

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.....		0.00
68	Total.....	\$	535,444.00
69	FUNDING:		
70	General Funds.....	\$	535,444.00
71	Special Funds.....		0.00
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.....		33,000.00
89	Total.....	\$	4,676,125.00
90	FUNDING:		
91	General Funds.....	\$	0.00
92	Special Funds.....		4,676,125.00
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

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)



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



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



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.