

**REPORT OF CONFERENCE COMMITTEE**

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 3123: Appropriation; Dept. of Corrections - Support and Reimb. Local Confinement.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.

2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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  
18 ending June 30, 2002..... \$ 15,691,850.00.

19 SECTION 3. Of the funds appropriated under the provisions  
20 of Sections 1 and 2, not more than the amounts set forth below  
21 shall 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..... 97,320.00

34 Total..... \$ 147,497,131.00

35 FUNDING:

36 General Funds..... \$ 136,481,406.00

37	Special Funds.....	11,015,725.00
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.....	0.00
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
61	Capital Outlay:	
62	Other Than Equipment.....	0.00
63	Equipment.....	5,400.00
64	Subsidies, Loans and Grants.....	<u>0.00</u>
65	Total..... \$	535,444.00
66	FUNDING:	
67	General Funds..... \$	535,444.00
68	Special Funds.....	<u>0.00</u>
69	Total..... \$	535,444.00
70	AUTHORIZED POSITIONS:	
71	Permanent:        Full Time        8	
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. \$	717,452.00
79	Travel and Subsistence.....	8,843.00
80	Contractual Services.....	675,973.00

81	Commodities.....	2,144,076.00
82	Capital Outlay:	
83	Other Than Equipment.....	730,848.00
84	Equipment.....	365,933.00
85	Subsidies, Loans and Grants.....	<u>33,000.00</u>
86	Total..... \$	4,676,125.00
87	FUNDING:	
88	General Funds..... \$	0.00
89	Special Funds.....	<u>4,676,125.00</u>
90	Total..... \$	4,676,125.00
91	AUTHORIZED POSITIONS:	
92	Permanent:        Full Time        18	
93	Part Time        0	
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.....	<u>0.00</u>
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  
134 which 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  
138 with 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  
141 are being used for salaries authorized under the provisions of  
142 this 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  
145 to the Chairman of the Mississippi House of Representatives,  
146 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) in order for the PEER Committee to determine the necessary per diem, per inmate cost associated with the housing of state inmates at each of the regional correctional facilities and private prisons. In no case shall the aggregate per diem costs of housing state inmates at regional facilities or private prisons exceed the aggregate appropriation for the regional facilities, private prisons or the maximum amounts set by law in Sections 47-5-933 and 47-5-1211, Mississippi Code of 1972. Until the necessary per diem, per inmate cost is determined, and reported to the Chairmen of the Mississippi House of Representatives, Appropriations and Penitentiary Committees and



the Mississippi Senate Appropriations and Corrections Committees,  
the Commissioner of the MDOC shall make payments for housing not  
less than two hundred thirty (230) inmates at each regional  
facility, not less than nine hundred (900) state inmates at the  
Delta Correctional Facility and not less than nine hundred (900)  
state inmates at the Marshall County Correctional Facility.

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

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

SECTION 8. Of the funds appropriated in Sections 1 and 2,  
none shall be expended for personnel housing under the  
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

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  
223 commence action to recover the monies so paid to said person and  
224 to enjoin the further employment of said person at the  
225 Mississippi 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  
234 to the Legislative Budget Office and the Department of Finance

and Administration on or before the fifteenth of the month prior to the effective date of the transfer. It is further the intention of the Legislature that no transfer may be made under the provisions of this section to increase or decrease the salaries category of any budget set forth in the original appropriations made under this act, but may be used to contract with counties to house state inmates in facilities authorized by Section 47-5-931, Mississippi Code of 1972. It is further the intention of the Legislature that any transfers made under the provisions of this paragraph shall be for the removal of state inmates from county jails or of an emergency nature.

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

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



6

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

11 It is the intention of the Legislature that the funds appropriated in this  
12 section shall be considered a portion of the Fifty Million Dollars  
13 (\$50,000,000.00) authorized in Section 27-103-203, Mississippi Code of  
14 1972, for the Governor to transfer from the Working Cash/Stabilization  
15 Reserve Fund to the State General Fund to provide for revenue shortfalls.

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

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

**Further, amend by striking the title in its entirety and inserting in  
lieu thereof the following:**

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
2 MAINTENANCE OF THE MISSISSIPPI DEPARTMENT OF  
3 CORRECTIONS AND TO PAY THE EXPENSES OF COUNTIES FOR  
4 HOLDING STATE PRISONERS IN COUNTY JAILS, FOR FISCAL YEARS  
5 2001 and 2002.

CONFEREES FOR THE SENATE

X\_\_\_\_\_

\_\_\_\_\_  
Jack Gordon

X\_\_\_\_\_

\_\_\_\_\_  
Robert G. Huggins

X\_\_\_\_\_

\_\_\_\_\_  
Lynn Posey

CONFEREES FOR THE HOUSE

X\_\_\_\_\_

Charlie Capps, Jr.

X\_\_\_\_\_

Linda Coleman

X\_\_\_\_\_

Randy Mitchell