HOUSE BILL NO. 609
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 19-3-41, 21-17-5 AND 21-17-1,
MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS OF
ANY COUNTY AND THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY TO
EXPEND FUNDS TO PROVIDE TRAINING AND EDUCATION FOR NEWLY ELECTED
OR APPOINTED COUNTY OR MUNICIPAL OFFICIALS BEFORE THE BEGINNING OF
THE TERM OF OFFICE OR EMPLOYMENT OF SUCH OFFICIALS; TO AUTHORIZE
COUNTIES AND MUNICIPALITIES TO UTILIZE CREDIT CARDS OR ELECTRONIC
FUND TRANSFERS IN CONDUCTING COLLECTION OF DELINQUENT PAYMENTS; TO
AMEND SECTION 45-4-1, MISSISSIPPI CODE OF 1972, TO INCLUDE
MUNICIPALITIES AND JUVENILE DETENTION FACILITIES IN THE JAIL
OFFICER TRAINING REQUIREMENTS; TO AMEND SECTION 45-4-3,
MISSISSIPPI CODE OF 1972, TO REVISE THE COMPOSITION OF THE BOARD
ON JAIL OFFICER STANDARDS AND TRAINING; TO AMEND SECTIONS 45-4-5,
45-4-7, 45-4-9, 45-4-11, 45-4-13, 45-6-15, AND 47-1-39,
MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
PURPOSES.

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

SECTION 1. Section 19-3-41, Mississippi Code of 1972, is
amended as follows:[JWB1]

19-3-41. (1) The boards of supervisors shall have within
their respective counties full jurisdiction over roads, ferries
and bridges, except as otherwise provided by Section 170 of the
Constitution, and all other matters of county police. They shall
have jurisdiction over the subject of paupers. They shall have
power to levy such taxes as may be necessary to meet the demands
of their respective counties, upon such persons and property as
are subject to state taxes for the time being, not exceeding the
limits that may be prescribed by law. They shall cause to be
erected and kept in good repair, in their respective counties, a
good and convenient courthouse and a jail. A courthouse shall be
erected and kept in good repair in each judicial district and a
jail may be erected in each judicial district. They may close a
jail in either judicial district, at their discretion, where one
(1) jail will suffice. They shall have the power, in their
discretion, to prohibit or regulate the sale and use of
firecrackers, roman candles, torpedoes, skyrockets, and any and
all explosives commonly known and referred to as fireworks,
outside the confines of municipalities. They shall have and
exercise such further powers as are or shall be conferred upon
them by law. They shall have authority to negotiate with and
contract with licensed real estate brokers for the purpose of
advertising and showing and procuring prospective purchasers for
county-owned real property offered for sale in accordance with the
provisions of Section 19-7-3.

(2) The board of supervisors of any county, in its
discretion, may contract with a private attorney or private
collection agent or agency to collect any type of delinquent
payment owed to the county including, but not limited to, past due
fees and fines, delinquent ad valorem taxes on personal property
and delinquent ad valorem taxes on mobile homes that are entered
as personal property on the mobile home rolls. Any such contract
may provide for payment contingent upon successful collection
efforts or payment based upon a percentage of the delinquent
amount collected; however, the entire amount of all delinquent
payments collected shall be remitted to the county and shall not
be reduced by any collection costs or fees. There shall be due to
the county from any person whose delinquent payment is collected
pursuant to a contract executed under this subsection an amount,
in addition to the delinquent payment, of not to exceed
twenty-five percent (25%) of the delinquent payment for
collections made within this state and not to exceed fifty percent
(50%) of the delinquent payment for collections made outside of
this state. However, in the case of delinquent fees owed to the
county for garbage or rubbish collection or disposal, only the
amount of the delinquent fees may be collected and no amount in
addition to the delinquent fees may be collected if the board of
supervisors of the county has notified the county tax collector
under Section 19-5-22 for the purpose of prohibiting the issuance
of a motor vehicle road and bridge privilege license tag to the
person delinquent in the payment of such fees. Any private
attorney or private collection agent or agency contracting with
the county under the provisions of this subsection shall give bond
or other surety payable to the county in such amount as the board
of supervisors deems sufficient. Any private attorney with whom
the county contracts under the provisions of this subsection must
be a member in good standing of The Mississippi Bar. Any private
collection agent or agency with whom the county contracts under
the provisions of this subsection must meet all licensing
requirements for doing business in the State of Mississippi.
Neither the county nor any officer or employee of the county shall
be liable, civilly or criminally, for any wrongful or unlawful act
or omission of any person or business with whom the county has
contracted under the provisions of this subsection. The
Mississippi Department of Audit shall establish rules and
regulations for use by counties in contracting with persons or
businesses under the provisions of this subsection.

(3) In addition to the authority granted under subsection
(2) of this section, the board of supervisors of any county, in
its discretion, may contract with one or more of the constables of
the county to collect delinquent criminal fines imposed in the
justice court of the county. Any such contract shall provide for
payment contingent upon successful collection efforts, and the
amount paid to a constable may not exceed twenty-five percent
(25%) of the amount which the constable collects. The entire
amount of all delinquent criminal fines collected under such a
contract shall be remitted by the constable to the clerk of the
justice court for deposit into the county general fund as provided
under Section 9-11-19. Any payments made to a constable pursuant
to a contract executed under the provisions of this section may be
paid only after presentation to and approval by the board of
supervisors of the county.

(4) If a county uses its own employees to collect any type
of delinquent payment owed to the county, then from and after July
1, 1999, the county may charge an additional fee for collection of
the delinquent payment provided the payment has been delinquent
for ninety (90) days. The collection fee may not exceed fifteen
percent (15%) of the delinquent payment if the collection is made
within this state and may not exceed twenty-five percent (25%) of
the delinquent payment if the collection is made outside this
state. In conducting collection of delinquent payments, the
county may utilize credit cards or electronic fund transfers. The
county may pay any service fees for the use of such methods of
collection from the collection fee, but not from the delinquent
payment.

(5) In addition to such authority as is otherwise granted
under this section, the board of supervisors of any county may
expend funds necessary to maintain and repair, and to purchase
liability insurance, tags and decals for, any personal property
acquired under the Federal Excess Personal Property Program that
is used by the local volunteer fire department.

(6) The board of supervisors of any county, in its
discretion, may expend funds to provide for training and education
of newly elected or appointed county officials before the
beginning of the term of office or employment of such officials.
Any expenses incurred for such purposes may be allowed only upon
prior approval of the board of supervisors. Any payments or
reimbursements made under the provisions of this subsection may be
paid only after presentation to and approval by the board of
supervisors.

(7) The board of supervisors of any county may expend funds
to purchase, maintain and repair equipment for the electronic
filing and storage of filings, files, instruments, documents and
records using microfilm, microfiche, data processing, magnetic
tape, optical discs, computers or other electronic process which
correctly and legibly stores and reproduces or which forms a
medium for storage, copying or reproducing documents, files and
records for use by one (1), all or any combination of county
offices, employees and officials, whether appointed or elected.

(8) In addition to the authority granted in this section,
the board of supervisors of any county may expend funds as
provided in Section 29-3-23(2).

(9) The board of supervisors of any county may perform and
exercise any duty, responsibility or function, may enter into
agreements and contracts, may provide and deliver any services or
assistance, and may receive, expend and administer any grants,
gifts, matching funds, loans or other monies, in accordance with
and as may be authorized by any federal law, rule or regulation
creating, establishing or providing for any program, activity or
service. The provisions of this paragraph shall not be construed
as authorizing any county, the board of supervisors of any county
or any member of a board of supervisors to perform any function or
activity that is specifically prohibited under the laws of this
state or as granting any authority in addition to or in conflict
with the provisions of any federal law, rule or regulation.

SECTION 2. Section 21-17-5, Mississippi Code of 1972, is
amended as follows:

21-17-5. (1) The governing authorities of every
municipality of this state shall have the care, management and
control of the municipal affairs and its property and finances.
In addition to those powers granted by specific provisions of
general law, the governing authorities of municipalities shall
have the power to adopt any orders, resolutions or ordinances with
respect to such municipal affairs, property and finances which are
not inconsistent with the Mississippi Constitution of 1890, the
Mississippi Code of 1972, or any other statute or law of the State
of Mississippi, and shall likewise have the power to alter, modify
and repeal such orders, resolutions or ordinances. Except as
otherwise provided in subsection (2) of this section, the powers
granted to governing authorities of municipalities in this section
are complete without the existence of or reference to any specific authority granted in any other statute or law of the State of Mississippi. Unless otherwise provided by law, before entering upon the duties of their respective offices, the aldermen or councilmen of every municipality of this state shall give bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in a penalty equal to five percent (5%) of the sum of all the municipal taxes shown by the assessment rolls and the levies to have been collectible in the municipality for the year immediately preceding the commencement of the term of office of said alderman or councilman; however, such bond shall not exceed the amount of One Hundred Thousand Dollars ($100,000.00). Any taxpayer of the municipality may sue on such bond for the use of the municipality, and such taxpayer shall be liable for all costs in case his suit shall fail. No member of the city council or board of aldermen shall be surety for any other such member.

(2) Unless such actions are specifically authorized by another statute or law of the State of Mississippi, this section shall not authorize the governing authorities of a municipality to (a) levy taxes of any kind or increase the levy of any authorized tax, (b) issue bonds of any kind, (c) change the requirements, practices or procedures for municipal elections or establish any new elective office, (d) change the procedure for annexation of additional territory into the municipal boundaries, (e) change the structure or form of the municipal government, (f) permit the sale, manufacture, distribution, possession or transportation of alcoholic beverages, (g) grant any donation, or (h) without prior legislative approval, regulate, directly or indirectly, the amount of rent charged for leasing private residential property in which the municipality does not have a property interest.

(3) Nothing in this or any other section shall be construed so as to prevent any municipal governing authority from paying any municipal employee not to exceed double his ordinary rate of pay.
or awarding any municipal employee not to exceed double his ordinary rate of compensatory time for work performed in his capacity as a municipal employee on legal holidays.

(4) The governing authorities of any municipality, in their discretion, may expend funds to provide for training and education of newly elected or appointed municipal officials before the beginning of the term of office or employment of such officials. Any expenses incurred for such purposes may be allowed only upon prior approval of the governing authorities. Any payments or reimbursements made under the provisions of this subsection may be paid only after presentation to and approval by the governing authorities of the municipality.

SECTION 3. Section 21-17-1, Mississippi Code of 1972, is amended as follows:

21-17-1. Every municipality of this state shall be a municipal corporation and shall have power to sue and be sued; to purchase and hold real estate, either within or without the corporate limits, for all proper municipal purposes, including parks, cemeteries, hospitals, schoolhouses, houses of correction, waterworks, electric lights, sewers and other proper municipal purposes; to purchase and hold personal property for all proper municipal purposes; to acquire equipment and machinery by lease-purchase agreement and to pay interest thereon, if contracted, when needed for proper municipal purposes; to sell and convey any real and personal property owned by it, and make such order respecting the same as may be deemed conducive to the best interest of the municipality, and exercise jurisdiction over the same.

In case any of the real property belonging to a municipality shall cease to be used for municipal purposes, the governing authorities of the municipality may sell, convey or lease the same on such terms as the municipal authorities may elect. In case of a sale on a credit, the municipality shall charge appropriate
interest as contracted and shall have a lien on the same for the
purchase money, as against all persons, until paid and may enforce
the lien as in such cases provided by law. The deed of conveyance
in such cases shall be executed in the name of the municipality by
the governing authorities of the municipality pursuant to their
order entered on the minutes of their meetings. In any sale or
conveyance of real property, the municipality shall retain all
mineral rights that it owns, together with the right of ingress
and egress to remove same. Before any such lease, deed or
conveyance is executed, the governing authorities of the
municipality shall publish at least once each week for three (3)
consecutive weeks, in a public newspaper of the municipality in
which the real property is located, or if no newspaper be
published as such, then in a newspaper having general circulation
therein, the intention to lease or sell, as the case may be, the
municipally owned real property and to accept sealed competitive
bids for the leasing or sale. The governing authorities of the
municipality shall thereafter accept bids for the lease or sale
and shall award the lease or sale to the highest bidder in the
manner provided by law. However, whenever the governing
authorities of the municipality shall find and determine, by
resolution duly and lawfully adopted and spread upon its minutes
(a) that any municipally owned real property is no longer needed
for municipal or related purposes and is not to be used in the
operation of the municipality, (b) that the sale of such property
in the manner otherwise provided by law is not necessary or
desirable for the financial welfare of the municipality, and (c)
that the use of such property for the purpose for which it is to
be sold, conveyed or leased will promote and foster the
development and improvement of the community in which it is
located and the civic, social, educational, cultural, moral,
economic or industrial welfare thereof, the governing authorities
of the municipality shall be authorized and empowered, in their
discretion, to sell, convey or lease same for any of the purposes set forth herein without having to advertise for and accept competitive bids. In any case in which a municipality proposes to sell, convey or lease real property under the provisions of this section without advertising for and accepting competitive bids, consideration for the purchase, conveyance or lease of the property shall be not less than the average of the fair market price for such property as determined by three (3) professional property appraisers selected by the municipality and approved by the purchaser or lessee. Appraisal fees shall be shared equally by the municipality and the purchaser or lessee.

Whenever the governing authorities of the municipality shall find and determine by resolution duly and lawfully adopted and spread upon the minutes that municipally owned real property is not used for municipal purposes and therefore surplus as set forth hereinabove:

(a) The governing authority may donate such lands to a bona fide not-for-profit civic or eleemosynary corporation organized and existing under the laws of the State of Mississippi and granted tax exempt status by the Internal Revenue Service and may donate such lands and necessary funds related thereto to the public school district in which the land is situated for the purposes set forth herein. Any deed or conveyance executed pursuant hereto shall contain a clause of reverter providing that the bona fide not-for-profit corporation or public school district may hold title to such lands only so long as they are continued to be used for the civic, social, educational, cultural, moral, economic or industrial welfare of the community, and that title shall revert to the municipality in the event of the cessation of such use for a period of two (2) years. In any such deed or conveyance, the municipality shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same;
(b) The governing authority may donate such lands to a bona fide not-for-profit corporation (such as Habitat for Humanity) which is primarily engaged in the construction of housing for persons who otherwise can afford to live only in substandard housing. In any such deed or conveyance, the municipality shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same;

(c) In the event the governing authority does not wish to donate title to such lands to the bona fide not-for-profit civic or eleemosynary corporation, but wishes to retain title to the lands, the governing authority may lease the lands to a bona fide not-for-profit corporation described in paragraph (a) or (b) for less than fair market value.

Every municipality shall also be authorized and empowered to loan to private persons or entities, whether organized for profit or nonprofit, funds received from the United States Department of Housing and Urban Development (HUD) under an urban development action grant or a community development block grant under the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, and to charge interest thereon if contracted, provided that no such loan shall include any funds from any revenues other than the funds from the United States Department of Housing and Urban Development; to make all contracts and do all other acts in relation to the property and affairs of the municipality necessary to the exercise of its governmental, corporate and administrative powers; and to exercise such other or further powers as are otherwise conferred by law.

The governing authorities of any municipality may contract with a private attorney or private collection agent or agency to collect any type of delinquent payment owed to the municipality including, but not limited to, past due fees and fines. Any such contract debt may provide for payment contingent upon successful collection efforts or payment based upon a percentage of the
delinquent amount collected; however, the entire amount of all
delinquent payments collected shall be remitted to the
municipality and shall not be reduced by any collection costs or
fees. Any private attorney or private collection agent or agency
contracting with the municipality under the provisions of this
paragraph shall give bond or other surety payable to the
municipality in such amount as the governing authorities of the
municipality deem sufficient. Any private attorney with whom the
municipality contracts under the provisions of this paragraph must
be a member in good standing of The Mississippi Bar. Any private
collection agent or agency with whom the municipality contracts
under the provisions of this paragraph must meet all licensing
requirements for doing business in the State of Mississippi.
Neither the municipality nor any officer or employee of the
municipality shall be liable, civilly or criminally, for any
wrongful or unlawful act or omission of any person or business
with whom the municipality has contracted under the provisions of
this paragraph. The Mississippi Department of Audit shall
establish rules and regulations for use by municipalities in
contracting with persons or businesses under the provisions of
this paragraph. If a municipality uses its own employees to
collect any type of delinquent payment owed to the municipality,
then from and after July 1, 2000, the municipality may charge an
additional fee for collection of the delinquent payment provided
the payment has been delinquent for ninety (90) days. The
collection fee may not exceed fifteen percent (15%) of the
delinquent payment if the collection is made within this state and
may not exceed twenty-five percent (25%) of the delinquent payment
if the collection is made outside this state. In conducting
collection of delinquent payments, the municipality may utilize
credit cards or electronic fund transfers. The municipality may
pay any service fees for the use of such methods of collection
from the collection fee, but not from the delinquent payment.
In addition to such authority as is otherwise granted under
this section, the governing authorities of any municipality may
expend funds necessary to maintain and repair, and to purchase
liability insurance, tags and decals for, any personal property
acquired under the Federal Excess Personal Property Program that
is used by the local volunteer fire department.

The governing authorities of any municipality may, in its
discretion, donate personal property or funds to the public school
district or districts located in the municipality for the
promotion of educational programs of the district or districts
within the municipality.

The powers conferred by this section shall be in addition and
supplemental to the powers conferred by any other law, and nothing
contained in this section shall be construed to prohibit, or to
prescribe conditions concerning, any practice or practices
authorized under any other law.

SECTION 4. Section 45-4-1, Mississippi Code of 1972, is
amended as follows:

45-4-1. The Legislature finds that the administration
of * * * jails and youth detention facilities is of statewide
concern, and that the activities of jail officers are important to
the health, safety and welfare of the people of this state and are
of such nature as to require education and training of a
professional nature of jail officers. It is the intent of the
Legislature to provide for the coordination of training programs
and the establishment of standards for jail officers.

SECTION 5. Section 45-4-3, Mississippi Code of 1972, is
amended as follows:

45-4-3. (1) There is hereby created the Board on * * * Jail
Officer Standards and Training, which shall consist of nine (9)
members.

(2) The members shall be appointed as follows:

(a) Two (2) members to be appointed by the Mississippi
(b) Three (3) members to be appointed by the Mississippi Association of Sheriffs.

(c) One (1) member to be appointed by the State Board for Community and Junior Colleges.

(d) One (1) member to be appointed by the Governor.

(e) One (1) member to be appointed by the Mississippi Association of Chiefs of Police.

(f) One (1) member to be appointed by the Mississippi Municipal League.

The initial appointments to the board shall be made no later than twenty (20) days after July 1, 1999, as follows:

The Mississippi Association of Supervisors shall appoint one (1) member for a term of one (1) year and one (1) member for a term of three (3) years.

The Mississippi Association of Sheriffs shall appoint one (1) member for a term of one (1) year, one (1) member for a term of two (2) years and one (1) member for a term of three (3) years.

The State Board for Community and Junior Colleges shall appoint one (1) member for a term of two (2) years.

The Governor shall appoint one (1) member for a term of two (2) years.

The Mississippi Association of Chiefs of Police shall appoint one (1) member for a term of two (2) years not later than twenty (20) days after July 1, 2000.

The Mississippi Municipal League shall appoint one (1) member for a term of two (2) years not later than twenty (20) days after July 1, 2000.

Upon the expiration of the terms of the initial appointees to the board, each subsequent appointment shall be made for a term of three (3) years, beginning on the date of the expiration of the previous term. A vacancy in any appointed position on the board prior to the expiration of a term shall be filled by appointment.
for the balance of the unexpired term.

(3) Members of the board shall serve without compensation, but shall be entitled to receive reimbursement for any actual and reasonable expenses incurred as a necessary incident to such service, including mileage, as provided in Section 25-3-41, Mississippi Code of 1972.

(4) There shall be a chairman and a vice chairman of the board, elected by and from the membership of the board. The board shall adopt rules and regulations governing times and places for meetings and governing the manner of conducting its business, but the board shall meet at least every three (3) months. Any member who is absent for three (3) consecutive regular meetings of the board may be removed by a majority vote of the board.

(5) The Governor shall call an organizational meeting of the board not later than thirty (30) days after July 1, 1999.

(6) The board shall report annually to the Governor and the Legislature on its activities, and may make such other reports as it deems desirable.

SECTION 6. Section 45-4-5, Mississippi Code of 1972, is amended as follows:

45-4-5. In addition to the powers conferred upon the Board on * * * Jail Officer Standards and Training elsewhere in this chapter, the board shall have power to:

(a) Promulgate rules and regulations for the administration of this chapter including the authority to require the submission of reports and information by criminal justice departments.

(b) Establish minimum educational and training standards for employment or appointment as a jail officer or a part-time jail officer (i) in a permanent position, and (ii) in a probationary status.

(c) Certify persons as being qualified to be jail officers or part-time jail officers.
(d) Revoke certification for cause and in the manner provided in this chapter.

(e) Establish minimum curriculum requirements for basic and advanced courses and programs and continuing education for schools operated by or for the state community colleges, police departments, youth detention facilities or sheriffs' offices for the specific purpose of training jail officers.

(f) Consult and cooperate with counties, municipalities, state agencies, other governmental agencies, and with universities, colleges, junior colleges and other institutions concerning the development of training schools, programs or courses of instruction for jail officers.

(g) Make recommendations concerning any matter within its purview pursuant to this chapter.

(h) Make such inspection and evaluation as may be necessary to determine if agencies are complying with the provisions of this chapter.

(i) Approve jail officer training schools.

(j) Upon the request of sheriffs or chiefs of police, conduct surveys or aid agencies to conduct surveys through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.

(k) Upon request, conduct general and specific management surveys and studies of the operations of the requesting jails at no cost to those agencies. The role of the board under this subsection shall be that of management consultant.

(l) Adopt and amend regulations consistent with law, for its internal management and control of board programs.

(m) To apply for, receive and expend any federal, state or local funds or contributions, gifts, donations, grants or funds from any other source.

(n) Enter into contracts or do such things as may be necessary and incidental to the administration of this chapter.
SECTION 7. Section 45-4-7, Mississippi Code of 1972, is amended as follows:

45-4-7. The Office of Standards and Training shall provide administrative and fiscal support for the Board on Jail Officer Standards and Training on jail officer standards and training, and the Director of the Office of Standards and Training shall serve as the director of the board.

SECTION 8. Section 45-4-9, Mississippi Code of 1972, is amended as follows:

45-4-9. (1) (a) After January 1, 2000, no person shall be appointed or employed as a jail officer or a part-time jail officer unless that person has been certified as being qualified under subsection (3) of this section.

(b) No person who is required to be certified shall be appointed or employed as a jail officer by any sheriff or police department for a period to exceed two (2) years without being certified. The prohibition against the appointment or employment of a jail officer for a period not to exceed two (2) years may not be nullified by terminating the appointment or employment of such a person before the expiration of the time period and then rehiring the person for another period. Any person who, due to illness or other events beyond his control, as may be determined by the Board on Jail Officer Standards and Training, does not attend the required school or training as scheduled, may serve with full pay and benefits in such a capacity until he can attend the required school or training.

(c) No person shall serve as a jail officer in any full-, part-time, reserve or auxiliary capacity during a period when that person's certification has been suspended, cancelled or recalled pursuant to this chapter.

(2) Jail officers serving under permanent appointment on January 1, 2000, shall not be required to meet certification requirements of this section as a condition of continued
employment; nor shall failure of any such jail officer to fulfill such requirements make that person ineligible for any promotional examination for which that person is otherwise eligible. If any jail officer certified under this chapter leaves his employment and does not become employed as a jail officer within two (2) years from the date of termination of his prior employment, he shall be required to comply with board policy as to rehiring standards in order to be employed as a jail officer.

(3) In addition to the other requirements of this section, the Board on * * * Jail Officer Standards and Training, by rules and regulations consistent with other provisions of law, shall fix other qualifications for the employment of jail officers, including education, physical and mental standards, citizenship, good moral character, experience and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of jail officers, and the board shall prescribe the means for presenting evidence of fulfillment of these requirements. Additionally, the board shall fix qualifications for the appointment or employment of part-time jail officers to essentially the same standards and requirements as jail officers. The board shall develop and implement a part-time jail officer training program that meets the same performance objectives and has essentially the same or similar content as the programs approved by the board for full-time jail officers.

(4) The Board on * * * Jail Officer Standards and Training shall issue a certificate evidencing satisfaction of the requirements of subsections (1) and (3) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the board for approved jail officer education and training programs in this state.

(5) Professional certificates remain the property of the
board, and the board reserves the right to either reprimand the
holder of a certificate, suspend a certificate upon conditions
imposed by the board, or cancel and recall any certificate when:

(a) The certificate was issued by administrative error;
(b) The certificate was obtained through
misrepresentation or fraud;
(c) The holder has been convicted of any crime involving moral turpitude;
(d) The holder has been convicted of a felony; or
(e) Other due cause as determined by the board.

(6) When the board believes there is a reasonable basis for
either the reprimand, suspension, cancellation of, or recalling
the certification of a jail officer, notice and opportunity for a
hearing shall be provided in accordance with law prior to such
reprimand, suspension or revocation.

(7) Any jail officer aggrieved by the final findings and
order of the board may file an appeal with the chancery court of
the county in which the person is employed. The appeal must be
filed within thirty (30) days of the final order.

(8) Any jail officer whose certification has been cancelled
may reapply for certification, but not sooner than two (2) years
after the date on which the order canceling the certification
becomes final.

SECTION 9. Section 45-4-11, Mississippi Code of 1972, is
amended as follows:

45-4-11. (1) The Board on Jail Officer Standards and
Training shall establish, provide or maintain jail officer
training programs through such agencies and institutions as the
board may deem appropriate.

(2) The board shall authorize, but only from such funds
authorized and appropriated by the Legislature, the reimbursement
to each governmental entity of at least fifty percent (50%) of the
allowable salary and allowable tuition, living and travel expense
incurred by jail officers in attendance at approved training programs, if the governmental entity does in fact adhere to the training standards established by the board. The board shall authorize, but only from such funds authorized and appropriated by the Legislature, the direct funding of a part-time jail officer training program. The board shall require the payment of a reasonable tuition fee to aid in funding the costs of administering the part-time jail officer training program.

(3) The board is authorized to expend funds for the purpose of providing a professional library and training aids that will be available to police and sheriff departments.

(4) If any jail officer in this state who is employed by a county shall, within three (3) years after the date of his employment, resign from, or be terminated from, employment by such county and immediately become employed by another governmental entity in a jail officer capacity, then the governmental entity by which the resigned or terminated officer is employed shall reimburse the county from which the officer resigned or was terminated a proportionate share of the jail officer's training expenses which were incurred by such entity, if any.

SECTION 10. Section 45-4-13, Mississippi Code of 1972, is amended as follows:

45-4-13. Any governmental entity that employs a person as a jail officer who does not meet the requirements of this chapter, or who employs a person whose certificate has been suspended or revoked under provisions of this chapter, is prohibited from paying the salary of such person, or providing any public monies for the equipment or support of the jail duties of such person and any person violating this subsection shall be personally liable for making such payment.

SECTION 11. Section 45-6-15, Mississippi Code of 1972, is amended as follows:

45-6-15. (1) (a) Such assessments as are collected under
Section 99-19-73, Mississippi Code of 1972, and contributions, grants and other monies received by the board under the provisions of this chapter shall be deposited in a special fund hereby created in the State Treasury and designated the "Law Enforcement Officers Training Fund," which shall be expended by the board to defray the expenses of the program as authorized and appropriated by the Legislature.

(b) Twenty-five percent (25%) of the assessments collected under Section 99-19-73, Mississippi Code of 1972, shall be deposited into the "* * * Jail Officer Training Account" which is hereby created in the "Law Enforcement Officers Training Fund." The funds in such account shall be expended by the Board on Jail Officer Standards and Training to defray the expenses of the * * * jail officers training program as authorized and appropriated by the Legislature.

(c) Unexpended amounts remaining in the fund and account at the end of the fiscal year shall not lapse into the State General Fund and any interest earned on the fund shall be deposited to the credit of the fund.

(2) The board may accept for any of its purposes and functions under this chapter any and all donations, both real and personal property, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation.

(3) Money authorized and appropriated by the Legislature shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, which shall issue its warrants upon requisitions signed by the proper person, officer or officers of the commission, in the manner provided by law.

SECTION 12. Section 47-1-39, Mississippi Code of 1972, is amended as follows:

47-1-39. (1) The governing authorities of municipalities shall have the power to construct and maintain a municipal prison,
and to regulate the keeping of the same and the prisoners therein, and to contract with the board of supervisors, which is empowered in the premises, for the use of the county jail by the municipality; and to provide for the working of the streets by municipal prisoners, and to contract with the county for such work by county prisoners or the working of county roads by municipal prisoners, or for working same on the county farms. Municipal prisoners shall be worked on county roads or county farms only in the county in which the municipality is situated. Males and females shall be confined in separate cells or compartments.

(2) The municipality shall pay the tuition, living and travel expenses incurred by a person attending and participating in the basic and continuing education courses for jail officers.

SECTION 13. This act shall take effect and be in force from and after July 1, 2000.