

By: Senator(s) Gordon, Little, Huggins, Cuevas, Hyde-Smith, Simmons, Wilemon, Dearing, Burton, Morgan, Walls, Kirby, Robertson, Jackson (11th), Jordan, Davis, Posey, Jackson (15th), Lee (47th) To: Appropriations

SENATE BILL NO. 2065

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 DEPARTMENT OF PUBLIC SAFETY FOR FISCAL YEAR 2006.

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

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, 2005, and ending June 30, 2006.....
9 ..... \$ 58,018,538.00.

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, 2005, and ending June 30, 2006..... \$ 46,226,240.00.

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 provided for purposes of expenditure and authorized positions:

19 DIVISION OF MISSISSIPPI HIGHWAY SAFETY PATROL

20 FUNDING:

Table with 2 columns: Fund Type, Amount. Rows: General Funds (\$ 35,666,984.00), Special Funds (\$ 15,298,590.00), Total (\$ 50,965,574.00)

24 AUTHORIZED POSITIONS:

Table with 3 columns: Category, Position Type, Count. Rows: Permanent: Full Time (900), Part Time (0), Time-Limited: Full Time (101)

28 Part Time..... 10

29 **DIVISION OF LAW ENFORCEMENT TRAINING ACADEMY**

30 FUNDING:

31	General Funds.....	\$	552,130.00
32	Special Funds.....		<u>944,020.00</u>
33	Total.....	\$	1,496,150.00

34 AUTHORIZED POSITIONS:

35	Permanent:	Full Time.....	25
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.....	\$	5,489,152.00
50	Special Funds.....		<u>1,995,103.00</u>
51	Total.....	\$	7,484,255.00

52 AUTHORIZED POSITIONS:

53	Permanent:	Full Time.....	91
54		Part Time.....	0
55	Time-Limited:	Full Time.....	1
56		Part Time.....	6

57 **DIVISION OF CRIME LABORATORIES**

58 FUNDING:

59	General Funds.....	\$	4,119,662.00
60	Special Funds.....		<u>1,353,643.00</u>

61 Total..... \$ 5,473,305.00

62 AUTHORIZED POSITIONS:

63 Permanent: Full Time..... 100

64 Part Time..... 0

65 Time-Limited: Full Time..... 4

66 Part Time..... 0

67 DIVISION OF MEDICAL EXAMINER

68 FUNDING:

69 General Funds..... \$ 162,059.00

70 Special Funds..... 114,589.00

71 Total..... \$ 276,648.00

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..... \$ 444,970.00

81 Special Funds..... 21,072,613.00

82 Total..... \$ 21,517,583.00

83 AUTHORIZED POSITIONS:

84 Permanent: Full Time..... 12

85 Part Time..... 0

86 Time-Limited: Full Time..... 18

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..... 2,175,140.00

93 Total..... \$ 2,175,140.00

94 AUTHORIZED POSITIONS:

95	Permanent:	Full Time.....	9
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>486,500.00</u>
104	Total.....	\$	486,500.00

105 AUTHORIZED POSITIONS:

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

110 DIVISION OF PUBLIC SAFETY PLANNING

111 COUNCIL ON AGING

112 FUNDING:

113	General Funds.....	\$	0.00
114	Special Funds.....		<u>540,771.00</u>
115	Total.....	\$	540,771.00

116 AUTHORIZED POSITIONS:

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

121 COUNTY JAIL OFFICER STANDARDS AND TRAINING BOARD

122 FUNDING:

123	General Funds.....	\$	0.00
124	Special Funds.....		<u>434,090.00</u>
125	Total.....	\$	434,090.00

126 AUTHORIZED POSITIONS:

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

131 **OFFICE OF HOMELAND SECURITY**

132 FUNDING:

133	General Funds.....	\$	176,489.00
134	Special Funds.....		<u>647,371.00</u>
135	Total.....	\$	823,860.00

136 AUTHORIZED POSITIONS:

137	Permanent:	Full Time.....	20
138		Part Time.....	0
139	Time-Limited:	Full Time.....	2
140		Part Time.....	0

141 **BUREAU OF NARCOTICS**

142 FUNDING:

143	General Funds.....	\$	11,407,092.00
144	Special Funds.....		<u>906,310.00</u>
145	Total.....	\$	12,313,402.00

146 AUTHORIZED POSITIONS:

147	Permanent:	Full Time.....	198
148		Part Time.....	0
149	Time-Limited:	Full Time.....	1
150		Part Time.....	0

151 **JUVENILE FACILITY MONITORING UNIT**

152 FUNDING:

153	General Funds.....	\$	0.00
154	Special Funds.....		<u>257,500.00</u>
155	Total.....	\$	257,500.00

156 AUTHORIZED POSITIONS:

157	Permanent:	Full Time.....	0
158		Part Time.....	0
159	Time-Limited:	Full Time.....	5

160 Part Time..... 0

161 With the funds herein appropriated, it is the intention of  
162 the Legislature that it shall be the agency's responsibility to  
163 make certain that funds required to be appropriated for "Personal  
164 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006  
165 funds appropriated for that purpose, unless programs or positions  
166 are added to the agency's Fiscal Year 2007 budget by the  
167 Mississippi Legislature. Based on data provided by the  
168 Legislative Budget Office, the State Personnel Board shall  
169 determine and publish the projected annual cost to fully fund all  
170 appropriated positions in compliance with the provisions of this  
171 act. It shall be the responsibility of the agency head to insure  
172 that no single personnel action increases this projected annual  
173 cost and/or the Fiscal Year 2006 appropriation for "Personal  
174 Services" when annualized, with the exception of escalated funds.  
175 If, at the time the agency takes any action to change "Personal  
176 Services," the State Personnel Board determines that the agency  
177 has taken an action which would cause the agency to exceed this  
178 projected annual cost or the Fiscal Year 2006 "Personal Services"  
179 appropriated level, when annualized, then only those actions which  
180 reduce the projected annual cost and/or the appropriation  
181 requirement will be processed by the State Personnel Board until  
182 such time as the requirements of this provision are met.

183 Any transfers or escalations shall be made in accordance with  
184 the terms, conditions and procedures established by law or  
185 allowable under the terms set forth within this act. The State  
186 Personnel Board shall not escalate positions without written  
187 approval from the Department of Finance and Administration. The  
188 Department of Finance and Administration shall not provide written  
189 approval to escalate any funds for salaries and/or positions  
190 without proof of availability of new or additional funds above the  
191 appropriated level.

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

196 The agency shall not take any action to promote or otherwise  
197 award salary increases through reallocation, reclassification,  
198 realignment, education benchmark, career ladder, or any other  
199 means to increase salaries of employees or positions unless  
200 specifically exempted by the following conditions: the award of  
201 teacher pay increases, the advancement of a trainee/cadet to the  
202 next level of a bona fide career ladder, the award of an  
203 educational benchmark for the attainment of Certified Public  
204 Accountant License or higher level professional certification as  
205 determined by the State Personnel Board, the immediate replacement  
206 of a departing employee with an individual from within state  
207 service or a new hire at a salary level equivalent to that of the  
208 departing employee, and the emergency appointment of nurses,  
209 pharmacists or other health care professionals at a salary to be  
210 determined by the State Personnel Board, unless otherwise  
211 authorized in this act.

212 **SECTION 4.** The Commissioner of Public Safety may, on a  
213 case-by-case basis, within funds available, recommend that  
214 corrective salary adjustments be made to the compensation of  
215 employees of the Department of Public Safety where an inequity was  
216 created between employees of equivalent capacity by previous  
217 application of the agency appropriation acts. Any such corrective  
218 salary adjustment plan must have prior approval by the State  
219 Personnel Board. Such adjustments will not be retroactive.

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

223 **SECTION 5.** The Commissioner of Public Safety shall have the  
224 authority to transfer both positions and/or State General Funds

225 appropriated herein from any Division within the Department of  
226 Public Safety to any other Division within the Department of  
227 Public Safety, not to exceed twenty-five percent (25%).

228       **SECTION 6.** It is the intent of the Legislature that the  
229 local governments pay for part of the computer cost of the  
230 Mississippi Justice Information Center by maintaining their  
231 contribution to the Department of Public Safety.

232       **SECTION 7.** It is the intention of the Legislature that the  
233 Department of Public Safety designate certain employees to aid the  
234 Division of Crime Laboratories in the billing and collecting of  
235 all fees charged for services rendered by the Division of Crime  
236 Laboratories.

237       **SECTION 8.** No part of the funds appropriated herein shall be  
238 transferred to, expended by, or used, directly or indirectly, for  
239 the benefit of any public relations, publicity or publication  
240 activities of any other state agency, department or officer, nor  
241 shall any personnel paid with funds appropriated herein be  
242 transferred or assigned to any other state agency, department or  
243 officer for public relations, publicity, or publication activities  
244 of such office.

245       **SECTION 9.** It is the intention of the Legislature that the  
246 Department of Public Safety shall have the authority to receive,  
247 budget and expend funds from any source in accordance with the  
248 rules and regulations of the Department of Finance and  
249 Administration in a manner consistent with the escalation of  
250 federal funds.

251       **SECTION 10.** It is the intention of the Legislature that the  
252 Department of Public Safety shall not issue citations for  
253 violations of speed limits on a quota basis. No funds expended  
254 under this act shall be used for such quota-based citations for  
255 violations of speed limits.

256       **SECTION 11.** The Commissioner of Public Safety shall have the  
257 authority to transfer Department of Public Safety Special Funds

258 from any Division within the Department of Public Safety to any  
 259 other Division of the Department of Public Safety Special Funds,  
 260 including, but not limited to, Funds 3711, 371C, 371E, 3713, 3714,  
 261 3715, 3740, 3741, 3742, 3744, 3747 and 3718, not to exceed Five  
 262 Million Dollars (\$5,000,000.00) collectively during Fiscal Year  
 263 2006. Further, the Department of Public Safety shall be  
 264 authorized to escalate both funds and positions for any special  
 265 fund monies received for Homeland Security.

266 **SECTION 12.** In compliance with the "Mississippi Performance  
 267 Budget and Strategic Planning Act of 1994," it is the intent of  
 268 the Legislature that the funds provided herein shall be utilized  
 269 in the most efficient and effective manner possible to achieve the  
 270 intended mission of this agency. Based on the funding authorized,  
 271 this agency shall make every effort to attain the targeted  
 272 performance measures provided below:

	FY06
<u>Performance Measures</u>	<u>Target</u>
275 Enforcement	
276       Increased Enforcement - Citations (%)	0.00
277       Decreased Fatalities (%)	0.00
278       Increased DUI Arrests - Inc Felony DUIs (%)	0.00
279       Criminal Investigations (Actions)	1,500
280 Driver Services	
281       Driver's Licenses/ID Cards Issued (Items)	755,000
282       Cost per License Document Produced (\$)	9.15
283       Drivers Suspended (Persons)	185,000
284       Accident Reports Processed (Actions)	110,000
285       Motor Veh Inspect Stickers Sold (Items)	1,970,000
286 Support Services	
287       Training of Switch/Repository	
288           Classes (Number of)	24
289       Audit of User Agencies (Number of)	100
290 Emergency Telecomm Training	

291	Emerg Telecomm Certified (Persons)	350
292	Certification Transactions (Actions)	1,050
293	Training Quality Monitoring (Actions)	20
294	Forensic Analysis	
295	Reports Issued (Cases)	30,000
296	Court Testimonies (Cases)	300
297	Cost per Case Analyzed (\$)	300
298	Cost per Testimony (\$)	500
299	Dna Analysis	
300	Known Sex Offender Samples (Items)	10,000
301	Proficiency Samples (Items)	300
302	Casework Samples Examined (Items)	500
303	Cost per Sample (\$)	500
304	Training Academy	
305	Basic Students to Graduate (Persons)	220
306	Basic Refresher Students to	
307	Graduate (Persons)	75
308	In-service & Advanced Students	
309	to Graduate (Persons)	1,400
310	Drug Enforcement	
311	Arrests Made (Persons)	2,908
312	Number of Prosecutions (Actions)	2,063
313	Organizations Disrupted/Dismantled (Actions)	399
314	Forensic Pathology	
315	Deaths Investigated (Actions)	17,000
316	Autopsies Performed at SME Office (Actions)	100
317	Cost per Autopsy Performed (\$)	375
318	Jail Officer Training	
319	County Jail Officers Certified (Persons)	350
320	Certification Transactions (Actions)	700
321	Law Enforcement Training	
322	Basic Law Enforc Officers Certified (Persons)	450
323	Certification Transactions (Actions)	1,800

324	Training Quality Monitoring (Actions)	20
325	Public Safety Planning	
326	Statewide Programs Supported (Programs)	360
327	Juvenile Jail Alternatives Dev (Alternatives)	35
328	Narcotics Units Established (Units)	17
329	Drug-free Programs Impact (Persons)	100,000
330	Council On Aging	
331	Number of Board Meetings (Meetings)	6
332	Establish TRIAD Programs (Programs)	6
333	Conduct Training Programs (Programs)	10
334	Provide On-site Tech Assistance (Actions)	30

335 A reporting of the degree to which the performance targets  
336 set above have been or are being achieved shall be provided in the  
337 agency's budget request submitted to the Joint Legislative Budget  
338 Committee for Fiscal Year 2007.

339 **SECTION 13.** It is the intention of the Legislature that all  
340 divisions within the Mississippi Department of Public Safety shall  
341 maintain complete accounting and personnel records related to the  
342 expenditure of all funds appropriated under this act and that such  
343 records shall be in the same format and level of detail as  
344 maintained for Fiscal Year 2005. It is further the intention of  
345 the Legislature that the agency's budget request for Fiscal Year  
346 2007 shall be submitted to the Joint Legislative Budget Committee  
347 in a format and level of detail comparable to the format and level  
348 of detail provided during the Fiscal Year 2006 budget request  
349 process.

350 **SECTION 14.** Of the funds appropriated under the provisions  
351 of Section 2, funds may be expended to defray the costs of  
352 clothing for sworn nonuniform law enforcement officers in an  
353 amount not to exceed One Thousand Dollars (\$1,000.00) annually per  
354 officer.

355 **SECTION 15.** It is the intention of the Legislature that all  
356 Fair Labor Standards Act (FLSA) nonexempt sworn officers who are

357 working 171 hours in a 28-day work cycle be compensated at an  
358 hourly rate based on 2,087.143 hours per year. This section and  
359 its provisions shall be known and cited as the "David R. Huggins  
360 Act of 2002".

361       **SECTION 16.** Of the funds appropriated in Section 2 and  
362 allocated to the Division of the Mississippi Highway Safety  
363 Patrol, as authorized in House Bill No. 1 of the 2005 Second  
364 Extraordinary Session, the following sum, or so much thereof as  
365 may be necessary, is hereby appropriated from Fund 3711 to fund a  
366 Highway Patrol Cadet Class for the fiscal year beginning July 1,  
367 2005 and ending June 30, 2006.....\$ 3,000,000.00.

368       **SECTION 17.** Of the funds appropriated in Section 2 and  
369 allocated to the Division of the Mississippi Highway Safety  
370 Patrol, as authorized in House Bill No. 1 of the 2005 Second  
371 Extraordinary Session, the following sum, or so much thereof as  
372 may be necessary, is hereby appropriated from Fund 3711 to  
373 purchase equipment for the fiscal year beginning July 1, 2005 and  
374 ending June 30, 2006.....\$ 1,600,000.00.

375       **SECTION 18.** Of the funds appropriated in Section 2 and  
376 allocated to the Bureau of Narcotics, as authorized in House Bill  
377 No. 1 of the 2005 Second Extraordinary Session, the following sum,  
378 or so much thereof as may be necessary, is hereby appropriated  
379 from Fund 3711 to purchase equipment for the fiscal year beginning  
380 July 1, 2005 and ending June 30, 2006.....\$ 400,000.00.

381       **SECTION 19.** The money herein appropriated shall be paid by  
382 the State Treasurer out of any money in the State Treasury to the  
383 credit of the proper fund or funds as set forth in this act, upon  
384 warrants issued by the State Fiscal Officer; and the State Fiscal  
385 Officer shall issue his warrants upon requisitions signed by the  
386 proper person, officer or officers, in the manner provided by law.

387       **SECTION 20.** This act shall take effect and be in force from  
388 and after July 1, 2005.