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

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, 2002, and ending June 30, 2003.....

.............................................. $ 233,734,329.00.

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, 2002, and ending
June 30, 2003................................. $ 16,456,417.00.

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.... $ 122,837,350.00

Travel and Subsistence............... 492,934.00

Contractual Services.................... 12,437,299.00
Commodities......................................... 9,875,365.00

Capital Outlay:

   Other Than Equipment......................... 204,578.00
   Equipment....................................... 615,972.00
   Subsidies, Loans and Grants................... 97,320.00
   Total........................................... $ 146,560,818.00

FUNDING:

   General Funds................................... $ 136,340,700.00
   Special Funds................................... 10,220,118.00
   Total........................................... $ 146,560,818.00

AUTHORIZED POSITIONS:

   Permanent: Full Time......................... 3,871
               Part Time......................... 35
   Time-Limited: Full Time...................... 116
              Part Time......................... 0

MEDICAL SERVICES

FUNDING:

   General Funds................................... $ 22,466,178.00
   Special Funds................................... 275,079.00
   Total........................................... $ 22,741,257.00

AUTHORIZED POSITIONS:

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

However, none of the funds allocated to Medical Services under this section shall be expended after July 31, 2002, unless based upon a competitive bid process to provide medical care and pharmaceuticals to state inmates through a contractual arrangement with not less than a ten percent (10%) savings below the Department of Corrections Fiscal Year 2002 costs for providing health care to state inmates. Not later than June 15, 2002, the Department of Corrections shall inform the Chairmen of the House
Penitentiary Committee, the Senate Corrections Committee, and two members from the Appropriations Committees of the House of Representatives and Senate to be selected by the Chairmen of the Appropriations Committees of each respective house of the feasible options to provide health care to state inmates.

PAROLE BOARD

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:
- Salaries, Wages and Fringe Benefits: $372,562.00
- Travel and Subsistence: $25,000.00
- Contractual Services: $90,398.00
- Commodities: $20,800.00

Capital Outlay:
- Other Than Equipment: $0.00
- Equipment: $2,700.00
- Subsidies, Loans and Grants: $0.00

Total: $511,460.00

FUNDING:
- General Funds: $511,460.00
- Special Funds: $0.00

Total: $511,460.00

AUTHORIZED POSITIONS:
- Permanent: Full Time: 8
- Time-Limited: Full Time: 0

FARMING OPERATIONS

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:
- Salaries, Wages and Fringe Benefits: $701,992.00
- Travel and Subsistence: $5,100.00
- Contractual Services: $557,350.00
- Commodities: $2,144,076.00
### Capital Outlay:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Other Than Equipment</td>
<td>730,848.00</td>
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<tr>
<td>Equipment</td>
<td>248,733.00</td>
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<tr>
<td>Subsidies, Loans and Grants</td>
<td>33,000.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$ 4,421,099.00</strong></td>
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</table>

### Funding:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Funds</td>
<td>0.00</td>
</tr>
<tr>
<td>Special Funds</td>
<td>4,421,099.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$ 4,421,099.00</strong></td>
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### Authorized Positions:

<table>
<thead>
<tr>
<th>Type</th>
<th>Full Time</th>
<th>Part Time</th>
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</thead>
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<tr>
<td>Permanent</td>
<td>17</td>
<td>0</td>
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<tr>
<td>Time-Limited</td>
<td>0</td>
<td>0</td>
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</tbody>
</table>

### Private Prisons

#### Funding:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Funds</td>
<td>54,726,714.00</td>
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<tr>
<td>Special Funds</td>
<td>0.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$ 54,726,714.00</strong></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>0</td>
<td>0</td>
</tr>
<tr>
<td>Time-Limited</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

### Regional Facilities

#### Funding:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Funds</td>
<td>19,689,277.00</td>
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<tr>
<td>Special Funds</td>
<td>1,540,121.00</td>
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<td><strong>Total</strong></td>
<td><strong>$ 21,229,398.00</strong></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>0</td>
<td>0</td>
</tr>
<tr>
<td>Time-Limited</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Funds are provided herein to adjust the Variable Compensation Plan to ensure that all full-time employees receive a pay increase equal to fifty percent (50%) of the realignment component of the Variable Compensation Plan or Six Hundred Dollars ($600.00), whichever is greater, beginning on January 1, 2003.

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 2004 do not exceed Fiscal Year 2003 funds appropriated for that purpose, unless programs, positions or pay increases are added to the agency's budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall, on July 1, 2002, publish separate annual projection reports, based on July 1, 2002 data, for the period of July 1, 2002, through December 31, 2002, and January 1, 2003, through June 30, 2003, that project the 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 ensure that no single personnel action increases this projected cost and/or the Fiscal Year 2003 appropriation for "Personal Services," as annualized on a semiannual basis in accordance with the provisions of this act. 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 2003 "Personal Services" appropriated level, when annualized in compliance with the provisions of this act, 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, except
that no transfers shall be made which reduce funds allocated in
Section 3 to Regional Facilities or Private Prisons.

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. 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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:

**FY2003**

**Performance Measures**

<table>
<thead>
<tr>
<th>Institution</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parchman Average Population (Inmates)</td>
<td>5,200</td>
</tr>
<tr>
<td>Participants in Programs (Inmates)</td>
<td>3,695</td>
</tr>
<tr>
<td>Central MS Correctional Fac Average Population (Inmates)</td>
<td>2,900</td>
</tr>
<tr>
<td>Participants in Programs (Inmates)</td>
<td>1,420</td>
</tr>
<tr>
<td>Successful Program Completion (Inmates)</td>
<td>675</td>
</tr>
<tr>
<td>South MS Correctional Fac Average Population (Inmates)</td>
<td>2,000</td>
</tr>
<tr>
<td>Participants in Programs (Inmates)</td>
<td>2,090</td>
</tr>
<tr>
<td>Successful Program Completion (Inmates)</td>
<td>1,650</td>
</tr>
<tr>
<td>Community Based Services Average Population (Offenders)</td>
<td>18,400</td>
</tr>
<tr>
<td>Supportive Services Number of New Hires (Persons)</td>
<td>783</td>
</tr>
<tr>
<td>Number of Departures (Persons)</td>
<td>750</td>
</tr>
<tr>
<td>Farming Vegetables Produced (Pounds)</td>
<td>6,000,000</td>
</tr>
<tr>
<td>Dozens of Eggs Sold (Dozens)</td>
<td>750,000</td>
</tr>
<tr>
<td>Parole Board Number Paroled (Offenders)</td>
<td>592</td>
</tr>
<tr>
<td>Number of Paroles Revoked (Revocations)</td>
<td>150</td>
</tr>
<tr>
<td>Private Prisons Private Prison Beds Funded (Beds)</td>
<td>3,603</td>
</tr>
<tr>
<td>Medical Services Average Population Covered (Inmates)</td>
<td>14,071</td>
</tr>
<tr>
<td>Regional Facilities Regional Prison Beds Funded (Beds)</td>
<td>2,200</td>
</tr>
</tbody>
</table>
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 2004.

SECTION 12. It is the intention of the Legislature that the Department of Corrections shall have the authority to accept, budget and expend any special funds collected or otherwise available, through the sell of scrap or recycled material, for the purpose of providing recycling equipment, supplies or services for use within the department.

SECTION 13. None of the funds appropriated herein can be directly or indirectly associated with the ACA accreditation in the Community Services Division.

SECTION 14. It is the intention of the Legislature that the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) conduct a cost analysis to determine the necessary per diem, per inmate cost (including debt service costs) at all regional facilities. Furthermore, it is the intention of the Legislature that a breakeven point be established for each facility.

SECTION 15. Of the funds appropriated under the provisions of Section 2, Two Million Twenty Thousand Seven Hundred Eleven Dollars ($2,020,711.00) shall be derived from the Budget Contingency Fund created in Section 27-103-301, Mississippi Code of 1972, with One Million Three Hundred Thousand Dollars ($1,300,000.00) to be used for the George County Correctional Facility.

SECTION 16. 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
SECTION 17. 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 Budget Contingency Fund, created in Section 27-103-301, Mississippi Code of 1972, to the Department of Corrections for the purpose of paying the expenses of counties for holding state prisoners in county jails, for the fiscal year beginning July 1, 2002, and ending June 30, 2003 $ 3,990,914.00.

SECTION 18. 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 Budget Contingency Fund, created in Section 27-103-301, Mississippi Code of 1972, to the Mississippi Department of Corrections for the purpose of paying the costs for providing medical services to state inmates and for paying the expenses of counties for holding state prisoners in county jails, for the fiscal year ending June 30, 2002 $ 15,100,000.00.

This additional appropriation is made for the purpose of preventing a deficit which would otherwise occur. The funds appropriated under the provisions of this Section shall be allocated as follows:

- University of Mississippi Medical Center...$ 7,590,798.00
- Local Confinement in County Jails...........$ 7,509,202.00
- Total......................................$ 15,100,000.00

SECTION 19. 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 20. This act shall take effect and be in force from and after July 1, 2002, except for Section 18, which shall take effect and be in force from and after its passage.