

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. 2950: 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, 2003, and ending June 30, 2004.....
11 \$ 214,908,264.00.

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, 2003, and ending
18 June 30, 2004..... \$ 12,783,657.00.

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:

23 SUPPORT

24 MAJOR OBJECTS OF EXPENDITURE:

25 Personal Services:

26 Salaries, Wages and Fringe Benefits.. \$ 125,380,873.00
27 Travel and Subsistence..... 492,934.00

28	Contractual Services.....	11,108,230.00
29	Commodities.....	9,510,682.00
30	Capital Outlay:	
31	Other Than Equipment.....	204,578.00
32	Equipment.....	1,110,925.00
33	Subsidies, Loans and Grants.....	<u>96,044.00</u>
34	Total.....	\$ 147,904,266.00

35 FUNDING:

36	General Funds.....	\$ 138,227,147.00
37	Special Funds.....	<u>9,677,119.00</u>
38	Total.....	\$ 147,904,266.00

39 AUTHORIZED POSITIONS:

40	Permanent:	Full Time	3,870
41		Part Time	35
42	Time-Limited:	Full Time	130
43		Part Time	0

44 MEDICAL SERVICES

45 FUNDING:

46	General Funds.....	\$ 20,176,594.00
47	Special Funds.....	<u>200,000.00</u>
48	Total.....	\$ 20,376,594.00

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..	\$ 377,084.00
58	Travel and Subsistence.....	25,000.00
59	Contractual Services.....	90,398.00
60	Commodities.....	10,000.00

61 Capital Outlay:

62	Other Than Equipment.....	0.00
63	Equipment.....	0.00

64 Subsidies, Loans and Grants..... 0.00

65 Total..... \$ 502,482.00

66 FUNDING:

67 General Funds..... \$ 502,482.00

68 Special Funds..... 0.00

69 Total..... \$ 502,482.00

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.. \$ 640,384.00

79 Travel and Subsistence..... 5,100.00

80 Contractual Services..... 227,850.00

81 Commodities..... 1,590,041.00

82 Capital Outlay:

83 Other Than Equipment..... 180,000.00

84 Equipment..... 255,148.00

85 Subsidies, Loans and Grants..... 8,015.00

86 Total..... \$ 2,906,538.00

87 FUNDING:

88 General Funds..... \$ 0.00

89 Special Funds..... 2,906,538.00

90 Total..... \$ 2,906,538.00

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..... \$ 34,570,289.00

99 Special Funds..... 0.00

100 Total..... \$ 34,570,289.00

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..... \$ 16,565,044.00

109 Special Funds..... 0.00

110 Total..... \$ 16,565,044.00

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..... \$ 4,866,708.00

119 Special Funds..... 0.00

120 Total..... \$ 4,866,708.00

121 AUTHORIZED POSITIONS:

122 Permanent: Full Time 0

123 Part Time 0

124 Time-Limited: Full Time 0

125 Part Time 0

126 With the funds herein appropriated, it is the intention of
127 the Legislature that it shall be the agency's responsibility to
128 make certain that funds required to be appropriated for "Personal
129 Services" for Fiscal Year 2005 do not exceed Fiscal Year 2004
130 funds appropriated for that purpose, unless programs or positions
131 are added to the agency's Fiscal Year 2005 budget by the
132 Mississippi Legislature. Based on data provided by the
133 Legislative Budget Office, the State Personnel Board shall
134 determine and publish the projected annual cost to fully fund all
135 appropriated positions in compliance with the provisions of this

136 act. It shall be the responsibility of the agency head to insure
137 that no single personnel action increases this projected annual
138 cost and/or the Fiscal Year 2004 appropriation for "Personal
139 Services" when annualized. If, at the end of any calendar month,
140 the State Personnel Board determines that the agency has taken
141 action(s) which would cause the agency to exceed this projected
142 annual cost or the Fiscal Year 2004 "Personal Services"
143 appropriated level, when annualized, then only those actions which
144 reduce the projected annual cost and/or the appropriation
145 requirement will be processed by the State Personnel Board until
146 such time as the requirements of this provision are met.

147 Any transfers or escalations shall be made in accordance with
148 the terms, conditions and procedures established by law.

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

153 **SECTION 4.** It is the intention of the Legislature that the
154 Department of Corrections may use any federal funds that may
155 become available for the construction of a certified fail-safe
156 lethal/non-lethal fencing system at any of its maximum security
157 units for that purpose.

158 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
159 and authorized for expenditure in Section 3, it is the intention
160 of the Legislature that any contractual service payments made by
161 the department to defray medical expenses for inmates shall be at
162 the currently established Medicaid reimbursement rate; however, if
163 hospital and medical providers will not contract at the Medicaid
164 reimbursement rate, the Department of Corrections may enter into a
165 negotiated contract.

166 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
167 none shall be expended for personnel housing under the
168 jurisdiction of the Department of Corrections unless the
169 department shall collect a reasonable rent, after a finding of
170 fact as to what is a reasonable rent, and/or the cost of utilities
171 furnished to said housing. The Department of Corrections shall

172 not pay for the installation or monthly service of any telephone
173 installed in a staff residence under its jurisdiction.

174 **SECTION 7.** Of the funds appropriated in Sections 1 and 2,
175 and authorized for expenditure in Section 3, payment may be
176 authorized for court ordered attorney fees and any accrued
177 interest subject to the approval of the Office of the Attorney
178 General.

179 **SECTION 8.** No part of the funds herein appropriated shall be
180 used for the purpose of returning escaped state convicts to the
181 State Penitentiary from a distance of over one hundred (100) miles
182 beyond the borders of the state, except upon approval of the
183 Governor in each specific case.

184 **SECTION 9.** None of the money herein appropriated shall be
185 paid to any person who by the provision of Section 47-5-47,
186 Mississippi Code of 1972, as amended, is prohibited from being an
187 employee of the Mississippi Department of Corrections. The State
188 Department of Finance and Administration shall at least annually
189 make a report to the Joint Legislative Committee on Performance
190 Evaluation and Expenditure Review and to the Attorney General
191 stating the name of any person prohibited under the provisions of
192 Section 47-5-47, Mississippi Code of 1972, as amended, from being
193 an employee of the Mississippi Department of Corrections who has
194 during the preceding year received any money herein appropriated.

195 In the event that any such person prohibited as herein above
196 provided from receiving funds herein appropriated should receive
197 any of said funds, the Attorney General shall immediately commence
198 action to recover the monies so paid to said person and to enjoin
199 the further employment of said person at the Mississippi
200 Department of Corrections.

201 **SECTION 10.** It is the intent of the Legislature that all
202 prisoners at Parchman shall work a minimum of eight (8) hours per
203 day, excluding prisoners with a physical disability or those
204 incarcerated in maximum security.

205 **SECTION 11.** It is the intention of the Legislature that the
206 Department of Corrections shall have the authority to accept,
207 budget and expend any special funds collected or otherwise

208 available, through the sell of scrap or recycled material, for the
209 purpose of providing recycling equipment, supplies or services for
210 use within the department.

211 **SECTION 12.** None of the funds appropriated herein can be
212 directly or indirectly associated with the ACA accreditation in
213 the Community Services Division.

214 **SECTION 13.** It is the intention of the Legislature that the
215 per diem rates paid to regional facilities shall not exceed
216 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
217 All regional facilities shall continue to receive the annual three
218 percent (3%) increase in the per diem rate as authorized in
219 Section 47-5-933, Mississippi Code of 1972, however, in no event
220 shall any regional facility's per diem rate exceed Twenty-nine
221 Dollars and Seventy-four Cents (\$29.74) per inmate.

222 **SECTION 14.** It is the intention of the Legislature that any
223 equipment transferred to the University of Mississippi Medical
224 Center from the Mississippi Department of Corrections during the
225 period of July 1, 1998, through June 30, 2003, shall be
226 transferred back to the Mississippi Department of Corrections as
227 of July 1, 2003. Furthermore, any equipment purchased by the
228 University of Mississippi Medical Center during this period of
229 time which replaced or refurbished equipment transferred to the
230 University of Mississippi Medical Center from the Mississippi
231 Department of Corrections shall also be transferred to the
232 Mississippi Department of Corrections as of July 1, 2003.

233 The amount to be paid by the Mississippi Department of
234 Corrections to the University of Mississippi Medical Center for
235 healthcare services provided by the University of Mississippi
236 Medical Center prior to July 1, 2003, shall be reduced by One
237 Million Seven Hundred Eighty-two Thousand Five Hundred Ninety
238 Dollars (\$1,782,590.00) to compensate the Mississippi Department
239 of Corrections for the thirty (30) bed lockdown facility and the
240 computer hardware and software, paid for by the Mississippi
241 Department of Corrections, which were not created or procured by
242 the University of Mississippi Medical Center during the term of
243 the contract between the Mississippi Department of Corrections and

244 the University of Mississippi Medical Center.

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

259 **SECTION 16.** It is the intention of the Legislature that the
260 Mississippi Department of Corrections may use funds appropriated
261 herein to enter into a lease purchase agreement through the State
262 Master Lease Program to purchase property located at 421 West
263 Pascagoula Street in Jackson, Mississippi, for use as the Hinds
264 County Probation and Parole Office and the Statewide Records
265 Office for the Mississippi Department of Corrections. Total
266 outlays for any such agreement to purchase this facility must be
267 less than the total outlays to lease this property over a ten-year
268 period and shall be approved by the Executive Director of the
269 Department of Finance and Administration.

270 **SECTION 17.** The money herein appropriated shall be paid by
271 the State Treasurer out of any money in the State Treasury to the
272 credit of the proper fund or funds as set forth in this act, upon
273 warrants issued by the State Fiscal Officer; and the State Fiscal
274 Officer shall issue his warrants upon requisitions signed by the
275 proper person, officer or officers, in the manner provided by law.

276 **SECTION 18.** This act shall take effect and be in force from
277 and after July 1, 2003.

CONFEREES FOR THE SENATE

X _____

Jack Gordon

X _____

Robert G. Huggins

X _____

Lynn Posey

CONFEREES FOR THE HOUSE

X _____

Charlie Capps, Jr.

X _____

Linda Coleman

X _____

Randy Mitchell