

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. 3137: 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, 2004, and ending June 30, 2005.....
11 \$ 217,042,915.00.

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, 2004, and ending
18 June 30, 2005..... \$ 49,057,889.00.

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:

Salaries, Wages and Fringe Benefits .. \$ 117,000,000.00

27	Travel and Subsistence.....	467,934.00
28	Contractual Services	17,000,000.00
29	Commodities.....	12,000,000.00
30	Capital Outlay:	
31	Other Than Equipment	274,578.00
32	Equipment	1,110,925.00
33	Subsidies, Loans and Grants.....	<u>96,044.00</u>
34	Total.....	\$ 147,949,481.00

35 FUNDING:

36	General Funds	\$ 134,954,373.00
37	Special Funds	<u>12,995,108.00</u>
38	Total.....	\$ 147,949,481.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time	3,673
41	Part Time	31
42	Time-Limited: Full Time	123
43	Part Time	0

44 **MEDICAL SERVICES**

45 FUNDING:

46	General Funds	\$ 20,965,050.00
47	Special Funds	<u>8,865,803.00</u>
48	Total.....	\$ 29,830,853.00

49 AUTHORIZED POSITIONS:

50	Permanent: Full Time	0
51	Part Time	0
52	Time-Limited: Full Time	2
53	Part Time	0

54 **PAROLE BOARD**

55 MAJOR OBJECTS OF EXPENDITURE:

56 Personal Services:

57	Salaries, Wages and Fringe Benefits ..	\$ 409,967.00
58	Travel and Subsistence.....	25,000.00

59	Contractual Services	61,883.00
60	Commodities	10,000.00
61	Capital Outlay:	
62	Other Than Equipment	0.00
63	Equipment	0.00
64	Subsidies, Loans and Grants.....	<u>0.00</u>
65	Total.....	\$ 506,850.00
66	FUNDING:	
67	General Funds	\$ 506,850.00
68	Special Funds	<u>0.00</u>
69	Total.....	\$ 506,850.00
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 ..	\$ 688,156.00
79	Travel and Subsistence.....	5,100.00
80	Contractual Services	138,437.00
81	Commodities	1,590,041.00
82	Capital Outlay:	
83	Other Than Equipment	180,000.00
84	Equipment	208,898.00
85	Subsidies, Loans and Grants.....	<u>8,015.00</u>
86	Total.....	\$ 2,818,647.00
87	FUNDING:	
88	General Funds	\$ 0.00
89	Special Funds	<u>2,818,647.00</u>
90	Total.....	\$ 2,818,647.00

91 AUTHORIZED POSITIONS:

92	Permanent:	Full Time	16
93		Part Time	0
94	Time-Limited:	Full Time	0
95		Part Time	0

96 PRIVATE PRISONS

97 FUNDING:

98	General Funds	\$	38,310,945.00
99	Special Funds		<u>15,772,317.00</u>
100	Total	\$	54,083,262.00

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	\$	16,886,846.00
109	Special Funds		<u>6,781,805.00</u>
110	Total	\$	23,668,651.00

111 AUTHORIZED POSITIONS:

112	Permanent:	Full Time	0
113		Part Time	0
114	Time-Limited:	Full Time	0
115		Part Time	0

116 LOCAL CONFINEMENT - COUNTY JAILS

117 FUNDING:

118	General Funds	\$	5,418,851.00
119	Special Funds		<u>1,824,209.00</u>
120	Total	\$	7,243,060.00

121 AUTHORIZED POSITIONS:

122	Permanent:	Full Time	0
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123 Part Time 0
 124 Time-Limited: Full Time 0
 125 Part Time 0

126 Any transfers or escalations shall be made in accordance with
 127 the terms, conditions and procedures established by law or
 128 allowable under the terms set forth within this act. The State
 129 Personnel Board shall not escalate positions without written
 130 approval from the Department of Finance and Administration. The
 131 Department of Finance and Administration shall not provide written
 132 approval to escalate any funds for salaries and/or positions
 133 without proof of availability of new or additional funds above the
 134 appropriated level.

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

139 **SECTION 4.** In compliance with the "Mississippi Performance
 140 Budget and Strategic Planning Act of 1994," it is the intent of
 141 the Legislature that the funds provided herein shall be utilized
 142 in the most efficient and effective manner possible to achieve the
 143 intended mission of this agency. Based on the funding authorized,
 144 this agency shall make every effort to attain the targeted
 145 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
Institutions - Parchman	
Average Population (Inmates)	5,664
Participants in Programs (Inmates)	2,957
Successful Program Completion (Inmates)	1,314
Central MS Correctional Fac	
Average Population (Inmates)	3,155
Participants in Programs (Inmates)	1,522

155	Successful Program Completion (Inmates)	895
156	South MS Correctional Fac	
157	Average Population (Inmates)	2,146
158	Participants in Programs (Inmates)	1,964
159	Successful Program Completion (Inmates)	1,436
160	Community Corrections	
161	Average Population (Offenders)	28,489
162	Farming	
163	Vegetables Produced (Pounds)	5,500,000
164	Dozens of Eggs Sold (Dozens)	650,000
165	Parole Board	
166	Number Paroled (Offenders)	950
167	Number of Paroles Revoked (Revocations)	225
168	Private Prisons	
169	Private Prison Beds Funded (Beds)	4,690
170	Medical Services	
171	Average Population Covered (Inmates)	15,600
172	Regional Facilities	
173	Regional Prison Beds Funded (Beds)	2,750
174	Local Confinement	
175	Approved Monthly Population (Inmates)	1,465
176	Unapproved Monthly Population (Inmates)	350
177	A reporting of the degree to which the performance targets	
178	set above have been or are being achieved shall be provided in the	
179	agency's budget request submitted to the Joint Legislative Budget	
180	Committee for Fiscal Year 2006.	

181 **SECTION 5.** It is the intention of the Legislature that the
182 Department of Corrections may use any federal funds that may
183 become available for the construction of a certified fail-safe
184 lethal/non-lethal fencing system at any of its maximum security
185 units for that purpose.

186 **SECTION 6.** Effective January 1, 2005, the department of its
187 contracted medical provider will pay to a provider of a medical
188 service for any and all incarcerated persons from a correctional
189 or detention facility an amount no greater than the reimbursement
190 rate applicable based on the Mississippi Medicaid reimbursement
191 rate. This limitation applies to all medical care services,
192 durable and non-durable goods, prescription drugs and medications
193 provided to any and all incarcerated persons outside of the
194 correctional or detention facility.

195 **SECTION 7.** Of the funds appropriated in Sections 1 and 2,
196 none shall be expended for personnel housing under the
197 jurisdiction of the Department of Corrections unless the
198 department shall collect a reasonable rent, after a finding of
199 fact as to what is a reasonable rent, and/or the cost of utilities
200 furnished to said housing. The Department of Corrections shall
201 not pay for the installation or monthly service of any telephone
202 installed in a staff residence under its jurisdiction.

203 **SECTION 8.** Of the funds appropriated in Sections 1 and 2,
204 and authorized for expenditure in Section 3, payment may be
205 authorized for court ordered attorney fees and any accrued
206 interest subject to the approval of the Office of the Attorney
207 General.

208 **SECTION 9.** No part of the funds herein appropriated shall be
209 used for the purpose of returning escaped state convicts to the
210 State Penitentiary from a distance of over one hundred (100) miles
211 beyond the borders of the state, except upon approval of the
212 Governor in each specific case.

213 **SECTION 10.** None of the money herein appropriated shall be
214 paid to any person who by the provision of Section 47-5-47,
215 Mississippi Code of 1972, as amended, is prohibited from being an
216 employee of the Mississippi Department of Corrections. The State
217 Department of Finance and Administration shall at least annually

218 make a report to the Joint Legislative Committee on Performance
219 Evaluation and Expenditure Review and to the Attorney General
220 stating the name of any person prohibited under the provisions of
221 Section 47-5-47, Mississippi Code of 1972, as amended, from being
222 an employee of the Mississippi Department of Corrections who has
223 during the preceding year received any money herein appropriated.
224 In the event that any such person prohibited as herein above
225 provided from receiving funds herein appropriated should receive
226 any of said funds, the Attorney General shall immediately commence
227 action to recover the monies so paid to said person and to enjoin
228 the further employment of said person at the Mississippi
229 Department of Corrections.

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

234 **SECTION 12.** It is the intention of the Legislature that the
235 Department of Corrections shall have the authority to accept,
236 budget and expend any special funds collected or otherwise
237 available, through the sell of scrap or recycled material, for the
238 purpose of providing recycling equipment, supplies or services for
239 use within the department.

240 **SECTION 13.** None of the funds appropriated herein can be
241 directly or indirectly associated with the ACA accreditation in
242 the Community Services Division.

243 **SECTION 14.** It is the intention of the Legislature that the
244 per diem rates paid to regional facilities shall not exceed
245 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
246 All regional facilities shall continue to receive the annual three
247 percent (3%) increase in the per diem rate as authorized in
248 Section 47-5-933, Mississippi Code of 1972, however, in no event

249 shall any regional facility's per diem rate exceed Twenty-nine
250 Dollars and Seventy-four Cents (\$29.74) per inmate.

251 **SECTION 15.** It is the intention of the Legislature that the
252 Commissioner of the Mississippi Department of Corrections may
253 transfer between certain budgets authorized in Section 3,
254 including Support, Medical Services, Parole Board, Farming
255 Operations, Private Prisons and Local Confinement and Regional
256 Facilities, both positions and funds in an amount not to exceed
257 twenty-five percent (25%) of the authorized budgets in the
258 aggregate. The Commissioner of the Mississippi Department of
259 Corrections shall submit written justification for the transfer to
260 the Legislative Budget Office and the Department of Finance and
261 Administration on or before the fifteenth of the month prior to
262 the effective date of the transfer. However, no transfers shall
263 be authorized which increase the major object of expenditure
264 "Salaries, Wages and Fringe Benefits" in any budget authorized in
265 Section 3 of this act.

266 **SECTION 16.** It is the intention of the Legislature that the
267 Mississippi Department of Corrections may use funds appropriated
268 herein to enter into a lease purchase agreement to purchase
269 property located at 421 West Pascagoula Street in Jackson,
270 Mississippi, for use as the Hinds County Probation and Parole
271 Office and the Statewide Records Office for the Mississippi
272 Department of Corrections. Total outlays for any such agreement
273 to purchase this facility must be less than the total outlays to
274 lease this property over a ten-year period and shall be approved
275 by the Executive Director of the Department of Finance and
276 Administration.

277 **SECTION 17.** It is the intention of the Legislature that the
278 Department of Corrections shall have the authority to accept,
279 budget and expend any portion of confiscated funds received in
280 conjunction with its participating in investigations of illegal

281 activities of any offender under the supervision of the agency.
282 These funds shall be used to provide security enhancement within
283 the Department of Corrections.

284 **SECTION 18.** Of the funds appropriated under the provisions
285 of Section 2, Thirty-three Million Dollars (\$33,000,000.00) shall
286 be derived from the Budget Contingency Fund, as created in Section
287 27-103-301, Mississippi Code of 1972, to be allocated as follows:

288	Medical Services.....	\$ 8,621,669.00
289	Private Prisons.....	15,772,317.00
290	Regional Facilities.....	6,781,805.00
291	Local Confinement - County Jails.....	1,824,209.00
292	Total.....	\$33,000,000.00

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

299 **SECTION 20.** This act shall take effect and be in force from
300 and after July 1, 2004.

CONFEREES FOR THE SENATE

X (SIGNED)
Jack Gordon

X (SIGNED)
Robert G. Huggins

X (SIGNED)
Scottie R. Cuevas

CONFEREES FOR THE HOUSE

X (SIGNED)
Johnny W. Stringer

X (SIGNED)
Bennett Malone

X (SIGNED)
Robert E. Vince