

By: Senator(s) Gordon, Little, Huggins,
Cuevas, Hyde-Smith, Simmons, Wilemon

To: Appropriations

SENATE BILL NO. 3141
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 DEPARTMENT OF PUBLIC SAFETY FOR FISCAL YEAR 2005.

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, 2004, and ending June 30, 2005.....
9 \$ 53,392,886.00.

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..... \$ 49,164,645.00.

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 respective major objects or purposes of
19 expenditure:

20 **DIVISION OF MISSISSIPPI HIGHWAY SAFETY PATROL**

21 MAJOR OBJECTS OF EXPENDITURE:

22 Personal Services:

23 Salaries, Wages and Fringe Benefits.. \$ 39,650,490.00
24 Travel and Subsistence..... 101,000.00
25 Contractual Services..... 3,026,800.00
26 Commodities..... 2,950,750.00

27 Capital Outlay:

28	Other Than Equipment.....		75,000.00
29	Equipment.....		1,000,000.00
30	Subsidies, Loans and Grants.....		<u>54,850.00</u>
31	Total.....	\$	46,858,890.00

32 FUNDING:

33	General Funds.....	\$	32,186,891.00
34	Special Funds.....		<u>14,671,999.00</u>
35	Total.....	\$	46,858,890.00

36 AUTHORIZED POSITIONS:

37	Permanent: Full Time.....	876
38	Part Time.....	0
39	Time-Limited: Full Time.....	1
40	Part Time.....	10

41 **DIVISION OF LAW ENFORCEMENT TRAINING ACADEMY**

42 MAJOR OBJECTS OF EXPENDITURE:

43 Personal Services:

44	Salaries, Wages and Fringe Benefits..	\$	784,855.00
45	Travel and Subsistence.....		4,600.00
46	Contractual Services.....		370,000.00
47	Commodities.....		198,108.00

48 Capital Outlay:

49	Other Than Equipment.....		0.00
50	Equipment.....		21,580.00
51	Subsidies, Loans and Grants.....		<u>218,000.00</u>
52	Total.....	\$	1,597,143.00

53 FUNDING:

54	General Funds.....	\$	573,164.00
55	Special Funds.....		<u>1,023,979.00</u>
56	Total.....	\$	1,597,143.00

57 AUTHORIZED POSITIONS:

58	Permanent: Full Time.....	25
59	Part Time.....	0
60	Time-Limited: Full Time.....	0

61 Part Time..... 0

62 It is the intention of the Legislature that all funds
63 received as tuition fees, grants or donations by the Division of
64 Law Enforcement Training Academy shall be deposited in a special
65 fund in the State Treasury to be designated as "Law Enforcement
66 Officers' Training Academy Fees and Donations Fund." It is
67 further the intention of the Legislature that the Division of Law
68 Enforcement Training Academy may increase fees at any time to
69 offset any increases in operational costs.

70 **DIVISION OF SUPPORT SERVICES**

71 MAJOR OBJECTS OF EXPENDITURE:

72 Personal Services:

73	Salaries, Wages and Fringe Benefits... \$	5,022,782.00
74	Travel and Subsistence.....	34,000.00
75	Contractual Services.....	3,386,007.00
76	Commodities.....	268,000.00
77	Capital Outlay:	
78	Other Than Equipment.....	0
79	Equipment.....	100,000.00
80	Subsidies, Loans and Grants.....	<u>20,000.00</u>
81	Total..... \$	8,830,789.00

82 FUNDING:

83	General Funds..... \$	5,461,834.00
84	Special Funds.....	<u>3,368,955.00</u>
85	Total..... \$	8,830,789.00

86 AUTHORIZED POSITIONS:

87	Permanent: Full Time.....	115
88	Part Time.....	0
89	Time-Limited: Full Time.....	1
90	Part Time.....	6

91 **DIVISION OF CRIME LABORATORIES**

92 MAJOR OBJECTS OF EXPENDITURE:

93 Personal Services:

94	Salaries, Wages and Fringe Benefits..	\$	4,608,319.00
95	Travel and Subsistence.....		46,000.00
96	Contractual Services.....		866,950.00
97	Commodities.....		309,060.00
98	Capital Outlay:		
99	Other Than Equipment.....		0.00
100	Equipment.....		140,000.00
101	Subsidies, Loans and Grants.....		<u>20,000.00</u>
102	Total.....	\$	5,990,329.00

103 FUNDING:

104	General Funds.....	\$	4,223,569.00
105	Special Funds.....		<u>1,766,760.00</u>
106	Total.....	\$	5,990,329.00

107 AUTHORIZED POSITIONS:

108	Permanent:	Full Time.....	100
109		Part Time.....	0
110	Time-Limited:	Full Time.....	4
111		Part Time.....	0

112 **DIVISION OF MEDICAL EXAMINER**

113 MAJOR OBJECTS OF EXPENDITURE:

114 Personal Services:

115	Salaries, Wages and Fringe Benefits..	\$	79,625.00
116	Travel and Subsistence.....		4,000.00
117	Contractual Services.....		175,879.00
118	Commodities.....		59,450.00
119	Capital Outlay:		
120	Other Than Equipment.....		0.00
121	Equipment.....		16,500.00
122	Subsidies, Loans and Grants.....		<u>0.00</u>
123	Total.....	\$	335,454.00

124 FUNDING:

125	General Funds.....	\$	202,765.00
126	Special Funds.....		<u>132,689.00</u>

127 Total..... \$ 335,454.00

128 AUTHORIZED POSITIONS:

129 Permanent: Full Time..... 3

130 Part Time..... 0

131 Time-Limited: Full Time..... 0

132 Part Time..... 0

133 DIVISION OF PUBLIC SAFETY PLANNING

134 OFFICE OF PUBLIC SAFETY PLANNING

135 MAJOR OBJECTS OF EXPENDITURE:

136 Personal Services:

137 Salaries, Wages and Fringe Benefits.. \$ 1,380,344.00

138 Travel and Subsistence..... 55,000.00

139 Contractual Services..... 560,000.00

140 Commodities..... 61,500.00

141 Capital Outlay:

142 Other Than Equipment..... 0.00

143 Equipment..... 13,400.00

144 Subsidies, Loans and Grants..... 19,223,695.00

145 Total..... \$ 21,293,939.00

146 FUNDING:

147 General Funds..... \$ 453,189.00

148 Special Funds..... 20,840,750.00

149 Total..... \$ 21,293,939.00

150 AUTHORIZED POSITIONS:

151 Permanent: Full Time..... 12

152 Part Time..... 0

153 Time-Limited: Full Time..... 18

154 Part Time..... 0

155 DIVISION OF PUBLIC SAFETY PLANNING

156 OFFICE OF LAW ENFORCEMENT STANDARDS AND TRAINING

157 MAJOR OBJECTS OF EXPENDITURE:

158 Personal Services:

159 Salaries, Wages and Fringe Benefits.. \$ 386,087.00

160	Travel and Subsistence.....		6,000.00
161	Contractual Services.....		507,700.00
162	Commodities.....		12,000.00
163	Capital Outlay:		
164	Other Than Equipment.....		0.00
165	Equipment.....		3,350.00
166	Subsidies, Loans and Grants.....		<u>1,678,500.00</u>
167	Total.....	\$	2,593,637.00
168	FUNDING:		
169	General Funds.....	\$	0.00
170	Special Funds.....		<u>2,593,637.00</u>
171	Total.....	\$	2,593,637.00
172	AUTHORIZED POSITIONS:		
173	Permanent: Full Time.....	9	
174	Part Time.....	0	
175	Time-Limited: Full Time.....	0	
176	Part Time.....	0	
177	DIVISION OF PUBLIC SAFETY PLANNING		
178	BOARD OF EMERGENCY TELECOMMUNICATIONS		
179	MAJOR OBJECTS OF EXPENDITURE:		
180	Personal Services:		
181	Salaries, Wages and Fringe Benefits..	\$	117,979.00
182	Travel and Subsistence.....		2,100.00
183	Contractual Services.....		163,800.00
184	Commodities.....		6,850.00
185	Capital Outlay:		
186	Other Than Equipment.....		0.00
187	Equipment.....		2,200.00
188	Subsidies, Loans and Grants.....		<u>325,000.00</u>
189	Total.....	\$	617,929.00
190	FUNDING:		
191	General Funds.....	\$	0.00
192	Special Funds.....		<u>617,929.00</u>

193 Total..... \$ 617,929.00

194 AUTHORIZED POSITIONS:

195 Permanent: Full Time..... 3

196 Part Time..... 0

197 Time-Limited: Full Time..... 0

198 Part Time..... 0

199 DIVISION OF PUBLIC SAFETY PLANNING

200 COUNCIL ON AGING

201 MAJOR OBJECTS OF EXPENDITURE:

202 Personal Services:

203 Salaries, Wages and Fringe Benefits.. \$ 98,064.00

204 Travel and Subsistence..... 3,400.00

205 Contractual Services..... 48,660.00

206 Commodities..... 17,850.00

207 Capital Outlay:

208 Other Than Equipment..... 0.00

209 Equipment..... 2,000.00

210 Subsidies, Loans and Grants..... 500,000.00

211 Total..... \$ 669,974.00

212 FUNDING:

213 General Funds..... \$ 0.00

214 Special Funds..... 669,974.00

215 Total..... \$ 669,974.00

216 AUTHORIZED POSITIONS:

217 Permanent: Full Time..... 2

218 Part Time..... 0

219 Time-Limited: Full Time..... 0

220 Part Time..... 0

221 COUNTY JAIL OFFICER STANDARDS AND TRAINING BOARD

222 MAJOR OBJECTS OF EXPENDITURE:

223 Personal Services:

224 Salaries, Wages and Fringe Benefits.. \$ 101,740.00

225 Travel and Subsistence..... 1,000.00

226	Contractual Services.....		260,200.00
227	Commodities.....		8,000.00
228	Capital Outlay:		
229	Other Than Equipment.....		0.00
230	Equipment.....		2,100.00
231	Subsidies, Loans and Grants.....		<u>285,000.00</u>
232	Total.....	\$	658,040.00
233	FUNDING:		
234	General Funds.....	\$	0.00
235	Special Funds.....		<u>658,040.00</u>
236	Total.....	\$	658,040.00
237	AUTHORIZED POSITIONS:		
238	Permanent: Full Time.....	2	
239	Part Time.....	0	
240	Time-Limited: Full Time.....	0	
241	Part Time.....	0	
242			
243	OFFICE OF HOMELAND SECURITY		
244	MAJOR OBJECTS OF EXPENDITURE:		
245	Personal Services:		
246	Salaries, Wages and Fringe Benefits..	\$	920,847.00
247	Travel and Subsistence.....		25,000.00
248	Contractual Services.....		35,000.00
249	Commodities.....		50,000.00
250	Capital Outlay:		
251	Other Than Equipment.....		0.00
252	Equipment.....		0.00
253	Subsidies, Loans and Grants.....		<u>0.00</u>
254	Total.....	\$	1,030,847.00
255	FUNDING:		
256	General Funds.....	\$	423,627.00
257	Special Funds.....		<u>607,220.00</u>
258	Total.....	\$	1,030,847.00

259	AUTHORIZED POSITIONS:		
260	Permanent:	Full Time.....	20
261		Part Time.....	0
262	Time-Limited:	Full Time.....	2
263		Part Time.....	0

BUREAU OF NARCOTICS

265 MAJOR OBJECTS OF EXPENDITURE:

266	Personal Services:		
267	Salaries, Wages and Fringe Benefits..	\$	8,172,460.00
268	Travel and Subsistence.....		90,000.00
269	Contractual Services.....		2,694,448.00
270	Commodities.....		321,058.00
271	Capital Outlay:		
272	Other Than Equipment.....		0.00
273	Equipment.....		780,378.00
274	Subsidies, Loans and Grants.....		<u>22,216.00</u>
275	Total.....	\$	12,080,560.00

276 FUNDING:

277	General Funds.....	\$	9,867,847.00
278	Special Funds.....		<u>2,212,713.00</u>
279	Total.....	\$	12,080,560.00

280 AUTHORIZED POSITIONS:

281	Permanent:	Full Time.....	184
282		Part Time.....	0
283	Time-Limited:	Full Time.....	1
284		Part Time.....	0

285 With the funds herein appropriated, it is the intention of
 286 the Legislature that it shall be the agency's responsibility to
 287 make certain that funds required to be appropriated for "Personal
 288 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
 289 funds appropriated for that purpose, unless programs or positions
 290 are added to the agency's Fiscal Year 2006 budget by the
 291 Mississippi Legislature. Based on data provided by the

292 Legislative Budget Office, the State Personnel Board shall
293 determine and publish the projected annual cost to fully fund all
294 appropriated positions in compliance with the provisions of this
295 act. It shall be the responsibility of the agency head to insure
296 that no single personnel action increases this projected annual
297 cost and/or the Fiscal Year 2005 appropriation for "Personal
298 Services" when annualized, with the exception of escalated funds.
299 If, at the time the agency takes any action to change "Personal
300 Services," the State Personnel Board determines that the agency
301 has taken an action which would cause the agency to exceed this
302 projected annual cost or the Fiscal Year 2005 "Personal Services"
303 appropriated level, when annualized, then only those actions which
304 reduce the projected annual cost and/or the appropriation
305 requirement will be processed by the State Personnel Board until
306 such time as the requirements of this provision are met.

307 Any transfers or escalations shall be made in accordance with
308 the terms, conditions and procedures established by law or
309 allowable under the terms set forth within this act. The State
310 Personnel Board shall not escalate positions without written
311 approval from the Department of Finance and Administration. The
312 Department of Finance and Administration shall not provide written
313 approval to escalate any funds for salaries and/or positions
314 without proof of availability of new or additional funds above the
315 appropriated level.

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

320 **SECTION 4.** The Commissioner of Public Safety may, on a
321 case-by-case basis, within funds available, recommend that
322 corrective salary adjustments be made to the compensation of
323 employees of the Department of Public Safety where an inequity was
324 created between employees of equivalent capacity by previous

325 application of the agency appropriation acts. Any such corrective
326 salary adjustment plan must have prior approval by the State
327 Personnel Board. Such adjustments will not be retroactive.

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

331 **SECTION 5.** The Commissioner of Public Safety shall have the
332 authority to transfer both positions and/or State General Funds
333 appropriated herein from any Division within the Department of
334 Public Safety to any other Division within the Department of
335 Public Safety between any major objects of expenditure, including
336 but not limited to Salaries, Wages, and Fringe Benefits, not to
337 exceed fifteen percent (15%).

338 **SECTION 6.** It is the intent of the Legislature that the
339 local governments pay for part of the computer cost of the
340 Mississippi Justice Information Center by maintaining their
341 contribution to the Department of Public Safety.

342 **SECTION 7.** It is the intention of the Legislature that the
343 Department of Public Safety designate certain employees to aid the
344 Division of Crime Laboratories in the billing and collecting of
345 all fees charged for services rendered by the Division of Crime
346 Laboratories.

347 **SECTION 8.** No part of the funds appropriated herein shall be
348 transferred to, expended by, or used, directly or indirectly, for
349 the benefit of any public relations, publicity or publication
350 activities of any other state agency, department or officer, nor
351 shall any personnel paid with funds appropriated herein be
352 transferred or assigned to any other state agency, department or
353 officer for public relations, publicity, or publication activities
354 of such office.

355 **SECTION 9.** It is the intention of the Legislature that the
356 Department of Public Safety shall have the authority to receive,
357 budget and expend funds from any source in accordance with the

358 rules and regulations of the Department of Finance and
359 Administration in a manner consistent with the escalation of
360 federal funds.

361 **SECTION 10.** It is the intention of the Legislature that the
362 Department of Public Safety shall not issue citations for
363 violations of speed limits on a quota basis. No funds expended
364 under this act shall be used for such quota-based citations for
365 violations of speed limits.

366 **SECTION 11.** The Commissioner of Public Safety shall have the
367 authority to transfer Department of Public Safety Special Funds
368 from any Division within the Department of Public Safety to any
369 other Division of the Department of Public Safety Special Funds,
370 including, but not limited to, Funds 3711, 371C, 371E, 3713, 3714,
371 3715, 3740, 3741, 3742, 3744, 3747 and 3718, not to exceed Five
372 Million Dollars (\$5,000,000.00) collectively during Fiscal Year
373 2005. Further, the Department of Public Safety shall be
374 authorized to escalate both funds and positions for any special
375 fund monies received for Homeland Security.

376 **SECTION 12.** In compliance with the "Mississippi Performance
377 Budget and Strategic Planning Act of 1994," it is the intent of
378 the Legislature that the funds provided herein shall be utilized
379 in the most efficient and effective manner possible to achieve the
380 intended mission of this agency. Based on the funding authorized,
381 this agency shall make every effort to attain the targeted
382 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
Enforcement	
Increased Enforcement - Citations (%)	0.00
Decreased Fatalities (%)	0.00
Increased DUI Arrests - Inc Felony DUIs (%)	0.00
Criminal Investigations (Actions)	1,500
Driver Services	

391	Driver's Licenses/ID Cards Issued (Items)	667,800
392	Cost per License Document Produced (\$)	9.01
393	Drivers Suspended (Persons)	152,000
394	Accident Reports Processed (Actions)	65,900
395	Motor Veh Inspect Stickers Sold (Items)	1,970,000
396	Support Services	
397	Training of Switch/Repository	
398	Classes (Number of Classes)	24
399	Audit of User Agencies (Number)	100
400	Emergency Telecomm Tng	
401	Emerg Telecomm Certified (Persons)	400
402	Certification Transactions (Actions)	1,200
403	Training Quality Monitoring (Actions)	30
404	Forensic Analysis	
405	Reports Issued (Cases)	25,000
406	Court Testimonies (Cases)	500
407	Cost per Case Analyzed (\$)	300
408	Cost per Testimony (\$)	500
409	DNA Analysis	
410	Known Sex Offender Samples (Items)	16,000
411	Proficiency Samples (Items)	300
412	Casework Samples Examined (Items)	1,500
413	Cost per Sample (\$)	500
414	Training Academy	
415	Basic Students to Graduate (Persons)	200
416	Basic Refresher Students to	
417	Graduate (Persons)	60
418	In-Service & Advanced Students	
419	to Graduate (Persons)	1,200
420	Forensic Pathology	
421	Deaths Investigated (Actions)	16,300
422	Autopsies Performed at SME Office (Actions)	100
423	Cost per Autopsy Performed (\$)	375

424	Jail Officer Training	
425	County Jail Officers Certified (Persons)	350
426	Certification Transactions (Actions)	700
427	Law Enforcement Training	
428	Basic Law Enforc Officers Certified (Persons)	450
429	Certification Transactions (Actions)	1,800
430	Training Quality Monitoring (Actions)	20
431	Public Safety Planning	
432	Statewide Programs Supported (Programs)	360
433	Juvenile Jail Alternatives Dev (Alternatives)	25
434	Narcotics Units Established (Units)	17
435	Drug-Free Programs Impact (Persons)	100,000
436	Council On Aging	
437	Number of Board Meetings (Meetings)	6
438	Establish TRIAD Programs (Programs)	10
439	Conduct Training Programs (Programs)	10
440	Provide On-Site Tech Assistance (Actions)	50
441	Drug Enforcement	
442	Arrests Made (Persons)	2908
443	Number of Prosecutions (Actions)	2063
444	Organizations Disrupted/Dismantled (Actions)	399
445	A reporting of the degree to which the performance targets	
446	set above have been or are being achieved shall be provided in the	
447	agency's budget request submitted to the Joint Legislative Budget	
448	Committee for Fiscal Year 2006.	
449	SECTION 13. Of the funds appropriated under the provisions	
450	of Section 2, Five Million Eight Hundred Thousand Dollars	
451	(\$5,800,000.00) shall be derived from the Budget Contingency Fund	
452	created in Section 27-103-301, Mississippi Code of 1972, to defray	
453	the expenses for the following:	
454	Highway Patrol.....\$	2,700,000.00
455	Support Services.....\$	1,738,000.00
456	Crime Lab.....\$	264,000.00

457 Training Academy.....\$ 58,000.00
 458 Narcotics.....\$ 1,000,000.00
 459 Planning Division.....\$ 40,000.00

460 **SECTION 14.** It is the intention of the Legislature that all
 461 divisions within the Mississippi Department of Public Safety shall
 462 maintain complete accounting and personnel records related to the
 463 expenditure of all funds appropriated under this act and that such
 464 records shall be in the same format and level of detail as
 465 maintained for Fiscal Year 2004. It is further the intention of
 466 the Legislature that the agency's budget request for Fiscal Year
 467 2006 shall be submitted to the Joint Legislative Budget Committee
 468 in a format and level of detail comparable to the format and level
 469 of detail provided during the Fiscal Year 2005 budget request
 470 process.

471 **SECTION 15.** Of the funds appropriated under the provisions
 472 of Section 2, funds may be expended to defray the costs of
 473 clothing for sworn nonuniform law enforcement officers in an
 474 amount not to exceed One Thousand Dollars (\$1,000.00) annually per
 475 officer.

476 **SECTION 16.** No funds appropriated herein shall be used for
 477 the purpose of holding a Mississippi Highway Patrol Cadet School
 478 During Fiscal Year 2005 unless additional special funds are
 479 received specifically to cover the costs, both salaries and
 480 administrative in nature. However, funds may be used to re-employ
 481 former Mississippi Highway Safety Patrol Officers or to transfer
 482 Mississippi Highway Safety Patrol Officers from the Bureau of
 483 Narcotics to the Division of Mississippi Highway Safety Patrol
 484 within the Department of Public Safety. Further, the Mississippi
 485 Department of Public Safety shall escalate Cadet positions through
 486 the Department of Finance and Administration if funds do become
 487 available for a Mississippi Highway Patrol Cadet School During
 488 Fiscal Year 2005.

489 **SECTION 17.** It is the intention of the Legislature that all
490 Fair Labor Standards Act (FLSA) nonexempt sworn officers who are
491 working 171 hours in a 28-day work cycle be compensated at an
492 hourly rate based on 2,087.143 hours per year. This section and
493 its provisions shall be known and cited as the "David R. Huggins
494 Act of 2002".

495 **SECTION 18.** The money herein appropriated shall be paid by
496 the State Treasurer out of any money in the State Treasury to the
497 credit of the proper fund or funds as set forth in this act, upon
498 warrants issued by the State Fiscal Officer; and the State Fiscal
499 Officer shall issue his warrants upon requisitions signed by the
500 proper person, officer or officers, in the manner provided by law.

501 **SECTION 19.** This act shall take effect and be in force from
502 and after July 1, 2004.