

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

To: Appropriations

SENATE BILL NO. 3123
(As Sent to Governor)

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 YEARS 2001 and 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 \$ 238,746,347.00.

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..... \$ 15,691,850.00.

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.. \$ 122,013,500.00
27 Travel and Subsistence..... 492,934.00

28	Contractual Services.....		12,937,299.00
29	Commodities.....		10,325,365.00
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.....	\$	147,497,131.00
35	FUNDING:		
36	General Funds.....	\$	136,481,406.00
37	Special Funds.....		<u>11,015,725.00</u>
38	Total.....	\$	147,497,131.00
39	AUTHORIZED POSITIONS:		
40	Permanent: Full Time.....	3,929	
41	Part Time.....	119	
42	Time-Limited: Full Time.....	127	
43	Part Time.....	0	
44	MEDICAL SERVICES		
45	FUNDING:		
46	General Funds.....	\$	22,741,257.00
47	Special Funds.....		<u>0.00</u>
48	Total.....	\$	22,741,257.00
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

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

96 PRIVATE PRISONS

97 FUNDING:

98 General Funds..... \$ 55,638,170.00
 99 Special Funds..... 0.00
 100 Total..... \$ 55,638,170.00

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..... \$ 23,350,070.00
 109 Special Funds..... 0.00
 110 Total..... \$ 23,350,070.00

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

152 SECTION 5. As a condition for the authority to expend funds
153 pursuant to Sections 1 and 2 of this act, the Commissioner of the
154 Mississippi Department of Corrections (MDOC) and each regional
155 correctional facility and private prison shall cooperate with and
156 provide all pertinent information to the Joint Legislative
157 Committee on Performance Evaluation and Expenditure Review (PEER)
158 in order for the PEER Committee to determine the necessary per
159 diem, per inmate cost associated with the housing of state inmates

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

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

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

188 SECTION 8. Of the funds appropriated in Sections 1 and 2,
189 none shall be expended for personnel housing under the
190 jurisdiction of the Department of Corrections unless the
191 department shall collect a reasonable rent, after a finding of
192 fact as to what is a reasonable rent, and/or the cost of utilities

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

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

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

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

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

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

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

257		FY2002
258	<u>Performance Measures</u>	<u>Target</u>

259	Institutions - Parchman	
260	Average Population (Inmates)	5,649
261	Participants in Programs (Inmates)	3,628
262	Successful Program Completion (Inmates)	2,159
263	Central MS Correctional Fac	
264	Average Population (Inmates)	2,929
265	Participants in Programs (Inmates)	1,390
266	Successful Program Completion (Inmates)	696
267	South MS Correctional Fac	
268	Average Population (Inmates)	2,174
269	Participants in Programs (Inmates)	2,070
270	Successful Program Completion (Inmates)	1,545
271	Community Based Services	
272	Average Population (Offenders)	15,000
273	Supportive Services	
274	Private Prison Beds (Beds)	6,900
275	Farming	
276	Vegetables Produced (Pounds)	5,500,000
277	Dozens of Eggs Sold (Dozens)	700,000
278	Parole Board	
279	Number Paroled (Offenders)	1,000
280	Number of Paroles Revoked (Revocations)	200
281	Medical Services	
282	Average Population Covered (Inmates)	15,537
283	A reporting of the degree to which the performance targets	
284	set above have been or are being achieved shall be provided in the	
285	agency's budget request submitted to the Joint Legislative Budget	
286	Committee for Fiscal Year 2003.	

287 SECTION 15. In addition to all other sums herein

288 appropriated, the following sum, or so much thereof as may be

289 necessary, is hereby appropriated out of any money in the State

290 General Fund not otherwise appropriated, to the Department of

291 Corrections for the purpose of paying the expenses of counties for

292 holding state prisoners in county jails, for the period beginning
293 July 1, 2001, and ending June 30, 2002..... \$ 3,997,585.00.

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

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

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

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