

By: Representative Capps

To: Appropriations

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1294

1 AN ACT TO AMEND CHAPTER 100, LAWS OF 2002, TO DELETE THE  
2 MAJOR OBJECTS OF EXPENDITURE AND THE PROHIBITIONS ON TRANSFERRING  
3 FUNDS BETWEEN MAJOR OBJECTS OF EXPENDITURE IN THE FISCAL YEAR 2003  
4 APPROPRIATION TO THE BUREAU OF NARCOTICS; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Chapter 100, Laws of 2002, is amended as follows:

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

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

23 Section 3. Of the funds appropriated under the provisions of  
24 Sections 1 and 2, the following positions are authorized:

25 \* \* \*

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 223  
28 Part Time..... 2



29           Time-Limited: Full Time.....           0  
30                            Part Time.....           0

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

36           With the funds herein appropriated, it is the intention of  
37 the Legislature that it shall be the agency's responsibility to  
38 make certain that funds required to be appropriated for "Personal  
39 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003  
40 funds appropriated for that purpose, unless programs, positions or  
41 pay increases are added to the agency's budget by the Mississippi  
42 Legislature. Based on data provided by the Legislative Budget  
43 Office, the State Personnel Board shall, on July 1, 2002, publish  
44 separate annual projection reports, based on July 1, 2002, data,  
45 for the period of July 1, 2002, through December 31, 2002, and  
46 January 1, 2003, through June 30, 2003, that project the annual  
47 cost to fully fund all appropriated positions in compliance with  
48 the provisions of this act. It shall be the responsibility of the  
49 agency head to ensure that no single personnel action increases  
50 this projected cost and/or the Fiscal Year 2003 appropriation for  
51 "Personal Services," as annualized on a semiannual basis in  
52 accordance with the provisions of this act. If, at the end of any  
53 calendar month, the State Personnel Board determines that the  
54 agency has taken action(s) which would cause the agency to exceed  
55 this projected annual cost or the Fiscal Year 2003 "Personal  
56 Services" appropriated level, when annualized in compliance with  
57 the provisions of this act, then only those actions which reduce  
58 the projected annual cost and/or the appropriation requirement  
59 will be processed by the State Personnel Board until such time as  
60 the requirements of this provision are met.



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

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

67 Section 4. In compliance with the "Mississippi Performance  
68 Budget and Strategic Planning Act of 1994," it is the intent of  
69 the Legislature that the funds provided herein shall be utilized  
70 in the most efficient and effective manner possible to achieve the  
71 intended mission of this agency. Based on the funding authorized,  
72 this agency shall make every effort to attain the targeted  
73 performance measures provided below:

	FY2003
<u>Performance Measures</u>	<u>Target</u>
76 Drug Enforcement	
77 Arrests Made (Persons)	2,600
78 Number of Prosecutions (Actions)	2,300
79 Organizations Disrupted/Dismantled (Actions)	135

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

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

88 \* \* \*

89 Section 6. It is the intention of the Legislature that Fair  
90 Labor Standards Act (FLSA) nonexempt sworn officers may accumulate  
91 and/or receive monetary compensation for compensatory time not to  
92 exceed 300 hours in any fiscal year. FLSA exempt sworn officers  
93 may accumulate and/or receive monetary compensation for



94 compensatory time not to exceed 300 hours in any fiscal year.  
95 Further, an FLSA exempt sworn officer having more than 300 hours  
96 of compensatory time on record as of passage of this bill shall  
97 exhaust through usage the excess compensatory time by December 31,  
98 2002. Any compensatory time in excess of 300 hours of exempt  
99 sworn officers as of January 1, 2003, shall be forfeited and the  
100 balance shall be reduced to 300 hours. However, the Bureau of  
101 Narcotics Director shall have the authority to authorize  
102 compensatory time in excess of 300 hours for exempt and nonexempt  
103 sworn officers to carry out the duties and functions of the  
104 Department of Public Safety during times of extraordinary or  
105 unusual public safety risks, or for federally funded call back  
106 details, or for full or part time assignments to federally funded  
107 task forces. However, at no time will compensation of FLSA  
108 nonexempt or exempt sworn officers exceed in total the  
109 compensation of the agency head pursuant to Section 25-3-39(2),  
110 Mississippi Code of 1972.

111 Section 7. It is the intention of the Legislature that the  
112 Mississippi Bureau of Narcotics transfer a Cessna 206 aircraft to  
113 Delta State University during Fiscal Year 2002.

114 Section 8. Of the funds appropriated under the provisions of  
115 Section 2, One Hundred Thirteen Thousand Four Hundred Twenty-four  
116 Dollars (\$113,424.00) shall be derived from the Budget Contingency  
117 Fund created in Section 27-103-301, Mississippi Code of 1972.

118 Section 9. In addition to all other sums heretofore  
119 appropriated, the following sum, or so much thereof as may be  
120 necessary, is hereby authorized to be transferred from Board of  
121 Law Enforcement Minimum Standards Special Fund No. 3742 to  
122 Mississippi Bureau of Narcotics Special Fund No. 3718, for the  
123 fiscal year ending June 30, 2002..... \$ 150,000.00.

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



127           Section 10. The money herein appropriated shall be paid by  
128 the State Treasurer out of any money in the State Treasury to the  
129 credit of the proper fund or funds as set forth in this act, upon  
130 warrants issued by the State Fiscal Officer; and the State Fiscal  
131 Officer shall issue his warrants upon requisitions signed by the  
132 proper person, officer or officers, in the manner provided by law.

133           **SECTION 2.** This act shall take effect and be in force from  
134 and after its passage.

