

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. 2717: Mississippi Prison Industries Corporation; clarify conflicts in laws concerning leadership.

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:

15 **SECTION 1.** Section 47-5-26, Mississippi Code of 1972, is
16 amended as follows:

17 47-5-26. (1) The commissioner shall employ the following
18 personnel:

19 (a) A Deputy Commissioner for Administration and
20 Finance, who shall supervise and implement all fiscal policies and
21 programs within the department, supervise and implement all hiring
22 and personnel matters within the department, supervise the
23 department's personnel director, supervise and implement all
24 purchasing within the department and supervise and implement all
25 data processing activities within the department, and who shall
26 serve as the Chief Executive Officer of the Division of
27 Administration and Finance. He shall possess either:



28 (i) A master's degree from an accredited four-year
29 college or university in public or business administration,
30 accounting, economics or a directly related field, and four (4)
31 years of experience in work related to the above-described duties,
32 one (1) year of which must have included line or functional
33 supervision; or

34 (ii) A bachelor's degree from an accredited
35 four-year college or university in public or business
36 administration, accounting, economics or a directly related field,
37 and six (6) years of experience in work related to the
38 above-described duties, one (1) year of which must have included
39 line or functional supervision. Certification by the State of
40 Mississippi as a certified public accountant may be substituted
41 for one (1) year of the required experience.

42 (b) A Deputy Commissioner for Community Corrections,
43 who shall initiate and administer programs, including, but not
44 limited to, supervision of probationers, parolees and
45 suspensioners, counseling, community-based treatment, interstate
46 compact administration and enforcement, prevention programs,
47 halfway houses and group homes, technical violation centers,
48 restitution centers, presentence investigations, and work and
49 educational releases, and shall serve as the Chief Executive
50 Officer of the Division of Community Services. The Deputy
51 Commissioner for Community Corrections is charged with full and
52 complete cooperation with the State Parole Board and shall make



53 monthly reports to the Chairman of the Parole Board in the form
54 and type required by the chairman, in his discretion, for the
55 proper performance of the probation and parole functions. After a
56 plea or verdict of guilty to a felony is entered against a person
57 and before he is sentenced, the Deputy Commissioner for Community
58 Corrections shall procure from any available source and shall file
59 in the presentence records any information regarding any criminal
60 history of the person such as fingerprints, dates of arrests,
61 complaints, civil and criminal charges, investigative reports of
62 arresting and prosecuting agencies, reports of the National Crime
63 Information Center, the nature and character of each offense,
64 noting all particular circumstances thereof and any similar data
65 about the person. The Deputy Commissioner for Community
66 Corrections shall keep an accurate and complete duplicate record
67 of this file and shall furnish the duplicate to the department.
68 This file shall be placed in and shall constitute a part of the
69 inmate's master file. The Deputy Commissioner for Community
70 Corrections shall furnish this file to the State Parole Board when
71 the file is needed in the course of its official duties. He shall
72 possess either: (i) a master's degree in counseling, corrections
73 psychology, guidance, social work, criminal justice or some
74 related field and at least four (4) years' full-time experience in
75 such field, including at least one (1) year of supervisory
76 experience; or (ii) a bachelor's degree in a field described in
77 subparagraph (i) of this paragraph and at least six (6) years'



78 full-time work in corrections, one (1) year of which shall have
79 been at the supervisory level.

80 (c) A Deputy Commissioner for Institutions, who shall
81 administer institutions, reception and diagnostic centers,
82 prerelease centers and other facilities and programs provided
83 therein, and shall serve as the Chief Executive Officer of the
84 Division of Institutions. He shall possess either: (i) a
85 master's degree in counseling, criminal justice, psychology,
86 guidance, social work, business or some related field, and at
87 least four (4) years' full-time experience in corrections,
88 including at least one (1) year of correctional management
89 experience; or (ii) a bachelor's degree in a field described in
90 subparagraph (i) of this paragraph and at least six (6) years'
91 full-time work in corrections, four (4) years of which shall have
92 been at the correctional management level.

93 (d) A Deputy Commissioner for Programs, Education and
94 Reentry, who shall initiate and administer programs, including but
95 not limited to, education services, religious services, moral
96 rehabilitation, alcohol and drug rehabilitation, and court
97 reentry. The Deputy Commissioner for Programs, Education and
98 Reentry may coordinate with any educational institution to develop
99 a program for moral rehabilitation with an emphasis on promoting
100 effective programs for release. The Deputy Commissioner for
101 Programs, Education and Reentry shall focus on reentry programs
102 aimed at reducing recidivism. The programs shall incorporate a



103 moral component focused on providing offenders with an opportunity
104 to make positive changes while incarcerated that will enable them
105 to be productive members of society upon their release. Such
106 deputy commissioner shall possess either:

107 (i) A master's degree in counseling, corrections,
108 psychology, guidance, social work, criminal justice or some
109 related field and at least four (4) years' full-time experience in
110 such field, including at least one (1) year of supervisory
111 experience; or

112 (ii) A bachelor's degree in a field described in
113 subparagraph (i) of this paragraph and at least six (6) years
114 full-time work in corrections, one (1) year of which shall have
115 been at the supervisory level.

116 * * *

117 (2) The commissioner shall employ an administrative
118 assistant for parole matters who shall be selected by the State
119 Parole Board who shall be an employee of the department assigned
120 to the State Parole Board and who shall be located at the office
121 of the State Parole Board, and who shall work under the guidance,
122 supervision and direction of the board.

123 (3) The administrative assistant for parole matters shall
124 receive an annual salary to be established by the Legislature.
125 The salaries of department employees not established by the
126 Legislature shall receive an annual salary established by the
127 State Personnel Board.



128 (4) The commissioner shall employ a superintendent for the
129 Parchman facility, Central Mississippi Correctional Facility and
130 South Mississippi Correctional Institution of the Department of
131 Corrections. The Superintendent of the Mississippi State
132 Penitentiary shall reside on the grounds of the Parchman facility.
133 Each superintendent shall appoint an officer in charge when he is
134 absent.

135 Each superintendent shall develop and implement a plan for
136 the prevention and control of an inmate riot and shall file a
137 report with the Chairman of the Senate Corrections Committee and
138 the Chairman of the House Penitentiary Committee on the first day
139 of each regular session of the Legislature regarding the status of
140 the plan.

141 In order that the grievances and complaints of inmates,
142 employees and visitors at each facility may be heard in a timely
143 and orderly manner, each superintendent shall appoint or designate
144 an employee at the facility to hear grievances and complaints and
145 to report grievances and complaints to the superintendent. Each
146 superintendent shall institute procedures as are necessary to
147 provide confidentiality to those who file grievances and
148 complaints.

149 (5) For a one-year period beginning July 1, 2016, any person
150 authorized for employment under this section shall not be subject
151 to the rules, regulations and procedures of the State Personnel
152 Board, except as otherwise provided under Section 25-9-127(5).



153 **SECTION 2.** Section 47-5-541, Mississippi Code of 1972, is
154 amended as follows:

155 47-5-541. (1) The corporation shall be governed by a board
156 of directors. The terms of the board of directors in place before
157 July 1, 2022, shall expire June 30, 2022. From and after July 1,
158 2022, the board of directors of the nonprofit corporation shall be
159 composed of the following five (5) members:

160 (a) The Commissioner of the Department of Corrections
161 or his or her designee;

162 (b) One (1) representative of the faith-based community
163 who is a resident of the State of Mississippi, appointed by
164 the * * * Governor with the advice and consent of the Senate;

165 (c) One (1) representative of the business community
166 who is a resident of the State of Mississippi, appointed by
167 the * * * Lieutenant Governor with the advice and consent of the
168 Senate;

169 (d) The Executive Director of * * * the Office of
170 Workforce Development or his or her designee; and

171 (e) The Executive Director of the Mississippi Community
172 College Board or his or her designee.

173 For the initial appointments, the representative of the
174 faith-based community shall serve for a term of one (1) year; the
175 representative of the business community shall serve for a term of
176 two (2) years; the Executive Director of the * * * Office of
177 Workforce Development or his or her designee shall serve for a



178 term of three (3) years and the Executive Director of the
179 Mississippi Community College Board shall serve for a term of four
180 (4) years. All succeeding terms shall be for four (4) years from
181 the expiration date of the previous term. The term of the
182 Commissioner of Corrections shall run concurrent with his or her
183 term or terms as commissioner. Initial appointments shall be made
184 within thirty (30) days after July 1, 2022. Any vacancy on the
185 board prior to the expiration of a term for any reason, including
186 resignation, removal, disqualification, death or disability shall
187 be filled in the manner prescribed in paragraphs (a) through (e)
188 of this subsection for the balance of the unexpired term. The
189 officers of the corporation shall consist of a chairman, vice
190 chairman and a secretary-treasurer. The officers shall be
191 selected by the members of the board. However, the Commissioner
192 of Corrections shall not be eligible to serve as an officer of the
193 corporation.

194 (2) (a) The board of directors shall select and employ a
195 chief executive officer of the corporation who shall serve at the
196 pleasure of the board. The board shall set the compensation of
197 the chief executive officer. The chief executive officer shall be
198 responsible for the general business and entire operations of the
199 corporation, and shall be responsible for operating the
200 corporation in compliance with the bylaws of the corporation and
201 in compliance with any provision of law. The board shall be
202 authorized and empowered to do only those acts provided by law and



203 by the bylaws of the corporation. Except as otherwise
204 specifically provided by law, such board shall have the authority
205 to establish prison industries, to cease the operation of any
206 industry which it deems unsuitable or unprofitable, to enter into
207 any lease or contract for the corporation and it shall have the
208 full authority to establish prices for any industry good.

209 (b) The chief executive officer of the corporation
210 shall work in collaboration with the Executive Director of the
211 Office of Workforce Development to implement workforce development
212 programs within the corrections system which align with the
213 strategic plan for an integrated workforce development system for
214 the state, as described in Section 37-153-7.

215 (c) The chief executive officer of the corporation
216 shall be a person with extensive experience in development of
217 economic, human and physical resources, with an emphasis in the
218 corrections or reentry environments preferred. The chief
219 executive officer of the corporation shall have at least a
220 bachelor's degree from a state-accredited institution and no less
221 than eight (8) years of professional experience related to
222 workforce development.

223 (d) With the assistance of the Office of Workforce
224 Development, the chief executive officer of the corporation shall:

225 (i) Inventory and measure the effectiveness of
226 current workforce development programs in the state corrections
227 system, with the goal of eliminating any programs which do not



228 result in desired outcomes, including, but not limited to, an
229 increase in employment in reentering offenders, a better
230 environment within correctional facilities in the state, or a
231 reduction in recidivism;

232 (ii) Partner with educational institutions to
233 provide additional opportunities in workforce development programs
234 for offenders leading to high-wage, high-skill jobs upon reentry;

235 (iii) Provide information, as appropriate, to
236 offenders on workforce development programs available within the
237 corrections system;

238 (iv) Work with industry to identify barriers which
239 inhibit offender reentry and employment and evaluate the
240 responsiveness of the corrections system and other support
241 entities to the needs of industry;

242 (v) Develop short-term and long-term goals for the
243 state related to workforce development and reentry offender
244 employment within the corrections system; and

245 (vi) Perform a comprehensive review of workforce
246 development in the corrections system, including the amount
247 expended on programs supported by state or federal money and their
248 outcomes.

249 (3) No member of the board of directors shall vote on any
250 matter that comes before the board that could result in pecuniary
251 benefit for himself or for any entity in which such member has an
252 interest.



253 (4) In addition to the board of directors, an advisory board
254 may be set up for the benefit of each industry which is
255 established pursuant to the provisions of Sections 47-5-531
256 through 47-5-575. Such boards shall be advisory only, and may be
257 set up in the discretion of the board of directors of the
258 corporation.

259 (5) Each member of the board of directors of the corporation
260 shall receive per diem as provided in Section 25-3-69 for each day
261 or fraction thereof spent in actual discharge of his official
262 duties and shall be reimbursed for mileage and actual expenses
263 incurred in the performance of his official duties in accordance
264 with the requirements of Section 25-3-41, Mississippi Code of
265 1972.

266 (6) The board of directors shall make and publish policies,
267 rules and regulations governing all business functions, including
268 but not limited to accounting, marketing, purchasing and
269 personnel, not inconsistent with the terms of Sections 47-5-531
270 through 47-5-575, as may be necessary for the efficient
271 administration and operation of the corporation.

272 (7) The chief executive officer of the corporation shall:

273 (a) Employ all necessary employees of the corporation
274 and dismiss them as is necessary;

275 (b) Administer the daily operations of the corporation,
276 including establishing education, training and workforce



277 development programs in collaboration with the Office of Workforce
278 Development and other relevant state and federal agencies;

279 (c) Upon approval of the board of directors, execute
280 any contracts on behalf of the corporation; and

281 (d) Take any further actions which are necessary and
282 proper toward the achievement of the corporation purposes.

283 (8) A member of the board of directors of the corporation
284 shall not be liable for any civil damages for any personal injury
285 or property damage caused to a person as a result of any acts or
286 omissions committed in good faith in the exercise of their duties
287 as members of the board of directors of the corporation, except
288 where a member of the board engages in acts or omissions which are
289 intentional, willful, wanton, reckless or grossly negligent.

290 **SECTION 3.** Section 47-5-577, Mississippi Code of 1972, is
291 amended as follows:

292 47-5-577. Sections 47-5-531 through 47-5-575, which create
293 the Mississippi Prison Industries Act of 1990, shall stand
294 repealed from and after July 1, * * * 2027.

295 **SECTION 4.** This act shall take effect and be in force from
296 and after passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO
2 REMOVE PROVISIONS REQUIRING THAT THERE BE A DEPUTY COMMISSIONER
3 FOR WORKFORCE DEVELOPMENT WHO SHALL SERVE AS THE CHIEF EXECUTIVE
4 OFFICER OF PRISON INDUSTRIES AND DIRECTOR OF PRISON AGRICULTURAL



5 ENTERPRISES; TO AMEND SECTION 47-5-541, MISSISSIPPI CODE OF 1972,
6 TO REPLACE THE EXECUTIVE DIRECTOR OF ACCELERATEMS WITH THE
7 EXECUTIVE DIRECTOR OF THE OFFICE OF WORKFORCE DEVELOPMENT, TO
8 REQUIRE THE CHIEF EXECUTIVE OFFICER OF THE CORPORATION TO
9 IMPLEMENT WORKFORCE DEVELOPMENT PROGRAMS WITHIN THE CORRECTIONS
10 SYSTEM, AND TO DESCRIBE THE DUTIES OF THE CHIEF EXECUTIVE OFFICER
11 OF THE CORPORATION; TO AMEND SECTION 47-5-577, MISSISSIPPI CODE OF
12 1972, TO EXTEND THE DATE OF REPEAL FROM 2024 TO 2027; AND FOR
13 RELATED PURPOSES.

X (SIGNED)
Sparks

X (SIGNED)
Bell (21st)

X (SIGNED)
Suber

X (SIGNED)
Anthony

X (SIGNED)
Brumfield

X (SIGNED)
Haney

