

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. 3143: 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:

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, for the support and
8 maintenance of the Mississippi Department of Corrections for the
9 fiscal year beginning July 1, 2007, and ending June 30, 2008.....
10 \$ 266,006,868.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the special
13 fund in the State Treasury to the credit of the Mississippi
14 Department of Corrections which is collected by or otherwise
15 become available for the purpose of defraying the expenses of the
16 Department, for the fiscal year beginning July 1, 2007, and ending
17 June 30, 2008..... \$ 61,338,354.00.

18 **SECTION 3.** Of the funds appropriated under the provisions of
19 Sections 1 and 2, not more than the amounts set forth below shall
20 be expended for the respective major objects or purposes of
21 expenditure:

SUPPORT

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits..	\$ 127,506,798.00
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26	Travel and Subsistence.....	452,934.00
27	Contractual Services.....	19,079,318.00
28	Commodities.....	13,000,000.00
29	Capital Outlay:	
30	Other Than Equipment.....	274,578.00
31	Equipment.....	765,576.00
32	Vehicles.....	524,110.00
33	Wireless Communication Devices.....	0.00
34	Subsidies, Loans and Grants.....	<u>96,044.00</u>
35	Total.....	\$ 161,699,358.00
36	FUNDING:	
37	General Funds.....	\$ 147,594,358.00
38	Special Funds.....	<u>14,105,000.00</u>
39	Total.....	\$ 161,699,358.00
40	AUTHORIZED POSITIONS:	
41	Permanent: Full Time.....	3,435
42	Part Time.....	23
43	Time-Limited: Full Time.....	124
44	Part Time.....	0
45	MEDICAL SERVICES	
46	MAJOR OBJECTS OF EXPENDITURE:	
47	Personal Services:	
48	Salaries, Wages and Fringe Benefits..	\$ 272,279.00
49	Travel and Subsistence.....	0.00
50	Contractual Services.....	43,111,327.00
51	Commodities.....	0.00
52	Capital Outlay:	
53	Other Than Equipment.....	0.00
54	Equipment.....	0.00
55	Vehicles.....	0.00
56	Wireless Communication Devices.....	0.00
57	Subsidies, Loans and Grants.....	<u>0.00</u>

58	Total.....	\$	43,383,606.00
59	FUNDING:		
60	General Funds.....	\$	31,360,624.00
61	Special Funds.....		<u>12,022,982.00</u>
62	Total.....	\$	43,383,606.00
63	AUTHORIZED POSITIONS:		
64	Permanent: Full Time.....	3	
65	Part Time.....	0	
66	Time-Limited: Full Time.....	12	
67	Part Time.....	0	
68	PAROLE BOARD		
69	MAJOR OBJECTS OF EXPENDITURE:		
70	Personal Services:		
71	Salaries, Wages and Fringe Benefits..	\$	573,413.00
72	Travel and Subsistence.....		23,000.00
73	Contractual Services.....		54,549.00
74	Commodities.....		6,000.00
75	Capital Outlay:		
76	Other Than Equipment.....		0.00
77	Equipment.....		0.00
78	Vehicles.....		0.00
79	Wireless Communication Devices.....		0.00
80	Subsidies, Loans and Grants.....		<u>0.00</u>
81	Total.....	\$	656,962.00
82	FUNDING:		
83	General Funds.....	\$	656,962.00
84	Special Funds.....		<u>0.00</u>
85	Total.....	\$	656,962.00
86	AUTHORIZED POSITIONS:		
87	Permanent: Full Time.....	8	
88	Part Time.....	0	
89	Time-Limited: Full Time.....	0	

90 Part Time..... 0

91 **FARMING OPERATIONS**

92 MAJOR OBJECTS OF EXPENDITURE:

93 Personal Services:

94 Salaries, Wages and Fringe Benefits.. \$ 630,893.00

95 Travel and Subsistence..... 3,000.00

96 Contractual Services..... 134,462.00

97 Commodities..... 1,520,000.00

98 Capital Outlay:

99 Other Than Equipment..... 180,000.00

100 Equipment..... 159,692.00

101 Vehicles..... 0.00

102 Wireless Communication Devices..... 0.00

103 Subsidies, Loans and Grants..... 28,806.00

104 Total..... \$ 2,656,853.00

105 FUNDING:

106 General Funds..... \$ 0.00

107 Special Funds..... 2,656,853.00

108 Total..... \$ 2,656,853.00

109 AUTHORIZED POSITIONS:

110 Permanent: Full Time..... 14

111 Part Time..... 0

112 Time-Limited: Full Time..... 0

113 Part Time..... 0

114 **PRIVATE PRISONS**

115 MAJOR OBJECTS OF EXPENDITURE:

116 Personal Services:

117 Salaries, Wages and Fringe Benefits.. \$ 0.00

118 Travel and Subsistence..... 0.00

119 Contractual Services..... 75,547,043.00

120 Commodities..... 0.00

121 Capital Outlay:

122	Other Than Equipment.....		0.00
123	Equipment.....		0.00
124	Vehicles.....		0.00
125	Wireless Communication Devices.....		0.00
126	Subsidies, Loans and Grants.....		<u>0.00</u>
127	Total.....	\$	75,547,043.00

128 FUNDING:

129	General Funds.....	\$	53,525,288.00
130	Special Funds.....		<u>22,021,755.00</u>
131	Total.....	\$	75,547,043.00

132 AUTHORIZED POSITIONS:

133	Permanent: Full Time.....	0
134	Part Time.....	0
135	Time-Limited: Full Time.....	0
136	Part Time.....	0

137 REGIONAL FACILITIES

138 MAJOR OBJECTS OF EXPENDITURE:

139 Personal Services:

140	Salaries, Wages and Fringe Benefits..	\$	0.00
141	Travel and Subsistence.....		0.00
142	Contractual Services.....		33,225,136.00
143	Commodities.....		0.00
144	Capital Outlay:		
145	Other Than Equipment.....		0.00
146	Equipment.....		0.00
147	Vehicles.....		0.00
148	Wireless Communication Devices.....		0.00
149	Subsidies, Loans and Grants.....		<u>0.00</u>
150	Total.....	\$	33,225,136.00

151 FUNDING:

152	General Funds.....	\$	25,031,372.00
153	Special Funds.....		<u>8,193,764.00</u>

154 Total..... \$ 33,225,136.00

155 AUTHORIZED POSITIONS:

156 Permanent: Full Time..... 0

157 Part Time..... 0

158 Time-Limited: Full Time..... 0

159 Part Time..... 0

160 LOCAL CONFINEMENT - COUNTY JAILS

161 MAJOR OBJECTS OF EXPENDITURE:

162 Personal Services:

163 Salaries, Wages and Fringe Benefits.. \$ 0.00

164 Travel and Subsistence..... 0.00

165 Contractual Services..... 10,176,264.00

166 Commodities..... 0.00

167 Capital Outlay:

168 Other Than Equipment..... 0.00

169 Equipment..... 0.00

170 Vehicles..... 0.00

171 Wireless Communication Devices..... 0.00

172 Subsidies, Loans and Grants..... 0.00

173 Total..... \$ 10,176,264.00

174 FUNDING:

175 General Funds..... \$ 7,838,264.00

176 Special Funds..... 2,338,000.00

177 Total..... \$ 10,176,264.00

178 AUTHORIZED POSITIONS:

179 Permanent: Full Time..... 0

180 Part Time..... 0

181 Time-Limited: Full Time..... 0

182 Part Time..... 0

183 Funds are provided herein to adjust the Variable Compensation
184 Plan to ensure that all full-time employees receive a pay increase
185 equal to the realignment component of the Variable Compensation

186 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
187 is greater, to be awarded on July 1, 2007.

188 With the funds herein appropriated, it is the intention of
189 the Legislature that it shall be the agency's responsibility to
190 make certain that funds required to be appropriated for "Personal
191 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
192 funds appropriated for that purpose, unless programs or positions
193 are added to the agency's Fiscal Year 2008 budget by the
194 Mississippi Legislature. Based on data provided by the
195 Legislative Budget Office, the State Personnel Board shall
196 determine and publish the projected annual cost to fully fund all
197 appropriated positions in compliance with the provisions of this
198 act. It shall be the responsibility of the agency head to insure
199 that no single personnel action increases this projected annual
200 cost and/or the Fiscal Year 2008 appropriations for "Personal
201 Services" when annualized, with the exception of escalated funds
202 and educational benchmarks. If, at the time the agency takes any
203 action to change "Personal Services", the State Personnel Board
204 determines that the agency has taken an action which would cause
205 the agency to exceed this projected annual cost or the Fiscal Year
206 2008 "Personal Services" appropriated level, when annualized, then
207 only those actions which reduce the projected annual cost and/or
208 the appropriation requirement will be processed by the State
209 Personnel Board until such time as the requirements of this
210 provision are met. On January 1, 2008, the State Personnel Board
211 will make adjustments to the structure side of the compliance
212 report based on data provided by the Legislative Budget Office in
213 order for agencies to award educational benchmarks.

214 Any transfers or escalations shall be made in accordance with
215 the terms, conditions and procedures established by law or
216 allowable under the terms set forth within this act. The State
217 Personnel Board shall not escalate positions without written

218 approval from the Department of Finance and Administration. The
 219 Department of Finance and Administration shall not provide written
 220 approval to escalate any funds for salaries and/or positions
 221 without proof of availability of new or additional funds above the
 222 appropriated level.

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

227 **SECTION 4.** In compliance with the "Mississippi Performance
 228 Budget and Strategic Planning Act of 1994," it is the intent of
 229 the Legislature that the funds provided herein shall be utilized
 230 in the most efficient and effective manner possible to achieve the
 231 intended mission of this agency. Based on the funding authorized,
 232 this agency shall make every effort to attain the targeted
 233 performance measures provided below:

234	FY08
235 <u>Performance Measures</u>	<u>Target</u>
236 Institutions - Parchman	
237 Average Population (Inmates)	4,450
238 Participants in Programs (Inmates)	3,100
239 Successful Program Completion (Inmates)	1,200
240 Central MS Correctional Fac	
241 Average Population (Inmates)	3,250
242 Participants in Programs (Inmates)	2,000
243 Successful Program Completion (Inmates)	1,150
244 South MS Correctional Fac	
245 Average Population (Inmates)	2,015
246 Participants in Programs (Inmates)	1,600
247 Successful Program Completion (Inmates)	900
248 Community Corrections	
249 Average Population (Offenders)	24,000

250	Farming	
251	Vegetables Produced (Pounds)	3,800,000
252	Dozens of Eggs Sold (Dozens)	600,000
253	Parole Board	
254	Number Paroled (Offenders)	1,250
255	Number of Paroles Revoked (Revocations)	225
256	Private Prisons	
257	Private Prison Beds Funded (Beds)	4,890
258	Medical Services	
259	Average Population Covered (Inmates)	14,598
260	Regional Facilities	
261	Regional Prison Beds Funded (Beds)	3,060
262	Local Confinement	
263	Local Confinement Population (Inmates)	1,324
264	A reporting of the degree to which the performance targets	
265	set above have been or are being achieved shall be provided in the	
266	agency's budget request submitted to the Joint Legislative Budget	
267	Committee for Fiscal Year 2009.	

268 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
269 none shall be expended for personnel housing under the
270 jurisdiction of the Department of Corrections unless the
271 department shall collect a reasonable rent, after a finding of
272 fact as to what is a reasonable rent, and/or the cost of utilities
273 furnished to said housing. The Department of Corrections shall
274 not pay for the installation or monthly service of any telephone
275 installed in a staff residence under its jurisdiction.

276 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
277 and authorized for expenditure in Section 3, payment may be
278 authorized for court ordered attorney fees and any accrued
279 interest subject to the approval of the Office of the Attorney
280 General.

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

286 **SECTION 8.** None of the money herein appropriated shall be
287 paid to any person who by the provision of Section 47-5-47,
288 Mississippi Code of 1972, as amended, is prohibited from being an
289 employee of the Mississippi Department of Corrections. The State
290 Department of Finance and Administration shall at least annually
291 make a report to the Joint Legislative Committee on Performance
292 Evaluation and Expenditure Review and to the Attorney General
293 stating the name of any person prohibited under the provisions of
294 Section 47-5-47, Mississippi Code of 1972, as amended, from being
295 an employee of the Mississippi Department of Corrections who has
296 during the preceding year received any money herein appropriated.
297 In the event that any such person prohibited as herein above
298 provided from receiving funds herein appropriated should receive
299 any of said funds, the Attorney General shall immediately commence
300 action to recover the monies so paid to said person and to enjoin
301 the further employment of said person at the Mississippi
302 Department of Corrections.

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

307 **SECTION 10.** It is the intention of the Legislature that the
308 Department of Corrections shall have the authority to accept,
309 budget and expend any special funds collected or otherwise
310 available, through the sell of scrap or recycled material, for the
311 purpose of providing recycling equipment, supplies or services for
312 use within the department.

313 **SECTION 11.** It is the intention of the Legislature that the
314 per diem rates paid to regional facilities shall not exceed
315 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
316 All regional facilities shall continue to receive the annual three
317 percent (3%) increase in the per diem rate as authorized in
318 Section 47-5-933, Mississippi Code of 1972, however, in no event
319 shall any regional facility's per diem rate exceed Twenty-nine
320 Dollars and Seventy-four Cents (\$29.74) per inmate.

321 **SECTION 12.** The department or its contracted medical
322 provider will pay to a provider of a medical service for any and
323 all incarcerated persons from a correctional or detention facility
324 an amount based upon negotiated fees as agreed to by the medical
325 care service providers and the department and/or its contracted
326 medical provider. In the absence of negotiated discounted fee
327 schedule, medical care service providers will be paid by the
328 department or its contracted medical service provider an amount no
329 greater than the reimbursement rate applicable based on the
330 Mississippi Medicaid reimbursement rate. This limitation applies
331 to all medical care services, durable and nondurable goods,
332 prescription drugs and medications provided to any and all
333 incarcerated persons outside of the correctional or detention
334 facility.

335 **SECTION 13.** It is the intention of the Legislature that the
336 Commissioner of the Mississippi Department of Corrections shall
337 have the authority to transfer cash from one special fund treasury
338 fund to another special fund treasury fund under the control of
339 the Department of Corrections. The purpose of this authority is
340 to more efficiently use available cash reserves. It is further
341 the intention of the Legislature that the Department of
342 Corrections shall submit written justification for the transfer to
343 the Legislative Budget Office and the Department of Finance and

344 Administration on or before the fifteenth (15th) of the month
345 prior to the effective date of the transfer.

346 **SECTION 14.** The Commissioner of the Mississippi Department
347 of Corrections is hereby authorized to transfer spending authority
348 between and within budgets, both positions and funds, in an amount
349 not to exceed twenty-five percent (25%) of the authorized budgets
350 in the aggregate. It is further the intention of the Legislature
351 that the Department of Corrections shall submit written
352 justification for the transfer to the Legislative Budget Office
353 and the Department of Finance and Administration on or before the
354 fifteenth (15th) of the month prior to the effective date of the
355 transfer. However, no transfers shall be authorized which
356 increase the major object of expenditure "Salaries, Wages and
357 Fringe Benefits" in any budget authorized in Section 3 of this
358 act.

359 **SECTION 15.** It is the intention of the Legislature that the
360 Mississippi Department of Corrections shall have the authority to
361 receive, budget, and expend funds from any source, including
362 beginning cash in excess of beginning cash when spending authority
363 was initially appropriated, that may become available to the
364 department in accordance with the rules and regulations of the
365 Department of Finance and Administration in a matter consistent
366 with the escalation of federal funds.

367 **SECTION 16.** It is the intention of the Legislature that the
368 Department of Corrections shall have the authority to accept,
369 budget and expend any portion of confiscated funds received in
370 conjunction with its participating in investigations of illegal
371 activities of any offender under the supervision of the agency.
372 These funds shall be used to provide security enhancement within
373 the Department of Corrections.

374 **SECTION 17.** Of the funds appropriated under the provisions
375 of Section 2, Forty-four Million Three Hundred Four Thousand Two

376 Hundred Twenty-two Dollars (\$44,304,222.00) shall be derived from
377 the Budget Contingency Fund created in Section 27-103-301,
378 Mississippi Code of 1972, for the support and maintenance of the
379 Mississippi Department of Corrections. The funds provided in this
380 section shall be allocated as follows:

381	Private Prisons.....	\$ 22,021,755.00
382	Medical Services.....	\$ 11,750,703.00
383	Regional Facilities.....	\$ 8,193,764.00
384	Local Confinement	\$ 2,338,000.00

385 **SECTION 18.** Of the funds provided herein, the Commissioner
386 of the Mississippi Department of Corrections is hereby authorized
387 to transfer any source funds to the "Regional Facilities" budget
388 within the Department of Corrections in order to contract with
389 Yazoo County, Chickasaw County, Washington County, Hinds County,
390 and Alcorn County if it is determined that any one of these
391 county regional facilities identified in House Bill 985, 2007
392 Regular Session, becomes operational during Fiscal Year 2008.

393 **SECTION 19.** It is the intention of the Legislature that
394 whenever two (2) or more bids are received by this agency for the
395 purchase of commodities or equipment, and whenever all things
396 stated in such received bids are equal with respect to price,
397 quality and service, the Mississippi Industries for the Blind
398 shall be given preference. A similar preference shall be given to
399 the Mississippi Industries for the Blind whenever purchases are
400 made without competitive bids.

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

405 Therefore, state agencies as standard procedure, will observe
406 the following criteria:

- 407 (a) Develop goals and desired result for a campaign.

408 (b) Evaluate effectiveness through respected
409 advertising standards, including market reach and cost
410 effectiveness.

411 (c) Seek public service announcements, which would be
412 aired by media without cost.

413 (d) Itemize and justify professional assistance and
414 related expenses for creative and production costs outside of the
415 actual media expenditures.

416 (e) Utilize Mississippi owned media companies when
417 feasible.

418 **SECTION 21.** The department is authorized to expend available
419 funds on technology or equipment upgrades or replacements when it
420 will generate savings through efficiency or when the savings
421 generated from such upgrades or replacements exceed expenditures
422 thereof.

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

429 **SECTION 23.** This act shall take effect and be in force from
430 and after July 1, 2007.

**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 FOR
3 FISCAL YEAR 2008.

CONFEREES FOR THE SENATE

X (SIGNED)
Gordon

X (SIGNED)
Cuevas

X (SIGNED)
Simmons

CONFEREES FOR THE HOUSE

X (SIGNED)
Stringer

X (SIGNED)
Malone

(NOT SIGNED)
Coleman (29th)