

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. 3163: 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, 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:

SUPPORT

MAJOR OBJECTS OF EXPENDITURE:

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..... 4,421,099.00

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..... 0.00

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..... 1,540,121.00

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 semi-annual 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:

	FY2003
<u>Performance Measures</u>	<u>Target</u>
Institutions - Parchman	
Average Population (Inmates)	5,200
Participants in Programs (Inmates)	3,695
Central MS Correctional Fac	
Average Population (Inmates)	2,900
Participants in Programs (Inmates)	1,420
Successful Program Completion (Inmates)	675
South MS Correctional Fac	
Average Population (Inmates)	2,000
Participants in Programs (Inmates)	2,090
Successful Program Completion (Inmates)	1,650
Community Based Services	
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..... \$ 48,335.00.

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.

**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 CORRECTIONS AND TO
3 PAY THE EXPENSES OF COUNTIES FOR HOLDING STATE PRISONERS IN COUNTY
4 JAILS, FOR FISCAL YEARS 2002 AND 2003.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X _____
Jack Gordon

X _____
Charlie Capps, Jr.

X _____
Robert G. Huggins

Linda Coleman

X _____
Lynn Posey

X _____
Randy Mitchell