

2008 Legislative Session Legislative Summary



Summary Prepared
by
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Mississippi Association of Supervisors 2008 Legislative Highlights

The 2008 Legislative Session proved to be very favorable to county government. Most of MAS's proposals were addressed in some measure. In addition, other bills which were not officially endorsed (but supported by MAS) were enacted and should prove beneficial to counties. This success rate is attributable to all of us (county officials, MAS staff, legislators, the Lt. Governor and the Governor) working together to address issues that are important to county government. Following are a few of the highlights.

- **Local System Bridge Replacement & Rehabilitation** [HB1665](#) authorizes the issuance of \$15,000,000.00 in state general obligation bonds to provide funds for the LSBP Program.
[HB 658](#) authorizes the county to use LSBP funds to pay actual costs of utility adjustments and rights-of-way acquisitions.
- **Rural Fire Truck Acquisition Assistance Program** [SB2914](#) transfers \$1,660,000.00 from the Supplementary Rural Fire Truck Fund to the regular Rural Fire Truck Fund to make funds available for counties looking to purchase their "8th" round fire truck.
- **Small Municipalities and Limited Population Counties Fund** [HB1656](#) authorizes the issuance of \$3,000,000.00 in state general obligation bonds to provide funds for the Small Municipalities and Limited Population Counties Fund.
- **State Aid Road Construction** [SB3136](#) makes an appropriation for the support and maintenance of the Office of State Aid Road Construction. Section 8 of the bill provides that the Office of State Aid Road Construction shall be exempt from any transfer of special funds into the State General Fund or the Budget Contingency Fund that is directed or authorized by the Department of Finance and Administration or by the State Treasurer.
- **Housing State Inmates in County Jails** [SB2639](#) reenacts the Code Section that requires the Department of Corrections to pay a county \$20 a day for housing state inmates held in county jails.
- **Purchasing Laws** [SB2735](#) amends current statutes to increase from \$100 to \$500 the minimum acquisition cost of an item or service purchased by a county that requires a requisition, purchase order and receiving report.
- **Homestead Reimbursement** [SB3130](#) makes an appropriation of \$83,900,000 to the Mississippi State Tax Commission for the purpose of reimbursing counties for tax losses incurred by reason of the exemption of homes from certain ad valorem taxes.
- **Garbage Fees** [SB2819](#) authorizes the board of supervisors to levy garbage fees as a special assessment against the property if the property owner is a nonresident of the county. The bill provides that the tax collector shall collect the assessment.

Mississippi Association of Supervisors

Legislation Affecting Counties 2008 Legislative Session

The following is a brief summary of a number of bills passed during the 2008 Legislative Session. This summary is **not** intended to be a complete explanation of all the bills passed, but rather a short synopsis of those bills of particular interest to counties. For detailed information about a bill, contact the Senate Docket Room (601-359-3229) or the House Docket Room (601-359-3358) for a copy of the bill. Bills may also be obtained directly via the MAS web site: <http://www.masnetwork.org/>

House Bills

HB 10 An act to delete Mississippi Highway 737 in Marshall County from the state highway system and return it to the jurisdiction of the Board of Supervisors. ***Effective upon passage***

HB 19 An act to amend Section 27-33-29, Mississippi Code of 1972, to extend from two years to three years the period of time during which homes that were damaged or destroyed as a result of Hurricane Katrina shall continue to be a home under the homestead exemption laws. ***Effective January 1, 2008***

HB 359 An act to amend Section 25-7-25, Mississippi Code of 1972, to authorize the Justice Court to charge a \$25.00 expungement fee. ***Effective July 1, 2008***

HB 475 An act to establish document formatting standards for certain instruments filed with the clerk of the Chancery Court and provides for the payment of a fee for nonconforming documents. ***Effective July 1, 2008***

HB 509 An act to amend Sections 47-1-19 and 47-5-451, Mississippi Code of 1972, to authorize state, county or municipal prisoners to provide public service work for churches. ***Effective July 1, 2008***

HB 525 An act to amend Section 41-61-75, Mississippi Code of 1972, to increase to \$125.00 the fee paid to a County Medical Examiner for investigation of death reports. The bill further sets a \$1000.00 fee for each completed autopsy; plus the examiner's actual expenses up to \$100.00 per autopsy. ***Effective upon the effectuated date under Section 5 of the Voting Rights Act of 1965, as amended and extended***

HB 572 An act to amend Section 27-41-2, Mississippi Code of 1972, to authorize counties that have entered into an interlocal agreement with municipalities for the collection of taxes to collect municipal special assessments. It furthermore allows the inclusion of unpaid special assessments in a unified tax sale. ***Effective July 1, 2008***

HB 658 An act to amend Section 65-37-7, Mississippi Code of 1972, to authorize the actual costs of utility adjustments and rights-of-way acquisitions incurred by counties in projects performed under the Local System Bridge Replacement and Rehabilitation program to be paid out of the Local System Bridge Replacement and Rehabilitation Fund. ***Effective July 1, 2008***

HB 703 An act to amend Section 23-15-359, Mississippi Code of 1972, to provide that the names of deceased independent or special election candidates who die before the printing of the ballots shall not be

placed on the ballots. *Effective upon the effectuated date under Section 5 of the Voting Rights Act of 1965, as amended and extended*

[HB 892](#) An act to extend the repealer and make various amendments to the Individual On-Site Wastewater Disposal System Law. Specifically, the law provides that the Department of Health shall not approve any system that does not comply with local ordinances. The law's effective date is delayed one year to allow time for the promulgation of rules and education. (see HB 2459) *Effective July 1, 2009*

[HB 943](#) An act to create a task force to study uniformity in real property recordings. *Effective upon passage*

[HB1016](#) An act to amend Sections 7-7-211 and 7-7-213, Mississippi Code of 1972 to set a \$30.00 fee that the Office of State Auditor to charge for performing audits. This bill also creates an internship program in the office of the state auditor. *Effective July 1, 2008*

[HB1136](#) An act to amend Section 97-17-71, Mississippi Code of 1972, to make various changes in the statutes regarding metals theft. One change clarifies that local governments have the expressed authority to enact ordinances, rules and regulations that impose additional or stricter requirements relating to metal purchase transactions. *Effective 60 days after passage*

[HB1215](#) An act to amend Section 77-13-3, 77-13-5, 77-13-7, 77-13-9, 77-13-15, and 77-13-17 Mississippi Code of 1972, to require all underground utility line operators to be members of Mississippi One-Call System, Inc. *Effective July 1, 2008*

[HB1227](#) An act to amend Section 99-1-23, Mississippi Code of 1972, to provide for the use of web cam in addition to closed-circuit television for appearance in court. *Effective July 1, 2008*

[HB1326](#) An act to amend Section 25-3-9, Mississippi Code of 1972, to authorize Warren County to employ a county prosecuting attorney full time. *Effective upon the effectuated date under Section 5 of the Voting Rights Act of 1965, as amended and extended*

[HB1452](#) An act to amend Section 59-11-3, Mississippi Code of 1972, to provide that the board of supervisors may set the per diem for compensation for each member of its county port and harbor commission which is not to exceed the federal per diem. The act also amends Section 19-5-171, Mississippi Code of 1972, to provide that the commissioners of the Hancock County Water and Sewer District, the Kiln Water and Fire Protection District, and the Pearlinton Water and Sewer District shall be compensated for their services at a rate to be fixed by the board of supervisors not to exceed the federal per diem rate.

The act also amends section 65-37-9, Mississippi Code of 1972, to revise the payment of engineering expenses under the Local System Bridge Replacement and Rehabilitation Program to a rate set by the board of supervisors not to exceed 12%.

[HB1465](#) An act to amend Section 17-2-5, Mississippi Code of 1972, to provide that any county or municipality that adopts building codes after July 1, 2008, shall adopt codes established by the Mississippi Building Codes Council (Council). Furthermore, this act provides that any county or municipality that has adopted construction codes published before January 1, 2000, shall by July 1, 2010 adopt as minimum codes established by the Council. (Note: This bill does not require counties that do not have building to adopt any.) *Effective July 1, 2008*

The bill also amends Section 83-1-37 and 83-1-39 Mississippi Code of 1972, to increase the amount of insurance premium tax deposited with the Municipal Fire Protection Fund and the County Volunteer Fire Department Fund and designates these additional funds to be used for training necessary for compliance with codes adopted by the Council. *Effective July 1, 2008*

[HB1472](#) An act to amend Section 19-31-9, Mississippi Code of 1972, to revise the make-up and manner of selecting members of the board of a Public Improvement District. *Effective upon the effectuated date under Section 5 of the Voting Rights Act of 1965, as amended and extended*

[HB1506](#) An act to authorize the issuance of state general obligation bonds in the amount of \$1,000,000.00 for the Mississippi Watershed Repair and Rehabilitation Cost-share Program. *Effective upon passage*

[HB1641](#) An act to authorize the issuance of state general obligation bonds for various purposes including: \$1,875,000.00 for the Mississippi Rural Impact Fund and \$9,000,000.00 that the Mississippi Development Authority may utilize under the Mississippi Business Investment Act to make loans or grants to counties and municipalities for infrastructure-related improvements, equipment purchases and for the purchase, construction or repair and renovation of public facilities. *Effective upon passage*

[HB1656](#) An act to authorize the issuance of \$3,000,000.00 in state general obligation bonds to provide funds for the Small Municipalities and Limited Population Counties Fund. *Effective upon passage*

[HB1665](#) An act to authorize the issuance of \$15,000,000.00 in state general obligation bonds to provide funds for the Local System Bridge Replacement and Rehabilitation Program. *Effective upon passage*

Senate Bills

[SB2209](#) An act to create section 9-9-18.5, Mississippi Code of 1972 to allow for an additional county court judge for Desoto County. *Effective upon the effectuated date under Section 5 of the Voting Rights Act of 1965, as amended and extended*

[SB2313](#) An act to amend Section 25-7-13, Mississippi Code of 1972, to increase fees charged by clerks of the Circuit Court for filing certain documents. The bill also amends section 23-15-225, Mississippi Code of 1972, to increase from \$2,000.00 to \$2,500.00 the compensation paid to circuit clerks for the performance of election duties. *Effective upon the effectuated date under Section 5 of the Voting Rights Act of 1965, as amended and extended, or July 1, 2008, whichever occurs later*

[SB2391](#) An act to amend Section 43-37-3, Mississippi Code of 1972, to allow governmental entities to pay the best negotiated price or appraised value, whichever is less, for the purchase of real property. *Effective upon passage*

[SB2392](#) An act to amend Sections 19-5-9 and 21-19-25, Mississippi Code of 1972, to provide that if any county or municipality adopts or has adopted construction codes which do not have proper provisions to maintain up-to-date amendments, specifications for cements used in Portland Cement Concrete then such code specifications shall be superseded by nationally recognized specifications referenced in codes adopted by the Mississippi Building Code Council. *Effective upon passage*

[SB2457](#) An act to amend Section 49-19-115, Mississippi Code of 1972, to extend the repealer on the forest acreage tax. *Effective upon passage*

[SB2459](#) An act to extend the repealer on the Individual On-Site Wastewater Disposal Law. (HB 892)
Effective July 1, 2008

[SB2532](#) An act to amend Section 57-75-35, Mississippi Code of 1972, to expand the enterprises operating a project under the Mississippi Major Economic Impact Act with whom the Board of Supervisors of a county or the governing authorities of a municipality may enter into agreements regarding prospective approval of request for exemptions from ad valorem taxation submitted by a supplier of the enterprise. *Effective upon passage*

[SB2543](#) An act to amend Section 31-7-13, Mississippi Code of 1972, to extend the date of the repealer on the provision of the Public Purchasing Law which authorizes purchasing entities to receive bids electronically or by any other method which promotes open competition and has been approved by the Office of Purchasing and Travel. *Effective July 1, 2008*

[SB2571](#) "Justice Court Reform Act of 2008" This bill amends Section 9-11-3, Mississippi Code of 1972, to revise the educational and competency requirements imposed upon justice court judges. The bill also provides for the vacation of a justice court judge's office who does not timely comply with the educational requirements. The bill amends Section 9-11-4, Mississippi Code of 1972, to revise the number of hours of basic and continuing training required of justice court judges. The bill further requires the judicial college to prepare and administer a competency examination as approved by the Supreme Court. The bill amends Section 9-11-5, Mississippi Code of 1972, to require the sheriff to provide courtroom security; however, HB 925 deletes this requirement.)

The bill amends Section 9-11-9, Mississippi Code of 1972, to increase the civil jurisdiction of the justice courts to \$3500.000. The bill also amends Section 97-37-7, Mississippi Code of 1972, to permit justice court judges to carry a concealed weapon on the same basis as other judges. The bill further amends Section 25-3-36, Mississippi Code of 1972, to revise the salaries of justice court judges. Finally, the bill amends Section 99-33-9, Mississippi Code of 1972, to revise the right of trial by jury in petty misdemeanor cases before the justice courts to conform to decisions of the United States Supreme Court. *Effective upon the effectuated date under Section 5 of the Voting Rights Act of 1965, as amended and extended, as amended and extended, or July 1, 2008, whichever occurs later*

[SB2639](#) An act to reenact Sections 47-5-901 through 47-5-909, Mississippi Code of 1972, to provide for conditions under which state offenders may serve sentences in county jails and to amend Section 47-5-911, Mississippi Code of 1972, to extend the date of repeal of those Sections. *Effective upon passage*

[SB2642](#) An act to amend section 47-5-931, Mississippi Code of 1972, to authorize the Mississippi Department of Corrections to contract with Attala, Claiborne, Yalobusha, Tishomingo, Hancock, Lawrence, Copiah, Desoto, Benton, Noxubee, Jasper, Montgomery, Walthall and Smith counties for a regional correctional facility. *Effective July 1, 2008*

[SB2735](#) An act to amend Sections 31-7-103 and 31-7-119, Mississippi Code of 1972, to increase from \$100 to \$500 the minimum acquisition cost of an item or service purchased by a county that requires a requisition, purchase order and receiving report. *Effective July 1, 2008*

[SB2819](#) An act to amend Section 19-5-22, Mississippi Code of 1972, to authorize the Board of Supervisors to levy garbage fees as a special assessment against the property if the property owner is a nonresident of the county. The bill provides that the tax collector shall collect the assessment. *Effective July 1, 2008*

[SB2852](#) An act to authorize the issuance of several additional distinctive motor vehicle license tags and to make amendments to the provisions of several existing distinctive motor vehicle license tags. This bill specifically offers an ad valorem exemption on the tags of mothers and unremarried spouses of service members who were killed in action or died in a combat zone after September 11, 2001, while serving in the Armed Forces of the United States. ***Effective July 1, 2008***

[SB2908](#) An act to create a new section to authorize the Mississippi Department of Corrections to contract with a county determined by the department for a maximum security regional correctional facility. This bill provides that the contract meet certain cost-savings requirements. ***Effective July 1, 2008***

[SB2910](#) This act creates a Comprehensive Election Reform Review Panel, establishes its members and sets forth its mission to study Mississippi's election laws and report back to the legislature. Additionally, the act makes various amendments to Mississippi's election laws. The act amends Section 23-15-211, Mississippi Code of 1972, to require the Secretary of State to develop, in conjunction with the State Board for Community and Junior Colleges, a training course for circuit clerks. Further the act amends Section 23-15-239, Mississippi Code of 1972, to establish training courses for election managers. The act also amends Section 23-15-283, Mississippi Code of 1972, to remove the provision that requires supervisor districts and precinct boundaries to conform to visible natural or artificial boundaries. ***Section 1 effective upon passage; the remainder of the bill effective upon the effectuated date under Section 5 of the Voting Rights Act of 1965, as amended and extended***

[SB2914](#) This act revises the distribution of the proceeds of certain bonds authorized in the 2006 session between the Supplementary Rural Fire Truck Fund and the Rural Fire Truck Fund and extends until July 1, 2009, the authority to issue such bonds. Specifically, the act transfers \$1,660,000.00 from the Supplementary Rural Fire Truck Fund to the regular Rural Fire Truck Fund to make funds immediately available for counties looking to purchase their "8th" round fire truck. ***Effective upon passage***

[SB2983](#) This act makes broad revisions to the duties and the responsibility of the Ethics Commission. Included in these revisions is to give the Ethics Commission oversight of the Open Meetings and Open Records laws. ***Effective from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, or July 1, 2008, whichever is later***

[SB2988](#) "Mississippi Employment Protection Act." This act establishes hiring procedures for newly hired employees and their employers. Specifically, the bill requires employee residence verification and designates enforcement responsibilities. ***Effective July 1, 2008***

[SB2995](#) An act to amend Section 37-59-7, Mississippi Code of 1972, to increase the allowed bonded indebtedness for certain high-growth school districts. ***Effective July 1, 2008***

[SB3092](#) An act to amend Section 27-31-48, Mississippi Code of 1972, to authorize county Board of Supervisors and municipal authorities to exempt a portion of the true value of certain vendor tooling from ad valorem taxation. ***Effective upon passage***

[SB3130](#) An act making an appropriation to defray the expenses of the Mississippi State Tax Commission for Fiscal Year 2009 including \$83,900,000.00 to reimburse local government for tax losses incurred by reason of the exemption of homes from ad valorem taxes. ***Effective and in force from and after July 1, 2008***

[SB3136](#) An act making an appropriation for the support and maintenance of the Office of State Aid Road Construction of the Mississippi Department of Transportation for Fiscal Year 2009. Section 8 of the bill provides that the Office of State Aid Road Construction shall be exempt from any transfer of special funds into the State General Fund or the Budget Contingency Fund that is directed or authorized by the Department of Finance and Administration or by the State Treasurer. ***Effective July 1, 2008***

[SB3174](#) An act to authorize the issuance of state general obligation bonds in the amount of \$600,000.00 to provide matching funds for federal funds for the Water Pollution Control Revolving Fund and \$4,000,000 for the Local Governments and Rural Water Systems Improvements Revolving Loan Fund. ***Effective upon passage***

[SC 556](#) A concurrent resolution urging the President and Congress to support the passage of the Secure Rural Schools and Community Self-Determination Act. ***Resolution passed by Legislature and presented to the Mississippi Congressional Delegation***