

House Amendments to Senate Bill No. 3140

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:

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, for payment of the
8 expenses of the Mississippi Bureau of Narcotics of the Mississippi
9 Department of Public Safety, created by Section 41-29-101 et seq.,
10 Mississippi Code of 1972, for the fiscal year beginning
11 July 1, 2004, and ending June 30, 2005..... \$ 9,687,420.00.

12 **SECTION 2.** The following sum, or so much thereof as may be
13 necessary, is hereby authorized for expenditure out of any money
14 in the special fund in the State Treasury to the credit of the
15 Mississippi Bureau of Narcotics of the Mississippi Department of
16 Public Safety which is comprised of special source funds collected
17 by or otherwise available to the agency, for the support and
18 maintenance of the agency for the fiscal year beginning
19 July 1, 2004, and ending June 30, 2005..... \$ 2,212,713.00.

20 **SECTION 3.** With the funds appropriated under the provisions
21 of Sections 1 and 2, the following positions are authorized:

22 **AUTHORIZED POSITIONS:**

23	Permanent:	Full Time.....	184
24		Part Time.....	0
25	Time-Limited:	Full Time.....	1
26		Part Time.....	0

27 With the funds herein appropriated, it is the intention of
28 the Legislature that it shall be the agency's responsibility to
29 make certain that funds required to be appropriated for "Personal
30 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005

31 funds appropriated for that purpose, unless programs or positions
32 are added to the agency's Fiscal Year 2006 budget by the
33 Mississippi Legislature. Based on data provided by the
34 Legislative Budget Office, the State Personnel Board shall
35 determine and publish the projected annual cost to fully fund all
36 appropriated positions in compliance with the provisions of this
37 act. It shall be the responsibility of the agency head to insure
38 that no single personnel action increases this projected annual
39 cost and/or the Fiscal Year 2005 appropriation for "Personal
40 Services" when annualized, with the exception of escalated funds.
41 If, at the time the agency takes any action to change "Personal
42 Services," the State Personnel Board determines that the agency
43 has taken an action which would cause the agency to exceed this
44 projected annual cost or the Fiscal Year 2005 "Personal Services"
45 appropriated level, when annualized, then only those actions which
46 reduce the projected annual cost and/or the appropriation
47 requirement will be processed by the State Personnel Board until
48 such time as the requirements of this provision are met.

49 Any transfers or escalations shall be made in accordance with
50 the terms, conditions and procedures established by law or
51 allowable under the terms set forth within this act. The State
52 Personnel Board shall not escalate positions without written
53 approval from the Department of Finance and Administration. The
54 Department of Finance and Administration shall not provide written
55 approval to escalate any funds for salaries and/or positions
56 without proof of availability of new or additional funds above the
57 appropriated level.

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

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

64 (1) The agency shall not fill any current or future vacant
65 positions;

66 (2) The agency shall not take any action to promote or
67 otherwise award salary increases through reallocation,
68 reclassification, realignment, education benchmark, career ladder,
69 or any other means to increase salaries of employees or positions
70 except as allowed under the provisions set forth in House Bill No.
71 1279, 2004 Regular Session;

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

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

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

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

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

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

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

98 **SECTION 5.** It is the intention of the Legislature that none
99 of the funds appropriated above shall be expended unless members
100 of the Mississippi House of Representatives and Mississippi Senate

101 are notified at least five (5) days prior to a public ceremony
102 announcing the award of any grant in their district or any public
103 announcement or ceremony regarding the groundbreaking or opening
104 of a facility, roadway or bridge for which the Legislature has
105 made funds available. Any signage regarding any public event or
106 any new facility, roadway or bridge shall include the following
107 language: "Funds were made available for this project by the
108 Mississippi State Legislature."

109 **SECTION 6.** It is the intention of the Legislature that the
110 Mississippi Bureau of Narcotics of the Mississippi Department of
111 Public Safety shall maintain complete accounting and personnel
112 records related to the expenditure of all funds appropriated under
113 this act and that such records shall be in the same format and
114 level of detail as maintained for Fiscal Year 2004. It is further
115 the intention of the Legislature that the agency's budget request
116 for Fiscal Year 2006 shall be submitted to the Joint Legislative
117 Budget Committee in a format and level of detail comparable to the
118 format and level of detail provided during the Fiscal Year 2005
119 budget request process.

120 **SECTION 7.** In compliance with the "Mississippi Performance
121 Budget and Strategic Planning Act of 1994," it is the intent of
122 the Legislature that the funds provided herein shall be utilized
123 in the most efficient and effective manner possible to achieve the
124 intended mission of this agency. Based on the funding authorized,
125 this agency shall make every effort to attain the targeted
126 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
Drug Enforcement	
Arrests Made (Persons)	2,908
Number of Prosecutions (Actions)	2,063
Organizations Disrupted/Dismantled (Actions)	399

133 A reporting of the degree to which the performance targets
134 set above have been or are being achieved shall be provided in the

135 agency's budget request submitted to the Joint Legislative Budget
136 Committee for Fiscal Year 2006.

137 **SECTION 8.** Of the funds appropriated under the provisions of
138 Section 2, funds may be expended to defray the costs of clothing
139 for sworn law enforcement officers in an amount not to exceed One
140 Thousand Dollars (\$1,000.00) annually per officer.

141 **SECTION 9.** Of the funds appropriated under the provisions of
142 Section 2, One Million Dollars (\$1,000,000.00) shall be derived
143 from the Budget Contingency Fund created in Section 27-103-301,
144 Mississippi Code of 1972.

145 **SECTION 10.** It is the intention of the Legislature that
146 funds appropriated to the Bureau of Narcotics shall not be kept
147 separate from the Department of Public Safety upon passage of
148 House Bill No. 1279, 2004 Regular Session.

149 **SECTION 11.** The money herein appropriated shall be paid by
150 the State Treasurer out of any money in the State Treasury to the
151 credit of the proper fund or funds as set forth in this act, upon
152 warrants issued by the State Fiscal Officer; and the State Fiscal
153 Officer shall issue his warrants upon requisitions signed by the
154 proper person, officer or officers, in the manner provided by law.

155 **SECTION 12.** This act shall take effect and be in force from
156 and after July 1, 2004.

HR05\SB3140A.J

Don Richardson
Clerk of the House of Representatives