

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.....	<u>0.00</u>
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.....	<u>0.00</u>
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

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. 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 5. 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 6. 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 7. 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 8. 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 hereinabove 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 9. 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 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:

220		FY2002
221	<u>Performance Measures</u>	<u>Target</u>
222	Institutions - Parchman	
223	Average Population (Inmates)	5,649
224	Participants in Programs (Inmates)	3,628
225	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.