

2013

Legislative Session Summary

**CENTER FOR GOVERNMENT AND
COMMUNITY DEVELOPMENT**

**MISSISSIPPI STATE UNIVERSITY
EXTENSION SERVICE**

THE CENTER FOR GOVERNMENT AND COMMUNITY DEVELOPMENT

The Center for Government and Community Development (GCD) is a unit of the Mississippi State University Extension Service, which is located within the Division of Agriculture, Forestry, and Veterinary Medicine at Mississippi State University.

The center's staff design and deliver educational programs, training activities, information, and technical assistance in response to the high-priority economic and community development needs of Mississippi communities and their citizens. Participants in GCD programs include local government leaders, community-based organizations, state and local agencies, and business enterprises.

The activities of the center help the university build strong partnerships with agencies, institutions, organizations, and foundations that have a shared commitment to strengthening the well-being of Mississippi communities and supporting the work of local government officials.

The GCD mission also includes providing community leaders, organizations, agencies, businesses, and citizens with high-quality, science-based information on economic and community development topics. This is accomplished through a variety of communication channels, including newsletters, websites, trade magazines, and special reports.

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Legislation Affecting Municipalities

2013 Legislation Session

The following is a brief summary of some specific bills passed during the 2013 Mississippi Legislative Session. This summary is intended to be a synopsis of legislation with particular interest to municipalities and is not intended to be a complete explanation of all the bills passed. For detailed information about a bill, contact the House Docket Room (601-359-3358) or the Senate Docket Room (601-359-3229) for a copy of the bill, or find it online at <http://www.legislature.ms.gov>.

- **Municipal Courts (HB 80)**: An act to amend Section 21-23-7, Mississippi Code of 1972, to revise the amount municipalities are allowed to charge convicted misdemeanor offenders for jail costs; and for related purposes – actual jail cost paid by the municipality but not to exceed \$35 per day.
- **Counties and Municipalities; prohibit from establishing mandatory minimum wage (HB 141)**: An act to prohibit a county, Board of Supervisors of a county, municipality or other governing authority of a municipality from establishing a mandatory minimum living wage rate, minimum number of vacation or sick days, that would regulate how a private employer pays its employees; to provide that the legislature finds that these prohibitions are necessary to ensure an economic climate conducive to new business development and job growth in the State of Mississippi; and for related purposes.
- **Municipal, county, and state; prohibit persons who have been convicted of an election crime from serving on executive committee (HB 275)**: An act to prohibit from serving on any temporary municipal executive committee, municipal executive committee, temporary county executive committee, county executive committee or state executive committee, any person who has been convicted of a criminal violation of the Mississippi Election Code, who has been convicted of an election crime contained in Chapter 13, Title 97, Mississippi Code of 1972, who has been removed from office pursuant to Section 25-5-1, Mississippi Code of 1972, or who has resigned from office as a part of a plea agreement; to amend Section 23-15-315, Mississippi Code of 1972, to clarify the provisions that require the chairman of the county executive committee to publish notice of his call for a meeting of the county executive committee; and for related purposes.
- **Mississippi Charter Schools Act of 2013 (HB 369)**: Creates the legal framework for charter schools in Mississippi and defines the terms and conditions by which they can be established (*see: billstatus.ls.state.ms.us/2013/pdf/history/hb369 for complete bill*)
- **Municipalities and counties; authorize to sell surplus real and personal property at public auction (HB 394)**: An act to amend Section 17-25-25, Mississippi Code of 1972, to authorize municipalities and counties to sell or dispose of any surplus personal or real property at a public auction that shall be conducted by an auctioneer or auction company that is approved by the state department of audit who meet standards established by the state department of audit and are hired by the governing authority of a county or municipality; to amend Sections 19-7-5 and 21-17-1, Mississippi Code of 1972, to conform to the preceding section; and for related purposes.
- **DUI; Revise use of ignition-interlock device (HB 481)**: An act to amend Section 63-11-30, Mississippi Code of 1972, to provide that persons convicted of DUI will only be allowed to operate a vehicle equipped with an ignition-interlock device; to provide a driver's license therefor; to remove hardship provisions; to provide for nonadjudication; to require mandatory probation; to provide for the expunction of certain convictions; to amend Section 63-11-31, Mississippi Code of 1972, to revise ignition-interlock; to amend Section 63-1-21, Mississippi Code of 1972, to provide for the ignition-interlock-restricted driver's license, to amend Section 63-1-43, Mississippi Code of 1972, to provide a fee for such license and to create the ignition-interlock device fund; to amend Section 63-1-47, Mississippi Code of 1972, to specify the term and renewal of such license; to amend Sections 63-11-21 and 63-11-23, Mississippi Code of 1972, in conformity; and for related purposes (*see: billstatus.ls.state.ms.us/2013/pdf/history/hb481 for complete bill*)

- **Election contest; provide procedure for candidates for office of election commissioner (HB 533):** An act to amend Section 23-15-963, Mississippi Code of 1972, to provide the proper location to file an election contest for any person desiring to contest the election of a candidate for county election commissioner or a candidate for any municipal office; and for related purposes – *states that a petition to challenge qualifications of a candidate must be filed no later than 60 days prior to the general election for county elections and shall be filed with the board of supervisors; no later than 31 days after the first primary election for municipal elections and shall be filed with the municipal commissioners of election.*
- **Forfeiture of bond; revise (HB 714):** An act to amend Section 99-5-25, Mississippi Code of 1972, to revise certain provisions regarding forfeiture of bond; and for related purposes – *adds language stating that a felony warrant issued by a court for failure to appear shall be put on NCIC system until the defendant is returned to custody; adds language stating that the judgment and resulting warrant for the aforementioned defendant shall be set aside if the defendant appears before the court within ninety days and that a copy of the judgment that is set aside shall be served on the surety that issued the bond.*
- **Historic property income tax credit; authorize the transfer, sale, or assignment of the credit (HB 1003):** An act to amend Section 27-7-22.31, Mississippi Code of 1972, which authorizes an income tax credit for cost and expenses incurred for the rehabilitation of certain historic structures to include in the definition of the term “certified historic structure” property that has been determined eligible for the National Registry of Historic Places by the Secretary of the United States Department of the Interior and will be listed within 30 months of claiming the credit; to expand the types of structures that are included in the term “structure in a certified historic district” to authorize taxpayers to claim the credit in phases if certain conditions are met; to provide that a credit received pursuant to this section is subject to recapture under certain circumstances; to authorize the governing authorities of any municipality to grant exemptions from ad valorem taxation, except ad valorem taxation for school district purposes, for improvements to or renovations of existing residential structures or existing structures that are converted for residential use that are located in the areas that are designated as blighted by the municipality, for a period of not more than 10 years from the date of the completion of the improvement to or renovation of the existing residential structure; and for related purposes.
- **Law Enforcement; provide for electronic citations for certain offenses (HB 1212):** An act to amend Section 63-9-21, Mississippi Code of 1972, to clarify the authenticity of an electronic citation; and for related purposes – *adds language to bill stating that a ticket filed electronically by a law enforcement officer is considered to have been certified, signed, and sworn to by the officer and carries the same rights, responsibilities, and liabilities as with all other tickets.*
- **Local and private taxes; authorize a compensation to taxpayers for collecting and filing returns for (HB 1285):** An act to amend Section 27-65-33, Mississippi Code of 1972, to authorize compensation to taxpayers for collecting taxes imposed under local and private laws of this state and filing necessary returns with the Department of Revenue; to provide for the amount of such compensation; and for related purposes – *up to fifty dollars per month or six hundred dollars per calendar year, per business location on each return.*
- **Counties, municipalities, and state agencies; authorize to bear cost processing electronic payments for retail sales (HB 1326):** An act to amend Sections 17-25-1 and 27-104-33, Mississippi Code of 1972, to provide that counties, municipalities, and state agencies may bear the full cost of processing electronic payments for retail merchandise sold by such entities; and for related purposes.
- **Law Enforcement Officers; revise training requirements (HB 1485):** An act to amend Section 45-6-11, Mississippi Code of 1972, to revise law enforcement trainee requirements to limit the time of employment of a trainee in any law enforcement unit to one (1) year in a full-time capacity and two (2) years in a part-time, reserve, or auxiliary capacity.

- **Cities and counties; authorize to donate to chapters of the YMCA within the city or county (HB 1515):** An act to amend Sections 19-5-93 and 21-19-67, Mississippi Code of 1972, to provide that governing authorities of any county or municipality may donate funds to chapters of the Young Men's Christian Association; to further amend Section 21-19-67, Mississippi Code of 1972, to clarify the authority of the governing authorities to donate funds to certain certified farmers' markets; to bring forward Sections 19-5-73 and 21-19-69, Mississippi Code of 1972, for purposes of possible amendment or repeal to conform to the provisions of this act; and for related purposes – *says that donations to YMCAs are to be made from the treasury of a governmental entity and that the cumulative sum of donations made to all chapters by a county or municipality cannot exceed the amount generated by one quarter mill on all of the taxable property within the county or municipality, respectively, during the fiscal year in which the donations are made; also allows a municipality to donate, from the municipality treasury, an amount not to exceed one quarter mill ad valorem tax, to farmers' markets that are certified by MDOA & within city limits.*
- **Tampering of municipal utility meters; authorize prosecution in municipality when tampering occurs outside municipal boundaries (HB 1519):** An act to amend Section 97-25-3, Mississippi Code of 1972, to provide that the governing authorities of municipalities are authorized to prosecute within the municipality when tampering of electric, gas, or water meters occurs and such meters are located outside the municipal boundaries of the municipality; and for related purposes – *sets a fine of \$100 minimum/\$500 maximum or three months in jail, or both for tampering with meters; sets a fine of \$500 maximum or six months jail time, or both for employees, stockholders, or members of a board of directors of a utility company that defraud customers by billing in excess of the amount owed by the customer.*
- **Municipal and county law enforcement officer; allow spouse of officer killed in the line of duty to purchase officer's side arm (SB 2047):** An act to amend Section 45-9-131, Mississippi Code of 1972, to allow the spouse of a municipal or county law enforcement officer killed in the line of duty to purchase one sidearm issued to such law enforcement officer; and for related purposes.
- **Tax Sales; revise method of service of notice of expiration of redemption period for property sold at a tax sale (SB 2111):** An act to amend Section 27-43-3, Mississippi Code of 1972, to revise the manner in which notice of the expiration of the time of redemption with respect to land sold at a tax sale is made to the owner of the property if the owner is a resident of this state; to increase the fee paid to the sheriff for service of such notice; and for related purposes – *states that the above mentioned notice from the chancery clerk (or municipal clerk) is to be served by the sheriff to the reputed owner personally if he can be found in the county or, if not in the county, by leaving the notice at his usual place of abode with his spouse or someone else who lives at the abode who is at least sixteen years old and willing to receive the notice or by posting the notice on a door of the reputed owner's usual place of abode; fee of \$35 to be paid to the sheriff for delivering notice.*
- **Economic Redevelopment Act; revise definition of "contaminated site" and time in which county/municipality may apply for designation (SB 2147):** An act to amend Sections 57-91-5, 57-91-7, and 57-91-9, Mississippi Code of 1972, to revise the definition of the term "contaminated site" under the Economic Redevelopment Act; to revise the time in which certain counties and municipalities may apply to the Mississippi Development Authority for designation as redevelopment counties and municipalities under the Economic Redevelopment Act; to extend the period that the Mississippi Development Authority may make incentive payments from The Redevelopment Project Incentive Fund to a developer of a redevelopment project under the Economic Redevelopment Act; and for related purposes.
- **Beer; authorize the making of homemade beer for personal, family, domestic, or household uses (SB 2183):** An act to amend Section 67-3-11, Mississippi Code of 1972, to provide that every person shall have the right to make homemade beer for personal, family, domestic, or household purposes if the beer is made in a county or municipality in which the possession of light wine or beer is lawful; to limit the amount of homemade beer that can be made by any one person in a calendar year; to authorize homemade beer; to authorize the transport of homemade beer from the premises where made only for the purpose of participating in a bona fide exhibition, contest, or competition where homemade beer is being tasted and

judged; to make it clear that homemade beer may not be sold; to amend Sections 67-3-7, 67-3-13, and 67-3-15, Mississippi Code of 1972, in conformity thereto; and for related purposes – *must be 21 years old to make homemade beer and can brew a maximum of 100 gallons per calendar year if there is one person residing in the household of legal age and 200 gallons per calendar if there are two or more persons residing in the household of legal age.*

- **Elections; increase per diem of election commissioners on election days (SB 2238)**: An act to amend Section 23-15-153, Mississippi Code of 1972, to authorize commissioners of election to be paid per diem in the amount of \$150.00 for the performance of their duties on the day of a general or special election; and for related purposes.
- **Elections; allow mileage to receiving and returning managers for the use of private vehicles (SB 2239)**: An act to amend Section 23-15-227, Mississippi Code of 1972, to provide that if a manager or other person utilizes a privately owned motor vehicle to transport certain necessities required for the election to or from the place of voting, he shall be reimbursed for mileage traveled in excess of ten miles in carrying out this duty; and for related purposes – *will receive the mileage reimbursement rate allowable to federal employees for the use of a privately owned vehicle while on official travel.*
- **Public Service Commission; may not regulate management or internal affairs of certain water systems (SB 2322)**: An act to amend Section 77-3-5, Mississippi Code of 1972, as amended by Senate Bill No. 2231, 2013 regular session, to clarify that the Public Service Commission does not have the jurisdiction over the governance, management, or other internal affairs of certain public utilities that provide water or sewer disposal service; to provide that a member of a member-owned rural water association or system shall have the right to attend meetings of the association or system and shall receive written notice of any meeting at which an election of board members will occur; and for related purposes – *does not have jurisdiction to regulate rates for municipalities and does not have jurisdiction over the governance, management, or other internal affairs of nonprofit corporations or associations where the governing body is elected by the consumers or appointed by the county board of supervisors.*
- **Counties and municipalities; may allow credit card payment of judgments, fines, costs and penalties for criminal/traffic offenses (SB 2447)**: An act to amend Section 17-25-1, Mississippi Code of 1972, to clarify that counties and municipalities may allow the payment of judgments, fines, costs and penalties imposed upon conviction for criminal and traffic offenses by credit cards, charge cards, debit cards, and other forms of electronic payment; and for related purposes.
- **Free port warehouse; clarify date ad valorem tax exemption takes effect (SB 2536)**: An act to amend Section 27-31-53, Mississippi Code of 1972, to clarify the date upon which the ad valorem tax exemption granted by local governments for licensed free port warehouses takes effect; and for related purposes – *takes effect as of the first calendar day of the taxable year in which the warehouse applied for the exemption by virtue of submitting the application for licensure, and shall be in effect for such period of time as the respective governing authority may prescribe.*
- **Public officers and employees; revise punishment for embezzlement and restrict government hiring of felons (SB 2625)**: An act to create new Section 25-1-111, Mississippi Code of 1972, to prohibit future hiring of convicted embezzlers for public employment; and for related purposes.
- **Consumer incentive items/food nutrition labeling; prohibit local government regulation of (SB 2687)**: An act to reserve the legislature any regulation of consumer incentive items and nutrition labeling for food that is a menu item in restaurants, food establishments and vending machines; to specify that the act would not affect the federal regulation of nutrition labeling under existing federal law; and for related purposes – *restricts political subdivisions from regulating consumer incentive items and nutrition labeling but does not supercede existing federal law.*

- **Volunteer fire departments; include within the scope of immunity under the Tort Claims Act (SB 2751)**: An act to include volunteer firefighters and volunteer fire departments within the scope of protection from claims under the Tort Claims Act; to amend Section 11-46-1, Mississippi Code of 1972, to revise definitions; to amend Section 11-46-17, Mississippi Code of 1972, to make technical and grammatical corrections; to amend Section 95-9-1, Mississippi Code of 1972, to make a grammatical correction; to amend Section 45-2-1, Mississippi Code of 1972, to clarify the eligibility of volunteer firefighters for benefits under the Death Benefits Trust Fund; to amend Section 45-2-21, Mississippi Code of 1972, to conform the wording for eligibility for benefits under the Disability Benefits Trust Fund; and for related purposes – *basically includes volunteer firefighters and volunteer fire departments under the liability coverage of a political subdivision of the State of Mississippi and adds volunteer firefighters to the definition of “employee” for liability, death benefits, and disability benefits coverage; adds chartered, nonprofit volunteer fire departments that provide emergency response service, under contract, to a county or municipality community hospital, to the definition of political subdivision.*
- **Appropriation; Revenue, Department of (SB 2871)**: An act making an appropriation for the purpose of defraying the expenses of the Mississippi Department of Revenue, including the Homestead Exemption Division, the Motor Vehicle Comptroller functions, the Alcohol Beverage Control Division, and the Bureau of Telecommunications; for the purpose of reimbursing the counties, county districts and municipal school districts for tax losses incurred by reason of the exemption of homes from certain ad valorem taxes; and for the purpose of purchasing motor vehicle license tags, for fiscal year 2014

Note: Section 8 of SB 2871 explains the MDOR publication requirements for those counties, county schools, municipalities, and separate school districts that are completing their reappraisal update during the current calendar year. Failure to comply with these publication requirements will result in the loss of the homestead exemption reimbursement



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