

By: Senator(s) Hewes, Pickering, Albritton,
Morgan

To: Appropriations

SENATE BILL NO. 3012

1 AN ACT TO TRANSFER THE POWERS AND DUTIES OF THE MISSISSIPPI
2 BUREAU OF NARCOTICS TO THE MISSISSIPPI DEPARTMENT OF PUBLIC
3 SAFETY; TO TRANSFER THE LAW ENFORCEMENT PERSONNEL OF THE
4 MISSISSIPPI PUBLIC SERVICE COMMISSION RELATED TO THE ENFORCEMENT OF
5 THE MOTOR CARRIER REGULATORY LAW OF 1938 TO THE MISSISSIPPI
6 DEPARTMENT OF PUBLIC SAFETY; TO TRANSFER THE LAW ENFORCEMENT
7 PERSONNEL OF THE MISSISSIPPI TRANSPORTATION COMMISSION AND THE
8 MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO THE MISSISSIPPI
9 DEPARTMENT OF PUBLIC SAFETY; TO PROVIDE THAT THE COMMISSIONER MAY
10 INTERNALLY REORGANIZE THESE LAW ENFORCEMENT DIVISIONS; TO PROVIDE
11 THAT PERSONNEL ACTIONS SHALL BE EXEMPT FROM PERSONNEL BOARD
12 REGULATIONS FOR A PERIOD OF ONE YEAR; TO AMEND SECTIONS 27-19-137,
13 27-55-547, 27-55-559, 63-5-43, 63-5-49 AND 65-1-44, MISSISSIPPI
14 CODE OF 1972, TO CONFORM TO THE TRANSFER OF LAW ENFORCEMENT
15 PERSONNEL OF THE DEPARTMENT OF TRANSPORTATION TO THE MISSISSIPPI
16 DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTIONS 41-29-107,
17 41-29-108, 41-29-111 AND 45-1-2, MISSISSIPPI CODE OF 1972, TO
18 TRANSFER THE POWERS AND DUTIES OF THE MISSISSIPPI BUREAU OF
19 NARCOTICS TO THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY; TO AMEND
20 SECTION 1, CHAPTER 520, LAWS OF 1972, TO CONFORM; TO AMEND
21 SECTIONS 77-1-15, 77-7-127, 77-7-333, 77-7-335 AND 77-7-337,
22 MISSISSIPPI CODE OF 1972, TO TRANSFER THE LAW ENFORCEMENT
23 PERSONNEL OF THE MISSISSIPPI PUBLIC SERVICE COMMISSION ENFORCING
24 THE MOTOR CARRIER REGULATORY LAW OF 1938 TO THE MISSISSIPPI
25 DEPARTMENT OF PUBLIC SAFETY; TO REPEAL SECTIONS 77-1-19 AND
26 77-1-21, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE THE MISSISSIPPI
27 PUBLIC SERVICE COMMISSION TO EMPLOY CERTAIN PERSONNEL TO ENFORCE
28 THE MOTOR CARRIER REGULATORY LAW OF 1938; TO REPEAL SECTION
29 77-7-339, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT THE
30 INSPECTOR SALARIES OF THE PUBLIC SERVICE COMMISSION SHALL BE PAID
31 OUT OF A SPECIAL FUND; AND FOR RELATED PURPOSES.

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

33 **SECTION 1.** (1) The Mississippi Public Commission shall
34 transfer all employees, equipment, inventory and resources of the
35 commission employed and used to enforce the Motor Carrier
36 Regulatory Law of 1938 to the Mississippi Department of Public
37 Safety. The transfer of personnel shall be commensurate with the
38 number and classification of positions (PINS) allocated to such
39 enforcement. The transfer shall also include direct support,
40 clerical, data processing and communications pins allocated to
41 such law enforcement.

42 (2) The Commissioner of Public Safety shall have the
43 authority to internally reorganize such law enforcement personnel
44 to make an orderly, effective and timely transfer and
45 reorganization of such personnel within the Department of Public
46 Safety. For a period of one (1) year after July 1, 2004, the
47 personnel actions of the Commissioner of Public Safety shall be
48 exempt from State Personnel Board rules, regulations and
49 procedures in order to give the commissioner flexibility in making
50 an orderly transfer and reorganization.

51 (3) The Mississippi Public Service Commission and the
52 Mississippi Department of Public Safety shall comply with Sections
53 5-11-1 through 5-11-5 in the transfer of the law enforcement
54 personnel.

55 **SECTION 2.** (1) The Mississippi Transportation Commission
56 and the Mississippi Department of Transportation shall transfer
57 all employees, equipment, inventory and resources of the
58 commission and department employed and used as law enforcement
59 personnel to the Mississippi Department of Public Safety. The
60 transfer of personnel shall be commensurate with the number and
61 classification of positions (PINS) allocated to such enforcement.
62 The transfer shall also include direct support, clerical, data
63 processing and communications pins allocated to such law
64 enforcement.

65 (2) The Commissioner of Public Safety shall have the
66 authority to internally reorganize such law enforcement personnel
67 to make an orderly, effective and timely transfer and
68 reorganization of such personnel within the Department of Public
69 Safety. For a period of one (1) year after July 1, 2004, the
70 personnel actions of the Commissioner of Public Safety shall be
71 exempt from State Personnel Board rules, regulations and
72 procedures in order to give the commissioner flexibility in making
73 an orderly transfer and reorganization.

74 (3) The Mississippi Transportation Commission, the
75 Mississippi Department of Transportation and the Mississippi
76 Department of Public Safety shall comply with Sections 5-11-1
77 through 5-11-5 in the transfer of the law enforcement personnel.

78 **SECTION 3.** (1) The powers and duties and all employees,
79 equipment, inventory and resources of the Mississippi Bureau of
80 Narcotics shall be transferred to the Mississippi Department of
81 Public Safety.

82 (2) The Commissioner of Public Safety shall have the
83 authority to internally reorganize the employees of the bureau to
84 make an orderly, effective and timely transfer and reorganization
85 of such personnel within the Department of Public Safety. For a
86 period of one (1) year after July 1, 2004, the personnel actions
87 of the Commissioner of Public Safety shall be exempt from State
88 Personnel Board rules, regulations and procedures in order to give
89 the commissioner flexibility in making an orderly transfer and
90 reorganization.

91 (3) The Mississippi Bureau of Narcotics and the Mississippi
92 Department of Public Safety shall comply with Sections 5-11-1
93 through 5-11-5 in the transfer of the bureau.

94 **SECTION 4.** Section 27-19-137, Mississippi Code of 1972, is
95 amended as follows:

96 27-19-137. The agents of the Mississippi Department of
97 Public Safety and the State Tax Commission shall have the right to
98 inspect at all reasonable times all motor vehicles operating upon
99 the highways of this state and shall likewise have the authority
100 to inspect and examine all records kept by any person relating or
101 pertaining to the liability of any person for any tax imposed by
102 the provisions of this article. They shall likewise have the
103 power to require the production of any such records within this
104 state, at any time and place designated by them, upon giving
105 reasonable notice to the person having control and custody of such
106 records. The Mississippi Department of Public Safety and its

107 representatives shall also have the authority and power to cause
108 any vehicle engaged in the transportation of property upon the
109 public highways of this state to submit to a weighing of such
110 vehicle and the load thereon, either by means of portable or
111 stationary scales, and may require that such vehicle be driven to
112 the nearest scales for weighing. If a vehicle has been issued a
113 registration card, such registration card shall be carried in such
114 vehicle at all times.

115 **SECTION 5.** Section 27-55-547, Mississippi Code of 1972, is
116 amended as follows:

117 27-55-547. The commissioner and his agents and employees
118 shall have full access, ingress and egress at all reasonable hours
119 to and from any place or building where special fuel may be
120 received, stored, transported, sold, offered or exposed for sale,
121 manufactured, refined, distilled, compounded or blended. The
122 commissioner and his agents and employees shall have the right to
123 open and inspect any case, package or other container, any tank,
124 pump, tank car or storage tank in which special fuel is kept and
125 enter upon any barge, vessel or other vehicle transporting special
126 fuel and, with instruments conforming to the weights and measures
127 adopted by the United States Bureau of Standards, check any
128 measuring device or volume of weight of the contents of any such
129 container.

130 The commission, its employees or agents and enforcement
131 officers of the Mississippi Department of Public Safety are hereby
132 authorized to inspect any vehicle transporting special fuel over
133 the highways of this state, or any boat, barge or vessel
134 transporting special fuel over the waters of this state, to
135 examine the contents of such vehicle, boat, barge or vessel, to
136 take a sample, not to exceed one (1) gallon, of the special fuel
137 contained in such vehicle, boat, barge or vessel, and to inspect
138 the bills of lading, manifest, invoices or other records
139 pertaining to the special fuel being transported.

140 The commission, its employees or agents and enforcement
141 officers of the Mississippi Department of Public Safety are hereby
142 authorized to stop any motor vehicle traveling the highways of
143 this state; to inspect the contents of the motor vehicle's fuel
144 supply tank; to take a sample, not to exceed one (1) gallon, of
145 the contents of the fuel supply tank of such motor vehicle and to
146 examine any invoices, receipts or other documents pertaining to
147 the contents of the motor vehicle's fuel supply tank.

148 Any person who refuses to allow an inspection as authorized
149 in this section shall be guilty of a misdemeanor and, upon
150 conviction thereof, shall be punished by a fine of not more than
151 One Thousand Dollars (\$1,000.00), or imprisonment in the county
152 jail for not more than six (6) months, or both such fine and
153 imprisonment.

154 **SECTION 6.** Section 27-55-559, Mississippi Code of 1972, is
155 amended as follows:

156 27-55-559. Every person hauling, transporting or conveying
157 more than five hundred (500) gallons of special fuel over the
158 highways, streets, alleys or waters of this state, or into this
159 state over any highway, street, alley or water route, shall,
160 during the entire time he is so engaged, have in his possession a
161 bill of sale, bills of lading, invoices or other written evidence,
162 each of which shall be serially numbered, showing the kind and
163 amount of special fuel being transported, the name and address of
164 the person from whom such special fuel was received, and the name
165 and address of the person to whom delivery is to be made. The
166 vehicle or boat conveying such special fuel shall have clearly
167 printed on it the name and address of the person transporting the
168 special fuel on both sides of the vehicle or boat in well-balanced
169 letters of not less than two (2) inches in height on a contrasting
170 background.

171 Any person other than a common or contract carrier bringing
172 special fuel into this state in quantities of more than five

173 hundred (500) gallons shall give notice to the commission of his
174 intent to import such special fuel. The commission is authorized
175 to promulgate rules setting forth the manner in which such notice
176 is to be given. However, if information on special fuel imported
177 into this state can be accurately secured from other sources by
178 the commission, it may waive the requirements of such notice.

179 If any person, other than a common or contract carrier, shall
180 transport special fuel over the highways of this state by motor
181 vehicle without having given the notice required by this section,
182 or if a copy of such notice is not carried in such motor vehicle
183 as required by this section, the entire amount of the state excise
184 tax upon such special fuel being transported shall be deemed due
185 and payable, plus a penalty of twenty-five percent (25%) of the
186 amount of such tax, and any authorized representative of the
187 commission or enforcement officers of the Mississippi Department
188 of Public Safety shall have the right to seize or impound the
189 motor vehicle in which such special fuel is being transported
190 until such excise tax together with the penalty thereon has been
191 paid. Provided, however, that the penalty shall not apply when
192 the driver of the truck stops at the first weighing station in the
193 line of travel and secures the signature of the officer on duty on
194 the import notice.

195 **SECTION 7.** Section 63-5-43, Mississippi Code of 1972, is
196 amended as follows:

197 63-5-43. The Mississippi Department of Public Safety shall
198 designate its agents to enforce Sections 63-5-29 through 63-5-41,
199 Mississippi Code of 1972, and, upon the failure of any person so
200 designated to enforce such sections, any executive order or
201 directive to the contrary notwithstanding, he or they shall be
202 guilty of a misdemeanor and be fined not less than One Hundred
203 Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00)
204 for each such conviction.

205 **SECTION 8.** Section 63-5-49, Mississippi Code of 1972, is
206 amended as follows:

207 63-5-49. (1) Any police officer or law enforcement officer
208 of the Department of Public Safety * * * may require the driver of
209 any vehicle that is required by law or by any rule or regulation
210 of the Mississippi Department of Transportation or the State Tax
211 Commission to stop at inspection stations and submit to an
212 inspection to stop and submit to a weighing of the vehicle, either
213 by means of portable or stationary scales, and may require that
214 such vehicle be driven to the nearest scales for weighing. To aid
215 the enforcement of this chapter, the Department of Public Safety
216 may assign up to forty (40) portable scale teams as it deems
217 necessary for efficient enforcement.

218 (2) Whenever such an officer, upon weighing a vehicle and
219 load as above provided, determines that the weight is unlawful,
220 such officer shall assess a penalty against the owner or operator
221 in accordance with Section 27-19-89, and may require the driver to
222 drive the vehicle to a suitable place and remain standing until
223 such portion of the load is removed as may be necessary to reduce
224 the gross weight of such vehicle to such limit as permitted under
225 this chapter. All material so unloaded shall be cared for by the
226 owner or operator of such vehicle at the risk of such owner or
227 operator.

228 (3) Any police officer or law enforcement officer of the
229 Department of Public Safety * * * who stops a vehicle pursuant to
230 subsection (1) of this section shall have the authority to inspect
231 such vehicle to determine whether or not such vehicle is engaged
232 in the illegal transportation of any contraband.

233 (4) Any driver of a vehicle who fails or refuses to stop and
234 submit the vehicle and load to a weighing, or who fails or
235 refuses, when directed by such an officer upon weighing of the
236 vehicle, to stop the vehicle and otherwise comply with the
237 provisions of this section, shall be guilty of a misdemeanor,

238 punishable by a fine of not more than One Thousand Dollars
239 (\$1,000.00), or by confinement in the county jail for not more
240 than thirty (30) days, or by both such fine and jail sentence and,
241 if operating at a gross weight in excess of the legal limit, such
242 additional penalty or assessment as provided by law.

243 (5) It is the intent of the Legislature that the Department
244 of Public Safety and all police officers shall cooperate with the
245 Transportation Department in the enforcement of the highway weight
246 laws of this state.

247 **SECTION 9.** Section 65-1-44, Mississippi Code of 1972, is
248 amended as follows:

249 65-1-44. Agents and employees of the Mississippi Department
250 of Public Safety who are charged with the enforcement of the
251 weight laws and the motor vehicle privilege tax laws of this state
252 pursuant to Sections 63-5-43 and 27-19-137, Mississippi Code of
253 1972, shall, as soon as practicable after being appointed
254 enforcement personnel, and in order to continue serving as such,
255 successfully complete a course of instruction at the Mississippi
256 Law Enforcement Officers' Training Academy * * *.

257 **SECTION 10.** Section 41-29-107, Mississippi Code of 1972, is
258 amended as follows:

259 41-29-107. (1) From and after July 1, 2004, the
260 Commissioner of Public Safety may assign to the appropriate
261 offices such powers and duties deemed appropriate to carry out the
262 lawful functions of the Mississippi Bureau of Narcotics.

263 (2) There is hereby created within the Mississippi
264 Department of Public Safety an office to be known as the
265 Mississippi Bureau of Narcotics * * *. The said office shall
266 have * * * a director who shall be appointed by the Governor with
267 the advice and consent of the Senate.

268 (3) Any funds, property or PINS that are appropriated to or
269 otherwise received by the bureau, or appropriated to, transferred
270 to or otherwise received by the Department of Public Safety for

271 the use of the bureau, shall be budgeted and maintained by the
272 department as funds of the department. Personnel occupying PINS
273 transferred from the Mississippi Bureau of Narcotics to the
274 Mississippi Department of Public Safety shall serve on a
275 probationary basis for the twelve (12) months following transfer.

276 (4) The Commissioner of Public Safety is empowered to employ
277 or appoint necessary agents. The Commissioner of Public Safety
278 may also employ such secretarial, clerical and administrative
279 personnel, including a duly licensed attorney, as necessary for
280 the operation of the bureau, and shall have such quarters,
281 equipment and facilities as needed. The salary and qualifications
282 of the attorney authorized by this section shall be fixed by the
283 director, but the salary shall not exceed the salary authorized
284 for an assistant attorney general who performs similar duties.

285 (5) The director and agents so appointed shall be citizens
286 of the United States and of the State of Mississippi, and of good
287 moral character. The agents shall be not less than twenty-one
288 (21) nor shall have attained the age of thirty-six (36) years of
289 age at the time of such appointment. In addition thereto, those
290 appointed shall have satisfactorily completed at least two (2)
291 years of college studies. However, two (2) years of satisfactory
292 service as a law enforcement officer and the completion of the
293 prescribed course of study at a school operated by the Drug
294 Enforcement Administration or the United States Justice Department
295 shall satisfy one (1) year of such college studies, and four (4)
296 years of satisfactory service as a law enforcement officer and the
297 completion of the prescribed course of study at such federal
298 bureau school as stated heretofore shall fully satisfy the two (2)
299 years of college requirement. The director shall also be required
300 to complete a prescribed course of study at a school operated by
301 the Drug Enforcement Administration or the United States Justice
302 Department.

303 * * *

304 (6) The Commissioner of Public Safety may assign members of
305 the Mississippi Highway Safety Patrol, regardless of age, to the
306 bureau * * *; however, when any highway patrolman or other
307 employee, agent or official of the Mississippi Department of
308 Public Safety is assigned to duty with, or is employed by, the
309 bureau, he shall not be subject to assignment or transfer to any
310 other office or department within the Mississippi Department of
311 Public Safety except by the Commissioner of Public Safety. Any
312 highway patrolman assigned to duty with the bureau shall retain
313 his status as a highway patrolman, but shall be under the
314 supervision of the director. For purposes of compensation and
315 seniority within the Highway Safety Patrol and for purposes of
316 retirement under the Mississippi Highway Safety Patrol Retirement
317 System, highway patrolmen assigned to the bureau will be credited
318 as if performing duty with the Highway Safety Patrol. The
319 Commissioner of Public Safety may assign employees of the Highway
320 Safety Patrol to the Mississippi Bureau of Narcotics and also
321 assign agents of the bureau to the Highway Patrol; provided,
322 however, that employees so assigned meet all established
323 requirements for duty.

324 (7) The Commissioner of Public Safety may enter into
325 contracts or agreements with the State Board of Health for
326 purposes of recruitment and screening of applicants through the
327 merit system.

328 (8) The Commissioner of Public Safety may enter into
329 agreements with bureaus or departments of other states or of the
330 United States for the exchange or temporary assignment of agents
331 for special undercover assignments and for performance of specific
332 duties.

333 (9) The Commissioner of Public Safety is hereby authorized
334 to assign agents of the bureau to such duty and to request and
335 accept agents from such other bureaus or departments for such
336 duty.

337 (10) In transferring the responsibilities of the Mississippi
338 Bureau of Narcotics to the Department of Public Safety, the
339 commissioner and the director shall develop and implement written
340 security precautions which shall be observed by all affected
341 employees. The commissioner and the director of the bureau shall
342 review, modify and approve the plan prior to the effective date of
343 the merger of responsibilities required herein.

344 **SECTION 11.** Section 41-29-108, Mississippi Code of 1972, is
345 amended as follows:

346 41-29-108. (1) The Commissioner of Public Safety is hereby
347 authorized to accept vehicles which may be available from the
348 federal government for use in enforcement of this article. The
349 commissioner is further authorized to expend reasonable funds from
350 any funds appropriated for the bureau for the delivery, repair and
351 maintenance of such automobiles.

352 (2) The commissioner is further authorized to rent or lease
353 motor vehicles for undercover missions. Such vehicles shall be
354 used only on specified missions and not as additions to the
355 regularly authorized and budgeted vehicles of the bureau.

356 **SECTION 12.** Section 41-29-111, Mississippi Code of 1972, is
357 amended as follows:

358 41-29-111. The Commissioner of Public Safety shall
359 administer this article and shall work in conjunction and
360 cooperation with the State Board of Pharmacy, county and municipal
361 law enforcement agencies, the district and county attorneys, the
362 Office of the Attorney General and the Mississippi Highway Safety
363 Patrol. The State Board of Health shall work with the bureau in
364 an advisory capacity and shall be responsible for recommending to
365 the Legislature the appropriate schedule for all substances to be
366 scheduled or rescheduled in Sections 41-29-113 through 41-29-121.
367 In making a recommendation regarding a substance, the board shall
368 consider the following:

369 (a) (1) The actual or relative potential for abuse;

370 (2) The scientific evidence of its pharmacological
371 effect, if known;

372 (3) The state of current scientific knowledge
373 regarding the substance;

374 (4) The history and current pattern of abuse;

375 (5) The scope, duration and significance of abuse;

376 (6) The risk to the public health;

377 (7) The potential of the substance to produce
378 psychic or physiological dependence liability; and

379 (8) Whether the substance is an immediate
380 precursor of a substance already controlled under this article.

381 (b) After considering the factors enumerated in
382 paragraph (a), the board shall make findings with respect thereto
383 and issue a recommendation to control the substance if it finds
384 the substance has a potential for abuse.

385 (c) If the board designates a substance as an immediate
386 precursor, substances which are precursors of the controlled
387 precursor shall not be recommended for control solely because they
388 are precursors of the controlled precursor.

389 (d) If any substance is designated, rescheduled, or
390 deleted as a controlled substance under federal law and notice
391 thereof is given to the board, it shall recommend the control of
392 the substance under this article at the next session of the
393 Legislature.

394 (e) Authority to control under this article does not
395 extend to distilled spirits, wine, malt beverages, or tobacco as
396 those terms are defined or used in the Local Option Alcoholic
397 Beverage Control Law, being Sections 67-1-1 through 67-1-91, and
398 the Tobacco Tax Law of 1934, being Sections 27-69-1 through
399 27-69-77. It is the intent of the Legislature of the State of
400 Mississippi that the bureau shall concentrate its efforts and
401 resources on the enforcement of the Uniform Controlled Substances

402 Law with respect to illicit narcotic and drug traffic in the
403 state.

404 The controlled substances listed in the schedules in Sections
405 41-29-113 through 41-29-121 are included by whatever official,
406 common, usual, chemical or trade name designated.

407 (f) The board shall recommend the exclusion of any
408 nonnarcotic substance from a schedule if such substance may, under
409 the Federal Food, Drug and Cosmetic Act and the laws of this
410 state, be lawfully sold over the counter without a prescription.

411 **SECTION 13.** Section 45-1-2, Mississippi Code of 1972, is
412 amended as follows:

413 45-1-2. (1) The Executive Director of the Department of
414 Public Safety shall be the Commissioner of Public Safety.

415 (2) The Commissioner of Public Safety shall establish the
416 organizational structure of the Department of Public Safety which
417 shall include the creation of any units necessary to implement the
418 duties assigned to the department and consistent with specific
419 requirements of law, including, but not limited to:

420 (a) Office of Public Safety Planning;

421 (b) Office of Medical Examiner;

422 (c) Office of Mississippi Highway Safety Patrol;

423 (d) Office of Crime Laboratories;

424 (e) Office of Law Enforcement Officers' Training
425 Academy;

426 (f) Office of Support Services;

427 (g) The Office of Narcotics, known as the Mississippi
428 Bureau of Narcotics * * *.

429 (3) The department shall be headed by a commissioner who
430 shall be appointed by and serve at the pleasure of the Governor.
431 The appointment of the commissioner shall be made with the advice
432 and consent of the Senate. The commissioner may assign to the
433 appropriate offices such powers and duties as deemed appropriate
434 to carry out the department's lawful functions.

435 (4) The commissioner of the department shall appoint heads
436 of offices, who shall serve at the pleasure of the commissioner.
437 The commissioner shall have the authority to organize the offices
438 established by subsection (2) of this section as deemed
439 appropriate to carry out the responsibilities of the department.
440 The organization charts of the department shall be presented
441 annually with the budget request of the Governor for review by the
442 Legislature.

443 (5) The commissioner of the department shall appoint, from
444 within the Department of Public Safety, a statewide safety
445 training officer who shall serve at the pleasure of the
446 commissioner and whose duty it shall be to perform public training
447 for both law enforcement and private persons throughout the state
448 concerning proper emergency response to the mentally ill,
449 terroristic threats or acts, domestic conflict, other conflict
450 resolution, and such other matters as the commissioner may direct.

451 **SECTION 14.** Section 1, Chapter 520, Laws of 1972, is amended
452 as follows:

453 Section 1. (a) The Mississippi Bureau of Drug Enforcement
454 shall henceforth be designated as an office known as the
455 Mississippi Bureau of Narcotics within the Department of Public
456 Safety.

457 (b) The Mississippi Bureau of Drug Enforcement as created by
458 Chapter 521, Section 3, Laws of 1971, being Section 6831-53,
459 Mississippi Code of 1942, is hereby transferred from the State
460 Board of Health to the Mississippi Department of Public Safety;
461 all personnel, records, property, equipment and all funds
462 allocated the Bureau of Drug Enforcement are hereby transferred to
463 and placed under the supervision of the Mississippi Bureau of
464 Narcotics of the Department of Public Safety. * * *

465 **SECTION 15.** Section 77-1-15, Mississippi Code of 1972, is
466 amended as follows:

467 77-1-15. (1) There shall be an executive secretary of the
468 commission, hereinafter referred to in this chapter as the
469 secretary, to be appointed by the commission, by and with the
470 advice and consent of the Senate, for the term of the
471 commissioners. The secretary must have the same qualifications as
472 the commissioners and shall be subject to the same
473 disqualifications and to like penalties, except that he shall not
474 be liable to impeachment. He shall receive a salary fixed by the
475 Legislature. He shall take the oath of office and shall be
476 removable at the pleasure of the commission, which may fill any
477 vacancy until the Senate confirms a successor. The secretary
478 shall make bond as provided for other state officers, in the sum
479 of Ten Thousand Dollars (\$10,000.00), conditioned upon the
480 faithful performance of the duties of his office.

481 (2) The secretary shall collect all fees and penalties
482 collected by or paid to the commission, and shall cover the same
483 into the State Treasury * * *.

484 (3) The secretary of the commission shall be the custodian
485 of all records, documents, and the seal of the commission. He
486 shall issue all citations, subpoenas and other rightful orders and
487 documents, and perform all other duties usually required of such
488 officer, and as required by the commission.

489 (4) It shall be the duty and responsibility of the secretary
490 to supervise and manage the offices and staff of the Public
491 Service Commission and formulate written policies and procedures
492 for the effective and efficient operation of the office and
493 present these policies and procedures to the board for
494 promulgation.

495 **SECTION 16.** Section 77-7-127, Mississippi Code of 1972, is
496 amended as follows:

497 77-7-127. All funds collected by the Public Service
498 Commission under the provisions of this chapter shall be deposited
499 in the State Treasury to the credit of the "Motor Carrier

500 Regulation Enforcement Fund" for use by the Department of Public
501 Safety for the administration and enforcement of the laws of this
502 state relative to * * * motor carriers subject to this chapter.

503 **SECTION 17.** Section 77-7-333, Mississippi Code of 1972, is
504 amended as follows:

505 77-7-333. After selection, the chief enforcement officer and
506 the inspectors shall go through thirty (30) days of intensive
507 instruction of the laws of this state pertaining to the Public
508 Service Commission, the Mississippi Department of Transportation,
509 and the Department of Public Safety, together with rules and
510 regulations of all these departments, and the laws of this state
511 pertaining to arrest. The expenses of attending such school shall
512 be paid out of the funds of the Department of Public Safety * * *.

513 **SECTION 18.** Section 77-7-335, Mississippi Code of 1972, is
514 amended as follows:

515 77-7-335. (1) All inspectors on duty shall wear uniforms,
516 shall have the right to bear arms, and shall have the authority to
517 make arrests and hold and impound any vehicle and the contents
518 thereof which is being operated in violation of this chapter or
519 the commission's rules, regulations or general orders promulgated
520 thereunder.

521 (2) All inspectors shall have the authority to enforce all
522 of the laws, rules and regulations of the Mississippi Public
523 Service Commission upon all highways in the state and the
524 rights-of-way of such highways and other properties as defined in
525 Section 77-7-261; except that if any person commits an offense in
526 violation of this chapter or the rules and regulations of this
527 commission upon a highway in the state and be pursued by a member
528 or inspector of the Mississippi Department of Public Safety, such
529 member may pursue and apprehend such offender upon any of the
530 highways in this state, or to any other place to which such
531 offender may flee.

532 (3) All inspectors shall have the authority to aid and
533 assist any law enforcement officer whose life or safety is in
534 jeopardy and may arrest without warrant any fugitive from justice
535 who has escaped or who is using the highways in the state in an
536 attempt to flee. With the approval of the Commissioner of Public
537 Safety, inspectors * * * may assist other law enforcement agencies
538 in searching for convicted felons who have escaped or for alleged
539 felons where there is probable cause to believe that the person
540 being sought committed the felony and a felony had actually been
541 committed.

542 (4) Upon request of * * * a sheriff of any county or the
543 chief of police of any community and with the consent of the
544 Commissioner of Public Safety, all inspectors have the authority
545 to assist in traffic control during time of natural disasters,
546 such as hurricanes, tornados or floods.

547 * * *

548 **SECTION 19.** Section 77-7-337, Mississippi Code of 1972, is
549 amended as follows:

550 77-7-337. The Department of Public Safety is hereby
551 authorized and empowered to purchase all necessary equipment to
552 enforce the provisions of this chapter, and to pay for the same
553 out of the "Motor Carrier Regulation Enforcement Fund."

554 **SECTION 20.** Sections 77-1-19 and 77-1-21, Mississippi Code
555 of 1972, which authorize the Mississippi Public Service Commission
556 to employ certain personnel to carry out and enforce the
557 provisions of the Motor Carrier Regulator Law of 1938, are
558 repealed.

559 **SECTION 21.** Section 77-7-339, Mississippi Code of 1972,
560 which provides that the inspector salaries of the Public Service
561 Commission shall be paid out of a special fund, is repealed.

562 **SECTION 22.** This act shall take effect and be in force from
563 and after July 1, 2004.