

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

To: Appropriations

SENATE BILL NO. 3163

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 2003.

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, 2002, and ending June 30, 2003.....
11 \$ 236,815,790.00.

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, 2002, and ending
18 June 30, 2003..... \$ 14,435,706.00.

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.. \$ 123,720,068.00
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.....		615,972.00
33	Subsidies, Loans and Grants.....		<u>97,320.00</u>
34	Total.....	\$	148,993,536.00

35 FUNDING:

36	General Funds.....	\$	138,978,929.00
37	Special Funds.....		<u>10,014,607.00</u>
38	Total.....	\$	148,993,536.00

39 AUTHORIZED POSITIONS:

40	Permanent:	Full Time.....	3,771
41		Part Time.....	35
42	Time-Limited:	Full Time.....	116
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..	\$	372,562.00
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.....		2,700.00
64	Subsidies, Loans and Grants.....		<u>0.00</u>
65	Total.....	\$	517,662.00

66 FUNDING:

67	General Funds.....	\$	517,662.00
68	Special Funds.....		<u>0.00</u>
69	Total.....	\$	517,662.00

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..	\$	701,992.00
79	Travel and Subsistence.....		5,100.00
80	Contractual Services.....		557,350.00
81	Commodities.....		2,144,076.00
82	Capital Outlay:		
83	Other Than Equipment.....		730,848.00
84	Equipment.....		248,733.00
85	Subsidies, Loans and Grants.....		<u>33,000.00</u>
86	Total.....	\$	4,421,099.00

87 FUNDING:

88	General Funds.....	\$	0.00
89	Special Funds.....		<u>4,421,099.00</u>
90	Total.....	\$	4,421,099.00

91 AUTHORIZED POSITIONS:

92	Permanent: Full Time.....	17
93	Part Time.....	0
94	Time-Limited: Full Time.....	0



95 Part Time..... 0

96 PRIVATE PRISONS

97 FUNDING:

98 General Funds..... \$ 54,726,714.00

99 Special Funds..... 0.00

100 Total..... \$ 54,726,714.00

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..... \$ 19,851,228.00

109 Special Funds..... 0.00

110 Total..... \$ 19,851,228.00

111 AUTHORIZED POSITIONS:

112 Permanent: Full Time..... 0

113 Part Time..... 0

114 Time-Limited: Full Time..... 0

115 Part Time..... 0

116 Funds are provided herein to adjust the Variable Compensation
117 Plan to ensure that all full-time employees receive a pay increase
118 equal to fifty percent (50%) of the realignment component of the
119 Variable Compensation Plan or Six Hundred Dollars (\$600.00),
120 whichever is greater, beginning on January 1, 2003.

121 With the funds herein appropriated, it is the intention of
122 the Legislature that it shall be the agency's responsibility to
123 make certain that funds required to be appropriated for "Personal
124 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003
125 funds appropriated for that purpose, unless programs, positions or
126 pay increases are added to the agency's budget by the Mississippi
127 Legislature. Based on data provided by the Legislative Budget



128 Office, the State Personnel Board shall, on July 1, 2002, publish
129 separate annual projection reports, based on July 1, 2002 data,
130 for the period of July 1, 2002 through December 31, 2002, and
131 January 1, 2003 through June 30, 2003, that project the annual
132 cost to fully fund all appropriated positions in compliance with
133 the provisions of this act. It shall be the responsibility of the
134 agency head to ensure that no single personnel action increases
135 this projected cost and/or the Fiscal Year 2003 appropriation for
136 "Personal Services," as annualized on a semi-annual basis in
137 accordance with the provisions of this act. If, at the end of any
138 calendar month, the State Personnel Board determines that the
139 agency has taken action(s) which would cause the agency to exceed
140 this projected annual cost or the Fiscal Year 2003 "Personal
141 Services" appropriated level, when annualized in compliance with
142 the provisions of this act, then only those actions which reduce
143 the projected annual cost and/or the appropriation requirement
144 will be processed by the State Personnel Board until such time as
145 the requirements of this provision are met.

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

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

152 **SECTION 4.** It is the intention of the Legislature that the
153 Department of Corrections may use any federal funds that may
154 become available for the construction of a certified fail-safe
155 lethal/non-lethal fencing system at any of its maximum security
156 units for that purpose.

157 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
158 and authorized for expenditure in Section 3, it is the intention
159 of the Legislature that any contractual service payments made by
160 the department to defray medical expenses for inmates shall be at



161 the currently established Medicaid reimbursement rate; however, if
162 hospital and medical providers will not contract at the Medicaid
163 reimbursement rate, the Department of Corrections may enter into a
164 negotiated contract.

165 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
166 none shall be expended for personnel housing under the
167 jurisdiction of the Department of Corrections unless the
168 department shall collect a reasonable rent, after a finding of
169 fact as to what is a reasonable rent, and/or the cost of utilities
170 furnished to said housing, except that the Superintendent of the
171 Central Mississippi Correctional Facility may be provided with a
172 housing expense allowance in lieu of being furnished with a
173 dwelling house. The Department of Corrections shall not pay for
174 the installation or monthly service of any telephone installed in
175 a staff residence under its jurisdiction.

176 **SECTION 7.** Of the funds appropriated in Sections 1 and 2,
177 and authorized for expenditure in Section 3, payment may be
178 authorized for court ordered attorney fees and any accrued
179 interest subject to the approval of the Office of the Attorney
180 General.

181 **SECTION 8.** No part of the funds herein appropriated shall be
182 used for the purpose of returning escaped state convicts to the
183 State Penitentiary from a distance of over one hundred (100) miles
184 beyond the borders of the state, except upon approval of the
185 Governor in each specific case.

186 **SECTION 9.** None of the money herein appropriated shall be
187 paid to any person who by the provision of Section 47-5-47,
188 Mississippi Code of 1972, as amended, is prohibited from being an
189 employee of the Mississippi Department of Corrections. The State
190 Department of Finance and Administration shall at least annually
191 make a report to the Joint Legislative Committee on Performance
192 Evaluation and Expenditure Review and to the Attorney General
193 stating the name of any person prohibited under the provisions of



194 Section 47-5-47, Mississippi Code of 1972, as amended, from being
195 an employee of the Mississippi Department of Corrections who has
196 during the preceding year received any money herein appropriated.
197 In the event that any such person prohibited as herein above
198 provided from receiving funds herein appropriated should receive
199 any of said funds, the Attorney General shall immediately commence
200 action to recover the monies so paid to said person and to enjoin
201 the further employment of said person at the Mississippi
202 Department of Corrections.

203 **SECTION 10.** It is the intention of the Legislature that the
204 Commissioner of the Mississippi Department of Corrections may
205 transfer between the divisions of Support, Medical Services,
206 Parole Board, Farming Operations, Private Prisons, Regional
207 Facilities and Local Confinement, both funds and positions not to
208 exceed fifteen percent (15%) of the authorized budgets in the
209 aggregate. The Commissioner of the Mississippi Department of
210 Corrections shall submit written justification for the transfer to
211 the Legislative Budget Office and the Department of Finance and
212 Administration on or before the fifteenth of the month prior to
213 the effective date of the transfer. It is further the intention
214 of the Legislature that no transfer may be made under the
215 provisions of this section to increase or decrease the salaries
216 category of any budget set forth in the original appropriations
217 made under this act, but may be used to contract with counties to
218 house state inmates in facilities authorized by Section 47-5-931,
219 Mississippi Code of 1972. It is further the intention of the
220 Legislature that any transfers made under the provisions of this
221 paragraph shall be for the removal of state inmates from county
222 jails or of an emergency nature.

223 **SECTION 11.** It is the intent of the Legislature that all
224 prisoners at Parchman shall work a minimum of eight (8) hours per
225 day, excluding prisoners with a physical disability or those
226 incarcerated in maximum security.



227 **SECTION 12.** In compliance with the "Mississippi Performance
 228 Budget and Strategic Planning Act of 1994," it is the intent of
 229 the Legislature that the funds provided herein shall be utilized
 230 in the most efficient and effective manner possible to achieve the
 231 intended mission of this agency. Based on the funding authorized,
 232 this agency shall make every effort to attain the targeted
 233 performance measures provided below:

234		FY2003
235	<u>Performance Measures</u>	<u>Target</u>
236	Institutions - Parchman	
237	Average Population (Inmates)	5,200
238	Participants in Programs (Inmates)	3,695
239	Central MS Correctional Fac	
240	Average Population (Inmates)	2,900
241	Participants in Programs (Inmates)	1,420
242	Successful Program Completion (Inmates)	675
243	South MS Correctional Fac	
244	Average Population (Inmates)	2,000
245	Participants in Programs (Inmates)	2,090
246	Successful Program Completion (Inmates)	1,650
247	Community Based Services	
248	Average Population (Offenders)	18,400
249	Supportive Services	
250	Number of New Hires (Persons)	783
251	Number of Departures (Persons)	750
252	Farming	
253	Vegetables Produced (Pounds)	6,000,000
254	Dozens of Eggs Sold (Dozens)	750,000
255	Parole Board	
256	Number Paroled (Offenders)	592
257	Number of Paroles Revoked (Revocations)	150
258	Private Prisons	
259	Private Prison Beds Funded (Beds)	3,603



260 Medical Services
261 Average Population Covered (Inmates) 14,071
262 Regional Facilities
263 Regional Prison Beds Funded (Beds) 2,200

264 A reporting of the degree to which the performance targets
265 set above have been or are being achieved shall be provided in the
266 agency's budget request submitted to the Joint Legislative Budget
267 Committee for Fiscal Year 2004.

268 **SECTION 13.** In addition to all other sums herein
269 appropriated, the following sum, or so much thereof as may be
270 necessary, is hereby appropriated out of any money in the State
271 General Fund not otherwise appropriated, to the Department of
272 Corrections for the purpose of paying the expenses of counties for
273 holding state prisoners in county jails, for the period beginning
274 July 1, 2002, and ending June 30, 2003..... \$ 3,997,585.00.

275 **SECTION 14.** The money herein appropriated shall be paid by
276 the State Treasurer out of any money in the State Treasury to the
277 credit of the proper fund or funds as set forth in this act, upon
278 warrants issued by the State Fiscal Officer; and the State Fiscal
279 Officer shall issue his warrants upon requisitions signed by the
280 proper person, officer or officers, in the manner provided by law.

281 **SECTION 15.** This act shall take effect and be in force from
282 and after July 1, 2002.

