

By: Gordon, Thames, Huggins, Posey, Dearing, To: Appropriations
Hamilton, Simmons, Walls

SENATE BILL NO. 3277
(As Sent to Governor)

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 2001.

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, 2000, and ending June 30, 2001.....
11\$ 233,756,940.00.

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, 2000, and ending
18 June 30, 2001.....\$ 12,624,819.00.

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...\$ 119,527,250.00
27 Travel and Subsistence..... 657,245.00

28	Contractual Services.....	78,880,823.00
29	Commodities.....	13,325,365.00
30	Capital Outlay:	
31	Other Than Equipment.....	804,578.00
32	Equipment.....	1,538,057.00
33	Subsidies, Loans and Grants.....	<u>97,320.00</u>
34	Total.....	\$ 214,830,638.00
35	FUNDING:	
36	General Funds.....	\$ 207,410,995.00
37	Special Funds.....	<u>7,419,643.00</u>
38	Total.....	\$ 214,830,638.00
39	AUTHORIZED POSITIONS:	
40	Permanent: Full Time.....	4,017
41	Part Time.....	31
42	Time-Limited: Full Time.....	76
43	Part Time.....	0
44	MEDICAL SERVICES	
45	FUNDING:	
46	General Funds.....	\$ 25,729,818.00
47	Special Funds.....	<u>0.00</u>
48	Total.....	\$ 25,729,818.00
49	AUTHORIZED POSITIONS:	
50	Permanent: Full Time.....	0
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...\$	424,881.00
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.....	12,446.00
64	Subsidies, Loans and Grants.....	<u>0.00</u>
65	Total.....\$	616,127.00

66	FUNDING:	
67	General Funds.....\$	616,127.00
68	Special Funds.....	<u>0.00</u>
69	Total.....\$	616,127.00

70	AUTHORIZED POSITIONS:	
71	Permanent: Full Time.....	13
72	Part Time.....	0
73	Time-Limited: Full Time.....	0
74	Part Time.....	0

75 FARMING OPERATIONS

76	MAJOR OBJECTS OF EXPENDITURE:	
77	Personal Services:	
78	Salaries, Wages and Fringe Benefits...\$	716,024.00
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.....	730,848.00
84	Equipment.....	511,645.00
85	Subsidies, Loans and Grants.....	<u>33,000.00</u>
86	Total.....\$	5,205,176.00

87	FUNDING:	
88	General Funds.....\$	0.00
89	Special Funds.....	<u>5,205,176.00</u>
90	Total.....\$	5,205,176.00

91	AUTHORIZED POSITIONS:	
92	Permanent: Full Time.....	20
93	Part Time.....	0

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

96 With the funds herein appropriated, it is the intention of
97 the Legislature that it shall be the agency's responsibility to
98 make certain that funds required to be appropriated for "Personal
99 Services" for Fiscal Year 2002 do not exceed Fiscal Year 2001
100 funds appropriated for that purpose, unless programs or positions
101 are added to the agency's Fiscal Year 2002 budget by the
102 Mississippi Legislature. Based on data provided by the
103 Legislative Budget Office, the State Personnel Board shall
104 determine and publish the projected annual cost to fully fund all
105 appropriated positions in compliance with the provisions of this
106 act. It shall be the responsibility of the agency head to insure
107 that no single personnel action increases this projected annual
108 cost and/or the Fiscal Year 2001 appropriation for "Personal
109 Services" when annualized. If, at the end of any calendar month,
110 the State Personnel Board determines that the agency has taken
111 action(s) which would cause the agency to exceed this projected
112 annual cost or the Fiscal Year 2001 "Personal Services"
113 appropriated level, when annualized, then only those actions which
114 reduce the projected annual cost and/or the appropriation
115 requirement will be processed by the State Personnel Board until
116 such time as the requirements of this provision are met.

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

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

123 SECTION 4. Of the funds appropriated in Sections 1 and 2,
124 and authorized for expenditure in Section 3, it is the intention
125 of the Legislature that any contractual service payments made by
126 the department to defray medical expenses for inmates shall be at

127 the currently established Medicaid reimbursement rate; however, if
128 hospital and medical providers will not contract at the Medicaid
129 reimbursement rate, the Department of Corrections may enter into a
130 negotiated contract.

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

142 SECTION 6. Of the funds appropriated in Sections 1 and 2,
143 and authorized for expenditure in Section 3, payment may be
144 authorized for court ordered attorney fees and any accrued
145 interest subject to the approval of the Office of the Attorney
146 General.

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

152 SECTION 8. None of the money herein appropriated shall be
153 paid to any person who by the provision of Section 47-5-47,
154 Mississippi Code of 1972, as amended, is prohibited from being an
155 employee of the Mississippi Department of Corrections. The State
156 Department of Finance and Administration shall at least annually
157 make a report to the Joint Legislative Committee on Performance
158 Evaluation and Expenditure Review and to the Attorney General
159 stating the name of any person prohibited under the provisions of

160 Section 47-5-47, Mississippi Code of 1972, as amended, from being
161 an employee of the Mississippi Department of Corrections who has
162 during the preceding year received any money herein appropriated.

163 In the event that any such person prohibited as hereinabove
164 provided from receiving funds herein appropriated should receive
165 any of said funds, the Attorney General shall immediately commence
166 action to recover the monies so paid to said person and to enjoin
167 the further employment of said person at the Mississippi
168 Department of Corrections.

169 SECTION 9. It is the intention of the Legislature that the
170 Commissioner of the Mississippi Department of Corrections may
171 transfer between the divisions of Support, Medical Services,
172 Parole Board, Farming Operations and Local Confinement, both funds
173 and positions not to exceed fifteen percent (15%) of the
174 authorized budgets in the aggregate. The Commissioner of the
175 Mississippi Department of Corrections shall submit written
176 justification for the transfer to the Legislative Budget Office
177 and the Department of Finance and Administration on or before the
178 fifteenth of the month prior to the effective date of the
179 transfer. It is further the intention of the Legislature that no
180 transfer may be made under the provisions of this section to
181 increase or decrease the salaries category of any budget set forth
182 in the original appropriations made under this act, but may be
183 used to contract with counties to house state inmates in
184 facilities authorized by Section 47-5-931, Mississippi Code of
185 1972. It is further the intention of the Legislature that any
186 transfers made under the provisions of this paragraph shall be for
187 the removal of state inmates from county jails or of an emergency
188 nature.

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

193 SECTION 11. In compliance with the "Mississippi Performance
 194 Budget and Strategic Planning Act of 1994," it is the intent of
 195 the Legislature that the funds provided herein shall be utilized
 196 in the most efficient and effective manner possible to achieve the
 197 intended mission of this agency. Based on the funding authorized,
 198 this agency shall make every effort to attain the targeted
 199 performance measures provided below:

200		FY2001
201	<u>Performance Measures</u>	<u>Target</u>
202	Institutions - Parchman	
203	Average Population (Inmates)	5,565
204	Participants in Programs (Inmates)	6,730
205	Successful Program Completion (Inmates)	4,735
206	Central Mississippi Correctional Facility	
207	Average Population (Inmates)	2,500
208	Participants in Programs (Inmates)	2,730
209	Successful Program Completion (Inmates)	1,795
210	South Mississippi Correctional Facility	
211	Average Population (Inmates)	2,100
212	Participants in Programs (Inmates)	2,405
213	Successful Program Completion (Inmates)	1,800
214	Community Based Services	
215	Average Population (Offenders)	15,000
216	Supportive Services	
217	Private Prison Beds (Beds)	8,000
218	Farming	
219	Vegetables Produced (Pounds)	3,400,000
220	Dozens of Eggs Sold (Dozens)	600,000
221	Parole Board	
222	Number Paroled (Offenders)	1,000
223	Number of Paroles Revoked (Revocations)	200
224	Medical Services	
225	Average Population Covered (Inmates)	14,329

226 A reporting of the degree to which the performance targets
227 set above have been or are being achieved shall be provided in the
228 agency's budget request submitted to the Joint Legislative Budget
229 Committee for Fiscal Year 2002.

230 SECTION 12. In addition to all other sums herein
231 appropriated, the following sum, or so much thereof as may be
232 necessary, is hereby appropriated out of any money in the State
233 General Fund not otherwise appropriated, to the Department of
234 Corrections for the purpose of paying the expenses of counties for
235 holding state prisoners in county jails, for the period beginning
236 July 1, 2000, and ending June 30, 2001.....\$ 9,665,044.00.

237 SECTION 13. Of the funds appropriated under the provisions
238 of Section 1, One Hundred Eighty Thousand Dollars (\$180,000.00) is
239 provided to the Department of Corrections to defray the expenses
240 associated with contracts for new prison beds that will become
241 available to the Department of Corrections during Fiscal Year
242 2001.

243 SECTION 14. Of the funds appropriated under the provisions
244 of Sections 1 and 2, funds are made available and may be expended
245 for salaries associated with the pre-release program.

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

252 SECTION 16. This act shall take effect and be in force from
253 and after July 1, 2000.