

By: Senator(s) Gordon, Thames, Huggins,
Posey, Dearing, Hamilton, Simmons, Walls

To: Appropriations

SENATE BILL NO. 3123

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 2002.

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, 2001, and ending June 30, 2002.....
11 \$ 253,678,888.00.

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, 2001, and ending
18 June 30, 2002..... \$ 14,744,448.00.

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.. \$ 119,066,098.00
27 Travel and Subsistence..... 492,934.00

28	Contractual Services.....		16,937,299.00
29	Commodities.....		13,325,365.00
30	Capital Outlay:		
31	Other Than Equipment.....		804,578.00
32	Equipment.....		826,135.00
33	Subsidies, Loans and Grants.....		<u>97,320.00</u>
34	Total.....	\$	151,549,729.00
35	FUNDING:		
36	General Funds.....	\$	141,481,406.00
37	Special Funds.....		<u>10,068,323.00</u>
38	Total.....	\$	151,549,729.00
39	AUTHORIZED POSITIONS:		
40	Permanent: Full Time.....	3,929	
41	Part Time.....	119	
42	Time-Limited: Full Time.....	97	
43	Part Time.....	0	
44	MEDICAL SERVICES		
45	FUNDING:		
46	General Funds.....	\$	28,241,257.00
47	Special Funds.....		<u>0.00</u>
48	Total.....	\$	28,241,257.00
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..	\$	387,644.00
58	Travel and Subsistence.....		25,000.00
59	Contractual Services.....		96,600.00
60	Commodities.....		20,800.00

61	Capital Outlay:		
62	Other Than Equipment.....		0.00
63	Equipment.....		5,400.00
64	Subsidies, Loans and Grants.....		<u>0.00</u>
65	Total.....	\$	535,444.00

66 FUNDING:

67	General Funds.....	\$	535,444.00
68	Special Funds.....		<u>0.00</u>
69	Total.....	\$	535,444.00

70 AUTHORIZED POSITIONS:

71	Permanent: Full Time.....	7
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..	\$	717,452.00
79	Travel and Subsistence.....		8,843.00
80	Contractual Services.....		675,973.00
81	Commodities.....		2,144,076.00

82 Capital Outlay:

83	Other Than Equipment.....		730,848.00
84	Equipment.....		365,933.00
85	Subsidies, Loans and Grants.....		<u>33,000.00</u>
86	Total.....	\$	4,676,125.00

87 FUNDING:

88	General Funds.....	\$	0.00
89	Special Funds.....		<u>4,676,125.00</u>
90	Total.....	\$	4,676,125.00

91 AUTHORIZED POSITIONS:

92	Permanent: Full Time.....	18
93	Part Time.....	0

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

96 PRIVATE PRISONS

97 FUNDING:

98 General Funds..... \$ 57,909,276.00
 99 Special Funds..... 0.00
 100 Total..... \$ 57,909,276.00

101 AUTHORIZED POSITIONS:

102 Permanent: Full Time..... 0
 103 Part Time..... 0
 104 Time-Limited: Full Time..... 0
 105 Part Time..... 0

106 REGIONAL FACILITIES

107 FUNDING:

108 General Funds..... \$ 25,511,505.00
 109 Special Funds..... 0.00
 110 Total..... \$ 25,511,505.00

111 AUTHORIZED POSITIONS:

112 Permanent: Full Time..... 0
 113 Part Time..... 0
 114 Time-Limited: Full Time..... 0
 115 Part Time..... 0

116 With the funds herein appropriated, it is the intention of
 117 the Legislature that it shall be the agency's responsibility to
 118 make certain that funds required to be appropriated for "Personal
 119 Services" for Fiscal Year 2003 do not exceed Fiscal Year 2002
 120 funds appropriated for that purpose, unless programs or positions
 121 are added to the agency's Fiscal Year 2003 budget by the
 122 Mississippi Legislature. Based on data provided by the
 123 Legislative Budget Office, the State Personnel Board shall
 124 determine and publish the projected annual cost to fully fund all
 125 appropriated positions in compliance with the provisions of this
 126 act. It shall be the responsibility of the agency head to insure

127 that no single personnel action increases this projected annual
128 cost and/or the Fiscal Year 2002 appropriation for "Personal
129 Services" when annualized. If, at the end of any calendar month,
130 the State Personnel Board determines that the agency has taken
131 action(s) which would cause the agency to exceed this projected
132 annual cost or the Fiscal Year 2002 "Personal Services"
133 appropriated level, when annualized, then only those actions which
134 reduce the projected annual cost and/or the appropriation
135 requirement will be processed by the State Personnel Board until
136 such time as the requirements of this provision are met.

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

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

143 SECTION 4. Of the funds appropriated in Sections 1 and 2,
144 and authorized for expenditure in Section 3, it is the intention
145 of the Legislature that any contractual service payments made by
146 the department to defray medical expenses for inmates shall be at
147 the currently established Medicaid reimbursement rate; however, if
148 hospital and medical providers will not contract at the Medicaid
149 reimbursement rate, the Department of Corrections may enter into a
150 negotiated contract.

151 SECTION 5. Of the funds appropriated in Sections 1 and 2,
152 none shall be expended for personnel housing under the
153 jurisdiction of the Department of Corrections unless the
154 department shall collect a reasonable rent, after a finding of
155 fact as to what is a reasonable rent, and/or the cost of utilities
156 furnished to said housing, except that the Superintendent of the
157 Central Mississippi Correctional Facility may be provided with a
158 housing expense allowance in lieu of being furnished with a
159 dwelling house. The Department of Corrections shall not pay for

160 the installation or monthly service of any telephone installed in
161 a staff residence under its jurisdiction.

162 SECTION 6. Of the funds appropriated in Sections 1 and 2,
163 and authorized for expenditure in Section 3, payment may be
164 authorized for court ordered attorney fees and any accrued
165 interest subject to the approval of the Office of the Attorney
166 General.

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

172 SECTION 8. None of the money herein appropriated shall be
173 paid to any person who by the provision of Section 47-5-47,
174 Mississippi Code of 1972, as amended, is prohibited from being an
175 employee of the Mississippi Department of Corrections. The State
176 Department of Finance and Administration shall at least annually
177 make a report to the Joint Legislative Committee on Performance
178 Evaluation and Expenditure Review and to the Attorney General
179 stating the name of any person prohibited under the provisions of
180 Section 47-5-47, Mississippi Code of 1972, as amended, from being
181 an employee of the Mississippi Department of Corrections who has
182 during the preceding year received any money herein appropriated.
183 In the event that any such person prohibited as hereinabove
184 provided from receiving funds herein appropriated should receive
185 any of said funds, the Attorney General shall immediately commence
186 action to recover the monies so paid to said person and to enjoin
187 the further employment of said person at the Mississippi
188 Department of Corrections.

189 SECTION 9. It is the intention of the Legislature that the
190 Commissioner of the Mississippi Department of Corrections may
191 transfer between the divisions of Support, Medical Services,
192 Parole Board, Farming Operations and Local Confinement, both funds

193 and positions not to exceed fifteen percent (15%) of the
 194 authorized budgets in the aggregate. The Commissioner of the
 195 Mississippi Department of Corrections shall submit written
 196 justification for the transfer to the Legislative Budget Office
 197 and the Department of Finance and Administration on or before the
 198 fifteenth of the month prior to the effective date of the
 199 transfer. It is further the intention of the Legislature that no
 200 transfer may be made under the provisions of this section to
 201 increase or decrease the salaries category of any budget set forth
 202 in the original appropriations made under this act, but may be
 203 used to contract with counties to house state inmates in
 204 facilities authorized by Section 47-5-931, Mississippi Code of
 205 1972. It is further the intention of the Legislature that any
 206 transfers made under the provisions of this paragraph shall be for
 207 the removal of state inmates from county jails or of an emergency
 208 nature.

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

213 SECTION 11. In compliance with the "Mississippi Performance
 214 Budget and Strategic Planning Act of 1994," it is the intent of
 215 the Legislature that the funds provided herein shall be utilized
 216 in the most efficient and effective manner possible to achieve the
 217 intended mission of this agency. Based on the funding authorized,
 218 this agency shall make every effort to attain the targeted
 219 performance measures provided below:

	FY2002
<u>Performance Measures</u>	<u>Target</u>
Institutions - Parchman	
Average Population (Inmates)	5,649
Participants in Programs (Inmates)	3,628
Successful Program Completion (Inmates)	2,159

226	Central MS Correctional Fac	
227	Average Population (Inmates)	2,929
228	Participants in Programs (Inmates)	1,390
229	Successful Program Completion (Inmates)	696
230	South MS Correctional Fac	
231	Average Population (Inmates)	2,174
232	Participants in Programs (Inmates)	2,070
233	Successful Program Completion (Inmates)	1,545
234	Community Based Services	
235	Average Population (Offenders)	15,000
236	Supportive Services	
237	Private Prison Beds (Beds)	6,900
238	Farming	
239	Vegetables Produced (Pounds)	5,500,000
240	Dozens of Eggs Sold (Dozens)	700,000
241	Parole Board	
242	Number Paroled (Offenders)	1,000
243	Number of Paroles Revoked (Revocations)	200
244	Medical Services	
245	Average Population Covered (Inmates)	15,537
246	A reporting of the degree to which the performance targets	
247	set above have been or are being achieved shall be provided in the	
248	agency's budget request submitted to the Joint Legislative Budget	
249	Committee for Fiscal Year 2003.	

250 SECTION 12. In addition to all other sums herein
251 appropriated, the following sum, or so much thereof as may be
252 necessary, is hereby appropriated out of any money in the State
253 General Fund not otherwise appropriated, to the Department of
254 Corrections for the purpose of paying the expenses of counties for
255 holding state prisoners in county jails, for the period beginning
256 July 1, 2001, and ending June 30, 2002..... \$ 9,665,044.00.

257 SECTION 13. 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 14. This act shall take effect and be in force from
264 and after July 1, 2001.