

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 3135: Appropriation; Dept. Public Safety - Consol.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the House recede from its Amendment No. 1.
- 2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

26 Total.....\$ 76,667,544.00

27 AUTHORIZED POSITIONS:

28 Permanent: Full Time..... 910

29 Part Time..... 0

30 Time-Limited: Full Time..... 16

31 Part Time..... 3

32 **DIVISION OF LAW ENFORCEMENT TRAINING ACADEMY**

33 Of the funds appropriated under the provisions of this act,
34 not more than the following amount shall be expended for Salaries,
35 Wages and Fringe Benefits..... \$ 866,107.00

36 FUNDING:

37 General Funds.....\$ 470,560.00

38 Special Funds.....1,324,491.00

39 Total.....\$ 1,795,051.00

40 AUTHORIZED POSITIONS:

41 Permanent: Full Time..... 17

42 Part Time..... 0

43 Time-Limited: Full Time..... 0

44 Part Time..... 0

45 **DIVISION OF SUPPORT SERVICES**

46 Of the funds appropriated under the provisions of this act,
47 not more than the following amount shall be expended for Salaries,
48 Wages and Fringe Benefits..... \$ 4,567,239.00

49 FUNDING:

50 General Funds.....\$ 3,451,423.00

51 Special Funds.....5,176,247.00

52 Total.....\$ 8,627,670.00

53 AUTHORIZED POSITIONS:

54 Permanent: Full Time..... 62

55 Part Time..... 0

56 Time-Limited: Full Time..... 1

57 Part Time..... 0

58 **DIVISION OF CRIME LABORATORIES**
59 Of the funds appropriated under the provisions of this act,
60 not more than the following amount shall be expended for Salaries,
61 Wages and Fringe Benefits..... \$ 7,420,266.00

62 FUNDING:
63 General Funds.....\$ 6,974,749.00
64 Special Funds.....1,708,805.00
65 Total.....\$ 8,683,554.00

66 AUTHORIZED POSITIONS:
67 Permanent: Full Time..... 92
68 Part Time..... 0
69 Time-Limited: Full Time..... 8
70 Part Time..... 0

71 **DIVISION OF MEDICAL EXAMINER**
72 Of the funds appropriated under the provisions of this act,
73 not more than the following amount shall be expended for Salaries,
74 Wages and Fringe Benefits..... \$ 483,610.00

75 FUNDING:
76 General Funds.....\$ 446,885.00
77 Special Funds.....296,505.00
78 Total.....\$ 743,390.00

79 AUTHORIZED POSITIONS:
80 Permanent: Full Time..... 1
81 Part Time..... 0
82 Time-Limited: Full Time..... 2
83 Part Time..... 0

84 **DIVISION OF PUBLIC SAFETY PLANNING**
85 **OFFICE OF PUBLIC SAFETY PLANNING**
86 Of the funds appropriated under the provisions of this act,
87 not more than the following amount shall be expended for Salaries,
88 Wages and Fringe Benefits..... \$ 2,126,055.00

89 FUNDING:

90 General Funds.....\$ 363,536.00
91 Special Funds..... 32,599,230.00
92 Total.....\$ 32,962,766.00

93 AUTHORIZED POSITIONS:

94 Permanent: Full Time..... 9
95 Part Time..... 0
96 Time-Limited: Full Time..... 30
97 Part Time..... 0

98 DIVISION OF PUBLIC SAFETY PLANNING

99 OFFICE OF LAW ENFORCEMENT STANDARDS AND TRAINING

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

103 FUNDING:

104 General Funds.....\$ 0.00
105 Special Funds..... 2,412,028.00
106 Total.....\$ 2,412,028.00

107 AUTHORIZED POSITIONS:

108 Permanent: Full Time..... 6
109 Part Time..... 0
110 Time-Limited: Full Time..... 0
111 Part Time..... 0

112 DIVISION OF PUBLIC SAFETY PLANNING

113 BOARD OF EMERGENCY TELECOMMUNICATIONS

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

117 FUNDING:

118 General Funds.....\$ 0.00
119 Special Funds..... 541,810.00
120 Total.....\$ 541,810.00

121 AUTHORIZED POSITIONS:



122	Permanent:	Full Time.....	2
123		Part Time.....	0
124	Time-Limited:	Full Time.....	0
125		Part Time.....	0

126 **DIVISION OF PUBLIC SAFETY PLANNING**

127 **COUNCIL ON AGING**

128 Of the funds appropriated under the provisions of this act,

129 not more than the following amount shall be expended for Salaries,

130 Wages and Fringe Benefits.....\$ 108,832.00

131	FUNDING:		
132	General Funds.....	\$	0.00
133	Special Funds.....		<u>402,661.00</u>
134	Total.....	\$	402,661.00

135 AUTHORIZED POSITIONS:

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

140 **COUNTY JAIL OFFICER STANDARDS AND TRAINING BOARD**

141 Of the funds appropriated under the provisions of this act,

142 not more than the following amount shall be expended for Salaries,

143 Wages and Fringe Benefits.....\$ 52,287.00

144	FUNDING:		
145	General Funds.....	\$	0.00
146	Special Funds.....		<u>362,235.00</u>
147	Total.....	\$	362,235.00

148 AUTHORIZED POSITIONS:

149	Permanent:	Full Time.....	1
150		Part Time.....	0
151	Time-Limited:	Full Time.....	0
152		Part Time.....	0

153 **OFFICE OF HOMELAND SECURITY**

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

157 FUNDING:
158 General Funds.....\$ 164,162.00
159 Special Funds.....20,528,876.00
160 Total.....\$ 20,693,038.00

161 AUTHORIZED POSITIONS:
162 Permanent: Full Time..... 11
163 Part Time..... 0
164 Time-Limited: Full Time..... 5
165 Part Time..... 0

166 **BUREAU OF NARCOTICS**

167 Of the funds appropriated under the provisions of this act,
168 not more than the following amount shall be expended for Salaries,
169 Wages and Fringe Benefits.....\$ 10,403,325.00

170 FUNDING:
171 General Funds.....\$ 10,782,361.00
172 Special Funds.....1,793,814.00
173 Total.....\$ 12,576,175.00

174 AUTHORIZED POSITIONS:
175 Permanent: Full Time..... 152
176 Part Time..... 0
177 Time-Limited: Full Time..... 15
178 Part Time..... 0

179 **JUVENILE FACILITY MONITORING UNIT**

180 Of the funds appropriated under the provisions of this act,
181 not more than the following amount shall be expended for Salaries,
182 Wages and Fringe Benefits.....\$ 160,630.00

183 FUNDING:
184 General Funds.....\$ 102,098.00
185 Special Funds.....246,289.00

186	Total.....	\$	348,387.00
187	AUTHORIZED POSITIONS:		
188	Permanent: Full Time.....	0	
189	Part Time.....	0	
190	Time-Limited: Full Time.....	3	
191	Part Time.....	0	

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

214 Unless otherwise authorized in this act, no state agency
 215 shall take any action to promote or otherwise award salary
 216 increases through reallocation, reclassification, realignment,
 217 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.



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

287 **SECTION 10.** It is the intention of the Legislature that the
288 Department of Public Safety shall not issue citations for
289 violations of speed limits on a quota basis. No funds expended
290 under this act shall be used for such quota-based citations for
291 violations of speed limits.

292 **SECTION 11.** The Commissioner of Public Safety shall have the
293 authority to transfer Department of Public Safety Special Funds
294 from any division within the Department of Public Safety to any
295 other division of the Department of Public Safety Special Funds,
296 including, but not limited to, Funds 3711, 371C, 371E, 3713, 3714,
297 3715, 3740, 3741, 3742, 3744, 3747 and 3718, not to exceed Eight
298 Million Dollars (\$8,000,000.00) collectively during Fiscal Year
299 2011. Further, the Department of Public Safety shall be
300 authorized to escalate both funds and positions for any special
301 fund monies received for Homeland Security.

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

309		FY2011
310	<u>Performance Measures</u>	<u>Target</u>
311	Enforcement	
312	Increased Enforcement - Citations (%)	0.50



313	Decreased Fatalities (%)	0.20
314	Increased DUI Arrests - Inc Felony DUIs (%)	0.50
315	Criminal Investigations (Actions)	16,608
316	Driver Services	
317	Driver's Licenses/ID Cards Issued (Items)	799,500
318	Cost per License Document Produced (\$)	12.50
319	Drivers Suspended (Persons)	189,625
320	Accident Reports Processed (Actions)	1,100
321	Motor Veh Inspect Stickers Sold (Items)	1,749,219
322	Support Services	
323	Tng of Switch/Repository Classes (Number of)	6
324	Audit of User Agencies (Number of)	60
325	Emerg Telecomm Training	
326	Emerg Telecomm Certified (Persons)	650
327	Certification Transactions (Actions)	2,600
328	Training Quality Monitoring (Actions)	100
329	Forensic Analysis	
330	Reports Issued (Cases)	22,360
331	Court Testimonies (Cases)	300
332	Cost per Case Analyzed (\$)	450.00
333	Cost per Testimony (\$)	500.00
334	Dna Analysis	
335	Known Sex Offender Samples (Items)	61,100
336	Proficiency Samples (Items)	500
337	Casework Samples Examined (Items)	5,000
338	Cost per Sample (\$)	535.00
339	Training Academy	
340	Basic Students to Graduate (Persons)	250
341	Basic Refresher Students to	
342	Graduate (Persons)	70
343	In-service & Advanced Students	
344	to Graduate (Persons)	1,300



345	Drug Enforcement	
346	Arrests Made (Persons)	3,245
347	Number of Prosecutions (Actions)	2,721
348	Organizations Disrupted/Dismantled (Actions)	48
349	Forensic Pathology	
350	Deaths Investigated (Actions)	1,600
351	Autopsies Performed at SME Office (Actions)	1,600
352	Cost per Autopsy Performed (\$)	175.00
353	Jail Officer Training	
354	County Jail Officers Certified (Persons)	400
355	Certification Transactions (Actions)	800
356	Law Enforcement Training	
357	Basic Law Enforc Officers Certified (Persons)	575
358	Certification Transactions (Actions)	2,300
359	Training Quality Monitoring (Actions)	1,000
360	Public Safety Planning	
361	Statewide Programs Supported (Programs)	853
362	Juvenile Jail Alternatives Dev (Alternatives)	55
363	Narcotics Units Established (Units)	17
364	Drug-free Programs Impact (Persons)	150
365	Council On Aging	
366	Number of Board Meetings (Meetings)	4
367	Establish TRIAD Programs (Programs)	4
368	Conduct Training Programs (Programs)	6
369	Provide On-site Tech Assistance (Actions)	10
370	Juvenile Fac Monitoring Unit	
371	Number of Facilities Inspected (Items)	125
372	Strategic Plans Implemented (Items)	21
373	Homeland Security	
374	OHS Grants for Jurisdictions (Number of)	300
375	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



407 generated from such upgrades or replacements exceed expenditures
408 thereof.

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

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

415 (a) Develop goals and desired result for a campaign.

416 (b) Evaluate effectiveness through respected
417 advertising standards, including market reach and
418 cost-effectiveness.

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

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

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

426 **SECTION 18.** Of the funds provided herein, and in addition to
427 the One Hundred Dollars (\$100.00) authorized in Section 45-3-7,
428 Mississippi Code of 1972, Department of Public Safety Officers who
429 are licensed commercial pilots shall receive an additional Nine
430 Hundred Dollars (\$900.00), for a total of One Thousand Dollars
431 (\$1,000.00), additional compensation for such service.

432 **SECTION 19.** It is the direction of the Legislature that all
433 Fair Labor Standards Act (FLSA) nonexempt sworn officers of the
434 Mississippi Highway Safety Patrol who are working one hundred
435 seventy-one (171) hours in a twenty-eight-day work cycle be
436 compensated based on the annual salary established by the State
437 Personnel Board for a one-hundred-sixty-hour per month schedule
438 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 section to pay for the eleven (11) hours authorized in this section shall be expended only for this purpose.

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



471 Appropriations Committee, the Senate Appropriations Committee and
472 the Legislative Budget Office. Within fifteen (15) days of such
473 approval, the Executive Director of the Department of Finance and
474 Administration shall ensure that the Legislative Budget Office
475 receives detailed and accurate information about the amount and
476 use of federal and special source funds by state agencies as a
477 result of the passage of the American Recovery and Reinvestment
478 Act of 2009.

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

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

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

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



**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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

CONFEREES FOR THE SENATE

X (SIGNED)
Nunnelee

X (SIGNED)
Lee (35th)

X (SIGNED)
Chassaniol

CONFEREES FOR THE HOUSE

X (SIGNED)
Stringer

X (SIGNED)
Flaggs

X (SIGNED)
Sullivan

