

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. 3036: 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, 2006, and ending June 30, 2007.....
11 \$ 227,154,536.00.

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, 2006, and ending
18 June 30, 2007..... \$ 79,216,845.00.

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.. \$ 115,775,172.00

| | | |
|----|----------------------------------|-------------------|
| 27 | Travel and Subsistence..... | 452,934.00 |
| 28 | Contractual Services..... | 19,200,000.00 |
| 29 | Commodities..... | 13,000,000.00 |
| 30 | Capital Outlay: | |
| 31 | Other Than Equipment..... | 274,578.00 |
| 32 | Equipment..... | 1,406,726.00 |
| 33 | Subsidies, Loans and Grants..... | <u>96,044.00</u> |
| 34 | Total..... | \$ 150,205,454.00 |

35 FUNDING:

| | | |
|----|--------------------|----------------------|
| 36 | General Funds..... | \$ 136,100,454.00 |
| 37 | Special Funds..... | <u>14,105,000.00</u> |
| 38 | Total..... | \$ 150,205,454.00 |

39 AUTHORIZED POSITIONS:

| | | |
|----|------------------------------|-------|
| 40 | Permanent: Full Time..... | 3,247 |
| 41 | Part Time..... | 23 |
| 42 | Time-Limited: Full Time..... | 124 |
| 43 | Part Time..... | 0 |

44 **MEDICAL SERVICES**

45 MAJOR OBJECTS OF EXPENDITURE:

46 Personal Services:

| | | |
|----|---------------------------------------|------------------|
| 47 | Salaries, Wages and Fringe Benefits.. | \$ 330,000.00 |
| 48 | Travel and Subsistence..... | 0.00 |
| 49 | Contractual Services..... | 39,681,620.00 |
| 50 | Commodities..... | 0.00 |
| 51 | Capital Outlay: | |
| 52 | Other Than Equipment..... | 0.00 |
| 53 | Equipment..... | 0.00 |
| 54 | Subsidies, Loans and Grants..... | <u>0.00</u> |
| 55 | Total..... | \$ 40,011,620.00 |

56 FUNDING:

| | | |
|----|--------------------|----------------------|
| 57 | General Funds..... | \$ 23,277,633.00 |
| 58 | Special Funds..... | <u>16,733,987.00</u> |

59 Total..... \$ 40,011,620.00

60 AUTHORIZED POSITIONS:

61 Permanent: Full Time..... 0

62 Part Time..... 0

63 Time-Limited: Full Time..... 3

64 Part Time..... 0

65 PAROLE BOARD

66 MAJOR OBJECTS OF EXPENDITURE:

67 Personal Services:

68 Salaries, Wages and Fringe Benefits.. \$ 497,062.00

69 Travel and Subsistence..... 25,000.00

70 Contractual Services..... 61,883.00

71 Commodities..... 10,000.00

72 Capital Outlay:

73 Other Than Equipment..... 0.00

74 Equipment..... 0.00

75 Subsidies, Loans and Grants..... 0.00

76 Total..... \$ 593,945.00

77 FUNDING:

78 General Funds..... \$ 593,945.00

79 Special Funds..... 0.00

80 Total..... \$ 593,945.00

81 AUTHORIZED POSITIONS:

82 Permanent: Full Time..... 8

83 Part Time..... 0

84 Time-Limited: Full Time..... 0

85 Part Time..... 0

86 FARMING OPERATIONS

87 MAJOR OBJECTS OF EXPENDITURE:

88 Personal Services:

89 Salaries, Wages and Fringe Benefits.. \$ 619,897.00

90 Travel and Subsistence..... 4,500.00

| | | | |
|-----|---------------------------------------|----|------------------------|
| 91 | Contractual Services..... | | 136,437.00 |
| 92 | Commodities..... | | 1,520,000.00 |
| 93 | Capital Outlay: | | |
| 94 | Other Than Equipment..... | | 180,000.00 |
| 95 | Equipment..... | | 208,898.00 |
| 96 | Subsidies, Loans and Grants..... | | <u>28,806.00</u> |
| 97 | Total..... | \$ | 2,698,538.00 |
| 98 | FUNDING: | | |
| 99 | General Funds..... | \$ | 0.00 |
| 100 | Special Funds..... | | <u>2,698,538.00</u> |
| 101 | Total..... | \$ | 2,698,538.00 |
| 102 | AUTHORIZED POSITIONS: | | |
| 103 | Permanent: Full Time..... | | 14 |
| 104 | Part Time..... | | 0 |
| 105 | Time-Limited: Full Time..... | | 0 |
| 106 | Part Time..... | | 0 |
| 107 | | | |
| | | | PRIVATE PRISONS |
| 108 | MAJOR OBJECTS OF EXPENDITURE: | | |
| 109 | Personal Services: | | |
| 110 | Salaries, Wages and Fringe Benefits.. | \$ | 0.00 |
| 111 | Travel and Subsistence..... | | 0.00 |
| 112 | Contractual Services..... | | 73,705,193.00 |
| 113 | Commodities..... | | 0.00 |
| 114 | Capital Outlay: | | |
| 115 | Other Than Equipment..... | | 0.00 |
| 116 | Equipment..... | | 0.00 |
| 117 | Subsidies, Loans and Grants..... | | <u>0.00</u> |
| 118 | Total..... | \$ | 73,705,193.00 |
| 119 | FUNDING: | | |
| 120 | General Funds..... | \$ | 42,804,116.00 |
| 121 | Special Funds..... | | <u>30,901,077.00</u> |
| 122 | Total..... | \$ | 73,705,193.00 |

| | | | |
|-----|-----------------------|----------------|---|
| 123 | AUTHORIZED POSITIONS: | | |
| 124 | Permanent: | Full Time..... | 0 |
| 125 | | Part Time..... | 0 |
| 126 | Time-Limited: | Full Time..... | 0 |
| 127 | | Part Time..... | 0 |

REGIONAL FACILITIES

129 MAJOR OBJECTS OF EXPENDITURE:

130 Personal Services:

| | | | |
|-----|---------------------------------------|----|---------------|
| 131 | Salaries, Wages and Fringe Benefits.. | \$ | 0.00 |
| 132 | Travel and Subsistence..... | | 0.00 |
| 133 | Contractual Services..... | | 29,996,956.00 |
| 134 | Commodities..... | | 0.00 |
| 135 | Capital Outlay: | | |
| 136 | Other Than Equipment..... | | 0.00 |
| 137 | Equipment..... | | 0.00 |
| 138 | Subsidies, Loans and Grants..... | | <u>0.00</u> |
| 139 | Total..... | \$ | 29,996,956.00 |

140 FUNDING:

| | | | |
|-----|--------------------|----|----------------------|
| 141 | General Funds..... | \$ | 18,499,410.00 |
| 142 | Special Funds..... | | <u>11,497,546.00</u> |
| 143 | Total..... | \$ | 29,996,956.00 |

144 AUTHORIZED POSITIONS:

| | | | |
|-----|---------------|----------------|---|
| 145 | Permanent: | Full Time..... | 0 |
| 146 | | Part Time..... | 0 |
| 147 | Time-Limited: | Full Time..... | 0 |
| 148 | | Part Time..... | 0 |

LOCAL CONFINEMENT - COUNTY JAILS

150 MAJOR OBJECTS OF EXPENDITURE:

151 Personal Services:

| | | | |
|-----|---------------------------------------|----|--------------|
| 152 | Salaries, Wages and Fringe Benefits.. | \$ | 0.00 |
| 153 | Travel and Subsistence..... | | 0.00 |
| 154 | Contractual Services..... | | 9,159,675.00 |

| | | | |
|-----|----------------------------------|----|--------------|
| 155 | Commodities..... | | 0.00 |
| 156 | Capital Outlay: | | |
| 157 | Other Than Equipment..... | | 0.00 |
| 158 | Equipment..... | | 0.00 |
| 159 | Subsidies, Loans and Grants..... | | <u>0.00</u> |
| 160 | Total..... | \$ | 9,159,675.00 |

161 FUNDING:

| | | | |
|-----|--------------------|----|---------------------|
| 162 | General Funds..... | \$ | 5,878,978.00 |
| 163 | Special Funds..... | | <u>3,280,697.00</u> |
| 164 | Total..... | \$ | 9,159,675.00 |

165 AUTHORIZED POSITIONS:

| | | | |
|-----|---------------|----------------|---|
| 166 | Permanent: | Full Time..... | 0 |
| 167 | | Part Time..... | 0 |
| 168 | Time-Limited: | Full Time..... | 0 |
| 169 | | Part Time..... | 0 |

170 Funds are provided herein to adjust the Variable Compensation
171 Plan to ensure that all full-time employees receive a pay increase
172 equal to the realignment component of the Variable Compensation
173 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
174 with not more than one-half (1/2) to be awarded on July 1, 2006,
175 with the remainder to be awarded on January 1, 2007.

176 With the funds herein appropriated, it is the intention of
177 the Legislature that it shall be the agency's responsibility to
178 make certain that funds required to be appropriated for "Personal
179 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
180 funds appropriated for that purpose, unless programs or positions
181 are added to the agency's Fiscal Year 2008 budget by the
182 Mississippi Legislature. Based on data provided by the
183 Legislative Budget Office, the State Personnel Board shall
184 determine and publish the projected annual cost to fully fund all
185 appropriated positions in compliance with the provisions of this
186 act. It shall be the responsibility of the agency head to insure

187 that no single personnel action increases this projected annual
188 cost and/or the Fiscal Year 2007 appropriation for "Personal
189 Services" when annualized, with the exception of escalated funds.
190 If, at the time the agency takes any action to change "Personal
191 Services," the State Personnel Board determines that the agency
192 has taken an action which would cause the agency to exceed this
193 projected annual cost or the Fiscal Year 2007 "Personal Services"
194 appropriated level, when annualized, then only those actions which
195 reduce the projected annual cost and/or the appropriation
196 requirement will be processed by the State Personnel Board until
197 such time as the requirements of this provision are met.

198 Any transfers or escalations shall be made in accordance with
199 the terms, conditions and procedures established by law or
200 allowable under the terms set forth within this act. The State
201 Personnel Board shall not escalate positions without written
202 approval from the Department of Finance and Administration. The
203 Department of Finance and Administration shall not provide written
204 approval to escalate any funds for salaries and/or positions
205 without proof of availability of new or additional funds above the
206 appropriated level.

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

211 **SECTION 4.** In compliance with the "Mississippi Performance
212 Budget and Strategic Planning Act of 1994," it is the intent of
213 the Legislature that the funds provided herein shall be utilized
214 in the most efficient and effective manner possible to achieve the
215 intended mission of this agency. Based on the funding authorized,
216 this agency shall make every effort to attain the targeted
217 performance measures provided below:

218

FY07

| 219 | <u>Performance Measures</u> | <u>Target</u> |
|-----|--|---------------|
| 220 | Institutions - Parchman | |
| 221 | Average Population (Inmates) | 4,520 |
| 222 | Participants in Programs (Inmates) | 2,820 |
| 223 | Successful Program Completion (Inmates) | 1,200 |
| 224 | Central MS Correctional Fac | |
| 225 | Average Population (Inmates) | 3,150 |
| 226 | Participants in Programs (Inmates) | 2,000 |
| 227 | Successful Program Completion (Inmates) | 1,150 |
| 228 | South MS Correctional Fac | |
| 229 | Average Population (Inmates) | 2,200 |
| 230 | Participants in Programs (Inmates) | 2,140 |
| 231 | Successful Program Completion (Inmates) | 1,420 |
| 232 | Community Corrections | |
| 233 | Average Population (Offenders) | 27,190 |
| 234 | Farming | |
| 235 | Vegetables Produced (Pounds) | 3,800,000 |
| 236 | Dozens of Eggs Sold (Dozens) | 600,000 |
| 237 | Parole Board | |
| 238 | Number Paroled (Offenders) | 1,250 |
| 239 | Number of Paroles Revoked (Revocations) | 225 |
| 240 | Private Prisons | |
| 241 | Private Prison Beds Funded (Beds) | 4,843 |
| 242 | Medical Services | |
| 243 | Average Population Covered (Inmates) | 14,773 |
| 244 | Regional Facilities | |
| 245 | Regional Prison Beds Funded (Beds) | 2,750 |
| 246 | Local Confinement | |
| 247 | Local Confinement Population (Inmates) | 1,600 |
| 248 | A reporting of the degree to which the performance targets | |
| 249 | set above have been or are being achieved shall be provided in the | |

250 agency's budget request submitted to the Joint Legislative Budget
251 Committee for Fiscal Year 2008.

252 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
253 none shall be expended for personnel housing under the
254 jurisdiction of the Department of Corrections unless the
255 department shall collect a reasonable rent, after a finding of
256 fact as to what is a reasonable rent, and/or the cost of utilities
257 furnished to said housing. The Department of Corrections shall
258 not pay for the installation or monthly service of any telephone
259 installed in a staff residence under its jurisdiction.

260 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
261 and authorized for expenditure in Section 3, payment may be
262 authorized for court ordered attorney fees and any accrued
263 interest subject to the approval of the Office of the Attorney
264 General.

265 **SECTION 7.** No part of the funds herein appropriated shall be
266 used for the purpose of returning escaped state convicts to the
267 State Penitentiary from a distance of over one hundred (100) miles
268 beyond the borders of the state, except upon approval of the
269 Governor in each specific case.

270 **SECTION 8.** None of the money herein appropriated shall be
271 paid to any person who by the provision of Section 47-5-47,
272 Mississippi Code of 1972, as amended, is prohibited from being an
273 employee of the Mississippi Department of Corrections. The State
274 Department of Finance and Administration shall at least annually
275 make a report to the Joint Legislative Committee on Performance
276 Evaluation and Expenditure Review and to the Attorney General
277 stating the name of any person prohibited under the provisions of
278 Section 47-5-47, Mississippi Code of 1972, as amended, from being
279 an employee of the Mississippi Department of Corrections who has
280 during the preceding year received any money herein appropriated.
281 In the event that any such person prohibited as herein above

282 provided from receiving funds herein appropriated should receive
283 any of said funds, the Attorney General shall immediately commence
284 action to recover the monies so paid to said person and to enjoin
285 the further employment of said person at the Mississippi
286 Department of Corrections.

287 **SECTION 9.** It is the intent of the Legislature that all
288 prisoners at Parchman shall work a minimum of eight (8) hours per
289 day, excluding prisoners with a physical disability or those
290 incarcerated in maximum security.

291 **SECTION 10.** It is the intention of the Legislature that the
292 Department of Corrections shall have the authority to accept,
293 budget and expend any special funds collected or otherwise
294 available, through the sell of scrap or recycled material, for the
295 purpose of providing recycling equipment, supplies or services for
296 use within the department.

297 **SECTION 11.** It is the intention of the Legislature that the
298 per diem rates paid to regional facilities shall not exceed
299 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
300 All regional facilities shall continue to receive the annual three
301 percent (3%) increase in the per diem rate as authorized in
302 Section 47-5-933, Mississippi Code of 1972, however, in no event
303 shall any regional facility's per diem rate exceed Twenty-nine
304 Dollars and Seventy-four Cents (\$29.74) per inmate.

305 **SECTION 12.** Effective July 1, 2006, the department or its
306 contracted medical provider will pay to a provider of a medical
307 service for any and all incarcerated persons from a correctional
308 or detention facility an amount based upon negotiated fees as
309 agreed to by the medical care service providers and the department
310 and/or its contracted medical provider. In the absence of
311 negotiated discounted fee schedule, medical care service providers
312 will be paid by the department or its contracted medical service
313 provider an amount no greater than the reimbursement rate

314 applicable based on the Mississippi Medicaid reimbursement rate.
315 This limitation applies to all medical care services, durable and
316 nondurable goods, prescription drugs and medications provided to
317 any and all incarcerated persons outside of the correctional or
318 detention facility.

319 **SECTION 13.** It is the intention of the Legislature that the
320 Commissioner of the Mississippi Department of Corrections shall
321 have the authority to transfer cash from one special fund treasury
322 fund to another special fund treasury fund under the control of
323 the Department of Corrections. The purpose of this authority is
324 to more efficiently use available cash reserves. It is further
325 the intention of the Legislature that the Department of
326 Corrections shall submit written justification for the transfer to
327 the Legislative Budget Office and the Department of Finance and
328 Administration on or before the fifteenth (15th) of the month
329 prior to the effective date of the transfer.

330 **SECTION 14.** The Commissioner of the Mississippi Department
331 of Corrections is hereby authorized to transfer spending authority
332 between and within budgets, both positions and funds, in an amount
333 not to exceed twenty-five percent (25%) of the authorized budgets
334 in the aggregate. It is further the intention of the Legislature
335 that the Department of Corrections shall submit written
336 justification for the transfer to the Legislative Budget Office
337 and the Department of Finance and Administration on or before the
338 fifteenth (15th) of the month prior to the effective date of the
339 transfer. However, no transfers shall be authorized which
340 increase the major object of expenditure "Salaries, Wages and
341 Fringe Benefits" in any budget authorized in Section 3 of this
342 act.

343 **SECTION 15.** It is the intention of the Legislature that the
344 Mississippi Department of Corrections shall have the authority to
345 receive, budget, and expend funds from any source, including

346 beginning cash in excess of beginning cash when spending authority
347 was initially appropriated, that may become available to the
348 department in accordance with the rules and regulations of the
349 Department of Finance and Administration in a matter consistent
350 with the escalation of federal funds.

351 **SECTION 16.** The department is authorized to expend available
352 funds on technology or equipment upgrades or replacements when the
353 savings generated from such upgrades or replacements exceed
354 expenditures thereof.

355 **SECTION 17.** It is the intention of the Legislature that the
356 Department of Corrections shall have the authority to accept,
357 budget and expend any portion of confiscated funds received in
358 conjunction with its participating in investigations of illegal
359 activities of any offender under the supervision of the agency.
360 These funds shall be used to provide security enhancement within
361 the Department of Corrections.

362 **SECTION 18.** Of the funds appropriated under the provisions
363 of Section 2, Sixty-two Million One Hundred Sixty-seven Thousand
364 Nine Hundred Eighty-six Dollars (\$62,167,986.00) shall be derived
365 from the Budget Contingency Fund created in Section 27-103-301,
366 Mississippi Code of 1972, for the purpose of defraying the
367 expenses of the Department of Corrections and shall be allocated
368 as follows:

| | | |
|-----|--------------------------|--------------|
| 369 | Private Prisons..... | \$30,901,077 |
| 370 | Medical Services..... | \$16,488,666 |
| 371 | Regional Facilities..... | \$11,497,546 |
| 372 | Local Confinement..... | \$3,280,697 |

373 **SECTION 19.** It is the intention of the Legislature that
374 whenever two (2) or more bids are received by this agency for the
375 purchase of commodities or equipment, and whenever all things
376 stated in such received bids are equal with respect to price,
377 quality and service, the Mississippi Industries for the Blind

378 shall be given preference. A similar preference shall be given to
379 the Mississippi Industries for the Blind whenever purchases are
380 made without competitive bids.

381 **SECTION 20.** It is legislative intent to ensure beneficial
382 information reaches as many Mississippians as possible. Further,
383 it is legislative intent that the expenditure of public funds for
384 this purpose be accomplished in an efficient and effective manner.

385 Therefore, state agencies as standard procedure, will observe
386 the following criteria:

387 (1) Develop goals and desired result for a campaign.

388 (2) Evaluate effectiveness through respected advertising
389 standards, including market reach and cost effectiveness.

390 (3) Seek public service announcements, which would be aired
391 by media without cost.

392 (4) Itemize and justify professional assistance and related
393 expenses for creative and production costs outside of the actual
394 media expenditures.

395 (5) Utilize Mississippi owned media companies when feasible.

396 **SECTION 21.** In addition to all other funds heretofore
397 appropriated, the following sum is hereby appropriated out of the
398 State General Fund not otherwise appropriated, for the purpose of
399 providing for the increased operating expenses at the Private and
400 Regional Facilities and the Medical Services Division of the
401 Department of Corrections for the period beginning upon passage
402 and through June 30, 2006..... \$ 8,495,271.00

403 **SECTION 22.** The money herein appropriated shall be paid by
404 the State Treasurer out of any money in the State Treasury to the
405 credit of the proper fund or funds as set forth in this act, upon
406 warrants issued by the State Fiscal Officer; and the State Fiscal
407 Officer shall issue his warrants upon requisitions signed by the
408 proper person, officer or officers, in the manner provided by law.

409 **SECTION 23.** This act shall take effect and be in force from
410 and after July 1, 2006, except for Section 22 which shall take
411 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 2006 AND 2007.

CONFEREES FOR THE SENATE

X (SIGNED)
Gordon

X (SIGNED)
Huggins

X (SIGNED)
Simmons

CONFEREES FOR THE HOUSE

X (SIGNED)
Stringer

X (SIGNED)
Malone

X (SIGNED)
Vince