To: Appropriations

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002
By: Senator(s) Gordon, Thames, Huggins, Posey, Dearing, Hamilton, Simmons, Walls

SENATE BILL NO. 3164
(As Sent to Governor)

AN ACT MAKING AN APPROPRIATION FOR SUPPORT OF THE MISSISSIPPI
BUREAU OF NARCOTICS OF THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be
necessary, is hereby appropriated out of any money in the State
General Fund not otherwise appropriated, for payment of the
expenses of the Mississippi Bureau of Narcotics of the Mississippi
Department of Public Safety, created by Section 41-29-101 et seq.,
Mississippi Code of 1972, for the fiscal year beginning
July 1, 2002, and ending June 30, 2003....... $ 9,536,520.00.

SECTION 2. The following sum, or so much thereof as may be
necessary, is hereby authorized for expenditure out of any money
in the special fund in the State Treasury to the credit of the
Mississippi Bureau of Narcotics of the Mississippi Department of
Public Safety which is comprised of special source funds collected
by or otherwise available to the agency, for the support and
maintenance of the agency for the fiscal year beginning
July 1, 2002, and ending June 30, 2003........ $ 2,682,249.00.

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

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits... $ 8,689,709.00
Travel and Subsistence................. 207,937.00

$9,536,520.00
$2,682,249.00
$8,897,646.00
$207,937.00

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Contractual Services....................... 1,826,243.00
Commodities................................ 871,830.00

Capital Outlay:
  Other Than Equipment.................... 0.00
  Equipment.............................. 580,065.00

Subsidies, Loans and Grants............... 42,985.00

Total...................................... $ 12,218,769.00

FUNDING:
  General Funds............................ $ 9,536,520.00
  Special Funds............................ 2,682,249.00

Total...................................... $ 12,218,769.00

AUTHORIZED POSITIONS:
  Permanent:  Full Time............. 223
              Part Time.............  2
  Time-Limited: Full Time...........  0
              Part Time.............  0

Funds are provided herein to adjust the Variable Compensation Plan to ensure that all full-time employees receive a pay increase equal to fifty percent (50%) of the realignment component of the Variable Compensation Plan or Six Hundred Dollars ($600.00), whichever is greater, beginning on January 1, 2003.

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003 funds appropriated for that purpose, unless programs, positions or pay increases are added to the agency's budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall, on July 1, 2002, publish separate annual projection reports, based on July 1, 2002 data, for the period of July 1, 2002, through December 31, 2002, and January 1, 2003, through June 30, 2003, that project the annual cost to fully fund all appropriated positions in compliance with
the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected cost and/or the Fiscal Year 2003 appropriation for "Personal Services," as annualized on a semiannual basis in accordance with the provisions of this act. If, at the end of any calendar month, the State Personnel Board determines that the agency has taken action(s) which would cause the agency to exceed this projected annual cost or the Fiscal Year 2003 "Personal Services" appropriated level, when annualized in compliance with the provisions of this act, 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.

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

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Target</th>
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<tbody>
<tr>
<td>Drug Enforcement</td>
<td></td>
</tr>
<tr>
<td>Arrests Made (Persons)</td>
<td>2,600</td>
</tr>
<tr>
<td>Number of Prosecutions (Actions)</td>
<td>2,300</td>
</tr>
<tr>
<td>Organizations Disrupted/Dismantled (Actions)</td>
<td>135</td>
</tr>
</tbody>
</table>
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 2004.

SECTION 5. Of the funds appropriated under the provisions of Section 2, funds are included to defray the costs of clothing for sworn law enforcement officers in an amount not to exceed One Thousand Dollars ($1,000.00) annually per officer.

SECTION 6. The Director of the Bureau of Narcotics shall have the authority to transfer any funds between any major objects of expenditure, including but not limited to Salaries, Wages, and Fringe Benefits, up to five percent (5%).

SECTION 7. It is the intention of the Legislature that Fair Labor Standards Act (FLSA) non-exempt sworn officers may accumulate and/or receive monetary compensation for compensatory time not to exceed 300 Hours in any fiscal year. FLSA exempt sworn officers may accumulate and/or receive monetary compensation for compensatory time not to exceed 300 hours in any fiscal year. Further, an FLSA exempt sworn officer having more than 300 hours of compensatory time on record as of passage of this bill shall exhaust through usage the excess compensatory time by December 31, 2002. Any compensatory time in excess of 300 hours of exempt sworn officers as of January 1, 2003, shall be forfeited and the balance shall be reduced to 300 hours. However, the Bureau of Narcotics Director shall have the authority to authorize compensatory time in excess of 300 hours for exempt and non-exempt sworn officers to carry out the duties and functions of the Department of Public Safety during times of extraordinary or unusual public safety risks, or for federally funded call back details, or for full or part time assignments to federally funded task forces. However, at no time will compensation of FLSA non-exempt or exempt sworn officers exceed in total the compensation
of the agency head pursuant to Section 25-3-39(2), Mississippi

SECTION 8. It is the intention of the Legislature that the
Mississippi Bureau of Narcotics transfer a Cessna 206 aircraft to
Delta State University during Fiscal Year 2002.

SECTION 9. Of the funds appropriated under the provisions of
Section 2, One Hundred Thirteen Thousand Four Hundred Twenty-four
Dollars ($113,424.00) shall be derived from the Budget Contingency
Fund created in Section 27-103-301, Mississippi Code of 1972.

SECTION 10. In addition to all other sums heretofore
appropriated, the following sum, or so much thereof as may be
necessary, is hereby authorized to be transferred from Board of
Law Enforcement Minimum Standards Special Fund No. 3742 to
Mississippi Bureau of Narcotics Special Fund No. 3718, for the
fiscal year ending June 30, 2002............. $   150,000.00.

This additional appropriation is made for the purpose of
providing funds to defray certain expenses of the operating budget
of the Mississippi Bureau of Narcotics.

SECTION 11. The money herein appropriated shall be paid by
the State Treasurer out of any money in the State Treasury to the
credit of the proper fund or funds as set forth in this act, upon
warrants issued by the State Fiscal Officer; and the State Fiscal
Officer shall issue his warrants upon requisitions signed by the
proper person, officer or officers, in the manner provided by law.

SECTION 12. This act shall take effect and be in force from
and after July 1, 2002, except for Section 10, which shall take
effect and be in force from and after its passage.