To: Highways and Transportation

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2005

By: Senator(s) Gollott

To: Highways and Transportation

SENATE BILL NO. 2819

AN ACT TO AMEND SECTION 77-1-21, MISSISSIPPI CODE OF 1972, TO TRANSFER THE LAW ENFORCEMENT FUNCTIONS OF THE MISSISSIPPI MOTOR CARRIER REGULATORY LAW OF 1938 FROM THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF PUBLIC SAFETY; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 77-1-21, Mississippi Code of 1972, is amended as follows:

77-1-21. (1) For the purpose of enforcing the provisions of the Mississippi Motor Carrier Regulatory Law of 1938, the Department of Public Safety is authorized to employ, in addition to personnel already employed by the department, law enforcement officers, who shall be under the management of the department. Such officers shall devote their full time to the performance of their duties and shall take an oath faithfully to perform the duties of their position. The department shall require bonds to be carried on such employees as the department may deem necessary, the cost thereof to be paid by the department. Such law enforcement officers shall be qualified by experience and training in law enforcement or investigative work, and shall attend and satisfactorily complete an appropriate course of instruction established by the Commissioner of Public Safety at the Law Enforcement Officers Training Academy. The law enforcement officers referred to in this section shall be selected after an examination as to physical and mental fitness. Such employees shall be citizens of the United States and the State of Mississippi, and of good moral character. All such members of
staff shall be appointed by the Department of Public Safety and shall be subject to removal at any time by the department.

(2) The Mississippi Department of Transportation shall transfer all law enforcement officers, equipment, inventory and resources of the department employed and used to enforce the Motor Carrier Regulatory Law of 1938 to the Department of Public Safety on July 1, 2005. The transfer of personnel shall be commensurate with the number and classification of positions allocated to that law enforcement. The transfer also shall include direct support, clerical, data processing and communications positions allocated to that law enforcement.

(3) The Public Service Commission shall transfer to the Department of Public Safety each year the amount of funds necessary to support the law enforcement functions being performed for the commission by the department, as specified in the appropriation bill for the Public Service Commission.

(4) Any reference in any statute, rule or regulation to law enforcement duties being performed by the Public Service Commission shall be construed to mean law enforcement duties being performed for the commission by the Department of Public Safety.

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