



Mississippi State Senate

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MEMORANDUM

TO: ALL SENATORS

FROM: LEGISLATIVE SERVICES

DATE: MAY 4, 2022

Enclosed is a summary of general bills which were enacted during the 2022 Regular Legislative Session. Should any bill in which you are interested not appear or should you wish to have a more complete explanation of any measure, please let us know.

SUMMARY OF GENERAL LEGISLATION

2022 REGULAR SESSION

**Prepared by
Senate Legislative Services Office**

MAY 4, 2022

VETOED BILLS

The following general bills from the 2021 Regular Session have been vetoed by Governor Reeves as of May 4, 2022:

SB 2306. Vetoed 4/21/2022.

AN ACT TO AMEND SECTION 23-15-813, MISSISSIPPI CODE OF 1972, TO TRANSFER THE AUTHORITY OF THE MISSISSIPPI ETHICS COMMISSION TO ASSESS A CIVIL PENALTY AGAINST ANY CANDIDATE OR POLITICAL COMMITTEE FOR FAILURE TO FILE A REPORT TO THE SECRETARY OF STATE; TO DELETE THE PROVISIONS THAT PROVIDES FOR A HEARING FOR A CANDIDATE OR POLITICAL COMMITTEE BEFORE THE STATE BOARD OF ELECTION COMMISSIONERS; TO PROVIDE FOR AN APPEAL PROCEDURE FOR THOSE CANDIDATES WHO ARE ASSESSED A CIVIL PENALTY BY THE SECRETARY OF STATE; TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR REPORTS THAT WOULD OTHERWISE BE DUE ON A WEEKEND OR LEGAL HOLIDAY SHALL BE DUE ON THE NEXT WORKING DAY AFTER THE DUE DATE; AND FOR RELATED PURPOSES.

SB 2336. Vetoed 4/13/2022.

AN ACT TO AMEND SECTION 25-15-15, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROHIBITION ON THE HEALTH INSURANCE MANAGEMENT BOARD FOR IMPOSING A SURCHARGE BASED ON THE USE OR NONUSE OF TOBACCO-RELATED PRODUCTS, AND TO EXTEND THE REPEALER ON THE AUTHORITY OF THE BOARD TO COLLECT PREMIUM PAYMENTS FROM PARTICIPANTS IN THE PLAN; AND FOR RELATED PURPOSES.

SB 2530. Vetoed 4/21/2022.

AN ACT TO AMEND SECTION 25-53-201, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES SHALL EVALUATE THE OPPORTUNITIES FOR EXPANDING THE ENTERPRISE SECURITY PROGRAM AND THE COORDINATED OVERSIGHT OF CYBERSECURITY EFFORTS TO INCLUDE THOSE GOVERNING AUTHORITIES DEFINED IN SECTION 25-53-3(F); TO REQUIRE THE DEPARTMENT TO DEVELOP A REPORT ON THESE OPPORTUNITIES AND TO PRESENT THE REPORT TO THE CHAIRMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES ACCOUNTABILITY, EFFICIENCY, TRANSPARENCY COMMITTEES, ATTORNEY GENERAL AND THE CHAIRMAN OF THE SENATE TECHNOLOGY COMMITTEE BY NOVEMBER 1, 2022; TO PROVIDE THAT FROM AND AFTER JULY 1, 2022, ALL STATE AGENCIES AND GOVERNING AUTHORITIES AS DEFINED IN SECTION 25-53-3 SHALL REPORT TO THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES ANY

DEMAND FOR PAYMENT OR ANY PAYMENT MADE AS A RESULT OF RANSOMWARE; TO DEFINE RANSOMWARE; TO REQUIRE THESE AGENCIES AND AUTHORITIES TO REPORT THIS INFORMATION NO LATER THAN THE NEXT BUSINESS DAY UPON DISCOVERY OF THE RANSOMWARE; TO REQUIRE THE DEPARTMENT TO RECORD ALL INFORMATION SUBMITTED FROM THESE AGENCIES AND AUTHORITIES AND DEVELOP A REPORT ON THIS INFORMATION; TO REQUIRE THE DEPARTMENT TO PRESENT THIS REPORT TO THE LIEUTENANT GOVERNOR, SPEAKER OF THE HOUSE, ATTORNEY GENERAL, CHAIRMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES ACCOUNTABILITY, EFFICIENCY, TRANSPARENCY COMMITTEES AND THE CHAIRMAN OF THE SENATE TECHNOLOGY COMMITTEE; TO REQUIRE THE DEPARTMENT TO PRESENT A YEARLY SUMMARY OF ALL RANSOMWARE INCIDENTS BY NOVEMBER 1 OF EACH YEAR TO THE LIEUTENANT GOVERNOR, SPEAKER OF THE HOUSE, CHAIRMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES ACCOUNTABILITY, EFFICIENCY, TRANSPARENCY COMMITTEES AND THE CHAIRMAN OF THE SENATE TECHNOLOGY COMMITTEE; AND FOR RELATED PURPOSES.

SB 2536. Vetoed 4/21/2022.

AN ACT TO CREATE A PUBLIC REGISTRY OF OFFENDERS WHOSE CRIMES INVOLVED THE EMBEZZLEMENT OR MISAPPROPRIATION OF PUBLIC FUNDS; TO DEFINE TERMS; TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CREATE A REGISTRY OF OFFENDERS; TO REQUIRE RESPONSIBLE AGENCIES TO FORWARD CERTAIN INFORMATION TO THE DEPARTMENT; TO REQUIRE OFFENDERS TO REPORT TO THE DEPARTMENT WITHIN A PRESCRIBED TIMEFRAME; TO AUTHORIZE THE DEPARTMENT TO PROMULGATE RULES FOR THE IMPLEMENTATION OF THE ACT; TO AMEND SECTION 25-1-113, MISSISSIPPI CODE OF 1972, TO PROHIBIT LOCAL GOVERNMENTS FROM HIRING PERSONS ON THE REGISTRY FOR CERTAIN POSITIONS; AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO CLARIFY THE EFFECT OF EXPUNGEMENT PROCEDURES IN RELATION TO QUALIFIED ELECTORS; AND FOR RELATED PURPOSES.

SB 3010. Partially Vetoed 4/26/2022.

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER FOR FISCAL YEAR 2023.

HB 980. Vetoed 3/17/2022.

AN ACT TO CREATE A NEW SECTION WITHIN ARTICLE 3, CHAPTER 29, TITLE 41, MISSISSIPPI CODE OF 1972, TO PROVIDE AN AUTOMATIC DEFENSE TO PROSECUTION FOR ANY CHARGE THAT IS BROUGHT WITHIN TWO YEARS OF A FEDERAL DECLASSIFICATION OF A CONTROLLED SUBSTANCE THAT IS THE SUBJECT OF THE OFFENSE; AND FOR RELATED PURPOSES.

HB 1353. Partially Vetoed 4/28/2022.

AN ACT TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE "2022 IHL CAPITAL IMPROVEMENTS FUND" CREATED IN THIS ACT; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE "2022 COMMUNITY AND JUNIOR COLLEGES CAPITAL IMPROVEMENTS FUND" CREATED IN THIS ACT; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE "2022 STATE AGENCIES CAPITAL IMPROVEMENTS FUND" CREATED IN THIS ACT; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE "2022 DEPARTMENT OF FINANCE AND ADMINISTRATION STATEWIDE REPAIR AND RENOVATION FUND" CREATED IN THIS ACT; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE LOCAL GOVERNMENTS AND RURAL WATER SYSTEM IMPROVEMENTS REVOLVING LOAN FUND; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE MISSISSIPPI COMMUNITY HERITAGE PRESERVATION GRANT FUND; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE WATER POLLUTION CONTROL REVOLVING FUND; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE MISSISSIPPI DAM SAFETY FUND; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE "2022 TATE COUNTY - EROSION CONTROL AND REPAIR FUND" CREATED IN THIS ACT; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE ACE FUND; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE MISSISSIPPI SITE DEVELOPMENT GRANT FUND; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE MISSISSIPPI BUSINESS INVESTMENT FUND; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY FUND; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE ECONOMIC DEVELOPMENT HIGHWAY FUND; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE MISSISSIPPI INDUSTRY INCENTIVE FINANCING REVOLVING FUND; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE MISSISSIPPI MAIN STREET INVESTMENT GRANT FUND; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO THE "2022 LOCAL IMPROVEMENTS PROJECTS FUND" CREATED IN THIS ACT; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE STATE BP SETTLEMENT FUND TO THE "2022 LOCAL IMPROVEMENTS PROJECTS FUND" CREATED IN THIS ACT; TO DIRECT THE STATE TREASURER TO TRANSFER FUNDS OUT OF THE CAPITAL EXPENSE FUND TO A SPECIAL FUND CREATED IN THIS ACT TO BE ADMINISTERED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR THE PURPOSE OF PROVIDING

ASSISTANCE FOR CERTAIN BUSINESSES; TO CREATE THE "2022 IHL CAPITAL IMPROVEMENTS FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS FOR INSTITUTIONS OF HIGHER LEARNING CAPITAL IMPROVEMENTS; TO CREATE THE "2022 COMMUNITY AND JUNIOR COLLEGES CAPITAL IMPROVEMENTS FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS FOR COMMUNITY AND JUNIOR COLLEGES CAPITAL IMPROVEMENTS; TO CREATE THE "2022 STATE AGENCIES CAPITAL IMPROVEMENTS FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS FOR STATE AGENCIES CAPITAL IMPROVEMENTS; TO CREATE THE "2022 DEPARTMENT OF FINANCE AND ADMINISTRATION STATEWIDE REPAIR AND RENOVATION FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS FOR STATE AGENCIES REPAIR AND RENOVATION PURPOSES; TO CREATE THE "2022 TATE COUNTY - EROSION CONTROL AND REPAIR FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS TO ASSIST TATE COUNTY, MISSISSIPPI, IN PAYING COSTS ASSOCIATED WITH DITCH EROSION CONTROL, REPAIR AND REHABILITATION; TO CREATE THE "2022 LOCAL IMPROVEMENTS PROJECTS FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSES OF PROVIDING FUNDS TO ASSIST WITH VARIOUS LOCAL PROJECTS ACROSS THE STATE; TO AMEND SECTION 39-5-145, MISSISSIPPI CODE OF 1972, TO INCREASE THE MAXIMUM AMOUNT OF FUNDS IN THE MISSISSIPPI COMMUNITY HERITAGE PRESERVATION GRANT FUND THAT MAY BE ALLOCATED FOR CERTAIN TYPES OF PROJECTS; TO REVISE THE PURPOSES FOR WHICH MONIES IN THE MISSISSIPPI COMMUNITY HERITAGE PRESERVATION GRANT FUND MAY BE USED; TO AMEND SECTION 39-11-13, MISSISSIPPI CODE OF 1972, TO REVISE THE PURPOSES FOR WHICH MONIES IN THE BUILDING FUND FOR THE ARTS MAY BE USED; TO AMEND SECTION 57-1-701, MISSISSIPPI CODE OF 1972, TO EXPAND THE CATEGORIES OF ELIGIBLE EXPENDITURES FROM THE MISSISSIPPI SITE DEVELOPMENT GRANT FUND; AND FOR RELATED PURPOSES.

STATISTICS OF THE 2022 REGULAR SESSION

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>
Bills Passed Both Houses	460	374	418	370
Bills That Became Law	381	331	373	353
Senate Bills Introduced	1212	1092	1063	1124
S.B. Passed by Senate	293	240	286	214
S.B. Passed by House	212	162	194	176
S.B. Died in Conference	31	17	14	5
S.B. Vetoed	4	1	4	1
S.B. Partially Vetoed	1	1	0	0
S.B. Vetoes Overridden	0	0	0	0
S.B. Approved by Governor	162	138	154	166
S.B. Became Law Without Governor's Signature	1	2	19	2
S.C.R. Introduced	105	39	88	167
S.C.R. Adopted by Senate	92	27	73	147
S.C.R. Adopted by House	91	26	63	141
S.R. Introduced	63	63	66	23
S.R. Adopted	61	60	64	23
House Bills Introduced	1769	1531	1814	1752
H.B. Passed by House	379	339	377	307
H.B. Passed by Senate	248	212	220	194
H.B. Died in Conference	25	15	5	6
H.B. Approved by Governor	212	184	172	185
H.B. Became Law Without Governor's Signature	6	7	26	0
H.B. Vetoed	1	0	4	2
H.B. Partially Vetoed	1	1	2	0
H.B. Vetoes Overridden	0	0	1	0
H.C.R. Introduced	90	62	86	100
H.C.R. Adopted by House	59	41	52	68
H.C.R. Adopted by Senate	58	37	49	64
Nominations Received	158	94	47	131
Nominations Approved	147	78	38	129

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ACCOUNTABILITY, EFFICIENCY, TRANSPARENCY

SB 2338. See summary under Judiciary, Division A heading.

SB 2371. Effective 7/1/22. Signed 4/18/22.

SB 2371 amends the Public Purchasing Law, Section 31-7-13, to do the following:

- Increases from \$50,000 to \$75,000 the threshold requiring a bid procedure to be used for purchases;
- Clarifies that a purchasing entity may, in its discretion, use reverse auction for term contract purchases;
- Provides that reverse auctions shall not be required for individual public schools, charter schools and school districts, when purchasing copyrighted educational supplemental materials and software as a service product. Local school boards may authorize a purchasing entity in its jurisdiction to use a Request for Qualifications which promotes open competition and meets the requirements of the Office of Purchasing and Travel for such purchases;
- Conforms to SB 2806 which clarifies that reverse auction shall not be used for the improvement, repair or remodeling of any public facilities, including the purchase of materials, supplies, equipment or goods for same;
- Conforms to SB 2818 which exempts from the Public Purchasing Law purchases made by the Department of Health or the Department of Revenue solely for the purpose of fulfilling their respective responsibilities under the Mississippi Medical Cannabis Act.

SB 2536. See summary under Judiciary, Division B heading.

SB 2649. See summary under Veterans and Military Affairs heading.

SB 2806. Effective 7/1/22. Signed 3/8/22.

SB 2806 amends Section 31-7-13 to clarify that reverse auction shall not be used for any public contract for the improvement, repair or remodeling of any public facilities, including the purchase of materials, supplies, equipment or goods for same.

SB 2810. Effective 7/1/22. Signed 4/18/22.

SB 2810 amends Section 25-1-98 to provide the terms and conditions for allowing state employees to engage in telework. An appointing authority of any state service agency within the meaning of Section 25-9-107 may authorize telework in accordance with a telework policy approved by the State Personnel Board. In order to implement a telework policy for one or more of its employees, an appointing authority shall:

- Determine whether or not telework is in the best interest of the agency. In doing so, the appointing authority shall seek guidance from the State Personnel Board in determining what forms of work activities can be effectively and efficiently managed through a telework arrangement;
- Establish procedures to protect any information that is privileged or confidential under state or federal law;
- Require all teleworking employees to sign a telework agreement that includes their work schedule, provides for supervisory oversight through the review of work product and deliverables on a regular basis, requires the protection of privileged or confidential information that is managed remotely on an agency computer or other devices, establishes protocols

for accessibility to coworkers and clients, workplace safety, and any other matters deemed appropriate by the appointing authority; and

- Establish work schedules that ensure that some personnel are at the appointing authority's offices to provide direct contact with the public.

The term "telework" shall mean a work flexibility arrangement under which an employee performs duties, responsibilities, or other authorized activities from an approved worksite other than the location from which the employee would otherwise work.

All agencies that allow employees to telework shall report to the State Personnel Board the names of the employees, their job titles, office schedule and telework schedule, who are performing telework for their agencies. On or before December 31 of each year, the State Personnel Board shall make a report related to the utilization of telework policies to the Chairmen of the House and Senate Appropriations Committees, the Accountability, Efficiency and Transparency Committees, and the Joint Legislative Committee on Performance Evaluation and Expenditure Review.

The State Personnel Board may promulgate rules for the administration of this section which shall be binding upon state service agencies.

SB 2898. See summary under Municipalities heading.

HB 683. Effective 7/1/22. Signed 3/22/22.

HB 683 amends Section 47-7-5 to extend the date of repeal to July 1, 2025, on the provision of law that creates the State Parole Board.

HB 719. Effective 7/1/22. Due from Governor 4/23/22.

HB 719 authorizes increases in the compensation for certain county officials and increases the fees charged by certain county officials as follows:

- Increases the limit on the compensation from fees of the chancery clerks and circuit clerks from \$94,500 to \$99,500.

- From and after January 1, 2024, increases the compensation of the circuit clerk from \$2,500 to \$5,000 per year for conducting elections and performing other duties. From and after January 1, 2028, such compensation shall increase from \$5,000 to \$10,000 per year for performing such duties.

- From and after January 1, 2024, the salary for county tax collectors and tax assessors shall increase by \$5,000 and from and after January 1, 2028, such salary shall increase by an additional \$5,000.

- From and after January 1, 2024, the chancery clerks shall receive an annual sum not to exceed \$2,500 for attending boards of supervisors' meetings. From and after January 1, 2028, the annual sum shall not exceed \$5,000 for attending such meetings. From and after January 1, 2024, the maximum annual sum for performing other services as clerk of the board of supervisors, is increased from \$3,000 to \$5,500. From and after January 1, 2028, such maximum annual sum shall increase to \$10,000.

- Certain fees charged by marshals and constables shall increase as follows:

- ▶ The fee shall increase from \$45 to \$55 for delivering certain notices.

- ▶ The fee shall increase from \$5 to \$10 for service on each additional defendant where more than one defendant resides at the same household.

▶ The fee shall increase from \$45 to \$55 when certain services occur after final judgment has been enrolled and certain other proceedings occur.

▶ The annual sum shall increase from \$2,500 to \$4,500 for serving all warrants and other processes as well as for performing certain other duties.

• From and after January 1, 2024, the fee increases from \$175 to \$185 that a county medical examiner or his or her deputy receives for each completed report of investigation of death. From and after January 1, 2028, such fee increases from \$185 to \$195 for each such completed report.

HB 863. See summary under Corrections heading.

HB 906. See summary under Corrections heading.

HB 1065. See summary under Wildlife, Fisheries and Parks heading.

HB 1177. See summary under Veterans and Military Affairs heading.

HB 1328. Effective on passage. Signed 3/22/22.

HB 1328 amends Section 43-3-101 to authorize the Mississippi Industries for the Blind (MIB) to enter into agreements with federal, state, public or private agencies, departments, institutions, firms, corporations or persons who MIB determines are in its best interests. The MIB may enter into any contracts and other agreements necessary for those purposes, and in doing so, MIB may agree to terms of indemnification, the law of another state or jurisdiction or other necessary terms when, in the judgment of MIB, that decision is in its best interest.

HB 1331. See summary under Elections heading.

HB 1341. See summary under Elections heading.

HB 1510. See summary under Elections heading.

AGRICULTURE

SB 2007. Effective 7/1/22. Signed 4/13/22.

SB 2007 revises the definition of commercial honey for purposes of labeling requirements enforced by the Mississippi Department of Agriculture. It provides that the label of any product consisting of honey and sweetener shall include all ingredients by weight, provides that all substances added to honey to alter the flavor shall be included on the label and provides that any lab-grown honey shall not be labeled as honey.

"Honey" shall mean the sweet, syrupy substance produced by honey bees from the nectar of plants (including honeydew) which the bees collect, transform, deposit, dehydrate and store, ripened and matured in the honeycombs. The consistency can be fluid, viscous, or partly to entirely crystallized. The flavor and aroma vary but are derived from the plant origin. "Honey" may not contain any additional food ingredients, including food additives. Every container of honey or honey products sold, offered or exposed for sale, by an individual, firm, organization or corporation in the State of Mississippi shall have on the outside of each container a paper label, permanent type stamped imprint or embossed material on the container itself, plainly printed in the English language truly certifying the net contents of the container, the name, brand and address of the person or processor offering such honey or honey products for sale, and a true statement of the contents contained therein.

Any product consisting of honey and a sweetener cannot be labeled as "honey." If any sweetener has been added to honey, it shall be deemed adulterated or artificial. For a honey product consisting of honey and a sweetener, the label shall, among other information, include the following: All ingredients

in descending order of predominance by weight: for example, "blend of honey and corn syrup," if the honey product has more honey than corn syrup. (Conversely, "blend of corn syrup and honey," if the honey product has more corn syrup than honey).

All substances added to honey or honey products which enhance or alter the flavor shall be included on the label in the same size font as the word "honey." The label shall include the common or usual name of each ingredient in the ingredient statement in descending order of predominance by weight.

Any product outside the definition of honey shall not be considered honey and shall not be labeled as such.

It shall be unlawful for any individual, firm, organization or corporation to label and/or sell, offer for sale or expose for sale at the retail level of trade any product as "honey" that does not meet the minimum requirements established by this act and by regulation of the Mississippi Department of Agriculture and Commerce.

It shall be unlawful for any manufacturer or distributor of honey or honey products to use a fictitious name or address on the container label required herein.

SB 2029. Effective 7/1/22. Signed 4/13/22.

SB 2029 repeals certain outdated or obsolete statutes in the agriculture code:

- Section 37-113-29, Mississippi Code of 1972, which provides for a camp for 4-H Club members in Panola County.
- Section 37-113-31, Mississippi Code of 1972, which provides for a camp for 4-H members in Madison County.
- Section 37-133-33, Mississippi Code of 1972, which provides for the purchase and maintenance of foundation herds of beef cattle, sheep and hogs at the Mississippi State University of Agriculture and Applied Science.

- Section 37-133-37, Mississippi Code of 1972, which provides for the inventory of livestock owned by state institutions.

SB 2077. Effective 7/1/22. Law without Governor's Signature 4/22/22.

SB 2077 creates the "Mississippi Healthy Food and Families Program" which requires the Department of Agriculture and Commerce, subject to appropriation, to fund qualified Mississippi nonprofits to distribute funds to Mississippi farmers markets and retailers for the purpose of providing matching dollar incentives for supplemental nutrition assistance program benefits spent on eligible fruits and vegetables at farmers markets and retailers.

The designated nonprofit organizations shall have a demonstrated track record of:

- (a) Building a statewide network;
- (b) Implementing such funds for distribution and reporting processes;
- (c) Providing training and technical assistance to farmers markets, produce stands, and direct producer-to-consumer venues;
- (d) Conducting community outreach and data collection; and
- (e) Providing full accounting and administration of funds distributed to farmers markets and retailers.

At least 90% of the money deposited into the Mississippi Healthy Food and Families Program shall be distributed to participating Mississippi farmers markets, produce stands, and retailers for healthy food incentives. A maximum of 10% of the money deposited into the Mississippi Healthy Food and Families Program may be used for administrative costs.

Guidelines and eligibility for the Mississippi Healthy Food and Families Program shall be established by the Department of Agriculture, consistent with the U.S. Agriculture Improvement Act of 2018. For the purposes of this program, "eligible fruits and vegetables" means any fresh or frozen, whole or cut fruits and vegetables that do not contain added sugar, fat, oil or salt. "Eligible retailers" means a small business whose principal office is located in Mississippi and that has a demonstrated commitment to procuring Mississippi-grown foods, including fruits and vegetables.

HB 1769. Effective on passage. Signed 4/19/22.

HB 1769 codifies Article 3, Section 17 A of the Mississippi Constitution regarding eminent domain. It provides that no property acquired by the exercise of the power of eminent domain under the laws of the State of Mississippi shall, for a period of ten years after its acquisition, be transferred or any interest therein transferred to any person, nongovernmental entity, public-private partnership, corporation, or other business entity. The exceptions are drainage and levee facilities and usage, roads and bridges for public conveyance, flood control projects with a levee component, seawalls, dams, toll roads, public airports, public ports, public harbors, public wayports, common carriers or facilities for public utilities and other entities used in the generation, transmission, storage or distribution of telephone, telecommunication, gas carbon dioxide, electricity, water, sewer, natural gas, liquid hydrocarbons or other utility products.

The bill also excludes projects where the use of eminent domain removes a public nuisance; removes a structure that is beyond repair or unfit for human habitation or use; is used to acquire abandoned property; or eliminates a direct threat to

public health or safety caused by the property in its current condition.

APPROPRIATIONS

SB 2077. See summary under Agriculture heading.

SB 2120. Effective on passage. Signed 4/22/22.

SB 2120 amends Section 45-1-12 to revise the salary scale of all officers of the Mississippi Highway Safety Patrol and Mississippi Bureau Of Narcotics as follows:

[Until July 1, 2022, the section shall read as follows:]

Department of Public Safety Sworn Officers Salary Schedule

Rank	Years of Experience			
	Less than 4	Over 4	Over 8	Over 12
Trooper	40,314			
Trooper FC		43,497		
Corporal			46,680	
Sergeant				49,862

Rank	Years of Experience			
	Over 16	Over 20	Over 24	Over 29
Staff Sgt.	53,045			
Sr. Staff Sgt.		56,228		
Sgt. 1st Class			59,410	62,593

Rank	Years of Experience					
	Over 5	Over 10	Over 15	Over 20	Over 25	Over 29
Master Sgt.	56,228	59,410	62,593	65,776	68,959	72,141
Lieutenant	65,776	68,959	72,141	75,324	78,507	81,689
Captain		78,507	81,689	84,872	88,055	91,237
Major			91,237	94,420	97,603	100,786

Lt. Colonel	100,786	103,968	107,151	110,334
Colonel	118,821	118,821	118,821	118,821

Department of Public Safety/MS Bureau of Narcotics

Sworn Officers Salary Schedule

Rank	Years of Experience			
	Less than 4	Over 4	Over 8	Over 12
LE-Agent I	40,314			
LE-Agent II		43,497		
LE-Agent III			46,680	
LE-Agent IV				49,862

Rank	Years of Experience			
	Over 16	Over 20	Over 24	Over 29
LE-Agent V	53,045			
LE-Agent VI		56,228		

Rank	Years of Experience					
	Over 7	Over 12	Over 17	Over 22	Over 27	Over 32
Lieutenant	65,776	68,959	72,141	75,324	78,507	81,689
Captain	78,507	81,689	84,872	88,055	91,237	
Major	91,237	94,420	97,603	100,786		
Lt. Colonel		100,786	103,968	107,151	110,334	
Colonel			118,821	118,821	118,821	118,821

[From and after July 1, 2022, the section shall read as follows:]

Department of Public Safety Sworn Officers Salary Schedule

Rank	Years of Experience			
	Less than 4	Over 4	Over 8	Over 12

Trooper	46,950					
Trooper FC		49,700				
Corporal			52,450			
Sergeant						55,200
Rank		Years of Experience				
	Over 16	Over 20	Over 24	Over 29		
Staff Sgt.	57,950					
Sr. Staff Sgt.		60,700				
Sgt. 1st Class			63,700			66,800
Rank		Years of Experience				
	Over 5	Over 10	Over 15	Over 20	Over 25	Over 29
Master Sgt.	60,700	63,450	66,200	68,950	71,700	74,450
Lieutenant	69,750	72,500	75,250	78,000	80,750	83,750
Captain		82,000	85,000	88,000	91,000	94,000
Major			94,000	97,000	100,000	103,000
Lt. Colonel			103,000	106,000	109,000	112,000
Colonel			119,500	119,500	119,500	119,500

Department of Public Safety/MS Bureau of Narcotics

Sworn Officers Salary Schedule

Rank		Years of Experience			
	Less than 4	Over 4	Over 8	Over 12	
LE-Agent I	46,950				
LE-Agent II		49,700			
LE-Agent III			52,450		
LE-Agent IV					55,200
Rank		Years of Experience			
	Over 16	Over 20	Over 24	Over 29	

LE-Agent V 57,950

LE-Agent VI 60,700

Rank	Years of Experience					
	Over 7	Over 12	Over 17	Over 22	Over 27	Over 32
Lieutenant	69,750	72,500	75,250	78,000	80,750	83,750
Captain	82,000	85,000	88,000	91,000	94,000	
Major	94,000	97,000	100,000	103,000		
Lt. Colonel		103,000	106,000	109,000	112,000	
Colonel			119,500	119,500	119,500	119,500

This bill also provides that, notwithstanding any other provision of law to the contrary, any rank of any sworn officer not based upon a merit-based promotion or years of experience shall be at the will and pleasure of the appointing authority as approved by the State Personnel Board.

Finally, this bill provides that the Commissioner of Public Safety, with approval by the State Personnel Board, is authorized to set the salaries equitably of sworn law enforcement officers assigned to the Commercial Transportation Enforcement Division and Capitol Police based upon the pay scale contained in this section.

SB 2158. See summary under Environment Prot, Cons and Water Res heading.

SB 2421. See summary under Public Health and Welfare heading.

SB 2430. See summary under Education heading.

SB 2735. See summary under Public Health and Welfare heading.

SB 2780. Effective 7/1/22; Section 14 effective on passage. Signed 4/19/22.

SB 2780 provides for various transfers, creates several special funds, and creates the Independent Schools Infrastructure Grant Program. More specifically, the bill does the following:

- Directs the State Fiscal Officer to make certain transfers during fiscal year 2023 from the Capital Expense Fund, Coronavirus State Fiscal Recovery Fund, Capital Expense Fund - Archives and History, Alcoholic Beverage Control Special Fund, Department of Revenue General Administration Special Fund, Secretary of State Help Mississippi Vote Fund and State General Fund to other funds in the State Treasury;

- Creates the "Coronavirus State Fiscal Recovery Lost Revenue Fund" as a special fund in the State Treasury to be used by DFA for the purpose of providing government services;

- Creates the 2022 Maintenance Project Fund, the 2022 Capacity Project Fund, the 2022 Infrastructure Match Fund, and the 2022 Emergency Road and Bridge Fund, as special funds in the State Treasury to be administered by the Department of Transportation for various purposes;

- Creates the "Independent Schools Infrastructure Grant Program Act of 2022" to be administered by DFA with funds

appropriated from the Coronavirus State Fiscal Recovery Fund; provides that such grants shall be made available to eligible independent schools; prescribes eligible projects under the grant program; directs the department to promulgate grant application regulations; and sets the maximum amount of grant funds that may be awarded to any eligible independent school;

- Amends Section 19-11-27 to revise the exceptions to limitations on county expenditures during the last year of terms of office of the boards of supervisors to allow expenditures for certain road and bridge projects;

- Amends Section 77-5-907 to provide that certain fees deposited into the Public Utilities Staff Regulation Fund shall be transferred to the Broadband Expansion and Accessibility of Mississippi (BEAM) Fund;

- Amends Section 57-1-601 to revise definitions for Main Street Grants; and

- Directs the State Fiscal Officer to transfer funds from the Capital Expense Fund to the Rural Fire Truck Matching Assistance Fund.

SB 2781. Effective on passage. Signed 4/18/22.

SB 2781 makes various corrections to FY2022 appropriations bills. Specifically, the bill does the following:

- Amends Section 29, Chapter 102, Laws of 2021, to revise the fiscal year 2022 appropriation to the Department of Finance and Administration to clarify and correct names and purposes of various projects funded from the Capital Expense Fund;

- Amends Section 20, Chapter 100, Laws of 2021, to revise the fiscal year 2022 appropriation to the Mississippi Development Authority to clarify the name of a recipient of funds from the Gulf Coast Restoration Fund;

- Amends Section 11, Chapter 82, Laws of 2021, to revise the fiscal year 2022 appropriation to the Mississippi National Guard to authorize the Adjutant General to transfer Capital Expense Funds within the Military Department to facilitate federal grant matching requirements;

- Amends Section 2, Chapter 51, Laws of 2021, to revise the fiscal year 2022 appropriation to the Department of Agriculture and Commerce to correct the name of an event for which the department may provide financial support;

- Amends Section 8, Chapter 46, Laws of 2021, to revise the fiscal year 2022 appropriation to the State Treasurer's Office to change the amount that is available in the support programs budget;

- Amends Section 45-1-19 to provide that accrued personal, medical and compensatory leave balances earned by employees of the Capitol Police shall be transferred from the Department of Finance and Administration to the Department of Public Safety;

- Amends Section 25, Chapter 101, Laws of 2021, to revise the fiscal year 2022 appropriation to the Mississippi Department of Transportation to remove certain highways designated for general improvements, widening and/or overlay;

- Amends Section 4, Chapter 87, Laws of 2021, to revise the fiscal year 2022 appropriation to the Department of Mental Health to authorize the department to grant temporary COVID-19 adjustments to the compensation for certain employees; and

- Amends Section 71-5-355 to designate December 31 as the date for determining the cash balance of the Unemployment Compensation Fund that is available for the payment of benefits for the calendar years 2020 and 2021.

SB 2818. See summary under Public Health and Welfare heading.

SB 2820. See summary under Public Health and Welfare heading.

SB 2822. Effective on passage. Signed 4/26/22.

SB 2822 establishes the "Mississippi Municipality and County Water Infrastructure (MCWI) Grant Program Act of 2022" administered by the Department of Environmental Quality utilizing coronavirus state fiscal recovery funds made available under the federal American Rescue Plan Act (ARPA). Such grants shall be made available to municipalities and counties to be matched with the coronavirus local fiscal recovery funds on a one-to-one matching basis. Coronavirus Local Fiscal Recovery Funds that a county transfers to a municipality, or that a county or municipality transfers to a public utility not regulated by the Public Service Commission, are eligible on a one-to-one matching basis. Municipalities that received less than \$1,000,000 in the total allocation of Coronavirus Local Fiscal Recovery Funds are eligible for a two-to-one match only on the Coronavirus Local Fiscal Recovery Funds awarded or to be awarded to them under ARPA. The total funds provided for all two-to-one matches shall not exceed \$50,000,000. The dollar amount for professional fees that can be allocated as a part of a county's, municipality's or public utility's matching share shall not exceed 4% of the total project cost.

On or before July 1, 2022, the Department of Environmental Quality shall promulgate rules and regulations necessary to administer the MCWI Grant Program, including application procedures and deadlines. The Department of Health shall advise the Department of Environmental Quality regarding all such rules

and regulations as related to the federal Safe Drinking Water Act.

The governing authority of a municipality, county or public utility that is not regulated by the Public Service Commission may submit an application for grant funds under this act if the applicant is an operator-member of Mississippi 811, Inc., as defined in Section 77-13-3.

Applicants must certify to the department that each expenditure of the funds awarded to them under this act is in compliance with ARPA guidelines, guidance, rules, regulations and other criteria, as may be amended from time to time, by the United States Department of the Treasury regarding the use of monies from the Coronavirus State Fiscal Recovery Funds.

Each application for grant funds must include the following at a minimum: (a) applicant contact information; (b) project description and type of project; (c) project map; (d) estimate of population affected by the project; (e) disadvantaged community criteria (population, median household income, unemployment, current water/sewer rates); (f) estimated project cost; (g) list of matching funds of direct Coronavirus Local Fiscal Recovery Funds received and to be received from the federal government, a certification that such funds have been or will be used for the project detailed in the application, and documentation of commitment; (h) estimated project schedule and readiness to proceed; (i) engineering services agreement; (j) engineering reports; and (k) information about status of obtaining any required permits.

The Department of Environmental Quality must apply a system for use in ranking the grant applications received. When applying the ranking system, the department shall apply a greater weight to projects that have approved engineering/design, plans and permits if the department has

deemed the project is ready to begin construction within six months. Projects that are included on the municipal or county engineer's approved list and provide applicable supporting documentation shall receive additional consideration awarded to the application. The ranking system shall include the following factors, at a minimum: (a) the environmental impact of the proposed project; (b) the proposed project's ability to address noncompliance with state/federal requirements; (c) the extent to which the project promotes economic development; (d) the number of people served by the project and the number of communities the project serves; (e) impacts of the proposed project on disadvantaged/overburdened communities; (f) the grant applicant's prior efforts to secure funding to address the proposed project's objectives; (g) the grant applicant's proposed contribution of other funds or in-kind cost-sharing to the proposed project; (h) the grant applicant's long-term plans for the financial and physical operation and maintenance of the project; (i) the grant applicant's capacity to initiate construction in a timely manner and complete the proposed project by the deadline specified by the United States Department of the Treasury rules for ARPA funds; (j) the extent to which the project benefits multiple political subdivisions in a regional manner; (k) the project's ability to enhance public service infrastructure, including transportation and emergency access; and (l) any other factors as determined by the department.

The grant program shall include a specific emphasis on addressing the needs of an economically disadvantaged community, including providing safe, reliable drinking water in areas that lack infrastructure, providing sewage treatment capacity in unsewered areas and providing regional development of infrastructure to serve multiple communities.

Grant agreements shall be executed between the recipient and the Department of Environmental Quality. All final awards shall be determined at the discretion of the executive director of the department. Any funds awarded to the City of Jackson shall be deposited in the Capital City Water/Sewer Projects Fund of the State Treasury. The department is authorized to conduct additional rounds of grants as needed; however, in the first round no more than 40% of the total funds appropriated for each grant program may be awarded by the department, and the remaining funds may be awarded in the second or subsequent rounds which shall occur no later than six months from the previous round. To ensure equitable treatment between the categories of projects, no less than 20% awarded under this section shall be allocated to each of the three categories of drinking water projects, wastewater projects and stormwater projects. In second or subsequent rounds, any funds not requested may be allocated to any category.

Grant funds shall be used prospectively; however, grant funds may be used to reimburse expenses incurred before the enactment of this program if the costs are adequately documented and comply with applicable ARPA guidelines.

The Department of Environmental Quality shall submit to the Lieutenant Governor, Speaker of the House, House and Senate Appropriations Chairmen, and the Legislative Budget Office quarterly reports and annual reports that are due by the dates established in the Compliance and Reporting Guidance by the United States Department of the Treasury. The reports shall contain the applications received, the score of the applications, the amount of grant funds awarded to each applicant, the amount of grant funds expended by each applicant and the status of each applicant's project.

Grant funds shall be available through December 31, 2026, or on the date of the fund expenditure deadline provided by the federal government, whichever occurs later. Each grant recipient shall certify for any project for which a grant is awarded that if the project is not completed by December 31, 2026, and the United States Congress does not enact an extension of the deadline on the availability of ARPA funds, then the grant recipient will complete the project through other funds.

The Department of Environmental Quality may retain an amount not to exceed 5% of the total funds allocated to the program to defray administrative costs. The department shall be exempt from the provisions requiring approval by the Public Procurement Review Board for personal or professional service contracts used in the execution of its responsibilities under this act. This exemption shall repeal on January 1, 2026.

Finally, this bill also provides that a public utility as defined in Section 77-3-3(d)(iv) shall not deny or refuse services to any business entity solely on the basis that the entity is a licensee under the Mississippi Medical Cannabis Act.

SB 2879. See summary under Elections heading.

SB 2885. See summary under Education heading.

SB 2893. See summary under Universities and Colleges heading.

HB 365. See summary under Public Health and Welfare heading.

HB 400. See summary under Judiciary, Division B heading.

HB 453. See summary under Tourism heading.

HB 483. Effective 7/1/22. Signed 3/17/22.

HB 483 extends to July 1, 2025, the date of the repealer on the provision of law that authorizes the Mississippi Development Authority to use certain monies in the Local Governments Capital Improvements Revolving Loan Fund for ordinary and necessary general support of the authority.

HB 492. Effective 7/1/22. Signed 3/17/22.

HB 492 extends to July 1, 2025, the date of the repealer on certain provisions relating to the Health Care Expendable Fund.

HB 530. See summary under Education heading.

HB 660. Effective 7/1/22. Signed 4/8/22.

HB 660 provides that public schools are eligible for assistance for projects from the Gulf Coast Restoration Fund, and provides that the prohibition on providing assistance from the fund to finance 100% of the cost of any project does not apply to projects for public schools.

HB 779. Effective on passage. Signed 3/10/22.

HB 779 provides that the definition of "cause of death" for the purpose of the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund includes any cause of death that would be covered under the federal Safeguarding America's First Responders Act of 2020.

This change allows survivors of law enforcement officers and firefighters who die as a result of COVID-19 to receive death benefits from the trust fund, because the federal act creates a general presumption that a public safety officer who dies from COVID-19 or related complications sustained a personal injury in the line of duty.

To pay for these benefits from the trust fund, the bill provides for the transfer of \$5 Million from the Coronavirus

State Fiscal Recovery Fund, which is the special fund in the State Treasury where state American Rescue Plan Act (ARPA) funds are deposited, to the trust fund.

HB 842. Effective 7/1/22. Signed 4/18/22.

HB 842 authorizes an additional round of fire trucks under the Rural Fire Truck Acquisition Assistance Program.

The bill also creates the "Rural Fire Truck Matching Assistance Fund" as a special fund in the State Treasury. The Department of Insurance will use monies in the fund for matching assistance to certain counties and municipalities with remaining eligibility under the Rural Fire Truck Acquisition Assistance Program. The total amount of such funds provided to a county or municipality combined with the funds provided under the Rural Fire Truck Acquisition Assistance Program cannot exceed 80% of the purchase price of a rural fire truck. A county or municipality is eligible for the matching assistance upon meeting the following criteria:

- The county or municipality's application is approved for funding in accordance with the criteria under the Rural Fire Truck Acquisition Assistance Program;
- The Department of Insurance determines that the county or municipality does not have sufficient funds available for the purchase of a rural fire truck with the funds authorized in the Rural Fire Truck Acquisition Assistance Program; and
- The county has received funding for no more than eight rounds from the Rural Fire Truck Acquisition Assistance Program.

HB 881. See summary under Education heading.

HB 920. See summary under Corrections heading.

HB 1005. See summary under Universities and Colleges heading.

HB 1006. See summary under Economic and Workforce Development heading.

HB 1031. Effective on passage. Signed 4/18/22.

HB 1031 creates the Capital City Water/Sewer Projects Fund as a special fund in the State Treasury to be administered by the Department of Finance and Administration (DFA) for the purpose of providing funds to assist the City of Jackson in paying costs associated with construction, reconstruction, repairs, upgrades and improvements to the city's water and sewer systems and related facilities. If the governing authorities of the City of Jackson desire assistance, the governing authorities must establish a plan for the project or projects for which the governing authorities desire assistance and submit the plan and an application for assistance to the DFA. The plan must include at least the following:

- A description of the project or projects for which the assistance is requested, including the projected cost of the project or projects;
- The projected starting date and completion date for the project or projects;
- A description of any funds from other sources that may be available to the City of Jackson to assist with paying the costs of the project or projects; and
- Any other information required by the DFA.

The DFA will review the application and determine whether to approve the assistance requested, and if approved, whether to

provide the assistance in whole or in part. In addition to using the assistance to fully fund a project or projects, the governing authorities may use the assistance to fund a portion of a project or projects in cases in which other funds are available for the project or projects and may be used as leverage or matching funds for the project or projects. If the DFA provides assistance for a project or projects, the governing authorities must provide quarterly reports describing the receipt and expenditure of the assistance, the status of the project or projects and any other information required by the DFA.

HB 1101. Effective on passage. Signed 4/8/22.

HB 1101 provides for a moratorium through June 30, 2024, on the application of the trip optimizer system requirements for travel to state agencies.

HB 1222. Effective on passage. Signed 3/24/22.

HB 1222 revises the conditions by which a state agency may provide a recipient entity pass-through funding under the Line-Item Appropriation Transparency Act as follows:

- The definition of "pass-through funding" is revised to specifically refer to a line-item appropriation to a state agency that is itemized on a separate line in a state agency's appropriation bill, and the definition of "state money" is revised to mean funds in the State General Fund and all state-support special funds.

- State agencies are prohibited from providing a recipient entity state money from pass-through funding unless the state agency enters into a written agreement with the recipient entity, under which the recipient entity must provide to the state agency a written description and an itemized report

detailing the expenditure of state money or the intended expenditure of any state money that has not been spent.

▶ Such report must be submitted at least quarterly on dates determined by the Department of Finance and Administration.

▶ Disbursements may only be made after the written agreement has been signed and are contingent upon the recipient entity complying with the quarterly reporting requirements.

• The Department of Finance and Administration is responsible for obtaining the written agreements, written descriptions, and itemized reports required by this act from state agencies, and is further responsible for consolidating and presenting a report on the previous fiscal year's pass-through expenditures and providing it to the Joint Legislative Budget Committee by October 1 of each year.

HB 1313. See summary under Universities and Colleges heading.

HB 1353. Effective 7/1/22. Partially Vetoed 4/28/22.

I. HB 1353 provides for various transfers of funds as follows:

• \$85,570,000 from the Capital Expense Fund to the 2022 IHL Capital Improvements Fund created in the bill;

• \$35,000,000 from the Capital Expense Fund to the 2022 Community and Junior Colleges Capital Improvements Fund created in the bill;

• \$35,250,000 from the Capital Expense Fund to the 2022 State Agencies Capital Improvements Fund created in the bill;

• \$10,000,000 from the Capital Expense Fund to the 2022 Department of Finance and Administration Statewide Repair and Renovation Fund created in the bill;

- \$4,450,000 from the Capital Expense Fund to the Local Governments and Rural Water Systems Improvements Revolving Loan Fund created in Section 41-3-16;
- \$5,000,000 from the Capital Expense Fund to the Mississippi Community Heritage Preservation Grant Fund created in Section 39-5-145;
- \$4,490,000 from the Capital Expense Fund to the Water Pollution Control Revolving Fund created in Section 49-17-85, to provide funds necessary to match projected federal funds available through the following federal fiscal year from the annual Clean Water State Revolving Fund (CWSRF) appropriations and from the supplemental Infrastructure Investment and Jobs Act (IIJA) appropriations. Not more than \$2,870,000 of such funds may be used to match the annual CWSRF appropriations and not more than \$1,620,000 of such funds may be issued to match the supplemental IIJA appropriations;
- \$2,000,000 from the Capital Expense Fund to the Mississippi Dam Safety Fund created in Section 19, Chapter 492, Laws of 2020;
- \$1,500,000 from the Capital Expense Fund to the 2022 Tate County - Erosion Control and Repair Fund created in the bill;
- \$30,000,000 from the Capital Expense Fund to the ACE Fund created in Section 57-1-16;
- \$40,000,000 from the Capital Expense Fund to the Mississippi Site Development Grant Fund created in Section 57-1-701;
- \$10,000,000 from the Capital Expense Fund to the Mississippi Business Investment Fund created in Section 57-61-21, to be used for the purposes provided in Section 57-61-36(3);

- \$3,000,000 from the Capital Expense Fund to the Mississippi Major Economic Impact Authority Fund created in Section 57-75-15, to be used for projects defined in Section 57-75-5(f) (ii);

- \$7,000,000 from the Capital Expense Fund to the Economic Development Highway Fund created in Section 65-4-15;

- \$10,000,000 from the Capital Expense Fund to the Mississippi Industry Incentive Financing Revolving Fund created in Section 57-1-221;

- \$5,000,000 from the Capital Expense Fund to the Mississippi Main Street Investment Grant Fund created in Section 57-1-601;

- \$201,500,000 from the Capital Expense Fund to the 2022 Local Improvements Projects Fund created in the bill;

- \$20,800,000 from the State BP Settlement Fund to the 2022 Local Improvements Projects Fund created in the bill; and

- \$7,500,000 from the Capital Expense Fund to another special fund created in the bill.

II. The bill also creates the "2022 IHL Capital Improvements Fund" as a special fund in the State Treasury to provide \$85,570,000 to the state institutions of higher learning for the following purposes:

- Alcorn State University.....\$ 5,040,000
 - ▶ \$1,040,000 for preplanning for repair, renovation, and expansion of and upgrades and improvements to the David L. Whitney Complex and Wellness Center; campus safety and security project, including open space development, sprinkler systems for dormitories, security camera installation, card access systems, street lighting, and emergency kiosks; and repair, renovation and upgrading of campus infrastructure.

▶ \$4,000,000 for repair and renovation of and upgrades and improvements to the Math and Science Building.

- Delta State University.....\$ 5,640,000

▶ \$3,937,500 for repair, renovation and replacement of and upgrades and improvements to HVAC systems and related equipment and infrastructure.

▶ \$1,702,500 for repair and renovation for ADA compliance for the Bologna Performing Arts Center.

- Jackson State University.....\$ 12,000,000

▶ 12,000,000 for construction, furnishing and equipping of a new dining facility and related facilities.

- Mississippi State University.....\$ 14,680,000

▶ \$14,680,000 for repair, renovation, construction, acquisition of property, furnishing and equipping of related facilities to house the College of Architecture, Art and Design.

- Mississippi State University/Division of Agriculture, Forestry and Veterinary Medicine.....\$ 9,610,000

▶ \$9,610,000 for repair and renovation of and upgrades and improvements to Dorman Hall and related facilities.

- Mississippi University for Women.....\$ 2,500,000

▶ \$2,500,000 for repair, renovation, and upgrading of campus buildings and facilities.

- Mississippi Valley State University.....\$ 10,200,000

▶ \$10,200,000 for repair, renovation, furnishing and equipping of the Charles Lackey Recreation Center.

- University of Mississippi.....\$ 5,500,000

▶ \$4,500,000 for construction, furnishing and equipping of a new mechanical and power plant building and related facilities.

- ▶ \$1,000,000 for preplanning for construction, furnishing and equipping of a new building and related facilities to house the School of Accountancy.

- University of Mississippi Medical Center.....\$ 8,000,000

- ▶ \$8,000,000 for repair, renovation, and upgrading of campus buildings and facilities.

- University of Southern Mississippi.....\$ 11,000,000

- ▶ \$11,000,000 for construction, furnishing and equipping of a new science research facility.

- IHL Education and Research Center.....\$ 1,400,000

- ▶ 1,400,000 for repair and replacement of chillers and related equipment for the campus air conditioning and heating system.

TOTAL IHL CAPITAL IMPROVEMENTS.....\$ 85,570,000

III. The bill also creates the "2022 Community and Junior Colleges Capital Improvements Fund" as a special fund in the State Treasury to provide \$35,000,000 to the community and junior colleges as follows:

Coahoma.....	\$ 1,570,500
Copiah-Lincoln.....	1,840,500
East Central.....	1,735,500
East Mississippi.....	2,015,500
Hinds.....	3,780,500
Holmes.....	2,656,500
Itawamba.....	2,415,500
Jones.....	2,295,500
Meridian.....	1,840,500
Mississippi Delta.....	1,655,500
Mississippi Gulf Coast.....	3,357,500
Northeast Mississippi.....	2,145,500
Northwest Mississippi.....	3,500,000

Pearl River..... 2,545,500
 Southwest Mississippi..... 1,645,500
 TOTAL COMMUNITY/JUNIOR COLLEGES CAPITAL IMPROVEMENTS ..\$35,000,000

IV. The bill also creates the "2022 State Agencies Capital Improvements Fund" as a special fund in the State Treasury to provide \$35,250,000 to various state agencies for the following purposes:

- Department of Finance and Administration.....\$21,500,000
 - ▶ \$5,000,000 for continuation of planning, repair, restoration of and improvements to the New Capitol Grounds.
 - ▶ \$9,500,000 for Phase II of repair, renovation, furnishing and equipping of the 660 North Street Building.
 - ▶ \$7,000,000 for Phase II of repair, renovation, furnishing and equipping of the 350 High Street Building.
- Department of Mental Health.....\$ 7,750,000
 - ▶ \$1,250,000 for Phase II of ligature compliance measures at the Mississippi State Hospital.
 - ▶ \$1,500,000 for planning, construction, furnishing and equipping of new north entry gate security station and perimeter fencing at the Boswell Regional Center.
 - ▶ \$3,000,000 for planning, repair and renovation, furnishing and equipping of Buildings #42, #49 and #50 at Ellisville State School.
 - ▶ \$2,000,000 for planning, construction, furnishing and equipping of new entry security station and reconstruction of north passage bridge at North Mississippi Regional Center.
- Department of Public Safety.....\$ 4,000,000
 - ▶ \$4,000,000 for continuation of construction, furnishing and equipping of new Troop G Highway Patrol Substation in Starkville.

- Mississippi Military Department.....\$ 2,000,000
 - ▶ \$2,000,000 for planning, repairs, renovations, expansions, upgrades and furnishing and equipping of Readiness Centers.
- TOTAL STATE AGENCIES CAPITAL IMPROVEMENTS.....\$35,250,000

V. The bill also creates the "2022 Department of Finance and Administration Statewide Repair and Renovation Fund" as a special fund in the State Treasury to provide \$10,000,000 to pay the costs of site and infrastructure improvements, general repairs and renovations, weatherization, roofing, environmental mitigation, mechanical, electrical and structural repairs required for state-owned facilities, universities and community and junior colleges, repairs, renovations and improvements necessary for compliance with the Americans with Disabilities Act or other codes, purchase and installation of necessary furniture and equipment, and continuation and completion of previously authorized projects.

VI. The bill also creates the "2022 Tate County - Erosion Control and Repair Fund" as a special fund in the State Treasury to provide \$1,500,000 to be disbursed by the Department of Environmental Quality to assist Tate County in paying costs associated with ditch erosion control, repair and rehabilitation along and near the project described in Section 27-104-301(2) (mm), and on property located along and near such project, including, but not limited to, creation of detention areas along ditches, replacement of drainage structures along ditches, rock stabilization at downstream ends of ditches and reestablishing vegetative cover on all disturbed areas.

VII. The bill also creates the "2022 Local Improvements Projects Fund" as a special fund in the State Treasury to

provide \$222,290,300 be disbursed by the Department of Finance and Administration for the following purposes:

- To the Department of Archives and History for the purpose of providing a grant to the Scott Ford House, Inc., to develop the property located at 136 East Cohea Street in the City of Jackson, the home of the former slave Mary Scott Green, to tell her story and that of other Mississippi midwives, and to develop the property located at 138 East Cohea Street in the City of Jackson as a house museum to tell the family story of the midwife Virginia Scott Ford.....\$ 200,000
- To assist in paying costs associated with repair, renovation, furnishing and equipping of and upgrades and improvements to the Jackson Public School District's Career Development Center in Jackson.....\$ 300,000
- To assist in paying costs associated with construction, furnishing and equipping of a recreation center and related facilities in the Town of Centreville.....\$ 500,000
- To assist Pike County in paying costs associated with recreational equipment and lights for the Richards Community Center.....\$ 150,000
- To assist in paying costs associated with repair and renovation of the National Guard Armory in the Town of Gloster.....\$ 250,000
- To assist the City of Georgetown in paying costs associated with Railroad Avenue lighting and park area.....\$ 50,000
- To assist the City of Georgetown in paying costs associated with Railroad Avenue sidewalks.....\$ 100,000
- To assist the City of Brookhaven in paying costs associated with geometric improvements, signalization improvements, striping/signing and drainage improvements to

Brookway Boulevard beginning at Interstate 55 and continuing east to U.S. Highway 51.....\$ 1,000,000

- To assist the Town of Byhalia in paying costs associated with the Old School Commons restoration and upgrades necessary to meet ADA regulations.....\$ 500,000
- To assist Marshall County in paying costs associated with the Blackwater Road Bridge project.....\$ 500,000
- To assist the Town of Tylertown in paying costs associated with the renovation of the Civic Center and Mississippi State University Extension Service offices.....\$ 450,000
- To assist the City of Durant in paying costs associated with road repairs.....\$ 50,000
- To assist the Town of Goodman in paying costs associated with road repairs.....\$ 50,000
- To assist Holmes County in paying costs associated with courthouse renovation.....\$ 150,000
- To assist the Town of Pickens in paying costs associated with repair and renovation of the town police station.....\$ 50,000
- To the Board of Supervisors of Lowndes County to assist the Town of Crawford in paying costs associated with infrastructure needs.....\$ 250,000
- To assist the City of D'Iberville in paying costs associated with the extension of Mallett Road.....\$ 1,000,000
- To assist the Town of Coldwater in paying costs associated with the acquisition of a fire truck.....\$ 350,000
- To assist the Town of Tunica in paying costs associated with road repairs.....\$ 500,000

- To assist Tunica County in paying costs associated with the extension of natural gas lines.....\$ 150,000
- To assist the City of Starkville in paying costs associated with Northside Drive drainage channel improvements, mobilization, channel shaping and grading.....\$ 250,000
- To assist the City of Starkville in paying costs associated with J.L. King Center infrastructure, security and lighting.....\$ 250,000
- To assist the City of Jackson in paying costs associated with construction of a parking lot and related facilities for the Jackson Convention Center **[This item was vetoed by the Governor's Partial Veto]**.....\$ 1,000,000
- To assist the City of Oxford in paying costs associated with repair and renovation of a building to be used by the City of Oxford Police Department.....\$ 1,000,000
- To assist Perry County in paying costs associated with the acquisition of a fire truck.....\$ 250,000
- To assist the City of Columbus Fire and Rescue in paying costs associated with the acquisition of a fire engine.....\$ 350,000
- To assist the City of Fulton in paying costs associated with the purchase of and repair and renovation of a building to house City Hall and repair and renovation of the former City Hall to house other city departments.....\$ 1,000,000
- To assist Itawamba County in paying costs associated with repair and renovation of the Itawamba County Courthouse and construction of a Justice Court.....\$ 1,000,000
- To assist Jones County in paying costs associated with repair, renovation, upgrades and additions to the Jones County Law Enforcement Complex.....\$ 500,000

- To assist the City of Laurel in paying costs associated with additions to the Veterans Museum in Laurel.....\$ 250,000
- To assist Arise and Shine, Inc., with providing children and youth programs and services in Copiah County **[This item was vetoed by the Governor's Partial Veto]**.....\$ 50,000
- To assist the City of Crystal Springs in paying costs associated with providing lighting for Pedestrian and Bicycle Corridor Federal Aid Project
No. STP-0130-00(013)LPA/107363-701000.....\$ 250,000
- To assist in paying costs associated with repair and renovation of the Millsaps Heritage Center in the City of Hazlehurst.....\$ 300,000
- To assist the City of Ocean Springs in paying costs associated with water system, sewer system and other infrastructure improvements and development of the Fayard project beautification.....\$ 1,500,000
- To assist the City of Diamondhead in paying various costs for the City Fire Department.....\$ 25,000
- To assist in paying various costs for the Fenton Fire Station in Hancock County.....\$ 25,000
- To assist in paying various costs for the County Farm Fire Station in Harrison County.....\$ 25,000
- To assist in paying various costs for the Lizan Fire Station in Harrison County.....\$ 25,000
- To assist in paying various costs for the Saucier Fire Station in Harrison County.....\$ 25,000
- To assist in paying various costs for the Success Fire Station in Harrison County.....\$ 25,000

- To assist the City of Fayette in paying costs associated with the construction, furnishing and equipping of a fire station for the city's fire department.....\$ 400,000
- To assist the City of Baldwin in paying costs associated with the construction of a satellite fire station.....\$ 200,000
- To assist the City of Baldwin in paying costs associated with repairs to Winddance Drive necessary for trucking company weight restrictions.....\$ 100,000
- To assist the City of Tupelo in paying costs associated with lighting and curb upgrades to McCullough Boulevard.....\$ 500,000
- To assist the City of Booneville in paying costs associated with the repair, replacement, adjustment and relocation of sewer lines and related sewer system infrastructure underneath and near the Northeast Mississippi Community College football field and surrounding area.....\$ 1,000,000
- To assist Madison County in paying costs associated with making improvements to Bozeman Road, beginning at its intersection with Mississippi Highway 463 and proceeding north.....\$ 2,500,000
- To assist the City of Madison in paying costs associated with renovation of the Performing Arts Center and placement of utility lines under the center.....\$ 1,000,000
- To assist the Town of Bruce in paying costs associated with infrastructure improvements around and near both of the city's parks, including, but not limited to, paving town streets and parking lots, drainage improvements, water and sewer line repairs and extensions, and pavilion construction in such parks.....\$ 400,000

- To assist the Town of Bruce in paying costs associated with repair and resurfacing of "Jimmy Beckley" Industrial Park Road.....\$ 500,000
- To assist the Town of Derma in paying costs associated with water well repairs.....\$ 50,000
- To assist the Town of Vardaman in paying costs associated with paving town streets.....\$ 150,000
- To assist in paying costs associated with construction of an ambulance center for Tippah County Hospital.....\$ 500,000
- To assist the Town of Walnut in paying costs associated with the purchase of a fire truck for the town's fire department.....\$ 300,000
- To assist the Town of Dumas in paying costs associated with the purchase of equipment for the town's fire department.....\$ 25,000
- To assist in paying costs associated with creating a SkillPath 2030 Lab for the North Tippah School District.....\$ 200,000
- To assist the City of Ripley in paying costs associated with the purchase of equipment for the city's fire department.....\$ 100,000
- To assist the City of Ripley in paying costs associated with various infrastructure projects.....\$ 200,000
- To assist Mississippi Hills Heritage Area Alliance in paying costs associated with alliance activities.....\$ 100,000
- To assist in paying costs associated with exhibits with robotics and code training for students at the Issac Chapel Rosenwald Historical Museum and Education Center in Marshall County.....\$ 200,000

- To assist Delta Health System in paying costs associated with capital improvements and infrastructure improvements related to patient room compliance and women's center services.....\$ 2,000,000
- To assist the City of Gautier in paying costs associated with construction of the Mississippi Songwriters Performing Arts Center and improvements to Town Commons Park, including, but not limited to, parking and through roads for an amphitheater.....\$ 4,000,000
- To assist the City of Senatobia in paying costs associated with repair, renovation and upgrades to Front Street Fire Station.....\$ 500,000
- To assist the City of Gautier in paying costs associated with expansion of RV sites and paving at Shepard State Park.....\$ 1,500,000
- To assist Chickasaw County in paying costs associated with the CR424 Road Project.....\$ 500,000
- To assist in paying costs associated with construction of a firehouse for the Thorn Volunteer Fire Department in Chickasaw County.....\$ 50,000
- To assist Clay County in paying costs associated with road projects in Supervisors District 2 in Clay County including overlay of Mayhew Road, Mayfield Road, Pinkerton Road, Clisby Road and Herman Shirley Road.....\$ 500,000
- To assist Monroe County in paying costs associated with road maintenance and repairs.....\$ 500,000
- To assist the City of West Point in paying costs associated with roof repair and/or replacement for Bryan Public Library.....\$ 250,000

- To assist in paying costs associated with construction of the Michael H. Ball Veterans of Foreign Wars Post 12191 building in Carroll County.....\$ 200,000
- To assist the Town of Duck Hill in paying costs associated with resurfacing streets.....\$ 200,000
- To assist the Town of Carrollton in paying various costs associated with the town's water tower project.....\$ 20,000
- To assist in paying costs associated with various Winona-Montgomery County Consolidated School District renovation projects.....\$ 7,000,000
- To assist in paying costs associated with a regional communications system for the Mississippi Organ Recovery Agency.....\$ 200,000
- To assist the City of Columbia in paying costs associated with improvements to the city's downtown storm drainage system and related infrastructure.....\$ 500,000
- To assist Marion County in paying costs associated with pavement maintenance for county roads.....\$ 500,000
- To assist Lamar County in paying costs associated with the Mental Health Diversion Center in Purvis.....\$ 500,000
- To assist in paying costs associated with acquisition and repair, renovation, furnishing and equipping of a building and related facilities for the Bovina Volunteer Fire Department in Warren County.....\$ 250,000
- To assist the City of Vicksburg in paying costs associated with lighting for city baseball fields.....\$ 250,000
- To assist Warren County in paying costs associated with the purchase of culverts and construction and installation of sluice gates.....\$ 75,000

- To assist the City of Grenada in paying costs associated with road resurfacing for Southwest Frontage Road.....\$ 250,000
- To assist Grenada County in paying costs associated with construction and extension of New Industrial Park Road.....\$ 500,000
- To assist Grenada County in paying costs associated with resurfacing of National Guard Trout Road.....\$ 750,000
- To assist in paying costs associated with roof repair for Phillip Community Center in Tallahatchie County.....\$ 50,000
- To assist the City of Petal in paying costs associated with the construction of an access road beginning at or near the intersection of Central Avenue and M.J. Harris Drive and running southerly into the Robert E. Russell Sports Complex.....\$ 500,000
- To assist the City of Iuka in paying costs associated with road paving, purchase of utility vehicles for the city's police department and fire department, city park upgrades, library repair and purchase of a dump truck and two police cars.....\$ 250,000
- To assist the City of Pontotoc in paying costs associated with relocating the fire station on Main Street in the city to a less congested corner lot near the current location.....\$ 750,000
- To assist in paying costs associated with construction of the Agricola Multipurpose Center in George County.....\$ 1,600,000
- To assist in paying costs associated with industrial park wastewater replacement main in George County.....\$ 400,000
- To assist in paying costs associated with construction of a multipurpose arena in Jackson County.....\$ 750,000

- To assist Jasper County in paying costs associated with repairs, resurfacing and improvements to roads and bridges including, but not limited to, CR 195 and CR 215.....\$ 650,000
- To assist Smith County in paying costs associated with repair and repaving of county roads.....\$ 250,000
- To assist in paying costs associated with acquisition of motor vehicles for the Winston County Sheriff's Department.....\$ 150,000
- To assist Kemper County in paying costs associated with a gas line project from Dekalb to Scooba.....\$ 500,000
- To assist in paying costs associated with the purchase of equipment for the Kemper County Volunteer Fire Department.....\$ 50,000
- To assist in paying costs associated with acquisition of motor vehicles for the Neshoba County Sheriff's Department.....\$ 150,000
- To assist the Town of Scooba in paying costs associated with the renovation of town facilities.....\$ 75,000
- To assist the City of Hattiesburg in paying costs associated with improvements in infrastructure in the Midtown area of the city, including, but not limited to, roads, bridges, water, sewer, drainage, sidewalks, stormwater detention, land acquisition, utility relocation and lighting.....\$ 1,750,000
- To assist the City of Hattiesburg in paying costs associated with flood control, detention basins or other infrastructure improvements in and around Gordon's Creek.....\$ 250,000
- To assist Alcorn County in paying costs associated with repair and renovation of the Alcorn County Courthouse.....\$ 1,000,000

- To assist in paying costs associated with Alcorn County School District improvements.....\$ 150,000
- To Alcorn County to assist in paying Alcorn County Fire Chiefs and Firefighters Association expenses.....\$ 100,000
- To assist the Jacinto Foundation, Inc., in paying costs associated with capital improvements, repairing, renovating, restoring, rehabilitating, preserving, furnishing and/or equipping the Jacinto Courthouse and related facilities in Alcorn County.....\$ 100,000
- To assist Covington County in paying costs associated with improvements to Kelly Creek Road and/or Fruitstand Road.....\$ 200,000
- To assist Jefferson Davis County in paying costs associated with improvements to Willie Fortenberry Road, Gum Swamp Road and/or Sumrall Road.....\$ 100,000
- To assist the Town of Shubuta in paying costs associated with refurbishing, repair, renovation, restoration and furnishing of the Town Hall building.....\$ 200,000
- To assist in paying costs associated with completion of the HVAC system for the Coahoma County Higher Education Center.....\$ 150,000
- To assist Simpson County in paying costs associated with various road paving projects.....\$ 500,000
- To assist the Town of D'Lo in paying costs associated with paving South Maple Street, Elm Street, North Oak Street and North Maple Street.....\$ 200,000
- To provide funds to be distributed equally among the following fire departments in Simpson County, to assist in paying various department costs: Braxton Fire Department, Cato Fire Department, Harrisville Volunteer Fire Department, Magee

Fire Department, Mendenhall Fire Department, Mendenhall Station
7 Fire Department, Old Pearl Volunteer Fire Department, Pinola
Fire Department, Puckett Volunteer Fire Department and Shell
Road Volunteer Fire Department.....\$ 150,000

- To assist in paying costs associated with the purchase of
playground equipment for Houston Community Park in Itawamba
County.....\$ 50,000
- To assist Newton County in paying costs associated with
upgrades and repairs to Tanglewood Road.....\$ 450,000
- To assist Scott County in paying costs associated with
infrastructure improvements on Coal Bluff Road.....\$ 350,000
- To assist the Town of Plantersville in paying costs
associated with infrastructure improvements and the purchase of
equipment for the town's police department.....\$ 100,000
- To assist Oktibbeha County in paying costs associated
with upgrades and improvements to Maben Sturgis
Road.....\$ 1,000,000
- To assist the City of Starkville in paying costs
associated with the city's Main Street Project.....\$ 1,250,000
- To assist Humphreys County in paying costs associated
with repairs, including asbestos removal, to the Humphreys
County Courthouse.....\$ 400,000
- To assist the City of New Albany in paying costs
associated with central business district
renovations.....\$ 250,000
- To assist in paying costs associated with storm shelter
and community center renovations in the Red Hill Community in
Union County.....\$ 150,000
- To the Board of Trustees of Southwest Mississippi
Community College for the purpose of providing funds for the

costs associated with the construction of a new indoor multipurpose center on the campus of the college.....\$ 500,000

- To Scenic Rivers Development Alliance for the purpose of making improvements at parks and facilities as follows: golf cart path repairs and course equipment upgrades at Quail Hollow Golf Course in Pike County; building repairs and equipment upgrades at Bogue Chitto Water Park in Pike County; building repairs, arena equipment and bleachers at Ethel Vance Park in Pike County; building repairs and fencing at Liberty Town Fields in Pike County; ADA sidewalk improvements and building repairs at Walkers Bridge Water Park in Walthall County; pier improvements, building improvements and road improvements at the County Outdoor Complex in Walthall County and park improvements in Franklin County **[This item was vetoed by the Governor's Partial Veto]**.....\$ 1,000,000

- To assist the Caledonia Natural Gas District in paying costs associated with acquisition of three pickup trucks to be used as service trucks.....\$ 150,000

- To assist Neshoba County in paying costs associated with transition to the MSWIN system.....\$ 1,000,000

- To assist in paying costs associated with the Neshoba General Hospital Ambulance Enterprise.....\$ 250,000

- To assist the Briarwood Pool in Jackson in paying costs associated with ADA requirements and accessibility plan **[This item was vetoed by the Governor's Partial Veto]**.....\$ 250,000

- To assist Hinds County in paying costs associated with Phase I White Oak Creek streambank erosion improvements to a portion of the creek running from at or near Old Canton Road to at or near Briarwood Drive in the City of Jackson.....\$ 2,000,000

- To assist Lee County in paying costs associated with improvements to Endville Road.....\$ 500,000
- To provide funds to be distributed equally among the following volunteer fire departments in Wayne County to assist in paying various department costs: Battles Volunteer Fire Department, Beat Four Volunteer Fire Department, Buckatunna Volunteer Fire Department, Central Volunteer Fire Department, Clara Volunteer Fire Department, Coyt Volunteer Fire Department, Crossroads Volunteer Fire Department, Denham Volunteer Fire Department, Ecutta Volunteer Fire Department, Hiwanee Volunteer Fire Department, Matherville Volunteer Fire Department, Maynor Creek Volunteer Fire Department, Mulberry Volunteer Fire Department, Pleasant Grove Volunteer Fire Department, Progress Volunteer Fire Department, Strengthford Volunteer Fire Department and Yellow Creek Volunteer Fire Department.....\$ 340,000
- To assist the City of Waynesboro in paying city fire department costs.....\$ 70,000
- To assist in paying various department costs for Stateline Volunteer Fire Department in Greene County.....\$ 20,000
- To assist in paying various department costs for Richton Volunteer Fire Department in Perry County.....\$ 20,000
- To assist the City of Stateline in paying costs associated with acquisition of motor vehicles for the city's police department.....\$ 50,000
- To assist the City of Picayune in paying costs associated with improvements to North Frontage Road from Interstate 59 in Picayune.....\$ 850,000

- To assist the City of Raymond in paying costs associated with renovation, rehabilitation and expansion of and additions to the city's police station.....\$ 250,000
- To assist Benton County in paying costs associated with maintenance of roads and bridges.....\$ 500,000
- To assist the Town of Potts Camp in paying costs associated with the acquisition of a fire truck.....\$ 300,000
- To assist the Town of Hickory Flat in paying costs associated with the acquisition of equipment for the town's police department.....\$ 100,000
- To assist Union County in paying costs associated with maintenance of roads in Supervisors District 1 in Union County.....\$ 500,000
- To assist Union County in paying costs associated with maintenance of roads in Supervisors District 2 in Union County.....\$ 500,000
- To provide matching funds to the City of Charleston for the repair of Charleston City Hall.....\$ 250,000
- To assist the Town of Coffeetown in paying costs associated with street improvements.....\$ 125,000
- To assist the City of Water Valley in paying costs associated with renovation of the Water Valley Civic Auditorium.....\$ 225,000
- To assist Pearl River County in paying costs associated with county road maintenance.....\$ 500,000
- To assist the City of Morton in paying costs associated with repairs, resurfacing, upgrades and improvements to streets and roads around Morton High School and surrounding areas in the City of Morton.....\$ 150,000

- To provide funds to be distributed equally among the eight volunteer fire departments in Scott County to assist in paying various department costs and expenses.....\$ 200,000
- To assist in paying costs associated with repair and renovation of facilities at Chautauqua Park in Crystal Springs.....\$ 500,000
- To assist Quitman Community Hospital in paying costs associated with improvements and upgrades to facilities and equipment.....\$ 500,000
- To provide funds to be distributed in the amount of \$25,000.00 to fire departments in Prentiss County to assist in paying equipment costs.....\$ 425,000
- To assist the City of Senatobia in paying costs associated with lighting and other improvements to city owned facilities.....\$ 1,000,000
- To assist Tate County in paying costs associated with road and infrastructure improvements.....\$ 5,000,000
- To assist in paying costs associated with construction of an Agriculture Technology building at Independence High School in the Tate County School District.....\$ 750,000
- To provide funds to be distributed equally among all volunteer fire departments in Clarke County to assist in paying equipment costs and for upgrades.....\$ 150,000
- To assist in paying costs associated with acquisition of motor vehicles with upfit, lights, cages and sirens, for the Clarke County Sheriff's Department.....\$ 100,000
- To assist Lincoln County in paying costs associated with HVAC system and equipment repairs and/or replacement.....\$ 500,000

- To assist Alliance School for Workforce Development in paying costs associated with roof and building repairs for its building.....\$ 100,000
- To Attala County, to provide funds for the acquisition of fire trucks for Carmack Volunteer Fire Department, Friendship Volunteer Fire Department, Providence Fire Department and Zama Volunteer Fire Department.....\$ 1,000,000
- To assist Attala County in defraying expenses associated with repairs, resurfacing and other improvements to county roads and bridges.....\$ 1,000,000
- To Leake County to provide funds for the acquisition of fire trucks for volunteer fire departments in Leake County.....\$ 2,000,000
- To assist Attala County in paying costs associated with repair and/or replacement of the roof for the Jack Post Industrial Building.....\$ 1,000,000
- To assist the Town of West in paying costs associated with repairs and improvements to town facilities.....\$ 200,000
- To assist the City of Kosciusko in paying costs associated with repair and maintenance of city facilities.....\$ 500,000
- To assist in paying costs associated with construction of a new building for American Legion Post No. 44 in Attala County.....\$ 300,000
- To assist the City of Clinton in paying costs associated with site work for and construction and development of streets, street lighting and signals, electrical and communications distribution systems and equipment, water system and sewer system infrastructure and related infrastructure within an area

bound by U.S. Highway 80, Springridge Road, Interstate 20 and Clinton-Raymond Road/Madison Street in Clinton.....\$ 8,000,000

- To assist the Town of Flora in paying costs associated with improvements to the town's water system and sewer system infrastructure.....\$ 1,000,000

- To assist Rankin County in defraying expenses associated with repairs, resurfacing and other improvements to roads and bridges.....\$ 8,000,000

- To assist the City of Brandon in paying costs associated with infrastructure improvements.....\$ 2,000,000

- To assist the City of Pearl in paying costs associated with construction of a bridge extending from the intersection of the extension of Ware Street and relocated St. Augustine Street to Pearson Road in the City of Pearl.....\$ 500,000

- To assist Harrison County in paying costs associated with Sportsplex improvements.....\$ 1,500,000

- To assist in paying costs associated with improvements to Lumpkin Stadium for the Long Beach School District.....\$ 100,000

- To provide funds to be distributed equally among the following fire departments in Choctaw County, to assist in paying various department costs: Chester Volunteer Fire Department, Sherwood Volunteer Fire Department, Reform Volunteer Fire Department, Town of Ackerman Fire Department, Bywy Volunteer Fire Department, Simpson Volunteer Fire Department, Town of Weir Fire Department, Panhandle Volunteer Fire Department, Union Volunteer Fire Department and Town of French Camp Fire Department.....\$ 200,000

- To provide funds to be distributed equally among the following fire departments in Winston County, to assist in paying various department costs: Nanih Waiya Volunteer Fire Department, Shiloh Volunteer Fire Department, City of Louisville

Fire Department, Lo Butcha Volunteer Fire Department, Town of Noxapater Volunteer Fire Department and Mars Hill Volunteer Fire Department.....\$ 120,000

- To provide funds to be distributed equally among the following fire departments in Webster County, to assist in paying various department costs: Town of Mathiston Volunteer Fire Department, City of Eupora Fire Department and Tomnolen Volunteer Fire Department.....\$ 60,000

- To assist the City of Eupora in paying costs associated with street repairs, resurfacing and improvements.....\$ 300,000

- To assist the City of Louisville in paying the costs associated with constructing a road and other transportation infrastructure in the City of Louisville that will provide and improve access to land owned by the city designated for an economic development project on or near the location of Winston Plywood & Veneer.....\$ 200,000

- To assist the Town of French Camp in paying the costs associated with sidewalk repairs, lighting and improvements for the town's Historic Downtown District and School Street.....\$ 100,000

- To provide funds to be distributed equally among the following road districts in Choctaw County: Beat 1 Choctaw County road and resurfacing repairs for Seward Road and Whites Loop, Beat 4 Choctaw County road and resurfacing repairs for Penderville Road, Beat 5 Choctaw County road and resurfacing repairs for McClure Road, McKnight Road and Enon Road and Beat 3 Choctaw County road and resurfacing repairs for roads.....\$ 500,000

- To assist the Town of Ackerman in paying costs associated with street repairs, resurfacing and improvements.....\$ 200,000

- To assist the Town of Mathiston in paying costs associated with construction, repair, renovation, upgrades and improvements to the town's facilities.....\$ 100,000
- To assist Choctaw County in paying costs associated with courthouse renovations and improvements.....\$ 100,000
- To assist American Legion Post 82 in the Town of Ackerman in paying costs associated with the Post building and Post activities.....\$ 25,000
- To assist VFW Post 3806 in the City of Eupora in paying costs associated with the Post building and Post activities.....\$ 25,000
- To assist VFW Post 4540 in Winston County in paying costs associated with the Post building and Post activities.....\$ 25,000
- To assist VFW Post 5569 in the Town of Ackerman in paying costs associated with the Post building and Post activities.....\$ 25,000
- To assist in paying the costs associated with land acquisition, site development and construction, furnishing and equipping of new buildings and facilities for, and the relocation of, the Mississippi Armed Forces Museum at Camp Shelby to property owned by the Mississippi Military Department and located near Camp Shelby in Forrest County.....\$ 6,000,000
- To assist the City of Pascagoula in paying costs associated with renovations of city offices **[This item was vetoed by the Governor's Partial Veto]**.....\$ 1,000,000
- To assist the Town of Sardis in paying costs associated with repairs, resurfacing and other improvements to roads and bridges.....\$ 250,000

- To assist the Town of Como in paying costs associated with repairs, resurfacing and other improvements to roads and bridges.....\$ 250,000
- To assist the City of Bay Springs in paying the costs associated with repairs to Payton Avenue.....\$ 35,000
- To assist the Town of Heidelberg in paying the costs associated with repairs to Walnut Street.....\$ 45,000
- To assist the Town of Heidelberg in paying the costs associated with the acquisition of the Old Heidelberg Academy.....\$ 350,000
- To assist the City of Hattiesburg in paying the costs associated with improvements to Dabbs Street.....\$ 250,000
- To assist Lincoln County in paying the costs associated with repairs and improvements to the county courthouse.....\$ 350,000
- To assist the City of Carthage in paying the costs associated with the repair and renovation of the coliseum.....\$ 600,000
- To assist Holmes County in paying the costs associated with the paving and improvements to Salem/Courts Road.....\$ 600,300
- To assist Tougaloo College in paying the costs associated with the improvement, renovation and preservation of the historic Mansion building.....\$ 600,000
- To assist the City of Southaven in paying costs associated with a traffic signal at the intersection of Airways Blvd. and Guthrie Drive.....\$ 270,000
- To assist DeSoto County in paying the costs associated with a traffic signal at the intersection of Byhalia Road and Hwy 305 in Lewisburg/Olive Branch.....\$ 270,000

- To assist Marshall County in paying the costs associated with building the Chickasaw Trail Emergency Response Center.....\$ 1,000,000
- To assist the Town of Terry in paying the costs associated with the renovation of a community center.....\$ 30,000
- To assist the City of Byram in paying the costs associated with bridge and drainage projects.....\$ 500,000
- To assist the City of Jackson in paying costs associated with renovations and upgrades for Thalia Mara Hall.....\$ 2,000,000
- To assist the City of Jackson in paying costs associated with renovations and upgrades for the Jackson Planetarium **[This item was vetoed by the Governor's Partial Veto]**.....\$ 2,000,000
- To assist Panola County in paying the costs associated with airport improvements.....\$ 500,000
- To assist the Town of Sardis in paying costs associated with the Sardis Lake Development Project.....\$ 1,700,000
- To assist the Town of Noxapater in paying the costs associated with paving, repairs and improvements to city streets.....\$ 250,000
- To assist the Town of Walnut Grove in paying the costs associated with the purchase of a new fire truck.....\$ 250,000
- To assist the Lee County 4th District Community Development Group, a nonprofit corporation, in paying the costs associated with the construction/improvement to its community center.....\$ 300,000
- To assist the Windows of Amory, a nonprofit corporation, for expenses related to improvements and operations of the former First Christian Church, known as

"The Windows".....	\$	200,000
<ul style="list-style-type: none"> • To assist the City of Aberdeen in paying the costs associated with repairs and improvements to the Magnolias..... 		
	\$	150,000
<ul style="list-style-type: none"> • To assist Claiborne County in paying the costs associated with repairs and improvements to historical structures in the county..... 		
	\$	75,000
<ul style="list-style-type: none"> • To assist Claiborne County in paying the costs associated with the replacement of an air conditioning and heating system for the county jail..... 		
	\$	80,000
<ul style="list-style-type: none"> • To assist Claiborne County in paying the costs associated with the resurfacing of Russom-Westside Road..... 		
	\$	300,000
<ul style="list-style-type: none"> • To assist the Summit Community Development Foundation in paying the costs associated with the Stand Pipe Project [This item was vetoed by the Governor's Partial Veto]..... 		
	\$	200,000
<ul style="list-style-type: none"> • To assist the City of Natchez in paying the costs associated with lighting of the Mississippi River Bridge..... 		
	\$	500,000
<ul style="list-style-type: none"> • To assist the City of Magee in paying the costs associated with infrastructure improvements..... 		
	\$	150,000
<ul style="list-style-type: none"> • To assist the City of Mendenhall in paying costs associated with infrastructure improvements..... 		
	\$	150,000
<ul style="list-style-type: none"> • To assist Montgomery County in defraying expenses for infrastructure improvements and industrial facility..... 		
	\$	1,000,000
<ul style="list-style-type: none"> • To assist Attala County in paying the costs associated with roof repairs for a county-owned building..... 		
	\$	600,000

- To assist the Mississippi Department of Transportation in paying the costs associated with an overpass for Old Highway 63 over Highway 98.....\$ 1,200,000
- To assist Greene County in paying the costs associated with asbestos abatement and demolition of an abandoned factory building.....\$ 600,000
- To assist Greene County in paying the costs associated with the conversion of the old farmer's market into a regional emergency operations center.....\$ 1,200,000
- To assist the Greene County School District in paying costs associated with tornado and wind damage at the McLain Attendance Center.....\$ 50,000
- To assist the City of D'Iberville in paying the costs associated with upgrades, mitigation and improvements to the city marina.....\$ 750,000
- To assist Jackson County in paying the costs associated with the renovations and expansions of the Ball Park Road Fire Station.....\$ 750,000
- To assist the City of Ocean Springs in paying costs associated with improvements to Riley Road.....\$ 500,000
- To assist the Pearl & Leaf Rivers Rails to Trails Recreational District in paying the costs associated with overlaying the trail from James Lynn Cartlidge Gateway to Carolyn McRaney Gateway and paving the parking lots at stations.....\$ 1,500,000
- To assist the City of Flowood in paying the costs associated with infrastructure improvements to North Flowood Drive.....\$ 2,000,000

- To assist the Mississippi Department of Transportation in paying the costs associated with improvements to Highway 25 between Grants Ferry Road and Mississippi Highway 471.....\$ 4,000,000
- To assist the City of Macon in paying the costs associated with inspection, repairs and improvements to the Electric Department Office.....\$ 40,000
- To assist Noxubee County in paying the costs associated with a roof replacement on the county courthouse.....\$ 400,000
- To assist the City of Poplarville in paying costs associated with the acquisition of a new fire truck....\$ 500,000
- To assist Warren County in paying the costs associated with upgrades and improvements for the historic Old Courthouse and grounds in Vicksburg.....\$ 650,000
- To assist the City of Gulfport in paying costs associated with the Interconnecting Gulfport project related to the federal BUILD grant route, to include Pool Street Extension, Creosote Road Extension, and Daniel Boulevard Extension.....\$ 3,500,000
- To assist Yazoo County in paying the costs associated with the construction and repairs of the Lake George Bridge.....\$ 3,000,000
- To assist Issaquena County in paying the costs associated with the construction and repairs of the Mannie Road Bridge.....\$ 1,500,000
- To assist Sharkey County in paying the costs associated with the construction and repairs of the Low Water Bridge Road Bridge.....\$ 1,500,000
- To assist the Warren County Port Commission in defraying expenses for environmental and permit.....\$ 500,000

- To assist Quitman County in paying the costs associated with infrastructure improvements on county roads and bridges.....\$ 500,000
- To assist Perry County in paying the costs associated with the widening of Cochran Road.....\$ 600,000
- To assist the City of Richland in paying the costs associated with the Highway 49 pedestrian crossover....\$ 500,000
- To assist the City of Pearl in paying the costs associated with the Pearl-Richland Intermodal Bridge.....\$ 2,000,000
- To assist the Mississippi Department of Transportation in paying the costs associated with improvements to Highway 21 in Sebastopol.....\$ 400,000
- To assist the Town of Decatur in paying the costs associated with upgrading rescue extrication equipment.....\$ 60,000
- To assist the City of Hernando in paying the costs associated with infrastructure improvements to the Oak Grove and Highway 51 intersection.....\$ 500,000
- To assist the City of Tupelo in the refurbishment of Ballard Park for the purposes of renovation and to establish a special needs (all inclusive) children's playground.....\$500,000
- To assist the City of Tupelo in paying costs associated with turnaround access at the Elvis Presley Birthplace.....\$ 250,000
- To assist the City of Saltillo in paying the costs associated with infrastructure improvements.....\$ 250,000
- To assist the City of Gluckstadt in paying the costs associated with the acquisition of land and construction of a new police station.....\$ 1,000,000

- To assist the City of Ridgeland in paying the costs associated with the construction of the Commerce Park Connector Road.....\$ 1,000,000
- To assist the City of Ridgeland in paying the costs associated with road paving and improvements to city streets.....\$ 1,500,000
- To assist the City of Olive Branch in paying the costs associated with infrastructure improvement on Pleasant Hill Road from SR 302 to Stateline Road.....\$ 750,000
- To assist the Horn Lake Creek Basin Interceptor Sewer District in paying the costs associated with an infrastructure project.....\$10,000,000
- To assist the City of Corinth in paying the costs associated with the EFLAP Bridge Replacement.....\$ 500,000
- To assist Alcorn County in paying the costs associated with infrastructure improvements at the Getwell Road and Harper Road Intersection.....\$ 350,000
- To assist the Town of Blue Mountain in paying the costs associated with improvements to the Blue Mountain Children's Park.....\$ 150,000
- To assist the Town of Farmington in paying the costs associated with computer equipment upgrades for city hall.....\$ 25,000
- To assist the City of Corinth in paying the costs associated with the Corinth Veterans Honor Memorial....\$ 25,000
- To assist the University of Southern Mississippi in paying the costs associated with re-roofing the coliseum.....\$ 500,000
- To assist Stone County in paying the costs associated with road paving and improvements to county roads and

bridges.....\$ 500,000

- To assist the City of Greenville in paying the costs of construction and development of the downtown green space associated with the new federal courthouse as part of the Thad Cochran Project **[This item was vetoed by the Governor's Partial Veto]**.....\$ 500,000
- To assist the City of Greenville in paying the costs of redevelopment of Hangar 173 at airport to assist the Mississippi Delta Community College (MDCC) Aerospace Maintenance Instruction Program.....\$ 1,500,000
- To assist the City of Cleveland in paying the costs associated with the Airport Terminal Road Extension Project.....\$ 1,000,000
- To assist Tishomingo County in paying the costs associated with a tornado siren and storm shelter at Carter's Branch Volunteer Fire Department.....\$ 50,000
- To assist the Town of Marietta in paying the costs associated with an infrastructure project.....\$ 165,000
- To assist the Town of Mantachie in paying the costs associated with modernizing the town's police force....\$ 100,000
- To assist Tishomingo County in paying the costs associated with a roof replacement for the Circuit Courthouse.....\$ 400,000
- To assist the City of Iuka in paying the costs associated with repairs and improvements to city streets.....\$ 150,000
- To assist the Yellow Creek Inland Port Authority in paying the costs associated with infrastructure and port improvement.....\$ 1,500,000
- To assist Pontotoc County in paying the costs associated with a Veteran's Service Center in Pontotoc.....\$ 125,000

- To assist Pontotoc County in paying costs associated with improvements to the Fairgrounds/Exhibit Building Parking Project.....\$ 100,000
- To assist the City of Calhoun City in paying the costs associated with paving and improvements to city streets.....\$ 200,000
- To assist the Mississippi Arts and Entertainment Experience (The MAX) in paying the costs associated with upgrading exhibits.....\$ 250,000
- To assist Yazoo County in paying costs associated with renovations at the Oakes African-American Cultural Center.....\$ 100,000
- To assist the City of Pass Christian in paying the costs associated with the Pass Christian Downtown Redevelopment Initiative.....\$ 750,000
- To assist Clay County in paying the costs associated with the renovations of the county courthouse.....\$ 350,000
- To assist the City of West Point in paying the costs associated with road paving and improvements to city streets.....\$ 400,000
- To assist the City of Macon for reimbursement to the city for engineers, clean up of debris, and to stabilize exterior of Electric Department when surrounding buildings collapsed (local state of emergency).....\$ 35,000
- To assist the Pascagoula Redevelopment Authority in paying the costs associated with the downtown revitalization project.....\$ 750,000
- To assist the City of Eupora in paying the costs associated with the construction of an amphitheater....\$ 50,000

- To assist the City of Eupora in paying the costs associated with a walking trail.....\$ 10,000
- To assist Lowndes County in paying the costs associated with the construction, development, upgrades and improvements to the rail yard expansion at the West Bank Port, and other rail improvements in Lowndes County that provide or otherwise support freight rail service to and from the West Bank Port.....\$ 3,200,000
- To assist the City of Jackson in paying the costs associated with the widening, straightening and clearing debris from Eubanks Creek from State Street to Old Canton Road.....\$ 500,000
- To assist the Department of Finance and Administration in paying the costs associated with the development of the LeFleur's Bluff Otter Creek Golf Park and Connector Trail Project **[This item was vetoed by the Governor's Partial Veto]**.....\$13,250,000
- To assist the City of Vicksburg in paying costs associated with the river front development.....\$ 3,500,000
- To assist the City of Pelahatchie in paying the costs associated with repairs and improvements to roads and bridges.....\$ 300,000
- To assist the Marty Stuart Congress of Country Music Museum in paying the costs associated with the completion of the Ellis Theatre.....\$ 500,000
- To assist the City of Water Valley in paying the costs associated with upgrades and improvements to the city owned electrical system.....\$ 500,000
- To assist the North Mississippi Health Services in paying the costs associated with the unfinished dedicated operating

room for cesarean deliveries at the hospital in Amory, which room may be used as a negative pressure room\$ 1,000,000

- To assist the B.B. King Museum and Delta Interpretive Center in paying costs associated with renovations, repairs and improvements to the B.B. King Museum and Club Ebony....\$ 2,500,000

- To assist the Department of Finance and Administration - Bureau of Building, Ground and Real Property Management for the Mississippi Sports Hall of Fame and Museum in paying costs associated with renovations, repairs and improvements to the Mississippi Sports Hall of Fame.....\$ 2,500,000

- To assist the Town of Macon in paying costs associated with storm cleanup and emergency operation including storm debris removal.....\$ 75,000

- To assist Noxubee County in paying costs associated with repair of the Veterans Building.....\$ 25,000

- To assist Noxubee County in paying costs associated with road maintenance and repairs.....\$ 150,000

- To assist Hinds County in paying costs associated with resurfacing Champion Hill Road.....\$ 500,000

- To assist the Town of Vaiden in paying costs associated with various infrastructure projects.....\$ 100,000

- To assist the Town of McCool in paying costs associated with various infrastructure projects.....\$ 100,000

- To assist the Tate County Heritage Museum in paying costs associated with acquisition and updating of exhibits and displays and repair, restoration, upgrades and improvements to equipment and facilities.....\$ 50,000

- To assist the Mississippi's Toughest Kids Foundation in paying the costs associated with:

▶ Design, preplanning, construction, furnishing and equipping of buildings and related facilities at Camp Kamassa in Copiah County; and

▶ Design, preplanning, construction and development of infrastructure at Camp Kamassa in Copiah County.....\$ 1,000,000
TOTAL LOCAL IMPROVEMENTS PROJECTS.....\$ 222,290,300

VIII. The bill also creates a special fund in the State Treasury to provide \$7,500,000 to be disbursed, in the discretion of the Mississippi Development Authority ("MDA") for the following purposes: **[This section of the bill, which provided for the following disbursements, was vetoed by the Governor's Partial Veto]**

- \$2,500,000 to assist Pinchers Seafood, with support and expansion of its operations in Mississippi, including, but not limited to, land acquisition, construction of facilities and dredging. In order to receive the assistance, Pinchers Seafood must submit an application to the MDA. The MDA will review and approve the projects for which the assistance may be used. If the MDA approves an application for assistance, it also must use other available funds from its programs, for which Pinchers Seafood is eligible to receive assistance, to assist with the completion of the approved projects. **[Vetoed by the Governor's Partial Veto]**

- \$2,500,000 to assist Halter Marine with support and expansion of its operations including shoreline power in Mississippi. In order to receive the assistance, Halter Marine must submit an application to the MDA. The MDA will review and approve the projects for which the assistance may be used. If the MDA approves an application for assistance, it also must use other available funds from its programs, for which Halter Marine is eligible to receive assistance, to assist with the completion

of the approved projects. **[Vetoed by the Governor's Partial Veto]**

- \$2,500,000 to assist Highland Carbon Solutions, LLC, with the establishment of its operations in Mississippi. In order to receive the assistance, Highland Carbon Solutions, LLC, must submit an application to the MDA. The MDA will review and approve the projects for which the assistance may be used. If the MDA approves an application for assistance, it also must use other available funds from its programs, for which Highland Carbon Solutions, LLC, is eligible to receive assistance, to assist with the completion of the approved projects. **[Vetoed by the Governor's Partial Veto]**

IX. The bill also amends the several code sections as follows:

- Amends Section 39-5-145 to increase the maximum amount of funds in the Mississippi Community Heritage Preservation Grant Fund that may be allocated for certain types of projects and to revise the purposes for which monies in the fund may be used;
- Amends Section 39-11-13 to revise the purposes for which monies in the Building Fund for The Arts may be used; and
- Amends Section 57-1-701 to expand the categories of eligible expenditures from the Mississippi Site Development Grant Fund.

HB 1421. Effective on passage. Signed 4/25/22.

HB 1421 directs the State Department of Health to establish a grant program to be known as the ARPA Rural Water Associations Infrastructure Grant Program to assist rural water associations in the construction of eligible drinking water infrastructure projects as authorized by the federal American Rescue Plan Act (ARPA).

- The program will be funded from appropriations by the Legislature to the department from the Coronavirus State Fiscal Recovery Fund, which is the special fund in the State Treasury where state ARPA funds are deposited.

- The bill states the intent of the Legislature that, in the first fiscal year after the effective date of this act, 20% of the funds appropriated to the department 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.

- The department must develop a system for use in ranking the grant applications received. The ranking system must include the following factors, at a minimum:

- ▶ The environmental impact of the proposed project;
 - ▶ The proposed project's ability to address noncompliance with state/federal requirements;
 - ▶ The extent to which the project promotes economic development;
 - ▶ The number of people served by the project (both new and existing users);
 - ▶ Impact of the proposed project on disadvantaged/overburdened communities;
 - ▶ The grant applicant's prior efforts to secure funding to address the proposed project's objectives;
 - ▶ The grant applicant's proposed contribution of other funds or in-kind cost-sharing to the proposed project;
 - ▶ The grant applicant's long-term plans for the financial and physical operation and maintenance of the project;
- and

▶ The grant applicant's capacity to initiate construction in a timely manner and complete the proposed project by the deadline specified by rules and guidelines of the United States Department of the Treasury for ARPA funds.

• Upon the approval of an application for a grant under this act, the department will enter into a project grant agreement with each grantee to establish the terms of the grant for the project, including the amount of the grant.

▶ The maximum amount of funds that may be provided to any rural water association from all grants under the program is \$2,500,000.

▶ Rural water associations are not required to put up any matching funds in order to receive a grant under the program.

• Not more than 5% of the funds appropriated to the department for the program may be used to cover the department's costs of administering the program.

• In carrying out its responsibilities under the program, the department is exempt from any requirement that the Public Procurement Review Board approve any personal or professional services contracts or pre-approve any solicitation of such contracts.

HB 1423. Effective 7/1/22. Signed 4/18/22.

HB 1423 increases the annual salaries of the justices of the Supreme Court, the judges of the Court of Appeals, the chancery and circuit court judges, and the district attorneys, effective on January 1, 2023, as follows:

- Supreme Court:
Chief Justice.....from \$174,000 to \$181,491
Presiding Justices..... from \$169,500 to \$176,737

Associate Justices..... from \$166,500 to \$173,800

• Court of Appeals:

Chief Judge.....from \$161,500 to \$169,349

Associate Judges..... from \$158,500 to \$168,467

• Chancery and circuit judges:

Chancery Judges.....from \$149,000 to \$158,000

Circuit Judges.....from \$149,000 to \$158,000

• Full-time district attorneys:

District attorneys.....from \$125,900 to \$134,400

In addition, the bill authorizes district attorneys to employ part-time legal assistants who will serve at the will and pleasure of the district attorney to assist in the performance of the duties of the district attorney, using funds from any source that are received by the district attorney's office. The term "any source" has the meaning as defined in Section 25-31-5.

HB 1424. Effective 7/1/22. Signed 4/18/22.

HB 1424 increases the maximum annual compensation for criminal investigators from \$59,500 to \$63,000.

HB 1426. Effective 7/1/22. Law without Governor's Signature 4/25/22.

HB 1426 increases the annual salaries of the following elected state and district officers beginning on January 1, 2024, as follows:

Governor.....from \$122,160 to \$160,000

Attorney General.....from \$108,960 to \$150,000

Secretary of State..... from \$90,000 to \$120,000

Commissioner of Insurance..... from \$90,000 to \$150,000

State Treasurer.....from \$90,000 to \$120,000

State Auditor.....from \$90,000 to \$150,000

Commissioner of Agriculture.....from \$90,000 to \$120,000

Transportation Commissioners..... from \$78,000 to \$ 95,000
Public Service Commissioners..... from \$78,000 to \$ 95,000

The bill also authorizes the elected state and district officers named above to employ persons who have the professional skill and expert knowledge needed to assist the officers in efficiently performing the official duties imposed upon them by law. The State Personnel Board will exempt those persons from the limitations on the maximum salary or compensation for public officers, employees and administrators in Section 25-3-39 when the acquisition of such professional services is precluded based upon the prevailing wage in the relevant labor market. This provision is repealed on July 1, 2024.

The bill also makes the following changes relating to the salaries of public officers and employees:

- Revises the prohibition on public officers, public employees, administrators and executive heads of any state agency in the executive branch of government from being paid compensation, directly or indirectly, greater than 150% of the salary fixed by law for the Governor, to provide that the limitation will be on their annual salary instead of on their direct or indirect compensation.

- ▶ Beginning on January 1, 2024, this limitation on their annual salary will be reduced to not more than 125% of the salary fixed by law for the Governor.

- Increases the annual salary of the Lieutenant Governor and the Speaker of the House of Representatives from \$60,000 to \$85,000, beginning on January 1, 2024.

- Provides that the State Board of Education will set the salary of the members of the teaching staffs and employees of the Mississippi School for the Blind, the Mississippi School for the Deaf, and the Mississippi School for Math and Sciences.

- Provides that the salary of the Commissioner of Banking and Consumer Finance will be fixed by the Governor in conjunction with the State Compensation Plan.

HB 1427. Effective 7/1/22. Signed 4/21/22.

HB 1427 creates the Mississippi Law Enforcement and Fire Fighters Premium Pay Program to be administered by the Department of Public Safety for the purpose of providing funds to law enforcement officers and fire fighters as premium pay for their efforts during the COVID-19 pandemic.

- The program will be funded from monies appropriated by the Legislature for that purpose from the Coronavirus State Fiscal Recovery Fund, which is the special fund in the State Treasury where state American Rescue Plan Act (ARPA) funds are deposited. The Department of Public Safety will distribute the monies for the program in accordance with the following:

- \$1,000 of premium pay will be paid to each eligible individual.

- Eligible individuals are all certified, full-time and part-time law enforcement officers and certified, full-time and part-time firefighters who are serving in the State of Mississippi on July 1, 2022, except any law enforcement officer who received hazard pay from the Governor's discretionary funds authorized by the Legislature from the federal Coronavirus Aid, Relief and Economic Security (CARES) Act.

- If a person is an eligible individual in more than one position covered under this act, that person will only be eligible for one payment of premium pay under this act.

- The department also will distribute monies to counties, municipalities and other governmental entities that, before July 1, 2022, paid premium pay to law enforcement officers and

firefighters employed by them from funds that they received under ARPA, to reimburse those governmental entities for not more than \$1,000 of the amount of premium pay that the governmental entity paid to each recipient.

BUSINESS AND FINANCIAL INSTITUTIONS

SB 2018. Effective 7/1/22. Signed 3/11/22.

SB 2018 amends Section 81-1-81 to extend the repealer until July 1, 2026, on the provision of law authorizing the Commissioner of Banking and Consumer Finance to conduct joint bank examinations with the Federal Reserve Bank of any bank holding company with more than \$1,000,000,000 in assets that owns a Mississippi state-chartered bank.

SB 2039. Effective 7/1/22. Signed 3/11/22.

SB 2039 amends Section 73-34-103 to extend the repealer until July 1, 2026, on the provision of law requiring real estate appraisal management companies to obtain a registration issued by the Mississippi Real Estate Appraiser Licensing and Certification Board.

SB 2097. Effective on passage. Signed 2/2/22.

SB 2097 amends Section 73-35-23 to require the Mississippi Real Estate Commission to establish a program allowing administrative hearings on certain licensing matters under its jurisdiction. The licensee or any other person charged with a violation must request, in writing, for the matter to be heard by the administrative hearing officer. Administrative hearing officers shall be staff attorneys employed by the Attorney General's office, but must not currently hold a license issued by the commission. The administrative hearing officers shall have the same powers and authority in conducting hearings and rendering decisions as granted to the commission. Hearings before an administrative hearing officer shall be held in the City of Jackson, Mississippi, at a place, time and manner agreed upon by the commission and the hearing officer. The preponderance of evidence standard of proof shall be used to

examine factors during all hearings. Any right of appeal available to a licensee or applicant for a license availing itself to the provisions hereof shall be preserved as if the matter had been heard and decided by the commission. Nothing in this bill shall preclude the commission and a licensee from entering into an agreed order resolving a complaint prior to the hearing.

The bill also amends Section 73-35-25 to provide that an appeal taken by a defendant from an adverse ruling or order of the Mississippi Real Estate Commission shall act as an automatic supersedeas. However, the commission may file a motion within ten days of the date of filing the notice of appeal and request the court to lift the supersedeas upon the commission's showing, by clear and convincing evidence, that immediate and irreparable harm will or may occur if the licensee or person aggrieved were to continue operating as a licensee.

HB 687. Effective 7/1/22. Signed 3/9/22.

HB 687 reenacts the Mississippi Debt Management Services Act and extends the date of the repealer on the act to July 1, 2026.

HB 933. Effective 7/1/22. Signed 3/22/22.

HB 933 clarifies that a homeowners association board's approval for transfers of funds greater than \$10,000 is not required to be in written form. It also provides that at all regularly-scheduled meetings, the board of a homeowners association is only required to review the latest account statements prepared by the financial institutions where the association has its operating and reserve accounts.

Further, the bill removes the definition for remote communication, and provides that homeowners associations may

maintain comparable insurance coverage for its directors and officers as an alternative to fidelity bond coverage.

Lastly, the bill provides that the managing agent of a homeowners association is solely responsible for ensuring compliance with the provisions of the act, and that any bank or savings association with whom a trust fund account is opened is held harmless from any liabilities, costs, expenses, or fees incurred by such bank or savings association as a result of any action brought under the act.

HB 1360. Effective 7/1/22. Signed 3/10/22.

HB 1360 aligns bank and savings association merger approval with the provisions of the Mississippi Business Corporation Act.

The bill further provides that, unless emergency circumstances exist, as determined by the Commissioner of Banking, the commissioner shall not authorize any bank to close for more than two whole days during any week, except on state and federal legal holidays and Sundays.

CORRECTIONS

SB 2273. Effective 7/1/22. Signed 4/14/22.

SB 2273 codifies a new code section to authorize private employers who employ persons who are on supervised release from incarceration to submit certain information to their employee's parole or probation officer. If the employer submits weekly timecards, proof of employment and the results of any required drug tests to the supervision officer, the employee will not be required to have in-person meetings with their supervision officer. An employer may also withhold an amount from an employee's wages to cover any supervision fees required under Section 47-7-49. Persons on supervised release who are self-employed are not eligible for the program established by this bill.

SB 2437. Effective 7/1/22. Signed 4/21/22.

SB 2437 establishes a pilot work initiative at the Central Mississippi Correctional Facility under the nonprofit corporation within the Department of Corrections authorized in Sections 47-5-531 through 47-5-577. The bill also amends Section 47-7-49 to extend the date of repeal to June 30, 2026. The initiative is limited to 25 inmates at any one time and authorizes the selected inmates to work outside of the prison for participating employers at the market rate for wages. The Department of Corrections is given the ultimate authority for oversight of the administration of the initiative and shall delegate the day-to-day administration of the program to prison industries within the department.

Only certain inmates are eligible for participation in the initiative. Participants must have no more than two years

remaining on their sentence and must not have been convicted of escape from a prison or jail within the last five years. Further, sex offenders are not eligible. The commissioner shall select participants and must give priority to those inmates who are already participating in vocational training or a soft skills training program within the department.

Participants in the program are required to maintain a bank account at a local financial institution. Of the wages earned, participants are required to pay 25% toward fines, restitution, child support and costs ordered by a court and pay 10% for the administrative expenses of the initiative. Participants must save 50% of their wages in their account and shall have access to the remaining 15% of their monies for incidental expenses in prison.

Under the initiative, prison industries must collect certain data and share it semiannually with the PEER Committee and the Corrections and Criminal Justice Oversight Task Force. In turn, the PEER Committee will conduct a review of the initiative and report to the Legislature by January 1, 2024.

SB 2600. Effective on passage. Signed 4/18/22.

SB 2600 creates a study committee for the purpose of studying the challenges of monitoring the formerly incarcerated individuals in pursuit of the reduction of recidivism through targeted support, supervision and skills attainment, and for recommending solutions. The study committee shall consist of nine members: three senators, three representatives, the Commissioner of the Department of Corrections, the Chairman of the Mississippi Parole Board and the Executive Director of Accelerate Mississippi. The committee shall develop and report its findings to the Legislature on or before December 1, 2022.

HB 514. Effective 7/1/22. Signed 3/9/22.

HB 514 amends Section 47-5-940 to extend the date of repeal to July 1, 2025, on the provision of law that authorizes the Department of Corrections to contract with the Bolivar County Regional Facility for a drug and alcohol treatment program.

HB 515. Effective 7/1/22. Signed 3/9/22.

HB 515 amends Sections 47-5-701 through 47-5-729 to extend the date of repeal to July 1, 2025, on the provisions of law that establish the Prison Overcrowding Emergency Powers Act.

HB 534. Effective 6/30/22. Signed 3/9/22.

HB 534 amends Sections 47-5-1001 through 47-5-1014 to extend the date of repeal to June 30, 2025, on the provisions of law that provide for an intensive supervision program and electronic home detention under the Department of Corrections.

HB 586. Effective 7/1/22. Signed 4/8/22.

HB 586 expands the Pilot Work Release Program established by House Bill 747, 2021 Regular Session which authorized the sheriff of Rankin County to operate a work release program. This bill authorizes the sheriffs of Harrison County and Lee County to establish similar work release programs.

HB 689. Effective 6/30/22. Signed 3/9/22.

HB 689 amends Section 47-7-49 to extend the date of the repeal on the authority of the Mississippi Department of Corrections to collect monthly fees from offenders who are on probation, parole or any other field supervision and to deposit those fees into the community service revolving fund.

HB 863. Effective 7/1/22. Signed 4/18/22.

HB 863 functions in tandem with House Bill 1052, 2022 Regular Session, to transfer the nonprofit corporation,

authorized in Sections 47-5-531 through 47-5-577, to the Mississippi Department of Corrections.

To effectuate this transfer, HB 863 amends Section 47-5-535 by removing legislative intent language that prohibits the nonprofit corporation under the "Mississippi Prison Industries Act of 1990" from having any rights to operate a program under the agricultural enterprises as well as to create a prison industry program that duplicates a prison agricultural enterprises program or product. The section is further amended to remove legislative intent language that the Department of Corrections shall retain exclusive rights to conduct all prison agricultural and related enterprises.

Additionally, the bill amends Section 47-5-541 to revise the composition of the board of directors of the nonprofit corporation from an 11-member board to a five-member board. Members of the board are as follows:

- The Commissioner of the Department of Corrections or his or her designee;
- One representative of the faith-based community, appointed by the Commissioner of the Department of Corrections with the advice and consent of the Senate;
- One representative of the business community, appointed by the Commissioner of the Department of Corrections with the advice and consent of the Senate;
- The Executive Director of AccelerateMS or his or her designee; and
- The Executive Director of the Mississippi Community College Board or his or her designee.

Further, the bill amends Section 47-5-547 to authorize the corporation to work with any community or junior college or state institution of higher learning for any industries the

corporation might create. Previously, the corporation was authorized to work solely with Mississippi Delta Community College when creating such industries. Finally, the bill placed a repeal date of July 1, 2024, on the Mississippi Prison Industries Act of 1990 and Section 47-5-1251.

HB 906. Effective 7/1/22. Signed 4/14/22.

HB 906 amends Section 47-5-903 to authorize any person who is committed, sentenced or otherwise placed under the Department of Corrections to serve his or her sentence in any county jail if certain conditions are met. Previously, such person had to serve his or her sentence in the county jail where he or she was convicted. The section is also amended to authorize the department to reimburse the county for the expenses of housing an inmate in the county jail. Previously, there was a prohibition on such reimbursement by the department to a county jail.

HB 919. Effective 7/1/22. Signed 4/5/22.

HB 919 amends Section 47-5-357 to require the Department of Finance and Administration and the Department of Corrections to establish a prudent leasing policy which may exempt from bid requirements agricultural equipment which is needed for the efficient and effective management of the prison agricultural enterprises.

HB 920. Effective 7/1/22. Signed 3/16/22.

HB 920 authorizes the Department of Corrections to establish the Inmate Incentive to Work Program. The purpose of the program is to provide pay for eligible inmates housed in state correctional facilities who perform certain jobs in the program. Such pay shall be determined by the Department of Corrections.

The bill also creates the "Inmate Incentive to Work Program Fund," which is a special fund that is funded by a portion of the Inmate Welfare Fund. The Inmate Incentive to Work Program Fund is a source to provide payment for inmates who perform work under the program. The balance of the Inmate Incentive to Work Program Fund that is received from the Inmate Welfare Fund shall not exceed \$1,000,000.

HB 936. Effective 7/1/22. Signed 4/21/22.

HB 936 creates a new section to authorize the Department of Corrections to provide hospice care services for inmates who are confined in facilities under the jurisdiction of the department and who are terminally ill as defined in Section 41-85-3 under the Mississippi Hospice Law of 1995. The department may have hospice care services provided by properly qualified employees of the department or may contract for the provision of the hospice care services. If the department provides the hospice care services with department employees, the department is not required to have a license under the Mississippi Hospice Law. Section 43-11-1 is also amended to revise the definition of "Institutions for the aged or infirm" to include special care facilities for paroled inmates.

The bill also defines and adds the term "special care facilities for paroled inmates" in Section 43-11-1. This term means long-term care and skilled nursing facilities licensed as special care facilities for medically frail paroled inmates. The purpose of the facilities is to ease the burden of prison overcrowding and to provide compassionate release and medical parole initiatives while impacting economic outcomes for the Mississippi prison system. A maximum of three facilities may be located in each Supreme Court district and such facilities are

to be designated by the Chairman of the State Parole Board or his or her designee.

The facilities must meet all Mississippi Department of Health and federal Center for Medicaid Services (CMS) requirements and shall be regulated by both agencies; provided, however, such regulations shall not be as restrictive as those required for personal care homes and other institutions devoted primarily to providing medical services.

The facilities will offer to the medically frail paroled inmates physical, occupational and speech therapy, nursing services, wound care, a dedicated COVID services unit, individualized patient centered plans of care, social services, spiritual services, physical activities, transportation, medication, durable medical equipment, personalized meal plans by a licensed dietician and security services.

Next, the bill amends Section 47-5-28 by expanding the powers and duties of the Commissioner of Corrections to include contracting with licensed special care facilities for paroled medically frail inmates to provide authorized medical services for such inmates. In order to be eligible to receive such services, a medically frail paroled inmate must voluntarily submit to the Department of Corrections an address to one of the licensed care facilities.

Additionally, the bill amends Section 47-7-4 to authorize the State Parole Board to grant a medical parole and referral to licensed special care facilities for paroled inmates for an inmate determined to be "medically frail." The term "medically frail" means an individual who has a mental or physical medical condition from which he or she, to a reasonable degree of medical certainty, is not expected to recover and as a result cannot perform daily living activities and who is a minimal

threat to society as a result of the mental or physical medical condition.

The following conditions shall be applied before a medically frail inmate may be granted a medical parole:

- An inmate who has been sentenced to capital punishment is not eligible;

- An inmate who has been convicted as a criminal sex offender is not eligible;

- An inmate does not pose a public safety risk or risk of flight as determined by the State Parole Board;

- If the prisoner is incapacitated as a result of a mental or physical medical condition, an individual legally entitled to agree to the inmate's placement agrees to the inmate's placement in a licensed special care facility for paroled inmates or in a medical facility where medical care and treatment are determined to be appropriate for the parolee by the State Parole Board;

- An inmate shall agree to the release of his or her medical records that are directly relevant to the condition or conditions rendering the inmate medically frail to any prosecuting attorney of the county from which the inmate was committed before the State Parole Board determines whether or not to grant parole under this subsection;

- If the inmate is granted medical parole, the inmate shall agree to the quarterly release of his or her medical records that are directly relevant to the condition or conditions rendering the inmate medically frail at the request of any prosecuting attorney of the county from which the inmate was committed;

- The parolee shall adhere to the terms of his or her parole for the length of his or her parole term, and the parole

shall be for a term not less than the time necessary to reach the prisoner's earliest release date;

- The department or the State Parole Board shall not retain authority over the medical treatment plan for the inmate granted a medical parole due to the inmate being medically frail;

- The department and the State Parole Board shall ensure that the placement and terms and conditions of parole granted to a medically frail inmate do not violate any other state or federal regulations;

- A facility utilized by the department to facilitate parole shall be operated in a manner that ensures the safety of the residents of the facility; and

- If the inmate recovers from the mental or physical medical condition that rendered the inmate medically frail, the State Parole Board shall revoke the parole granted, and the department shall ensure that the inmate returns to incarceration.

The bill further provides that the Department of Corrections may enter into contracts to facilitate the housing of paroled medically frail inmates. The bill also provides that the department shall appoint a specialist in the appropriate field of medicine, who is not employed by the department, to evaluate the condition of an inmate considered for medical parole. Upon evaluating the condition of the inmate, the specialist shall report on that condition to the department and the State Parole Board. The State Parole Board shall then determine whether the inmate is medically frail in consultation with the Mississippi Department of Health.

Finally, the bill creates a new code section that authorizes the Division of Medicaid to apply to the federal Center for Medicaid Services (CMS) for necessary waivers to

provide federal funding under the Medicaid program for providing reimbursement for authorized services to medically frail inmates. In order for the Department of Medicaid to apply for such waivers, the inmates must qualify for nursing home-level care and the state must deem the inmates are not public safety risks, and services provided to the inmates must be provided through a Special Care Facility for Paroled Inmates licensed by the State Department of Health under contract with the Mississippi Department of Corrections.

This new section also provides that subject to CMS approval, the program for paroled inmates shall be funded from monies that are appropriated or otherwise made available to the division specifically to cover the cost of the paroled inmate program. This program shall be a separate program within the Division of Medicaid as the administering agent.

HB 1052. Effective 7/1/22. Signed 4/18/22.

HB 1052 functions in tandem with House Bill 863, 2022 Regular Session, to transfer the nonprofit corporation, authorized in Sections 47-5-531 through 47-5-577, to the Mississippi Department of Corrections.

To effectuate this transfer, HB 1052 amends Section 47-5-26 to revise the name of the position for Deputy Commissioner for Programs, Education, Reentry and Vocational Rehabilitation Services to the Deputy Commissioner for Programs, Education and Reentry. The section removes the duty of adequately preparing offenders for employment upon their release from the role of such deputy commissioner.

The bill also authorizes the Commissioner of Corrections to hire a Deputy Commissioner for Work Force Development who shall serve as the Chief Executive Officer of Prison Industries and Director of Prison Agricultural Enterprises. The Deputy

Commissioner shall work in collaboration with the Executive Director of the Office of Workforce Development, which is a division of the Department of Corrections that is created in Section 47-5-8.

The duties of the Deputy Commissioner for Workforce Development, with the assistance of Workforce Development, are as follows:

- To inventory and measure the effectiveness of current workforce development programs in the state corrections system, with the goal of eliminating any programs which do not result in desired outcomes, including, but not limited to, an increase in employment in reentering offenders, a better environment within correctional facilities in the state, or a reduction in recidivism;

- To partner with educational institutions to provide additional opportunities in workforce development programs for offenders leading to high-wage, high-skill jobs upon reentry;

- To provide information, as appropriate, to offenders on workforce development programs available within the corrections system;

- To work with industry to identify barriers which inhibit offender reentry and employment and evaluate the responsiveness of the corrections system and other support entities to the needs of industry;

- To develop short- and long-term goals for the state related to workforce development and reentry offender employment within the corrections system; and

- To perform a comprehensive review of workforce development in the corrections system, including the amount expended on programs supported by state or federal money and their outcomes.

Finally, the bill amends Section 47-5-10 to expand the powers and duties of the Department of Corrections by establishing the department as a Local Educational Agency and an Educational Service Agency as defined in 34 CFR Section 300 to receive certain Title I funding to provide educational services to eligible incarcerated students.

COUNTY AFFAIRS

SB 2913. Effective 7/1/22. Signed 4/18/22.

SB 2913 amends Section 19-17-17 to delete the duty of the clerk of the board of supervisors to make a written report to the grand jury of a required audit of the accounts, dockets and records of clerks, sheriffs and other officers of the clerk's county. The bill also deletes the criminal penalty against the clerk for failing to make this report to the grand jury.

HB 843. Effective 7/1/22. Signed 3/17/22.

HB 843 amends Section 25-15-103 to authorize the board of supervisors of any county or the governing authorities of any municipality to offer supplemental compensation to its employees or other eligible persons who have declined coverage under the county's or municipality's group insurance. Before such supplemental compensation may be provided in any year, the person shall, on an annual basis, provide verifiable proof of coverage under another permissible plan.

HB 1017. Effective 7/1/22. Signed 3/16/22.

HB 1017 amends Section 9-11-27 to authorize two or more counties to appoint one person to serve as clerk of the justice court system for such counties. Payment for the clerk by each county shall be mutually agreed upon by an adopted resolution. If two or more counties agree to utilize one clerk, then the boards of supervisors may appoint other employees who shall serve the justice court system of the counties, and such employees shall be paid by each county a mutually agreed upon amount adopted in a resolution by the counties.

HB 1097. Effective 7/1/22. Signed 3/17/22.

HB 1097 amends Section 31-8-3 to authorize the board of supervisors of any county and the governing authorities of any municipality to enter into a lease agreement to lease a facility that will be used as a fire station as long as the primary term of the lease does not exceed 20 years.

HB 1098. Effective 7/1/22. Signed 3/17/22.

HB 1098 amends Section 19-5-177 to provide that if a board of supervisors levies a special tax for a fire protection district and the district has volunteer firefighters, then the fire protection district shall not fix, maintain or collect rates and charges for services rendered.

HB 1185. See summary under Highways and Transportation heading.

ECONOMIC AND WORKFORCE DEVELOPMENT

SB 2159. See summary under Finance heading.

SB 2719. Effective 7/1/22. Signed 2/17/22.

SB 2719 amends Section 25-3-13 to authorize increases in the annual salaries of members of county boards of supervisors. As of July 1, 2022, the annual salary of each board member shall be approved by the board up to the following amounts:

- For counties having a total assessed valuation of less than \$30,000,000, a salary not to exceed \$33,500;
- For counties having a total assessed valuation of at least \$30,000,000 but less than \$50,000,000, a salary not to exceed \$37,500;
- For counties having a total assessed valuation of at least \$50,000,000 but less than \$75,000,000, a salary not to exceed \$40,500;
- For counties having a total assessed valuation of at least \$75,000,000 but less than \$125,000,000, a salary not to exceed \$41,500;
- For counties having a total assessed valuation of at least \$125,000,000 but less than \$300,000,000, a salary not to exceed \$45,000;
- For counties having a total assessed valuation of at least \$300,000,000 but less than \$1,000,000,000, a salary not to exceed \$50,000;
- For counties having a total assessed valuation of \$1,000,000,000 but less than \$2,000,000,000, a salary not to exceed \$52,000;
- For counties having a total assessed valuation of \$2,000,000,000 or more, a salary not to exceed \$54,000.

A new subsection allows for additional salary increases. From and after January 1, 2024, board member salaries may be increased by an amount not to exceed \$2,000 over the amounts set out above, and from and after January 1, 2028, board member salaries may be increased by an amount not to exceed \$4,000 over the same amounts set out in the first subsection. If the board approves one of these additional increases effective during any fiscal year, the board members shall not be eligible for another increase for that fiscal year. Board member salaries shall not receive one of these additional increases in the last year of the supervisors' term.

State revenue may not be used to pay any of the salary increases authorized in this act.

SB 2723. Effective 7/1/22. Signed 4/20/22.

SB 2723 amends Section 71-5-353 to revise the way in which monies in the Mississippi Works Fund may be spent. These monies may be used for the support of local economic and community development activities related to workforce development in the state. A minimum expenditure of \$5,000 is set as a trigger for the applicability of the requirement that funds spent for contractual services rendered to the Office of Workforce Development be paid only to service providers who have been selected on a competitive basis. The bill also revises the requirements for contracts for services entered into using funds from the Workforce Investment Fund bank account, replacing certain provisions with the requirements for state contracts set out in Section 31-7-1 et seq.

Section 71-5-355 is amended to revise the definition of "exposure criterion" by designating December 31 as the date for determining the cash balance of the Unemployment Compensation

Fund available for the payment of benefits for calendar years 2020 and 2021.

In addition, Section 43-17-1 is amended to require the Department of Human Services to collaborate with the Office of Workforce Development on Temporary Assistance for Needy Families (TANF) programs related to job placement, job training and job retention. Likewise, Section 47-5-541 is amended to require the chief executive officer of the corporation formed under the Mississippi Prison Industries Act of 1990 to establish education, training and workforce development programs in collaboration with the Office of Workforce Development and other relevant state and federal agencies.

HB 720. Effective 1/1/23. Signed 3/16/22.

HB 720 provides the minimum requirements that the Mississippi Department of Employment Security must meet related to its activities concerning fraud prevention, detection and recovery. The bill requires the department to focus upon the prevention and detection of fraud with respect to the payment of unemployment insurance benefits and the collection of tax contributions. The executive director of the department shall adopt and implement internal administrative policies, business processes and regulations as necessary for fraud prevention, detection and recovery.

HB 1006. Effective 7/1/22. Signed 4/20/22.

HB 1006 creates the American Rescue Plan Act (ARPA) Workforce Development and Retention Act, which creates two new programs, the Accelerate Mississippi Workforce Development Program and the Mississippi Health Sciences Training Infrastructure Grant Program.

I. The Accelerate Mississippi Workforce Development Program will be directed by the Office of Workforce Development

for the purpose of providing education and training to citizens seeking employment in high-wage, high-demand industries in the state, including, but not limited to, the nursing and health care fields, which were impacted by the disruption to the economy and workforce caused by COVID-19.

- The eligible expenses under the program are costs incurred by a recipient, including:
 - ▶ Necessary equipment or other supplies;
 - ▶ Curricula or other academic or training materials;
 - ▶ Remote learning or other classroom technology;
 - ▶ Stipends for teaching staff or faculty for workforce development programs;
 - ▶ Trainee support, including tuition expenses and childcare or transportation assistance;
 - ▶ Coaching or mentoring services;
 - ▶ Job placement services;
 - ▶ Apprenticeship programs; and
 - ▶ Recruitment programs.

• A "recipient" means a community college, institution of higher learning, or trainee recipient of grant funding. A "trainee" means an individual receiving training or other services through programs with the goal of becoming employed in a high-wage, high-demand industry. "High-wage, high-demand industry" means those industries paying above Mississippi's median annual income and prioritized by the office and the four local workforce areas.

• Allocations to recipients will be awarded by the Office of Workforce Development through an application process.

- ▶ Applicants agreeing to commit a portion of their federal COVID-19 relief funds, if they received such funds

directly, or other state, federal or private funds as supplemental matching funds to offset the total cost of the approved program, will be prioritized for approval.

▶ The office may use a maximum of 2% of funds allocated for this act for the administration of the grant program, to the extent permissible under federal law.

II. The bill also creates the Mississippi Health Sciences Training Infrastructure Grant Program, the purpose of which is to provide a reimbursable grant for primary care health sciences training infrastructure at any osteopathic medical school in Mississippi that is accredited by the Commission on Osteopathic College Accreditation (COCA) of the American Osteopathic Association (AOA).

- An "applicant" for the grant program means any osteopathic medical school in Mississippi that is accredited by the COCA. "Health sciences training infrastructure" means any infrastructure that is eligible under ARPA that assists with the training of health sciences students to increase their interest and encourage their pursuit of careers in primary care.

- The Office of Workforce Development will promulgate rules and regulations necessary to administer the grant program, including application procedures and deadlines.

▶ The Department of Finance and Administration is directed to advise the office regarding all such rules and regulations.

▶ Once applicants have submitted their applications to the office, the office will review and score them and certify that each application submitted is an allowable expense as defined in ARPA and all applicable guidance issued by the department.

▶ The office will award the grants to the applicants based on what projects the office determines has the most significant impact on increasing student access to primary care training opportunities.

• A grant agreement will be executed between the applicant and the office. All final awards will be determined at the discretion of the executive director of the office.

▶ The office will provide these funds to the applicants on a reimbursable basis after receiving support for expenses and determining that they meet the grant award criteria.

▶ The applicant may be required to repay the State of Mississippi for any grant funds awarded not consistent with ARPA and its implementing guidelines.

• The office will provide a comprehensive report to the Governor, Lieutenant Governor, Speaker of the House, Chairs of the Senate and House Appropriations Committees, Chair of the Senate Economic and Workforce Development Committee, and Chair of the House Workforce Development Committee by October 1 each year of the existence of the program. The report will concern the use and effectiveness of funds distributed under both grant programs, to include, if applicable, wage data and employment outcomes for trainees.

HB 1052. See summary under Corrections heading.

HB 1323. Effective 7/1/22. Signed 4/14/22.

HB 1323 creates the Tallahatchie River Authority to be composed of the geographic region of the counties that the Tallahatchie River or Little Tallahatchie River traverses or borders in the State of Mississippi, including Leflore, Tallahatchie, Quitman, Panola, Lafayette, Marshall, Union and

Tippah Counties, subject to the board of supervisors of a county voting and spreading on its minutes the decision to participate in the authority.

Further, the bill provides that each participating county board of supervisors may select one member of the authority's board of directors. The boards of Leflore and Tallahatchie Counties each appoint a member from their respective counties for an initial term of one year; the boards of Quitman and Panola Counties each appoint a member from their respective counties for an initial term of two years; the boards of Lafayette and Marshall Counties each appoint a member from their respective counties for an initial term of three years; and the boards of Union and Tippah Counties each appoint a member from their respective counties for an initial term of four years.

All appointments made after the initial appointments shall be for terms of four years each from the expiration of the previous term, or until a successor is appointed and qualifies.

The bill further provides that the Tallahatchie River Authority is authorized to contract with the Tennessee Valley Authority and any other agency or agencies of the federal government or of any state or political subdivision.

The Tallahatchie River Authority is also empowered to do all other things necessary in effectuating a plan for the comprehensive development of the resources of its geographic region, including tourism, economic development, forestry, drainage and land reclamation and preservation, bank stabilization, electric power utilization, water conservation, recreation, and public health and education.

Lastly, the bill authorizes each participating county board of supervisors to contribute funds to the authority, in any amount which the board deems advisable, to be paid from the general county fund.

HB 1388. Effective 7/1/22. Signed 3/23/22.

- HB 1388 creates the Comprehensive Career and Technical Education Reform Act.

- Subject to appropriation, the bill requires the Office of Workforce Development to pilot a career coaching program to support middle schools and high schools as students are exposed, prepared and connected to career avenues within and beyond the classroom setting. The office, working with the Department of Employment Security (MDES) as the fiscal agent, shall establish rules and regulations for operating the program.

- The bill requires the Mississippi Department of Education (MDE) to work in conjunction with the Mississippi Community College Board (MCCB) to ensure alignment of career and technical education courses across the public school system and community college system, which includes dual enrollment courses. If a community college chooses not to participate in the dual credit program or does not have certain courses available for participating students, eligible high school students may enroll in dual credit courses and attend such courses at the campus of another participating community college within the state.

- Additionally, the bill requires the State Workforce Investment Board (SWIB) to create a single list of nationally recognized industry certifications for use in the Mississippi accreditation system, in diploma endorsement requirements and for reimbursements under Section 37-153-15.

- Section 37-153-15 is amended to revise the definitions of "industry certification" and "qualifying industry certification" and to provide that any costs accrued during one fiscal year may be claimed and reimbursed the following fiscal year. Also, the date to submit the annual report required under this section is changed from July 1 to October 1.

- The bill requires the Office of Workforce Development to work in partnership with the MDE and the MCCB to complete a program inventory and return on investment analysis of workforce development programs in both the K-12 and community college system, with the expectation that results will be used in conjunction with labor market analysis information and other relevant data to adjust program offerings to best meet the future needs of Mississippi business and industry and to provide high-demand, high-skill and high-wage pathways. Furthermore, the Office of Workforce Development, in collaboration with the MCCB, the MDE and the Mississippi State University Research and Curriculum Unit, shall develop cross-sector partnerships among K-12 education, employers and industry, and postsecondary education to meet at least quarterly or more often as the industry needs one or other to complete certain objectives.

- The bill amends Section 37-17-6 to provide that the accreditation system shall include student performance on the administration of a career-readiness assessment, such as the ACT WorkKeys Assessment, deemed appropriate by the Mississippi Department of Education working in coordination with the Office of Workforce Development.

- The bill amends Section 37-3-2 to provide that the Commission on Teacher and Administrator Education, Certification and Licensure and Development shall establish standards, subject to the approval of the State Board of Education, for supplemental endorsements, provided that the standards allow teachers as many options as possible to receive a supplemental endorsement, including the option of taking additional coursework or earning at least the minimum qualifying score or higher on the required licensure subject assessment relevant to the endorsement area for which the licensure is sought. The

subject assessment option shall not apply to certain subject areas, including Early/Primary Education PreK-3, Elementary Education, or Special Education, except by special approval by the State Board of Education.

- The amendments to this section also provide that local business or other professional personnel shall not be required to hold an associate or bachelor's degree in order to be granted an expert citizen teacher license. Such person shall be required to have a high school diploma, an industry-recognized certification related to the subject area in which they are teaching and a minimum of five years of relevant experience. If a school board hires a career technical education pathway instructor who does not have an industry certification in his or her area of expertise but does have the required experience, the school board shall spread its decision on the minutes at its next meeting and provide a detailed explanation for why it hired the instructor. The instructor shall present the minutes of the school board to the State Department of Education when applying for an expert citizen license.

- This section is also amended to expand the expert citizen teacher license from one year to five years, and to require the MDE to grant and renew all licenses and certifications of teachers and administrators within 21 days from the date of a completed application if the applicant has otherwise met all established requirements for the license or certification.

- The bill amends Section 37-16-3 to provide that the uniform statewide testing program shall include the administration of a career-readiness assessment, such as the ACT WorkKeys Assessment, deemed appropriate by the MDE working in coordination with the Office of Workforce Development, to any students electing to take the assessment. Each individual

school district shall determine whether the assessment is administered in the tenth, eleventh or twelfth grade.

- The bill amends Section 37-16-17 to require the State Board of Education to provide notice to all incoming middle school and junior high students of the career and technical education pathways offered by local school boards. It also provides that students pursuing a career technical education pathway must complete the 24 course unit requirements for a regular high school diploma and which courses may be included. The courses may be tailored to the individual needs of the school district as long as the amendments align with the basic course requirements.

EDUCATION

SB 2113. Effective on passage. Signed 3/14/22.

SB 2113 creates new Section 37-13-12. Subsection (1) of the bill provides that no public institution of higher learning, community/junior college, school district or public school, including public charter schools, shall direct or otherwise compel students to personally affirm, adopt or adhere to any of the following tenants: that any sex, race ethnicity, religion or national origin is inherently superior or inferior; or that individuals should be adversely treated on the basis of their sex, race, ethnicity, religion or national origin. The bill requires that these schools, colleges and institutions shall make no distinction or classification based on account of race, provided that the schools may still collect and report demographic information.

The bill also provides that these schools, colleges and institutions shall not teach a course of instruction or unit of study that directs or otherwise compels students to personally affirm, adopt or adhere to the tenants identified in subsection (1) of the bill. The bill requires that no funds be expended by the State Department of Education, any entity under the Department of Education's jurisdiction or purview, a school district, public charter school, community/junior college, the Mississippi Community College Board, the Board of Trustees of State Institutions of Higher Learning or a public institution of higher learning for any purpose that would violate the provisions of the act. The bill also provides for the severability of the act.

SB 2422. Effective on passage. Signed 4/14/22.

SB 2422 authorizes the Office of Purchasing, Travel and Fleet Management of the Department of Finance and Administration to issue procurement cards or credentials for a digital solution to all public school district classroom teachers, full- or part-time gifted or special education teachers and other necessary direct support personnel at the beginning of the school year, but no later than August 1 of each year, for the purchase of instructional supplies using Educational Enhancement Funds. The bill also provides that the cards will expire on a predetermined date at the end of each school year, but not before April 1 of each year. The bill also requires that on a date determined by the State Department of Education, but not later than July 1 of each year, local school districts shall determine and submit to the State Department of Education the number of teachers eligible to receive an allocation for the current year.

The bill also ensures that the digital solution credentials or procurement cards shall be provided by the State Department of Education to local school districts on a date determined by the State Department of Education, but not later than August 1 of each year. Local school districts shall issue such credentials or procurement cards to classroom teachers at the beginning of the school year, but no later than August 1 of each year. After initial cards are issued under the timeline prescribed by the act, the State Department of Education may issue cards to districts for any classroom teacher hired after July 1 under a timeline prescribed by the State Department of Education.

SB 2424. Effective 7/1/22. Signed 4/14/22.

SB 2424 requires all school districts to process a single monthly or a bimonthly payroll for all employees in the discretion of the local school board.

SB 2430. Effective 7/1/22. Signed 4/18/22.

SB 2430 creates the Educational Facilities Revolving Loan Fund Program to be administered by the State Department of Education for the purpose of improving educational facilities in the state by assisting public schools in procuring funds for making certain capital improvements. The bill creates a special fund in the State Treasury designated as the "Educational Facilities Revolving Loan Fund" which shall consist of monies transferred from the State Public School Building Fund and other monies that the Legislature may make available. The revolving loan fund must be maintained in perpetuity for the purposes established in the act.

The bill provides that up to 95% of the funds deposited into the loan fund must be made available for the purpose of making interest-free loans to qualified public school districts. It allows the State Department of Education to set aside an amount not to exceed 3% of the balance of the fund to cover the administration and fiscal management costs associated with the fund. The State Department of Education shall accept requests for loans under the act for the purposes of: repairs and renovations to existing school buildings and related facilities used in the operation of schools, construction of new facilities or repairs and renovations to existing school facilities for the purpose of establishing, improving or expanding prekindergarten programs in the public school district, and construction of new career and technical education facilities or repairs and renovations to existing school facilities for the purpose of

upgrading or expanding a school district's career and technical education program.

The bill prohibits educational entities from using the funds for athletic facilities. The State Department of Education shall accept and make determinations on applications for loans and disburse funds and receive repayments on approved loans. The bill also requires that the department establish rules and regulations for the implementation and administration of the program before October 1, 2022. These rules and regulations must include, at a minimum, provisions addressing the following: the application process, the factors considered by the department in determining whether an educational entity will be awarded a full or partial amount of a loan requested, the rates of interest on loans and terms of payment, the process by which the department determines if an entity receiving a loan is required to pledge monies for the repayment of the loan and sources of revenue that are acceptable, the actions that may be taken if an entity is in arrears on loan repayments, and all other matters that the department determines are necessary to establish and maintain the program.

The bill requires that the maximum total amount of outstanding loans an applicant may receive in a fiscal year shall be limited to \$1,000,000 and the maximum total amount of a loan an applicant may receive for a single project shall not exceed \$1,000,000. The bill also requires that a loan may not exceed 100% of the cost of the project for which the loan is requested. The bill requires that the loans shall be interest free and payable over a term of no more than 10 years. Applicants demonstrating emergency or other critical infrastructure needs, as defined by the department, shall receive first priority in receiving loans from the fund. The bill also allows school districts to use funds from the program

to pay the principal and interest of school district indebtedness represented by bonds or notes issued after July 1, 2017, but before July 1, 2022, for capital improvements, provided that the maximum loan amount for this purpose shall be \$500,000 per year.

The bill also amends Section 27-65-75 which provides for certain diversions of the sales tax revenue collections. The bill amends subsection (5) to provide that \$1,666,666 each month shall be paid into the Educational Facilities Revolving Loan Fund. The bill also puts a date of repeal of July 1, 2023, on this subsection (5).

The bill amends Section 37-47-7 to transfer all remaining funds of the State Public School Building Fund to the Educational Facilities Revolving Loan Fund. The bill repeals the section the day after the balance of the funds are transferred. The remaining provisions of the bill put a date of repeal of July 1, 2023, on various sections of law that provide for the administration and regulation of the State Public School Building Fund.

SB 2431. Effective 7/1/22. Signed 3/11/22.

SB 2431 removes the provision that required any textbook supplier with whom the State Board of Education has contracted to provide all of the state's textbooks to maintain a depository in the state. The bill allows such supplier to have a depository within the state or in a regional area located in reasonable proximity to the state. The bill clarifies some internal references and corrects grammatical errors in Section 37-43-33. The bill also repeals Sections 37-43-37, 37-43-49, 37-43-53 and 37-43-55 which are obsolete provisions of the Mississippi Textbook Law.

SB 2885. Effective 7/1/22. Signed 3/26/22.

SB 2885 reenacts and extends the date of repeal to July 1, 2025, for the chapter known as the "Energy Academy Act" which provides for the provisions that authorize the Board Of Trustees of the Vicksburg-Warren School District and the Claiborne County Board of Education to establish with the energy industry located within the State of Mississippi, Warren County and the Mississippi Development Authority for an energy high school academy.

SB 2887. Effective 7/1/22. Signed 4/18/22.

SB 2887 authorizes school boards to purchase, own and operate electric vehicles for the transportation of children to and from public schools.

HB 530. Effective 7/1/22. Signed 3/30/22.

HB 530 increases the minimum salary schedule for public school teachers and increases the minimum starting salary for assistant teachers as follows:

- Teachers with a bachelor's degree and an "A" endorsement will receive a \$4,500 increase to their minimum starting salary, bringing that total to \$41,500.

- Teachers with a master's degree and an "AA" endorsement will receive a \$3,720 increase to their minimum starting salary, bringing that total to \$43,000.

- Teachers with a specialist's degree and an "AAA" endorsement will receive a \$3,556 increase to their minimum starting salary, bringing that total to \$44,000.

- Teachers with a doctoral degree and an "AAAA" endorsement will receive a \$3,392 increase to their minimum starting salary, bringing that total to \$45,500.

- Assistant teachers will receive a \$2,000 increase to their minimum starting salary, bringing that total to \$17,000.

The bill provides for an instant salary increase up to \$4,500, which would account for an \$11,500 increase since 2014, for beginning teachers with bachelor's degrees. Additionally, with the annual incremental steps, which range from \$400 to \$600, and the five-year bumps, which range from \$1,200 to \$1,350, the average raise that teachers will realize is approximately \$5,100. These salary increases bring Mississippi's teacher salaries to a level that is \$1,603 above the \$39,897 Southeastern average for beginning teachers, and \$337 above the national average for beginning teachers, which is approximately \$41,163.

In addition to increasing teacher salaries, the bill removes the cap on the number of nurses and speech-language pathologists and audiologists employed by school districts who are eligible to receive the annual salary supplement of \$6,000 for acquiring national board certification, and requires the payment of an annual salary supplement of \$6,000 to state-licensed athletic trainers who have acquired national board certification employed by a school district. The bill makes these provisions applicable to those persons retroactive to July 1, 2021.

HB 881. Effective 7/1/22. Signed 4/14/22.

HB 881 amends Section 37-23-31 to provide that speech-language pathologists, educational audiologists and special and early childhood educators are qualified to serve as lead teachers for children ages 3 to 21 years of age who are enrolled within the state-supported university-based programs (UBP) who have significant developmental disabilities, complex communication needs, significant language or learning deficits

or any combination of either identified in their Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP). The placement of exceptional students in a UBP has to be justified through a collaborative determination between the local school district through the student's IEP. Students are required to meet all state educational requirements and must be provided with semester progress reports on all IEP goals and objectives. The UBP and local education agency must annually confer to develop the IEP for each student enrolled in the UBP.

In addition to the requirements established in Section 37-23-31, Section 37-23-33 is amended to require speech-language pathologists and educational audiologists to undergo extensive college coursework in communication-based disorders impacting multiple areas of development and must meet all licensure requirements established by MDE for purposes of funding MAEP special education teacher units. The UBP must report all required reports and data to MDE in the same time and manner as traditional school districts.

Section 37-23-35 is amended to require MDE to complete provisional teacher unit approval for UBPs at the same time teacher units are approved for local educational agencies (LEAs), and provides the allocation of funding mechanism in accordance with IDEA, including:

IDEA-Part B and preschool allocations calculated by MDE with notifications provided to the UBP of the amount to be provided to the LEA. There is a requirement for a collaborative agreement between the LEA and UBP describing the services provided and the funds required for each service.

This bill requires state transportation, extended school year and teacher unit allocations, including national board certification supplements, to be distributed by MDE directly to

the UBP for each student placed through the IEP process or who are parentally placed.

HB 1388. See summary under Economic and Workforce Development heading.

HB 1416. Effective 7/1/22. Signed 4/1/22.

HB 1416 permits students in public schools with the ability to engage in political activities or political or philosophical expression before, during and after the school day in the same manner and to the same extent that students may engage in nonpolitical activities or expression. Students would be allowed to organize partisan or nonpartisan political groups, political clubs, political rallies, or other politically themed gatherings before, during and after school to the same extent that students are permitted to organize other noncurricular student activities and groups.

The bill further prohibits schools with limited open forums from denying equal access or a fair opportunity to, or discriminating against students who wish to conduct a meeting within that limited open forum on the basis of the political, philosophical, ideological or other content of the speech.

ELECTIONS

SB 2358. Effective 7/1/22. Signed 4/14/22.

SB 2358 amends several code sections, including Sections 23-15-297, 23-15-1093 and 23-15-299. The bill authorizes the State Executive Committee of each political party to determine the filing fee, within a set range, for certain candidates entering the race for party nominations for office. Under the bill, the executive committee of the party may not determine the fee more than once every two years. Once the fee is determined, the executive committee shall inform the Secretary of State who shall publish the entry fee for that office.

The bill authorizes the fee to be determined for the following candidates:

- Governor, no less than \$1,000 and no more than \$5,000;
- Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, State Highway Commissioner and State Public Service Commissioner, no less than \$500 and no more than \$2,500;
- United States Senator, no less than \$1,000 and no more than \$5,000;
- United States Representative, no less than \$500 and no more than \$2,500;
- United States President, no less than \$2,500 and no more than \$25,000.

The filing fees for candidates for party nominations in the following offices were unaffected by SB 2358: State Senator, State Representative, district attorney, sheriff, chancery clerk, circuit clerk, tax assessor, tax collector, county attorney, county superintendent of education, board of

supervisors, county surveyor, county coroner, justice court judge and constable.

Last, the bill authorizes the secretaries of the proper executive committee to hold the funds received from candidates for United States President and disburse the funds for certain purposes.

SB 2879. Effective on passage. Signed 4/19/22.

SB 2879 enacts the Mississippi Voting Modernization Act. First, the bill establishes a grant program administered by the Secretary of State for the purpose of reimbursing counties or disbursing funds to counties for the purchase of modern voting systems. Second, the bill imposes a deadline for all voting systems used in elections throughout the state to be in compliance with the bill.

The act defines the term "voting system" and requires a system to produce voter-verifiable paper ballots and to not utilize pre-scored punch card ballots. Also, the bill provides that any voting machine, voting device, precinct ballot scanner, ballot-marking device or vote tabulating device, in order to be eligible for purchase under the grant program, shall not have the capability of wireless remote connections.

The bill sets out the timeline for the review of applications and mandates that the Secretary of State shall require a county to provide a verified contract and purchase order before awarding a grant for the future purchase of a voting system. It also requires the Secretary of State to develop and promulgate rules and regulations for the grant program. Under the grand program, each county is entitled to a pro rata share of the funds appropriated to the program. The bill also specifies the grants for which counties may apply. If a county is already in compliance with the requirements of the

bill, the county may apply for grants for "other eligible expenses related to the costs of conducting an election" as determined by the Secretary of State. In addition, the bill requires the Secretary of State to provide a comprehensive report on the progress of the program by December 31, 2022.

Further, any election held in this state, after January 1, 2024, shall only use voting systems that are in compliance with the definition provided in this bill, and the bill repeals the provisions of code that authorize the use of direct recording electronic voting equipment.

HB 1331. Effective 7/1/22. Signed 3/17/22.

HB 1331 amends Sections 23-15-213 and 23-15-211 to provide that election commissioners only need to complete a skills assessment once every four years instead of once a year to become certified by the Secretary of State.

HB 1341. Effective 7/1/22. Signed 3/17/22.

HB 1341 amends Section 21-8-7 to provide that council members in a mayor-council form of government who are elected to represent wards must be residents of their wards for two years as provided in Section 23-15-300 at the time of qualification for election. The bill further provides that if the ward has changed after the council has redistricted the municipality, any person may qualify as a candidate for council member by changing the person's residence, not less than 15 days before the first party primary or special party primary, as the case may be, notwithstanding any other residency or qualification requirements to the contrary.

HB 1365. Effective 7/1/22. Signed 4/1/22.

HB 1365 provides that no agency or state or local official responsible for conducting elections may solicit, accept, use or

dispose of any donation in the form of money, grants, property or personal services from an individual or a nongovernmental entity for the purpose of funding election-related expenses or voter education, voter outreach or voter registration programs. The bill, though, does not prohibit the donation and acceptance of space to be used for a polling place. It also does not prohibit an individual from contributing his or her personal time to assist with voter education, voter outreach, voter registration programs or other election-related programs as long as the individual receives no compensation or in-kind donation for contributing his or her time.

HB 1510. Effective on passage. Signed 4/14/22.

HB 1510 amends Section 23-15-15 to require the registrar, upon receiving a completed voter registration application, to enter an applicant into the Statewide Elections Management System. The registration application shall be compared with the Department of Public Safety driver's license and identification information, and if the comparison indicates that the applicant is not a citizen of the United States, the Statewide Elections Management System shall notify the registrar of that information. After the registrar has been notified by the Statewide Elections Management System that an applicant may not be a citizen of the United States, the registrar shall enter the applicant's information into the United States Citizenship and Immigration Service's Systematic Alien Verification for Entitlements (SAVE) or its successor database for further inquiry. If both the Department of Public Safety driver's license and identification information and the database indicate that the applicant is not a citizen of the United States, the registrar shall send a notice by first-class mail to the applicant's mailing address provided on the voter registration

application inquiring whether the individual is eligible to be registered to vote. The registrar may contact the applicant by email or telephone.

An applicant who receives such notice from the registrar shall, within 30 days of receiving the notice, provide proof of citizenship to the registrar. Proof of citizenship includes, but is not limited to, a birth certificate, passport, naturalization documentation or other accepted forms of proof of citizenship.

If the applicant provides the proof of citizenship, he or she shall be registered to vote.

If a person does not provide proof of citizenship within 30 days, the registrar shall mark the applicant as "pending" in the Statewide Elections Management System until the next federal general election. An applicant who has been marked as "pending" in the Statewide Elections Management System may cast an affidavit ballot. The affidavit ballot will be considered if such applicant provides the proof of citizenship required within five days of casting the ballot. If the applicant fails to respond to the notice or cast an affidavit ballot and provide proof of citizenship, the registrar shall mark the applicant as "rejected" in the Statewide Elections Management System.

The bill also amends Section 23-15-5 to revise how the monies that are deposited into the Elections Support Fund shall be used.

ENERGY

HB 1029. Effective on passage. Signed 4/14/22.

HB 1029 creates the Broadband Expansion and Accessibility of Mississippi (BEAM) Act. The bill defines terms used in the act. The bill creates the Office of Broadband Expansion and Accessibility of Mississippi within the Department of Finance and Administration as the designated state broadband office to review applications for funding broadband infrastructure projects using federal and state funds. The bill provides that the Executive Director of DFA shall hire a Director of BEAM.

The bill creates the Broadband Expansion and Accessibility of Mississippi (BEAM) Fund for the purposes of the expansion and accessibility of broadband in unserved and underserved areas. The bill further provides that the fund shall consist of monies designated, accepted or appropriated by the State of Mississippi for broadband deployment; all monies received from the federal government awarded to or allocated by the state for broadband deployment; and donations, gifts and monies received from any other source, including transfers from other funds or accounts.

The bill provides that the office shall award only projects for unserved and underserved areas and spend federal grant program funds in accordance with federal requirements. The bill requires the office to establish and publish on its website its criteria for competitively scoring applications. The bill requires an applicant to provide certain information at a minimum on the application. The bill requires the office to make preliminary determinations, final determinations and awards after certain investigations are conducted. The bill requires the office to accept comments and objections concerning each preliminary determination and investigate them as appropriate.

The bill requires certain reports by the office before planned distributions and an annual report to the Legislature.

HB 1135. Effective 7/1/11. Signed 3/17/22.

HB 1135 defines the following terms for purposes of solid waste disposal:

- "Advanced Plastic Recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, and other products including, but not limited to, monomers, oligomers, plastics, plastic and chemical feedstocks, basic and unfinished chemicals, naphtha, waxes, lubricants, coatings, and other basic hydrocarbons.

- "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastic and chemical feedstocks, basic and unfinished chemicals, naphtha, waxes, lubricants, coatings, and other basic hydrocarbons.

- "Gasification" means a manufacturing process through which recovered feedstocks and post-use polymers are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted into valuable raw materials and intermediate and final products, including plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, that are returned to economic utility in the form of raw materials, products, or other basic hydrocarbons.

- "Pyrolysis" means a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted into valuable raw materials and intermediate and

final products, including plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, that are returned to economic utility in the form of raw materials, products, or other basic hydrocarbons.

- "Solvolysis" means a manufacturing process through which post-use polymers are reacted with the aid of solvents while heated at low temperatures and/or pressurized to make useful products, while allowing additives and contaminants to be separated. The products of solvolysis include monomers, intermediates, and valuable raw materials. The process includes hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis, and glycolysis.

- "Advanced Plastic Recycling Facility" means a manufacturing facility that receives, separates, stores and converts post-use polymers and recovered feedstocks using advanced recycling. An advanced plastic recycling facility is not a solid waste processing facility, solid waste management facility, materials recovery facility, waste-to-energy facility, or incinerator, but the facility is subject to inspections by the Mississippi Department of Environmental Quality to ensure compliance. Solid waste generated by an advanced plastic recycling facility is subject to all applicable laws and regulations for manufacturers relating to storage and disposal of solid waste.

- "Post-Use Polymer" means a plastic to which all of the following apply:

- ▶ It is derived from any residential, industrial, commercial, governmental, institutional, or agricultural activities.

- ▶ It is not mixed with solid waste or hazardous waste onsite or during processing at a depolymerization, gasification, pyrolysis, or solvolysis facility.

- ▶ Its use or intended use is as a feedstock for the manufacturing of feedstocks, raw materials, or other intermediate products or final products using depolymerization, gasification, pyrolysis, solvolysis or other similar technologies.

- ▶ It has been sorted from solid waste and other regulated waste but may contain residual amounts of solid waste such as organic material and incidental contaminants or impurities such as paper labels and metal rings.

- ▶ It is processed at a depolymerization, gasification, pyrolysis, or solvolysis facility or held at such facility prior to processing.

- "Recovered Feedstock" means a post-use polymer or a material for which the United States Environmental Protection Agency, or the Mississippi Department of Environmental Quality, has made a nonwaste determination under 40 CFR 241.3(c), or has otherwise determined is feedstock that has been sorted from other solid wastes so that it may be used as feedstock in an advanced plastics recycling facility or other recycling operations. Recovered feedstock does not include unsorted municipal solid waste or material(s) that has been mixed with solid waste or hazardous waste onsite or during processing at an advanced plastics recycling facility or other recycling operations.

HB 1214. Effective 7/1/22. Signed 3/23/22.

HB 1214 amends Section 53-11-3 to revise the legislative findings regarding geologic sequestration of carbon dioxide, to include that it is for the public benefit and in the public interest to promote projects for the secure geologic storage of carbon dioxide. The bill amends Section 53-11-5 to revise the definition of reservoir to include any other geologic formation suitable for or capable of being made suitable for the injection and storage of carbon dioxide therein. The bill amends Section 53-11-9 to clarify the state oil and gas board's authority when entering an order approving a geologic sequestration facility; to provide for a method for the board to enter a preliminary technical order approving any proposed geologic sequestration of carbon dioxide when a majority interest has not consented. The bill amends Section 53-11-11 to extend the time period, from 12 months to two years, during which a majority interest must have been approved in writing or the order requiring unit operation is automatically revoked. The bill amends Section 53-11-31 to revise the definition of an interested person regarding appeals to the chancery court.

ENVIRONMENT PROT, CONS AND WATER RES

SB 2158. Effective on passage. Signed 4/18/22.

SB 2158 provides that when underground storage tank fees are insufficient to cover administrative costs, the costs associated with administration of the Mississippi Groundwater Protection Trust Fund and related purposes shall be paid from the fund. The Mississippi Commission on Environmental Quality shall expend or utilize monies up to \$1,000,000 annually in the fund by an annual appropriation approved by the Legislature to supplement all reasonable direct and indirect costs associated with the development and administration of the Underground Storage Tank (UST) Program if the annual tank regulatory fee does not adequately cover the costs associated with the UST Program. All reasonable direct and indirect costs associated with development and administration of the UST Program, including, but not limited to, the reasonable costs of the following activities as they relate to the UST Program:

- (a) Preparing generally applicable regulations or guidance regarding the UST Program or its implementation or enforcement;
- (b) Administering the UST Program, including the supporting and tracking of UST owners/operators and associated UST systems, compliance with UST regulations, the fund, UST-certified contractors, tank fees and related data entry;
- (c) Implementing and enforcing the terms of the UST regulations; and
- (d) Investigation, assessment and rehabilitation of contamination sites with restoration or replacement of potable water supplies.

At no time shall an annual fund appropriation result in more than supplemental funding for the current annual cost of administering the UST Program.

FINANCE

SB 2063. Effective 7/1/22. Signed 4/19/22.

SB 2063 amends Section 67-1-5 to revise the definition of "qualified resort area" under the Local Option Alcoholic Beverage Control Law by adding 16 specified locations in the state. Seven of these are subject to the authority of the applicable municipality to specify the hours of operation of facilities offering alcoholic beverages for sale, to specify the percentage of revenue that such facilities must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and to designate the areas in which such facilities may be located. Section 67-1-16 is amended to provide that two of these new areas, both of them municipalities, must have qualified resort area status approved by local election before they may be designated qualified resort areas.

SB 2159. Effective 7/1/22. Signed 4/18/22.

SB 2159 enacts the Mississippi Flexible (mFlex) Tax Incentive Act. It establishes requirements and standards for a qualified business or industry applicant to be certified for and awarded an mFlex tax incentive by the Mississippi Development Authority (MDA) for a qualified economic development project. A qualified business or industry is a person or entity making a qualified minimum investment (at least \$2,500,000) in a qualified economic development project, which the bill defines to include a variety of manufacturing, warehouse and distribution, research and development, transportation, information processing, data center, technology and telecommunications enterprises.

The bill prescribes the means of calculating and applying the mFlex tax incentive and prohibits its utilization in combination with certain other incentives. Requirements and standards are set for annual reporting by a qualified business or industry and for modifications to prior tax incentive awards by the MDA, and deadlines are set for the utilization of the incentive. The bill authorizes audits by the Mississippi Department of Revenue (DOR) and sharing of certain information between state agencies regarding incentive awardees. The MDA is granted exclusive jurisdiction to certify, award and make adjustments to an mFlex tax incentive. Both the MDA and the DOR may promulgate rules and regulations to implement the bill.

Sections 27-7-309, 27-13-5, 27-13-7, 27-67-17 and 27-7-22 are amended to authorize the application of an mFlex tax incentive as a credit to offset liability for withholding tax, franchise tax, use tax and income tax. Section 27-7-311 is amended to exclude, from an employer's annual statement of withholding for each employee, any mFlex tax credit taken by the employer. Section 27-65-93 is amended to require the DOR to issue a direct pay permit to a qualified business or industry awarded an mFlex tax incentive. Section 57-1-14 is amended to delay or preclude certain information provided in mFlex applications and annual reports from disclosure under the Mississippi Public Records Act of 1983.

From and after January 1, 2023, if the amount of any mFlex tax incentive or other incentive that a qualified business or other entity is eligible to receive under the Mississippi Flexible Tax Incentive Act is less than the amount of the mFlex tax incentive or other incentive that the qualified business or other entity would have been eligible to receive or to use if the mFlex tax incentive or other incentive had been calculated using any applicable income tax rates in Section 27-7-5 that

were in effect before January 1, 2023, then the qualified business or other entity shall receive a grant from the MDA equal to the difference between the two amounts. The same provision is applied to incentive payments under the Mississippi Advantage Jobs Act and Mississippi Major Economic Impact Withholding Rebate Incentive Program, as reflected in amendments to Sections 57-62-9, 57-62-11, 57-99-1, 57-99-3 and 57-99-5.

SB 2223. Effective on passage. Signed 4/14/22.

SB 2223 authorizes the issuance of distinctive motor vehicle license tags to supporters of the 2021 National Championship Bulldogs. Of the \$50 additional fee for the special tag, an amount of \$44 is distributed to the Mississippi State University Foundation. (The remainder is distributed in accordance with the standard breakdown for special tags: \$2 to the county tax collector, \$1 to the Mississippi Burn Care Fund, \$2 to the State Highway Fund, and \$1 to the special fund to help the Department of Revenue defray the expenses of administering the motor vehicle privilege and excise tax laws.)

SB 2507. See summary under Highways and Transportation heading.

SB 2747. Effective on passage. Signed 4/18/22.

SB 2747 amends a section of the Mississippi Native Spirit Law enacted in the 2021 Regular Session to correct an error in the amount indicated for the privilege license tax for manufacturers of native spirits. Section 27-71-5(1)(d) sets the amount as \$300 per 1,000 gallons or part thereof produced. However, Section 67-11-11 had not been conformed to that amount, so this bill makes the conforming amendment.

SB 2769. Effective 7/1/22. Signed 3/22/22.

SB 2769 amends Section 27-31-1 to exempt the following from ad valorem taxation:

- All property belonging to any foundation organized as a nonprofit corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and that receives, invests and administers private support for a state-supported institution of higher learning, a public community college or junior college located in this state or a nonprofit private university or college located in this state, or by any entity wholly owned and wholly controlled by such a foundation; and

- All property belonging to a federally qualified health center, where all the income from the center is used entirely for health center purposes and no part for profit.

SB 2770. Effective 7/1/22. Signed 4/18/22.

SB 2770 amends Section 27-7-22.40 to extend to January 1, 2026, the repeal date on the income tax job credit for enterprises primarily engaged in providing inland water transportation of cargo on lakes, rivers and intracoastal waterways for each full-time employee employed by the enterprise in a Mississippi full-time job.

SB 2773. Effective 7/1/22. Signed 3/26/22.

SB 2773 amends Section 57-73-21 to extend to July 1, 2025, the repeal date on the income tax credit for any company that transfers or relocates its national or regional headquarters to Mississippi from outside the state.

SB 2831. Effective on passage. Signed 3/28/22.

SB 2831 creates the Taxation of Remote and Internet-Based Computer Software Products and Services Study Committee to examine and develop recommendations regarding the taxation of remote and internet-based computer software products and services under the Mississippi Sales Tax Law and the Mississippi Use Tax Law. The committee is composed of five members and shall, at a minimum, study and report to the Legislature by October 1, 2022, its findings regarding the taxation of remote and the internet-based computer software products and services under the Mississippi Sales Tax Law and the Mississippi Use Tax Law and its recommendations as to which products and services should be taxable and the manner in which the products and services should be taxed.

SB 2832. Effective on passage. Signed 3/11/22.

SB 2832 amends the chapter laws from the 2021 Regular Session to revise the purposes for which the proceeds of bonds authorized to be issued for the 2021 IHL Capital Improvements Fund may be used with respect to a Mississippi State University project. The revised purposes go beyond construction, furnishing and equipping of facilities to house the College of Architecture, Art and Design, adding repair and renovation, as well as acquisition of property. A reference to a new building is removed. The bill does not change the authorized bonding amount.

SB 2841. Effective 7/1/22. Signed 3/26/22.

SB 2841 amends Section 57-75-15 to extend to July 1, 2025, the reverter on the provision of law granting the State Bond Commission the authority to determine the appropriate method for the sale of bonds, including the negotiation of the sale of bonds as an alternative to the issuance and sale of bonds on sealed bids at public sale.

SB 2844. Effective 7/1/22. Signed 4/19/22.

SB 2844 reforms warehouse and distribution operations for the Department of Revenue's Alcoholic Beverage Control (ABC) Division. The bill directs the Department of Finance and Administration (DFA) to provide for the design and construction of a new ABC warehouse in the Jackson metropolitan area, using monies in the ABC Warehouse Construction Fund created in the bill. The design shall aim to fill demand for the next 25 years. In choosing a site, the DFA is to consider the feasibility of selecting state-owned land by comparing the cost of preparing the state-owned land for construction to the cost of acquiring other land and preparing it for construction.

The bill also directs the Department of Revenue (DOR) to contract for warehouse and distribution operations. The contract term is four years, except that the initial contract will terminate on the last day of the use of the warehouse in service on July 1, 2022, if that date is earlier. A request for proposals will be necessary whenever a contract is not renewed, but up to two optional renewals are allowed before a new request for proposals will be required. The determination as to whether to renew a contract will be made with reference to quality and efficiency criteria developed by the DOR. The shipping contract in effect on July 1, 2022, will remain in effect until the expiration of its term.

Under the operations contract, all employees needed for operations shall be employees of the warehouse operator. The DOR will pay regular maintenance expenses and reimburse the operator for services performed under the contract out of monies appropriated by the Legislature. The operator will be paid cost-plus on operations at a set dollar amount per case of alcoholic beverages sold and will be allotted a monthly spending limit for occasional improvements. The state may review the operator's spending, and the operator must obtain prior state approval for any spending over the monthly limit set in the contract. The operator may pay out of pocket, in which case the state will reimburse the operator on a monthly basis out of monies in the ABC Warehouse Improvements Fund created in the bill.

The Commissioner of Revenue is required to develop a plan, to be submitted to the Governor and the Legislature for review and comment, demonstrating the method by which the state would resume control of the warehouse upon termination of the contract. The Commissioner of Revenue will be responsible for designating an existing DOR employee as a contract compliance officer to monitor the contract for warehouse and distribution operations and for assuring operator compliance with its performance work statement. The contract compliance officer will report at least annually, or as requested, to the Governor and the Legislature.

A few special funds are created in the State Treasury to help to effectuate the purposes of the bill. The ABC Warehouse Construction Fund will assist the DFA in paying the costs of land acquisition for, and the design, construction, furnishing and equipping of, the new warehouse. The issuance of revenue bonds in the amount of \$55,000,000 is authorized for the ABC Warehouse Construction Fund. A special bond sinking fund is set

up to assist the state in paying the debt service on these bonds. Section 27-71-11 is amended to direct the DOR to charge manufacturers a \$1 bailment fee, the proceeds of which will be deposited into the bond sinking fund, for each case of alcoholic beverages stored in the warehouse. If the bond sinking fund has a balance below the minimum amount specified in the resolution providing for the issuance of the bonds, or below 1-1/2 times the amount needed to pay the annual debt obligations related to the bonds, whichever is less, the Commissioner of Revenue shall transfer the deficit amount to the bond sinking fund from revenue derived from the 27-1/2% markup provided for in Section 27-71-11. Unexpended amounts remaining in the bond sinking fund at the end of a fiscal year will not lapse into the State General Fund. However, if the bond sinking fund has a balance in excess of the amount needed to pay the debt service and meet the obligations related to the bonds, the excess monies will be transferred to the State General Fund.

In addition, the bill creates the ABC Warehouse Improvements Fund to assist the DOR in paying the costs of occasional maintenance, repairs, upgrades and other improvements for the warehouse and its equipment. Section 27-71-11 is amended to direct the DOR to add a \$0.25 charge, the proceeds of which will be deposited into the ABC Warehouse Improvements Fund, to the cost of each case of alcoholic beverages shipped. Unobligated monies above \$10,000,000 in the ABC Warehouse Improvements Fund at the end of a fiscal year will be transferred to the State General Fund.

Section 27-71-11 is further amended to specify that the DOR will remain responsible for purchasing and selling alcoholic beverages, the pricing of which is to be set by the addition of the markup and taxes to the price at which they were purchased by the DOR. In addition, the DOR will set a per-case shipping

fee, the proceeds of which will be deposited into the ABC Shipping Fund, to be charged to permittees. The fee shall be adjusted to match shipping costs as closely as possible. Finally, the DOR will determine the minimum number of cases needed for an order to qualify for shipping. Orders below the minimum, and special orders, will be added to the permittee's next qualified shipment.

Sections 27-65-5 and 27-65-25 are amended to remove the sales tax on wholesale purchases of alcoholic beverages. Section 67-1-51 is amended to revise certain distance restrictions on the sale and storage of alcoholic beverages and to make conforming amendments, which are made also to Sections 67-1-5, 67-1-19, 67-1-33, 67-1-41 and 67-1-43.

SB 2846. Effective 7/1/22. Signed 3/26/22.

SB 2846 amends Section 57-10-449 to extend to October 1, 2025, the repeal date on the authority of the Mississippi Business Finance Corporation to issue bonds to finance economic development projects in order to induce the location or expansion of businesses within the State of Mississippi, as well as on the income tax credit for companies for debt service paid under financing agreements entered into with the Mississippi Business Finance Corporation. The code sections containing these substantive provisions of law, Sections 57-10-401 through 57-10-447 and Section 27-7-22.3, are reenacted.

SB 3150. Effective on passage. Signed 3/22/22.

SB 3150 amends the chapter laws from the 2013 and 2020 Regular Sessions to increase by \$20,000,000 the amount of bonds authorized to be issued for the Hinds County Development Project Loan Fund. In addition, the bill authorizes loans from the fund to assist Hinds County in funding the development and construction of infrastructure improvements, including a structured parking facility, and other improvements associated with an entertainment development project.

HB 175. Effective 7/1/22. Signed 3/17/22.

HB 175 amends Section 69, Chapter 480, Laws of 2021, to revise the purposes for which the proceeds of bonds authorized to be issued to assist the City of Hazlehurst in paying costs associated with construction of a community center/emergency storm shelter and related facilities may be used. The bill provides that the bond proceeds also may be used for costs associated with furnishing and equipping the project.

HB 192. Effective on passage. Signed 3/17/22.

HB 192 amends Section 27-19-53 to revise the requirement for two motor vehicle license plates or tags and one motorcycle license plate or tag for disabled veterans from 100% permanent service-connected disability to 75% permanent service-connected disability.

HB 252. Effective 7/1/22. Signed 3/17/22.

HB 252 increases from 10% to 20% the maximum percentage of investments of the Public Employees' Retirement System that may be in the form of a separate account managed by a Securities and Exchange Commission registered investment advisory firm retained as an investment manager by the board of trustees of the system

or a limited partnership or commingled fund approved by the board of trustees.

HB 256. Effective 7/1/22. Signed 3/26/22.

HB 256 provides that if a manufactured home or mobile home is relocated from one county to another county, then the owner of the manufactured home or mobile home, within 21 days after the relocation, must provide notice to the tax collector of the county from which the manufactured home or mobile home was relocated.

HB 446. Effective 7/1/22. Signed 4/18/22.

HB 446 authorizes the issuance of distinctive motor vehicle license tags to supporters of the following:

- Mississippi Main Street Association;
- Gautier athletics;
- South Jones Touchdown Club;
- Starkville Academy athletics;
- Girl Scouts of Greater Mississippi;
- Pro-Life Billboard Initiative;
- Lung cancer awareness;
- Mississippi Association of Nurse Practitioners;
- Seabee Historical Foundation;
- Saint Stanislaus College in Bay Saint Louis;
- Vancleave Live Oak Choctaw;
- Morton High School;
- Forest Municipal School District;
- Lake High School;
- Scott Central Attendance Center;
- Sebastopol Attendance Center;
- East Rankin Academy;

- Houston High School;
- Magnolia Heights School;
- Regents School of Oxford;
- The Garden Clubs of Mississippi, Inc.;
- Baptist Health Foundation, Inc.;
- Greene County Wildcats; and
- Mississippi Disc Golf.

The bill reauthorizes the issuance of distinctive motor vehicle license tags that display the emblems of universities located in other states by extending the time within which the required number of license tags must be presold before they may be issued. It also reauthorizes the issuance of the following distinctive motor vehicle license tags by extending the time within which the required number of license tags must be presold before they may be issued to supporters of:

- The MIND Center at the University of Mississippi Medical Center;

- Callaway High School;
- Jim Hill High School;
- Meridian High School;
- Children's Advocacy Centers of Mississippi;
- The Memphis Grizzlies professional basketball team (also reduces the fee for the tag from \$50 to \$30 and revises the distribution of the fees); and

- Mississippi Book Festival.

The bill also:

- Provides for the name and emblem of each branch of the United States Armed Forces to be on the distinctive motor vehicle license tag for disabled veterans;

- Revises the distribution of fees collected from the issuance of breast cancer awareness distinctive motor vehicle license tags;
- Amends the section of law that authorizes the issuance of distinctive motor vehicle license tags to supporters of the Mississippi Law Enforcement Officers' Association, to authorize the issuance of distinctive motorcycle license tags to such persons;
- Authorizes the issuance of distinctive motor vehicle license tags to persons who are honorably discharged female veterans of the United States Armed Forces identifying them as female veterans;
- Revises the type of evidence a person may present when applying for a distinctive motor vehicle or motorcycle license tag identifying the person as a veteran;
- Amends the section of law authorizing the issuance of distinctive motor vehicle license tags to members and certain former members of the Legislature, to authorize the issuance of a replica tag to such persons; and
- Amends the section of law authorizing personalized motor vehicle license tags to provide that, as an alternative to a personalized tag being of the same color as regular license tags, a person may choose a personalized tag with a black background and a white pinstripe border, with "Mississippi" printed at the top and the name of the county printed at the bottom. The bill provides for an additional fee of \$50 for the issuance of such tags and provides for the distribution of the additional fee.

HB 470. Effective 7/1/22. Signed 4/14/22.

HB 470 extends to July 1, 2025, the date of the repealer on the sales tax exemption for sales of tangible personal property and services to the Mississippi's Toughest Kids Foundation for use in the construction, furnishing and equipping of buildings and related facilities and infrastructure at Camp Kamassa in Copiah County.

HB 474. Effective 7/1/22. Signed 4/18/22.

HB 474 extends to July 1, 2025, the date of the repealer on the Mississippi Health Care Industry Zone Act. It also:

- Extends the date of the reverter on the provisions of law authorizing county boards of supervisors and municipal governing authorities to grant an ad valorem tax exemption to health care industry facilities as defined in the Mississippi Health Care Industry Zone Act,

- Extends the date of the reverter on the provisions of law authorizing county boards of supervisors and municipal governing authorities to grant a fee-in-lieu of ad valorem taxes to qualified businesses as defined in the Mississippi Health Care Industry Zone Act which meet minimum criteria established by the Mississippi Development Authority, and

- Extends the date of the repealer on the provision of law exempting from sales taxation sales of materials used in the construction of, or addition or improvements to, a health care industry facility as defined in the Mississippi Health Care Industry Zone Act and certain sales of machinery and equipment to be used in the facility.

HB 531. Effective 7/1/22. Signed 4/5/22.

HB 531 creates the Mississippi Tax Freedom Act of 2022. The bill reduces the state income tax on the taxable income of individuals as follows:

- For calendar year 2023 and all calendar years thereafter, there will be no tax levied on the taxable income of individuals in excess of \$5,000 up to and including \$10,000, or any part thereof; and

- For calendar year 2024 and all calendar years thereafter, the tax imposed on all taxable income of individuals in excess of \$10,000 will be at the following rates:

- ▶ For calendar year 2024, 4.7%;
- ▶ For calendar year 2025, 4.4%; and
- ▶ For calendar year 2026 and all calendar years

thereafter, 4%.

The bill also specifies the intent that, before calendar year 2026, the Legislature will consider whether the revised individual income tax rates provided for in the bill will be further decreased after calendar year 2026. If the tax rates are further decreased to the extent that there is no tax levied on the taxable income of individuals, the individual income tax will stand repealed.

HB 684. Effective 7/1/22. Signed 3/26/22.

HB 684 extends to July 1, 2025, the date of the repealer on the Small Business and Grocer Investment Act.

HB 918. Effective 7/1/22. Signed 4/14/22.

HB 918 authorizes the issuance of a food truck permit under the Local Option Alcoholic Beverage Control Law. A food truck permit will authorize the holder of an on-premises retailer's permit to use a food truck to sell alcoholic beverages off its

premises to guests, who must consume the beverages in open containers. For the purposes of the permit, the term "food truck" means a fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport, and from which a vendor, standing within the frame of the establishment, prepares, cooks, sells and serves food for immediate human consumption. The term "food truck" does not include a food cart that is not motorized.

Food truck permit holders must maintain the same distance requirements from schools, churches, kindergartens and funeral homes as are required for on-premises retailer's permittees, and all sales must be made within a valid leisure and recreation district established under Section 67-1-101. Food trucks cannot sell or serve alcoholic beverages unless also offering food prepared and cooked within the food truck, and permittees must maintain a 25% food sale revenue requirement based on the food sold from the food truck alone. The hours allowed for sale will be the same as those for on-premises retailer's permittees in the location. Permittees must provide notice of not less than 48 hours to the Department of Revenue of each location at which alcoholic beverages will be sold.

The annual privilege license tax for a food truck permit is \$100.

The bill also provides that the restrictions on the sale or storage of alcoholic beverages within certain distances from churches, schools, kindergartens and funeral homes do not apply to a theatre facility that features plays and other theatrical performances and productions and (a) is capable of seating more than 750 people, (b) is owned by a municipality which has a population greater than 10,000 according to the latest federal decennial census, (c) was constructed prior to 1930, (d) is on

the National Register of Historic Places and (e) is located in a historic district.

HB 1098. See summary under County Affairs heading.

HB 1108. Section 1 effective 1/1/22, remaining sections effective 7/1/22. Signed 4/21/22.

HB 1108 authorizes an income tax credit for certain railroad reconstruction or replacement expenditures and for certain new rail infrastructure expenditures made by taxpayers that are Class II or Class III railroads. A taxpayer will be allowed a credit for an amount equal to the lesser of 50% of the taxpayer's qualified railroad reconstruction or replacement expenditures for the taxable year or the product of \$5,000 multiplied by the number of miles of railroad track owned or leased within the State of Mississippi by the taxpayer as of the close of the taxable year. For qualified new rail infrastructure expenditures, the credit will be for an amount equal to the lesser of 50% of a taxpayer's qualified new rail infrastructure expenditures for the taxable year, capped at \$1,000,000 per new rail-served customer project. The credit cannot exceed the taxpayer's income tax liability for the taxable year. Any credit claimed but not used in any taxable year may be carried forward for five consecutive years from the close of the taxable year in which the credit was earned. The aggregate amount of credits that may be claimed by all taxpayers claiming a credit during a calendar year cannot exceed \$8,000,000.

A taxpayer may transfer by written agreement any unused credit to an eligible transferee (any taxpayer having a liability for state income tax) at any time during the year in which the credit is earned and the five years following the taxable year in which the qualified railroad reconstruction or

replacement expenditures or the qualified new rail infrastructure expenditures are made. The taxpayer and the eligible transferee must jointly file a copy of the written transfer agreement with the Department of Revenue within 30 days of the transfer. The written agreement must contain the: (a) name, address and taxpayer identification number of the parties to the transfer; (b) taxable year the taxpayer incurred the qualified railroad reconstruction or replacement expenditures or the qualified new rail infrastructure expenditures; (c) amount of credit being transferred; and (d) taxable year or years for which the credit may be claimed by the eligible transferee.

The section of law authorizing the credit will be repealed on January 1, 2024.

The bill defines the following terms for the purposes of the credit:

- "Qualified railroad reconstruction or replacement expenditures" means gross expenditures for maintenance, reconstruction or replacement of railroad infrastructure, including track, roadbed, bridges, industrial leads and sidings, and track-related structures owned or leased by a Class II or Class III railroad in Mississippi as of January 1, 2022.

- "Qualified new rail infrastructure expenditures" means gross expenditures for new construction of industrial leads, switches, spurs and sidings and extensions of existing sidings, for serving new customer locations or expansions in Mississippi, by a Class II or Class III railroad located in Mississippi.

The bill amends the section of law authorizing county boards of supervisors and municipal governing authorities to enter agreements with certain enterprises granting a fee-in-lieu of ad valorem taxes, to revise the minimum amount allowable as a fee-in-lieu for certain renewable energy projects. For a

project that is eligible for an ad valorem tax exemption under Section 27-31-46 and for which a fee-in-lieu agreement is entered before July 1, 2023, the minimum amount allowable as a fee-in-lieu of ad valorem tax cannot be less than 1/10 of the ad valorem levy or ad valorem taxes payable, as applicable, instead of the 1/3 minimum allowed for other projects.

The bill authorizes county boards of supervisors and municipal governing authorities to provide an exemption from ad valorem taxes for a project that is eligible for an ad valorem tax exemption under Section 27-31-46, and for which initial construction begins on or after July 1, 2022, but not later than December 31, 2024. For such a project, 1/2 of the true value of property of the project that is subject to a fee-in-lieu of ad valorem taxes may be exempted by a county board of supervisors and/or municipal governing authorities from ad valorem taxation for a period of ten years from and after the date of the expiration of the fee-in-lieu of ad valorem taxes. Any such exemption from ad valorem taxation must be authorized by the county board of supervisors and/or municipal governing authorities before July 1, 2023.

The bill authorizes county boards of supervisors and municipal governing authorities to provide a partial ad valorem tax exemption for property used for nonresidential purposes that is converted to residential use. For nonresidential use property that is converted to residential use, the board of supervisors of a county and/or governing authorities of a municipality may exempt the assessed value of the property in an amount equal to the difference between the assessed value of the property for residential use and the assessed value of the property for nonresidential use. The exemption will end at such time as the property is occupied by a homeowner; however, if the property consists of a number of parcels upon which residences

are being constructed, the exemption will continue for each parcel until the residence constructed upon the parcel is occupied by a homeowner.

HB 1162. Effective 7/1/22. Signed 4/18/22.

HB 1162:

- Extends to December 31, 2025, the repeal date on the sections of law providing an income tax credit for taxpayers using the port facilities at state, county and municipal ports for the export of cargo and requiring the Mississippi Development Authority to report annually to the Legislature regarding the impact of the credit.

- Extends to July 1, 2025, the repeal date on the sections of law providing an income tax credit for taxpayers using the facilities at public airports for the export or import of cargo and requiring the Mississippi Development Authority to report annually to the Legislature regarding the impact of the credit.

HB 1163. Effective 7/1/22. Signed 4/22/22.

HB 1163 provides that, regardless of whether a county adopts or has adopted certain construction codes, a county shall require permitting as a condition to construction within the unincorporated areas of the county, and such permits shall contain, on their face, in conspicuous print, (a) the contractor's material purchase certificate number to the extent furnished by the Department of Revenue pursuant to Section 27-65-21(4) or the contractor's Taxpayer Identification Number as furnished by the Internal Revenue Service (either a copy of such material purchase certificate furnished by the Department of Revenue, or a copy of the contractor's W-9, as the case may be, will be required to be provided to the county as part of the prime contractor's application for such permit, prior to the issuance of the permit), and (b) the contractor's license or

certificate of responsibility number as required by either Section 31-3-14 et seq., 51-5-1 et seq. or 73-59-1 et seq. The bill provides the same requirement for municipalities regarding permitting as a condition to construction within a municipality's jurisdiction.

The bill amends sections of law regulating residential builders and remodelers to:

- Define the following terms:

- ▶ "Construction manager" means any person or entity, other than a residential builder, remodeler or owner, who has a contract or agreement with the owner of the property for residential construction or residential improvement, no matter if that owner himself is the general contractor or a holder of a building permit.

- ▶ "Residential solar contractor" means any person or entity who installs, modifies, maintains and repairs thermal and photovoltaic solar energy systems.

- Revise the persons or entities that must be licensed by the State Board of Contractors under such laws to include:

- ▶ Persons or entities acting in the capacity of a residential builder;

- ▶ Persons or entities acting in the capacity of a residential remodeler;

- ▶ Persons or entities acting in the capacity of a construction manager through a contract or an agreement with the owner of the property being improved or constructed upon;

- ▶ Any subcontractor, of any tier, performing electrical, plumbing, mechanical or HVAC work, on any residential construction or residential improvement project, no matter the dollar amount of the construction or improvements;

and

▶ Persons or entities acting in the capacity of a residential solar contractor.

The bill provides penalties for any person or entity listed above who undertakes or attempts to undertake the business of residential construction or improvement without having a valid license or who knowingly presents to the State Board of Contractors, or files with the board, false information for the purpose of obtaining such license. It also provides that any person or entity listed above who is required to have a license but who does not have the license at the time construction, building or remodeling services are rendered may not bring any action to enforce any contract for residential building or remodeling or to enforce a sales contract, but instead will be allowed to recover as damages only actual documented expenses for labor, materials or both, incurred as a result of the construction, building or remodeling services rendered, but only for those expenses which can be shown by clear and convincing evidence.

The bill also provides that certain persons to which the sections of law regulating residential builders and remodelers do not apply cannot make more than one application (two applications allowed under prior law) for a permit to construct a single residence or shall not construct more than one single residence (two single residences allowed under prior law) within a period of one year.

HB 1164. Effective on passage. Signed 3/26/22.

HB 1164 amends Section 57-10-601, which designates the Mississippi Development Authority as the agency to implement a state program and participate in the federal State Small

Business Credit Initiative Act of 2010, to update citations to federal law.

HB 1430. Effective 7/1/22. Signed 4/14/22.

HB 1430 authorizes an owner of a motor vehicle to transfer the owner's interest in the motor vehicle to a beneficiary effective on the owner's death by designating a beneficiary. A beneficiary designation is:

- Revocable and may be changed at any time without the consent of the designated beneficiary;
- A nontestamentary instrument; and
- Effective without notice or delivery to or acceptance by the designated beneficiary during the owner's life or consideration.

If a motor vehicle that is the subject of a beneficiary designation is owned by joint owners with right of survivorship, the beneficiary designation must be made by all of the joint owners. A beneficiary designation made by joint owners with right of survivorship may be revoked or changed only if it is revoked or changed by all of the joint owners and may be revoked or changed by the last surviving joint owner.

A will may not revoke or supersede a beneficiary designation, regardless of when the will is made. A designated beneficiary may disclaim the designated beneficiary's interest in the motor vehicle.

During a motor vehicle owner's life, a beneficiary designation does not:

- Affect an interest or right of the owner making the designation, including the right to transfer or encumber the motor vehicle that is the subject of the designation;
- Create a legal or equitable interest in favor of the designated beneficiary in the motor vehicle that is the subject

of the designation, even if the beneficiary has actual or constructive notice of the designation;

- Affect an interest or right of a secured or unsecured creditor or future creditor of the owner making the designation, even if the creditor has actual or constructive notice of the designation; or

- Affect an owner's or the designated beneficiary's eligibility for any form of public assistance, subject to applicable federal law.

HB 1529. Effective 1/1/20. Signed 3/17/22.

HB 1529 revises the definition of gross income under the state income tax law to exclude:

- Amounts received as advances and/or grants under the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act;

- Any and all cancelled indebtedness provided for under the Consolidated Appropriations Act of 2021;

- Amounts received as grants under the Shuttered Venue Operators Grant Program and Restaurant Revitalization Fund authorized by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, and amended by the American Rescue Plan Act; and

- Amounts received as grants under the Mississippi Agriculture Stabilization Act.

The bill amends Section 27-7-17 to provide a state income tax deduction for otherwise deductible expenses if:

(a) The payments for such deductible expenses are made with the grant or loan program of the Paycheck Protection Program as authorized under the (i) Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Consolidated

Appropriations Act of 2021, (ii) COVID-19 Economic Injury Disaster Loan Program, (iii) 2020 COVID-19 Mississippi Business Assistance Act, (iv) Rental Assistance Grant Program, (v) Shuttered Venue Operators Grant Program and Restaurant Revitalization Fund authorized by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, and amended by the federal American Rescue Plan Act, or (vi) Mississippi Agriculture Stabilization Act; and

(b) Such deductible expenses shall be allowed as deductions for federal income tax purposes.

Some of these expenses were previously allowed as a deduction under Section 57-121-7.

HB 1685. Section 4 effective 1/1/20, Section 2 effective 1/1/23, remaining sections effective 1/1/22. Signed 4/21/22.

HB 1685 authorizes an income tax credit and an insurance premium tax credit for voluntary cash contributions made by certain taxpayers to eligible charitable organizations. The credit is available only to a taxpayer that is a business enterprise engaged in commercial, industrial or professional activities and operating as a corporation, limited liability company, partnership or sole proprietorship. For such a taxpayer that is not operating as a corporation, a credit is also allowed against ad valorem taxes assessed and levied on real property for voluntary cash contributions made by the taxpayer to an eligible charitable organization. The amount of credit that may be used by a taxpayer in a taxable year is limited to (i) an amount not to exceed 50% of the total income tax or insurance premium tax liability of the taxpayer for the taxable year and (ii) an amount not to exceed 50% of the total tax liability of the taxpayer for ad valorem taxes assessed and

levied on real property. Any credit claimed but not used in any taxable year may be carried forward for five consecutive years from the close of the tax year in which the credit was earned.

An "eligible charitable organization" is an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and is a pregnancy resource center or crisis pregnancy center eligible to receive funding disbursed by the Choose Life Advisory Committee under Section 27-19-56.70, 27-19-56.277 or 27-19-56.412.

For the purposes of using a credit against ad valorem taxes, a taxpayer will present to the appropriate tax collector the credit documentation provided to the taxpayer by the Department of Revenue, and the tax collector will apply the credit against the ad valorem taxes. The tax collector will forward the credit documentation to the Department of Revenue along with the amount of the credit applied against ad valorem taxes, and the department will disburse funds to the tax collector for the amount of the credit applied against ad valorem taxes.

The aggregate amount of credits that may be allocated by the Department of Revenue during a calendar year cannot exceed \$3,500,000. For credits allocated during a calendar year, no more than 50% of the credits may be allocated for contributions to a single eligible charitable organization.

A contribution for which a credit is claimed may not be used as a deduction by the taxpayer for state income tax purposes.

The bill amends Section 27-7-22.41 to:

- Revise the definition of the term "eligible charitable organization" under this section;

- Add as part of an eligible charitable organization's required written certification a statement that the funds generated from the credit under this section will be used for educational resources, staff and expenditures or other purposes described in this section;

- Increase by \$2,000,000, beginning in calendar year 2023, the aggregate amount of credits that may be allocated under this section during a calendar year;

- Delete provisions that require a certain portion of credits that may be allocated under this section to be available solely for allocation for contributions to certain eligible charitable organizations; and

- Revise the percentage of credits that may be allocated during a calendar year for contributions to certain eligible charitable organizations.

The bill authorizes an income tax credit for taxpayers for blood donations made by employees of a taxpayer during a blood drive. For calendar years 2022 and 2023, a taxpayer that is an employer will be allowed an income tax credit for each verified blood donation made by an employee as part of a blood drive. The credit will be for an amount equal to \$20 for each verified donation. The credit cannot exceed the amount of the taxpayer's income tax liability for the taxable year. The maximum aggregate amount of credits that may be claimed by all taxpayers claiming a credit in a taxable year cannot exceed \$100,000. The Department of Revenue will annually calculate and publish a percentage by which the credit will be reduced so the maximum aggregate amount of credits claimed by all taxpayers claiming a credit in a taxable year does not exceed \$100,000. The bill defines the following terms for the purposes of the credit:

- "Blood donation" means the voluntary and uncompensated donation of whole blood, or specific components of blood, by an employee, drawn for use by a nonprofit blood bank organization as part of a blood drive.

- "Blood drive" means a function held at a specific date and time which is organized by a nonprofit blood bank organization in coordination with an employer or group of employers and is closed to nonemployees.

- "Employee" means an individual employed by an employer authorized to claim a credit under the bill.

- "Employer" means a sole proprietor, general partnership, limited partnership, limited liability company, corporation or other legally recognized business entity.

- "Verified donation" means a blood donation by an employee, made during a blood drive, which can be documented by an employer.

The bill amends Section 27-7-17 to provide a state income tax deduction for otherwise deductible expenses if:

(a) The payments for such deductible expenses are made with the grant or loan program of the Paycheck Protection Program as authorized under the (i) Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Consolidated Appropriations Act of 2021, (ii) COVID-19 Economic Injury Disaster Loan Program, (iii) 2020 COVID-19 Mississippi Business Assistance Act, (iv) Rental Assistance Grant Program, (v) Shuttered Venue Operators Grant Program and Restaurant Revitalization Fund authorized by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, and amended by the federal American Rescue Plan Act, and/or (vi) Mississippi Agriculture Stabilization Act; and

(b) Such deductible expenses shall be allowed as deductions for federal income tax purposes.

Some of these expenses were previously allowed as a deduction under Section 57-121-7.

HB 1691. Effective 1/1/22. Signed 4/14/22.

HB 1691 authorizes any partnership, S corporation or similar pass-through entity to elect to be taxed as an electing pass-through entity and pay state income tax at the entity level.

A partnership, S corporation or similar pass-through entity desiring to be taxed as an electing pass-through entity must submit the appropriate form to the Department of Revenue at any time during the tax year or on or before the fifteenth day of the third month following the close of that taxable year for which the entity elects to be taxed as an electing pass-through entity. This election will be binding for that taxable year and all taxable years thereafter and will not be revoked unless the electing pass-through entity submits the appropriate form to the Department of Revenue at any time during a subsequent taxable year or on or before the fifteenth day of the third month following the close of the taxable year for which the entity elects to no longer be taxed as an electing pass-through entity. The election to become an electing pass-through entity and the revocation of that election will be accomplished by a vote by or written consent of the members of the governing body of the entity as well as a vote by or written consent of the owners, members, partners or shareholders holding greater than 50% of the voting control of the entity.

Each owner, member, partner or shareholder of an electing pass-through entity will report his or her pro rata or distributive share of the income of the electing pass-through

entity but will not be liable for income tax on such pro rata or distributive share of the income of the electing pass-through entity. Each owner, member, partner or shareholder of an electing pass-through entity will be allowed a credit against income taxes in an amount equal to his or her pro rata or distributive share of tax paid by the electing pass-through entity with respect to the corresponding taxable year.

The adjusted basis of the owners, members or partners of an electing pass-through entity in their ownership interests in the entity will be calculated without regard to the election.

FORESTRY

SB 2519. Effective 7/1/22. Signed 4/14/22.

SB 2519 clarifies provisions regarding the illumination of loads extending beyond the rear of vehicles. Section 63-7-47 is amended to specify that, during the period described in Section 63-7-11 (from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of 500 feet ahead), any vehicle transporting a load of timber products that extends four feet or more beyond the rear or body of that vehicle shall have affixed as close as practical to the end of the load a rotating or oscillating amber strobe-type lamp or light-emitting diode light. Section 63-5-19 is amended to conform to this provision.

HIGHWAYS AND TRANSPORTATION

SB 2481. Effective on passage. Signed 3/11/22.

SB 2481 designates the following memorial highways:

- The segment of Mississippi Highway 488 in Leake County, Mississippi, beginning at its intersection with Highway 35 and extending east to Whit Alford Road, as the "Hunky Cross Highway in Memory of Austin Morrow and Others that Have Lost Their Lives";
- The segment of U.S. Highway 84 in Franklin County, Mississippi, beginning one-half mile east of its intersection with Log Cabin Road and extending east to its intersection with Higginbotham Road, as the "Mark 'Peanut' Youngblood Memorial Highway";
- The segment of Mississippi Highway 334 in Oxford, Mississippi, beginning at the bridge passing over U.S. Highway 278/Mississippi Highway 6 and extending north to University Avenue, as the "Leonard E. Thompson Memorial Highway"; and
- The segment of Mississippi Highway 30 in Oxford, Mississippi, beginning at the bridge passing over Mississippi Highway 7 and extending east to County Road 207, as the "Nathan Hodges, Jr., Memorial Highway."

The bill also amends Section 9, Chapter 450, Laws of 2020, as amended by Section 1, Chapter 365, Laws of 2021, which designates a segment of Mississippi Highway 42 in Greene County, Mississippi, as the "Deputy U.S. Marshal Jake Green and Greene County Deputy Lawrence Dunnam Memorial Highway, EOW April 1, 1921," to set the end of the memorial highway segment at the Greene County and Perry County line.

SB 2507. Effective on passage. Signed 4/19/22.

Under current law, repayments to a private entity that advances funds to the Mississippi Transportation Commission may not include interest or other fees or charges, and the total amount repaid shall not exceed the total amount of funds advanced to the commission by the entity. This bill amends Section 65-1-8 to apply the same provision to repayments of funds advanced to the commission by a public entity. The act specifies, however, that this new application does not invalidate existing agreements or impair the commission's ability to service, refinance or restructure indebtedness incurred through existing agreements.

SB 2508. Effective 7/1/22. Signed 4/18/22.

SB 2508 authorizes and provides for the regulation of personal delivery devices in pedestrian areas. Under Section 63-3-103, a personal delivery device is defined as a device: solely powered by an electric motor; intended to be operated primarily on sidewalks, crosswalks, and other pedestrian areas to transport cargo; intended primarily to transport property on public rights-of-way, and not intended to carry passengers; and capable of navigating with or without the active control or monitoring of a natural person.

Personal delivery devices may be operated in pedestrian areas (sidewalks, crosswalks, school crossing zones or safety zones) at speeds no higher than ten miles per hour. Personal delivery devices and their operators are not subject to laws applicable to motor vehicles, and personal delivery devices are excluded from the definition of "motor vehicle" under state law. However, personal delivery devices must adhere to the following requirements of state law:

- Yield to all other traffic, including pedestrians;

- Refrain from transporting certain hazardous materials regulated under the Hazardous Materials Transportation Act that are required to be placarded; and

- Be equipped with: a marker clearly stating the name and contact information of the owner and a unique identification number; a braking system enabling the device to come to a controlled stop; and, if operated between sunset and sunrise, lighting on both the front and rear which is visible in clear weather from at least 500 feet.

Personal delivery devices may be prohibited by local resolutions or ordinances in the interest of public safety.

A business entity operating a personal delivery device must maintain an insurance policy that includes general liability coverage of not less than \$100,000 for damages arising from the operation of the personal delivery device.

SB 2509. See summary under Judiciary, Division A heading.

SB 2517. Effective 7/1/22. Signed 4/18/22.

SB 2517 authorizes the Commissioner of Public Safety to create by rule a voluntary program of inspection for commercial motor vehicles, as defined in Section 63-1-203. This authority is to be codified as Section 77-7-345 and repealed on July 1, 2024. Any regulations promulgated will:

- Create a voluntary program for inspection of any combination of truck, truck tractor, trailer, semi-trailer or pole trailer, including each segment of a combined vehicle, that is used upon the highways or streets as a commercial motor vehicle for compliance with all applicable federal and state motor carrier safety regulations;

- Require that inspectors have access to the vehicle maintenance log;

- Prescribe a method of documentation to be displayed on the vehicle that is readily visible to an observer in the form of a decal or sticker, and require that the form of documentation prescribed must be kept on the vehicle;

- Require that inspection occur on an annual basis for participation in the program;

- Provide that inspection is not mandatory;

- Impose a reasonable inspection fee, which shall be deposited to the credit of the operating fund of the Commercial Transportation Enforcement Division of the Mississippi Department of Public Safety; and

- Specify that officers of the Commercial Transportation Enforcement Division will retain all responsibility and authority to monitor and enforce violations under Section 77-7-335.

SB 2519. See summary under Forestry heading.

SB 2520. Effective 7/1/22. Signed 3/11/22.

SB 2520 designates the segment of Mississippi Highway 45 in Prentiss County, Mississippi, beginning at the boundary between Lee County and Prentiss County and extending north for two miles as the "Senator John White Memorial Highway."

HB 158. Effective 7/1/22. Signed 3/16/22.

HB 158 amends Section 63-31-3 to revise the definition of all-terrain vehicles for the purposes of the statute regulating the operation of off-road vehicles to change the width from 50 inches or less to 55 inches or less. Further, the bill revises the definition of recreational off-highway vehicles for the purposes of the same statute to change the width from 65 inches or less to 75 inches or less, and to change the unladen dry weight from 2,000 pounds or less to 3,500 pounds or less.

HB 503. Effective 7/1/22. Signed 3/17/22.

HB 503 designates the intersection of Interstate Highway 22 and Auburn Road, Exit 90, in Lee County, Mississippi, as the "Sheriff Harold Ray Presley Memorial Intersection."

HB 504. Effective 7/1/22. Signed 3/17/22.

HB 504 designates the segment of Interstate 22 in Lee County, Mississippi, beginning at Exit 81 and extending east to Exit 87, as the "Korean War Veterans Highway."

HB 505. Effective 7/1/22. Signed 3/17/22.

HB 505 designates the segment of Interstate 22 in Lee County, Mississippi, beginning at Exit 87 and extending east to Exit 94, as the "Vietnam Veterans Way."

HB 567. Effective 7/1/22. Signed 3/3/22.

HB 567 amends Section 63-3-519 to revise the population threshold for municipal law enforcement officers to use radar speed detection equipment on the public streets of their municipality. Officers within a municipality having a population of 2,000 or more according to the latest or a previous federal census may use such equipment on the municipality's streets, except where the latest federal census population for the municipality is less than 1,500.

HB 811. Effective 7/1/22. Signed 4/14/22.

HB 811 designates the segment of U.S. Highway 80 in Rankin County, Mississippi, within the corporate limits of the City of Brandon, from its intersection with Felicity Street east to its intersection with North Street, as the "Deputy Travis O. Biddle Memorial Highway."

Further, the bill designates the segment of U.S. Highway 80 in Rankin County, Mississippi, within the corporate limits of

the City of Pearl, from its intersection with Bierdeman Road east to its intersection with Pirates Cove, as the "Ray Rogers Memorial Highway."

HB 971. Effective 7/1/22, except for Section 1, which is effective 4/14/22. Signed 4/14/22.

HB 971 amends Section 63-1-49 to increase the time period during which an expired driver's license may be renewed without examination from 18 months to 60 months. The bill creates a new section of law to provide that the Department of Public Safety shall be the state agency with responsibility for regulating digital wallets for state agency credentials. The bill also amends Section 63-1-216 to prohibit any person from driving a commercial motor vehicle if convicted of any crime under the Mississippi Human Trafficking Act or any felony involving a severe form of trafficking in persons as defined by federal law.

HB 990. Effective 7/1/22. Signed 3/22/22.

HB 990 designates the bridge on Interstate 20 Frontage Road in Warren County, Mississippi, in the City of Vicksburg, as the "Margaret Gilmer Memorial Bridge."

HB 1002. Effective 7/1/22. Signed 3/17/22.

HB 1002 designates the segment of Mississippi Highway 28 in Copiah County, Mississippi, as the "Carroll V. Hood Memorial Highway."

HB 1073. Effective 7/1/22. Signed 3/16/22.

HB 1073 amends Section 65-21-1 to revise the provisions of law to prescribe the design of bridges and culverts on public roads. All bridges and culverts built, rebuilt or placed in the traveled way of any public road in this state shall conform to the design standards in effect at the time of design and shall extend across the full width of the crown of the roadway. All

bridges shall be built with railings or barriers and appropriate hazard marking signs on either side.

HB 1113. Effective 7/1/22. Signed 3/17/22.

HB 1113 designates the intersection of Mississippi Highway 18 and U.S. Highway 45 in Clarke County, Mississippi, as the "PFC Damian Laquasha Heidelberg Memorial Intersection."

HB 1185. Effective on passage. Signed 4/18/22.

HB 1185 authorizes the board of supervisors of any county to contract with the Mississippi Transportation Commission to perform maintenance on the state highways and interstate highways in that county, and on any rights-of-way to such highways. The bill amends Section 65-1-8 to authorize the Mississippi Transportation Commission to enter into such a contract. Further, the bill also authorizes the Mississippi Transportation Commission, acting through the Department of Transportation, to sell certain state-owned real property and any improvements thereon, which are located in Winston County, Mississippi, to the Winston County Board of Supervisors. The bill also authorizes the Southern Rail Commission to execute and enter into contracts for the construction of any related infrastructure and/or operations of intercity passenger rail service subject to the approval of any affected railroad and other interested parties.

HB 1378. Effective 7/1/22. Signed 3/23/22.

HB 1378 designates the segment of Mississippi Highway 130 in Prentiss County, Mississippi, beginning at its intersection with County Road 2040 and extending to its intersection with Mississippi Highway 364, as the "Corporal Walter Gann Memorial Highway."

HB 1485. Effective 7/1/22. Signed 3/3/22.

HB 1485 amends Section 63-5-33 to extend the date of the repealer to July 1, 2025, on the provisions of law that set the maximum weight of harvest permit vehicles and require certain harvest permit holders to get prior approval for their routes.

HB 1486. Effective 7/1/22. Signed 3/16/22.

HB 1486 amends Section 63-1-208 to revise the commercial driver's license qualification standards to require the Commissioner of Public Safety to provide waivers for the knowledge test, the driving skills test, the passenger endorsement test, the tank vehicle endorsement test, the hazardous materials test and entry level driver training for an applicant who meets the requirements of 49 CFR, Part 383.77, for drivers with military CMV experience. The bill revises the time period for which the commercial learner's permit shall be issued from six months to one year. Further, the bill revises the requirements for a commercial driver's license for a person suffering from diabetes to require an annual examination by a treating clinician, defined as a healthcare professional who manages and prescribes insulin for the treatment of the individual's diabetes mellitus.

INSURANCE

SB 2319. Effective 7/1/22. Signed 4/19/22.

SB 2319 amends Section 43-19-31 to authorize the Department of Human Services to collaborate with the State Treasurer to intercept unclaimed property to satisfy a child support arrearage. The bill also amends Section 89-12-39 to require the Treasurer to cooperate with the Department of Human Services to determine if a claimant of unclaimed property owes a child support arrearage, and to require the Treasurer to transfer to the Department of Human Services any portion of a claim to satisfy the child support arrearage. Finally, the bill amends Section 93-11-71 to provide that unclaimed property may be subject to interception or seizure without regard to the entry of the judgment on the judgment roll of the situs district or jurisdiction to satisfy child support arrearages.

SB 2335. Effective 7/1/22. Signed 4/14/22.

SB 2335 amends Section 45-11-7 to remove the limitation on the number of emergency medical responder students the state fire academy may train per year.

The bill also amends Sections 83-1-37 and 83-1-39 to allow use of fire rebate monies for emergency medical services training and equipment, and to revise the distribution of Municipal Fire Protection Funds and County Volunteer Fire Department Funds, respectively, as follows:

- Each municipality shall be paid \$6,000 annually with the remainder of the monies to be paid on a population basis, to be determined by the most recent federal census.

- Each county shall be paid \$30,000 annually with the remainder of the monies to be paid on the basis of the population of each county as it compares to the population of participating counties, not counting residents of any municipality.

SB 2357. Effective 7/1/22. Signed 4/22/22.

SB 2357 creates a new section to authorize counties to:

- Pay the reasonable hospital and medical expenses for paid or volunteer fire department members suffering injury or illness incurred in the line of duty;

- Provide health insurance coverage for the medical costs and expenses incurred in the line of duty for paid or volunteer fire department members; and

- Purchase accident, death or disability insurance for expenses associated with occupational disease contracted, or for any accident or injury sustained, by paid or volunteer fire department members.

The bill also amends Section 21-25-9 to authorize municipalities to:

- Provide health insurance coverage for the medical costs and expenses incurred in the line of duty for paid or volunteer fire department members; and

- Purchase accident, death or disability insurance for expenses associated with occupational disease contracted, or for any accident or injury sustained, by paid or volunteer fire department members.

SB 2669. Effective 7/1/22. Signed 4/18/22.

SB 2669 amends Sections 27-15-205, 27-15-223, 83-5-71 and 83-17-25 to make the term of certain licenses and certificates issued by the Commissioner of Insurance perpetual until such

time as the Commissioner of Insurance revokes the license or certificate, or the license or certificate is forfeited by the licensee or certificate holder. An insurer must make an initial application in a form prescribed by the commissioner and, upon being granted approval to transact business in this state, a license or certificate of authority, or both, shall be issued and remain in effect until suspended, revoked, surrendered or forfeited. Before being issued an initial license or certificate of authority, an insurer must pay the required privilege tax fee required by Section 27-15-83, along with other required fees, and must continue to pay the aforementioned fees on an annual basis on or before March 1 of each year in order to keep the license or certificate of authority in good standing. Amendments to a license or certificate of authority will require payment by the insurer of the applicable fees. Insurers who were issued a license or certificate of authority, or both, before the effective date of this law will receive an amended license or certificate of authority, or both.

SB 2738. Effective 7/1/22. Signed 4/18/22.

SB 2738 amends Section 83-9-351 to revise the definition of "telemedicine" as used in the provision of law requiring health insurance plans to provide coverage for telemedicine services. "Telemedicine" means the delivery of health care services such as diagnosis, consultation, or treatment through the use of HIPAA-compliant telecommunication systems, including information, electronic and communication technologies, remote patient monitoring services and store-and-forward telemedicine services. Telemedicine, other than remote patient monitoring services and store-and-forward telemedicine services, must be real-time audio visual capable. The Commissioner of Insurance may adopt rules and regulations addressing when "real-time"

audio interactions without visual are allowable, which must be medically appropriate for the corresponding health care services being delivered.

This bill also does the following:

- Provides that all health insurance and employee benefit plans in this state must reimburse providers who are out-of-network for telemedicine services under the same reimbursement policies applicable to other out-of-network providers of healthcare services;
- Requires health insurance and employee benefit plans to reimburse providers for telemedicine services using the proper medical codes;
- Provides that health insurance and employee benefit plans shall not limit coverage to provider-to-provider consultations only; and
- Provides that patients in a patient-to-provider consultation shall not be entitled to receive a facility fee.

HB 155. Effective 7/1/22. Signed 4/18/22.

HB 155 amends Section 25-15-7 to delete the prohibition on coverage under the state health insurance plan of hearing aids for individuals 21 years of age or younger, but retain the prohibition on such coverage for individuals over the age of 21. The bill amends Section 25-15-15 to remove the prohibition on the health insurance management board for imposing a surcharge based on the use or nonuse of tobacco-related products, and to extend the repealer to July 1, 2026, on the authority of the board to collect premium payments from participants in the plan.

HB 160. Effective 7/1/22. Signed 3/22/22.

HB 160 shall be known as the "Travel Insurance Act of 2022", which does the following:

- Creates new Section 83-83-2 to provide the scope and purposes of the act;
- Amends Section 83-83-3 to define certain terms;
- Amends Section 83-83-5 to provide that no person may act as a limited lines travel insurance producer or travel insurance retailer unless properly licensed or registered, respectively; to provide that any person licensed in a major line of authority as an insurance producer is authorized to sell, solicit and negotiate travel insurance; and to provide that a property and casualty insurance producer is not required to become appointed by an insurer in order to sell, solicit or negotiate travel insurance;
- Creates new Section 83-83-6 to clarify the premium tax requirements of travel insurers under the act;
- Creates new Section 83-83-8 to set forth how travel protection plans may be sold in this state;
- Amends Section 83-83-9 to update the policies under the act and how they should be classified and filed;
- Creates new Section 83-83-10 to provide the requirements for travel administrators under the act;
- Amends Section 83-83-13 to clarify permissible sales practices under the act; and
- Creates new Section 83-83-15 to authorize the Commissioner of Insurance to promulgate regulations to implement provisions of the act.

HB 451. Effective 7/1/22. Signed 4/18/22.

HB 451 amends Section 83-34-4 to revise distributions of the nonadmitted policy fee and to delete the repealer.

Specifically, the bill does the following:

- Provides that monies derived from the nonadmitted policy fee shall not be considered public funds;

- Provides, as long as the association receives at least 60% of the fees, an annual diversion of \$500,000 from the nonadmitted policy fee shall be diverted to the First Responder Health and Safety Trust Fund;

- Provides, as long as the association receives at least 60% of the fees, an annual diversion of \$3,500,000 from the nonadmitted policy fee shall be diverted to the Annual Fire Fund;

- Remits to the Mississippi Windstorm Underwriting Association 50% of any amount remaining after any diversions of the nonadmitted policy fee and 50% to the Annual Fire Fund;

- Provides that in the event the value of the Mississippi Windstorm Underwriting Association's total admitted assets, as defined by the audited financial statement, is less than \$250,000,000, the monies diverted and not remitted to the association during that fiscal year and subsequent fiscal years shall immediately be diverted to the association and shall not be considered public funds;

- Authorizes the Mississippi Windstorm Underwriting Association to use excess funds to purchase reinsurance in an amount that may exceed the total premiums collected from policyholders;

- Deletes the repealer on the nonadmitted policy fee;

- Creates a special fund to be designated as the "Mississippi First Responders Health and Safety Trust Fund" to

be administered by the Commissioner of Insurance to assist the state, municipalities, counties and fire protection districts with providing benefits required by the Mississippi First Responders Health and Safety Act; and

- Creates a special fund to be designated as the "Annual Fire Fund" to be administered by the Commissioner of Insurance and to request the State Fiscal Officer 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.

HB 821. Effective 7/1/22. Signed 4/1/22.

HB 821 amends Sections 41-59-3 and 41-59-35, to authorize the State Department of Health, in conjunction with the Mississippi Insurance Department, to develop a coordinated entity to provide a statewide system of nontransport emergency medical services.

The bill also amends Section 21-1-49 to provide that if any municipality has been abolished based on the 2020 federal census finding that a municipality has less than 50 inhabitants, such municipality shall have all its rights and privileges temporarily restored as a municipality upon providing documentation to the secretary of state that the municipality has submitted its intent to challenge such findings. If the United States Census Bureau later finds that a municipality has 50 or more inhabitants, then all such rights and privileges of the municipality will be restored.

HB 823. Effective 7/1/22. Signed 3/9/22.

HB 823 amends Sections 73-69-5 and 73-69-27 to define a battery-charged security fence and to prohibit municipalities or counties from regulating battery-charged security fences and battery-charged security fence contracting.

HB 974. Effective 7/1/22. Signed 3/23/22.

HB 974 amends Section 61-3-15 to authorize regional airport authorities organized under Section 61-3-7 to provide payments for all or part of dependent health insurance coverage as an employment benefit.

HB 1187. Effective 7/1/22. Signed 3/23/22.

HB 1187 enacts the Mississippi Insurance E-Commerce Model Act for the purpose of providing consumers more choice, convenience and flexibility in managing their insurance. The bill provides for the regulation of the electronic delivery of insurance documents and notices. The bill provides that the Commissioner of Insurance may adopt rules to implement the provisions of this act.

JUDICIARY, DIVISION A

SB 2034. Effective 7/1/22. Signed 4/13/22.

SB 2034 revises Section 91-7-63 to conform the venue for intestate estates to be probated to the venue for probating a will under Section 91-7-1. The bill provides that letters of administration shall be granted by the chancery court of the county in which the intestate had a fixed residence. If the intestate did not have a fixed residence at the time of death, then the county where the intestate owned land shall grant letters of administration. Where the intestate had no fixed residence and did not own land, then the chancery court of the county where the intestate died shall grant letters of administration.

SB 2321. Effective 7/1/22. Signed 4/14/22.

SB 2321 creates a private cause of action against a defendant who engages in human trafficking or who willfully, intentionally and knowingly benefits from participating in a venture that traffics another person. The defendant is liable to the victim of the trafficking for damages proximately caused by the trafficking. The damages include compensatory damages, court costs and reasonable attorneys' fees.

The bill provides that it is not a defense to liability that the defendant has not been criminally convicted of human trafficking. The occurrence of human trafficking on the property of one not engaged in human trafficking or benefiting from the trafficking, however, shall not, in and of itself, subject the property owner to liability.

There is a three-year statute of limitations, and the cause of action is in addition to any other civil remedy. The bill also provides for joint liability for any defendant found liable in a civil action.

In addition to the private cause of action, the bill amends Section 97-29-51 which governs the crime of prostitution to clarify the crime of promoting prostitution. It provides that a person may be liable for the crime of promoting prostitution whether or not the person encouraged into prostitution can be or is arrested for, charged with or convicted of the offense of prostitution.

Last, the bill revises where the proceeds of forfeited assets from human trafficking are deposited.

SB 2338. Effective 7/1/22. Signed 4/18/22.

SB 2338 amends Section 43-1-23 to require the Fraud Investigation Unit of the Department of Human Services to report any suspected civil or criminal violations relating to program fraud, embezzlement or related crimes to the State Auditor.

SB 2461. Effective on passage. Signed 4/21/22.

SB 2461 was enacted in response to a federal court order in *Conner v. Alltin, LLC*, No. 3:20-CV-057-MPM-RP (N.D. Miss. November 30, 2021) that found portions of Mississippi's landlord-tenant law unconstitutional. The bill codifies new sections of law and amends a number of provisions throughout Chapters 7 and 8 of Title 89, Mississippi Code of 1972.

Beyond responding to the federal order, the bill also streamlines certain procedures related to evictions and makes a number of technical amendments. One of these technical changes, discussed in more detail below, is to have the eviction of a residential tenant to proceed under Chapter 8. Historically, an eviction of a residential tenant in Mississippi has proceeded

under Chapter 7 of Title 89. SB 2461, though, amends Chapter 8 of Title 89 to authorize evictions under its provisions.

I. Constitutional Reforms

In response to the federal court order, the bill enacts a number of reforms to both Chapters 7 and 8 of Title 89. First, it establishes a time frame for the removal of tenants after either the entry of a possession judgment or the execution of a warrant of removal. Second, the bill establishes a procedure that protects the tenant's rights to his or her personal property throughout the eviction process. Third, the bill requires proper notice of these procedures to be given to the tenant.

A. Eviction Time Frame

Under Senate Bill 2461, tenants now have seven days from the date of the judgment of possession to move out of the premises. This time period can be enlarged or decreased upon a specific finding of a judge of compelling circumstances. During this time period, tenants shall have full access to the premises. If the tenant fails to vacate the premises, the landlord may seek a warrant of removal. After the warrant of removal is executed, the tenant has a period of 72 hours of reasonable access to the premises, arranged by the landlord, to remove the tenant's personal property.

B. Tenant's Personal Property Rights

The bill clarifies that legal possession of a tenant's personal property does not transfer to a landlord upon entry of a possession judgment in favor of the landlord or upon execution of the warrant of removal. In addition to the time frame discussed above, the bill provides that the landlord, at the end of the 72-hour-reasonable-access period, may only dispose of a tenant's personal property by moving it to an area designated for garbage or some other location agreed to by the tenant and

landlord. In other words, the personal property of the tenant may not be sold by the landlord and may only be disposed of after the statutory time frame is complied with.

C. Notice to Tenant

The bill requires specific statutory notice to the tenant to fully describe the eviction process and provide notice to the tenant of his or her rights.

II. Streamlining Amendments

Beyond the reforms in response to the federal court order, the bill also seeks to streamline procedures in Chapter 7 and 8 of Title 89, providing clarity for both parties in eviction actions.

A. Eviction Procedures Clarified

The bill clarifies the procedures of residential and nonresidential landlords filing eviction actions.

1. Residential Evictions

A residential landlord can evict a tenant for breach of the rental agreement or violation of the Residential Landlord and Tenant Act pursuant to Section 89-8-13. Also, the residential landlord can evict a tenant for failing to vacate after the expiration of the rental agreement pursuant to Sections 89-8-17 and 89-8-19.

Also, the bill sets out that the landlord shall file a sworn affidavit or complaint and a copy of the written notice that was delivered to the tenant.

2. Nonresidential Evictions

A nonresidential landlord must file a sworn affidavit or complaint, based on the terms of the rental agreement. The complaint or affidavit must:

- State the facts requiring the removal of the tenant;

- Identify the address of the premises, the amount of rent and fees owed;
- Declare that necessary notice has been given to terminate the tenancy; and
- Identify any specific items of tenant property located at the premises as to which the landlord asserts a valid lien and has commenced, or is commencing, separate proceedings concerning.

B. Eviction Judgments

The bill requires justice court judges to enter eviction judgments under certain circumstances.

In eviction actions where a tenant does not appear, if the landlord complies with notice to the tenant, summons is proper, and the landlord is otherwise entitled to judgment, the court shall grant a default judgment to the landlord.

In eviction actions where a tenant does appear, if the landlord complies with notice, the tenant does not present a valid defense, and the landlord is otherwise entitled to judgment, the court shall grant judgment to the landlord.

Also, the bill requires judgments granted by the court to be signed and executed on the same business day that the judgment is granted.

III. Technical Amendments

One of the more significant technical amendments made by SB 2461 is that the Residential Landlord and Tenant Act, which is Chapter 8 of Title 89, is now comprehensive for the purposes of seeking an eviction. The Residential Landlord and Tenant Act now includes its own procedure to govern the eviction of a residential tenant. It also provides for continuances at a hearing and increased damages against a holdover tenant. These

provisions mirror current law but are simply not duplicated in the Residential Landlord and Tenant Act.

SB 2461 also makes several other technical amendments to landlord-tenant law, including the following:

- It clarifies that the landlord has a duty of good faith to accept payment of rent before the court-ordered move-out date if the amount owed to the landlord is tendered in full. The landlord's duty of good faith to accept tender of full payment, though, does not extend beyond the court-ordered move-out date.

- It provides that appeals from final judgments under the chapter shall be pursuant to the applicable Mississippi Rules of Court.

- It provides that any rules and regulations adopted by a residential landlord must be written.

- It also amends Section 89-8-19 to provide that notice to terminate a tenancy shall not be required when the landlord or tenant has committed a substantial violation of the rental agreement or the Residential Landlord and Tenant Act that materially affects health or safety. The law had previously required the violation to affect health and safety.

- It also removes references to municipal court judges. Municipal courts do not handle eviction actions. The references to municipal courts were replaced with "circuit court" to provide a forum for eviction actions where the county does not have a county court, but the amount in controversy exceeds \$3,500.

SB 2509. Effective 7/1/22. Signed 4/18/22.

SB 2509 amends Section 49-23-9 to revise the maximum limits on the height of outdoor advertising signs. It deletes language in the section that provided that the height of any sign structure shall not exceed 40 feet. It also provides that

certain requirements concerning the level of road grade for sign structures erected on or after April 15, 2008, shall apply to any replacements of those signs as well.

SB 2620. Effective 7/1/22. Signed 4/18/22.

SB 2620 amends Section 25-1-69 which authorizes a protective order against disclosing certain public records. Under this bill, a court must require a party making duplicative requests for public records to pay the costs and attorneys' fees of a party who seeks additional protective orders for the same or substantially similar requests for public records.

HB 590. Effective 7/1/22. Signed 3/22/22.

HB 590 amends Sections 79-11-501 and 79-11-511 to revise service of process for charitable organizations. It subjects a charitable organization, person, professional fundraiser, fundraising counsel or professional solicitor, that solicits contributions in the State of Mississippi, to notice or demand as provided in Section 79-35-13 and to service of process as provided by the Mississippi Rules of Civil Procedure.

HB 770. Effective 7/1/22. Signed 4/20/22.

HB 770 creates the "Mississippi Equal Pay for Equal Work Act". The bill applies to any employee who is an individual employed to work 40 or more hours a week by an employer, including the state or political subdivisions or instrumentalities of subdivisions. It also applies to any employer who employs five or more employees.

The bill prohibits any employer from paying an employee a wage at a rate less than the rate at which an employee of the opposite sex in the same establishment is paid for equal work on a job, the performance of which requires equal skill, education, effort and responsibility, and which is performed under similar

working conditions. The exceptions include pay based on a seniority system; a merit system; a system which measures earnings by quantity or quality of production; or any other factor other than sex.

The factors "other than sex" include: the salary history or continuity of employment history demonstrated by the employee as compared to employees of the opposite sex in the same establishment; the extent to which there was competition with other employers for the employee's services as compared to employees of the opposite sex in the same establishment; and the extent to which the employee attempted to negotiate for higher wages as compared to employees of the opposite sex in the same establishment.

The bill authorizes a private civil suit in the circuit court in the county in Mississippi where the cause of action occurred pursuant to the Mississippi Rules of Civil Procedure. The bill authorizes the remedies of reasonable attorneys' fees, prejudgment interest, back pay and costs of the action for violation of this act. It also prohibits an employer who is paying a wage differential in violation of this act from reducing the wage rate of or discharging an employee. It further prohibits the employer from discharging, retaliating or discriminating against any employee who has filed a claim under this act.

The statute of limitations for this act is no later than two years from the day the employee knew or should have known his or her employer was in violation of this act.

If an employee brings a claim under the Equal Pay Act of 1963, a separate action may not be maintained under this act. If an employee brings a claim under this act, then later initiates a claim under the Equal Pay Act of 1963, the action brought under this act shall be dismissed with prejudice. An

employee who seeks relief under this act must first waive any right to relief under the Equal Pay Act of 1963.

HB 971. See summary under Highways and Transportation heading.

HB 1067. Effective 7/1/22. Signed 3/22/22.

HB 1067 amends Section 43-19-101 to revise child support award guidelines by requiring the court to take into account the basic subsistence needs of the obligated parent who has a limited ability to pay. The bill provides that income shall not be based upon a standard amount in lieu of fact-gathering. In the absence of specific sufficient evidence of past earnings and employment history to use as the measure of an obligated parent's ability to pay, the recommended child-support obligation amount should be based on available information about the specific circumstances of the obligated parent. This can include, but is not limited to, such factors as assets, residence, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the obligated parent, prevailing earnings level in the local community, and other relevant factors in the case.

HB 1351. Effective 7/1/22. Signed 4/18/22.

HB 1351 amends Section 89-5-8 to regulate the execution of scrivener's error affidavits for property deeds by requiring that the affidavit of scrivener's error be executed and acknowledged by the affiant and verified upon oath or affirmation before a notarial officer, and shall be recordable in the land records in the office of the chancery clerk in the county where the real estate is situated. The affidavit shall

recite: the name and Mississippi bar number of the affiant attorney, the instrument containing clerical error, and a statement that the affiant is in good standing with The Mississippi Bar, is licensed to practice law in the State of Mississippi, and that his or her license is active at the time of verification or affirmation. It also voids any affidavit of scrivener's error and any document in the chain of title that is not executed by an attorney licensed to practice law in the State of Mississippi, regardless of the date of recording.

The bill also creates the "Mississippi Architects and Engineers Good Samaritan Act" by providing immunity for architects and engineers in certain circumstances. Any registered architect or professional engineer who provides safety assessment services as a Good Samaritan at the request of or with the approval of a public official, law enforcement official, public safety official, or building inspection official acting in his or her official capacity as such shall be immune from liability from any civil action arising only from an act, service or omission performed in the course of providing safety assessment services as a Good Samaritan. The immunity shall apply only to safety assessment services if, such services: (i) occurred during the emergency or within 90 days following the end of the period for the emergency, unless extended by an executive order; and (ii) if the architect or engineer was acting as a reasonably prudent person would have acted under the same or similar circumstances during a period of declared emergency, to include any other loss of any other nature related to the registered architect's or professional engineer's acts, errors or omissions in the performance of any architectural or engineering services for any structure, building or facility during the declared period of emergency.

JUDICIARY, DIVISION B

SB 2245. Effective 7/1/22. Signed 4/14/22.

SB 2245 amends Section 97-29-61 to provide a penalty for any person over the age of 18 who commits the crime of voyeurism.

The bill also enacts "Buddy's Law" which requires a child adjudicated delinquent of certain offenses against a domesticated dog or cat to receive a psychiatric evaluation and counseling or treatment for a length of time prescribed by the youth court. The cost of the evaluation and treatment shall be paid by the child's parent. "Buddy's Law" also includes a statement of legislative intent.

SB 2246. Effective 7/1/22. Signed 4/14/22.

SB 2246 authorizes the issuance of search warrants in relation to computer crimes investigations for sex offenses against children involving a computer. The bill authorizes a judge to issue search warrants based upon sworn testimony communicated by telephone or other means, including facsimile transmission.

Under the bill, the judge shall administer an oath to the person providing the warrant testimony. Next, the person providing testimony shall prepare a "duplicate original warrant," and the judge shall enter what is read to him or her on the "original warrant." If the judge is satisfied that it is reasonable to dispense with a written affidavit and the grounds for the warrant exist, the judge shall direct the person providing the testimony to sign the judge's name on the duplicate original warrant. Simultaneously, the judge shall sign his or her name on the original warrant.

The contents of the warrant in this bill shall be the same as the contents of a warrant upon affidavit.

Last, the bill requires the person who executes the warrant to enter the exact time of execution on the face of the duplicate original warrant.

SB 2263. Effective 7/1/22. Signed 4/14/22.

SB 2263 amends Section 93-17-3 to authorize a chancellor to waive certain petition and procedural requirements in the case of the adoption of an adult. The changes only apply to adoptions where the adult consents to the adoption. In those adoptions, the chancellor is authorized to waive a number of procedural requirements including:

- A doctor's certificate;
- Certain affidavits;
- A home study;
- Compliance with the Interstate Compact for Placement of Children; and
- Compliance with the Indian Child Welfare Act.

The bill also conforms Mississippi's law to federal law by deleting the prohibition against adoption by couples of the same gender.

Last, the bill enacts a new code section to prohibit physically incarcerated offenders from requesting a name change. Under the new section, no offender shall have standing to file a change of name petition with the chancery court. The new section, though, does provide certain exceptions where a chancellor would be allowed to change the name of an offender.

SB 2437. See summary under Corrections heading.

SB 2543. Effective 7/1/22. Signed 4/19/22.

SB 2543 is the Department of Safety's technical omnibus bill. It amends a number of provisions related to the department.

The bill amends several provisions related to the Office of Forensic Laboratories. First, the bill amends Section 45-1-2 to include the Mississippi Forensics Laboratory within the Office of Forensic Laboratories. It also includes the Driver Service Bureau and the Commercial Transportation Enforcement Division as separate offices within the department. Second, Section 41-61-75 is amended to authorize the commissioner of the department to set a reasonable expert witness fee for the testimony of a medical examiner, physician or pathologist of the Office of the State Medical Examiner who is subpoenaed to testify in a judicial proceeding. Third, the bill amends Section 41-61-59 to establish a procedure for the remote testimony of a member for the Mississippi Forensics Laboratory in a proceeding as long as there has been proper notice and no objection. If the defendant objects to the remote testimony, the remote testimony shall only be where the court finds that there are compelling circumstances for the testimony, and the defendant's rights will not be infringed. Fourth, the amendments to Section 41-61-77 subjected the employees of the Mississippi Forensics Laboratory to the regulations and policies of the Mississippi State Personnel Board.

Further, the bill amends Section 41-29-107 to provide that no agent of the Mississippi Bureau of Narcotics shall be subject to dismissal except for cause. Some outdated language concerning the transfer of the bureau to the department is also deleted.

Additionally, the bill amends Section 45-1-6 to give the Mississippi Bureau of Investigation the jurisdiction to investigate all incidents of officer-involved shootings, other than shootings involving a member of the bureau. It provides that the Attorney General shall designate another law enforcement agency or task force to investigate any incident of a shooting involving a member of the Mississippi Bureau of Investigation. It also gives the Attorney General the exclusive responsibility for presenting all officer-involved shootings resulting in injury or death occurring in the state to the appropriate duly empaneled grand jury and, upon indictment by the grand jury, prosecuting such matters.

Last, the bill repeals Section 97-35-27, which was an outdated provision of law that required the registration of convicted felons with the chief of police of a city or the sheriff of a county in which the felon resided.

SB 2545. Effective 7/1/22. Signed 4/18/22.

SB 2545 amends Sections 97-17-71, 97-17-71.1 and 97-17-71.2 to revise the penalties for violations of purchase transactions for scrap metal and make other amendments to the provisions of law that govern the purchase of scrap metal. SB 2545 also creates Section 97-17-71.3 to criminalize the purchase and acquisition of certain used detached catalytic convertors.

First, the bill defines several terms including a "dealer-to-dealer transaction," "purchase transaction," "purchaser," "registered business entity" and "scrap metal." It requires certain information to be kept and entered for purchase transactions. The amendments also delete the requirement that a scrap metal dealer must hold metal property separately for three days before selling it, but it retains the requirement that the dealer photograph the metal. The bill also develops a specific

procedure to be followed for dealer-to-dealer transactions and deletes the requirement that a check be mailed to a seller. Further, the amendments to Section 97-17-71 provide that it shall be unlawful for any scrap metal dealer to purchase any copper telecommunication wire in any form unless certain enumerated conditions are met.

Further, the bill specifies that the replacement cost of any stolen metal property is included in the damages calculation in the provisions penalizing the theft of metal property. In addition, the penalties for violations were increased. Under the bill, theft with damages between \$5,000 and \$25,000 are subject to no less than one year nor more than ten years imprisonment and a fine of not more than \$15,000. Theft with damages in an amount greater than \$25,000 are subject to no less than three years nor more than ten years imprisonment and a fine of not more than \$20,000. Also, the bill provides that Section 97-17-71 shall take precedence over any and all local ordinances governing purchases of metal property and any conflicting ordinance shall be preempted.

The amendments to Section 97-17-71.1 address certain regulations and procedure related to scrap metal. Under the bill, a scrap metal dealer applicant is required to declare whether or not the applicant has ever been convicted of any felony offense involving fraud, dishonesty, or deceit within five years preceding the date of application. If the applicant has been convicted of such an offense, the application may be denied by the Secretary of State. Further, the bill provides that it is unlawful for a person to make or cause to be made a statement that is false or misleading or omit a material fact necessary to make a statement not false or misleading. Also, the Secretary of State is given the authority to require or permit a person to testify concerning matters investigated and

required to hold an administrative hearing within 15 days of the issuance of a cease and desist order.

The bill also amends Section 97-17-71.2 to provide that the purchase of any air-conditioner evaporator coil or condenser, in whole or in part, is subject to the record keeping requirements required by law.

Last, the bill enacts Section 97-17-71.3 to provide requirements for the purchase and acquisition of certain catalytic converters not attached to a motor vehicle. The section provides that it is unlawful for any person to transfer or purchase a used, detached catalytic converter without meeting the purchasing requirements set forth in the section which includes the following:

- The purchaser is registered as a scrap metal dealer;
- The sale occurs at the business address of a scrap metal dealer who is party to the transaction;
- The purchaser has maintained all of the information required under Section 97-17-71;
- One or more of the following apply:
 - ▶ The used, detached catalytic converter or nonferrous part thereof was obtained by the seller thereof as part of a vehicle;
 - ▶ The catalytic converter or nonferrous part thereof was purchased in a dealer-to-dealer transaction or from any of certain bona fide entities; or
 - ▶ The seller of the catalytic converter or nonferrous part thereof provides the purchaser with certain enumerated information for the motor vehicle from which the catalytic converter or part thereof was taken; and
- The scrap metal dealer has maintained the information necessary to comply with this section.

Section 97-17-71.3 provides that each catalytic convertor purchased or acquired in violation of this section is a separate violation subject to the criminal penalties set forth in Sections 97-17-71 and 97-17-71.1.

SB 2913. See summary under County Affairs heading.

HB 400. Effective 7/1/22. Signed 4/8/22.

HB 400 amends Section 19-25-31 to authorize an increase in pay for bailiffs in an amount between \$55 and \$100 for each day, or part thereof, for which he or she serves as bailiff when the court is in session.

HB 607. Effective 7/1/22. Signed 4/13/22.

HB 607 creates "Parker's Law" by creating the crime of "fentanyl delivery resulting in death" when a person's death is proximately caused by the injection, oral ingestion or inhalation of the fentanyl. The person who delivers or causes the delivery of fentanyl with knowledge of the fentanyl in exchange for anything of value to another person resulting in death to a person is guilty of the crime. Upon conviction for the crime, the person shall be sentenced to imprisonment no less than 20 years to a term of life in the custody of the Mississippi Department of Corrections.

HB 679. Effective 7/1/22. Signed 4/8/22.

HB 679 creates the Victoria Huggins' Mississippi Pill Press Law of 2022, and provides that it is unlawful for any person knowingly or intentionally to possess, create, sell, barter, transfer, manufacture, or distribute a pill press, a punch, die, plate, tableting machine, encapsulating machine, or any similar pharmaceutical producing equipment, knowing, intending, or having reasonable cause to believe, that it will be used to manufacture a controlled substance or counterfeit controlled

substance. Any person who is found in violation of this shall be, if convicted, imprisoned by not more than five years or fined not more than \$5,000, or both.

The bill further provides that all pill presses, punches, dies, plates, tableting machines, encapsulating machines or any similar pharmaceutical producing equipment shall be registered with the Mississippi Bureau of Narcotics, unless the pill press is authorized by the Board of Pharmacy or other lawful authority. The Mississippi Department of Public Safety shall promulgate rules regarding the registration, transfer and destruction of such equipment and the renewal of registrations, to include inspection of all equipment registered and any product that the equipment is being used to manufacture.

HB 1479. Effective 7/1/22. Signed 4/14/22.

HB 1479 authorizes the Commissioner of the Mississippi Department of Corrections, the Deputy Commissioner for Finance and Administration and the Deputy Commissioner for Institutions of the Mississippi Department of Corrections to work together to determine the form of death penalty which will be administered those given the death penalty. The bill did not change the forms of death penalty which may be administered. They are still intravenous injection of a substance or substances in a lethal quantity into the body; nitrogen hypoxia; electrocution; or firing squad, until death is pronounced by the county coroner where the execution takes place or by a licensed physician according to accepted standards of medical practice. The bill does provide, though, that intravenous injection of a substance or substances in a lethal quantity into the body shall be the preferred method of execution.

The bill also requires the Commissioner of Corrections to provide written notice to the condemned person of the manner of

execution within seven days of receipt of the warrant of execution from the Mississippi Supreme Court. It also allows the condemned person designate two witnesses to the execution who do not have to be family members.

Further, the bill designates certain persons as members of the execution team which entitles those persons to confidentiality. Last, the bill provides that the governor shall appoint the State Executioner.

MEDICAID

SB 2739. Effective 7/1/22. Signed 4/18/22.

SB 2739 requires nonemergency medical transportation providers to have a permit from the State Department of Health before they may provide nonemergency medical transportation (NEMT) services in the state. It also requires the department to adopt rules providing for applications for permits, issuance of permits, renewal of permits and revocation of permits, and allows the department to provide for the payment of fees for the issuance and renewal of permits. The bill sets the standards and qualifications required for applicants for a permit.

The bill also authorizes the department to revoke the permit of, or impose fines on, any NEMT provider that is found to be not in compliance with the requirements and standards set by the department. The bill authorizes the department to bring actions for injunctions to enjoin and prohibit any person or entity from providing NEMT services in the state without having a current, valid permit from the department. The bill authorizes any public entity or private entity in the business of providing nonemergency medical transportation services to continue to provide such services without first receiving a permit until July 1, 2023, provided that it complies with the other provisions of the bill and the rules set by the department. The bill states that after July 1, 2023, each nonemergency medical transportation provider must have a NEMT permit from the department before it may provide NEMT services in Mississippi.

HB 657. Effective on passage. Signed 4/18/22.

HB 657 revises certain provisions of the section of law authorizing Medicaid reimbursement for types of health care services (Section 43-13-117) as follows:

- Deletes the freeze on Medicaid provider reimbursement rates that prohibits the Division of Medicaid from increasing, decreasing or otherwise changing rates of reimbursement, services, charges and fees unless they are authorized by an amendment to this section by the Legislature, and establishes a procedure for the Medicaid Committees of the House and Senate to review proposed changes in provider rates of reimbursement or payment methodologies by the Division of Medicaid before the changes will take effect.

- Requires the division to increase the amount of the reimbursement rate for restorative dental services for fiscal years 2023, 2024 and 2025 by 5% above the amount of the reimbursement rate for the previous fiscal year.

- Prohibits managed care organizations from setting a maximum dollar amount of reimbursement for noninvasive ventilators or ventilation treatments properly ordered and being used for home use and in appropriate care settings, and requires reimbursement from these organizations to durable medical equipment suppliers to be on a continuous monthly payment basis for the duration of medical need throughout a patient's valid prescription period.

- Requires the division to establish a Medicare Upper Payment Limits Program or another allowable delivery system authorized by federal law for emergency ambulance transportation providers and provides for the formula that the division will use for calculating ambulance service access payment amounts.

- Provides that the division will reimburse for outpatient hospital services provided to eligible Medicaid beneficiaries under the age of 21 years by border city university-affiliated pediatric teaching hospitals. As defined in the bill, this would apply only to Le Bonheur Children's Hospital in Memphis.

- Requires the division to evaluate the feasibility of using a single vendor to administer dental benefits provided under a managed care delivery system.

- Provides that planning and development districts participating in the home- and community-based services program for the elderly and disabled as case management providers will be reimbursed for case management services at the maximum rate approved by the Centers for Medicare and Medicaid Services.

- Requires the division to reimburse for services provided to eligible Medicaid beneficiaries by a licensed birthing center.

The bill also revises certain provisions in other sections of the Medicaid law as follows:

- Establishes a procedure for the Medicaid Committees of the House and Senate to review proposed state plan amendments of the Division of Medicaid before the proposed state plan amendments are filed with the Centers for Medicare and Medicaid Services.

- Provides that if any state plan amendment submitted to comply with the provisions of Section 43-13-117 is disapproved by the United States Department of Health and Human Services, the division may operate under the state plan as previously approved by the United States Department of Health and Human Services in order to preserve federal matching funds, and requires the division to provide notice of the disapproval to the Chairmen of the House and Senate Medicaid Committees.

Finally, the bill revises the licensure provisions for home health agencies to authorize nurse practitioners, physician assistants and clinical nurse specialists to prescribe or order home health services and plans of care, certify and recertify eligibility for home health services and conduct the required initial face-to-face visit with the recipient of the services, and provides that the amendments to those provisions are retroactive to May 8, 2020.

The effective date of the bill is upon passage, but all of the amendments to Section 43-13-117 are effective on July 1, 2022, except for the provision that deletes the freeze on Medicaid provider reimbursement rates and establishes a procedure for review of proposed changes in provider rates of reimbursement or payment methodologies before the changes will take effect.

HB 936. See summary under Corrections heading.

MUNICIPALITIES

SB 2898. Effective 7/1/22. Signed 4/21/22.

SB 2898 amends Section 21-27-77 to extend the repealer until July 1, 2023, on the provision which allows municipalities having a population of 150,000 or more to implement a program to address disputed or delinquent water and sewer customer accounts.

HB 616. Effective 7/1/22. Signed 3/22/22.

HB 616 amends Section 21-19-11 to authorize the governing authority of any municipality to secure abandoned or dilapidated buildings that are adjudicated as a menace if the owner has failed to clean the property.

HB 1097. See summary under County Affairs heading.

PORTS AND MARINE RESOURCES

SB 2076. Effective 7/1/22. Signed 4/13/22.

Although present Mississippi laws concerning abandoned and derelict vessels do not expressly make abandoning a vessel illegal, they do assign liability to the owner for the costs associated with removing and disposing of the vessel and for any environmental damages that occur from the abandonment (Section 49-27-71(1)(b), Mississippi Code of 1972). In the event that the owner of a derelict vessel fails to remove a vessel after receiving notice to do so, the Department of Marine Resources can initiate litigation or other legal actions to facilitate the removal of the derelict vessel. The court, at its discretion, may order the owner to pay administrative damages of \$500 per day for every day the owner is in violation of the removal order. The owner or operator will also be liable for removal costs and reasonable attorney's fees and all court costs associated with the actions taken by the state. In addition, any unlawful act committed under derelict vessel regulations by any person, firm or corporation can result in a misdemeanor charge.

This bill provides definitions and clarifies procedures for the removal of derelict vessels.

Definitions. "Abandoned vessel" means a vessel left unattended for four or more weeks after a hurricane, tropical storm or other natural event resulting in a declaration of emergency by the Governor, or, in the absence of a hurricane, tropical storm or other natural event resulting in a declaration of emergency by the Governor, any of the following:

(a) A vessel left unattended that is moored, anchored, or otherwise in the waters of the state or on public property for a period of more than ten days.

(b) A vessel that is moored, anchored, or otherwise on or attached to private property for a period of more than ten days without the consent of the owner or lessee of the property or of the public trust tidelands.

Upon notification from the owner of the vessel outlining the circumstances following a hurricane, tropical storm or other natural event, the Department of Marine Resources may grant an exception to the time frames indicated above.

"Derelict vessel" means a vessel in the waters of the State of Mississippi that satisfies any of the following:

(a) Is aground without the ability to extricate itself absent mechanical assistance;

(b) Is sunk or otherwise resting on the bottom of the waterway;

(c) Is abandoned; or

(d) Is wrecked, junked, or in a substantially dismantled condition upon any waters of this state:

(i) A vessel is "wrecked" if it is sunken or sinking; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or fire;

(ii) A vessel is "junked" if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator.

Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be considered junked if such motor is not an effective means of propulsion; or

(iii) A vessel is "substantially dismantled" if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken:

1. The steering system;
2. The propulsion system; or

3. The exterior hull integrity.

Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if such motor is not an effective means of propulsion;

(e) Docked, grounded, or beached upon the property of another without the consent of the owner of the property;

(f) Is obstructing a waterway or within 100 yards of the boundaries of any state, county or municipal port;

(g) Is endangering life or property;

(h) Has broken loose or is in danger of breaking loose from its anchor, mooring, or ties; or

(i) A vessel that is otherwise not seaworthy.

Jurisdiction. (a) In the waters of Harrison, Hancock and Jackson Counties, a person, firm, corporation or other entity may not leave derelict or at risk of being derelict, any vessel on the coastal wetlands, marine waters, or on public or privately owned lands without the owner's permission. The Department of Marine Resources has the authority to remove derelict vessels, whether located on private or public property in the waters of the three coastal counties.

(b) In all other waters of the State of Mississippi, a person, firm, corporation or other entity may not leave derelict or at risk of being derelict, any vessel in the wetlands, public waters or waterways or on public or privately owned lands without the owner's permission. A party with standing may initiate the derelict vessel procedures in this section. For purpose of this section, the following parties have standing:

(i) The owner of the property where the vessel came to rest or to which the vessel was made fast;

(ii) Any harbormaster, police department, municipality or agent of the state that agrees to accept or process a derelict vessel; or

(iii) Any professional marine salvager when the salvager is engaged by a person with standing.

Landowner permission may be revoked at any time. The landowner must provide the department sufficient proof that the vessel owner has been notified of the revocation of landowner's permission or proof that the landowner cannot locate the owner of the vessel. When a vessel that is not otherwise leased to another party is moored upon public trust tidelands for a period of 30 days or longer, permission must be granted by the Secretary of State's Office.

Notice. Any party with standing, or his or her representative, may initiate the notice process by filing an application with the Department of Marine Resources to remove the derelict vessel. Upon receipt and review of the application, the department may initiate the following notice process:

(a) A department officer is authorized to board any vessel that has been reported to the department as being derelict or at risk of being derelict to determine the condition of the vessel and in an attempt to establish ownership of the vessel.

(b) A department officer shall post notice, which must comply with the following requirements:

(i) Be posted on the vessel in a prominent location, visible to an approaching person;

(ii) Require the vessel owner to submit a plan for removal to the department within seven days of the notice; and

(iii) Include a space for the owner of the vessel to respond.

(c) If the registered owner responds with a signature in the space or otherwise provides a written response to the department requesting an extension of time, then the registered owner will have an additional five days to submit the plan for removal.

(d) The department will notify the respondent of the approval or denial of the removal plan within seven business days.

(e) If the respondent fails to comply with the approved removal plan and fails to submit a satisfactory reason as to why the vessel cannot be moved as planned, the department may present the removal plan and evidence of the owner's noncompliance to the chancery court.

(f) Upon presentation of the required evidence, the chancery court will issue an order allowing the department or its representative to remove the vessel from its current location and make whatever disposition is deemed appropriate, including, but not limited to, immediate disposal, storage pending disposal, use for official purposes, transfer to another state agency or other disposition.

(g) If the vessel is located in an area of coastal wetlands where emergent vegetation is present or where the vessel is embedded in the ground, a wetlands permit may be required prior to removal.

(h) Any party who acts in good faith and without malicious intent in the processing, storing or moving any derelict vessel pursuant to this section is immune from liability for damages to the vessel.

Determining ownership. Upon receipt of an application for the removal of a derelict vessel where no removal plan has been

submitted by the owner, the department must attempt to contact the registered owner of the vessel and any lien holders of record by other available means.

Derelict vessel removal. After the initial notice period has lapsed and the department can show proof of inquiries to ascertain the vessel ownership, the Department of Marine Resources may obtain an order from the chancery court for the derelict vessel to be removed from its current location.

Emergency removal. Any derelict vessel that is obstructing a waterway, is within any designated navigation channel or within 100 yards of the boundaries of any state, county or municipal port may be declared a hazard to navigation and subject to immediate relocation, removal, disposal, or other disposition by the department or other party with standing. Any derelict vessel that is leaking any hazardous substances, chemicals or fuels will be reported to the Mississippi Department of Environmental Quality (MDEQ) and may be declared an environmental hazard and subject to immediate relocation, removal, disposal or other disposition by MDEQ, the department or other party with standing.

Costs. The registered owner of a vessel removed in accordance with this law is liable for the costs associated with the relocation, removal, salvage, storage or disposal of the vessel and any damages to the flora and fauna within the affected area. Any funds derived from salvage or sale of a vessel pursuant to this act will be used to offset the costs to the department associated with the removal, salvage, storage or disposal of the vessel. Any funds derived from damages to the flora and fauna will be deposited into the Coastal Resource Management Fund if the Department of Marine Resources initiates the action. Any party who relocates or removes a vessel under this section is not liable for damages resulting from relocation

or removal unless the damage results from gross negligence or willful misconduct.

Cost recovery. (a) The department may seek full cost recovery from the registered owner of the derelict vessel for any expense incurred as a result of, or incidental to, removing the vessel. The registered owner of the vessel is liable for the costs of removal, storage, disposal, and restoration of affected lands, attorneys' fees, and all court costs.

(b) The owner of the vessel is also liable for an administrative penalty of \$500 per day. The penalty for emergency removal of vessels may be imposed by the Executive Director of the Department of Marine Resources upon the recommendation of the Advisory Commission on Marine Resources. The fines for removal of all other vessels may be imposed by the chancery court.

(c) Expenses incurred, including, but not limited to, fines, court costs, vessel removal, storage, disposal, restoration of affected lands, and attorneys' fees for derelict vessels will be imposed by the chancery court.

(d) If the registered owner should fail to pay fines imposed by the department, an enforcement action will be filed with the chancery court which may result in the court issuing an order, including, but not limited to, the collection of fines, court costs, and/or any legal avenue the court finds appropriate to collect such funds.

(e) All proceeds from any activity initiated by the Department of Marine Resources related to the disposition of a derelict vessel under this act will go into the Derelict Vessel Fund, a special fund within the Seafood Fund. However, any fines imposed for the damage to coastal wetlands will be placed in the Coastal Resource Management Fund.

Court process. (a) The chancery court of the county in which the vessel is located has jurisdiction over all matters concerning derelict vessels under this act, including injunctions and demands for damages. If the vessel is allowed to float and/or is otherwise moved to another county after notice has been provided, the county in which the vessel was first provided notice shall have continuing jurisdiction.

(b) If there is no response to the publication attempts, the chancery court will issue an order to the Department of Marine Resources allowing the department to take possession of the vessel and make such use or disposition of the vessel as deemed appropriate under the circumstances. If the department determines that the vessel may be used for official purposes or otherwise sold, the MDWFP will issue a vessel registration number or a hull identification number to the department after proof of publication has been submitted.

(c) The chancery court may, in its discretion, order damages up to \$500 per day for every day the vessel was left abandoned or derelict, beginning on the day notice was posted on the vessel.

(d) If the department or a party with standing desires to require the registered owner to remove the vessel, then he or she may apply to the chancery court for a writ of mandatory injunction ordering the registered owner to remove the vessel. The chancery court must allow a reasonable time for removal and restoration of the affected lands. The chancery court may order further damages not to exceed \$500 per day for each day that the violation exists beyond the date set by the court in an injunction for the removal of the vessel and restoration of the affected lands.

(e) Any court-ordered reimbursed costs or damages in excess of the actual costs of removal and restoration initiated

by the Department of Marine Resources must be deposited in a special fund in the State Treasury known as the "Derelict Vessel Fund" within the Seafood Fund. Any funds deposited in the fund must be used to cover the administrative costs and removal costs incurred by the department for the removal of derelict vessels. Any remaining funds must be used to cover the costs of removing additional derelict vessels. However, any fines imposed for the damage to coastal wetlands will be placed in the Coastal Resource Management Fund.

Department authorities. The department is authorized to enter into contracts with individuals, firms and corporations, or agreements with other state agencies for the removal and/or temporary storage of vessels prior to removal.

Regulations. The Department of Marine Resources shall adopt rules and regulations necessary and appropriate to carry out this act for actions falling within its jurisdiction. The department may promulgate regulations to establish a derelict vessel prevention program to address vessels at risk of becoming derelict.

Immunity. The State of Mississippi, the Department of Marine Resources, and their employees and representatives shall not be liable for any damages resulting from the removal, towing, storage, sale or disposal of any vessel that is derelict or hazardous under this act. The department or any party with standing does not incur liability for any resulting damage to the vessel or any damage the vessel may cause to any property or person during the time frame between posting notice and vessel removal. If any damages occur during the period of time between notice and removal of the vessel, the registered vessel owner, according to MDWFP records, is presumed liable for all damages.

SB 2476. Effective 7/1/22. Signed 4/14/22.

SB 2476 authorizes the Mississippi Department of Marine Resources to license molluscan shellfish aquaculture operations and to license multiple vessels at such aquaculture operations. Each molluscan shellfish aquaculture operation shall annually, before beginning operations, be licensed by the department and pay the following license fee:

(a) Fifty Dollars on each resident molluscan shellfish aquaculture operation; or

(b) One Hundred Dollars on each nonresident molluscan shellfish aquaculture operation.

SB 2511. Effective 7/1/22. Signed 4/14/22.

SB 2511 deletes the requirement for a saltwater shrimp captain's license issued by the Mississippi Department of Marine Resources.

HB 972. Effective on passage. Signed 3/22/22.

HB 972 creates a pilot program for bottom land leasing for oyster production. It authorizes the Department of Marine Resources to lease certain areas of bottom land for oyster production to oyster and/or seafood processors who only operate in the waters adjacent to Hancock County. Those areas are Area 1, which is the tonging area in Hancock County from the Bay St. Louis Railroad Bridge to Long Point, which is 500 feet offshore to one mile offshore, and Area 2, which is Telegraph Reef.

The bill also provides the price and length of the lease, which shall be for five years and \$2 an acre, and the lessee shall have the first right to renew the lease for an additional five years.

Funds derived from the lease shall be deposited into the Seafood Fund to further oyster production in this state, which includes plantings of oysters and cultch materials.

The bill also amends Section 49-15-36 to conform to the provisions of the pilot program.

HB 1057. Effective 7/1/22. Signed 3/22/22.

HB 1057 revises the acreage of bottom authorized to be leased by the Department of Marine Resources for oyster cultivating and gathering. The amount to lease goes from not less than five acres not more than 500 acres to not less than one acre nor more than 3,500 acres. The bill also changes "commission" to "department" to reflect previous changes made to the powers and duties of the commission.

HB 1130. Effective 7/1/22. Signed 3/16/22.

HB 1130 amends Section 49-15-28 to separate the combination seafood dealer and processor license into two licenses. A seafood dealer shall not operate as a seafood processor, but a seafood processor may operate as a seafood dealer. Each license shall be \$100. The bill also provided the following new exemptions to the licensing requirement:

- Nonresident commercial wholesalers engaged in delivering processed seafood product, with proof of purchase, to licensed Mississippi processors, dealers, restaurants or retailers;
- Nonresident commercial wholesalers engaged in delivering unprocessed seafood product, with proof of purchase, to licensed Mississippi processors or dealers.
- Contract carriers engaged in the import and export of seafood product, with proof of purchase, to and from licensed Mississippi processors.
- Restaurants and retailers receiving processed seafood product, with proof of purchase, from a licensed resident or nonresident commercial wholesaler, and selling to the end user.

PUBLIC HEALTH AND WELFARE

SB 2095. Effective on passage. Signed 2/2/22.

SB 2095 enacts the Mississippi Medical Cannabis Act. Section 2 of the bill sets definitions applicable to the act, including setting the allowable amount of cannabis, the debilitating medical conditions to qualify a patient for medical cannabis, the Mississippi Medical Cannabis Equivalency Unit, practitioners, and medical cannabis establishments.

Section 3 authorizes the use of medical cannabis by individuals who have been diagnosed by a practitioner as having a debilitating medical condition, have received a written certification from the practitioner and have been issued a registry identification card from the Department of Health. It sets requirements of written certifications, training requirements of practitioners, and the verification of identity of cardholders.

Section 4 of the bill sets the general responsibilities of the Department of Health and the Department of Revenue and provides for the timelines required under the act. Section 5 of the bill establishes legal protections for the medical use of cannabis, including certain activities that will be considered lawful and the presumption that a registered qualifying patient or caregiver is engaged in the medical use of medical cannabis. Section 6 of the bill requires each medical cannabis establishment to use a seed-to-sale tracking system for medical cannabis. Section 7 sets certain limitations and legal constructions for activities related to medical cannabis. Section 8 prohibits certain actions taken against individuals because of their status as medical cannabis cardholders with certain limitations.

Section 9 of the bill creates the framework for the addition of debilitating medical conditions to allow residents to petition the Department of Health to add serious medical conditions. Section 10 sets certain acts that shall not be prohibited relating to private insurers and government medical assistance. Section 11 allows facilities, including medical facilities, to adopt restrictions on the use of cannabis by their residents. Section 12 establishes timelines for the issuance and denial of registry identification cards and Section 13 sets requirements for registry identification cards. Section 14 requires the Department of Health and the Department of Revenue to provide annual reports to the Legislature. Section 15 requires the Department of Health to maintain a verification system for registry identification cards. Sections 16 and 17 set the required reporting requirements and notifications of medical cannabis establishments.

Section 18 sets certain tiers, licensing requirements and fees for micro-cultivators, cultivators, micro-processors, processors, dispensaries, transporters, disposal entities, testing facilities and research facilities. It also prohibits any individual or business entity from having a direct or indirect ownership or economic interest of greater than 10% in more than one cannabis cultivation license, more than one cannabis processing license and more than five dispensary licenses. It sets minimum qualifications for these establishments. Section 19 allows municipalities and counties to set local ordinances related to medical cannabis establishments. Section 20 sets the requirements, prohibitions and penalties of activities related to the use of medical cannabis and medical cannabis establishments, including the possession limit, the THC potency requirement and the allowable amount of cannabis.

Section 21 requires the Department of Health and the Department of Revenue to issue rules and regulations related to their particular role, and Section 22 requires these departments to jointly create and maintain a public registry of medical cannabis establishments. Section 23 sets violations and penalties related to the violations, and Section 24 sets fines, suspensions and revocations of medical cannabis establishments. Section 25 sets forth a list of data that is confidential and exempt from the Mississippi Public Records Act. Section 26 allows medical cannabis establishments to deduct certain expenses from income taxes. Section 27 provides certain protections for banks that provide services to medical cannabis establishments. Section 28 states that the act does not apply or supersede any of the provisions of the Harper Grace Law. Section 29 sets an excise tax on medical cannabis and requires that establishments collect the 7% sales tax for medical cannabis products. Section 30 allows municipalities and counties to opt out of the cultivation, processing, sale and distribution of medical cannabis within 90 days of the effective date of the act. It also allows citizens to opt back in through the existing referendum process.

Section 31 sets a judicial review for any person aggrieved by a final decisions or order by an agency. Section 32 provides that all fees, fines and taxes collected shall be deposited into the State General Fund. Section 33 creates the Medical Cannabis Advisory Committee. Section 34 exempts certain acquisitions by the Department of Health and Department of Revenue from ITS procurement law. Section 35 allows for grants, contracts, pass-through funds, project fees or charges for services between the MDOH and the MDOR and other state agencies or entities for the operation of this program. Sections 37 through 49 bring forward various code sections. Section 50 amends the income tax

deduction to conform and Section 51 amends the sales tax statute to conform. Sections 52-63 conform existing law to the act, including the Uniform Control Substances Law. Section 64 amends existing law to provide that the medical use of medical cannabis by a cardholder who is a registered qualifying patient shall not disqualify a person from receiving a concealed carry license.

Sections 65 and 66 amend existing law for driving motor vehicles and boats while under the influence to provide that these prohibitions are fully applicable to a person who is under the influence of medical cannabis. Sections 67 and 68 amend workers' compensation statutes to provide that where an employee tests positive for medical cannabis or refuses the test, injuries are presumed to not be compensable under workers compensation unless the employee shows that injury was unrelated to impairment by medical cannabis. Sections 69, 70, 71 and 72 amend existing law for certain licensing requirements and the prescription-monitoring system for nurses, optometrists, pharmacists and physicians to conform. Section 73 amends existing law to provide that this act does not require a health coverage plan to cover and pay for the treatment of a person who is a cardholder and registered qualifying patient.

Sections 74 through 99 amend existing law to provide that certain tax exemptions, health care industry zones and other incentives do not apply to medical cannabis establishments.

SB 2421. Effective 7/1/22. Signed 4/18/22.

SB 2421 provides that until July 1, 2024, the State Department of Health shall use funds to make physician grants to Mississippi qualified health centers to provide a one-time salary supplement to primary care physicians who are recruited under the program.

SB 2725. Effective 7/1/22. Signed 4/14/22.

SB 2725 provides that a health care provider or its agent(s), or both, shall provide medical records and billing records that are in their possession or custody to the patient who is the subject of the records or the patient's representative within 30 days from the date a valid request from the patient or the patient's representative is received by the health care provider or its agent(s).

SB 2735. Effective 7/1/22. Signed 4/18/22.

SB 2735 creates a definition for Pilot Freestanding Emergency Rooms for the purpose of licensure. The bill defines these as a facility open 24 hours a day for the treatment of urgent and emergent medical conditions that is not located on a hospital campus. The bill also requires that in order to be eligible for licensure, the pilot freestanding emergency room shall be located at least 15 miles from the nearest hospital-based emergency room in a county without emergency hospital care which is open 24 hours a day. The bill also provides that the licensing agency shall not issue licenses for more than five pilot freestanding emergency rooms. The bill also requires the licensing agency to adopt criteria for determining which applicants will have priority for receiving a license if there are more than five applications for pilot freestanding emergency room licenses.

SB 2818. Effective on passage. Signed 3/30/22.

SB 2818 provides various exceptions to legal requirements for the Department of Health and the Department of Revenue in their roles in implementing and administering the Mississippi Medical Cannabis Act.

The bill amends certain provisions of Senate Bill 2095, 2022 Regular Session, to provide that through June 30, 2023, the

provisions of the Mississippi Department of Information Technology Services bid and contract requirements shall not apply to the Department of Health and the Department of Revenue for the purposes of implementing, administering and enforcing the provisions of the Mississippi Medical Cannabis Act. The bill also provides that through July 1, 2023, personnel employed by the Mississippi Department of Health and/or the Department of Revenue whose employment is solely in connection with either department's responsibilities in implementing, administering and enforcing provisions of the Mississippi Medical Cannabis Act shall be exempt from being considered as state service employees for purposes of the State Personnel Board.

The bill also provides that from February 2, 2022, through June 30, 2023, the Mississippi Department of Health and/or the Department of Revenue shall be exempt from the Administrative Procedures Act for the purposes of implementing, administering and enforcing the provisions of the Mississippi Medical Cannabis Act. The bill also provides that through June 30, 2023, the provisions of the Mississippi Department of Information Technology Services bid and contract requirements shall not apply to the Department of Health and the Department of Revenue for the purposes of implementing, administering and enforcing the provisions of the Mississippi Medical Cannabis Act. The bill provides that from February 2, 2023, through June 30, 2023, any personal or professional service contract entered into by the Department of Health and the Department of Revenue solely in connection with their respective responsibilities under the Mississippi Medical Cannabis Act shall be exempt from the Public Procurement Review Board.

The bill provides that certain purchases made by the Department of Health and/or the Department of Revenue solely for the purpose of fulfilling their respective responsibilities

under the Mississippi Medical Cannabis Act to be exempt from certain bidding requirements. The bill also requires the Mississippi Department of Public Safety to retain any fingerprints sent by the Department of Health pursuant to the Mississippi Medical Cannabis Act. The bill also authorizes the Executive Director of the Department of Health and the Department of Revenue to negotiate a limitation on the liability of prospective contractors to the state on the negotiation and execution of all information technology contracts as necessary under the Mississippi Medical Cannabis Act.

SB 2820. Effective 7/1/22. Signed 4/25/22.

SB 2820 establishes the COVID-19 Hospital Expanded Capacity Program to be administered by the Mississippi Department of Health to provide funds to hospitals to increase treatment capacity related to the COVID-19 Pandemic. The bill also authorizes the Department of Health to promulgate rules and regulations to govern the use of funds under the program. The bill requires the department to submit a report on the status of the program to the Joint Legislative Budget Committee before October 1 of each year.

The bill provides that the department shall operate and administer the grant program from funds appropriated by the Legislature from the Coronavirus State Fiscal Recovery Funds. The bill requires that the funds shall first be expended for the reimbursement to hospitals for the creation of ICU beds at a maximum amount of \$200,000 per bed. It also provides that any remaining funds shall be used to reimburse hospitals for the creation of negative pressure beds at a maximum amount of \$50,000 per bed. The bill requires recipients of funds under the program to certify that the reimbursement for the creation of the intensive care units or negative pressure rooms is for

allowable expenditures under the American Rescue Plan Act (ARPA) of 2021.

The bill also amends Section 41-7-191 to exempt the construction or addition of intensive care units or negative pressure rooms funded by the program from the provisions of the Healthcare Certificate of Need Law.

The bill also establishes the COVID-19 Mississippi Local Provider Innovation Grant Program to be administered by the State Department of Health. The program and any grant awarded under the program shall be for the purpose of strengthening and improving the health care system and increasing access to health care services providers to help communities achieve and maintain optimal health by providing transitional assistance to providers. The department may award an innovation grant to a local health care provider that applies in accordance with the act. The bill provides that the department shall operate and administer the grant program from funds appropriated by the Legislature from the Coronavirus State Fiscal Recovery Funds.

Applicants for the program are limited to one application per business entity as determined by the applicant's business filing status with the Secretary of State. Subsidiaries of the entity are not eligible to submit separate applications. Health care systems that affiliate, own or control multiple clinics are only eligible to submit one application under the parent entity. The department shall determine the amount of the grant to be awarded to each applicant based on the factors detailed in the application, with the maximum amount of a grant that may be awarded to an applicant being \$250,000.

SB 2899. Effective 7/1/22. Signed 4/18/22.

SB 2899 amends Section 83-9-39 to require health insurance policies, plans or policies, plans or programs of any employer

of 100 or fewer eligible employees and all individual health insurance policies which are regulated by the State of Mississippi which do not currently offer benefits for treatment of mental illness shall offer covered benefits for the treatment of mental illness, which must include the treatment of mental illness by community mental health centers operated by a regional commission established under Section 41-19-33 or by a public or private entity under contract with a regional commission to operate the center.

The bill also provides that alternative delivery systems and group health insurance policies, plans or programs regulated by the State of Mississippi shall not deny any community mental health center or contract entity the right to participate as a contract provider if the community mental health center or contract entity agrees to provide the mental health services that meet the terms of requirements set forth by the insurer under the policy or plan and agrees to the terms of reimbursement set forth by the insurer. The bill provides that certification/licensure of all mental health providers by the Board of Mental Health shall be recognized by the insurer and shall not be used as a reason to deny any mental health provider the right to participate as a contract provider.

HB 20. Effective on passage. Signed 3/3/22.

HB 20, which is named "Cole's Law," prohibits discrimination by covered entities against recipients of an anatomical gift or organ transplant based on the disability of a recipient.

- "Covered entity" is defined as any licensed provider of health care services, including licensed health care practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric residential treatment

facilities, institutions for individuals with intellectual or developmental disabilities, and prison health centers; or any entity responsible for matching anatomical gift donors to potential recipients.

- "Disability" is defined to have the same meaning as in the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008.

- Covered entities are prohibited from taking any of the following actions solely on the basis of an individual's disability:

- ▶ Considering the individual ineligible to receive an anatomical gift or organ transplant;

- ▶ Denying medical services or other services related to organ transplantation, including diagnostic services, evaluation, surgery, counseling, post-operative treatment and services;

- ▶ Refusing to refer the individual to a transplant center or other related specialist for the purpose of being evaluated for or receiving an organ transplant;

- ▶ Refusing to place a qualified recipient on an organ transplant waiting list;

- ▶ Placing a qualified recipient on an organ transplant waiting list at a lower priority position than the position at which the individual would have been placed if the individual did not have a disability; or

- ▶ Refusing insurance coverage for any procedure associated with being evaluated for or receiving an anatomical gift or organ transplant, including post-transplantation and post-transfusion care.

- Notwithstanding the above prohibitions, a covered entity may take an individual's disability into account when making treatment or coverage recommendations or decisions, solely to the extent that the disability has been found by a physician or surgeon, following an individualized evaluation of the individual, to be medically significant to the provision of the anatomical gift.

- If a covered entity has violated or is violating any of the provisions of this act, the affected individual may file a civil action for injunctive and other equitable relief against the covered entity to enforce compliance with this act.

- Health insurance issuers that provide coverage for anatomical gifts, organ transplants, or related treatment and services are prohibited from taking any of the following actions:

- ▶ Denying coverage to a covered person solely on the basis of the person's disability;

- ▶ Denying to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the health benefit plan, solely for the purpose of avoiding the requirements of this act;

- ▶ Penalizing or otherwise reducing or limiting the reimbursement of an attending provider, or providing monetary or nonmonetary incentives to an attending provider, to induce such provider to provide care to an insured or enrollee in a manner inconsistent with this act; or

- ▶ Reducing or limiting coverage benefits to a patient for the medical services or other services related to organ transplantation performed under this act as determined in consultation with the attending physician and patient.

HB 232. Effective on passage. Signed 3/14/22.

HB 232 adds 20 fentanyl-related substances, MT-45, NM2201, 5F-CUMYL-P7AICA and PMMA as Schedule I controlled substances because these drugs have no legitimate medical use and have a high potency with great potential to cause harm.

The bill further alphabetizes certain substances to conform the list of Schedule I opiates to the code of federal regulations, and adds oliceridine as a Schedule II controlled substance because oliceridine has a currently accepted medical use, but has a high potential for abuse that may lead to severe psychological or physical dependence.

The bill also adds lemborexant and remimazolam as Schedule IV controlled substances because these drugs have a currently accepted medical use and a low potential for abuse that may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Also, the bill adds cenobamate and lasmiditan as Schedule V controlled substances because these drugs have a currently accepted medical use and a low potential for abuse that may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.

Lastly, the bill amends Section 41-29-137, Mississippi Code of 1972, as amended by the Mississippi Medical Cannabis Act, to conform to existing law regarding the prescriptive authority of optometrists.

HB 365. Effective 7/1/22. Signed 3/16/22.

HB 365 establishes the Mississippi Rural Hospital Loan Program in the State Department of Health to provide loans to rural hospitals to assist the hospitals in providing needed direct health care services.

- "Rural hospital" is defined as a licensed Mississippi hospital that has 50 or fewer licensed general acute, nonspecialty beds.

- Loans may be used by rural hospitals for maintaining or upgrading the rural hospital's facilities; maintaining or increasing the current staff of the rural hospital; or providing health care services that are not currently available to citizens.

- A special fund is created in the State Treasury to be known as the Rural Hospital Operations and Facilities Revolving Loan Fund, which will be administered by the department and expended for the sole purpose of providing loans to rural hospitals under the provisions of this act.

- The department will determine the terms and conditions of each loan, including the repayment of the loan to be deposited back in the revolving loan fund for issuance of future loans to other rural hospitals, which are subject to the following provisions:

- ▶ To be eligible for a loan, a rural hospital must first submit to the department a current financial audit showing that the hospital is in good financial condition;

- ▶ To qualify for a loan, a rural hospital must request funds for one or more of the purposes specified in this act, and a loan received by a rural hospital must be used only for the requested purpose or purposes;

- ▶ The amount of a loan will be not less than \$25,000 and not more than \$100,000 per rural hospital facility;

- ▶ An application fee of \$1,000 must be paid by the rural hospital at the time of submission of the application;

- ▶ Security or collateral for a loan will be required by the rural hospital;
- ▶ The term of a loan will not exceed 20 years, subject to the life of the collateral for the loan;
- ▶ The rate of interest on a loan is fixed and equal to one percent per annum;
- ▶ A loan may not be used to pay costs incurred before approval of the loan by the department, and a loan may not be refinanced;
- ▶ 100% of the project costs must be incurred by the rural hospital within one year of approval of the loan by the department; and
- ▶ A rural hospital receiving a loan must maintain at least 85% of its full-time employees on the date of approval of the loan annually throughout the term of the loan agreement.
 - ◆ A "full-time employee" means a person employed by the rural hospital for a minimum of 35 hours per week, and does not include temporary workers, temp-to-hire workers, part-time workers or traveling medical professionals.
- The department is required to make annual reports to the Joint Legislative Budget Committee providing certain information about each outstanding loan issued under the program.

HB 424. Effective 7/1/22. Signed 3/23/22.

HB 424 enacts into law the Audiology and Speech-Language Pathology Interstate Compact and provides that the State of Mississippi enters the compact with other states that join in the compact. The compact will come into effect when it has been enacted into law in 10 states.

- The purpose of the compact is to facilitate the interstate practice of audiology and speech-language pathology

with the goal of improving public access to audiology and speech-language pathology services.

- The compact is designed to increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses, and to allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

- Under the compact, an audiologist or speech-language pathologist who is licensed in one state that is a member of the compact (the "home state") is authorized to practice audiology and speech-language pathology in another state that is a member of the compact (the "remote state") under a "compact privilege."

- A licensee providing audiology and speech-language pathology services in a remote state under the compact privilege is required to function within the laws and regulations of the remote state and is subject to that state's regulatory authority. A remote state has the authority to take adverse actions against a licensee's compact privilege in the state, but a home state has the exclusive power to impose adverse action against a license issued by the home state.

- The compact creates the Audiology and Speech-Language Pathology Compact Commission to enforce the provisions and rules of the compact, and to provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse actions, and investigative information on all licensed individuals in member states.

HB 732. Effective 7/1/22. Signed 3/22/22.

HB 732 states the intent of the Legislature to comply with the National Suicide Hotline Designation Act of 2020 and the related rules of the Federal Communication Commission to assure

that all Mississippians receive a consistent level of 9-8-8 and crisis behavioral health services no matter where they live, work or travel in the state, and it creates the Study Commission on the 9-8-8 Comprehensive Behavioral Health Crisis Response System.

- The bill further states the intent of the Legislature to do the following:

- ▶ Authorize the State Department of Mental Health to designate 9-8-8 crisis hotline centers, which are state identified and funded centers participating in the National Suicide Prevention Lifeline Network to respond to statewide or regional 9-8-8 calls, that will:

- ◆ Use technology, including chat and text, that is interoperable across emergency response systems used throughout Mississippi;

- ◆ Deploy crisis and outgoing services, including mobile crisis response teams, and coordinate access to crisis receiving and stabilization services and other local resources as appropriate and according to guidelines and best practices established by the National Suicide Prevention Lifeline (NSPL); and

- ◆ Provide follow-up services to individuals accessing the 9-8-8 hotline consistent with guidance and policies established by the NSPL.

- ▶ Appropriate the funds needed for the first year of 9-8-8 implementation and to make additional investments to enhance the crisis response system; and

- ▶ Maintain access to a statewide crisis system of care that is interconnected, effective and ensures a culturally and linguistically competent response to behavioral health crises.

- "9-8-8" is defined as the universal telephone number for the national suicide prevention and mental health crisis hotline system.

- The Study Commission on the 9-8-8 Comprehensive Behavioral Health Crisis Response System is created to assess the statewide crisis response system and make recommendations to:

- ▶ Remove barriers to access behavioral health crisis services;

- ▶ Ensure that all residents receive a consistent and effective level of behavioral health crisis services no matter where they live, work or travel in the state;

- ▶ Adequately fund the crisis response services system statewide to support the sustainability of call centers and crisis services, looking at ongoing funding by Medicaid, federal and state revenue, or other funding sources;

- ▶ Propose strategies and policies for ongoing coordination with 911 and law enforcement; and

- ▶ Propose strategies for supporting investment in new technology to triage calls and link individuals to follow-up care.

- The Study Commission is directed to prepare and submit a written report of its findings and recommendations to the Legislature and the Governor, together with any proposed legislation necessary to implement its recommendations, on or before November 1, 2023. Upon presentation of its report, the Study Commission will be dissolved.

HB 927. Effective 7/1/22. Signed 3/16/22.

HB 927 revises the conditions tested for in the comprehensive newborn screening program administered by the

State Department of Health to include those conditions that are listed on the Recommended Uniform Screening Panel (RUSP).

- The State Board of Health is required to ensure that each condition listed on the RUSP is included in the newborn screening program within three years after being added to the RUSP.

- If the department does not include a RUSP-listed condition in the newborn screening program within three years, the department must provide a report on the status and reasons for the delay to the House and Senate Public Health Committees once a year after the three-year period.

HB 1056. Effective 7/1/22. Signed 3/16/22.

HB 1056 enacts into law the Professional Counseling Compact and provides that the State of Mississippi enters the compact with other states that join in the compact. The compact will come into effect when it has been enacted into law in 10 states.

- The purpose of the compact is to facilitate the interstate practice of Licensed Professional Counselors with the goal of improving public access to professional counseling services.

- The compact is designed to increase public access to professional counseling services by providing for the mutual recognition of other member state licenses, allowing for the use of telehealth technology to facilitate increased access to professional counseling services, and eliminating the necessity for licenses in multiple states.

- Under the compact, a Licensed Professional Counselor who is licensed in one state that is a member of the compact (the "home state") is authorized to practice professional counseling in another state that is a member of the compact (the "remote state") under a "compact privilege."

- A licensee providing professional counseling services in a remote state under the compact privilege is required to function within the laws and regulations of the remote state and is subject to that state's regulatory authority. A remote state has the authority to take adverse actions against a licensee's compact privilege in the state, but a home state has the exclusive power to impose adverse action against a license issued by the home state.

- The compact creates the Counseling Compact Commission to enforce the provisions and rules of the compact, and to provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse actions, and investigative information on all licensed individuals in member states.

PUBLIC PROPERTY

SB 2004. Effective 7/1/22. Signed 3/11/22.

SB 2004 extends the automatic repealer on the section prescribing who may purchase public land in Mississippi.

SB 2525. Effective on passage. Signed 4/18/22.

SB 2525 amends Chapter 393 of the Laws of 2014 which authorized the Department of Finance and Administration, on behalf of the Mississippi Department of Archives and History, to donate all rights to certain historic property adjacent to the Champion Hill Battlefield site to the Vicksburg National Military Park. The bill authorizes DFA, on behalf of the Department of Archives and History, to retain a 200-foot buffer on the north side of the Champion Hill Battlefield property between the existing railroad right-of-way and the National Park Service Property as an access corridor to be retained by the department to assist in future park operations and maintenance. The bill includes a legal description of the Buffer Tract. The long range purpose of these acquisitions is to allow the Vicksburg Military Park to maintain the Champion Hill Battlefield property and offer tours to the general public to interpret the significance of this battle which preceded the historically critical Siege of the City of Vicksburg during the American Civil War.

HB 1131. Effective 7/1/22. Signed 3/17/22.

HB 1131 provides that the Secretary of State may sell state-forfeited tax land by online auction. This bill allows the Secretary of State to enter into agreements with online providers to conduct such sales.

HB 1132. Effective 7/1/22. Signed 3/22/22.

HB 1132 amends Section 29-5-2, to allow DFA to solicit proposals for Capitol Facilities buildings to obtain better/additional food service options. Current vendors for vending areas, cafes and restaurants in state-owned buildings are furnished via Department of Rehab Services (MDRS), which limits their operations to serving tenants only during normal state business hours. By authorizing DFA to charge rent to such vendors, the bill would allow DFA to permit such vendors to have service hours after normal state business hours and on weekends and to use facilities for catering to both tenants and general public. Costs for operating the facilities after hours would be compensated via rent and utility charges. DFA would have to use the competitive procurement process for purposes when selecting vendors and demonstrate that any agreement entered into will not result in a net cost to the state.

The bill also updates listing of state properties for which DFA is now given jurisdiction, by adding 350 High Street (former Wright & Ferguson Funeral Home) and 401 North Lamar Street (former Sun-N-Sand Motel).

HB 1247. Effective 7/1/22. Signed 4/18/22.

HB 1247 gives USM the authority to enter into lease/sublease agreements up to 40 years for property administered by the State Port Authority at Gulfport. The IHL Board would have to approve the terms of the lease or sublease of the property. Once a lease or sublease is entered into, it cannot be cancelled by successor boards on the basis of the binding successor doctrine.

Additionally, the conference authorizes the Department of Mental Health to sell two properties which are no longer used by the department. The first property is in Meridian that served

as the former office for Community Residential Services Division for the East MS State Hospital, and the second property is in Newton that served a former Alzheimer's Unit at the Central MS Residential Center.

Lastly, the bill also gives the Board of Supervisors of Tallahatchie County the authority to convey, lease or transfer any county-owned real property, under terms and conditions it deems appropriate, to the United States Government or a nonprofit organization dedicated to the preservation of historical and cultural sites, area, items or artifacts, which include: (a) The Second Judicial Courthouse of Tallahatchie County, including the buildings and grounds located in Sumner, Mississippi; (b) the Annex Building located at 158 North Court Street in Sumner, Mississippi, which houses the Emmett Till Interpretive Center; and (c) Graball Landing on River Road in Tallahatchie County.

HB 1343. Effective 7/1/22. Signed 4/14/22.

HB 1343 authorizes DFA to transfer and convey to the Marion County Economic Development District certain real property located at Columbia Training School in Marion County, Mississippi. The real property contains approximately 1,148.92 acres. This transfer would constitute the transfer of the last of the remaining property at Columbia Training School, which is under the governance of the Mississippi Department of Human Services. Like in all previous transfers of parcels of this property, the State of Mississippi retains all mineral rights in the property.

DHS will have six months to harvest any timber on the property being transferred, and upon expiration of the allotted period, DHS would forfeit their rights to future interest in any timber remaining on the property.

Additionally, the conference report provides that if the Marion County Economic Development District sells any of the property received under this transfer, it must be sold at fair market value as determined by the average of two appraisals. Following the sale, the Marion County Economic Development District would automatically recoup any costs incurred in improving the infrastructure and access of the property in preparation for sale from the initial proceeds. The remaining proceeds of the sale would then be divided equally between the Marion County Economic Development District and the State of Mississippi.

RULES

HB 384. Effective on passage. Signed 1/24/22.

HB 384 revises the congressional voting districts statewide to comply with the constitutional requirement of one person one vote according to the change in population based on the 2020 federal decennial census.

HB 1509. Effective on passage. Signed 4/21/22.

HB 1509 prohibits state and local governments from imposing COVID-19 vaccine mandates.

- A state agency, public official, state institution of higher learning, public community or junior college, county, municipality or other political subdivision of the state is prohibited from taking any of the following actions against a person based on the person's COVID-19 vaccination status or whether the person has an immunity passport:

- ▶ Refusing, withholding from, or denying to a person any local or state services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care access, or employment opportunities;

- ▶ Refusing employment to a person, barring a person from employment, or discriminating against a person in compensation or in a term, condition, or privilege of employment; or

- ▶ Excluding, limiting, segregating, refusing to serve, or otherwise discriminating against a person.

- "COVID-19 vaccination status" is defined as an indication of whether a person has received one or more doses of a vaccine for COVID-19.

- "Immunity passport" is defined as a document, digital record, or software application indicating that a person has immunity to COVID-19, either through vaccination or infection and recovery.

- Children attending any school, kindergarten or similar type of facility intended for the instruction of children, either public or private, cannot be required to receive a vaccine for COVID-19 as a condition of attendance.

- A state agency, public official, state institution of higher learning, public community or junior college, county, municipality or other political subdivision of the state does not unlawfully discriminate under this act if they recommend that an employee receive a vaccine for COVID-19.

- A health care facility does not unlawfully discriminate under this act if it:

- ▶ Asks an employee to volunteer the employee's COVID-19 vaccination status for the purpose of determining whether the health care facility should implement reasonable accommodation measures to protect the safety and health of employees, patients, visitors, and other persons from COVID-19.

- ◆ A health care facility may consider an employee to be unvaccinated if the employee declines to provide the employee's COVID-19 vaccination status to the health care facility for purposes of determining whether reasonable accommodation measures should be implemented; or

- ▶ Implements reasonable accommodation measures for employees, patients, visitors, and other persons who are not vaccinated for COVID-19 to protect the safety and health of employees, patients, visitors, and other persons from COVID-19.

- An employee of any public or private employer who has a sincerely held religious objection to receiving a vaccine for COVID-19 cannot be required to receive a vaccine for COVID-19.

- A health care facility is exempt from compliance with this act during any period of time that compliance with this act would result in a violation of regulations or guidance issued by the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention.

TOURISM

HB 453. Effective 7/1/22. Signed 4/14/22.

HB 453 does the following:

- Requires the Department of Finance and Administration (DFA) to establish a program to provide funds to assist destination marketing organizations in paying costs for marketing activities. The DFA will determine, in conjunction with the destination marketing organizations, the allocation of funds under the program and will disburse funds as follows:

- ▶ Not more than \$9,427,557 will be allocated to destination marketing organizations in a manner that will provide monies to a destination marketing organization in an amount equal to 75% of the destination marketing organization's marketing and advertising expenditures during the 2019 fiscal year, and

- ▶ Not more than \$20,572,443 will be allocated to destination marketing organizations based on the proportion that a destination marketing organization's contribution toward total tourism visitors in the state according to the 2019 Fiscal Year Visit Mississippi Visitors Profile Report bears to all destination marketing organizations' contributions toward total tourism visitors in the state according to the 2019 Fiscal Year Visit Mississippi Visitors Profile Report. However, a destination marketing organization will not receive an amount less than \$250,000 under this provision.

Before receiving funds, a destination marketing organization must certify to the DFA that:

- ▶ The funds will only be used for marketing activities,

- ▶ The destination marketing organization will comply with applicable federal and state regulations and requirements related to American Rescue Plan Act funds, and

- ▶ The destination marketing organization will obligate all funds by December 31, 2024, and fully expend all funds by December 31, 2026.

The bill defines the following terms for the purposes of the program:

- ▶ "Destination marketing organization" means:

- ◆ Special local governmental units created by local and private laws of the State of Mississippi for the purpose of tourism promotion, funded by special local tax levies, and staffed with professionals engaged in out-of-state tourism marketing and tourism product development for municipalities, counties and/or regions; or

- ◆ Publicly-funded local organizations that engage in out-of-state tourism marketing and tourism development for municipalities, counties and/or regions.

- ▶ "Marketing activities" means multimedia marketing and advertising, including digital media, broadcast media and printed media, including travel publications, production, travel market sector analysis, consumer travel sentiment, public relations, communication strategy, direct sales bookings, group tour bookings, tourism development and administrative costs to execute marketing activities related to the business disruption effects of the Coronavirus Disease 2019 as expressed in Section 1 of the bill.

- Requires the DFA to establish a program to provide assistance to Mississippi nonprofit museums located in municipalities with a population of not more than 50,000 according to the latest federal decennial census to assist in

paying costs associated with advertising and other forms of promoting and publicizing nonprofit museums and museum related activities, and repairs and renovations of and upgrades and improvements to such museums for health and safety purposes related to the Coronavirus Disease 19. Of the monies disbursed by the DFA under the program, 25% will be used to provide assistance for requests for assistance of less than \$300,000; 35% will be used to provide assistance for requests for assistance of \$300,000 or more but less than \$700,000 and 40% will be used to provide assistance for requests for assistance of \$700,000 or more. A museum desiring assistance must submit an application to the DFA. The application must include a description of the purposes for which the assistance is requested, the amount of the assistance requested and any other information required by the DFA.

- Requires the DFA to establish a program to provide funds to Mississippi Main Street Association to be used for the purpose of making revitalization grants to Mississippi communities as follows:

2020 <u>population</u>	<u>Number of communities</u>	<u>Grant amount</u>	<u>Total grants</u>
More than 25,000	8	\$ 125,000	\$ 1,000,000
Not more than 25,000	40	\$ 100,000	<u>\$ 4,000,000</u>
Total			\$ 5,000,000

- Designates the lyrics and music to the song "One Mississippi," written by Steve Azar, as the contemporary music genre official song of the State of Mississippi.

- Establishes the Mississippi State Songs Study Committee for the purpose of developing and reporting to the Legislature its recommendation for various genres of official songs of the State of Mississippi, including, but not limited to, country,

rhythm and blues, rock and roll and gospel. The committee will consist of the following members:

- ▶ The Director of the Division of Tourism of the Mississippi Development Authority;
- ▶ The Executive Director of the Mississippi Tourism Association;
- ▶ The Chair of the House of Representatives Tourism Committee;
- ▶ The Chair of the Senate Tourism Committee;
- ▶ The Executive Director of the Mississippi Arts Commission; and
- ▶ The Director of the two Mississippi Museums.

The study committee will make a written recommendation for the various genres of official songs for the State of Mississippi and present it to the Legislature not later than December 31, 2022.

- Repeals Chapter 654, Laws of 1962, which designated "Go Mississippi" as the official song of the State of Mississippi.

HB 1093. Effective 7/1/22. Signed 3/16/22.

HB 1093 requires the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) to conduct a review of advertising and marketing efforts paid for through the Mississippi Development Authority Tourism Advertising Fund, including, but not limited to, the effectiveness of attracting out-of-state visitors, the effectiveness of digital advertising efforts, and the administration and oversight by the Mississippi Development Authority regarding expenditures from the fund. The review will be provided to the Lieutenant Governor, the Speaker of the House of Representatives, the Chairman of the Senate Tourism Committee, the Chairman of the House of Representatives

Tourism Committee, and the Governor by no later than December 1, 2024, and every four years thereafter.

The PEER Committee may contract with a private contractor or contractors to conduct the review, or any part or parts of the review. The Mississippi Development Authority will be obligated to pay the costs of any work performed by any contractor or contractors used by the PEER Committee using funds originating from the Mississippi Development Authority Tourism Advertising Fund. Upon completion of the review and after the Executive Director of the PEER Committee has accepted the work product of the contractor or contractors, the contractor or contractors utilized will submit to the Mississippi Development Authority an invoice or invoices for the costs of services rendered in an amount not to exceed \$100,000 in the aggregate.

UNIVERSITIES AND COLLEGES

SB 2690. Effective on passage. Signed 4/18/22.

SB 2690 amends certain sections of the Mississippi Intercollegiate Athletics Compensation Rights Act to clarify definitions of certain terminology related to name, image and likeness agreements for student-athletes, including the student-athlete's publicity rights. It also provides that prospective student-athletes of an intercollegiate athletics programs shall also be considered "student-athletes" for the purpose of the act.

The bill also provides that athletic associations, conference or other group or organization with authority over intercollegiate athletics programs shall not penalize the postsecondary educational institutions or its intercollegiate athletic program, as a result of activities permitted by the act, including the student-athlete's publicity rights. The bill authorizes postsecondary educational institutions to facilitate opportunities for student-athletes to engage with third parties interested in entering into name, image, and likeness agreements, and may communicate with third parties interested in providing name, image, and likeness agreements to student-athletes. The bill also amends Section 73-42-19 to revise the required warning to student-athletes in an agency contract to conform with the provisions of the name, image and likeness agreements code sections.

SB 2700. Effective 7/1/22. Signed 4/21/22.

SB 2700 extends the date of repeal to July 1, 2025, on the provision of law that authorizes the Board of Trustees of State Institutions of Higher Learning to administer certain construction and maintenance projects of the institutions under

its jurisdiction and the provisions that establish the board's responsibilities, powers and duties.

Section 2 of the bill creates the "Mississippi Association of Independent Colleges and Universities (MAICU) Infrastructure Grant Program Act of 2022." The bill provides that the program shall be established within the Mississippi Department of Finance and Administration under which independent colleges and universities may apply for reimbursable grants to make necessary investments in water, wastewater, stormwater, broadband and other eligible infrastructure projects to be funded by the Legislature utilizing Coronavirus State Fiscal Recovery Funds made available under the federal American Rescue Plan Act (ARPA). The bill authorizes the following institutions to be eligible for grants: Belhaven University, Blue Mountain College, Millsaps College, Mississippi College, Rust College, Tougaloo College and William Carey University.

The bill provides that grant program funds shall be distributed to each institution based on the pro rata share of full-time equivalent students enrolled in the respective college or university. It requires the Department of Finance and Administration to promulgate rules and regulations necessary to administer the grant program on or before July 1, 2022. The bill establishes the information needed to submit an application for grant funds. Grant requirements shall be used prospectively, and grants are not available to cover the costs of debt incurred prior to the enactment of the program. The bill also provides that all final awards will be determined at the discretion of the Executive Director of the Department of Finance and Administration. The bill also creates the "Mississippi Association of Independent Colleges and Universities (MAICU) Grant Program Fund" in the State Treasury.

The bill also sets certain provisions related to grant funds that are not expended at the end of a fiscal year and requires the Department of Finance and Administration to transfer all remaining unobligated balances of Coronavirus State Fiscal Recovery Funds from the Coronavirus State Fiscal Recovery Fund to the Unemployment Compensation Fund up to the ARPA allowable amount, by no later than December 31, 2024, or on the date of the fund obligation deadline provided by the federal government. The bill also requires the department to submit to the Joint Legislative Budget Committee by October 1 of each year an annual report on the program. Grant funds for the program shall be available until December 31, 2026. The bill also puts a date of repeal of July 1, 2026, to the program.

Section 3 of the bill amends Section 27-104-3 to require the Department of Finance and Administration to administer the Mississippi Association of Independent Colleges and Universities (MAICU) Infrastructure Grant Program Act of 2022.

SB 2893. Effective 7/1/22. Signed 4/18/22.

SB 2893 authorizes Jackson State University, with the approval of the Board of Trustees of State Institutions of Higher Learning, to enter into a ground lease, sale, management or maintenance agreements of its real property or property which will have been acquired by Jackson State University from the Jackson State University Development Foundation with a private entity. The bill provides specific legal descriptions of the subject properties.

HB 475. Effective 7/1/22. Signed 3/17/22.

HB 475 simply extends the date of the repealer to July 1, 2025, on the authority of the Board of Trustees of State Institutions of Higher Learning to oversee, administer and approve contracts for construction and maintenance projects at

the state institutions which are funded in whole or in part by state general obligation bonds, and which the board deems as capable of procuring and administering such contracts.

HB 1005. Effective 7/1/22. Signed 4/18/22.

HB 1005 creates the Nursing and Respiratory Therapy Education Incentive Program, which is a forgivable loan program for study in nursing to become a licensed practical nurse or a registered nurse, for advanced study in nursing by licensed registered nurses, or for study in respiratory therapy to become a respiratory therapist.

- Forgivable loans will be allocated to students who:
 - ▶ Are accepted and enrolled in an accredited nursing program or respiratory therapy program approved by the Postsecondary Education Financial Assistance Board (which is the administering board for the state's education loan programs);
 - ▶ Complete an application by the deadline established by the board; and
 - ▶ Enter into contract with the board, obligating themselves to pursue to completion the course of study agreed upon, and following the completion of the course of study, to practice nursing or respiratory therapy, as the case may be, in the State of Mississippi for not less than five years.
- Repayment and the terms for conversion to interest-free scholarships for these forgivable loans will be the same as provided in Section 37-106-53 for other forgivable loans, except as follows: Instead of repaying the loan by converting it to an interest-free scholarship and discharging the same on the basis of one year's full-time service for one year's loan amount as provided in Section 37-106-53(1)(b), repayment of a loan under this act by practicing nursing or respiratory therapy in the state for at least five years will convert the loan to an

interest-free scholarship and discharge the same on the basis of 1/5 of the total loan amount for each full year of such practice.

- If at any time before the repayment in full of the total obligation the recipient abandons or abrogates repayment by this service option, the provisions of Section 37-106-53(1)(c) will apply, which require repayment of the remaining balance of unpaid principal plus a penalty of five percent on the unpaid principal and interest.

HB 1313. Effective 7/1/22. Signed 4/18/22.

HB 1313 establishes "Representative Bill Kinkade Fostering Access and Inspiring True Hope (FAITH) Scholarship Program Act"; created to provide postsecondary financial assistance to foster children.

This bill, which is named after Representative Bill Kinkade, who is a former foster child and overcame the challenges presented by those life circumstances to become a poster child of success, creates the FAITH Scholarship Program as a means of providing financial assistance to wards of the state who were in foster care or adopted on or after turning 13 years of age but have not yet reached 25 years of age or who were restricted to a residential child care agency to attend any two- or four-year college or university in the State of Mississippi or fees for workforce training courses that lead to industry credentials, certification or licensure.

The Mississippi Postsecondary Student Financial Assistance Board, with the assistance of the Mississippi Department of Child Protection Services (CPS) will develop and administer the FAITH Scholarship for eligible students, which shall be available beginning with the 2023-2024 academic year.

CPS is required to provide mentor services for participants in the scholarship program to assist participants in adapting to a life of independence and collegiate academics and activities, in compliance with the federal John H. Chafee Foster Care Independence Act of 1999 which provides additional monies for Educational Training Voucher programs, up to \$5,000 per year for eligible recipients.

Any appropriations made for the program must be used by the Postsecondary Student Financial Assistance Board to pay for the benefits extended to eligible students by the FAITH scholarship. Unexpended scholarship monies will not lapse at the end of the fiscal year, but be carried forward and be available in the next fiscal year. The board is equipped with developing rules to ensure that expenses of the FAITH scholarship program does not exceed the annual funding appropriated for the program each fiscal year, and the rules allow the board to limit the number of scholarship applications it accepts to ensure fiscal compliance.

The scholarship program will pay up to the student's cost of attendance for up to five years, unless the student's educational pursuits are delayed due to service in the United States Armed Forces. The program limits the cost of attendance payments to no more than 72 credit hours for an associate's degree and no more than 144 credit hours for a bachelor's degree. The costs for graduate degree courses are excluded.

Eligibility requirements for a student to participate in the scholarship program, include:

- Under 25 years of age and having been placed in the legal custody of CPS by a youth court or other legal means as were in the legal custody of the department's foster care program, qualified residential child care agency or whose adoption was finalized, on or after his or her 13th birthday; or

- Accepted for enrollment in a degree-granting or certificate program postsecondary educational institution in the state; and

- Has completed and submitted to the Free Application for Federal Student Aid (FAFSA) and applied for all federal student financial aid grants, including Pell grants, Supplemental Education Opportunity Grants and Education and Training Vouchers.

After completion of the first year of enrollment, continued eligibility requires participants to:

- Make adequate progress toward the completion of a degree or certificate by maintaining a 2.0 GPA for consecutive or nonconsecutive semesters of enrollment, up to five years, unless an exception is granted.

- Remain in good standing with the policies established by the approved postsecondary educational institution or other workforce training or certification program.

Exceptions for extending eligibility for participation in the program beyond the established maximum of five years of consecutive or nonconsecutive enrollment or the age limit of 25 years are based on the student inability to enroll for or complete due to serving on active duty status in the United States Armed Forces.

Approved postsecondary educational institutions must provide summer and holiday room and board accommodations for FAITH scholarships recipients enrolled at such institutions.

The FAITH Scholarship can be combined with any federal aid, institutional or private scholarship to cover the cost of attendance. No other scholarship or gift aid shall be reduced or supplanted by the FAITH Scholarship, and the FAITH Scholarship shall not be combined with other gift aid to exceed the cost of attendance.

The Mississippi Postsecondary Student Financial Assistance Board is designated to promulgate rules to administer the program.

Section 93-19-13 is amended to allow those individuals who were in the legal custody of the CPS on his or her 13th birthday, upon reaching 18 years of age to enter into legally binding agreements to lease real property for residential purpose and the necessary utilities to service that residence.

Section 43-21-261, authorizes the limited disclosure of the records involving children by CPS to the Student Financial Assistance Board for purpose of determining the student's eligibility for a FAITH Scholarship, by only allowing disclosure of the student's age during the time he or she was in the CPS' legal custody.

VETERANS AND MILITARY AFFAIRS

SB 2649. Effective 7/1/22. Signed 4/18/22.

SB 2649 provides for the placement of certain federally recognized officers or enlisted men on the Mississippi National Guard retired list. Whenever any federally recognized officer or enlisted man is unable to maintain federal recognition, he shall be placed on the Mississippi National Guard retired list.

HB 677. Effective 7/1/22. Signed 4/14/22.

HB 677 amends provisions of law relating to county veteran services officers to provide that persons who cannot meet the accreditation standards of hours worked for county veteran service officers may be certified by the Mississippi State Veterans Affairs Board as Veterans Resource Advisors and be entitled to receive any compensation for his services as authorized by law.

HB 1177. Effective 7/1/22. Signed 4/14/22.

HB 1177 authorizes the Adjutant General to make conveyances of real property on behalf of the state that are in the best interest of the Mississippi Military Department. The real property may be conveyed to a subdivision of government or state agency, institution, public university or community or junior college, for any consideration and upon such other terms and conditions as the Adjutant General may deem advisable.

WILDLIFE, FISHERIES AND PARKS

SB 2010. Effective 7/1/22. Signed 4/13/22.

SB 2010 amends Section 49-7-37 for two purposes. The first is to authorize the Commission on Wildlife, Fisheries and Parks to declare special seasons, within or outside the established open hunting seasons, for collecting chronic wasting disease (CWD) testing samples. Lawful weapons for hunting during any special CWD sample collection season shall be consistent with the then-current open season or, if outside the open season, as directed by order of the commission.

The second purpose of the bill is to declare air guns, air bows and pre-charged pneumatic weapons, all as defined by the commission, to be lawful means of hunting game. Air guns are lawful for hunting small game during the seasons for hunting small game, while air bows and pre-charged pneumatic weapons are lawful for hunting large game, except game birds, turkeys and migratory waterfowl. Air bows and pre-charged pneumatic weapons may be used during any open season on deer with primitive weapons after November 30, on private lands only, consistent with the requirements of Section 49-7-31(5)(a).

SB 2505. Effective 7/1/22. Signed 4/18/22.

SB 2505 amends Section 49-7-21 to require the Department of Wildlife, Fisheries and Parks, at the time a person is applying for or renewing a hunting or fishing license, to ask whether the applicant would like to be a donor of an anatomical gift in accordance with Section 41-39-139. The department shall inform a prospective donor that the decision to be a donor cannot be revoked, changed or contested by any person after the donor's death. The department shall ask whether the prospective donor desires that information about the decision to be a donor be

sent to another person or persons. If so, the donor registry is required to send this information to the person or persons designated by the prospective donor. The bill also makes a conforming amendment to Section 41-39-139.

HB 606. Effective 7/1/22. Signed 4/19/22.

HB 606 creates the "Mississippi Outdoor Stewardship Trust Fund" as a special fund in the State Treasury. Any unobligated monies in excess of \$20,000,000, excluding federal funds, remaining in the special fund at the end of a fiscal year that have not been appropriated will lapse into the State General Fund. Monies in the fund may be used and expended by the Board of Trustees of the Mississippi Outdoor Stewardship Trust Fund ("board"), which is established in the bill, to provide funds for grants to counties, municipalities, state agencies and nongovernmental entities for:

- Improvement of state park outdoor recreation features and trails;
- Acquisition and improvement of parks and trails by counties and municipalities, if such parks and trails lie within the jurisdiction of such counties and municipalities;
- Restoration or enhancement projects to create or improve access to public waters and lands for public outdoor recreation, conservation education, or the safe use and enjoyment of permanently protected conservation land;
- Restoration or enhancement on privately owned working agricultural lands and forests that support conservation of soil, water, habitat of fish and wildlife resources;
- Restoration or enhancement of wetlands, native forests, native grasslands and other unique habitats important for Mississippi's fish and wildlife; and

- Acquisition of critical areas for the provision or protection of clean water, wildlife, hunting, fishing, military installation buffering or natural resource-based outdoor recreation. Real property may only be acquired under this provision when the property:

- ▶ Is, at the time of acquisition, being leased by the state as a wildlife management area;

- ▶ Adjoins or is in close proximity to state or federal wildlife management areas or state parks, or would provide better public access to such areas;

- ▶ Is identified in a wildlife action plan developed by a state agency;

- ▶ Constitutes riparian lands, and its acquisition is for the purpose of protecting any drinking water supply; or

- ▶ Surrounds a military base or military installation.

A county, municipality, state agency or nongovernmental entity desiring assistance must submit an application to the board. The application must include a description of the purpose for which assistance is requested, the type and amount of assistance requested and any other information required by the board. A county, municipality, state agency or nongovernmental entity receiving funds for a project must expend the funds for the project within two years after receipt of the funds in order to be eligible to apply for additional funds for the project, unless otherwise authorized by the board. If a county, municipality, state agency or nongovernmental entity receiving funds for a project does not expend the funds within two years after receipt of the funds, then the county, municipality, state agency or nongovernmental entity must provide an accounting of the unused funds and the reason for failure to expend the funds. If the board determines that the

project will not be completed in a timely manner, the county, municipality, state agency or nongovernmental entity must then return any unexpended funds.

The board, at its first meeting of each calendar year, will prepare a list of priorities and criteria to guide the selection of projects. The board will give increased priority to projects:

- Supporting the public recreation and conservation efforts of state agencies, counties and municipalities;
- Leveraging or matching other nonfederal or federal funds available for similar purposes;
- Supporting and promoting recreation in the form of archery, boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, shooting or similar outdoor activities;
- Contributing to the improvement of the quality and quantity of surface water and groundwater; or
- Contributing to the conservation of soil, water, and fish and wildlife resources on privately owned working agricultural lands or forests.

The board will consist of the following members:

- Four members appointed by the Governor, one from each of the congressional districts existing on July 1, 2022;
- Three members appointed by the Lieutenant Governor, one from each of the State Supreme Court districts existing on July 1, 2022;
- The Executive Director of the Mississippi Soil and Water Conservation Commission, as an ex officio, nonvoting member;
- The Executive Director of the Mississippi Department of Marine Resources, as an ex officio, nonvoting member;

- The Executive Director of the Mississippi Department of Wildlife, Fisheries and Parks, as an ex officio, nonvoting member;
- The Secretary of State, as an ex officio, nonvoting member;
- The Commissioner of Agriculture and Commerce, as an ex officio, nonvoting member;
- The Chairs of the Senate and House Appropriations Committees, as ex officio, nonvoting members;
- The Chairs of the Senate Finance Committee and House Ways and Means Committee, as ex officio, nonvoting members; and
- The Chairs of the Senate and House Wildlife, Fisheries and Parks Committees, as ex officio, nonvoting members.

One of the members to be appointed by the Governor will be appointed only after consideration of recommendations for those appointments made by the Speaker of the House to the Governor. One of the members to be appointed by the Lieutenant Governor will be appointed only after consideration of recommendations for those appointments made by the Speaker of the House to the Lieutenant Governor.

The members of the board appointed by the Governor and Lieutenant Governor will be appointed from the following private sectors: forestry, conservation, agriculture, business, marine resources, hunting or fishing. The members will be and will remain Mississippi residents during their tenure on the board and will possess a demonstrated knowledge of and commitment to public lands, land conservation and outdoor recreation. These appointments will be subject to the advice and consent of the Mississippi State Senate.

HB 1035. Effective 7/1/22. Signed 4/14/22.

HB 1035 provides that the Mississippi Commission on Wildlife, Fisheries and Parks shall establish and regulate special hunts during velvet hunting season, outside of the regular open season on deer. Velvet hunting season will begin on September 10, and end no later than September 20, and will be for no less than three consecutive days in length, and for no more than five consecutive days in length, and only hunting with bow and arrow or crossbows is allowed during the season.

This special season is open on private lands and any Wildlife Management Areas as deemed appropriate by the Department of Wildlife, Fisheries and Parks. Only bucks that meet the antler criteria for the respective deer management unit may be harvested, and there is mandatory reporting of the harvested animal.

Further, the bill provides that the commission will establish a special hunting permit for velvet hunting season. The permit is valid for no less than three consecutive days and no more than five consecutive days during velvet hunting season.

HB 1065. Effective 7/1/22. Signed 4/14/22.

HB 1065 amends Sections 49-7-31.5 and 49-7-140 to provide for the complete prohibition of the transportation, importation and release of live wild hogs from any other location different from the location where they are originally caught or trapped. The bill terminates the permit system administered by the Department of Wildlife, Fisheries and Parks that allowed the transportation of hogs to be released within a 500 square foot enclosure for the purposes of immediate slaughter. Any violation of the newly established prohibition on wild hog transportation would result in a Class I violation, which carries a fine between \$2,000 and \$5,000, confinement in jail

for five days, and the forfeiture of all hunting and fishing privileges for at least a year.