HOUSE BILL NO. 378

Mississippi Legislature
Regular Session 2003

By: Representative Fleming
To: Judiciary B; Appropriations

Section 1. (1) There is hereby created a law enforcement unit of the Department of Public Safety to be known as the State Police. The Commissioner of Public Safety shall appoint a Chief of the State Police who shall be qualified and experienced in law enforcement and who has served for not less than five (5) years as a law enforcement officer in a supervisory position. The chief shall be furnished a vehicle to perform his duties of overseeing the State Police throughout the state. The chief shall enter into bond in an amount determined by the commissioner. The primary duty of the chief shall be directing the enforcement of the laws of the state and the laws and regulations of the Mississippi Department of Transportation, the Public Service Commission, the State Tax Commission, the Department of Wildlife, Fisheries and Parks, the Capitol Police, the Gaming Commission, the Mississippi Agricultural and Livestock Theft Bureau, the Board of Trustees of State Institutions of Higher Learning, the Department of Audit and the Bureau of Narcotics. The salary of the chief shall be fixed by the commissioner.
(2) The chief is hereby authorized and directed to appoint as many officers as may be required to efficiently enforce the laws under the jurisdiction of the State Police as provided in subsection (1) of this section. These officers shall be located in different sections of the state where their services are most needed. The salary of the officers of the State Police shall be as determined by the State Personnel Board, or its successor.

(3) The chief and the officers of the State Police shall be designated law enforcement officers, as defined in Section 45-6-3, and shall be subject to all training and certification requirements of the Board on Law Enforcement Officer Standards and Training.

(4) Any officer of an existing law enforcement agency who was exempt from training and certification requirements by such agency shall be exempt from such requirements under this act.

SECTION 2. Section 7-7-211, Mississippi Code of 1972, is amended as follows:

7-7-211. The department shall have the power and it shall be its duty:

(a) To identify and define for all public offices of the state and its subdivisions generally accepted accounting principles as promulgated by nationally recognized professional organizations and to consult with the State Fiscal Officer in the prescription and implementation of accounting rules and regulations;

(b) To prescribe, for all public offices of regional and local subdivisions of the state, systems of accounting, budgeting and reporting financial facts relating to said offices in conformity with legal requirements and with generally accepted professional organizations; to assist such subdivisions in need of assistance in the installation of such systems; to revise such systems when deemed necessary, and to report to the Legislature at
periodic times the extent to which each office is maintaining such systems, along with such recommendations to the Legislature for improvement as seem desirable;

(c) To study and analyze existing managerial policies, methods, procedures, duties and services of the various state departments and institutions upon written request of the Governor, the Legislature or any committee or other body empowered by the Legislature to make such request to determine whether and where operations can be eliminated, combined, simplified and improved;

(d) To postaudit each year and, when deemed necessary, preaudit and investigate the financial affairs of the departments, institutions, boards, commissions or other agencies of state government, as part of the publication of a comprehensive annual financial report for the State of Mississippi. In complying with the requirements of this subsection, the department shall have the authority to conduct all necessary audit procedures on an interim and year-end basis;

(e) To postaudit and, when deemed necessary, preaudit and investigate separately the financial affairs of (i) the offices, boards and commissions of county governments and any departments and institutions thereof and therein; (ii) public school districts, departments of education and junior college districts; and (iii) any other local offices or agencies which share revenues derived from taxes or fees imposed by the state Legislature or receive grants from revenues collected by governmental divisions of the state; the cost of such audits, investigations or other services to be paid as follows: Such part shall be paid by the state from appropriations made by the Legislature for the operation of the State Department of Audit as may exceed the sum of One Hundred Dollars ($100.00) per day for the services of each staff person engaged in performing the audit or other service, which sum shall be paid by the county, district, department, institution or other agency audited out of its general
fund or any other available funds from which such payment is not prohibited by law;

(f) To postaudit and, when deemed necessary, preaudit and investigate the financial affairs of the levee boards; agencies created by the Legislature or by executive order of the Governor; profit or nonprofit business entities administering programs financed by funds flowing through the State Treasury or through any of the agencies of the state, or its subdivisions; and all other public bodies supported by funds derived in part or wholly from public funds, except municipalities which annually submit an audit prepared by a qualified certified public accountant using methods and procedures prescribed by the department;

(g) To make written demand, when necessary, for the recovery of any amounts representing public funds improperly withheld, misappropriated and/or otherwise illegally expended by an officer, employee or administrative body of any state, county or other public office, and/or for the recovery of the value of any public property disposed of in an unlawful manner by a public officer, employee or administrative body, such demands to be made (i) upon the person or persons liable for such amounts and upon the surety on official bond thereof, and/or (ii) upon any individual, partnership, corporation or association to whom the illegal expenditure was made or with whom the unlawful disposition of public property was made, if such individual, partnership, corporation or association knew or had reason to know through the exercising of reasonable diligence that the expenditure was illegal or the disposition unlawful. Such demand shall be premised on competent evidence, which shall include at least one (1) of the following: (i) sworn statements, (ii) written documentation, (iii) physical evidence, or (iv) reports and findings of government or other law enforcement agencies. Other provisions notwithstanding, a demand letter issued pursuant to
this subsection shall remain confidential by the State Auditor until the individual against whom the demand letter is being filed has been served with a copy of such demand letter. If, however, such individual cannot be notified within fifteen (15) days using reasonable means and due diligence, such notification shall be made to the individual's bonding company, if he or she is bonded. Each such demand shall be paid into the proper treasury of the state, county or other public body through the office of the department in the amount demanded within thirty (30) days from the date thereof, together with interest thereon in the sum of one percent (1%) per month from the date such amount or amounts were improperly withheld, misappropriated and/or otherwise illegally expended. In the event, however, such person or persons shall refuse, neglect or otherwise fail to pay the amount demanded and the interest due thereon within the allotted thirty (30) days, the State Auditor shall have the authority and it shall be his duty to institute suit, and the Attorney General shall prosecute the same in any court of the state to the end that there shall be recovered the total of such amounts from the person or persons and surety on official bond named therein; and the amounts so recovered shall be paid into the proper treasury of the state, county or other public body through the State Auditor;

(h) To investigate any alleged or suspected violation of the laws of the state by any officer or employee of the state, county or other public office in the purchase, sale or the use of any supplies, services, equipment or other property belonging thereto; and in such investigation to do any and all things necessary to procure evidence sufficient either to prove or disprove the existence of such alleged or suspected violations. The State Police may investigate, for the purpose of prosecution, any suspected criminal violation of the provisions of this chapter. For the purpose of administration and enforcement of this chapter, the enforcement employees of the Department of
Investigation of the State Department of Audit shall be employees of the State Police from and after July 1, 2005, and shall have the powers of a peace officer of this state only over those persons under indictment or at the direction of another duly authorized law enforcement agency having jurisdiction over the case. All enforcement employees of the Department of Investigation of the State Department of Audit hired on or after July 1, 1993, shall be required to complete the Law Enforcement Officers Training Program and shall meet the standards of the program:

(i) To issue subpoenas, with the approval of, and returnable to, a judge of a chancery or circuit court, in termtime or in vacation, to examine the records, documents or other evidence of persons, firms, corporations or any other entities insofar as such records, documents or other evidence relate to dealings with any state, county or other public entity. The circuit or chancery judge must serve the county in which the records, documents or other evidence is located; or where all or part of the transaction or transactions occurred which are the subject of the subpoena;

(j) In any instances in which the State Auditor is or shall be authorized or required to examine or audit, whether preaudit or postaudit, any books, ledgers, accounts or other records of the affairs of any public hospital owned or owned and operated by one or more political subdivisions or parts thereof or any combination thereof, or any school district, including activity funds thereof, it shall be sufficient compliance therewith, in the discretion of the State Auditor, that such examination or audit be made from the report of any audit or other examination certified by a certified public accountant and prepared by or under the supervision of such certified public accountant. Such audits shall be made in accordance with generally accepted standards of auditing, with the use of an audit
program prepared by the State Auditor, and final reports of such audits shall conform to the format prescribed by the State Auditor. All files, working papers, notes, correspondence and all other data compiled during the course of the audit shall be available, without cost, to the State Auditor for examination and abstracting during the normal business hours of any business day. The expense of such certified reports shall be borne by the respective hospital, or any available school district funds other than minimum program funds, subject to examination or audit. The State Auditor shall not be bound by such certified reports and may, in his or their discretion, conduct such examination or audit from the books, ledgers, accounts or other records involved as may be appropriate and authorized by law.

(k) The State Auditor shall have the authority to contract with qualified public accounting firms to perform selected audits required in subsections (d), (e) and (f) of this section, if funds are made available for such contracts by the Legislature, or if funds are available from the governmental entity covered by subsections (d), (e) and (f). Such audits shall be made in accordance with generally accepted standards of auditing, with the use of an audit program prepared by the State Auditor, and final reports of such audits shall conform to the format prescribed by the State Auditor. All files, working papers, notes, correspondence and all other data compiled during the course of the audit shall be available, without cost, to the State Auditor for examination and abstracting during the normal business hours of any business day.

(l) The State Auditor shall have the authority to establish training courses and programs for the personnel of the various state and local governmental entities under the jurisdiction of the Office of the State Auditor. The training courses and programs shall include, but not be limited to, topics on internal control of funds, property and equipment control and
inventory, governmental accounting and financial reporting, and internal auditing. The State Auditor is authorized to charge a fee from the participants of these courses and programs, which fee shall be deposited into the Department of Audit Special Fund. State and local governmental entities are authorized to pay such fee and any travel expenses out of their general funds or any other available funds from which such payment is not prohibited by law.

(m) Upon written request by the Governor or any member of the State Legislature, the State Auditor may audit any state funds and/or state and federal funds received by any nonprofit corporation Incorporated under the laws of this state;

(n) To conduct performance audits of personal or professional service contracts by state agencies on a random sampling basis, or upon request of the State Personal Service Contract Review Board under Section 25-9-120(3).

SECTION 3. Section 27-3-13, Mississippi Code of 1972, is amended as follows:

27-3-13. The chairman of the commission is hereby empowered to employ a secretary to the commission, and such accountants, appraisers, inspectors, timber estimators, engineers, valuation experts, clerical help, stenographers, and such other assistants and/or attorneys as he may deem necessary to the proper discharge of the duties of the State Tax Commission, to prescribe their duties and to fix the compensation of each employee. Such employees may be used interchangeably in the administration of the various duties imposed by law upon the commission in its several departments. The State Police shall enforce any laws administered by the commission. Temporary employees of the classes enumerated above may be employed as hereinabove, when in the opinion of the chairman a seasonal press of business requires, except that such temporary employees shall be retained no longer than is necessary to the discharge of the duties imposed by law upon the commission.
SECTION 4. Section 29-5-77, Mississippi Code of 1972, is amended as follows:

29-5-77. The State Police shall have jurisdiction relative to the enforcement of all laws of the State of Mississippi on the properties set forth in Section 29-5-2 and the Court of Appeals Building. The State Police is authorized and directed through any person or persons appointed by the Office of General Services or through the Department of Public Safety when requested by the Office of General Services, to make arrests for any violation of any law of the State of Mississippi on such grounds of or within such properties. The State Police is hereby empowered and directed to enforce the provisions of Sections 29-5-57 through 29-5-67, 29-5-71 through 29-5-77, and 29-5-81 through 29-5-95, and to prescribe such rules and regulations as are necessary therefor.

SECTION 5. Section 37-101-15, Mississippi Code of 1972, is amended as follows:

37-101-15. (a) The Board of Trustees of State Institutions of Higher Learning shall succeed to and continue to exercise control of all records, books, papers, equipment, and supplies, and all lands, buildings, and other real and personal property belonging to or assigned to the use and benefit of the board of trustees formerly supervising and controlling the institutions of higher learning named in Section 37-101-1. The board shall have and exercise control of the use, distribution and disbursement of all funds, appropriations and taxes, now and hereafter in possession, levied and collected, received, or appropriated for the use, benefit, support, and maintenance or capital outlay expenditures of the institutions of higher learning, including the authorization of employees to sign vouchers for the disbursement of funds for the various institutions, except where otherwise specifically provided by law.
(b) The board shall have general supervision of the affairs of all the institutions of higher learning, including the departments and the schools thereof. The board shall have the power in its discretion to determine who shall be privileged to enter, to remain in, or to graduate therefrom. The board shall have general supervision of the conduct of libraries and laboratories, the care of dormitories, buildings, and grounds; the business methods and arrangement of accounts and records; the organization of the administrative plan of each institution; and all other matters incident to the proper functioning of the institutions. The board shall have the authority to establish minimum standards of achievement as a prerequisite for entrance into any of the institutions under its jurisdiction, which standards need not be uniform between the various institutions and which may be based upon such criteria as the board may establish.

(c) The board shall exercise all the powers and prerogatives conferred upon it under the laws establishing and providing for the operation of the several institutions herein specified. The board shall adopt such bylaws and regulations from time to time as it deems expedient for the proper supervision and control of the several institutions of higher learning, insofar as such bylaws and regulations are not repugnant to the Constitution and laws, and not inconsistent with the object for which these institutions were established. The board shall have power and authority to prescribe rules and regulations for policing the campuses and all buildings of the respective institutions, to authorize the arrest of all persons violating on any campus any criminal law of the state, and to have such law violators turned over to the civil authorities. The law enforcement officers employed on any campus shall be officers of the State Police.

(d) For all institutions specified herein, the board shall provide a uniform system of recording and of accounting approved by the State Department of Audit. The board shall annually
prepare, or cause to be prepared, a budget for each institution of
higher learning for the succeeding year which must be prepared and
in readiness for at least thirty (30) days before the convening of
the regular session of the Legislature. All relationships and
negotiations between the state Legislature and its various
committees and the institutions named herein shall be carried on
through the board of trustees. No official, employee or agent
representing any of the separate institutions shall appear before
the Legislature or any committee thereof except upon the written
order of the board or upon the request of the Legislature or a
committee thereof.

(e) For all institutions specified herein, the board shall
prepare an annual report to the Legislature setting forth the
disbursements of all monies appropriated to the respective
institutions. Each report to the Legislature shall show how the
money appropriated to the several institutions has been expended,
beginning and ending with the fiscal years of the institutions,
showing the name of each teacher, officer, and employee, and the
salary paid each, and an itemized statement of each and every item
of receipts and expenditures. Each report must be balanced, and
must begin with the former balance. If any property belonging to
the state or the institution is used for profit, the reports shall
show the expense incurred in managing the property and the amount
received therefrom. The reports shall also show a summary of the
gross receipts and gross disbursements for each year and shall
show the money on hand at the beginning of the fiscal period of
the institution next preceding each session of the Legislature and
the necessary amount of expense to be incurred from said date to
January 1 following. The board shall keep the annual expenditures
of each institution herein mentioned within the income derived
from legislative appropriations and other sources, but in case of
emergency arising from acts of providence, epidemics, fire or
storm with the written approval of the Governor and by written
consent of a majority of the Senators and of the Representatives it may exceed the income. The board shall require a surety bond in a surety company authorized to do business in this state, of every employee who is the custodian of funds belonging to one or more of the institutions mentioned herein, which bond shall be in a sum to be fixed by the board in an amount that will properly safeguard the said funds, the premium for which shall be paid out of the funds appropriated for said institutions.

(f) The board shall have the power and authority to elect the heads of the various institutions of higher learning and to contract with all deans, professors, and other members of the teaching staff, and all administrative employees of said institutions for a term of not exceeding four (4) years. The board shall have the power and authority to terminate any such contract at any time for malfeasance, inefficiency, or contumacious conduct, but never for political reasons. It shall be the policy of the board to permit the executive head of each institution to nominate for election by the board all subordinate employees of the institution over which he presides. It shall be the policy of the board to elect all officials for a definite tenure of service and to reelect during the period of satisfactory service. The board shall have the power to make any adjustments it thinks necessary between the various departments and schools of any institution or between the different institutions.

(g) The board shall keep complete minutes and records of all proceedings which shall be open for inspection by any citizen of the state.

(h) The board shall have the power to contract, on a shared-savings, lease or lease-purchase basis, for energy efficiency services and/or equipment as prescribed in Section 31-7-14, not to exceed ten (10) years.

(i) The Board of Trustees of State Institutions of Higher Learning, for and on behalf of Jackson State University, is hereby
authorized to convey by donation or otherwise easements across portions of certain real estate located in the City of Jackson, Hinds County, Mississippi, for right-of-way required for the Metro Parkway Project.

SECTION 6. Section 41-29-107, Mississippi Code of 1972, is amended as follows:

41-29-107. The State Police shall enforce the provisions of this chapter. The State Police shall have as chief administrative officer to supervise the enforcement of this chapter a director who shall be appointed by the Chief of the State Police. The director is empowered to employ or appoint necessary agents. The said director may also employ such secretarial, clerical and administrative personnel, including a duly licensed attorney, as necessary for the operation of the bureau, and shall have such quarters, equipment and facilities as needed. The salary and qualifications of the attorney authorized by this section shall be fixed by the director, but the salary shall not exceed the salary authorized for an assistant attorney general who performs similar duties.

The director and agents so appointed shall be citizens of the United States and of the State of Mississippi, and of good moral character. The agents shall be not less than twenty-one (21) nor shall have attained the age of thirty-six (36) years of age at the time of such appointment. In addition thereto, those appointed shall have satisfactorily completed at least two (2) years of college studies. However, two (2) years of satisfactory service as a law enforcement officer and the completion of the prescribed course of study at a school operated by the Bureau of Narcotics and Dangerous Drugs, United States Justice Department, shall satisfy one (1) year of such college studies, and four (4) years of satisfactory service as a law enforcement officer and the completion of the prescribed course of study at such federal bureau school as stated heretofore shall fully satisfy the two (2)
years of college requirement. The director shall also be required
to complete a prescribed course of study at a school operated by
the Bureau of Narcotics and Dangerous Drugs, United States Justice
Department.

During the period of the first twelve (12) months after
appointment, any employee of the State Police enforcing this
chapter shall be subject to dismissal at the will of the director.
After twelve (12) months' service, no such employee * * * shall be
subject to dismissal unless charges have been filed with the
director, showing cause for dismissal of such employee of the
State Police. A date shall be set for hearing before the director
and the employee notified in writing of the date of such hearing
and of the charges filed. Said hearing shall be held not less than
ten (10) days after notification to the employee. After said
hearing, at which the employee shall be entitled to legal counsel,
a written order of the director shall be necessary for dismissal
and the decision shall be final. Any such order of the director
shall be a public record and subject to inspection as such.

The Commissioner of Public Safety may assign members of the
Mississippi Highway Safety Patrol, regardless of age, to assist in
the enforcement of this chapter at the request of the
director * * *; however, when any highway patrolman or other
employee, agent or official of the Mississippi Department of
Public Safety is assigned to duty for, or is employed for the
enforcement of this chapter, he shall not be subject to assignment
or transfer to any other bureau or department within the
Mississippi Department of Public Safety except by the director.
Any highway patrolman assigned to duty regarding enforcement of
this chapter shall retain his status as a highway patrolman, but
shall be under the supervision of the director. For purposes of
seniority within the Highway Safety Patrol and for purposes of
retirement under the Mississippi Highway Safety Patrol Retirement
System, highway patrolmen assigned to enforcement of this chapter
The director may enter into contracts or agreements with the State Board of Health for purposes of recruitment and screening of applicants through the merit system.

The director may enter into agreements with bureaus or departments of other states or of the United States for the exchange or temporary assignment of agents for special undercover assignments and for performance of specific duties.

The director is hereby authorized to assign agents charged with enforcing this chapter to such duty and to request and accept agents from such other bureaus or departments for such duty.

SECTION 7. Section 49-1-12, Mississippi Code of 1972, is amended as follows:

49-1-12. (1) The term "conservation officer" means a law enforcement officer of the State Police.

(2) Wherever the terms "warden," "game warden," or "game and fish warden" appear, the same shall mean an officer of the State Police.

SECTION 8. Section 49-1-16, Mississippi Code of 1972, is amended as follows:

49-1-16. (a) There is hereby created a Conservation Officers' Reserve Unit, hereinafter termed "the reserve," to assist the conservation officers in the performance of their duties. The reserve shall consist of volunteers who are approved by the Chief of the State Police or his designated representative, and the members of the reserve shall serve without pay. Reserve officers shall be in such numbers as determined by the enforcement needs, with the maximum strength of reserve officers limited to the same number as conservation officers.

(b) In order to be eligible for membership in the reserve, an applicant must be twenty-one (21) years of age, be a high school graduate or its equivalent, be in good physical condition,
have a Mississippi driver's license, be in good standing with the community, be available for training and duty, not be a member of any police, auxiliary police, civil defense, or private security agency, have never been convicted of a felony, and have one (1) of the following:

   (i) An honorable discharge or honorable separation certificate from one (1) of the United States military services;
   (ii) Three (3) years of responsible post-high school work experience that required the ability to deal effectively with individuals and groups of persons;
   (iii) Successful completion of sixty (60) semester hours at an accredited college or university; or
   (iv) Such qualifications as are outlined in this section for enforcement officers.

Members of the immediate family of conservation officers shall not be eligible for the reserve unless a special waiver is granted by the commission.

Upon acceptance into the reserve, members shall receive a temporary appointment for one (1) year. During this year of temporary status, members must successfully complete the required training and must qualify on the same firearms course as conservation officers.

(c) The reserve shall be under the leadership and direction of the Chief of the State Police, who may designate an officer to coordinate the actions of the reserve. The training of the reserve shall be conducted by a State Police officer. The reserve shall meet at least once each month for the purpose of training and transacting such business as may come before it. The chief shall be notified in writing of all meetings of the reserve and the time and place of such meetings shall be recorded with the chief. The chief shall prepare a reserve officer's manual with the advice and consent of the commission. The manual shall include, but is not limited to, the following:
activities and operations, training, administration and duties. 

During active service, the reserve shall be under the direction of the chief or his designated representative. When a reserve officer is on active duty and assigned to a specific conservation officer, he shall be under the direct supervision of that officer. Reserve officers serve at the discretion of the chief and may be dismissed by him. Reserve officers shall furnish their own uniforms and other personal equipment if the State Police does not provide such items.

(d) The chief may, by regulation, require members of the Conservation Officers' Reserve Unit to attend officer reserve training programs conducted by county or municipal agencies or at the Mississippi Law Enforcement Officers Training Academy at the expense of the State Police if the chief deems such training necessary or desirable.

(e) The State Police may issue uniforms to such reserve officers and may authorize the issuance of any state equipment necessary for the reserve officers to adequately assist law enforcement officers. The chief is authorized to develop a reserve officer identification system to accomplish the issuance of such items in accordance with the State Auditor guidelines.

(f) In the event the chief shall determine that a member of the Conservation Officers' Reserve Unit may attend a training program as authorized under the provisions of this section, the chief shall require that any such reserve officer shall sign an agreement, prior to attending a training program, which shall stipulate that if the reserve officer accepts employment from any other public or private law enforcement agency within three (3) years after completion of his training program, the reserve officer or the respective hiring law enforcement agency shall reimburse the State Police for the total cost of his training program. By October 1 of each year, the chief shall provide the Game and Fish Committee of the Mississippi House of
Representatives and the Wildlife and Marine Resources Committee of the Mississippi Senate a listing which contains each name and the respective cost of training each reserve officer received during the previous year.

SECTION 9. Section 49-1-44, Mississippi Code of 1972, is amended as follows:

49-1-44. In addition to the regulations of the commission and the statutes relating to protection and preservation of wildlife and the environment, conservation officers of the State Police are hereby authorized to assist in the detection and apprehension of violators of the laws of this state which pertain to theft of cattle, to enforce and apprehend violators of the laws of this state which pertain to unauthorized dumping of garbage, obstructing streams and littering, as set forth specifically in Sections 97-15-13, 97-15-21, 97-15-23, 97-15-25, 97-15-27, 97-15-29, 97-15-31, 97-15-39, 97-15-41, 97-15-43, 97-15-45, 97-17-53, 97-17-79, 97-17-81 and 97-17-83, but not limited thereto, and in addition to any other powers and duties otherwise delegated or assigned to conservation officers of the State Police.

SECTION 10. Section 65-1-131, Mississippi Code of 1972, is amended as follows:

65-1-131. (1) The Chief of the State Police may appoint and commission qualified persons as security officers of the Mississippi Department of Transportation. Any such security officer so appointed shall be a full-time employee of the State Police and shall not be employed by any privately owned guard or security service, and shall at all times be answerable and responsible to the Chief of the State Police.

(2) A security officer appointed and commissioned as provided in subsection (1) of this section shall, before entering upon his duties as such officer, take the oath of office prescribed by Section 268, Mississippi Constitution of 1890, which
shall be endorsed upon his commission. The commission, with the oath endorsed upon it, shall be entered in the official minute book of the Transportation Commission.

(3) A security officer appointed and commissioned pursuant to the provisions of subsection (1) of this section, shall, while engaged in the performance of his duties, carry on his person a badge identifying him as a security officer of the Mississippi Department of Transportation and an identification card issued by the Transportation Commission. When in uniform, each such security officer shall wear his badge in plain view.

(4) A security officer appointed and commissioned under subsection (1) of this section may exercise the same powers of arrest and the right to bear firearms that may be exercised by any state, municipal or other police officer in this state, with emphasis to violations of law which are committed on or within buildings, property or facilities owned by or under the jurisdiction of the Transportation Commission or the Transportation Department. Any right granted under this subsection in no way relieves the requirements of appropriate affidavit and warrant for arrest from the appropriate jurisdiction and authority pursuant to the laws of this state.

(5) On behalf of each person who is employed as a security officer under subsection (1) of this section and who is trained as a security officer at the Mississippi Law Enforcement Officers' Training Academy, the State Police shall be required to pay to the academy at least an amount equal to the per student cost of operation of said academy as tuition.

SECTION 11. Section 69-29-1, Mississippi Code of 1972, is amended as follows:

69-29-1. (1) (a) There is established the Mississippi Agricultural and Livestock Theft Bureau.

(b) The Chief of the State Police shall appoint a director of the Mississippi Agricultural and Livestock Theft...
Bureau. Such director shall have at least five (5) years of law enforcement experience. Such director shall be responsible solely to the supervision of the Chief of the State Police and to no other person or entity. Such director may be discharged only for just cause shown.

(c) The State Police shall provide nine (9) agricultural and livestock theft investigators, one (1) from each highway patrol district, and each investigator is required to reside within the highway patrol district from which he or she is selected. Each investigator shall be certified as a law enforcement officer, successfully completing at least a nine-week training course, in accordance with Section 45-6-11. The curriculum for the training of constables shall not be sufficient for meeting the certification requirements of this paragraph. In the selection of investigators under this section, preference shall be given to persons who have previous law enforcement experience.

(d) The director appointed under this section, under the direction, control and supervision of the commissioner, and the investigators provided under this section shall perform only the duties described in subsection (2) of this section and shall not be assigned any other duties.

(2) The director appointed under this section and the investigators provided by the State Police under this section shall have the following powers, duties and authority:

(a) To enforce all of the provisions of Sections 69-29-9 and 69-29-11, and particularly those portions requiring persons transporting livestock to have a bill of sale in their possession; to make investigations of violations of such sections and to arrest persons violating same;

(b) To enforce all of the laws of this state enacted for the purpose of preventing the theft of livestock, poultry and agricultural and aquacultural products and implements; to make
investigations of violations thereof and to arrest persons
violating same;

(c) To cooperate with all regularly constituted law
enforcement officers relative to the matters herein set forth;

(d) To serve warrants and other process emanating from
any court of lawful jurisdiction, including search warrants, in
all matters herein set forth;

(e) To carry proper credentials evidencing their
authority, which shall be exhibited to any person making demand
therefor;

(f) To make arrests without warrant in all matters
herein set forth in cases where same is authorized under the
constitutional and general laws of this state;

(g) To handle the registration of brands of cattle and
livestock;

(h) To investigate, prevent, apprehend and arrest those
persons anywhere in the state who are violating any of the laws
administered by the Department of Agriculture and Commerce
including, but not limited to, all agriculture-related crimes.

(3) The State Police shall furnish such investigators with
such vehicles, equipment and supplies as may be necessary. All
expenses of same, and all other expenses incurred in the
administration of this section, shall be paid from such
appropriation as may be made by the Legislature.

(4) The State Tax Commission and its agents and employees
shall cooperate with such investigators by furnishing to them
information as to any possible or suspected violations of any of
the laws mentioned herein, including specifically Section
69-29-27, and in any other lawful manner.

(5) The conservation officers of the Commission on Wildlife,
Fisheries and Parks are authorized to cooperate with and assist
the agricultural and livestock theft investigators in the
enforcement and apprehension of violators of laws regarding agricultural and livestock theft.

SECTION 12. Section 75-76-17, Mississippi Code of 1972, is amended as follows:

75-76-17. (1) From and after July 1, 2005, there are hereby created, for supervision by the Chief of the State Police, two (2) divisions which are entitled the Enforcement Division and the Investigation Division of the State Police which shall be responsible for enforcing the provisions of this chapter excluding an audit division.

(2) The Chief of the State Police shall employ division directors that possess training and experience in the fields of investigation, law enforcement, law or gaming.

SECTION 13. Section 77-1-21, Mississippi Code of 1972, is amended as follows:

77-1-21. For the purpose of enforcing the provisions of the Mississippi Motor Carrier Regulatory Law of 1938, the Chief of the State Police is hereby authorized to employ, in addition to personnel already employed by the commission, one (1) chief enforcement officer and twenty-one (21) inspectors, the salaries of whom shall be fixed by the Chief of the State Police. The chief enforcement officer and the inspectors shall devote their full time to the performance of their duties and shall take an oath faithfully to perform the duties of their position. The chief shall require bonds to be carried on such employees as the chief may deem necessary, the cost thereof to be paid by the State Police. The chief enforcement officer and inspectors shall be qualified by experience and training in law enforcement or investigative work, and shall attend and satisfactorily complete an appropriate course of instruction established by the Commissioner of Public Safety at the law enforcement officers training academy. The chief enforcement officer and the inspectors herein referred to shall be selected after an
examination as to physical and mental fitness. Such employees shall be citizens of the United States and the State of Mississippi, and of good moral character. All such members of staff shall be appointed by the chief and shall be subject to removal at any time by the chief.

SECTION 14. Sections 49-1-9, 49-1-13 and 49-1-15, Mississippi Code of 1972, which provide for conservation officers of the Department of Wildlife, Fisheries and Parks, is repealed.

SECTION 15. This act shall take effect and be in force from and after July 1, 2005.