facility may be provided with a  
146 housing expense allowance in lieu of being furnished with a  
147 dwelling house. The Department of Corrections shall not pay for  
148 the installation or monthly service of any telephone installed in  
149 a staff residence under its jurisdiction.

150           SECTION 6. Of the funds appropriated in Sections 1 and 2,  
151 and authorized for expenditure in Section 3, payment may be  
152 authorized for court ordered attorney fees and any accrued  
153 interest subject to the approval of the Office of the Attorney  
154 General.

155           SECTION 7. No part of the funds herein appropriated shall be  
156 used for the purpose of returning escaped state convicts to the  
157 State Penitentiary from a distance of over one hundred (100) miles  
158 beyond the borders of the state, except upon approval of the  
159 Governor in each specific case.

160 SECTION 8. None of the money herein appropriated shall be  
161 paid to any person who by the provision of Section 47-5-47,  
162 Mississippi Code of 1972, as amended, is prohibited from being an  
163 employee of the Mississippi Department of Corrections. The State  
164 Department of Finance and Administration shall at least annually  
165 make a report to the Joint Legislative Committee on Performance  
166 Evaluation and Expenditure Review and to the Attorney General  
167 stating the name of any person prohibited under the provisions of  
168 Section 47-5-47, Mississippi Code of 1972, as amended, from being  
169 an employee of the Mississippi Department of Corrections who has  
170 during the preceding year received any money herein appropriated.

171 In the event that any such person prohibited as hereinabove  
172 provided from receiving funds herein appropriated should receive  
173 any of said funds, the Attorney General shall immediately commence  
174 action to recover the monies so paid to said person and to enjoin  
175 the further employment of said person at the Mississippi  
176 Department of Corrections.

177 SECTION 9. It is the intention of the Legislature that the  
178 Commissioner of the Mississippi Department of Corrections may  
179 transfer between the divisions of Support, Medical Services,  
180 Parole Board, Farming Operations and Local Confinement, both funds  
181 and positions not to exceed fifteen percent (15%) of the  
182 authorized budgets in the aggregate. The Commissioner of the  
183 Mississippi Department of Corrections shall submit written  
184 justification for the transfer to the Legislative Budget Office  
185 and the Department of Finance and Administration on or before the  
186 fifteenth of the month prior to the effective date of the  
187 transfer. It is further the intention of the Legislature that no  
188 transfer may be made under the provisions of this section to  
189 increase or decrease the salaries category of any budget set forth  
190 in the original appropriations made under this act, but may be  
191 used to contract with counties to house state inmates in  
192 facilities authorized by Section 47-5-931, Mississippi Code of

193 1972. It is further the intention of the Legislature that any  
194 transfers made under the provisions of this paragraph shall be for  
195 the removal of state inmates from county jails or of an emergency  
196 nature.

197 SECTION 10. It is the intent of the Legislature that all  
198 prisoners at Parchman shall work a minimum of eight (8) hours per  
199 day, excluding prisoners with a physical disability or those  
200 incarcerated in maximum security.

201 SECTION 11. In compliance with the "Mississippi Performance  
202 Budget and Strategic Planning Act of 1994," it is the intent of  
203 the Legislature that the funds provided herein shall be utilized  
204 in the most efficient and effective manner possible to achieve the  
205 intended mission of this agency. Based on the funding authorized,  
206 this agency shall make every effort to attain the targeted  
207 performance measures provided below:

208 <u>Performance Measures</u>	<u>FY2000 Target</u>
209 Mississippi State Penitentiary	
210 Average population (inmates)	4,600
211 Participants in programs (inmates)	5,030
212 Successful program completion (inmates)	3,505
213 Central Mississippi Correctional Facility	
214 Average population (inmates)	2,600
215 Participants in programs (inmates)	1,550
216 Successful program completion (inmates)	898
217 South Mississippi Correctional Facility	
218 Average population (inmates)	2,150
219 Participants in programs (inmates)	1,321
220 Successful program completion (inmates)	985
221 Community Based Services	
222 Average population (offenders)	15,000
223 Supportive Services	
224 Purchase orders generated (transactions)	15,000
225 Payment vouchers generated (transactions)	25,000

226	New hires (persons)	1,000
227	Farming Operations	
228	Vegetables produced (pounds)	3,000,000
229	Unit cost per pound of vegetable (\$)	2.16
230	Inmate days worked (days)	87,000
231	Parole Board	
232	Cost per parole hearing (\$)	187.00
233	Parole hearings (hearings)	5,000
234	Number paroled (offenders)	1,500
235	Reimbursement - Local Confinement	
236	Average approved monthly population (inmates)	865
237	Average unapproved monthly population (inmates)	600

238 A reporting of the degree to which the performance targets  
239 set above have been or are being achieved shall be provided in the  
240 agency's budget request submitted to the Joint Legislative Budget  
241 Committee for Fiscal Year 2001.

242 SECTION 12. In addition to all other sums herein  
243 appropriated, the following sum, or so much thereof as may be  
244 necessary, is hereby appropriated out of any money in the State  
245 General Fund not otherwise appropriated, to the Department of  
246 Corrections for the purpose of paying the expenses of counties for  
247 holding state prisoners in county jails, for the period beginning  
248 July 1, 1999, and ending June 30, 2000.....  
249 ..... \$ 9,665,044.00.

250 SECTION 13. Of the funds appropriated under the provisions  
251 of Section 2, telephone commission funds in an amount not to  
252 exceed One Million Dollars (\$1,000,000.00) are provided and shall  
253 be available to the Department of Corrections to defray the  
254 expenses associated with contracts for certain new prison beds  
255 that will become available to the Department of Corrections during  
256 fiscal year 2000, prior to any other allocation of said funds.

257 SECTION 14. The money herein appropriated shall be paid by  
258 the State Treasurer out of any money in the State Treasury to the



259 credit of the proper fund or funds as set forth in this act, upon  
260 warrants issued by the State Fiscal Officer; and the State Fiscal  
261 Officer shall issue his warrants upon requisitions signed by the  
262 proper person, officer or officers in the manner provided by law.

263 SECTION 15. This act shall take effect and be in force from  
264 and after July 1, 1999.