

By: Compretta

To: County Affairs

HOUSE BILL NO. 174
(As Passed the House)

1 AN ACT TO AMEND SECTION 19-25-13, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE A CLOTHING ALLOWANCE FOR CERTAIN WARDEN ASSISTANTS; AND
3 FOR RELATED PURPOSES.

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

5 SECTION 1. Section 19-25-13, Mississippi Code of 1972, is
6 amended as follows:

7 19-25-13. The sheriff shall, at the July meeting of the
8 board of supervisors, submit a budget of estimated expenses of his
9 office for the ensuing fiscal year beginning October 1 in such
10 form as shall be prescribed by the Director of the State
11 Department of Audit. The board shall examine this proposed budget
12 and determine the amount to be expended by the sheriff in the
13 performance of his duties for the fiscal year and may increase or
14 reduce said amount as it deems necessary and proper.

15 The budget shall include amounts for compensating the
16 deputies and other employees of the sheriff's office, for
17 insurance providing protection for the sheriff and his deputies in
18 case of disability, death and other similar coverage, for travel
19 and transportation expenses of the sheriff and deputies, for
20 feeding prisoners and inmates of the county jail, and for such
21 other expenses as may be incurred in the performance of the duties
22 of the office of sheriff. In addition, the budget shall include
23 amounts for the payment of premiums on bonds and insurance for the
24 sheriff and his deputies which, in the opinion of the board of
25 supervisors, are deemed necessary to protect the interests of the
26 county or the sheriff and his deputies. Such amounts may include

27 official bonds and any bonds required of his deputies by the
28 sheriff; * * * theft, fire and other hazards insurance; and
29 hospitalization insurance as provided for in Sections 25-15-101
30 and 25-15-103. The board may authorize the reimbursement of the
31 sheriff and deputies for the use of privately owned automobiles or
32 other motor vehicles in the performance of official duties at the
33 rate provided by law for state officers and employees, or may
34 authorize the purchase by the sheriff of such motor vehicles and
35 such equipment as may be needed for operation of the sheriff's
36 office, such vehicles and equipment to be owned by the county. In
37 counties which have elected to purchase the motor vehicles and
38 such equipment for the operation of the sheriff's office, if a
39 sheriff or deputy shall be required in the performance of his
40 official duties, in the event of an emergency, to use his
41 privately owned automobile or other motor vehicle, the board of
42 supervisors may, in its discretion, authorize the reimbursement
43 for such use at the rate per mile provided by law for state
44 officers and employees. This shall not be construed as giving an
45 officer a choice of whether to use his own or the county's
46 vehicle, but shall be construed so as not to penalize an officer
47 who must use his own vehicle because the county's vehicle was not
48 available.

49 The board of supervisors may acquire one or more credit cards
50 which may be used by the sheriff and his deputies to pay expenses
51 incurred by them when traveling in or out of state in the
52 performance of their official duties. The chancery clerk or
53 county purchase clerk shall maintain complete records of all
54 credit card numbers and all receipts and other documents relating
55 to the use of such credit cards. The sheriff shall furnish
56 receipts for the use of such credit cards each month to the
57 chancery clerk or purchase clerk who shall submit a written report
58 monthly to the board of supervisors, which report shall include an
59 itemized list of all expenditures and use of the credit cards for
60 the month, and such expenditures may be allowed for payment by the
61 county in the same manner as other items on the claims docket.
62 The issuance of a credit card to a sheriff or his deputy under the
63 provisions of this section shall not be construed to authorize

64 such sheriff or deputy sheriff to use such credit card to make any
65 expenditure which is not otherwise authorized by law.

66 The board of supervisors is hereby authorized and empowered,
67 in its discretion, to appropriate and pay a sum not to exceed Four
68 Hundred Dollars (\$400.00) annually as a clothing allowance to each
69 plainclothes investigator employed by the sheriff's office of such
70 county. The board of supervisors of any county bordering on the
71 Gulf of Mexico and having a population of more than thirty-one
72 thousand seven hundred (31,700) but less than thirty-one thousand
73 eight hundred (31,800) according to the 1990 Federal Census may
74 appropriate and pay a sum not to exceed Four Hundred Dollars
75 (\$400.00) annually as a clothing allowance to the warden of the
76 county jail and a sum not to exceed Four Hundred Dollars (\$400.00)
77 annually as a clothing allowance to the warden's assistant of the
78 county jail.

79 The board of supervisors shall, at its first meeting of each
80 quarter beginning on October 1, January 1, April 1 and July 1,
81 appropriate a lump sum for the sheriff for the expenses of his
82 office during the current quarter. The quarterly appropriation
83 shall be one-fourth (1/4) of the amount approved in the annual
84 budget unless the sheriff requests a different amount. Except in
85 case of emergency, as provided in the county budget law, the
86 appropriation for the quarter beginning in October of the last
87 year of the sheriff's term shall not exceed one-fourth (1/4) of
88 the annual budget.

89 The sheriff shall file a report of all expenses of his office
90 incurred during the preceding month with the board of supervisors
91 for approval at its regular monthly meeting in a form to be
92 prescribed by the Director of the State Department of Audit, and
93 upon filing thereof, and approval by the board, the clerk of the
94 board shall issue warrants in payment thereof but not to exceed
95 the budget appropriation for that quarter. Any appropriated funds
96 which are unexpended at the end of the fiscal year shall remain in

97 the county general fund.

98 The budget for the sheriff's office may be revised at any
99 regular meeting by the board of supervisors. Upon recommendation
100 of the sheriff, the board may at any regular meeting make
101 supplemental appropriations to the sheriff's office.

102 Any fees previously required to be paid by a sheriff shall be
103 paid by the board of supervisors by including the estimates
104 therefor in the sheriff's budget. All fees and charges for
105 services heretofore collected by sheriffs shall be collected by
106 said sheriff and paid monthly into the general fund of the
107 concerned county. However, any fees heretofore collected by such
108 sheriffs from the county shall not be paid.

109 SECTION 2. This act shall take effect and be in force from
110 and after July 1, 2000.