

By: Senator(s) Gordon, Thames, Huggins,  
Posey, Dearing, Hamilton, Simmons, Walls

To: Appropriations

SENATE BILL NO. 3164  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR SUPPORT OF THE MISSISSIPPI  
2 BUREAU OF NARCOTICS OF THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY  
3 FOR THE FISCAL YEARS 2002 AND 2003.

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

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 payment of the  
8 expenses of the Mississippi Bureau of Narcotics of the Mississippi  
9 Department of Public Safety, created by Section 41-29-101 et seq.,  
10 Mississippi Code of 1972, for the fiscal year beginning  
11 July 1, 2002, and ending June 30, 2003..... \$ 9,536,520.00.

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

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

24 MAJOR OBJECTS OF EXPENDITURE:

25 Personal Services:  
26 Salaries, Wages and Fringe Benefits... \$ 8,689,709.00  
27 Travel and Subsistence..... 207,937.00



28	Contractual Services.....	1,826,243.00
29	Commodities.....	871,830.00
30	Capital Outlay:	
31	Other Than Equipment.....	0.00
32	Equipment.....	580,065.00
33	Subsidies, Loans and Grants.....	<u>42,985.00</u>
34	Total.....	\$ 12,218,769.00
35	FUNDING:	
36	General Funds.....	\$ 9,536,520.00
37	Special Funds.....	<u>2,682,249.00</u>
38	Total.....	\$ 12,218,769.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	223
41	Part Time.....	2
42	Time-Limited: Full Time.....	0
43	Part Time.....	0

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

49 With the funds herein appropriated, it is the intention of  
50 the Legislature that it shall be the agency's responsibility to  
51 make certain that funds required to be appropriated for "Personal  
52 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003  
53 funds appropriated for that purpose, unless programs, positions or  
54 pay increases are added to the agency's budget by the Mississippi  
55 Legislature. Based on data provided by the Legislative Budget  
56 Office, the State Personnel Board shall, on July 1, 2002, publish  
57 separate annual projection reports, based on July 1, 2002 data,  
58 for the period of July 1, 2002, through December 31, 2002, and  
59 January 1, 2003, through June 30, 2003, that project the annual  
60 cost to fully fund all appropriated positions in compliance with



61 the provisions of this act. It shall be the responsibility of the  
 62 agency head to ensure that no single personnel action increases  
 63 this projected cost and/or the Fiscal Year 2003 appropriation for  
 64 "Personal Services," as annualized on a semiannual basis in  
 65 accordance with the provisions of this act. If, at the end of any  
 66 calendar month, the State Personnel Board determines that the  
 67 agency has taken action(s) which would cause the agency to exceed  
 68 this projected annual cost or the Fiscal Year 2003 "Personal  
 69 Services" appropriated level, when annualized in compliance with  
 70 the provisions of this act, then only those actions which reduce  
 71 the projected annual cost and/or the appropriation requirement  
 72 will be processed by the State Personnel Board until such time as  
 73 the requirements of this provision are met.

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

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

80 **SECTION 4.** In compliance with the "Mississippi Performance  
 81 Budget and Strategic Planning Act of 1994," it is the intent of  
 82 the Legislature that the funds provided herein shall be utilized  
 83 in the most efficient and effective manner possible to achieve the  
 84 intended mission of this agency. Based on the funding authorized,  
 85 this agency shall make every effort to attain the targeted  
 86 performance measures provided below:

	FY2003
<u>Performance Measures</u>	<u>Target</u>
89 Drug Enforcement	
90       Arrests Made (Persons)	2,600
91       Number of Prosecutions (Actions)	2,300
92       Organizations Disrupted/Dismantled (Actions)	135



93 A reporting of the degree to which the performance targets  
94 set above have been or are being achieved shall be provided in the  
95 agency's budget request submitted to the Joint Legislative Budget  
96 Committee for Fiscal Year 2004.

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

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

105 **SECTION 7.** It is the intention of the Legislature that Fair  
106 Labor Standards Act (FLSA) non-exempt sworn officers may  
107 accumulate and/or receive monetary compensation for compensatory  
108 time not to exceed 300 Hours in any fiscal year. FLSA exempt  
109 sworn officers may accumulate and/or receive monetary compensation  
110 for compensatory time not to exceed 300 hours in any fiscal year.  
111 Further, an FLSA exempt sworn officer having more than 300 hours  
112 of compensatory time on record as of passage of this bill shall  
113 exhaust through usage the excess compensatory time by December 31,  
114 2002. Any compensatory time in excess of 300 hours of exempt  
115 sworn officers as of January 1, 2003, shall be forfeited and the  
116 balance shall be reduced to 300 hours. However, the Bureau of  
117 Narcotics Director shall have the authority to authorize  
118 compensatory time in excess of 300 hours for exempt and non-exempt  
119 sworn officers to carry out the duties and functions of the  
120 Department of Public Safety during times of extraordinary or  
121 unusual public safety risks, or for federally funded call back  
122 details, or for full or part time assignments to federally funded  
123 task forces. However, at no time will compensation of FLSA non-  
124 exempt or exempt sworn officers exceed in total the compensation



125 of the agency head pursuant to Section 25-3-39(2), Mississippi  
126 Code of 1972.

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

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

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

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

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

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

