

By: Senator(s) Gordon

To: Appropriations

SENATE BILL NO. 2746

1 AN ACT TO AMEND CHAPTER 131, LAWS OF 2001 (SENATE BILL NO.  
2 3123), TO TRANSFER CERTAIN PORTIONS OF THE MONEY IN THE FISCAL  
3 YEARS 2001 AND 2002 APPROPRIATION TO THE MISSISSIPPI DEPARTMENT OF  
4 CORRECTIONS FROM ONE CATEGORY TO ANOTHER; AND FOR RELATED  
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Chapter 131, Laws of 2001 (Senate Bill No. 3123),  
8 is amended as follows:

9 Section 1. The following sum, or so much thereof as may be  
10 necessary, is hereby appropriated out of any money in the State  
11 General Fund not otherwise appropriated, for the support and  
12 maintenance of the Mississippi Department of Corrections for the  
13 fiscal year beginning July 1, 2001, and ending June 30, 2002.....  
14 ..... \$ 237,746,347.00.

15 Section 2. The following sum, or so much thereof as may be  
16 necessary, is hereby appropriated out of any money in the special  
17 fund in the State Treasury to the credit of the Mississippi  
18 Department of Corrections which is collected by or otherwise  
19 become available for the purpose of defraying the expenses of the  
20 Department, for the fiscal year beginning July 1, 2001, and ending  
21 June 30, 2002..... \$ 15,691,850.00.

22 Section 3. Of the funds appropriated under the provisions of  
23 Sections 1 and 2, not more than the amounts set forth below shall  
24 be expended for the respective major objects or purposes of  
25 expenditure:

26 SUPPORT

27 MAJOR OBJECTS OF EXPENDITURE:

28 Personal Services:



29	Salaries, Wages and Fringe Benefits..	\$	<u>121,013,500.00</u>
30	Travel and Subsistence.....		492,934.00
31	Contractual Services.....		12,937,299.00
32	Commodities.....		10,325,365.00
33	Capital Outlay:		
34	Other Than Equipment.....		804,578.00
35	Equipment.....		826,135.00
36	Subsidies, Loans and Grants.....		<u>97,320.00</u>
37	Total.....	\$	<u>146,497,131.00</u>

38 FUNDING:

39	General Funds.....	\$	<u>135,481,406.00</u>
40	Special Funds.....		<u>11,015,725.00</u>
41	Total.....	\$	<u>146,497,131.00</u>

42 AUTHORIZED POSITIONS:

43	Permanent:	Full Time.....	3,929
44		Part Time.....	119
45	Time-Limited:	Full Time.....	127
46		Part Time.....	0

47 MEDICAL SERVICES

48 FUNDING:

49	General Funds.....	\$	22,741,257.00
50	Special Funds.....		<u>0.00</u>
51	Total.....	\$	22,741,257.00

52 AUTHORIZED POSITIONS:

53	Permanent:	Full Time.....	0
54		Part Time.....	0
55	Time-Limited:	Full Time.....	0
56		Part Time.....	0

57 PAROLE BOARD

58 MAJOR OBJECTS OF EXPENDITURE:

59 Personal Services:

60	Salaries, Wages and Fringe Benefits..	\$	387,644.00
61	Travel and Subsistence.....		25,000.00



62	Contractual Services.....		96,600.00
63	Commodities.....		20,800.00
64	Capital Outlay:		
65	Other Than Equipment.....		0.00
66	Equipment.....		5,400.00
67	Subsidies, Loans and Grants.....		<u>0.00</u>
68	Total.....	\$	535,444.00

69 FUNDING:

70	General Funds.....	\$	535,444.00
71	Special Funds.....		<u>0.00</u>
72	Total.....	\$	535,444.00

73 AUTHORIZED POSITIONS:

74	Permanent: Full Time.....	8
75	Part Time.....	0
76	Time-Limited: Full Time.....	0
77	Part Time.....	0

78 FARMING OPERATIONS

79 MAJOR OBJECTS OF EXPENDITURE:

80 Personal Services:

81	Salaries, Wages and Fringe Benefits..	\$	717,452.00
82	Travel and Subsistence.....		8,843.00
83	Contractual Services.....		675,973.00
84	Commodities.....		2,144,076.00
85	Capital Outlay:		
86	Other Than Equipment.....		730,848.00
87	Equipment.....		365,933.00
88	Subsidies, Loans and Grants.....		<u>33,000.00</u>
89	Total.....	\$	4,676,125.00

90 FUNDING:

91	General Funds.....	\$	0.00
92	Special Funds.....		<u>4,676,125.00</u>
93	Total.....	\$	4,676,125.00

94 AUTHORIZED POSITIONS:



95	Permanent:	Full Time.....	18
96		Part Time.....	0
97	Time-Limited:	Full Time.....	0
98		Part Time.....	0

99 PRIVATE PRISONS

100 FUNDING:

101	General Funds.....	\$	55,638,170.00
102	Special Funds.....		<u>0.00</u>
103	Total.....	\$	55,638,170.00

104 AUTHORIZED POSITIONS:

105	Permanent:	Full Time.....	0
106		Part Time.....	0
107	Time-Limited:	Full Time.....	0
108		Part Time.....	0

109 REGIONAL FACILITIES

110 FUNDING:

111	General Funds.....	\$	23,350,070.00
112	Special Funds.....		<u>0.00</u>
113	Total.....	\$	23,350,070.00

114 AUTHORIZED POSITIONS:

115	Permanent:	Full Time.....	0
116		Part Time.....	0
117	Time-Limited:	Full Time.....	0
118		Part Time.....	0

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



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

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

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

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

155 Section 5. As a condition for the authority to expend funds  
156 pursuant to Sections 1 and 2 of this act, the Commissioner of the  
157 Mississippi Department of Corrections (MDOC) and each regional  
158 correctional facility and private prison shall cooperate with and  
159 provide all pertinent information to the Joint Legislative  
160 Committee on Performance Evaluation and Expenditure Review (PEER)



161 in order for the PEER Committee to determine the necessary per  
162 diem, per inmate cost associated with the housing of state inmates  
163 at each of the regional correctional facilities and private  
164 prisons. In no case shall the aggregate per diem costs of housing  
165 state inmates at regional facilities or private prisons exceed the  
166 aggregate appropriation for the regional facilities, private  
167 prisons or the maximum amounts set by law in Sections 47-5-933 and  
168 47-5-1211, Mississippi Code of 1972. Until the necessary per  
169 diem, per inmate cost is determined, and reported to the Chairmen  
170 of the Mississippi House of Representatives, Appropriations and  
171 Penitentiary Committees and the Mississippi Senate Appropriations  
172 and Corrections Committees, the Commissioner of the MDOC shall  
173 make payments for housing not less than two hundred thirty (230)  
174 inmates at each regional facility, not less than nine hundred  
175 (900) state inmates at the Delta Correctional Facility and not  
176 less than nine hundred (900) state inmates at the Marshall County  
177 Correctional Facility.

178 Section 6. It is the intention of the Legislature that the  
179 Department of Corrections may use any federal funds that may  
180 become available for the construction of a certified fail-safe  
181 lethal/nonlethal fencing system at any of its maximum security  
182 units for that purpose.

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

191 Section 8. Of the funds appropriated in Sections 1 and 2,  
192 none shall be expended for personnel housing under the  
193 jurisdiction of the Department of Corrections unless the



194 department shall collect a reasonable rent, after a finding of  
195 fact as to what is a reasonable rent, and/or the cost of utilities  
196 furnished to said housing, except that the Superintendent of the  
197 Central Mississippi Correctional Facility may be provided with a  
198 housing expense allowance in lieu of being furnished with a  
199 dwelling house. The Department of Corrections shall not pay for  
200 the installation or monthly service of any telephone installed in  
201 a staff residence under its jurisdiction.

202 Section 9. Of the funds appropriated in Sections 1 and 2,  
203 and authorized for expenditure in Section 3, payment may be  
204 authorized for court ordered attorney fees and any accrued  
205 interest subject to the approval of the Office of the Attorney  
206 General.

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

212 Section 11. None of the money herein appropriated shall be  
213 paid to any person who by the provision of Section 47-5-47,  
214 Mississippi Code of 1972, as amended, is prohibited from being an  
215 employee of the Mississippi Department of Corrections. The State  
216 Department of Finance and Administration shall at least annually  
217 make a report to the Joint Legislative Committee on Performance  
218 Evaluation and Expenditure Review and to the Attorney General  
219 stating the name of any person prohibited under the provisions of  
220 Section 47-5-47, Mississippi Code of 1972, as amended, from being  
221 an employee of the Mississippi Department of Corrections who has  
222 during the preceding year received any money herein appropriated.  
223 In the event that any such person prohibited as herein above  
224 provided from receiving funds herein appropriated should receive  
225 any of said funds, the Attorney General shall immediately commence  
226 action to recover the monies so paid to said person and to enjoin



227 the further employment of said person at the Mississippi  
228 Department of Corrections.

229 Section 12. It is the intention of the Legislature that the  
230 Commissioner of the Mississippi Department of Corrections may  
231 transfer between the divisions of Support, Medical Services,  
232 Parole Board, Farming Operations, Private Prisons, Regional  
233 Facilities and Local Confinement, both funds and positions not to  
234 exceed fifteen percent (15%) of the authorized budgets in the  
235 aggregate. The Commissioner of the Mississippi Department of  
236 Corrections shall submit written justification for the transfer to  
237 the Legislative Budget Office and the Department of Finance and  
238 Administration on or before the fifteenth of the month prior to  
239 the effective date of the transfer. It is further the intention  
240 of the Legislature that no transfer may be made under the  
241 provisions of this section to increase or decrease the salaries  
242 category of any budget set forth in the original appropriations  
243 made under this act, but may be used to contract with counties to  
244 house state inmates in facilities authorized by Section 47-5-931,  
245 Mississippi Code of 1972. It is further the intention of the  
246 Legislature that any transfers made under the provisions of this  
247 paragraph shall be for the removal of state inmates from county  
248 jails or of an emergency nature.

249 Section 13. It is the intent of the Legislature that all  
250 prisoners at Parchman shall work a minimum of eight (8) hours per  
251 day, excluding prisoners with a physical disability or those  
252 incarcerated in maximum security.

253 Section 14. In compliance with the "Mississippi Performance  
254 Budget and Strategic Planning Act of 1994," it is the intent of  
255 the Legislature that the funds provided herein shall be utilized  
256 in the most efficient and effective manner possible to achieve the  
257 intended mission of this agency. Based on the funding authorized,  
258 this agency shall make every effort to attain the targeted  
259 performance measures provided below:





260 <u>Performance Measures</u>	<u>FY20002 Target</u>
261 Institutions - Parchman	
262       Average Population (Inmates)	5,649
263       Participants in Programs (Inmates)	3,628
264       Successful Program Completion (Inmates)	2,159
265 Central MS Correctional Fac	
266       Average Population (Inmates)	2,929
267       Participants in Programs (Inmates)	1,390
268       Successful Program Completion (Inmates)	696
269 South MS Correctional Fac	
270       Average Population (Inmates)	2,174
271       Participants in Programs (Inmates)	2,070
272       Successful Program Completion (Inmates)	1,545
273 Community Based Services	
274       Average Population (Offenders)	15,000
275 Supportive Services	
276       Private Prison Beds (Beds)	6,900
277 Farming	
278       Vegetables Produced (Pounds)	5,500,000
279       Dozens of Eggs Sold (Dozens)	700,000
280 Parole Board	
281       Number Paroled (Offenders)	1,000
282       Number of Paroles Revoked (Revocations)	200
283 Medical Services	
284       Average Population Covered (Inmates)	15,537
285       A reporting of the degree to which the performance targets	
286 set above have been or are being achieved shall be provided in the	
287 agency's budget request submitted to the Joint Legislative Budget	
288 Committee for Fiscal Year 2003.	
289       Section 15. In addition to all other sums herein	
290 appropriated, the following sum, or so much thereof as may be	
291 necessary, is hereby appropriated out of any money in the State	



292 General Fund not otherwise appropriated, to the Department of  
293 Corrections for the purpose of paying the expenses of counties for  
294 holding state prisoners in county jails, for the period beginning  
295 July 1, 2001, and ending June 30, 2002..... \$ 4,997,585.00.

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

302 It is the intention of the Legislature that the funds  
303 appropriated in this section shall be considered a portion of the  
304 Fifty Million Dollars (\$50,000,000.00) authorized in Section  
305 27-103-203, Mississippi Code of 1972, for the Governor to transfer  
306 from the Working Cash/Stabilization Reserve Fund to the State  
307 General Fund to provide for revenue shortfalls.

308 Section 17. The money herein appropriated shall be paid by  
309 the State Treasurer out of any money in the State Treasury to the  
310 credit of the proper fund or funds as set forth in this act, upon  
311 warrants issued by the State Fiscal Officer; and the State Fiscal  
312 Officer shall issue his warrants upon requisitions signed by the  
313 proper person, officer or officers, in the manner provided by law.

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

317 **SECTION 2.** This act shall take effect and be in force from  
318 and after its passage.

