



2014
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 members 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

2014 Legislative Session

The following is a brief summary of some specific bills passed during the 2014 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>.

- **Municipalities and counties; change in required legal notice of budget hearing and tax levy to include countywide property reappraisal (HB 37):** An act to amend section 27-39-203, Mississippi Code of 1972, to provide that during that fiscal year in which a county has completed a countywide reappraisal of the valuation of the property in the county that results in an increase in the assessed valuation of the property, each taxing unit in the county shall publish, in the notice required to be published by this section, the lower millage rate that would produce the same amount of revenue from ad valorem taxation on property of the taxing unit that was produced in the fiscal year before the property of the taxing unit was reappraised; to amend section 27-33-41, Mississippi Code of 1972, to prohibit the Department of Revenue from paying any reimbursement to a taxing unit for annual tax losses from homestead exemption until after the taxing unit has complied with the notice requirement of this act; and for related purposes.
- **Municipal Judge (HB 222):** An act to amend Section 21-23-5, Mississippi Code of 1972, to revise qualification requirements to be a municipal judge for certain municipalities; and for related purposes – states that a municipal judge appointed by the governing bodies in cities of 20,000 population or less shall be an attorney licensed in the State of Mississippi or a justice court judge of the county in which the municipality is located and that the mayor or mayor pro tempore of the city shall not serve as a municipal judge
- **State of Mississippi and political subdivisions; right to possess firearms (HB 314):** An act to amend Sections 33-7-303 and 33-15-11, Mississippi Code of 1972, to clarify that the governor or any other official or employee of the state may not interfere with the right of citizens to possess firearms; to amend Sections 45-9-51 and 45-9-53, Mississippi Code of 1972, to clarify that counties and municipalities may not interfere with the right of citizens to possess firearms; to provide a complaint procedure to challenge ordinances in violation of that right; to restrict county and municipal programs to purchase weapons from citizens, and for related purposes.
- **Municipalities; contractual agreement with local housing authority (HB 404):** An act to amend Section 21-17-1, Mississippi Code of 1972, to delete the repealer on the provision of law that authorizes municipalities to provide extra police protection to housing authorities; and for related purposes – states that municipalities can continue to enter into contract to provide extra police protection to local housing authorities in exchange for the payment of compensation or a fee to the municipality.
- **Municipalities and counties; accept credit cards (HB 406):** An act to amend Section 17-25-1, Mississippi Code of 1972, to delete the repealer on the provision of law that authorizes counties and municipalities to accept credit cards for payment of judgments and fines; and for related purposes.
- **Municipalities and counties; grants to form regional recycling cooperatives (HB 407):** An act to amend Section 17-17-63, Mississippi Code of 1972, to delete the repealer on the provision of law authorizing the Commission on Environmental Quality to set aside certain trust fund monies for regional recycling cooperative grants; and for related purposes – will now allow 10% of the money in the Mississippi Nonhazardous Solid Waste Corrective Action Trust Fund to be set aside to provide grants to regional recycling cooperatives formed by local governments.
- **Department of Revenue; create uniform system for tax liens (HB 487):** An act to create a uniform statewide system for filing notices of tax liens maintained by the Department of Revenue that are in favor of or enforced by the Department of Revenue; to provide that this act is limited to tax liens in real property and personal property, tangible and intangible, of taxpayers or other persons against whom the Department of

Revenue has liens pursuant to law for unpaid finally determined tax liabilities administered by the Department of Revenue; to provide the requisites for enrollment of notices of tax liens; to provide the effect of enrollment of a notice of a tax lien; to provide that a notice lien filed by the Department of Revenue shall be a lien upon the debtor's property for a period of seven years from the date of enrollment unless it is sooner released by the Department or the Department reenrolls the notice of tax lien before the expiration of the seven years; to provide that in the event that a notice of tax lien lapses upon the expiration of seven years, the notice of the tax lien may, in the sole discretion of the Department, be reenrolled; to provide for releases of notices of tax lien; to provide the manner in which notices of tax liens shall be maintained by the Department of Revenue; to provide for the access of tax lien registry information; to provide for the bulk sale of tax lien registry information; to prohibit the use of tax lien registry information for survey, marketing, or solicitation purposes; to authorize an action to enjoin the unlawful use of tax lien registry; to amend Sections 27-7-55 and 27-13-29, Mississippi Code of 1972, to provide that the filing of notices of tax liens for income and franchise tax penalties and interest with the circuit clerk on the judgment roll of the county in which the taxpayer resides or owns property, shall be optional; and for related purposes.

- **Municipalities and counties; create municipal court and justice court collections fund (HB 579):** An act to create the justice court collections fund to provide support for salaries of justice court personnel and for other expenses incurred within the justice court system; to provide for the administration of the fund; to create the municipal court collections fund to provide support for salaries of municipal court personnel and for other expenses incurred within the municipal court system; to provide for the administration of the fund; to amend Section 99-19-73, Mississippi Code of 1972, to remove the repealer on the assessment for the Children's Advocacy Centers Fund, the Civil Legal Assistance Fund, the Justice Court Collections Fund, and the Municipal Court Collections Fund; to revise the amounts of the assessments for the Driver Training Penalty Assessment Fund, the Crime Victims' Compensation Fund, and the Motorcycle Officer Training Fund; to transfer funds that are deposited into the Ignition Interlock Device Fund during the Fiscal Year 2015 into the Drug Court Fund; and for related purposes.
- **Absentee Voting; revise definition of "absent voter" (HB 624):** An act to amend Section 23-15-673, Mississippi Code of 1972, to revise the definition of "absent voter" for the purposes of any elections within the state; and for related purposes – *now includes any trained or certified emergency response provider who is deployed during the time period authorized by law for absentee voting, on election day, or during any state of emergency declared by the President of the United States or any governor of any state within the United States; any citizen of Mississippi enrolled as a student at the United States Naval Academy, the United States Coast Guard Academy, the United States Merchant Marines Academy, the United States Air Force Academy, or the United States Military Academy.*
- **Mississippi Fire Personnel Minimum Standards and Certification Board; provides travel expense reimbursement for non-state employees serving on board (HB 721):** An act to amend Section 45-11-251, Mississippi Code of 1972, to provide that members of the Mississippi Fire Personnel Minimum Standards and Certification Board that are not state employees shall be entitled to per diem and travel expenses; and for related purposes – *would provide travel reimbursement to a municipal firefighter (including volunteer firefighters) serving on this board.*
- **Local option alcoholic beverage control law; revised to allow on-premises sampling (HB 801):** An act to amend new Section 67-1-51, Mississippi Code of 1972, relating to the local option alcoholic beverage control law, to provide that a package retailer's permit shall authorize the holder to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business; to provide that such samples may not be provided to customers at the permitted place of business; to provide that a package retailer's permit shall authorize tasting or sampling events to be conducted at the package retailer's permitted place of business during which tastes or samples of alcoholic beverages may be offered or served to customers at no cost; to limit the duration of tasting or sampling events and the amount of alcoholic beverage that may be served to any one person at such events; to provide that the product tasted or sampled at such events must be product that is in the inventory of the package retailer conducting the event; to provide that a package retailer may not conduct more than twelve events during a calendar year; to amend Section 67-1-

75, Mississippi Code of 1972 in conformity thereto; and for related purposes – *allows the holder of a package retailer's permit, with prior approval from the department, to sample new alcoholic beverage products provided by a manufacturer's representative and also allows permit holders to conduct tasting and sampling events to the public provided participants are twenty-one years old, no food is served or sold, the event has a four-hour time limit, and alcoholic beverages are dispensed in 1.25 ounce servings/5 ounce cumulative total to any one person for wine and .25 ounce servings/1 ounce cumulative total to any one person for distilled spirits with all the product coming from inventory.*

- **Municipalities and counties; executive committee members (HB 874):** An act to amend Section 25-1-115, Mississippi Code of 1972, to prohibit any person who has been convicted of any felony in this state or in any other state from serving on any municipal executive committee, county executive committee or state executive committee; to prohibit any person who has been convicted of any state or federal election crime in this state or in any other state from serving on any municipal executive committee, county executive committee, or state executive committee; and for related purposes.
- **Fees for public records (HB 928):** An act to amend Section 25-61-7, Mississippi Code of 1972, to provide that any staff time or contractual services included in the actual cost of providing records shall be at the pay scale of the lowest level employee or contractor competent to respond to the request; to amend Section 25-61-15, Mississippi Code of 1972, to provide a civil penalty against any person who charges an unreasonable fee for providing a public record; and for related purposes – *states that the employee of the public entity may be liable, in his personal capacity, in a sum not to exceed \$100.*
- **Homestead exemption; pertaining to service-connected, totally disabled American veterans (HB 1165):** An act to amend Sections 27-33-75 and 27-33-67, Mississippi Code of 1972, to provide that a person having service-connected, total disability as an American veteran and who has been honorably discharged from military service shall be exempt from all ad valorem taxes on the assessed value of homestead property and to extend such exemptions to un-remarried surviving spouses of such American veterans; and for related purposes – *shall apply to exemptions claimed in the 2015 calendar year for which reimbursement is made in the 2016 calendar year and to exemptions claimed for which reimbursement is made in subsequent years.*
- **Municipal judges (HB 1185):** An act to amend Section 21-23-3, Mississippi Code of 1972, to revise the number of judges certain municipalities may appoint; and for related purposes – *changes the number of municipal judges that can be appointed in cities with a population of over 50,000 to ten.*
- **Municipalities and counties; increase the death benefit for law enforcement officers and firefighters (HB 1433):** An act to amend Section 45-2-1, Mississippi Code of 1972, to increase the amount of benefits paid from the law enforcement officers and fire fighters death benefits trust fund; to amend Section 63-16-13, Mississippi Code of 1972, to provide additional funding for the death benefits trust fund; and for related purposes – *increases the amount paid from the Law Enforcement Officers and Fire Fighters Death Benefit Trust Fund to the beneficiary of a law enforcement officer or fire fighter (including volunteer firefighter) killed while in the performance of their official duty to \$100,000 and further states that money from the Uninsured Motorist Identification Fund can be used to supplement this death benefit if funds in the Law Enforcement Officers and Fire Fighters Death Benefit Trust Fund are insufficient.*
- **Municipalities and counties; authorization to reimburse a claimant's auto insurance deductible (SB 2032):** An act to amend Sections 19-3-41 and 21-17-1, Mississippi Code of 1972, to authorize counties and municipalities to reimburse the cost of an insured's deductible for an auto insurance coverage claim, if the claim has been paid for damages to the insured's property arising from the negligence of a duly authorized officer, agent, servant, attorney, or employee of the county or municipality in the performance of his or her official duties, and the officer, agent, servant, attorney, or employee owning or operating the motor vehicle is protected by immunity under the Mississippi Tort Claims Act; and for related purposes – *allows cities and counties to reimburse third party claimants for their deductible expense associated with an auto accident in which a city or county employee is at fault and there is damage to the claimant's vehicle.*

- **Airports; revise internet sale of personal property (SB 2137):** An act to amend Section 61-3-19, Mississippi Code of 1972, to revise the information that is contained in public newspaper notices when an airport authority sells personal property by use of an internet web service; to authorize the authority to relist and sell the property on the same internet web service without public notice if an internet sale is not concluded for any reason; and for related purposes – *allows airport authorities, after a sale that was not concluded for any reason, to relist the personal property for sale on the same internet web service without having to give public notice in the newspaper.*
- **Municipalities and counties; revise language in law to include sanitation vehicles (SB 2228):** An act to amend Section 63-3-809, Mississippi Code of 1972, to require a duty of care when driving past a stationary sanitation vehicle; to amend Section 63-7-19, Mississippi Code of 1972, to authorize but not require flashing lights on sanitation vehicles; and for related purposes – *adds sanitation vehicles that are owned by public entities and sanitation vehicles that are owned by private companies that contract with local governments to the list of stationary recovery, service, and maintenance vehicles to which due caution and regard for safety should be given along with yielding of the right-of-way; authorizes but does not require flashing lights on the above mentioned vehicles.*
- **Municipal school districts; elected board members (SB 2288):** An act to amend Sections 37-7-211 and 37-7-711, Mississippi Code of 1972, to provide a uniform procedure for nominating petitions and a uniform number of signatures on said petitions of nomination to run for the elected office of board of trustees of certain municipal school districts; and for related purposes – *sets a 30 day time period that is no more than 90 days and not less than 60 days before the election to file a petition with the county election commissioners that has been signed by no less than 50 qualified electors in the area represented or 20% of the qualified electors in areas that have less than 100 qualified electors.*
- **Municipalities; amends the definition and set penalties for property deemed to be a menace to the public health (SB 2353):** An act to amend Section 21-19-11, Mississippi Code of 1972, to authorize the governing authority of a municipality to assess the cost and penalty against menaced property as a civil debt against the property owner and/or, at the option of the governing authority, a lien against the property; to provide that such lien against the property shall be an encumbrance upon the property and shall follow title of the property; to add “abandoned” buildings to the list of property that can be cleaned by a municipality; to remove the cost limitation for removal of hazardous substances from property determined by the governing authority to be a “menace”; and for related purposes – *adds abandoned fences, abandoned buildings, and slabs to the list of property that can be cleaned by a municipality, removes the \$20,000 aggregate cost limitation on removal of hazardous substances, and states that a lien placed by the municipality against the property shall be an encumbrance upon the property and shall follow title of the property.*
- **Mississippi Ethics Commission; procedure for the enforcement of public records requests complaints (SB 2507):** An act to amend Section 25-61-13, Mississippi Code of 1972, to create a nonexclusive administrative procedure before the Ethics Commission for the enforcement of public records requests; to provide for appeal de novo from the orders of the Commission; to authorize the Commission to impose the penalties otherwise provided by law; and for related purposes – *sets up the procedure by which public records complaints made to the Mississippi Ethics Commission will be handled including the receiving of records from the public body and individual employees or officials of the public body, the time frame (14 days) in which the public body has to respond to the Commission, the options available to the Commission if no response is received from the public body including the imposition of penalties, and that any party may petition the chancery court of the county in which the public body is located to enforce or appeal any order of the Ethics Commission concerning a complaint that has been levied.*
- **Public Entities; Energy Efficiency Contracts (SB 2521):** An act to amend Section 31-7-14, Mississippi Code of 1972, to authorize public entities to enter into energy performance contracts and shared savings contracts for energy efficiency equipment and services in relation to the installation, operation, and maintenance of equipment; to revise the definition of the terms “energy services” or “energy efficiency services” to include alternative fuel motor vehicles; to revise the term of lease purchase agreements for energy efficiency services or equipment as well as the terms of shared savings, energy services contracts, and energy performance

contracts; to amend Sections 31-7-73, 37-7-301, 37-29-67, and 37-101-15, Mississippi Code of 1972, to conform to the preceding section; and for related purposes.

- **Municipalities and all political subdivisions of Mississippi; prohibit hiring or continued employment of a convicted embezzler for a government job (SB 2547):** An act to amend Section 25-1-113, Mississippi Code of 1972, to prohibit future hiring or continued employment of a convicted embezzler for a government job; and for related purposes – *covers all individuals convicted in this state, another state, or in federal court of any felony in which public funds were unlawfully taken or misappropriated in the abuse or misuse of the person’s office or employment or money coming into the person’s hands by virtue of the person’s office or employment.*
- **Municipalities and counties; allow firefighters to purchase certain equipment (SB 2573):** An act to authorize a local governmental unit to sell to a retiring fireman or the spouse of a fireman killed in the line of duty the badge and helmet issued to that fireman; and for related purposes – *governmental unit may approve the sale of the above mentioned items and shall determine the amount to be paid for the items.*
- **Law Enforcement; enhance personal leave and compensation benefits to state and local public safety employees (SB 2597):** An act to create the “Gale Stauffer, Jr., and Joseph Maher Law Enforcement Appreciation Act of 2014”; to amend Sections 25-3-93, Mississippi Code of 1972, to provide that state law enforcement officers who are injured by wound or accident in the line of duty shall not be required to use earned personal leave or major medical leave during the period of recovery from the injury; to authorize municipalities and counties to adopt policies to continue to pay all or a portion of the regular compensation and related benefits of any law enforcement officer, firefighter, or other employee that protects the public interest of the municipality or county who is injured in the line of duty, during the time that the injured employee is physically unable to perform the duties of his or her employment; and for related purposes – *defines the term “state law enforcement officer” and states that any state law enforcement officer injured by wound or accident in the line of duty shall not be required to use personal leave during the period of recovery and further states that the governing authority of any municipality and the board of supervisors of any county may, in its discretion, adopt a policy to continue to pay all or a portion of the regular compensation and related benefits of a law enforcement officer, firefighter, or other employee that protects the public interest of the municipality or county and who is injured in the line of duty.*
- **Domestic Violence; clarify circumstance for arrest (SB 2629):** An act to amend Section 99-3-7, Mississippi Code of 1972, to clarify the circumstance under which arrest without warrant shall be made for acts of domestic violence; and for related purposes – *explains the circumstance of probable cause and adds the term or felony in language in the bill where there is reference to an act of domestic violence, also adds the words of domestic violence when describing a complaint of domestic violence made by two or more persons and adds the words or aggravated after the word simple as it relates to domestic violence within the meaning of Section 97-3-7.*
- **Bail Bond Agents (SB 2677):** An act to amend Section 83-39-3, Mississippi Code of 1972, to revise certain licensing requirements; to amend Section 83-39-15, Mississippi Code of 1972, to revise grounds for denial, suspension, revocation, and refusal to renew licenses; to amend Section 83-39-23, Mississippi Code of 1972, to revise notice to sheriffs and judicial officials; to amend Section 99-5-1, Mississippi Code of 1972, in conformity; to amend Section 83-39-29, Mississippi Code of 1972, to provide that persons or entities who monitor or supervise certain defendants without a bail agent license shall be subject to criminal penalties; to create Section 83-39-30, Mississippi Code of 1972, to provide penalties for violations regarding illegal business referrals to bail agents; and for related purposes.
- **Municipalities and counties; protecting an employers’ ability to check the background of an employee (SB 2689):** An act to provide that no local government shall adopt or maintain in effect any law, ordinance, or rule that creates requirements, regulations, processes, or prohibitions that in any way interfere with an employer’s ability to become fully informed about the background of an employee or potential employee for the purpose of creating or maintaining a fair, secure, safe, and productive workplace; and for related purposes.



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