

By: Representative Sykes

To: Appropriations

HOUSE BILL NO. 256

1 AN ACT TO PROVIDE THAT UPON THE TERMINATION OF EMPLOYMENT OR  
 2 DEATH OF ANY LAW ENFORCEMENT OFFICER OR OTHER LAW ENFORCEMENT  
 3 STAFF WHO WORKS FOR THE MISSISSIPPI HIGHWAY SAFETY PATROL OR THE  
 4 DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF PUBLIC SAFETY OR THE  
 5 DEPARTMENT OF CORRECTIONS, RESPECTIVELY, SHALL PAY THE OFFICER OR  
 6 EMPLOYEE OR HIS OR HER ESTATE, AS APPROPRIATE, FOR ALL  
 7 COMPENSATORY LEAVE ACCUMULATED BY THE OFFICER OR EMPLOYEE; TO  
 8 AMEND SECTION 25-9-119, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
 9 THE PRECEDING PROVISIONS; TO AMEND SECTION 19-25-13, MISSISSIPPI  
 10 CODE OF 1972, TO REQUIRE A BOARD OF SUPERVISORS TO PAY SHERIFFS  
 11 AND DEPUTIES FOR COMPENSATORY TIME UPON TERMINATION OR DEATH; AND  
 12 FOR RELATED PURPOSES.

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

14 **SECTION 1.** Upon the termination of employment or death of  
 15 any law enforcement officer or other law enforcement staff who  
 16 works for the Mississippi Highway Safety Patrol or the Department  
 17 of Corrections, the Department of Public Safety or the Department  
 18 of Corrections, respectively, shall pay the officer or employee or  
 19 his or her estate, as appropriate, for all compensatory leave  
 20 accumulated by the officer or employee.

21 **SECTION 2.** Section 25-9-119, Mississippi Code of 1972, is  
 22 amended as follows:



23           25-9-119. (1) There is created the position of the State  
24 Personnel Director who shall be selected by the State Personnel  
25 Board, with the advice and consent of the Senate. The director  
26 shall have at least a Juris Doctor degree from an accredited law  
27 school or a master's degree in business administration, personnel  
28 management or the equivalent and shall have not less than five (5)  
29 years' experience therein. His salary shall be in accordance with  
30 the Mississippi Compensation Plan. The State Personnel Director  
31 shall serve at the will and pleasure of the State Personnel Board.

32           (2) The duties and responsibilities of the director shall  
33 be:

34                   (a) To serve as executive secretary to the board, to  
35 attend meetings as directed by the board and to provide such  
36 professional, technical and other supportive assistance as may be  
37 required by the board in the performance of its duties;

38                   (b) Consistent with board policy, to administer the  
39 operations of the State Personnel System and to otherwise act in  
40 the capacity of Chief Executive Officer to the State Personnel  
41 Board;

42                   (c) To submit for board approval proposed rules and  
43 regulations which shall require a uniform system of personnel  
44 administration within all agencies included in this chapter. Such  
45 rules and regulations, when approved by the board, shall be  
46 binding upon the state departments, agencies and institutions  
47 covered by this chapter, except as otherwise provided by law, and



48 shall include provisions for the establishment and maintenance of  
49 classification and compensation plans, the conduct of  
50 examinations, employee recruiting, employee selection, the  
51 certification of eligible persons, appointments, promotions,  
52 transfers, demotions, separations, reinstatement, appeals, reports  
53 of performance, payroll certification, employee training, vacation  
54 and sick leave, compensatory leave, administrative leave,  
55 standardized recordkeeping forms and procedures for leave earned,  
56 accrued and used, and all other phases of personnel  
57 administration. Such rules and regulations shall not be  
58 applicable to the emergency hiring of employees by the Public  
59 Employees' Retirement System pursuant to Section 25-11-15(7).  
60 Copies of the rules and regulations, or modifications thereto, as  
61 are approved by the State Personnel Board, shall be provided to  
62 the Chairmen of the Accountability, Efficiency and Transparency  
63 Committee of the Senate and the Fees and Salaries of Public  
64 Officers Committee of the House of Representatives, the Lieutenant  
65 Governor and the Governor at least sixty (60) days before their  
66 effective date. The respective parties may submit comments to the  
67 board regarding such rules and regulations before their effective  
68 date;

69 (i) Compensation plans and modifications thereto  
70 promulgated under rules and regulations shall become effective as  
71 adopted, upon appropriation therefor by the State Legislature;

72 (ii) The director and the board shall provide for:



73                   1. Cost-of-living adjustments;  
74                   2. Salary increases for outstanding  
75 performance based upon documented employee productivity and  
76 exceptional performance in assigned duties; and  
77                   3. Plans to compensate employees for  
78 suggestions which result in improved management in technical or  
79 administrative procedures and result in documented cost savings  
80 for the state. In certifying promotions, the director shall  
81 ensure that an employee's anniversary date remains the same  
82 regardless of the date of his promotion;

83                   (d) To submit to the board any proposed legislation as  
84 may be necessary to bring existing statutes relating to the  
85 administration of public employees into uniformity;

86                   (e) To administer the rules and regulations and all  
87 other operational aspects of the State Personnel System and to  
88 assure compliance therewith in all the departments, agencies and  
89 institutions covered by the State Personnel System;

90                   (f) To appoint and prescribe the duties of the State  
91 Personnel System staff, all positions of which shall be included  
92 in the state service;

93                   (g) To prepare an annual budget for the board covering  
94 all the costs of operating the State Personnel System, including  
95 the State Personnel Board, and the costs of administering such  
96 federal laws relating to personnel administration as the board may  
97 direct, including the Intergovernmental Personnel Act of 1970;



98 (h) To assist state agencies, departments and  
99 institutions in complying with all applicable state and federal  
100 statutes and regulations concerning discrimination in employment,  
101 personnel administration and related matters;

102 (i) To recommend procedures for the establishment and  
103 abolishment of employment positions within those departments,  
104 agencies and institutions not excluded from this chapter; and

105 (j) To cooperate with appointing authorities in the  
106 administration of this chapter in order to promote public service  
107 and establish conditions of service which will attract and retain  
108 employees of character and capacity and to increase efficiency and  
109 economy in governmental departments by the improvement of methods  
110 of personnel administration with full recognition of the  
111 requirements and needs of management.

112 (3) From and after July 1, 2016, the State Personnel Board  
113 shall not charge another state agency a fee, assessment, or other  
114 charge for services or resources received by that agency from the  
115 State Personnel Board.

116 (4) From and after July 1, 2016, the expenses of this agency  
117 shall be defrayed by appropriation from the State General Fund and  
118 all user charges and fees authorized under this section shall be  
119 deposited into the State General Fund as authorized by law.

120 **SECTION 3.** Section 19-25-13, Mississippi Code of 1972, is  
121 amended as follows:



122 19-25-13. The sheriff shall, at the July meeting of the  
123 board of supervisors, submit a budget of estimated expenses of his  
124 office for the ensuing fiscal year beginning October 1 in such  
125 form as shall be prescribed by the Director of the State  
126 Department of Audit. The board shall examine this proposed budget  
127 and determine the amount to be expended by the sheriff in the  
128 performance of his duties for the fiscal year and may increase or  
129 reduce said amount as it deems necessary and proper.

130 The budget shall include amounts for compensating the  
131 deputies and other employees of the sheriff's office, for  
132 insurance providing protection for the sheriff and his deputies in  
133 case of disability, death and other similar coverage, for travel  
134 and transportation expenses of the sheriff and deputies, for  
135 feeding prisoners and inmates of the county jail, and for such  
136 other expenses as may be incurred in the performance of the duties  
137 of the office of sheriff. In addition, the budget shall include  
138 amounts for the payment of premiums on bonds and insurance for the  
139 sheriff and his deputies which, in the opinion of the board of  
140 supervisors, are deemed necessary to protect the interests of the  
141 county or the sheriff and his deputies. Such amounts may include  
142 official bonds and any bonds required of his deputies by the  
143 sheriff; liability insurance; insurance against false arrest  
144 charges; insurance against false imprisonment charges; theft, fire  
145 and other hazards insurance; and hospitalization insurance as  
146 provided for in Sections 25-15-101 and 25-15-103. The board may



147 authorize the reimbursement of the sheriff and deputies for the  
148 use of privately owned automobiles or other motor vehicles in the  
149 performance of official duties at the rate provided by law for  
150 state officers and employees, or may authorize the purchase by the  
151 sheriff of such motor vehicles and such equipment as may be needed  
152 for operation of the sheriff's office, such vehicles and equipment  
153 to be owned by the county. In counties which have elected to  
154 purchase the motor vehicles and such equipment for the operation  
155 of the sheriff's office, if a sheriff or deputy shall be required  
156 in the performance of his official duties, in the event of an  
157 emergency, to use his privately owned automobile or other motor  
158 vehicle, the board of supervisors may, in its discretion,  
159 authorize the reimbursement for such use at the rate per mile  
160 provided by law for state officers and employees. This shall not  
161 be construed as giving an officer a choice of whether to use his  
162 own or the county's vehicle, but shall be construed so as not to  
163 penalize an officer who must use his own vehicle because the  
164 county's vehicle was not available.

165 To the extent that a sheriff or deputy receives compensatory  
166 time, the board of supervisors shall pay the sheriff or deputy, or  
167 the estate of the sheriff or deputy, as appropriate, for all  
168 compensatory leave accumulated by the sheriff or deputy upon  
169 termination or death.

170 The board of supervisors, in its discretion, may include in  
171 its annual budget for the sheriff's office an amount not to exceed



172 One Thousand Dollars (\$1,000.00), which may be expended by the  
173 sheriff to provide food, water and beverages for the sheriff, the  
174 sheriff's deputies, state, national and local law enforcement  
175 officers, emergency personnel, county employees and members of the  
176 general public who the sheriff requests to assist him and his  
177 office while in the performance of search and rescue missions,  
178 disasters or other emergency operations.

179         The board of supervisors may acquire one or more credit cards  
180 which may be used by the sheriff and his deputies to pay expenses  
181 incurred by them when traveling in or out of state in the  
182 performance of their official duties. The chancery clerk or  
183 county purchase clerk shall maintain complete records of all  
184 credit card numbers and all receipts and other documents relating  
185 to the use of such credit cards. The sheriff shall furnish  
186 receipts for the use of such credit cards each month to the  
187 chancery clerk or purchase clerk who shall submit a written report  
188 monthly to the board of supervisors, which report shall include an  
189 itemized list of all expenditures and use of the credit cards for  
190 the month, and such expenditures may be allowed for payment by the  
191 county in the same manner as other items on the claims docket.  
192 The issuance of a credit card to a sheriff or his deputy under the  
193 provisions of this section shall not be construed to authorize  
194 such sheriff or deputy sheriff to use such credit card to make any  
195 expenditure which is not otherwise authorized by law.





196           The board of supervisors is hereby authorized and empowered,  
197 in its discretion, to appropriate and pay a sum not to exceed Four  
198 Hundred Dollars (\$400.00) annually as a clothing allowance to each  
199 plainclothes investigator employed by the sheriff's office of such  
200 county. The board of supervisors of any county bordering on the  
201 Gulf of Mexico and having a population of more than thirty-one  
202 thousand seven hundred (31,700) but less than thirty-one thousand  
203 eight hundred (31,800) according to the 1990 Federal Census may  
204 appropriate and pay a sum not to exceed Four Hundred Dollars  
205 (\$400.00) annually as a clothing allowance to the administrator of  
206 the county jail.

207           The board of supervisors shall, at its first meeting of each  
208 quarter beginning on October 1, January 1, April 1 and July 1,  
209 appropriate a lump sum for the sheriff for the expenses of his  
210 office during the current quarter. The quarterly appropriation  
211 shall be one-fourth (1/4) of the amount approved in the annual  
212 budget unless the sheriff requests a different amount. Except in  
213 case of emergency, as provided in the county budget law, the  
214 appropriation for the quarter beginning in October of the last  
215 year of the sheriff's term shall not exceed one-fourth (1/4) of  
216 the annual budget.

217           The sheriff shall file a report of all expenses of his office  
218 incurred during the preceding month with the board of supervisors  
219 for approval at its regular monthly meeting in a form to be  
220 prescribed by the Director of the State Department of Audit, and



221 upon filing thereof, and approval by the board, the clerk of the  
222 board shall issue warrants in payment thereof but not to exceed  
223 the budget appropriation for that quarter. Any appropriated funds  
224 which are unexpended at the end of the fiscal year shall remain in  
225 the county general fund.

226 The budget for the sheriff's office may be revised at any  
227 regular meeting by the board of supervisors. Upon recommendation  
228 of the sheriff, the board may at any regular meeting make  
229 supplemental appropriations to the sheriff's office.

230 Any fees previously required to be paid by a sheriff shall be  
231 paid by the board of supervisors by including the estimates  
232 therefor in the sheriff's budget. All fees and charges for  
233 services heretofore collected by sheriffs shall be collected by  
234 said sheriff and paid monthly into the general fund of the  
235 concerned county. However, any fees heretofore collected by such  
236 sheriffs from the county shall not be paid.

237 **SECTION 4.** This act shall take effect and be in force from  
238 and after July 1, 2018.

