

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

To: Appropriations

SENATE BILL NO. 3159  
(As Passed the Senate)

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. From the funds provided herein, the agency head  
132 may, as approved by the State Personnel Board, implement a  
133 professionalism program for correctional personnel.

134 SECTION 5. Of the funds appropriated in Sections 1 and 2,  
135 and authorized for expenditure in Section 3, it is the intention  
136 of the Legislature that any contractual service payments made by  
137 the department to defray medical expenses for inmates shall be at  
138 the currently established Medicaid reimbursement rate; however, if  
139 hospital and medical providers will not contract at the Medicaid  
140 reimbursement rate, the Department of Corrections may enter into a  
141 negotiated contract.

142 SECTION 6. Of the funds appropriated in Sections 1 and 2,  
143 none shall be expended for personnel housing under the  
144 jurisdiction of the Department of Corrections unless the  
145 department shall collect a reasonable rent, after a finding of  
146 fact as to what is a reasonable rent, and/or the cost of utilities  
147 furnished to said housing, except that the Superintendent of the  
148 Central Mississippi Correctional Facility may be provided with a  
149 housing expense allowance in lieu of being furnished with a  
150 dwelling house. The Department of Corrections shall not pay for  
151 the installation or monthly service of any telephone installed in  
152 a staff residence under its jurisdiction.

153 SECTION 7. Of the funds appropriated in Sections 1 and 2,  
154 and authorized for expenditure in Section 3, payment may be  
155 authorized for court ordered attorney fees and any accrued  
156 interest subject to the approval of the Office of the Attorney  
157 General.

158 SECTION 8. No part of the funds herein appropriated shall be  
159 used for the purpose of returning escaped state convicts to the

160 State Penitentiary from a distance of over one hundred (100) miles  
161 beyond the borders of the state, except upon approval of the  
162 Governor in each specific case.

163 SECTION 9. None of the money herein appropriated shall be  
164 paid to any person who by the provision of Section 47-5-47,  
165 Mississippi Code of 1972, as amended, is prohibited from being an  
166 employee of the Mississippi Department of Corrections. The State  
167 Department of Finance and Administration shall at least annually  
168 make a report to the Joint Legislative Committee on Performance  
169 Evaluation and Expenditure Review and to the Attorney General  
170 stating the name of any person prohibited under the provisions of  
171 Section 47-5-47, Mississippi Code of 1972, as amended, from being  
172 an employee of the Mississippi Department of Corrections who has  
173 during the preceding year received any money herein appropriated.

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

180 SECTION 10. It is the intention of the Legislature that the  
181 Commissioner of the Mississippi Department of Corrections may  
182 transfer between the divisions of Support, Medical Services,  
183 Parole Board, Farming Operations and Local Confinement, both funds  
184 and positions not to exceed fifteen percent (15%) of the  
185 authorized budgets in the aggregate. The Commissioner of the  
186 Mississippi Department of Corrections shall submit written  
187 justification for the transfer to the Legislative Budget Office  
188 and the Department of Finance and Administration on or before the  
189 fifteenth of the month prior to the effective date of the  
190 transfer. It is further the intention of the Legislature that no  
191 transfer may be made under the provisions of this section to  
192 increase or decrease the salaries category of any budget set forth

193 in the original appropriations made under this act, but may be  
194 used to contract with counties to house state inmates in  
195 facilities authorized by Section 47-5-931, Mississippi Code of  
196 1972. It is further the intention of the Legislature that any  
197 transfers made under the provisions of this paragraph shall be for  
198 the removal of state inmates from county jails or of an emergency  
199 nature.

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

204 SECTION 12. In compliance with the "Mississippi Performance  
205 Budget and Strategic Planning Act of 1994," it is the intent of  
206 the Legislature that the funds provided herein shall be utilized  
207 in the most efficient and effective manner possible to achieve the  
208 intended mission of this agency. Based on the funding authorized,  
209 this agency shall make every effort to attain the targeted  
210 performance measures provided below:

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

226	Supportive Services	
227	Purchase orders generated (transactions)	15,000
228	Payment vouchers generated (transactions)	25,000
229	New hires (persons)	1,000
230	Farming Operations	
231	Vegetables produced (pounds)	3,000,000
232	Unit cost per pound of vegetable (\$)	2.16
233	Inmate days worked (days)	87,000
234	Parole Board	
235	Cost per parole hearing (\$)	187.00
236	Parole hearings (hearings)	5,000
237	Number paroled (offenders)	1,500
238	Reimbursement - Local Confinement	
239	Average approved monthly population (inmates)	865
240	Average unapproved monthly population (inmates)	600

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

245           SECTION 13. In addition to all other sums herein  
246 appropriated, the following sum, or so much thereof as may be  
247 necessary, is hereby appropriated out of any money in the State  
248 General Fund not otherwise appropriated, to the Department of  
249 Corrections for the purpose of paying the expenses of counties for  
250 holding state prisoners in county jails, for the period beginning  
251 July 1, 1999, and ending June 30, 2000.....  
252 ..... \$ 9,665,044.00.

253           SECTION 14. Of the funds appropriated under the provisions  
254 of Section 2, telephone commission funds in an amount not to  
255 exceed One Million Dollars (\$1,000,000.00) are provided and shall  
256 be available to the Department of Corrections to defray the  
257 expenses associated with contracts for certain new prison beds  
258 that will become available to the Department of Corrections during



259 fiscal year 2000, prior to any other allocation of said funds.

260 SECTION 15. The money herein appropriated shall be paid by  
261 the State Treasurer out of any money in the State Treasury to the  
262 credit of the proper fund or funds as set forth in this act, upon  
263 warrants issued by the State Fiscal Officer; and the State Fiscal  
264 Officer shall issue his warrants upon requisitions signed by the  
265 proper person, officer or officers in the manner provided by law.

266 SECTION 16. This act shall take effect and be in force from  
267 and after July 1, 1999.