

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

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

S. B. No. 3043: Appropriation; Corrections, Department of.

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, 2011, and ending June 30, 2012.....
10\$ 311,000,000.00.

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, 2011, and ending
17 June 30, 2012.....\$ 20,737,289.00.

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:

21 **SUPPORT**

22 Of the funds appropriated under the provisions of this act,
23 the following funding and positions are authorized:

24 FUNDING:

25 General Funds.....\$ 136,034,547.00
26 Special Funds.....17,326,284.00

27 Total.....\$ 153,360,831.00

28 AUTHORIZED POSITIONS:

29 Permanent: Full Time..... 3,279

30 Part Time..... 16

31 Time-Limited: Full Time..... 149

32 Part Time..... 0

33 **FARMING OPERATIONS**

34 Of the funds appropriated under the provisions of this act,
35 the following funding and positions are authorized:

36 FUNDING:

37 General Funds.....\$ 0.00

38 Special Funds..... 3,175,696.00

39 Total.....\$ 3,175,696.00

40 AUTHORIZED POSITIONS:

41 Permanent: Full Time..... 12

42 Part Time..... 0

43 Time-Limited: Full Time..... 0

44 Part Time..... 0

45 **PAROLE BOARD**

46 Of the funds appropriated under the provisions of this act,
47 the following funding and positions are authorized:

48 FUNDING:

49 General Funds.....\$ 742,953.00

50 Special Funds..... 0.00

51 Total.....\$ 742,953.00

52 AUTHORIZED POSITIONS:

53 Permanent: Full Time..... 8

54 Part Time..... 0

55 Time-Limited: Full Time..... 0

56 Part Time..... 0

57 **PRIVATE PRISONS**

90 Part Time..... 0
91 Time-Limited: Full Time..... 0
92 Part Time..... 0

93 LOCAL CONFINEMENT

94 Of the funds appropriated under the provisions of this act,
95 the following funding and positions are authorized:

96 FUNDING:

97 General Funds.....\$ 9,866,445.00
98 Special Funds..... 0.00
99 Total.....\$ 9,866,445.00

100 AUTHORIZED POSITIONS:

101 Permanent: Full Time..... 0
102 Part Time..... 0
103 Time-Limited: Full Time..... 0
104 Part Time..... 0

105 With the funds herein appropriated, it is the intention of
106 the Legislature that it shall be the agency's responsibility to
107 make certain that funds required to be appropriated for "Personal
108 Services" for Fiscal Year 2013 do not exceed Fiscal Year 2012
109 funds appropriated for that purpose, unless programs or positions
110 are added to the agency's Fiscal Year 2012 budget by the
111 Mississippi Legislature. Based on data provided by the
112 Legislative Budget Office, the State Personnel Board shall
113 determine and publish the projected annual cost to fully fund all
114 appropriated positions in compliance with the provisions of this
115 act. It shall be the responsibility of the agency head to ensure
116 that no single personnel action increases this projected annual
117 cost and/or the Fiscal Year 2012 appropriations for "Personal
118 Services" when annualized, with the exception of escalated funds.
119 If, at the time the agency takes any action to change "Personal
120 Services," the State Personnel Board determines that the agency
121 has taken an action which would cause the agency to exceed this

projected annual cost or the Fiscal Year 2012 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

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

SECTION 4. None of the funds appropriated under the provisions of Sections 1 and 2 of this act may be expended by the Department of Corrections after September 1, 2011, until the Commissioner of Corrections, on behalf of the State of Mississippi, has submitted an application to the United States Secretary of Homeland Security to participate in the Criminal Alien Program of the United States Immigration and Customs Enforcement, in order to identify criminal aliens who are incarcerated in state correctional facilities and ensure that they are not released into the community by securing a final order of removal that deports the aliens back to their home countries before the termination of their sentences.

SECTION 5. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of



154 the Legislature that the funds provided herein shall be utilized
155 in the most efficient and effective manner possible to achieve the
156 intended mission of this agency. Based on the funding authorized,
157 this agency shall make every effort to attain the targeted
158 performance measures provided below:

159		FY2012
160	<u>Performance Measures</u>	<u>Target</u>
161	Institutions - Parchman	
162	Average Population (Inmates)	3,050
163	Participants in Programs (Inmates)	3,000
164	Successful Program Completion (Inmates)	1,100
165	Central MS Correctional Fac	
166	Average Population (Inmates)	3,025
167	Participants in Programs (Inmates)	1,800
168	Successful Program Completion (Inmates)	900
169	South MS Correctional Fac	
170	Average Population (Offenders)	3,000
171	Supportive Services	
172	Security Terminations	400
173	Security New Hires	300
174	Farming	
175	Vegetables Produced (Pounds)	3,500,000
176	Dozens of Eggs Sold (Dozens)	600,000
177	Parole Board	
178	Number Paroled (Offenders)	3,500
179	Number of Paroles Revoked (Revocations)	170
180	Private Prisons	
181	Private Prison Beds Funded (Beds)	5,211
182	Medical Services	
183	Average Population Covered (Inmates)	15,242
184	Regional Facilities	
185	Regional Prison Beds Funded (Beds)	3,426



Local Confinement

Local Confinement Population (Inmates) 1,527

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2013.

SECTION 6. 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. The Department of Corrections shall not pay for the installation or monthly service of any telephone installed in a staff residence under its jurisdiction.

It is further the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane and cable services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state furnished housing shall include single-family and multi-family residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

SECTION 7. 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 8. 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 Department of Finance and Administration shall at least annually make a report to the Joint Legislative Committee on Performance Evaluation and Expenditure Review and to the Attorney General stating the name of any person prohibited under the provisions of Section 47-5-47, Mississippi Code of 1972, as amended, from being an employee of the Mississippi Department of Corrections who has during the preceding year received any money herein appropriated. In the event that any such person prohibited as herein above provided from receiving funds herein appropriated should receive any of said funds, the Attorney General shall immediately commence action to recover the monies so paid to said person and to enjoin the further employment of said person at the Mississippi Department of Corrections.

SECTION 9. 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 10. It is the intention of the Legislature that the Department of Corrections shall have the authority to accept, budget and expend any special funds collected or otherwise available, through the sell of scrap or recycled material, for the purpose of providing recycling equipment, supplies or services for use within the department.

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



250 **SECTION 12.** The department or its contracted medical
251 provider will pay to a provider of a medical service for any and
252 all incarcerated persons from a correctional or detention facility
253 an amount based upon negotiated fees as agreed to by the medical
254 care service providers and the department and/or its contracted
255 medical provider. In the absence of negotiated discounted fee
256 schedule, medical care service providers will be paid by the
257 department or its contracted medical service provider an amount no
258 greater than the reimbursement rate applicable based on the
259 Mississippi Medicaid reimbursement rate. This limitation applies
260 to all medical care services, durable and nondurable goods,
261 prescription drugs and medications provided to any and all
262 incarcerated persons outside of the correctional or detention
263 facility. None of the monies appropriated herein may be used to
264 pay for cosmetic medical procedures for any prisoner. Cosmetic
265 medical procedure means any medical procedure performed in order
266 to change an individual's appearance without significantly serving
267 to prevent or treat illness or disease or to promote proper
268 functioning of the body.

269 **SECTION 13.** It is the intention of the Legislature that the
270 Commissioner of the Mississippi Department of Corrections shall
271 have the authority to transfer cash from one special fund treasury
272 fund to another special fund treasury fund under the control of
273 the Department of Corrections. The purpose of this authority is
274 to more efficiently use available cash reserves. It is further
275 the intention of the Legislature that the Department of
276 Corrections shall submit written justification for the transfer to
277 the Legislative Budget Office and the Department of Finance and
278 Administration on or before the fifteenth of the month prior to
279 the effective date of the transfer.

280 **SECTION 14.** The Commissioner of the Mississippi Department
281 of Corrections is hereby authorized to transfer spending authority



between and within budgets, both positions and funds, in an amount not to exceed twenty-five percent (25%) of the authorized budgets in the aggregate. It is further the intention of the Legislature that the Department of Corrections shall submit written justification for the transfer 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. However, no transfers shall be authorized which increase the major object of expenditure "Salaries, Wages and Fringe Benefits" in any budget authorized in Section 3 of this act.

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

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

SECTION 17. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to



the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 18. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

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

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

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

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

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

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 19. The department is authorized to expend available funds on technology or equipment upgrades or replacements when it will generate savings through efficiency or when the savings generated from such upgrades or replacements exceed expenditures thereof.

SECTION 20. Of the funds appropriated under the provisions of Section 2 and allocated in Section 3, within the private prisons budget, Two Hundred Sixty-two Thousand Nine Hundred Nine Dollars (\$262,909.00) shall be used for educational efforts at the Walnut Grove Youthful Correctional Facility.

SECTION 21. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or



made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 22. It is the intention of the Legislature that the Mississippi Department of Corrections shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2011. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2013 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2012 budget request process.

SECTION 23. Of the funds provided within this act, no former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of contract services to the Chairmen and members of the Senate and House Appropriations Committees.

SECTION 24. It is the intention of the Legislature for the Mississippi Department of Corrections to manage funds budgeted and allocated. In so doing the Commissioner of the Department shall have the authority to amend, extend and/or renew the term of any lease agreement or any inmate housing agreement in connection with a correctional facility. Notwithstanding any statutory limits to the contrary, such amendment, extension and/or renewal may be for a length of time up to and including ten (10) years as is necessary for the continued operations of such facilities and implementation of the Department's duties and responsibilities in



377 accordance with Title 47 of the Mississippi Code of 1972, as
378 amended.

379 **SECTION 25.** Of the funds appropriated herein, not more than
380 Four Million Dollars (\$4,000,000.00) may be used to pay invoices
381 from fiscal years 2010 and 2011.

382 **SECTION 26.** The money herein appropriated shall be paid by
383 the State Treasurer out of any money in the State Treasury to the
384 credit of the proper fund or funds as set forth in this act, upon
385 warrants issued by the State Fiscal Officer; and the State Fiscal
386 Officer shall issue his warrants upon requisitions signed by the
387 proper person, officer or officers, in the manner provided by law.

388 **SECTION 27.** This act shall take effect and be in force from
389 and after July 1, 2011.

**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 2012.

CONFEREES FOR THE SENATE	CONFEREES FOR THE HOUSE
X (SIGNED) Davis	X (SIGNED) Stringer
X (SIGNED) Hopson	(NOT SIGNED) Malone
X (SIGNED) Simmons	X (SIGNED) Arinder

