AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
MAINTENANCE OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS AND TO
PAY THE EXPENSES OF COUNTIES FOR HOLDING STATE PRISONERS IN COUNTY
JAILS, FOR FISCAL YEARS 2001 and 2002.

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, 2001, and ending June 30, 2002.....

...................................................... $ 238,746,347.00.

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
become available for the purpose of defraying the expenses of the
Department, for the fiscal year beginning July 1, 2001, and ending
June 30, 2002.................. $ 15,691,850.00.

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 for the respective major objects or purposes of
expenditure:

SUPPORT

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits.. $ 122,013,500.00

Travel and Subsistence.............. 492,934.00
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractual Services</td>
<td>12,937,299.00</td>
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<tr>
<td>Commodities</td>
<td>10,325,365.00</td>
</tr>
<tr>
<td>Capital Outlay:</td>
<td></td>
</tr>
<tr>
<td>Other Than Equipment</td>
<td>804,578.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>826,135.00</td>
</tr>
<tr>
<td>Subsidies, Loans and Grants</td>
<td>97,320.00</td>
</tr>
<tr>
<td>Total</td>
<td>$147,497,131.00</td>
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</tbody>
</table>

**FUNDING:**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Funds</td>
<td>136,481,406.00</td>
</tr>
<tr>
<td>Special Funds</td>
<td>11,015,725.00</td>
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<td>Total</td>
<td>$147,497,131.00</td>
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**AUTHORIZED POSITIONS:**

<table>
<thead>
<tr>
<th>Type</th>
<th>Full Time</th>
<th>Part Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent</td>
<td>3,929</td>
<td>119</td>
</tr>
<tr>
<td>Time-Limited</td>
<td>127</td>
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</table>

**MEDICAL SERVICES**

<table>
<thead>
<tr>
<th>Funding</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>General Funds</td>
<td>22,741,257.00</td>
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<td>Total</td>
<td>$22,741,257.00</td>
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**PAROLE BOARD**

<table>
<thead>
<tr>
<th>Major Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services:</td>
<td></td>
</tr>
<tr>
<td>Salaries, Wages and Fringe Benefits</td>
<td>387,644.00</td>
</tr>
<tr>
<td>Travel and Subsistence</td>
<td>25,000.00</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>96,600.00</td>
</tr>
<tr>
<td>Commodities</td>
<td>20,800.00</td>
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</table>
**Capital Outlay:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Other Than Equipment</td>
<td>0.00</td>
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<tr>
<td>Equipment</td>
<td>5,400.00</td>
</tr>
<tr>
<td>Subsidies, Loans and Grants</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 535,444.00</strong></td>
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</table>

**FUNDING:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>General Funds</td>
<td><strong>$ 535,444.00</strong></td>
</tr>
<tr>
<td>Special Funds</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 535,444.00</strong></td>
</tr>
</tbody>
</table>

**AUTHORIZED POSITIONS:**

<table>
<thead>
<tr>
<th>Type</th>
<th>Full Time</th>
<th>Part Time</th>
</tr>
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<tr>
<td>Permanent</td>
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<td>0</td>
</tr>
<tr>
<td>Time-Limited</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**MAJOR OBJECTS OF EXPENDITURE:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
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</tr>
<tr>
<td>Salaries, Wages and Fringe Benefits</td>
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<tr>
<td>Travel and Subsistence</td>
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<tr>
<td>Contractual Services</td>
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<tr>
<td>Commodities</td>
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<tr>
<td>Capital Outlay</td>
<td></td>
</tr>
<tr>
<td>Other Than Equipment</td>
<td>$730,848.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$365,933.00</td>
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<tr>
<td>Subsidies, Loans and Grants</td>
<td>$33,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 4,676,125.00</strong></td>
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**FUNDING:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Funds</td>
<td>0.00</td>
</tr>
<tr>
<td>Special Funds</td>
<td><strong>$ 4,676,125.00</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 4,676,125.00</strong></td>
</tr>
</tbody>
</table>

**AUTHORIZED POSITIONS:**

<table>
<thead>
<tr>
<th>Type</th>
<th>Full Time</th>
<th>Part Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent</td>
<td>18</td>
<td>0</td>
</tr>
</tbody>
</table>
Time-Limited: Full Time............ 0
Part Time............ 0
PRIVATE PRISONS

FUNDING:
General Funds......................... $ 55,638,170.00
Special Funds......................... 0.00
Total................................. $ 55,638,170.00

AUTHORIZED POSITIONS:
Permanent: Full Time............ 0
Part Time............ 0
Time-Limited: Full Time............ 0
Part Time............ 0

REGIONAL FACILITIES

FUNDING:
General Funds......................... $ 23,350,070.00
Special Funds......................... 0.00
Total................................. $ 23,350,070.00

AUTHORIZED POSITIONS:
Permanent: Full Time............ 0
Part Time............ 0
Time-Limited: Full Time............ 0
Part Time............ 0

With the funds herein appropriated, it is the intention of
the Legislature that it shall be the agency's responsibility to
make certain that funds required to be appropriated for "Personal
Services" for Fiscal Year 2003 do not exceed Fiscal Year 2002
funds appropriated for that purpose, unless programs or positions
are added to the agency's Fiscal Year 2003 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 insure
that no single personnel action increases this projected annual
cost and/or the Fiscal Year 2002 appropriation for "Personal
Services" when annualized. If, at the end of any calendar month,
the State Personnel Board determines that the agency has taken
action(s) which would cause the agency to exceed this projected
annual cost or the Fiscal Year 2002 "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.

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.

SECTION 4. With the funds provided herein, the Mississippi
Department of Corrections (MDOC) shall provide a written report to
the Chairman of the Mississippi House of Representatives,
Appropriations and Penitentiary Committees and the Mississippi
Senate Appropriations and Corrections Committees on the
operational feasibility of Units 10, 12, 20, 22 and 23 at the
Mississippi State Penitentiary at Parchman, Mississippi. This
report shall be finalized and received by the Committee Chairmen
on or before January 1, 2002.

SECTION 5. As a condition for the authority to expend funds
pursuant to Sections 1 and 2 of this act, the Commissioner of the
Mississippi Department of Corrections (MDOC) and each regional
correctional facility and private prison shall cooperate with and
provide all pertinent information to the Joint Legislative
Committee on Performance Evaluation and Expenditure Review (PEER)
in order for the PEER Committee to determine the necessary per
diem, per inmate cost associated with the housing of state inmates
at each of the regional correctional facilities and private
prisons. In no case shall the aggregate per diem costs of housing
state inmates at regional facilities or private prisons exceed the
aggregate appropriation for the regional facilities, private
prisons or the maximum amounts set by law in Sections 47-5-933 and
47-5-1211, Mississippi Code of 1972. Until the necessary per
diem, per inmate cost is determined, and reported to the Chairmen
of the Mississippi House of Representatives, Appropriations and
Penitentiary Committees and the Mississippi Senate Appropriations
and Corrections Committees, the Commissioner of the MDOC shall
make payments for housing not less than two hundred thirty (230)
inmates at each regional facility, not less than nine hundred
(900) state inmates at the Delta Correctional Facility and not
less than nine hundred (900) state inmates at the Marshall County
Correctional Facility.

SECTION 6. It is the intention of the Legislature that the
Department of Corrections may use any federal funds that may
become available for the construction of a certified fail-safe
lethal/non-lethal fencing system at any of its maximum security
units for that purpose.

SECTION 7. Of the funds appropriated in Sections 1 and 2,
and authorized for expenditure in Section 3, it is the intention
of the Legislature that any contractual service payments made by
the department to defray medical expenses for inmates shall be at
the currently established Medicaid reimbursement rate; however, if
hospital and medical providers will not contract at the Medicaid
reimbursement rate, the Department of Corrections may enter into a
negotiated contract.

SECTION 8. 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, except that the Superintendent of the Central Mississippi Correctional Facility may be provided with a housing expense allowance in lieu of being furnished with a dwelling house. The Department of Corrections shall not pay for the installation or monthly service of any telephone installed in a staff residence under its jurisdiction.

SECTION 9. 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 10. No part of the funds herein appropriated shall be used for the purpose of returning escaped state convicts to the State Penitentiary from a distance of over one hundred (100) miles beyond the borders of the state, except upon approval of the Governor in each specific case.

SECTION 11. 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 herein above 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 12. It is the intention of the Legislature that the
Commissioner of the Mississippi Department of Corrections may
transfer between the divisions of Support, Medical Services,
Parole Board, Farming Operations, Private Prisons, Regional
Facilities and Local Confinement, both funds and positions not to
exceed fifteen percent (15%) of the authorized budgets in the
aggregate. The Commissioner of the Mississippi 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. It is further the intention
of the Legislature that no transfer may be made under the
provisions of this section to increase or decrease the salaries
category of any budget set forth in the original appropriations
made under this act, but may be used to contract with counties to
house state inmates in facilities authorized by Section 47-5-931,
Mississippi Code of 1972. It is further the intention of the
Legislature that any transfers made under the provisions of this
paragraph shall be for the removal of state inmates from county
jails or of an emergency nature.

SECTION 13. 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 14. 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:

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Target</th>
</tr>
</thead>
</table>

FY2002
Institutions - Parchman

Average Population (Inmates) 5,649
Participants in Programs (Inmates) 3,628
Successful Program Completion (Inmates) 2,159

Central MS Correctional Fac

Average Population (Inmates) 2,929
Participants in Programs (Inmates) 1,390
Successful Program Completion (Inmates) 696

South MS Correctional Fac

Average Population (Inmates) 2,174
Participants in Programs (Inmates) 2,070
Successful Program Completion (Inmates) 1,545

Community Based Services

Average Population (Offenders) 15,000

Supportive Services

Private Prison Beds (Beds) 6,900

Farming

Vegetables Produced (Pounds) 5,500,000
Dozens of Eggs Sold (Dozens) 700,000

Parole Board

Number Paroled (Offenders) 1,000
Number of Paroles Revoked (Revocations) 200

Medical Services

Average Population Covered (Inmates) 15,537

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 2003.

SECTION 15. In addition to all other sums herein appropriated, 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, to the Department of Corrections for the purpose of paying the expenses of counties for...
holding state prisoners in county jails, for the period beginning

SECTION 16. In addition to all other sums heretofore
appropriated, the following sum, or so much thereof as may be
necessary, is hereby appropriated out of any money in the State
Treasury to the credit of the Working Cash/Stabilization Reserve
Fund, to the Mississippi Department of Corrections, for the fiscal
year ending June 30, 2001...................... $   16,400,000.00.

It is the intention of the Legislature that the funds
appropriated in this section shall be considered a portion of the
Fifty Million Dollars ($50,000,000.00) authorized in Section 27-
103-203, Mississippi Code of 1972, for the Governor to transfer
from the Working Cash/Stabilization Reserve Fund to the State
General Fund to provide for revenue shortfalls.

SECTION 17. 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 18. This act shall take effect and be in force from
and after July 1, 2001, except that Section 16 shall take effect
and be in force from and after its passage.