

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

To: Appropriations

SENATE BILL NO. 3163  
(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 2002 AND 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 ..... \$ 233,734,329.00.

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..... \$ 16,456,417.00.

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.... \$ 122,837,350.00  
27 Travel and Subsistence..... 492,934.00  
28 Contractual Services..... 12,437,299.00



29	Commodities.....	9,875,365.00
30	Capital Outlay:	
31	Other Than Equipment.....	204,578.00
32	Equipment.....	615,972.00
33	Subsidies, Loans and Grants.....	<u>97,320.00</u>
34	Total.....	\$ 146,560,818.00

35 FUNDING:

36	General Funds.....	\$ 136,340,700.00
37	Special Funds.....	<u>10,220,118.00</u>
38	Total.....	\$ 146,560,818.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	3,871
41	Part Time.....	35
42	Time-Limited: Full Time.....	116
43	Part Time.....	0

44 MEDICAL SERVICES

45 FUNDING:

46	General Funds.....	\$ 22,466,178.00
47	Special Funds.....	<u>275,079.00</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 However, none of the funds allocated to Medical Services  
55 under this section shall be expended after July 31, 2002, unless  
56 based upon a competitive bid process to provide medical care and  
57 pharmaceuticals to state inmates through a contractual arrangement  
58 with not less than a ten percent (10%) savings below the  
59 Department of Corrections Fiscal Year 2002 costs for providing  
60 health care to state inmates. Not later than June 15, 2002, the  
61 Department of Corrections shall inform the Chairmen of the House



62 Penitentiary Committee, the Senate Corrections Committee, and two  
 63 members from the Appropriations Committees of the House of  
 64 Representatives and Senate to be selected by the Chairmen of the  
 65 Appropriations Committees of each respective house of the feasible  
 66 options to provide health care to state inmates.

67 PAROLE BOARD

68 MAJOR OBJECTS OF EXPENDITURE:

69 Personal Services:

70	Salaries, Wages and Fringe Benefits....	\$	372,562.00
71	Travel and Subsistence.....		25,000.00
72	Contractual Services.....		90,398.00
73	Commodities.....		20,800.00
74	Capital Outlay:		
75	Other Than Equipment.....		0.00
76	Equipment.....		2,700.00
77	Subsidies, Loans and Grants.....		<u>0.00</u>
78	Total.....	\$	511,460.00

79 FUNDING:

80	General Funds.....	\$	511,460.00
81	Special Funds.....		<u>0.00</u>
82	Total.....	\$	511,460.00

83 AUTHORIZED POSITIONS:

84	Permanent: Full Time.....	8
85	Part Time.....	0
86	Time-Limited: Full Time.....	0
87	Part Time.....	0

88 FARMING OPERATIONS

89 MAJOR OBJECTS OF EXPENDITURE:

90 Personal Services:

91	Salaries, Wages and Fringe Benefits....	\$	701,992.00
92	Travel and Subsistence.....		5,100.00
93	Contractual Services.....		557,350.00
94	Commodities.....		2,144,076.00



95	Capital Outlay:		
96	Other Than Equipment.....		730,848.00
97	Equipment.....		248,733.00
98	Subsidies, Loans and Grants.....		<u>33,000.00</u>
99	Total.....	\$	4,421,099.00

100 FUNDING:

101	General Funds.....	\$	0.00
102	Special Funds.....		<u>4,421,099.00</u>
103	Total.....	\$	4,421,099.00

104 AUTHORIZED POSITIONS:

105	Permanent: Full Time.....	17
106	Part Time.....	0
107	Time-Limited: Full Time.....	0
108	Part Time.....	0

109 PRIVATE PRISONS

110 FUNDING:

111	General Funds.....	\$	54,726,714.00
112	Special Funds.....		<u>0.00</u>
113	Total.....	\$	54,726,714.00

114 AUTHORIZED POSITIONS:

115	Permanent: Full Time.....	0
116	Part Time.....	0
117	Time-Limited: Full Time.....	0
118	Part Time.....	0

119 REGIONAL FACILITIES

120 FUNDING:

121	General Funds.....	\$	19,689,277.00
122	Special Funds.....		<u>1,540,121.00</u>
123	Total.....	\$	21,229,398.00

124 AUTHORIZED POSITIONS:

125	Permanent: Full Time.....	0
126	Part Time.....	0
127	Time-Limited: Full Time.....	0



128 Part Time..... 0

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

134 With the funds herein appropriated, it is the intention of  
135 the Legislature that it shall be the agency's responsibility to  
136 make certain that funds required to be appropriated for "Personal  
137 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003  
138 funds appropriated for that purpose, unless programs, positions or  
139 pay increases are added to the agency's budget by the Mississippi  
140 Legislature. Based on data provided by the Legislative Budget  
141 Office, the State Personnel Board shall, on July 1, 2002, publish  
142 separate annual projection reports, based on July 1, 2002 data,  
143 for the period of July 1, 2002, through December 31, 2002, and  
144 January 1, 2003, through June 30, 2003, that project the annual  
145 cost to fully fund all appropriated positions in compliance with  
146 the provisions of this act. It shall be the responsibility of the  
147 agency head to ensure that no single personnel action increases  
148 this projected cost and/or the Fiscal Year 2003 appropriation for  
149 "Personal Services," as annualized on a semiannual basis in  
150 accordance with the provisions of this act. If, at the end of any  
151 calendar month, the State Personnel Board determines that the  
152 agency has taken action(s) which would cause the agency to exceed  
153 this projected annual cost or the Fiscal Year 2003 "Personal  
154 Services" appropriated level, when annualized in compliance with  
155 the provisions of this act, then only those actions which reduce  
156 the projected annual cost and/or the appropriation requirement  
157 will be processed by the State Personnel Board until such time as  
158 the requirements of this provision are met.

159 Any transfers or escalations shall be made in accordance with  
160 the terms, conditions and procedures established by law, except



161 that no transfers shall be made which reduce funds allocated in  
162 Section 3 to Regional Facilities or Private Prisons.

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

167 **SECTION 4.** It is the intention of the Legislature that the  
168 Department of Corrections may use any federal funds that may  
169 become available for the construction of a certified fail-safe  
170 lethal/non-lethal fencing system at any of its maximum security  
171 units for that purpose.

172 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,  
173 and authorized for expenditure in Section 3, it is the intention  
174 of the Legislature that any contractual service payments made by  
175 the department to defray medical expenses for inmates shall be at  
176 the currently established Medicaid reimbursement rate; however, if  
177 hospital and medical providers will not contract at the Medicaid  
178 reimbursement rate, the Department of Corrections may enter into a  
179 negotiated contract.

180 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,  
181 none shall be expended for personnel housing under the  
182 jurisdiction of the Department of Corrections unless the  
183 department shall collect a reasonable rent, after a finding of  
184 fact as to what is a reasonable rent, and/or the cost of utilities  
185 furnished to said housing, except that the Superintendent of the  
186 Central Mississippi Correctional Facility may be provided with a  
187 housing expense allowance in lieu of being furnished with a  
188 dwelling house. The Department of Corrections shall not pay for  
189 the installation or monthly service of any telephone installed in  
190 a staff residence under its jurisdiction.

191 **SECTION 7.** Of the funds appropriated in Sections 1 and 2,  
192 and authorized for expenditure in Section 3, payment may be  
193 authorized for court ordered attorney fees and any accrued



194 interest subject to the approval of the Office of the Attorney  
195 General.

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

201         **SECTION 9.** None of the money herein appropriated shall be  
202 paid to any person who by the provision of Section 47-5-47,  
203 Mississippi Code of 1972, as amended, is prohibited from being an  
204 employee of the Mississippi Department of Corrections. The State  
205 Department of Finance and Administration shall at least annually  
206 make a report to the Joint Legislative Committee on Performance  
207 Evaluation and Expenditure Review and to the Attorney General  
208 stating the name of any person prohibited under the provisions of  
209 Section 47-5-47, Mississippi Code of 1972, as amended, from being  
210 an employee of the Mississippi Department of Corrections who has  
211 during the preceding year received any money herein appropriated.  
212 In the event that any such person prohibited as herein above  
213 provided from receiving funds herein appropriated should receive  
214 any of said funds, the Attorney General shall immediately commence  
215 action to recover the monies so paid to said person and to enjoin  
216 the further employment of said person at the Mississippi  
217 Department of Corrections.

218         **SECTION 10.** It is the intent of the Legislature that all  
219 prisoners at Parchman shall work a minimum of eight (8) hours per  
220 day, excluding prisoners with a physical disability or those  
221 incarcerated in maximum security.

222         **SECTION 11.** In compliance with the "Mississippi Performance  
223 Budget and Strategic Planning Act of 1994," it is the intent of  
224 the Legislature that the funds provided herein shall be utilized  
225 in the most efficient and effective manner possible to achieve the  
226 intended mission of this agency. Based on the funding authorized,



227 this agency shall make every effort to attain the targeted  
228 performance measures provided below:

229		FY2003
230	<u>Performance Measures</u>	<u>Target</u>
231	Institutions - Parchman	
232	Average Population (Inmates)	5,200
233	Participants in Programs (Inmates)	3,695
234	Central MS Correctional Fac	
235	Average Population (Inmates)	2,900
236	Participants in Programs (Inmates)	1,420
237	Successful Program Completion (Inmates)	675
238	South MS Correctional Fac	
239	Average Population (Inmates)	2,000
240	Participants in Programs (Inmates)	2,090
241	Successful Program Completion (Inmates)	1,650
242	Community Based Services	
243	Average Population (Offenders)	18,400
244	Supportive Services	
245	Number of New Hires (Persons)	783
246	Number of Departures (Persons)	750
247	Farming	
248	Vegetables Produced (Pounds)	6,000,000
249	Dozens of Eggs Sold (Dozens)	750,000
250	Parole Board	
251	Number Paroled (Offenders)	592
252	Number of Paroles Revoked (Revocations)	150
253	Private Prisons	
254	Private Prison Beds Funded (Beds)	3,603
255	Medical Services	
256	Average Population Covered (Inmates)	14,071
257	Regional Facilities	
258	Regional Prison Beds Funded (Beds)	2,200





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

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

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

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

279 **SECTION 15.** Of the funds appropriated under the provisions  
280 of Section 2, Two Million Twenty Thousand Seven Hundred Eleven  
281 Dollars (\$2,020,711.00) shall be derived from the Budget  
282 Contingency Fund created in Section 27-103-301, Mississippi Code  
283 of 1972, with One Million Three Hundred Thousand Dollars  
284 (\$1,300,000.00) to be used for the George County Correctional  
285 Facility.

286 **SECTION 16.** In addition to all other sums herein  
287 appropriated, the following sum, or so much thereof as may be  
288 necessary, is hereby appropriated out of any money in the State  
289 General Fund not otherwise appropriated, to the Department of  
290 Corrections for the purpose of paying the expenses of counties for



291 holding state prisoners in county jails, for the period beginning  
292 July 1, 2002, and ending June 30, 2003..... \$ 3,990,914.00.

293 **SECTION 17.** In addition to all other sums herein  
294 appropriated, the following sum, or so much thereof as may be  
295 necessary, is hereby appropriated out of any money in the Budget  
296 Contingency Fund, created in Section 27-103-301, Mississippi Code  
297 of 1972, to the Department of Corrections for the purpose of  
298 paying the expenses of counties for holding state prisoners in  
299 county jails, for the fiscal year beginning July 1, 2002, and  
300 ending June 30, 2003..... \$ 48,355.00.

301 **SECTION 18.** In addition to all other sums heretofore  
302 appropriated, the following sum, or so much thereof as may be  
303 necessary, is hereby appropriated out of any money in the Budget  
304 Contingency Fund, created in Section 27-103-301, Mississippi Code  
305 of 1972, to the Mississippi Department of Corrections for the  
306 purpose of paying the costs for providing medical services to  
307 state inmates and for paying the expenses of counties for holding  
308 state prisoners in county jails, for the fiscal year ending  
309 June 30, 2002..... \$ 15,100,000.00.

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

314	University of Mississippi Medical Center...\$	7,590,798.00
315	Local Confinement in County Jails.....\$	<u>7,509,202.00</u>
316	Total.....\$	15,100,000.00

317 **SECTION 19.** The money herein appropriated shall be paid by  
318 the State Treasurer out of any money in the State Treasury to the  
319 credit of the proper fund or funds as set forth in this act, upon  
320 warrants issued by the State Fiscal Officer; and the State Fiscal  
321 Officer shall issue his warrants upon requisitions signed by the  
322 proper person, officer or officers, in the manner provided by law.



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

