

August 20, 2002

To my fellow members of the Mississippi House of Representatives:

I am writing you this letter in anticipation of Governor Musgrove calling a special session on medical malpractice, which could provide an opportunity, to try and deal with the Department of Corrections' (D.O.C) appropriation bill. Due to the fact we did not pass the appropriation bill during the special session, D.O.C is having to use funds from other parts of their budget in order to pay the private and regional prisons. By law, they can only shift or transfer 10% of certain funds to meet their obligations. As a result, shortly they will find themselves without funds in which to pay county jails, privates, and regionals. There are still legal questions about the governor's partial veto on this appropriation that have not been settled and no one knows when that will be forthcoming. My concern is that, during the interim, D.O.C will have exhausted available funds and will not be able to pay the county jails, regional or private prisons. We are talking about a substantial amount of money that, if D.O.C cannot pay out, will work a severe hardship on hundreds of people and counties all over the state.

My comments during the special session probably contributed to the appropriation not passing. For this, I apologize. If you recall, I stated for each member to vote however he felt right on this bill and that the appropriation bill had no bearing on whether or not the Delta prison would be closed. My concern was that I did not approve of the way in which this closing was being handled and that this matter should have involved the legislative process. I still do believe we should have been included; however, that is a moot point now and we need to pass the D.O.C appropriation bill.

Bottom line is I am writing this letter to you asking for your support for a bill to proceed with appropriating the money for D.O.C.'s budget so that they can get back on track and operate and pay their bills timely to our counties, private and regionals. I am sure you share my frustration on this matter, but, as Chairman of the Penitentiary Committee, I think it is our best direction to take if the governor does in fact expand the call to deal with this.

Sincerely,

Bennett Malone

BM/dw