

**2023 MISSISSIPPI MUNICIPAL
ATTORNEY’S ASSOCIATION
LEGISLATIVE UPDATE
PRESENTED BY STATE REPRESENTATIVE HANK ZUBER**

SB 2538. Effective on passage. Signed 4/17/23.

This bill, the Mississippi Regional Pre-Need Disaster Clean Up Act, provides that counties and municipalities may opt in to participate in regional pre-need contracts, negotiated in advance by the Department of Finance and Administration after a public bidding process, for disaster-related solid waste collection, disposal, and monitoring. SB 2538 amends Section 31-7-13 to establish the procedures, conditions and requirements for such contracts, including that there shall be nine regional contracts, one for each Mississippi Emergency Management Association (MEMA) district. If a county or municipality chooses to opt in to the contract, the county or municipality shall assume responsibility for payment in full for the contract.

HB 1306. Effective 1/1/24. Signed 3/28/23.

This bill amends Section 23-15-211 to revise the duties of the State Board of Election Commissioners by removing the duty of the board to remove the names of candidates from the ballot for failure to comply with campaign finance filing requirements.

The bill also amends Section 23-15-811 to provide that no person shall be qualified to appear on the ballot if, by the time the candidate is approved to appear on the ballot for the office sought, he or she has failed to file all reports required to be filed within the last five years.

The bill amends Section 23-15-807 to provide that candidates for judicial office shall not be required to file an annual report in an election year but shall file one in other years.

The bill also amends Section 23-15-753 to provide a penalty for any person who fraudulently requests or submits an absentee ballot application for any voter.

HB 1310. Effective 1/1/24. Signed 4/19/23.

This bill creates new Section 23-15-615 to authorize the Secretary of State to audit election procedures of the 2023, 2024, 2026 and 2027 general elections in the counties of the state. The Secretary of State shall audit all 82 counties by randomly selecting from each of the congressional districts during the 2023, 2024, 2026 and 2027 general elections, and randomly selecting no more than 25% of the total precincts or no more than five precincts, whichever is less in each county. If the Secretary of State finds issues that could disenfranchise voters or affect the outcome of the election, he can develop a plan to correct those issues. During the procedural audit, the Secretary of State shall audit the following:

- Procedures for testing of OMR equipment before counting ballots;
- Ballot accounting reports, seal logs, poll books, and receipt books;
- Absentee ballots, absentee ballot applications, and absentee ballot envelopes, along with the list provided to the resolution board; and
- Affidavit ballots and affidavit ballot envelopes, including affidavit ballot receipt books.

The Secretary of State shall create a post-election audit manual which will detail the policies and procedures for conducting post-election audits, and will not be allowed to alter it 90 days before the election. The Secretary of State shall also compile a report of the procedural audits not later than 120 days after the election and present it to the Governor, Lieutenant Governor, Speaker of the House and Chairs of the House and Senate Election Committees along with comments on the report from local election officials.

- Section 23-15-613, which provides that election commissions and county and **municipal executive committees** shall report residual vote information to the Secretary of State, is repealed.

- The bill also amends Section 23-15-153 to authorize election commissioners to receive a per diem of \$110 for conducting an audit of an election.

- Section 23-15-5 is amended to revise how the monies in the Elections Support Fund are distributed by removing the provision that 70% goes to the counties and 30% goes to the State General Fund and providing instead that all of the money in the special fund shall be distributed annually to the counties. The section is also amended to require counties to ensure that all computers with access to the Statewide Elections Management System be equipped with appropriate security measures, and to provide that the money in the special fund may be used to purchase such security measures.

- The bill creates Section 23-15-152 to provide that an elector who fails to respond to a confirmation notice or update his or her voter registration and who fails to vote during a certain period of time shall be removed from the Statewide Elections Management System. The section provides what a confirmation notice is and who will receive a confirmation notice.

- ▶ A registered voter who is mailed a confirmation notice shall be placed on inactive status in the Statewide Elections Management System but shall be able to vote by affidavit ballot.

- ▶ A registered voter fails to respond to the confirmation notice if the voter, during a period beginning on the date the confirmation notice was sent and ending on the day after the date of the second general election for federal office that occurs after the date of the notice, fails to respond to the confirmation notice or update the elector's registration information.

◆ However, if a voter fails to respond to the confirmation notice but votes at least once in any election in the registered voter's county or municipality during the period of time after the confirmation notice was sent, he or she will not be purged from the Statewide Elections Management System.

◆ Additionally, a registered voter who is active or reserve military or who serves on jury duty or responds to a summons for jury duty will not be purged from the Statewide Elections Management System.

▶ No systematic list maintenance shall occur during the 90 days immediately preceding a federal primary or general election which is limited to moving a voter to inactive status or purged status.

▶ The county registrar shall retain purged voter registration records after they are purged for a period that includes at least two federal general elections and shall record the reason for the removal.

▶ Section 23-15-125 is amended to conform to the provisions in newly created Section 23-15-152.

• Section 23-15-15 is amended to provide that by January 1, 2025, the Secretary of State shall compare the entire Statewide Election Management System to the Department of Public Safety Driver's License Database and follow the procedures in place if a voter is flagged in the database as a potential noncitizen. This section also provides that all documentation provided to show proof of citizenship shall be exempt from the Mississippi Public Records Act.

▶ Section 23-15-165 is amended to conform to the changes in Section 23-15-15.

SB 2353. Effective 7/1/23. Signed 4/17/23.

This bill amends Sections 23-15-227 and 23-15-229 to increase the maximum compensation that poll workers and ballot carriers can receive on election day. Section 23-15-227 is amended to provide that from July 1, 2023, to December 31, 2023, poll managers shall receive \$75 for each election, and may receive an additional amount from the board of supervisors that shall not exceed \$125 per election. After January 1, 2024, the poll managers shall receive \$125 for each election, and the board of supervisors may, in their discretion, pay the poll managers an additional amount not to exceed \$75 per election. Poll managers who carry the ballots to the voting precinct shall be allowed up to \$25, and increase from \$10 as well as up to \$25 for the poll manager who acts as the returning officer for each precinct.

Section 23-15-229 is amended to provide that the governing authorities of a municipality may, in their discretion, pay clerks and poll managers in the polling place of the municipality an additional amount of compensation not to exceed \$75 out of the municipal general fund, which is an increase from \$50.

This act also amends Section 23-15-239 to provide that poll managers who attend poll manager training may be compensated by the board of supervisors and municipal governing authorities at a rate of not less than the federal hourly minimum wage and not more than \$20, which is an increase from \$12. Additionally, election commissioners shall receive \$110 instead of \$100 for conducting the training sessions.

HB 603. Effective on passage. Partially vetoed 4/21/23.

I. This bill directs the State Fiscal Officer to make various transfers of funds in the State Treasury as follows:

X. The bill also amends Section 17-23-21, which created the Annual Fire Fund and authorizes the Commissioner of Insurance to transfer funds from this fund to the Rural Fire Truck Fund, the Supplementary Rural Fire Truck Fund, **the Municipal Fire Protection Fund** and/or the County Volunteer Fire Department Fund, to provide that upon the request of the commissioner, the State Fiscal Officer will transfer the requested amounts from the Annual Fire Fund to those funds. The total amount of all such transfers shall not exceed the amount appropriated by the Legislature from the Annual Fire Fund for the fiscal year in which the transfers are made, and those transfers shall not reduce the amount of the spending authority provided to the commissioner by that appropriation. The commissioner must document those transfers through a reconciliation with the Department of Finance and Administration.

XII. The bill also amends Section 57-1-601, which created the Mississippi Main Street Investment Grant Fund, to provide that (a) monies remaining in the fund on the effective date of this bill shall be used for such purposes solely **to provide grant funds to a municipality** that, prior to January 1, 2023, has received and/or been approved to receive grant funds for a revitalization zone project or projects begun before January 1, 2023; (b) the Mississippi Development Authority shall not accept or approve any application for a grant or grants from the grant fund after the effective date of this bill; and (c) this section will stand repealed on the first day of the next month following the date that all monies in the grant fund have been disbursed to provide grant funds to a municipality described in paragraph (a).

SB 2444. Effective on passage. Signed 4/14/23.

This bill amends several programs enacted during the 2022 legislative session that provide for the disbursement of ARPA funds as follows:

- **Section 49-2-131, which establishes the Mississippi Municipality and County Water Infrastructure Grant Program administered by the Mississippi Department of Environmental Quality (MDEQ), is amended to provide that:**

- ▶ MDEQ will only accept two rounds of submissions under the grant program and the second round of submissions will be the final round.
- ▶ MDEQ must apply a system for use in ranking the grant applications received, unless the Legislature funds all eligible grant requests under the program.
- ▶ Applications to the grant program will be reviewed and scored as they are received, unless the Legislature funds all eligible grant requests under the program.
- ▶ The remaining funds in the program as well as any funds not requested may be awarded or allocated in the final round of the program.
- ▶ If the award was provided in the final round of grants and the Legislature provided the total amount of funds for all eligible grant requests, MDEQ is not required to submit the score of the application in its quarterly and annual reports to the Legislature.

- Section 41-3-16.1, which establishes the ARPA Rural Water Associations Infrastructure Grant Program administered by the State Department of Health (DOH) is amended to:

- ▶ Provide that any rural water associations and any entity that received funding under the ARPA Rural Water Associations Infrastructure Grant Program **or the Mississippi Municipality and County Water Infrastructure (MCWI) Grant Program** before

April 14, 2023, is ineligible for additional grants under the ARPA Rural Water Associations Infrastructure Grant Program.

- ▶ Delete language that a certain amount of the funds appropriated to DOH for the program be obligated to projects that have completed plans and specifications, acquired all necessary land and/or easements, and are ready to proceed to construction.

- ▶ Provide that for the second round of grant awards, DOH will apply a greater weight to grant applications that promote the consolidation of separate systems and award certain points to systems that have consolidated within the five years before the date of their application.

- ▶ Provide that in the second round of grant awards, the maximum amount of funds that may be provided to any eligible association or entity from all grants under the program is \$2,000,000.

- ▶ Provide that "entities" are eligible for grants under the program in addition to rural water associations, which are defined as:

- ◆ Any entity operating as a rural water association, regardless of whether such entities were user created, were initially organized not for profit, or have been granted tax-exempt status under state or federal law; and

- ◆ Any nonprofit water or sewer provider not owned by the municipality or county and not a rural water association.

- ▶ Provide that any entity eligible under the program must be currently operating as a not-for-profit entity.

- ▶ Provide that the term "entity" does not include any state agency, and provide that state agencies are not eligible under the program.

- Section 57-123-11, which establishes a program for the purpose of providing funds to Mississippi Main Street Association to be administered by the Department of Finance and Administration (DFA), is amended to provide that DFA **will make a second round of grants to disburse \$3,000,000 to Mississippi Main Street Association to be used for the purpose of making revitalization grants to certain Mississippi communities.** The communities receiving funds are as follows:

- ▶ Eight communities with a population of more than 25,000 will receive \$68,000.

- ▶ 40 communities with a population of not more than 25,000 will receive \$61,400.

- Section 45-2-41, which establishes the Mississippi Law Enforcement and Fire Fighters Premium Pay Program administered by the Department of Public Safety (DPS), is amended to provide that any law enforcement officer or firefighter who received \$1,000 or more of premium pay from the county, municipality or other governmental entity that employed them from ARPA funds is not eligible to receive monies under this program. However, any law enforcement officer or firefighter who received less than \$1,000 of premium pay from the county, **municipality** or other governmental entity that employed the officer or firefighter from ARPA funds is eligible to receive from the monies under this program the difference between the amount of premium pay received from their employer and \$1,000.

- Section 25-3-25 is amended to provide that a sheriff may receive the premium pay provided for in Section 45-2-41 as part of the sheriff's compensation.

SB 2454. Effective on passage. Signed 4/21/23.

This bill directs the transfer of sums among certain funds in the State Treasury, makes technical amendments to provisions of law related to the state budget, and amends an appropriation to the Department of Finance and Administration for the fiscal year 2023.

- The State Fiscal Officer is directed to transfer a total of \$602,000,000 from the Capital Expense Fund to the following funds as listed below:

- ▶ \$450,000,000 to the 2022 Capacity Project Fund.
- ▶ **\$100,000,000 to the 2022 Emergency Road and Bridge Fund.**
- ▶ **\$40,000,000 to the 2022 Infrastructure Match Fund.**
- ▶ **\$2,000,000 to the Mississippi Historic Site Preservation Fund.**
- ▶ **\$5,000,000 to the Mississippi Community Heritage Preservation Grant**

Fund.

- ▶ \$5,000,000 to the Forestry Facility Grant Program.

- The State Fiscal Officer is directed to transfer the sum of \$10,000,000 from the General Fund to the Disaster Trust Fund.

- The State Fiscal Officer is directed to transfer the sum of:

- ▶ \$15,000,000 from the General Fund to the Mississippi

Outdoor Stewardship Trust Fund.

- ▶ \$2,500,000 from the General Fund to the Human Trafficking Fund.
- ▶ \$30,000,000 from the Capital Expense Fund to the Strategic Multi-Modal

Investments Fund created in Senate Bill No. 2559, 2023 Regular Session.

- ▶ \$300,000 from the Capital Expense Fund to the Derelict Vessel Fund

created in Section 49-27-71 to be used for the purposes of removal of derelict vessels provided in Section 49-27-71.

- Sections 65-1-141.1 and 65-1-141.2, which created the 2022 Maintenance Project Fund and the 2022 Capacity Project Fund, are amended to make a technical revision to the use of those funds by the Mississippi Department of Transportation, by deleting references to a minute book and providing that the funds will be used to provide for maintenance projects included in the Pavement Program and capacity projects included in the Capacity Program of the Three-Year Plan as adopted by, amended by, or reissued by the Mississippi Transportation Commission.

- Section 2 of Senate Bill No. 2525, 2023 Regular Session, is amended to provide that the Forestry Facility Grant Program Fund may be established with a sum of up to \$10,000,000.

- Chapter 43, Laws of 2022, which is an appropriation to the Department of Finance Administration for the fiscal year 2023, is amended to revise the purpose of the funds by deleting the reference to providing assistance to nonprofit museums and to revise the amount of funds appropriated from \$40,000,000 to \$35,000,000.

SB 2663. Effective on passage. Signed 3/14/23.

This bill revises the eligibility standards for a grant from the Mississippi Historic Site Preservation Fund as follows:

- Deletes the requirement that the site be individually listed in the National Register of Historic Places, and provides that the site must be determined eligible for listing in the National Register of Historic Places by the Historic Preservation Division of the Department of Archives and History.
- Deletes the requirement that the site be specified by the Legislature in the annual appropriation to the department, and provides that the site must be approved by the Board of Trustees of the Department of Archives and History.

The bill also requires the Department of Archives and History to submit an annual report to the Lieutenant Governor, Speaker of the House, the Chairs of the House and Senate Appropriations Committees, and the Legislative Budget Office, containing a listing of the grant applications received, the name of the historic sites, and the amount of grant funds requested and awarded from the received grant applications.

HB 1158. Effective upon passage. Signed 3/27/23.

This bill amends various sections of the Mississippi Medical Cannabis Act as follows:

- Authorizes a practitioner to assist a patient in registering for a registry identification card with the Mississippi Department of Health (MDOH) after the practitioner has issued a written certification to the patient.
- Provides that the requirements of the Mississippi Medical Cannabis Act do not apply to a person who is authorized to purchase topical cannabis, and such persons may possess and use such products without being in violation of the act.

- **Prohibits any state agency, department, political subdivision or board from**

requiring a practitioner to require a patient to submit to a drug test as a condition to receiving a certification for a registry identification card.

- Provides that a practitioner is not required to have any additional qualifications to be authorized to certify a qualifying patient for a registry identification card.

- Provides that a practitioner is not required to be registered to certify patients with any state agency or board other than the MDOH.

- Authorizes qualifying patients to make a follow-up visit with a different practitioner than the practitioner who originally issued their written certification, provided that such practitioner is otherwise registered and acting within their scope of practice and the provisions of the law.

- Requires MDOH to verify the information contained in a registry identification card application or renewal, and approve or deny an application or renewal within 10 days of receiving a completed application or renewal application.

- Provides that a medical cannabis written certification issued by a practitioner is valid for the six months immediately preceding the date of application.

- Caps the cannabis cultivation facility Tier 6 to not more than 150,000 square feet.

- Authorizes an individual or business entity to have an ownership or economic interest in a medical cannabis testing facility and a cannabis transportation entity.

- Provides that MDOH may contract with a private laboratory for the purpose of conducting compliance testing oversight of medical cannabis.

- Requires a prospective employee to undergo a fingerprint-based background check by the Department of Public Safety.

- Requires a subsequent background check to be conducted on prospective employees if they do not start employment with an entity for six months.
- Authorizes any topical cannabis product that is purchased by a dispensary from a licensed processor, that is not ingested by the liver, to be sold to a cardholder or any person over the age of 21 who is not a cardholder.
- Authorizes dispensary websites to display pictures of the products that the dispensary sells.
- **Prohibits a state agency or board from implementing any rule, regulation, policy or requirement that is contrary to the provisions of the Mississippi Medical Cannabis Act.**
- Authorizes licensing agencies to deny the application of any applicant who fails to meet the qualifications for obtaining such license, and establishes certain appeal procedures for denials.
- Provides that any ongoing investigation by a licensing agency under the Mississippi Medical Cannabis Act is considered confidential and exempt from disclosure under the Mississippi Public Records Act.
- Provides that addresses of prospective and licensed medical cannabis establishments, except for medical cannabis dispensaries, are considered confidential and exempt from disclosure under the Mississippi Public Records Act.
- Provides that the judicial review of an appeal from a final decision or order of an agency under the provisions of the act is based on the record made before the agency.
- Provides that controlled substances and raw materials which have been used in

violation of the Mississippi Medical Cannabis Act may be subject to forfeiture, and empowers law enforcement officers of the Department of Revenue (DOR) or MDOH, acting within their duties in accordance with the act, to seize such objects.

- Empowers law enforcement officers of the DOR or MDOH, acting within their duties in accordance with the Mississippi Medical Cannabis Act, to destroy any controlled substances or paraphernalia seized under their authority.
- Requires the prescription monitoring program to issue an annual report to the Legislature that indicates the number of opioid prescriptions that were provided to patients during that year.
- Adds the definition of the terms "artificially derived cannabinoid", "cannabinoid" and "cannabis waste":
 - ▶ "Artificially derived cannabinoid" means a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substance derived from the plant Cannabis family Cannabaceae, and it does not include:
 - ◆ A naturally occurring chemical substance that is separated from the plant Cannabis family Cannabaceae by a chemical or mechanical extraction process;
 - ◆ Cannabinoids that are produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst; or
 - ◆ Any other chemical substance identified by MDOH.
 - ▶ "Cannabinoid" means any of the chemical compounds that are the active constituents derived from THC.
 - ▶ "Cannabis waste" means plant debris of the plant of the genus cannabis,

including dead plants and all unused plant parts. This term does not include seeds, roots, stems and stalks.

- **Provides that in any county or municipality** in which real property is owned, leased or otherwise controlled by a waterway district or water management district created in Title 51, Mississippi Code of 1972, the decision of the county or municipality to opt out or opt in of allowing medical cannabis entities is binding on all real property in such district.

- Provides that the ordinances of a county or municipality related to the provisions of the medical cannabis law are applicable to all real property within the boundaries of the county or municipality in such district.

SB 2164. Effective 7/1/23. Signed 3/14/23.

This bill provides that, in addition to other current lawful property use conveyances, school districts may convey, sell, lease or otherwise dispose of real property for residential, mixed-use or other development activity to stimulate economic development activities within their districts.

SB 2749. Effective 7/1/23. Signed 4/17/23.

This bill increases the compensation of school board members based on the school districts' enrollment. The minimum compensation is increased to \$4,000 and the maximum compensation is capped at \$6,000.

SB 2751. Effective 7/1/23. Signed 3/14/23.

This bill provides that laws, ordinances or regulations of a municipality, county or any zoning or planning board or agency shall not prohibit, restrict or interfere with school districts' use of sixteenth section lands for the construction and operation of educational or extracurricular facilities.

SB 2339. Effective 7/1/23. Signed 4/20/23.

This bill extends the date of repeal on the provision of law requiring certain energy efficiency standards to be implemented during the design and construction of certain buildings from July 1, 2023, to July 1, 2026. The bill also updates the agency nomenclature of that statute.

Also, the bill creates a new section within Chapter 2, Title 17, that restrains the state and any county **or municipality** from prohibiting or otherwise limiting the use of a federally approved refrigerant in a building code applicable to commercial or residential buildings, provided that such use is consistent with applicable safety standards and use conditions.

SB 2073. Effective 7/1/23. Signed 4/17/23.

This bill amends several provisions of law to lower the age of majority to 18 for securing home loans and entering into contracts for real property. Previously, the law required a person to be 21 for securing home loans and entering into contracts for real property.

HB 454. Effective upon passage. Signed 3/22/23.

This bill authorizes the use of radar speed detection equipment by municipal law enforcement officers in any municipality where the county seat is located in the municipality and where there is located a public community college in such municipality.

HB 1222. Effective 7/1/23. Signed 3/22/23.

This bill creates "The Mississippi Collaborative Response To Mental Health Act" and:

- Requires each **municipal** and county law enforcement agency to provide mental health first-aid training that is evidence-based and approved by the department of mental health.
- Requires each **municipal** and county law enforcement agency to have at least one crisis intervention trained officer by a certain date.

- Authorizes an agency which employs less than five law enforcement officers may execute an agreement with one or more law enforcement agencies to have a crisis intervention team officer serve as the officer for that agency.

- Requires court liaisons for certain counties.

- Revises the terms of the members of the State Board of Mental Health.

- Requires each regional commission to employ or contract with an accountant to manage its finances.

- Requires the accountant to provide an annual audit in addition to other duties.

- Provides that members of the regional commission shall serve at the will and pleasure of the appointing board of supervisors.

- Requires the commissioners to attend certain trainings as a condition to remaining a commissioner.

- Requires removal of any commissioner who fails to attend certain trainings provided by the Department of Mental Health unless alternate arrangements are made.

- Requires the chancery clerk to maintain a record for the number of persons ordered for admission to a treatment facility, the number of hearings to determine whether a person should be admitted and the number of affidavits filed for purposes of admitting a person to a treatment facility.

- Revises the powers and duties of the State Board of Mental Health.

- Requires law enforcement officers to transport persons in crisis to the appropriate healthcare facility at the request of the crisis intervention team.

- Provides that on or before December 1, 2023, each county shall report to the

Department of Mental Health data relating to the placement of individuals both before an involuntary civil commitment proceeding, and after a hearing where an involuntary commitment order has been entered.

- Provides that after making expenditures of at least \$2,500,000 each year to provide funding for county and municipal law enforcement training and court liaisons, the Department of Mental Health may expend any additional funds to provide grants to community mental health centers for the purpose of increasing housing for patients.
- Provides that the Department of Mental Health shall have all powers necessary to implement and administer the program, and the department shall promulgate rules and regulations necessary for the implementation of the act.

SB 2298. Effective 7/1/23. Signed 3/14/23.

This bill amends Sections 21-23-8 and 99-5-11 to conform the procedures for setting bail **in municipal** and justice courts throughout the state by:

- Prohibiting a court from setting an amount of bail solely for the purpose of detaining a defendant. Once bail is determined, it is presumed to be necessary to reasonably assure the safety of a victim, witness or the general public and to guarantee the appearance of a defendant as required by the court. It is also presumed to be attainable by the defendant; however, the defendant may rebut the presumption by moving to reduce or set aside the bail.
- Prohibiting a misdemeanor defendant from being incarcerated solely because the defendant cannot afford to post bail; nor shall a misdemeanor defendant be released solely because the defendant cannot afford bail. Instead, the judge shall make a determination of whether the defendant can be released on recognizance, based on the standards enumerated in the Mississippi Rules of Criminal Procedure and any other factors considered relevant by the

municipal judge as long as the release of the defendant does not jeopardize the community. Additionally, the accused may waive an appearance before the judge and execute an appearance bond in an amount determined by the court from the bond guidelines set out in the Mississippi Rules of Criminal Procedure and agree to appear at a specified time and place.

- Conforming amendments so that the bail procedures in Justice and Municipal Courts mirror one another. In Section 21-23-8, a provision substantially similar to language from Section 99-5-11 is inserted related to setting bail in certain domestic situations. In Section 99-5-11, a provision substantially similar to language from Section 21-23-8 is inserted related to designated officers setting bail due to the unavailability of a judge.

SB 2420. Effective 7/1/23. Signed 3/14/23.

This bill directs the Department of Public Safety to create an online public registry of offenders whose crimes involved the embezzlement or misappropriation of public funds. The registry must include the offender's full legal name, any aliases by which the offender is or has been known, including any online or Internet identifiers and the offender's date of birth.

Under the bill, a registrable offense "means a crime chargeable under Sections 97-7-10, 97-11-25 through 97-11-31, 97-15-3, 97-15-5, 97-11-11, 97-11-13, 97-11-53, 97-13-1 and 97-13-3, or any crime that involves the embezzlement or misappropriation of public funds as determined by the circuit court in its sentencing order upon conviction." Further, a conviction which requires registration includes a disposition of nonadjudication for any registrable offense.

The bill requires certain agencies to forward the department information concerning individuals to be registered. The bill also requires the individuals convicted of a registrable offense to register in accordance with the procedures established by the department.

An individual on the registry may petition to have their name removed; however, no offender shall be removed from the registry unless all fines, penalties and restitution resulting from the conviction have been paid. If fines, penalties and restitution have been paid, an offender may be removed from the registry after either five years from the date of the offender's conviction or five years from the date of an offender's release from physical incarceration, whichever is later.

Last, the bill prohibits the state and any county, **municipality** or any other political subdivision from hiring any person who appears on the registry for any position in accounting, or in a treasury or registrar office, or in any office where monies are collected or received directly from rate or fee payers.

HB 894. Effective 7/1/23. Signed 3/13/23.

This bill amends Section 17-1-27 by adding administrative penalties or civil penalties as an option that **local governing authorities** may pursue when a local zoning ordinance is violated as long as such penalties are not prescribed under other state or local law. Previously, local governing authorities could only pursue criminal penalties for the violation of a local zoning ordinance.

SB 2839. Effective 7/1/23. Signed 3/3/23.

This bill amends several sections within Chapter 31 of Title 19 to authorize the governing authorities of a **municipality** in which a public improvement district is contained to perform the duties and exercise the powers of the board of the district when such board is unable or unwilling to perform such duties or exercise such powers. In such circumstances, the municipality is authorized to exercise all enumerated powers as well as all of the powers necessary and proper to perform the duties of the board.

HB 698. Effective 7/1/23. Signed 4/14/23.

This bill requires that the rates at which water, wastewater, and sewer services are supplied must be just and reasonable based on the actual cost to operate and maintain the systems, and may not be unreasonably preferential, prejudicial or discriminatory but must be sufficient, equitable and consistent in application to each class of users.

Further, the bill requires that the governing authorities of a **municipality** establish and maintain rates and charges in equitable proportion to the use of the services and benefits rendered by the waterworks systems and water treatment facilities serving the municipal area, and the calculation of a user's bill must 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.

Additionally, 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 months. In such circumstance, an estimated bill must be based upon the prior average measured usage of the user or a similar user of the same classification.

Finally, only in the event a municipality is unable to meet the requirement of billing based solely on volumetric usage, such municipality may bill based on a flat fee rate, where such municipality has established flat fee billing as its usual and customary billing practice prior to 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.

SB 2433. Effective 7/1/23. Signed 3/8/23.

This bill exempts from the utility regulation system the distribution of water by an eligible homeowners association only to its residents, regardless of the subdivision's location inside an area subject to a Certificate of Public Convenience and Necessity held by an eligible **municipality**. Any entity supplying water to an eligible homeowners association for purposes of supplying water only to its residents is likewise exempt from the system of utility regulation. These exemptions apply regardless of whether an eligible homeowners association elects to provide water to its residents on a full-time basis or opts for an emergency connection to a private water source for use only when water from an eligible municipality is unavailable, unreliable or unsafe.

The bill **also defines "eligible municipality"** as any municipality with a population of greater than 100,000 according to the latest decennial census which has been the subject of litigation by the U.S. Environmental Protection Agency for violations of the Safe Drinking Water Act. "Eligible homeowners association" is defined as any homeowners association created and governed by restrictive covenants, if the subdivision subject to these covenants (i) was constructed prior to 1970 outside municipal boundaries, (ii) was later annexed by an eligible municipality, regardless of whether the municipality was an "eligible municipality" at the time of annexation, and (iii) is located adjacent to a ground water well system originally designed to supply, and continuing to supply, the subdivision with drinking water.

Additionally, the bill creates a new code section to clarify continuing obligations on the part of the eligible municipality with respect to the provision of sewage disposal and emergency fire suppression services in perpetuity, as well as water service until the homeowners association notifies the municipality in writing that it is prepared to begin providing water service to the

subdivision's residents. **The municipality** must sell and convey to the homeowners association, at fair market value as determined by an independent appraisal by an appraiser chosen by the association, any water assets the association deems necessary to provide water service to its residents. The association must obtain an easement in municipal roads and rights-of-way providing access to these assets for purposes of repairing, replacing or improving them at its own cost. The association must repair any municipal roads damaged as a result of these repairs or replacements.

SB 2512. Effective 7/1/23. Signed 4/14/23.

This bill authorizes county boards of supervisors to directly allocate Coronavirus State and Local Fiscal Recovery Funds made available under the American Rescue Plan Act of 2021 to any publicly-constituted water or sewer association, water supply district, regional utility district or regional utility authority, or **municipality** for the purpose of funding water and sewer infrastructure projects.

SB 2359. Effective 7/1/23. Signed 4/17/23.

This bill creates the Mississippi Main Street Revitalization Grant Program Act to assist Main Street Designated Communities with projects to revitalize Mississippi's downtowns.

The bill provides that the Mississippi Main Street Association (MMSA) will accept applications from eligible recipients, prioritize their applications and submit a list of suggested recipients to the Legislature no later than December of each year. Beginning with the 2024 Regular Session of the Legislature, and each Regular Session thereafter, the Legislature will review the submitted list and determine the projects for which to award grants to eligible recipients through the Mississippi Development Authority in an appropriation bill. The MMSA will consider projects in relation to the following criteria:

- The demonstration of local financial need;
- Projects that demonstrate high local impact;
- Projects that produce a high level of public benefit;
- Projects that demonstrate best practices in preservation;
- Projects that will have local administration and implementation capacity;
- The distribution of geographic size and location of the project;
- Projects that will be completed on time; and
- Whether the community in which the project is located has not received funding

under the program for the previous year.

The Mississippi Development Authority will provide grant funds to the Main Street Designated Communities on a reimbursement basis, not to exceed \$500,000 per community each year, and grantees cannot receive compensation for their required 20% local match. Main Street Designated Communities with a population of less than 10,000 will be required to have a local cash match of 10% for the first \$100,000 requested, then will be required to have a local cash match of 20% for any amount over \$100,000.

Eligible costs for the expenditure of grant funds include the acquisition of land and any improvements thereon, preservation of historic downtown structures and sites, and initiatives that will produce a revitalization to the economy of the historic downtown areas.

The bill defines the following terms:

- "Eligible recipient" means a Main Street Designated Community that is a good-standing member of the MMSA, has obtained Section 501(c)(3) tax-exempt status or Section 501(c)(6) tax-exempt status from the Internal Revenue Service and possesses matching funds to match 20% of the total project cost. A Main Street Designated Community will be

ineligible for a grant if their community was a recipient of a grant under the program in the previous year.

- "Main Street Designated Community" means a local Main Street program that has achieved and maintained Designated Community status by the MMSA.
- "Matching funds" means cash funds that are either in the applicant's possession or proposed by a match partner and clearly identified in a support letter and are reserved for the proposed project. No state funds may be included in determining the amount of the match.

SB 2306. Effective 7/1/23. Signed 3/16/23.

This bill amends Section 51-35-317 to increase the number of district directors for any municipality with a population over 100,000 in a flood and drainage control district which has been enlarged under Section 51-35-315(w). The bill provides for two additional directors for such a **municipality** in such a district, one to be the emergency manager for the municipality and one to be the emergency manager for the county in which the municipality is located.

SB 2842. Effective 7/1/23. Signed 4/13/23

This bill amends Section 27-67-35, which creates special funds in the State Treasury to be used to provide monies to assist municipalities in paying costs associated with road and bridge improvements and water infrastructure and sewer infrastructure improvements, and to assist counties in paying costs associated with road and bridge improvements. The bill provides that these monies cannot be used for salaries, benefits or any form of compensation for employees, or for contract employees, administrative costs, debt service except as provided in the section, 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. It also provides that **municipalities** may use these monies for storm water and drainage improvements.

The bill revises the time period referenced in the definition of "base expenditures" that must be met by a municipality in order to be eligible to receive the full amount of monies allocated for distribution from the special fund. The prior five-year period, from October 1, 2013, to September 30, 2018, for calculating a municipality's average annual expenditures is changed to a two-year period from October 1, 2020, to September 30, 2022. It also removes the provision requiring the exclusion of the year within the period with the highest annual expenditures and the year with the lowest annual expenditures.

The bill also revises the standard for annually adjusting and compounding the amount of base expenditures for municipalities. Rather than increasing or decreasing this amount by a percentage equal to the United States inflation rate for the previous calendar year, the adjustment will be based on the lesser of one-half percent or the United States inflation rate for the previous calendar year.