

By: Green

To: County Affairs;  
MunicipalitiesHOUSE BILL NO. 609  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 19-3-41, 21-17-5 AND 21-17-1,  
2 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS OF  
3 ANY COUNTY AND THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY TO  
4 EXPEND FUNDS TO PROVIDE TRAINING AND EDUCATION FOR NEWLY ELECTED  
5 OR APPOINTED COUNTY OR MUNICIPAL OFFICIALS BEFORE THE BEGINNING OF  
6 THE TERM OF OFFICE OR EMPLOYMENT OF SUCH OFFICIALS; TO AUTHORIZE  
7 COUNTIES AND MUNICIPALITIES TO UTILIZE CREDIT CARDS OR ELECTRONIC  
8 FUND TRANSFERS IN CONDUCTING COLLECTION OF DELINQUENT PAYMENTS; TO  
9 AMEND SECTION 45-4-1, MISSISSIPPI CODE OF 1972, TO INCLUDE  
10 MUNICIPALITIES AND JUVENILE DETENTION FACILITIES IN THE JAIL  
11 OFFICER TRAINING REQUIREMENTS; TO AMEND SECTION 45-4-3,  
12 MISSISSIPPI CODE OF 1972, TO REVISE THE COMPOSITION OF THE BOARD  
13 ON JAIL OFFICER STANDARDS AND TRAINING; TO AMEND SECTIONS 45-4-5,  
14 45-4-7, 45-4-9, 45-4-11, 45-4-13, 45-6-15, AND 47-1-39,  
15 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
16 PURPOSES.

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

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

20 19-3-41. (1) The boards of supervisors shall have within  
21 their respective counties full jurisdiction over roads, ferries  
22 and bridges, except as otherwise provided by Section 170 of the  
23 Constitution, and all other matters of county police. They shall  
24 have jurisdiction over the subject of paupers. They shall have  
25 power to levy such taxes as may be necessary to meet the demands  
26 of their respective counties, upon such persons and property as  
27 are subject to state taxes for the time being, not exceeding the  
28 limits that may be prescribed by law. They shall cause to be  
29 erected and kept in good repair, in their respective counties, a  
30 good and convenient courthouse and a jail. A courthouse shall be  
31 erected and kept in good repair in each judicial district and a  
32 jail may be erected in each judicial district. They may close a  
33 jail in either judicial district, at their discretion, where one

34 (1) jail will suffice. They shall have the power, in their  
35 discretion, to prohibit or regulate the sale and use of  
36 firecrackers, roman candles, torpedoes, skyrockets, and any and  
37 all explosives commonly known and referred to as fireworks,  
38 outside the confines of municipalities. They shall have and  
39 exercise such further powers as are or shall be conferred upon  
40 them by law. They shall have authority to negotiate with and  
41 contract with licensed real estate brokers for the purpose of  
42 advertising and showing and procuring prospective purchasers for  
43 county-owned real property offered for sale in accordance with the  
44 provisions of Section 19-7-3.

45 (2) The board of supervisors of any county, in its  
46 discretion, may contract with a private attorney or private  
47 collection agent or agency to collect any type of delinquent  
48 payment owed to the county including, but not limited to, past due  
49 fees and fines, delinquent ad valorem taxes on personal property  
50 and delinquent ad valorem taxes on mobile homes that are entered  
51 as personal property on the mobile home rolls. Any such contract  
52 may provide for payment contingent upon successful collection  
53 efforts or payment based upon a percentage of the delinquent  
54 amount collected; however, the entire amount of all delinquent  
55 payments collected shall be remitted to the county and shall not  
56 be reduced by any collection costs or fees. There shall be due to  
57 the county from any person whose delinquent payment is collected  
58 pursuant to a contract executed under this subsection an amount,  
59 in addition to the delinquent payment, of not to exceed  
60 twenty-five percent (25%) of the delinquent payment for  
61 collections made within this state and not to exceed fifty percent  
62 (50%) of the delinquent payment for collections made outside of  
63 this state. However, in the case of delinquent fees owed to the  
64 county for garbage or rubbish collection or disposal, only the  
65 amount of the delinquent fees may be collected and no amount in  
66 addition to the delinquent fees may be collected if the board of  
67 supervisors of the county has notified the county tax collector  
68 under Section 19-5-22 for the purpose of prohibiting the issuance  
69 of a motor vehicle road and bridge privilege license tag to the  
70 person delinquent in the payment of such fees. Any private

71 attorney or private collection agent or agency contracting with  
72 the county under the provisions of this subsection shall give bond  
73 or other surety payable to the county in such amount as the board  
74 of supervisors deems sufficient. Any private attorney with whom  
75 the county contracts under the provisions of this subsection must  
76 be a member in good standing of The Mississippi Bar. Any private  
77 collection agent or agency with whom the county contracts under  
78 the provisions of this subsection must meet all licensing  
79 requirements for doing business in the State of Mississippi.  
80 Neither the county nor any officer or employee of the county shall  
81 be liable, civilly or criminally, for any wrongful or unlawful act  
82 or omission of any person or business with whom the county has  
83 contracted under the provisions of this subsection. The  
84 Mississippi Department of Audit shall establish rules and  
85 regulations for use by counties in contracting with persons or  
86 businesses under the provisions of this subsection.

87 (3) In addition to the authority granted under subsection  
88 (2) of this section, the board of supervisors of any county, in  
89 its discretion, may contract with one or more of the constables of  
90 the county to collect delinquent criminal fines imposed in the  
91 justice court of the county. Any such contract shall provide for  
92 payment contingent upon successful collection efforts, and the  
93 amount paid to a constable may not exceed twenty-five percent  
94 (25%) of the amount which the constable collects. The entire  
95 amount of all delinquent criminal fines collected under such a  
96 contract shall be remitted by the constable to the clerk of the  
97 justice court for deposit into the county general fund as provided  
98 under Section 9-11-19. Any payments made to a constable pursuant  
99 to a contract executed under the provisions of this section may be  
100 paid only after presentation to and approval by the board of  
101 supervisors of the county.

102 (4) If a county uses its own employees to collect any type  
103 of delinquent payment owed to the county, then from and after July

104 1, 1999, the county may charge an additional fee for collection of  
105 the delinquent payment provided the payment has been delinquent  
106 for ninety (90) days. The collection fee may not exceed fifteen  
107 percent (15%) of the delinquent payment if the collection is made  
108 within this state and may not exceed twenty-five percent (25%) of  
109 the delinquent payment if the collection is made outside this  
110 state. In conducting collection of delinquent payments, the  
111 county may utilize credit cards or electronic fund transfers. The  
112 county may pay any service fees for the use of such methods of  
113 collection from the collection fee, but not from the delinquent  
114 payment.

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

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

130 (7) The board of supervisors of any county may expend funds  
131 to purchase, maintain and repair equipment for the electronic  
132 filing and storage of filings, files, instruments, documents and  
133 records using microfilm, microfiche, data processing, magnetic  
134 tape, optical discs, computers or other electronic process which  
135 correctly and legibly stores and reproduces or which forms a  
136 medium for storage, copying or reproducing documents, files and

137 records for use by one (1), all or any combination of county  
138 offices, employees and officials, whether appointed or elected.

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

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

155 SECTION 2. Section 21-17-5, Mississippi Code of 1972, is  
156 amended as follows:[JWB2]

157 21-17-5. (1) The governing authorities of every  
158 municipality of this state shall have the care, management and  
159 control of the municipal affairs and its property and finances.  
160 In addition to those powers granted by specific provisions of  
161 general law, the governing authorities of municipalities shall  
162 have the power to adopt any orders, resolutions or ordinances with  
163 respect to such municipal affairs, property and finances which are  
164 not inconsistent with the Mississippi Constitution of 1890, the  
165 Mississippi Code of 1972, or any other statute or law of the State  
166 of Mississippi, and shall likewise have the power to alter, modify  
167 and repeal such orders, resolutions or ordinances. Except as  
168 otherwise provided in subsection (2) of this section, the powers  
169 granted to governing authorities of municipalities in this section

170 are complete without the existence of or reference to any specific  
171 authority granted in any other statute or law of the State of  
172 Mississippi. Unless otherwise provided by law, before entering  
173 upon the duties of their respective offices, the aldermen or  
174 councilmen of every municipality of this state shall give bond,  
175 with sufficient surety, to be payable, conditioned and approved as  
176 provided by law, in a penalty equal to five percent (5%) of the  
177 sum of all the municipal taxes shown by the assessment rolls and  
178 the levies to have been collectible in the municipality for the  
179 year immediately preceding the commencement of the term of office  
180 of said alderman or councilman; however, such bond shall not  
181 exceed the amount of One Hundred Thousand Dollars (\$100,000.00).  
182 Any taxpayer of the municipality may sue on such bond for the use  
183 of the municipality, and such taxpayer shall be liable for all  
184 costs in case his suit shall fail. No member of the city council  
185 or board of aldermen shall be surety for any other such member.

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

200 (3) Nothing in this or any other section shall be construed  
201 so as to prevent any municipal governing authority from paying any  
202 municipal employee not to exceed double his ordinary rate of pay

203 or awarding any municipal employee not to exceed double his  
204 ordinary rate of compensatory time for work performed in his  
205 capacity as a municipal employee on legal holidays.

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

215 SECTION 3. Section 21-17-1, Mississippi Code of 1972, is  
216 amended as follows:[CRG3]

217 21-17-1. Every municipality of this state shall be a  
218 municipal corporation and shall have power to sue and be sued; to  
219 purchase and hold real estate, either within or without the  
220 corporate limits, for all proper municipal purposes, including  
221 parks, cemeteries, hospitals, schoolhouses, houses of correction,  
222 waterworks, electric lights, sewers and other proper municipal  
223 purposes; to purchase and hold personal property for all proper  
224 municipal purposes; to acquire equipment and machinery by  
225 lease-purchase agreement and to pay interest thereon, if  
226 contracted, when needed for proper municipal purposes; to sell and  
227 convey any real and personal property owned by it, and make such  
228 order respecting the same as may be deemed conducive to the best  
229 interest of the municipality, and exercise jurisdiction over the  
230 same.

231 In case any of the real property belonging to a municipality  
232 shall cease to be used for municipal purposes, the governing  
233 authorities of the municipality may sell, convey or lease the same  
234 on such terms as the municipal authorities may elect. In case of  
235 a sale on a credit, the municipality shall charge appropriate

236 interest as contracted and shall have a lien on the same for the  
237 purchase money, as against all persons, until paid and may enforce  
238 the lien as in such cases provided by law. The deed of conveyance  
239 in such cases shall be executed in the name of the municipality by  
240 the governing authorities of the municipality pursuant to their  
241 order entered on the minutes of their meetings. In any sale or  
242 conveyance of real property, the municipality shall retain all  
243 mineral rights that it owns, together with the right of ingress  
244 and egress to remove same. Before any such lease, deed or  
245 conveyance is executed, the governing authorities of the  
246 municipality shall publish at least once each week for three (3)  
247 consecutive weeks, in a public newspaper of the municipality in  
248 which the real property is located, or if no newspaper be  
249 published as such, then in a newspaper having general circulation  
250 therein, the intention to lease or sell, as the case may be, the  
251 municipally owned real property and to accept sealed competitive  
252 bids for the leasing or sale. The governing authorities of the  
253 municipality shall thereafter accept bids for the lease or sale  
254 and shall award the lease or sale to the highest bidder in the  
255 manner provided by law. However, whenever the governing  
256 authorities of the municipality shall find and determine, by  
257 resolution duly and lawfully adopted and spread upon its minutes  
258 (a) that any municipally owned real property is no longer needed  
259 for municipal or related purposes and is not to be used in the  
260 operation of the municipality, (b) that the sale of such property  
261 in the manner otherwise provided by law is not necessary or  
262 desirable for the financial welfare of the municipality, and (c)  
263 that the use of such property for the purpose for which it is to  
264 be sold, conveyed or leased will promote and foster the  
265 development and improvement of the community in which it is  
266 located and the civic, social, educational, cultural, moral,  
267 economic or industrial welfare thereof, the governing authorities  
268 of the municipality shall be authorized and empowered, in their



269 discretion, to sell, convey or lease same for any of the purposes  
270 set forth herein without having to advertise for and accept  
271 competitive bids. In any case in which a municipality proposes to  
272 sell, convey or lease real property under the provisions of this  
273 section without advertising for and accepting competitive bids,  
274 consideration for the purchase, conveyance or lease of the  
275 property shall be not less than the average of the fair market  
276 price for such property as determined by three (3) professional  
277 property appraisers selected by the municipality and approved by  
278 the purchaser or lessee. Appraisal fees shall be shared equally  
279 by the municipality and the purchaser or lessee.

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

285 (a) The governing authority may donate such lands to a  
286 bona fide not-for-profit civic or eleemosynary corporation  
287 organized and existing under the laws of the State of Mississippi  
288 and granted tax exempt status by the Internal Revenue Service and  
289 may donate such lands and necessary funds related thereto to the  
290 public school district in which the land is situated for the  
291 purposes set forth herein. Any deed or conveyance executed  
292 pursuant hereto shall contain a clause of reverter providing that  
293 the bona fide not-for-profit corporation or public school district  
294 may hold title to such lands only so long as they are continued to  
295 be used for the civic, social, educational, cultural, moral,  
296 economic or industrial welfare of the community, and that title  
297 shall revert to the municipality in the event of the cessation of  
298 such use for a period of two (2) years. In any such deed or  
299 conveyance, the municipality shall retain all mineral rights that  
300 it owns, together with the right of ingress and egress to remove  
301 same;

302           (b) The governing authority may donate such lands to a  
303 bona fide not-for-profit corporation (such as Habitat for  
304 Humanity) which is primarily engaged in the construction of  
305 housing for persons who otherwise can afford to live only in  
306 substandard housing. In any such deed or conveyance, the  
307 municipality shall retain all mineral rights that it owns,  
308 together with the right of ingress and egress to remove same;

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

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

329           The governing authorities of any municipality may contract  
330 with a private attorney or private collection agent or agency to  
331 collect any type of delinquent payment owed to the municipality  
332 including, but not limited to, past due fees and fines. Any such  
333 contract debt may provide for payment contingent upon successful  
334 collection efforts or payment based upon a percentage of the

335 delinquent amount collected; however, the entire amount of all  
336 delinquent payments collected shall be remitted to the  
337 municipality and shall not be reduced by any collection costs or  
338 fees. Any private attorney or private collection agent or agency  
339 contracting with the municipality under the provisions of this  
340 paragraph shall give bond or other surety payable to the  
341 municipality in such amount as the governing authorities of the  
342 municipality deem sufficient. Any private attorney with whom the  
343 municipality contracts under the provisions of this paragraph must  
344 be a member in good standing of The Mississippi Bar. Any private  
345 collection agent or agency with whom the municipality contracts  
346 under the provisions of this paragraph must meet all licensing  
347 requirements for doing business in the State of Mississippi.  
348 Neither the municipality nor any officer or employee of the  
349 municipality shall be liable, civilly or criminally, for any  
350 wrongful or unlawful act or omission of any person or business  
351 with whom the municipality has contracted under the provisions of  
352 this paragraph. The Mississippi Department of Audit shall  
353 establish rules and regulations for use by municipalities in  
354 contracting with persons or businesses under the provisions of  
355 this paragraph. If a municipality uses its own employees to  
356 collect any type of delinquent payment owed to the municipality,  
357 then from and after July 1, 2000, the municipality may charge an  
358 additional fee for collection of the delinquent payment provided  
359 the payment has been delinquent for ninety (90) days. The  
360 collection fee may not exceed fifteen percent (15%) of the  
361 delinquent payment if the collection is made within this state and  
362 may not exceed twenty-five percent (25%) of the delinquent payment  
363 if the collection is made outside this state. In conducting  
364 collection of delinquent payments, the municipality may utilize  
365 credit cards or electronic fund transfers. The municipality may  
366 pay any service fees for the use of such methods of collection  
367 from the collection fee, but not from the delinquent payment.

368 In addition to such authority as is otherwise granted under  
369 this section, the governing authorities of any municipality may  
370 expend funds necessary to maintain and repair, and to purchase  
371 liability insurance, tags and decals for, any personal property  
372 acquired under the Federal Excess Personal Property Program that  
373 is used by the local volunteer fire department.

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

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

384 SECTION 4. Section 45-4-1, Mississippi Code of 1972, is  
385 amended as follows:[CSQ4]

386 45-4-1. The Legislature finds that the administration  
387 of \* \* \* jails and youth detention facilities is of statewide  
388 concern, and that the activities of jail officers are important to  
389 the health, safety and welfare of the people of this state and are  
390 of such nature as to require education and training of a  
391 professional nature of jail officers. It is the intent of the  
392 Legislature to provide for the coordination of training programs  
393 and the establishment of standards for jail officers.

394 SECTION 5. Section 45-4-3, Mississippi Code of 1972, is  
395 amended as follows:[CSQ5]

396 45-4-3. (1) There is hereby created the Board on \* \* \* Jail  
397 Officer Standards and Training, which shall consist of nine (9)  
398 members.

399 (2) The members shall be appointed as follows:

400 (a) Two (2) members to be appointed by the Mississippi

401 Association of Supervisors.

402 (b) Three (3) members to be appointed by the  
403 Mississippi Association of Sheriffs.

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

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

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

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

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

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

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

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

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

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

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

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

434 for the balance of the unexpired term.

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

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

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

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

452 SECTION 6. Section 45-4-5, Mississippi Code of 1972, is  
453 amended as follows:[CSQ6]

454 45-4-5. In addition to the powers conferred upon the Board  
455 on \* \* \* Jail Officer Standards and Training elsewhere in this  
456 chapter, the board shall have power to:

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

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

465 (c) Certify persons as being qualified to be jail  
466 officers or part-time jail officers.

467 (d) Revoke certification for cause and in the manner  
468 provided in this chapter.

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

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

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

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

484 (i) Approve jail officer training schools.

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

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

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

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

498 (n) Enter into contracts or do such things as may be  
499 necessary and incidental to the administration of this chapter.

500 SECTION 7. Section 45-4-7, Mississippi Code of 1972, is  
501 amended as follows:[CSQ7]

502 45-4-7. The \* \* \* Office of Standards and Training shall  
503 provide administrative and fiscal support for the Board on \* \* \*  
504 Jail Officer Standards and Training on jail officer standards and  
505 training, and the Director of the Office of Standards and Training  
506 shall serve as the director of the board.

507 SECTION 8. Section 45-4-9, Mississippi Code of 1972, is  
508 amended as follows:[CSQ8]

509 45-4-9. (1) (a) After January 1, 2000, no person shall be  
510 appointed or employed as a jail officer or a part-time jail  
511 officer unless that person has been certified as being qualified  
512 under subsection (3) of this section.

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

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

530 (2) Jail officers serving under permanent appointment on  
531 January 1, 2000, shall not be required to meet certification  
532 requirements of this section as a condition of continued



533 employment; nor shall failure of any such jail officer to fulfill  
534 such requirements make that person ineligible for any promotional  
535 examination for which that person is otherwise eligible. If any  
536 jail officer certified under this chapter leaves his employment  
537 and does not become employed as a jail officer within two (2)  
538 years from the date of termination of his prior employment, he  
539 shall be required to comply with board policy as to rehiring  
540 standards in order to be employed as a jail officer.

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

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

565 (5) Professional certificates remain the property of the

566 board, and the board reserves the right to either reprimand the  
567 holder of a certificate, suspend a certificate upon conditions  
568 imposed by the board, or cancel and recall any certificate when:

569 (a) The certificate was issued by administrative error;

570 (b) The certificate was obtained through  
571 misrepresentation or fraud;

572 (c) The holder has been convicted of any crime  
573 involving moral turpitude;

574 (d) The holder has been convicted of a felony; or

575 (e) Other due cause as determined by the board.

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

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

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

589 SECTION 9. Section 45-4-11, Mississippi Code of 1972, is  
590 amended as follows:[CSQ9]

591 45-4-11. (1) The Board on \* \* \* Jail Officer Standards and  
592 Training shall establish, provide or maintain jail officer  
593 training programs through such agencies and institutions as the  
594 board may deem appropriate.

595 (2) The board shall authorize, but only from such funds  
596 authorized and appropriated by the Legislature, the reimbursement  
597 to each governmental entity of at least fifty percent (50%) of the  
598 allowable salary and allowable tuition, living and travel expense

599 incurred by jail officers in attendance at approved training  
600 programs, if the governmental entity does in fact adhere to the  
601 training standards established by the board. The board shall  
602 authorize, but only from such funds authorized and appropriated by  
603 the Legislature, the direct funding of a part-time jail officer  
604 training program. The board shall require the payment of a  
605 reasonable tuition fee to aid in funding the costs of  
606 administering the part-time jail officer training program.

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

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

619 SECTION 10. Section 45-4-13, Mississippi Code of 1972, is  
620 amended as follows:[CSQ10]

621 45-4-13. Any governmental entity that employs a person as a  
622 jail officer who does not meet the requirements of this chapter,  
623 or who employs a person whose certificate has been suspended or  
624 revoked under provisions of this chapter, is prohibited from  
625 paying the salary of such person, or providing any public monies  
626 for the equipment or support of the jail duties of such person and  
627 any person violating this subsection shall be personally liable  
628 for making such payment.

629 SECTION 11. Section 45-6-15, Mississippi Code of 1972, is  
630 amended as follows:[CSQ11]

631 45-6-15. (1) (a) Such assessments as are collected under

632 Section 99-19-73, Mississippi Code of 1972, and contributions,  
633 grants and other monies received by the board under the provisions  
634 of this chapter shall be deposited in a special fund hereby  
635 created in the State Treasury and designated the "Law Enforcement  
636 Officers Training Fund," which shall be expended by the board to  
637 defray the expenses of the program as authorized and appropriated  
638 by the Legislature.

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

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

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

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

661 SECTION 12. Section 47-1-39, Mississippi Code of 1972, is  
662 amended as follows:[CSQ12]

663 47-1-39. (1) The governing authorities of municipalities  
664 shall have the power to construct and maintain a municipal prison,

665 and to regulate the keeping of the same and the prisoners therein,  
666 and to contract with the board of supervisors, which is empowered  
667 in the premises, for the use of the county jail by the  
668 municipality; and to provide for the working of the streets by  
669 municipal prisoners, and to contract with the county for such work  
670 by county prisoners or the working of county roads by municipal  
671 prisoners, or for working same on the county farms. Municipal  
672 prisoners shall be worked on county roads or county farms only in  
673 the county in which the municipality is situated. Males and  
674 females shall be confined in separate cells or compartments.

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

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