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Chapter No. 106
12/SS01/A710SG
JW / TB/EC

SENATE BILL NO. 2971

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2971

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE DEPARTMENT OF PUBLIC SAFETY FOR FISCAL YEAR 2013.

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, 2012, and ending June 30, 2013
..... \$ 69,396,615.00.

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, 2012, and ending June 30, 2013 \$ 103,246,940.00.

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, the following funding and positions are authorized:

FUNDING:

General Funds	\$	47,264,402.00
Special Funds		<u>36,855,581.00</u>
Total	\$	84,119,983.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	995
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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, the following funding and positions are authorized:

FUNDING:

General Funds	\$	422,735.00
Special Funds		<u>1,193,727.00</u>
Total	\$	1,616,462.00

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, the following funding and positions are authorized:

FUNDING:

General Funds	\$	3,258,624.00
Special Funds		<u>5,176,247.00</u>
Total	\$	8,434,871.00

AUTHORIZED POSITIONS:

Permanent: Full Time	71
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, the following funding and positions are authorized:

FUNDING:

General Funds	\$	6,974,749.00
Special Funds		<u>4,293,532.00</u>

Total \$ 11,268,281.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	116
	Part Time	0
Time-Limited:	Full Time	12
	Part Time	0

DIVISION OF MEDICAL EXAMINER

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

FUNDING:

General Funds	\$ 536,165.00
Special Funds	<u>1,347,007.00</u>
Total	\$ 1,883,172.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	14
	Part Time	0
Time-Limited:	Full Time	1
	Part Time	0

DIVISION OF PUBLIC SAFETY PLANNING

OFFICE OF PUBLIC SAFETY PLANNING

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

FUNDING:

General Funds	\$ 223,267.00
Special Funds	<u>32,745,956.00</u>
Total	\$ 32,969,223.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	5
	Part Time	0
Time-Limited:	Full Time	36
	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,
the following funding and positions are authorized:

FUNDING:

General Funds	\$	0.00
Special Funds		<u>2,406,760.00</u>
Total	\$	2,406,760.00

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,
the following funding and positions are authorized:

FUNDING:

General Funds	\$	0.00
Special Funds		<u>540,994.00</u>
Total	\$	540,994.00

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,
the following funding and positions are authorized:

FUNDING:

General Funds	\$	0.00
Special Funds		<u>402,661.00</u>
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, the following funding and positions are authorized:

FUNDING:

General Funds	\$	0.00
Special Funds		<u>362,235.00</u>
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, the following funding and positions are authorized:

FUNDING:

General Funds	\$	94,099.00
Special Funds		<u>14,620,538.00</u>
Total	\$	14,714,637.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	10
	Part Time	0
Time-Limited:	Full Time	5
	Part Time	0

BUREAU OF NARCOTICS

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

FUNDING:

General Funds	\$	10,548,071.00
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Special Funds		<u>3,055,258.00</u>
Total	\$	13,603,329.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	162
	Part Time	0
Time-Limited:	Full Time	20
	Part Time	0

JUVENILE FACILITY MONITORING UNIT

Of the funds appropriated under the provisions of this act, the following funding and positions are authorized:

FUNDING:

General Funds	\$	74,503.00
Special Funds		<u>246,444.00</u>
Total	\$	320,947.00

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 2014 do not exceed Fiscal Year 2013 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2013 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 ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2013 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 2013 "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.

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 Ten Million Dollars (\$10,000,000.00) collectively during Fiscal Year 2013. 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:

	FY2013
<u>Performance Measures</u>	<u>Target</u>
Enforcement	
Increased Enforcement - Citations (%)	0.75
Decreased Fatalities (%)	0.25
Increased DUI Arrests - Inc Felony DUIs (%)	0.50
Criminal Investigations (Actions)	17,908
Driver Services	
Driver's Licenses/ID Cards Issued (Items)	794,795
Cost per License Document Produced (\$)	18.00
Drivers Suspended (Persons)	300,000
Accident Reports Processed (Actions)	11,000
Motor Vehicle Inspect Stickers Sold (Items)	1,800,000
Support Services	
Tng of Switch/Repository Classes (Number of)	25
Audit of User Agencies (Number of)	150

Emerg Telecomm Training	
Emerg Telecomm Certified (Persons)	700
Certification Transactions (Actions)	2,800
Training Quality Monitoring (Actions)	100
Forensic Analysis	
Reports Issued (Cases)	25,000
Court Testimonies (Cases)	500
Cost per Case Analyzed (\$)	450.00
Cost per Testimony (\$)	500.00
Dna Analysis	
Known Sex Offender Samples (Items)	85,000
Proficiency Samples (Items)	500
Casework Samples Examined (Items)	6,000
Cost per Sample (\$)	500.00
Training Academy	
Basic Students to Graduate (Persons)	240
Basic Refresher Students to Graduate (Persons)	60
In-service & Advanced Students to Graduate (Persons)	2,500
Drug Enforcement	
Arrests Made (Persons)	3,207
Number of Prosecutions (Actions)	3,626
Organizations Disrupted/Dismantled (Actions)	24
Forensic Pathology	
Deaths Investigated (Actions)	16,750
Autopsies Performed at SME Office (Actions)	1,700
Cost per Autopsy Performed (\$)	750.00
Jail Officer Training	
County Jail Officers Certified (Persons)	450
Certification Transactions (Actions)	900
Law Enforcement Training	
Basic Law Enforc Officers Certified (Persons)	500

Certification Transactions (Actions)	2,000
Training Quality Monitoring (Actions)	1,000
Public Safety Planning	
Statewide Programs Supported (Programs)	853
Juvenile Jail Alternatives Dev (Alternatives)	5
Narcotics Units Funded	13
Drug-free Programs Implemented	150
Council On Aging	
Number of Board Meetings (Meetings)	4
Establish TRIAD Programs (Programs)	4
Conduct Training Programs (Programs)	6
Provide On-site Training	10
Juvenile Fac Monitoring Unit	
Number of Facilities Inspected (Items)	125
Strategic Plans Implemented (Items)	80
Homeland Security	
OHS Grants for Jurisdictions (Number of)	200
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 2014.

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 2012. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2014 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 2013 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. 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 18. 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 19. 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 section to pay for the eleven (11) hours authorized in this section shall be expended only for this purpose.

SECTION 20. It is the intention of the Legislature that the Law Enforcement Training Academy may operate a souvenir store on the premises of the training academy and also shall have the authority to escalate and expend such funds generated from sales in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) in accordance with procedures for federal fund escalations.

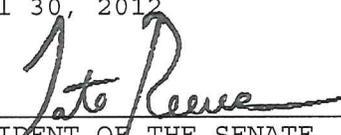
SECTION 21. It is the intention of the Legislature that the Department of Public Safety shall provide an annual report to the Mississippi Legislature detailing any elected official or any other person who is not an employee of the Department of Public Safety who was transported in Highway Patrol aircraft during the fiscal year. The report shall be provided to each member of the Mississippi Legislature on or before January 15, 2013.

SECTION 22. 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 23. This act shall take effect and be in force from and after July 1, 2012.

PASSED BY THE SENATE
April 30, 2012



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 29, 2012



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

5-22-12

4:28 pm