

2023 Legislation Affecting Municipalities

House Bill 281: Law enforcement officers killed in the line of duty; clarify that beneficiaries may receive sidearm of.

Amends Section 45-9-131 to allow the next of kin of a law enforcement officer who is killed in the line of duty to be authorized to purchase the sidearm that was issued to the officer. The amount to be paid for any firearm purchased by the next of kin of a law enforcement officer who is killed in the line of duty shall be an agreed-upon price as determined by the appropriate governmental authority that employed the officer. The act further amends the section to require firearms purchased at retirement to be sold at the fair market value as determined by the governing authority.

House Bill 521: Length of Service Award Program; authorize the recruitment and retention of volunteer firefighters.

This act authorizes the Mississippi Insurance Department to create the Mississippi Length-of-Service Award Program (LOSAP) for the recruitment and retention of volunteer firefighters. This does not include full-time firefighters or career firefighters unless they are also active eligible volunteer firefighters when not acting as full-time firefighters. The LOSAP Board of Trustees will establish program requirements.

House Bill 698: Municipal water, wastewater, and sewer services; require equity-based billing based on the use of.

The calculation of a user's bill shall be limited to the actual amount of volumetric usage, plus those fees reasonable and necessary for the cost of capital expenses, system operation and maintenance, and debt service. While a municipality may set different rates for different classifications of users, a municipality shall not discriminate in setting rates among members of the same classification. The municipal governing authorities shall make a finding on the minutes of the governing body establishing the rate based on the actual cost to operate and maintain the system. A municipality shall not charge a user a fee for services received which is less than the cost incurred by the municipality

to provide such services. If a user's meter is tampered with, unreadable, or otherwise out-of-order, a municipality may render an estimated bill to that user for a period not to exceed six (6) months. In such circumstances, an estimated bill shall be based upon the prior average measured usage of the user or a similar user of the same classification. Only in the event a municipality is unable to meet the requirement of billing based solely on volumetric usage, such a municipality may bill based on a flat fee rate where such municipality has established flat fee billing as its usual and customary billing practice before the passage of this act, and where such municipality is actively billing based upon a flat fee rate as of the passage of this act. The governing authorities of the municipality shall make a finding annually on the minutes of the governing body establishing the rate based upon the actual cost to operate and maintain the system as determined under Generally Accepted Accounting Principles, and the municipality shall not charge a user a fee for services received that is less than the cost incurred by the municipality, or based on the assessed value of the property, to provide such services. Notice of any change in the rate or rate structure at which services are supplied shall be posted on all bills sent to users at least one (1) month before the effective date of the rate change. Notice shall also be posted to the municipality's online web page or bill payment platform if the municipality has an online web page or bill payment platform.

HB 894: Violations of local zoning ordinances; authorize governing authorities to pursue administrative or civil penalties for.

Allows the governing authorities to pursue administrative or civil penalties in addition to criminal penalties for violations of local zoning ordinances.

SB2102: Excavations; provide for impending emergencies and extend notification period for.

The pre-excavation notice period has been extended to 3 working days. The act also reduces the waiting period from 4 hours to 2 hours to locate unmarked facilities. The bill creates an impending emergency category. In this category, work cannot begin less than 12 hours from the time of notice. The bill future amends the

act to allow operators to collect reasonable attorney's fees as the result of a lawsuit enforcing compliance with the dig law.

SB2538: Mississippi Regional Pre-Need Disaster Clean Up Act; create.

The Mississippi Regional Pre-Need Disaster Clean Up Act is intended to allow counties and municipalities to be authorized to participate in regional pre-need contracts, negotiated in advance by the state after a public bidding process, for disaster-related solid waste collection, disposal, and monitoring, such that the citizens of those counties and municipalities will be quickly and adequately served while recovering from the disaster.

SB2751: Sixteenth Section lands; no law, ordinance, or regulation shall prohibit school districts from using for educational facilities.

Prevents a county, municipality, or combination thereof from adopting and enforcing zoning or land use laws, ordinances, or regulations that would prohibit, restrict, or interfere with school districts' use of Sixteenth Section lands for the construction and operation of educational or extracurricular facilities.

SB2839: Public Improvement District Act; amend to allow the municipality to perform duties and exercise powers in certain circumstances.

When the board of a public improvement district is unable or unwilling to perform its statutory duties or exercise its statutory powers, the governing authorities of the municipality in which the district is contained shall be authorized to perform such duties or exercise such powers in the place of the board.

SB2842: Use tax; revise provisions regarding special infrastructure assistance funds for municipalities and counties.

After July 1, 2023, the definition of "base expenditures" will change to mean the average expenditures on infrastructure in FY 2021 and FY 2022 (instead of the 5-year average), and the "base expenditures" annual CPI adjustment will be capped at 0.5%. It also includes a change to current rules to prohibit municipalities from paying salaries for employees or contract employees; administrative costs; debt service, except for water, sewer, bridge, and street improvements; and to also prohibit the purchase of personal property or equipment (other than equipment to be permanently installed as part of a road or bridge) or for the construction or maintenance of public buildings or other structures that are not integral to the system of roads and bridges.

For More Information

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