

Chapter No. 51

10/SS01/A710SG

JW MA/ef

5/13 10:00a

SENATE BILL NO. 3135

Originated in Senate *Summit* Secretary

SENATE BILL NO. 3135

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE DEPARTMENT OF PUBLIC SAFETY FOR FISCAL YEAR 2011.

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

SECTION 1. The following sum of money, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to defray the expenses of the Department of Public Safety for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 68,140,081.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Department of Public Safety for the purpose of defraying the expenses incurred in the operation of the various divisions of the department for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 98,676,228.00.

SECTION 3. Of the funds appropriated under the provisions of Sections 1 and 2, not more than the amounts set forth below shall be provided for purposes of expenditure and authorized positions:

DIVISION OF MISSISSIPPI HIGHWAY SAFETY PATROL

Of the funds appropriated under the provisions of this act, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits \$ 53,901,192.00

FUNDING:

General Funds \$ 45,384,307.00
Special Funds 31,283,237.00
Total \$ 76,667,544.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	910
	Part Time	0
Time-Limited:	Full Time	16
	Part Time	3

DIVISION OF LAW ENFORCEMENT TRAINING ACADEMY

Of the funds appropriated under the provisions of this act, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits

	\$	866,107.00
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FUNDING:

General Funds	\$	470,560.00
Special Funds		<u>1,324,491.00</u>
Total	\$	1,795,051.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	17
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

DIVISION OF SUPPORT SERVICES

Of the funds appropriated under the provisions of this act, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits

	\$	4,567,239.00
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FUNDING:

General Funds	\$	3,451,423.00
Special Funds		<u>5,176,247.00</u>
Total	\$	8,627,670.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	62
	Part Time	0
Time-Limited:	Full Time	1
	Part Time	0

DIVISION OF CRIME LABORATORIES

Of the funds appropriated under the provisions of this act,
not more than the following amount shall be expended for Salaries,
Wages and Fringe Benefits \$ 7,420,266.00

FUNDING:

General Funds \$ 6,974,749.00
Special Funds 1,708,805.00
Total \$ 8,683,554.00

AUTHORIZED POSITIONS:

Permanent: Full Time 92
Part Time 0
Time-Limited: Full Time 8
Part Time 0

DIVISION OF MEDICAL EXAMINER

Of the funds appropriated under the provisions of this act,
not more than the following amount shall be expended for Salaries,
Wages and Fringe Benefits \$ 483,610.00

FUNDING:

General Funds \$ 446,885.00
Special Funds 296,505.00
Total \$ 743,390.00

AUTHORIZED POSITIONS:

Permanent: Full Time 1
Part Time 0
Time-Limited: Full Time 2
Part Time 0

DIVISION OF PUBLIC SAFETY PLANNING

OFFICE OF PUBLIC SAFETY PLANNING

Of the funds appropriated under the provisions of this act,
not more than the following amount shall be expended for Salaries,
Wages and Fringe Benefits \$ 2,126,055.00

FUNDING:

General Funds \$ 363,536.00
Special Funds 32,599,230.00

Total \$ 32,962,766.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	9
	Part Time	0
Time-Limited:	Full Time	30
	Part Time	0

DIVISION OF PUBLIC SAFETY PLANNING

OFFICE OF LAW ENFORCEMENT STANDARDS AND TRAINING

Of the funds appropriated under the provisions of this act,
not more than the following amount shall be expended for Salaries,
Wages and Fringe Benefits \$ 304,504.00

FUNDING:

General Funds	\$	0.00
Special Funds		<u>2,412,028.00</u>
Total	\$	2,412,028.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	6
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

DIVISION OF PUBLIC SAFETY PLANNING

BOARD OF EMERGENCY TELECOMMUNICATIONS

Of the funds appropriated under the provisions of this act,
not more than the following amount shall be expended for Salaries,
Wages and Fringe Benefits \$ 101,325.00

FUNDING:

General Funds	\$	0.00
Special Funds		<u>541,810.00</u>
Total	\$	541,810.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	2
	Part Time	0
Time-Limited:	Full Time	0

Part Time 0

DIVISION OF PUBLIC SAFETY PLANNING

COUNCIL ON AGING

Of the funds appropriated under the provisions of this act,
not more than the following amount shall be expended for Salaries,
Wages and Fringe Benefits \$ 108,832.00

FUNDING:

General Funds \$ 0.00
Special Funds 402,661.00
Total \$ 402,661.00

AUTHORIZED POSITIONS:

Permanent: Full Time 2
 Part Time 0
Time-Limited: Full Time 0
 Part Time 0

COUNTY JAIL OFFICER STANDARDS AND TRAINING BOARD

Of the funds appropriated under the provisions of this act,
not more than the following amount shall be expended for Salaries,
Wages and Fringe Benefits \$ 52,287.00

FUNDING:

General Funds \$ 0.00
Special Funds 362,235.00
Total \$ 362,235.00

AUTHORIZED POSITIONS:

Permanent: Full Time 1
 Part Time 0
Time-Limited: Full Time 0
 Part Time 0

OFFICE OF HOMELAND SECURITY

Of the funds appropriated under the provisions of this act,
not more than the following amount shall be expended for Salaries,
Wages and Fringe Benefits \$ 959,986.00

FUNDING:

General Funds	\$	164,162.00
Special Funds		<u>20,528,876.00</u>
Total	\$	20,693,038.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	11
	Part Time	0
Time-Limited:	Full Time	5
	Part Time	0

BUREAU OF NARCOTICS

Of the funds appropriated under the provisions of this act,
not more than the following amount shall be expended for Salaries,
Wages and Fringe Benefits

	\$	10,403,325.00
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FUNDING:

General Funds	\$	10,782,361.00
Special Funds		<u>1,793,814.00</u>
Total	\$	12,576,175.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	152
	Part Time	0
Time-Limited:	Full Time	15
	Part Time	0

JUVENILE FACILITY MONITORING UNIT

Of the funds appropriated under the provisions of this act,
not more than the following amount shall be expended for Salaries,
Wages and Fringe Benefits

	\$	160,630.00
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FUNDING:

General Funds	\$	102,098.00
Special Funds		<u>246,289.00</u>
Total	\$	348,387.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	0
	Part Time	0
Time-Limited:	Full Time	3

Part Time 0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional

certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

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

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

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

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

SECTION 5. The Commissioner of Public Safety shall have the authority to transfer both positions and/or State General Funds appropriated herein from any division within the Department of Public Safety to any other division within the Department of Public Safety, not to exceed twenty-five percent (25%).

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

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

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

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

SECTION 10. It is the intention of the Legislature that the Department of Public Safety shall not issue citations for

violations of speed limits on a quota basis. No funds expended under this act shall be used for such quota-based citations for violations of speed limits.

SECTION 11. The Commissioner of Public Safety shall have the authority to transfer Department of Public Safety Special Funds from any division within the Department of Public Safety to any other division of the Department of Public Safety Special Funds, including, but not limited to, Funds 3711, 371C, 371E, 3713, 3714, 3715, 3740, 3741, 3742, 3744, 3747 and 3718, not to exceed Eight Million Dollars (\$8,000,000.00) collectively during Fiscal Year 2011. Further, the Department of Public Safety shall be authorized to escalate both funds and positions for any special fund monies received for Homeland Security.

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

<u>Performance Measures</u>	FY2011 <u>Target</u>
Enforcement	
Increased Enforcement - Citations (%)	0.50
Decreased Fatalities (%)	0.20
Increased DUI Arrests - Inc Felony DUIs (%)	0.50
Criminal Investigations (Actions)	16,608
Driver Services	
Driver's Licenses/ID Cards Issued (Items)	799,500
Cost per License Document Produced (\$)	12.50
Drivers Suspended (Persons)	189,625
Accident Reports Processed (Actions)	1,100
Motor Veh Inspect Stickers Sold (Items)	1,749,219

Support Services

Tng of Switch/Repository Classes (Number of)	6
Audit of User Agencies (Number of)	60

Emerg Telecomm Training

Emerg Telecomm Certified (Persons)	650
Certification Transactions (Actions)	2,600
Training Quality Monitoring (Actions)	100

Forensic Analysis

Reports Issued (Cases)	22,360
Court Testimonies (Cases)	300
Cost per Case Analyzed (\$)	450.00
Cost per Testimony (\$)	500.00

Dna Analysis

Known Sex Offender Samples (Items)	61,100
Proficiency Samples (Items)	500
Casework Samples Examined (Items)	5,000
Cost per Sample (\$)	535.00

Training Academy

Basic Students to Graduate (Persons)	250
Basic Refresher Students to Graduate (Persons)	70
In-service & Advanced Students to Graduate (Persons)	1,300

Drug Enforcement

Arrests Made (Persons)	3,245
Number of Prosecutions (Actions)	2,721
Organizations Disrupted/Dismantled (Actions)	48

Forensic Pathology

Deaths Investigated (Actions)	1,600
Autopsies Performed at SME Office (Actions)	1,600
Cost per Autopsy Performed (\$)	175.00

Jail Officer Training

County Jail Officers Certified (Persons)	400
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Certification Transactions (Actions)	800
Law Enforcement Training	
Basic Law Enforc Officers Certified (Persons)	575
Certification Transactions (Actions)	2,300
Training Quality Monitoring (Actions)	1,000
Public Safety Planning	
Statewide Programs Supported (Programs)	853
Juvenile Jail Alternatives Dev (Alternatives)	55
Narcotics Units Established (Units)	17
Drug-free Programs Impact (Persons)	150
Council On Aging	
Number of Board Meetings (Meetings)	4
Establish TRIAD Programs (Programs)	4
Conduct Training Programs (Programs)	6
Provide On-site Tech Assistance (Actions)	10
Juvenile Fac Monitoring Unit	
Number of Facilities Inspected (Items)	125
Strategic Plans Implemented (Items)	21
Homeland Security	
OHS Grants for Jurisdictions (Number of)	300
First Responder Classes (Number of)	170

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

SECTION 13. It is the intention of the Legislature that all divisions within the Mississippi Department of Public Safety shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee

in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.

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

SECTION 15. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 16. The department is authorized to expend available funds on technology or equipment upgrades or replacements when it will generate savings through efficiency or when the savings generated from such upgrades or replacements exceed expenditures thereof.

SECTION 17. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies, as standard procedure, will observe the following criteria:

(a) Develop goals and desired result for a campaign.
(b) Evaluate effectiveness through respected advertising standards, including market reach and cost-effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 18. Of the funds provided herein, and in addition to the One Hundred Dollars (\$100.00) authorized in Section 45-3-7, Mississippi Code of 1972, Department of Public Safety Officers who are licensed commercial pilots shall receive an additional Nine Hundred Dollars (\$900.00), for a total of One Thousand Dollars (\$1,000.00), additional compensation for such service.

SECTION 19. It is the direction of the Legislature that all Fair Labor Standards Act (FLSA) nonexempt sworn officers of the Mississippi Highway Safety Patrol who are working one hundred seventy-one (171) hours in a twenty-eight-day work cycle be compensated based on the annual salary established by the State Personnel Board for a one-hundred-sixty-hour per month schedule divided by two thousand eighty-seven and one hundred forty-three one thousandths (2,087.143), for an hourly rate, to be multiplied by two thousand two hundred twenty-three (2,223) or one hundred seventy-one (171) hours in a twenty-eight-day work cycle for a new annual salary. All hours worked over one hundred seventy-one (171) hours in a twenty-eight-day schedule shall be governed by the FLSA or other special compensation plan. All realignments after July 1, 2010, shall be calculated using this formula. This section shall be known as the "David R. Huggins Act."

~~**SECTION 20.** In addition to all other sums appropriated herein, Three Hundred Twenty-five Thousand Dollars (\$325,000.00) is hereby appropriated out of any funds in the State Treasury to the credit of the Department of Public Safety for the purposes of paying for eleven (11) hours of compensatory time at an hourly rate based on 2,087.143 hours per year for sworn officers who hold the rank of Lieutenant and above. The funds provided in this~~

Partial Veto

~~section to pay for the eleven (11) hours authorized in this section shall be expended only for this purpose.~~

*Antonia's
veto*

SECTION 21. It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

SECTION 22. It is the intention of the Legislature that the Department of Public Safety shall provide an annual report to the Mississippi Legislature detailing any elected official or any other person who is not an employee of the Department of Public Safety who was transported in Highway Patrol aircraft during the fiscal year. The report shall be provided to each member of the Mississippi Legislature on or before January 15, 2011.

SECTION 23. Of the funds provided within this act, no former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of contract services to the Chairmen and members of the Senate and House Appropriation Committees.

SECTION 24. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 25. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE SENATE
April 22, 2010



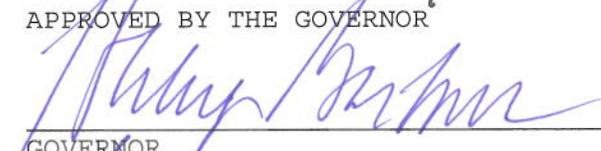
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 22, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

5/13/10 10:00 am

with partial
veto of
Section 20.

STATE OF MISSISSIPPI

Office of the Governor



May 13, 2010

TO THE MISSISSIPPI SENATE:

GOVERNOR'S PARTIAL VETO MESSAGE FOR SENATE BILL NO. 3135

I am returning Senate Bill 3135, "AN ACT MAKING AN APPROPRIATION TO DEFRAID THE EXPENSES OF THE DEPARTMENT OF PUBLIC SAFETY FOR THE FISCAL YEAR 2011" partly approved and partly not approved pursuant to the authority of Article IV, Section 73 of the Mississippi Constitution and assign the following reasons for partial veto of this bill:

After full consideration, I am vetoing Section 20 of Senate Bill 3135, which would mandate payment of 11 hours of compensatory time for sworn officers holding the rank of Lieutenant and above. While I support paying these hours, the Legislature's mandate is not accompanied by additional general funds to pay them. Mandating additional payments, without providing additional general funds, unfairly ties the Commissioner's hands, and is contrary to good budgetary practice. During a time of severely declining revenue, agency heads need the flexibility to spend their limited funds as they believe necessary to carry out the mission of their agencies.

Notwithstanding this veto, these hours will still be paid so long as funds remain available, and we expect that to continue throughout Fiscal Year 2011. I have instructed the Commissioner to continue paying these 11 hours, and he has informed me he can do so without negatively affecting the mission of the Department of Public Safety, so long as no major cuts are necessary to his budget in Fiscal Year 2011. I will endeavor to avoid making any such cuts to the Department of Safety budget in 2011.

Additionally, and importantly, according to the Mississippi Constitution, the Legislature cannot execute authority reserved to the Executive Branch; this is clearly a violation of the Constitution's Separation of Powers provisions.

For these reasons, I urge the members to sustain the partial veto of Senate Bill 3135.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Haley Barbour".

Haley Barbour
Governor

5/13/10 [Handwritten initials]