

House Amendments to Senate Bill No. 3141

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

4 **SECTION 1.** The following sum of money, or so much thereof as
5 may be necessary, is hereby appropriated out of any money in the
6 State General Fund not otherwise appropriated, to defray the
7 expenses of the Department of Public Safety for the fiscal year
8 beginning July 1, 2004, and ending June 30, 2005.....
9 \$ 39,363,200.00.

10 **SECTION 2.** The following sum, or so much thereof as may be
11 necessary, is hereby appropriated out of any money in the State
12 Treasury to the credit of the Department of Public Safety for the
13 purpose of defraying the expenses incurred in the operation of the
14 various divisions of the department for the fiscal year beginning
15 July 1, 2004, and ending June 30, 2005..... \$ 58,500,001.00.

16 **SECTION 3.** Of the funds appropriated under the provisions of
17 Sections 1 and 2, not more than the amounts set forth below shall
18 be expended for the purposes of expenditure:

DIVISION OF MISSISSIPPI HIGHWAY SAFETY PATROL

FUNDING:

21	General Funds.....	\$	28,754,510.00
22	Special Funds.....		<u>15,971,999.00</u>
23	Total.....	\$	44,726,509.00

AUTHORIZED POSITIONS:

25	Permanent:	Full Time.....	843
26		Part Time.....	0
27	Time-Limited:	Full Time.....	1
28		Part Time.....	0

DIVISION OF LAW ENFORCEMENT TRAINING ACADEMY

30	FUNDING:	
31	General Funds.....	\$ 556,114.00
32	Special Funds.....	<u>965,979.00</u>
33	Total.....	\$ 1,522,093.00

34 AUTHORIZED POSITIONS:

35	Permanent: Full Time.....	19
36	Part Time.....	0
37	Time-Limited: Full Time.....	0
38	Part Time.....	0

39 It is the intention of the Legislature that all funds
40 received as tuition fees, grants or donations by the Division of
41 Law Enforcement Training Academy shall be deposited in a special
42 fund in the State Treasury to be designated as "Law Enforcement
43 Officers' Training Academy Fees and Donations Fund." It is
44 further the intention of the Legislature that the Division of Law
45 Enforcement Training Academy may increase fees at any time to
46 offset any increases in operational costs.

47 **DIVISION OF SUPPORT SERVICES**

48	FUNDING:	
49	General Funds.....	\$ 5,299,834.00
50	Special Funds.....	<u>2,630,955.00</u>
51	Total.....	\$ 7,930,789.00

52 AUTHORIZED POSITIONS:

53	Permanent: Full Time.....	96
54	Part Time.....	0
55	Time-Limited: Full Time.....	1
56	Part Time.....	0

57 **DIVISION OF CRIME LABORATORIES**

58	FUNDING:	
59	General Funds.....	\$ 4,112,206.00
60	Special Funds.....	<u>1,502,760.00</u>
61	Total.....	\$ 5,614,966.00

62 AUTHORIZED POSITIONS:

63	Permanent: Full Time.....	81
64	Part Time.....	0

65 Time-Limited: Full Time..... 0
 66 Part Time..... 0

67 **DIVISION OF MEDICAL EXAMINER**

68 FUNDING:

69 General Funds..... \$ 196,208.00
 70 Special Funds..... 132,689.00
 71 Total..... \$ 328,897.00

72 AUTHORIZED POSITIONS:

73 Permanent: Full Time..... 3
 74 Part Time..... 0
 75 Time-Limited: Full Time..... 0
 76 Part Time..... 0

77 **DIVISION OF PUBLIC SAFETY PLANNING**

78 **OFFICE OF PUBLIC SAFETY PLANNING**

79 FUNDING:

80 General Funds..... \$ 444,328.00
 81 Special Funds..... 20,800,750.00
 82 Total..... \$ 21,245,078.00

83 AUTHORIZED POSITIONS:

84 Permanent: Full Time..... 12
 85 Part Time..... 0
 86 Time-Limited: Full Time..... 13
 87 Part Time..... 0

88 **DIVISION OF PUBLIC SAFETY PLANNING**

89 **OFFICE OF LAW ENFORCEMENT STANDARDS AND TRAINING**

90 FUNDING:

91 General Funds..... \$ 0.00
 92 Special Funds..... 2,456,465.00
 93 Total..... \$ 2,456,465.00

94 AUTHORIZED POSITIONS:

95 Permanent: Full Time..... 8
 96 Part Time..... 0
 97 Time-Limited: Full Time..... 0
 98 Part Time..... 0

99 **DIVISION OF PUBLIC SAFETY PLANNING**

100	BOARD OF EMERGENCY TELECOMMUNICATIONS		
101	FUNDING:		
102	General Funds.....	\$	0.00
103	Special Funds.....		<u>605,829.00</u>
104	Total.....	\$	605,829.00

105	AUTHORIZED POSITIONS:		
106	Permanent: Full Time.....	3	
107	Part Time.....	0	
108	Time-Limited: Full Time.....	0	
109	Part Time.....	0	

DIVISION OF PUBLIC SAFETY PLANNING

COUNCIL ON AGING

112	FUNDING:		
113	General Funds.....	\$	0.00
114	Special Funds.....		<u>649,990.00</u>
115	Total.....	\$	649,990.00

116	AUTHORIZED POSITIONS:		
117	Permanent: Full Time.....	2	
118	Part Time.....	0	
119	Time-Limited: Full Time.....	0	
120	Part Time.....	0	

COUNTY JAIL OFFICER STANDARDS AND TRAINING BOARD

122	FUNDING:		
123	General Funds.....	\$	0.00
124	Special Funds.....		<u>645,153.00</u>
125	Total.....	\$	645,153.00

126	AUTHORIZED POSITIONS:		
127	Permanent: Full Time.....	2	
128	Part Time.....	0	
129	Time-Limited: Full Time.....	0	
130	Part Time.....	0	

OFFICE OF LAW ENFORCEMENT

132	FUNDING:		
133	General Funds.....	\$	0.00
134	Special Funds.....		<u>12,137,432.00</u>

135 Total..... \$ 12,137,432.00

136 AUTHORIZED POSITIONS:

137	Permanent:	Full Time.....	232
138		Part Time.....	0
139	Time-Limited:	Full Time.....	0
140		Part Time.....	0

141 With the funds herein appropriated, it is the intention of
 142 the Legislature that it shall be the agency's responsibility to
 143 make certain that funds required to be appropriated for "Personal
 144 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
 145 funds appropriated for that purpose, unless programs or positions
 146 are added to the agency's Fiscal Year 2006 budget by the
 147 Mississippi Legislature. Based on data provided by the
 148 Legislative Budget Office, the State Personnel Board shall
 149 determine and publish the projected annual cost to fully fund all
 150 appropriated positions in compliance with the provisions of this
 151 act. It shall be the responsibility of the agency head to insure
 152 that no single personnel action increases this projected annual
 153 cost and/or the Fiscal Year 2005 appropriation for "Personal
 154 Services" when annualized, with the exception of escalated funds.
 155 If, at the time the agency takes any action to change "Personal
 156 Services," the State Personnel Board determines that the agency
 157 has taken an action which would cause the agency to exceed this
 158 projected annual cost or the Fiscal Year 2005 "Personal Services"
 159 appropriated level, when annualized, then only those actions which
 160 reduce the projected annual cost and/or the appropriation
 161 requirement will be processed by the State Personnel Board until
 162 such time as the requirements of this provision are met.

163 Any transfers or escalations shall be made in accordance with
 164 the terms, conditions and procedures established by law or
 165 allowable under the terms set forth within this act. The State
 166 Personnel Board shall not escalate positions without written
 167 approval from the Department of Finance and Administration. The
 168 Department of Finance and Administration shall not provide written
 169 approval to escalate any funds for salaries and/or positions

170 without proof of availability of new or additional funds above the
171 appropriated level.

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

176 **SECTION 4.** The funds authorized herein shall be used to fund
177 all operations of the agency with the following prohibitions:

178 (1) The agency shall not fill any current or future vacant
179 positions;

180 (2) The agency shall not take any action to promote or
181 otherwise award salary increases through reallocation,
182 reclassification, realignment, education benchmark, career ladder,
183 or any other means to increase salaries of employees or positions
184 except as allowed under the provisions set forth in House Bill No.
185 1279, 2004 Regular Session;

186 (3) The agency shall not expend funds for out-of-state
187 travel except as allowed under the provisions set forth in House
188 Bill No. 1279, 2004 Regular Session;

189 (4) The agency shall not expend funds for the purchase of or
190 contract for cellular phones, two-way radios or pagers, except for
191 support of employees in the Department of Public Safety and the
192 Bureau of Narcotics as recommended by Information Technology
193 Services or as allowed under the provisions set forth in House
194 Bill No. 1279, 2004 Regular Session;

195 (5) The agency shall not expend funds to publish or
196 distribute any annual reports or other publications;

197 (6) The agency shall not expend funds for public relation
198 activities regarding the functions, programs or services of the
199 agency except as allowed under the provisions set forth in House
200 Bill No. 1279, 2004 Regular Session;

201 (7) The agency shall not advertise the functions, programs
202 or services of the agency except that the Mississippi Development
203 Authority is authorized to expend funds for advertising to carry
204 out the purposes of key programs administered by the authority;

205 (8) The agency shall not expend funds for staff development
206 or training services;

207 (9) The agency shall not expend funds for the purchase of
208 new or replacement equipment or furniture, excluding lease
209 purchase payments on agreements in effect upon passage of this
210 appropriation bill, except as allowed under the provisions set
211 forth in House Bill No. 1279, 2004 Regular Session.

212 **SECTION 5.** It is the intention of the Legislature that none
213 of the funds appropriated above shall be expended unless members
214 of the Mississippi House of Representatives and Mississippi Senate
215 are notified at least five (5) days prior to a public ceremony
216 announcing the award of any grant in their district or any public
217 announcement or ceremony regarding the groundbreaking or opening
218 of a facility, roadway or bridge for which the Legislature has
219 made funds available. Any signage regarding any public event or
220 any new facility, roadway or bridge shall include the following
221 language: "Funds were made available for this project by the
222 Mississippi State Legislature."

223 **SECTION 6.** It is the intention of the Legislature that the
224 Department of Public Safety shall maintain complete accounting and
225 personnel records related to the expenditure of all funds
226 appropriated under this act and that such records shall be in the
227 same format and level of detail as maintained for Fiscal Year
228 2004. It is further the intention of the Legislature that the
229 agency's budget request for Fiscal Year 2006 shall be submitted to
230 the Joint Legislative Budget Committee in a format and level of
231 detail comparable to the format and level of detail provided
232 during the Fiscal Year 2005 budget request process.

233 **SECTION 7.** The Commissioner of Public Safety may, on a case
234 by case basis, within funds available, recommend that corrective
235 salary adjustments be made to the compensation of employees of the
236 Department of Public Safety where an inequity was created between
237 employees of equivalent capacity by previous application of the
238 agency appropriation acts. Any such corrective salary adjustment

239 plan must have prior approval by the State Personnel Board. Such
240 adjustments will not be retroactive.

241 Any funds in the Salary, Wages and Fringe Benefits major
242 object of expenditure may be used to purchase accumulated
243 compensatory time within funds available.

244 **SECTION 8.** The Commissioner of Public Safety shall have the
245 authority to transfer State General Funds appropriated herein from
246 any Division within the Department of Public Safety to any other
247 Division within the Department of Public Safety between any major
248 objects of expenditure, including but not limited to Salaries,
249 Wages, and Fringe Benefits, not to exceed ten percent (10%).

250 **SECTION 9.** It is the intent of the Legislature that the
251 local governments pay for part of the computer cost of the
252 Mississippi Justice Information Center by maintaining their
253 contribution to the Department of Public Safety.

254 **SECTION 10.** It is the intention of the Legislature that the
255 Department of Public Safety designate certain employees to aid the
256 Division of Crime Laboratories in the billing and collecting of
257 all fees charged for services rendered by the Division of Crime
258 Laboratories.

259 **SECTION 11.** No part of the funds appropriated herein shall
260 be transferred to, expended by, or used, directly or indirectly,
261 for the benefit of any public relations, publicity or publication
262 activities of any other state agency, department or officer, nor
263 shall any personnel paid with funds appropriated herein be
264 transferred or assigned to any other state agency, department or
265 officer for public relations, publicity, or publication activities
266 of such office.

267 **SECTION 12.** It is the intention of the Legislature that the
268 Department of Public Safety shall have the authority to receive,
269 budget and expend funds from any source in accordance with the
270 rules and regulations of the Department of Finance and
271 Administration in a manner consistent with the escalation of
272 federal funds.

273 **SECTION 13.** It is the intention of the Legislature that the
 274 Department of Public Safety shall not issue citations for
 275 violations of speed limits on a quota basis. No funds expended
 276 under this act shall be used for such quota-based citations for
 277 violations of speed limits.

278 **SECTION 14.** The Commissioner of Public Safety shall have the
 279 authority to transfer Department of Public Safety Special Funds
 280 from any Division within the Department of Public Safety to any
 281 other Division of the Department of Public Safety Special Funds
 282 including Funds 3711, 371C, 371E, 3713, 3714, 3715, 3740, 3741,
 283 3742, 3744, 3747, 3718, 3811, and 3941, not to exceed Five Million
 284 Dollars (\$5,000,000.00) collectively during Fiscal Year 2005.

285 **SECTION 15.** In compliance with the "Mississippi Performance
 286 Budget and Strategic Planning Act of 1994," it is the intent of
 287 the Legislature that the funds provided herein shall be utilized
 288 in the most efficient and effective manner possible to achieve the
 289 intended mission of this agency. Based on the funding authorized,
 290 this agency shall make every effort to attain the targeted
 291 performance measures provided below:

292	FY2005
293 <u>Performance Measures</u>	<u>Target</u>
294 Enforcement	
295 Increased Enforcement - Citations (%)	0.00
296 Decreased Fatalities (%)	0.00
297 Increased DUI Arrests - Inc Felony DUIs (%)	0.00
298 Criminal Investigations (Actions)	1,500
299 Driver Services	
300 Driver's Licenses/ID Cards Issued (Items)	667,800
301 Cost per License Document Produced (\$)	9.01
302 Drivers Suspended (Persons)	152,000
303 Accident Reports Processed (Actions)	65,900
304 Motor Veh Inspect Stickers Sold (Items)	1,970,000
305 Support Services	
306 Training of Switch/Repository	
307 Classes (Number of Classes)	24

308	Audit of User Agencies (Number)	100
309	Emergency Telecomm Tng	
310	Emerg Telecomm Certified (Persons)	400
311	Certification Transactions (Actions)	1,200
312	Training Quality Monitoring (Actions)	30
313	Forensic Analysis	
314	Reports Issued (Cases)	25,000
315	Court Testimonies (Cases)	500
316	Cost per Case Analyzed (\$)	300
317	Cost per Testimony (\$)	500
318	Dna Analysis	
319	Known Sex Offender Samples (Items)	16,000
320	Proficiency Samples (Items)	300
321	Casework Samples Examined (Items)	1,500
322	Cost per Sample (\$)	500
323	Training Academy	
324	Basic Students to Graduate (Persons)	200
325	Basic Refresher Students to	
326	Graduate (Persons)	60
327	In-Service & Advanced Students	
328	to Graduate (Persons)	1,200
329	Forensic Pathology	
330	Deaths Investigated (Actions)	16,300
331	Autopsies Performed at SME Office (Actions)	100
332	Cost per Autopsy Performed (\$)	375
333	Jail Officer Training	
334	County Jail Officers Certified (Persons)	350
335	Certification Transactions (Actions)	700
336	Law Enforcement Training	
337	Basic Law Enforc Officers Certified (Persons)	450
338	Certification Transactions (Actions)	1,800
339	Training Quality Monitoring (Actions)	20
340	Public Safety Planning	
341	Statewide Programs Supported (Programs)	360
342	Juvenile Jail Alternatives Dev (Alternatives)	25

343	Narcotics Units Established (Units)	17
344	Drug-Free Programs Impact (Persons)	100,000
345	Council On Aging	
346	Number of Board Meetings (Meetings)	6
347	Establish TRIAD Programs (Programs)	10
348	Conduct Training Programs (Programs)	10
349	Provide On-Site Tech Assistance (Actions)	50

350 A reporting of the degree to which the performance targets
351 set above have been or are being achieved shall be provided in the
352 agency's budget request submitted to the Joint Legislative Budget
353 Committee for Fiscal Year 2006.

354 **SECTION 16.** It is the intention of the Legislature that all
355 Fair Labor Standards Act (FLSA) non-exempt sworn officers who are
356 working 171 hours in a 28-day work cycle be compensated at an
357 hourly rate based on 2,087.143 hours per year. This section and
358 its provisions shall be known and cited as the "David R. Huggins
359 Act of 2002".

360 **SECTION 17.** In accordance with Section 39 of House Bill No.
361 1279, 2004 Regular Session, there is created an Office of Law
362 Enforcement in the Department of Public Safety for the purpose of
363 enforcing the laws and regulations of the Mississippi Department
364 of Transportation and Public Service Commission. The law
365 enforcement duties of the Mississippi Department of Transportation
366 and the Public Service Commission shall be transferred to the
367 Department of Public Safety on July 1, 2004.

368 The Public Service Commission shall transfer all employees,
369 equipment, inventory and resources of the commission employed and
370 used as law enforcement personnel to the Department of Public
371 Safety on July 1, 2004. The transfer of personnel shall be
372 commensurate with the number and classification of positions
373 allocated to that law enforcement. The transfer also shall
374 include direct support, clerical, data processing and
375 communications positions allocated to that enforcement.

376 The Mississippi Department of Transportation shall transfer
377 all employees, equipment, inventory and resources of the

378 department employed and used as law enforcement personnel to the
379 Department of Public Safety on July 1, 2004. The transfer of
380 personnel shall be commensurate with the number and classification
381 of positions allocated to that law enforcement. The transfer also
382 shall include direct support, clerical, data processing and
383 communications positions allocated to that enforcement.

384 **SECTION 18.** Of the funds appropriated in Section 2 and
385 authorized for expenditure in Section 3 for the Office of Law
386 Enforcement, Four Million Seventy-three Thousand Fourteen Dollars
387 (\$4,073,014.00) shall be provided from Fund No. 3811.

388 **SECTION 19.** Of the funds appropriated in Section 2 and
389 authorized for expenditure in Section 3 for the Office of Law
390 Enforcement, Eight Million Sixty-four Thousand Four Hundred
391 Eighteen Dollars (\$8,064,418.00) shall be provided from Fund No.
392 3941.

393 **SECTION 20.** Of the funds appropriated under the provisions
394 of Section 2, Five Million Dollars (\$5,000,000.00) shall be
395 derived from the Budget Contingency Fund, as created in Section
396 27-103-301, Mississippi Code of 1972, of which Four Million
397 Dollars (\$4,000,000.00) shall be used to defray the expenses of
398 the Division of Mississippi Highway Safety Patrol and One Million
399 Dollars (\$1,000,000.00) shall be used to defray the expenses of
400 the Division of Support Services.

401 **SECTION 21.** The money herein appropriated shall be paid by
402 the State Treasurer out of any money in the State Treasury to the
403 credit of the proper fund or funds as set forth in this act, upon
404 warrants issued by the State Fiscal Officer; and the State Fiscal
405 Officer shall issue his warrants upon requisitions signed by the
406 proper person, officer or officers, in the manner provided by law.

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

HR05\SB3141A.J

Don Richardson
Clerk of the House of Representatives