



Mississippi State Senate

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MEMORANDUM

TO: ALL SENATORS

FROM: LEGISLATIVE SERVICES

DATE: APRIL 30, 2019

Enclosed is a summary of major bills which were enacted during the 2019 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 MAJOR LEGISLATION

2019 REGULAR SESSION

**Prepared by
Senate Legislative Services Office**

April 30, 2019

STATISTICS OF THE 2019 REGULAR SESSION
(As of 4/30/19)

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Bills Passed Both Houses	370	359	338	403
Bills That Became Law	353	329	305	376
Senate Bills Introduced	1124	1088	1068	969
S.B. Passed by Senate	214	229	219	250
S.B. Passed by House	176	169	154	185
S.B. Died in Conference	5	11	9	13
S.B. Vetoed	1	2	2	1
S.B. Partially Vetoed	0	0	2	0
S.B. Vetoes Overridden	0	0	0	0
S.B. Approved by Governor	166	155	135	169
S.B. Became Law Without Governor's Signature	2	0	2	0
S.C.R. Introduced	167	158	191	190
S.C.R. Adopted by Senate	147	137	165	171
S.C.R. Adopted by House	141	136	158	169
S.R. Introduced	23	9	2	11
S.R. Adopted	23	7	1	10
House Bills Introduced	1752	1701	1786	1789
H.B. Passed by House	307	331	325	372
H.B. Passed by Senate	194	190	184	218
H.B. Died in Conference	6	11	9	6
H.B. Approved by Governor	185	169	164	207
H.B. Became Law Without Governor's Signature	0	5	4	0
H.B. Vetoed	2	2	2	3
H.B. Partially Vetoed	0	0	1	0
H.B. Vetoes Overridden	0	0	0	0
H.C.R. Introduced	100	105	116	131
H.C.R. Adopted by House	68	79	73	100
H.C.R. Adopted by Senate	64	77	68	98
Nominations Received	131	76	106	85
Nominations Approved	129	74	101	79

VETOED BILLS

The following general bills from the 2019 Regular Session have been vetoed by Governor Bryant as of April 30, 2019:

SB 2669. Vetoed 3/21/19.

AN ACT TO AMEND SECTION 57-1-303, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEAL DATE ON THE AUTHORITY OF THE MISSISSIPPI DEVELOPMENT AUTHORITY TO USE CERTAIN FUNDS FROM THE LOCAL GOVERNMENTS CAPITAL IMPROVEMENTS REVOLVING LOAN FUND FOR ORDINARY AND NECESSARY GENERAL SUPPORT OF THE AGENCY; AND FOR RELATED PURPOSES.

HB 576. Vetoed 3/18/19. Veto Sustained 3/21/19.

AN ACT TO CLARIFY THE COMPOSITION OF THE STATE AND SCHOOL EMPLOYEES HEALTH INSURANCE MANAGEMENT BOARD BY AUTHORIZATION OF THE STATE SUPERINTENDENT OF PUBLIC EDUCATION TO DESIGNATE AN INDIVIDUAL TO SERVE IN HIS OR HER CAPACITY; AND FOR RELATED PURPOSES.

HB 666. Vetoed 3/26/19. Allow Governor's Veto to Stand 3/26/19.

AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO RAISE THE MINIMUM AGE AT WHICH A CHILD MAY BE COMMITTED TO THE STATE TRAINING SCHOOL; AND FOR RELATED PURPOSES.

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ACCOUNTABILITY, EFFICIENCY, TRANSPARENCY

SB 2043. Effective 7/1/19. Signed 3/22/19.

This bill amends Section 25-7-13 to increase the marriage license fee charged by circuit clerks from \$20.00 to \$35.00. Under current law, the clerk must deposit \$14.00 of each fee collected for a marriage license into the Victims of Domestic Violence Fund. No change was made to this provision.

SB 2046. Effective 7/1/19. Signed 3/29/19.

This bill creates new Section 25-61-11.2 to exempt certain information technology records from the Mississippi Public Records Act of 1983. The following information technology (IT) records are exempt:

- IT infrastructure details, including network architecture, schematics and IT system designs;
- Source code;
- Detailed hardware and software inventories;
- Security plans;
- Vulnerability reports;
- Security risk assessment details;
- Security compliance reports;
- Authentication credentials;
- Security policies and processes;
- Security incident reports; and
- Any audit, assessment, compliance report, work papers or any combination of these that if disclosed could allow unauthorized access to the state's IT assets.

SB 2243. Effective 7/1/19. Signed 3/21/19.

This bill amends Section 33-15-17 to authorize the president of the county board of supervisors to proclaim a local emergency. If a local emergency is proclaimed by the president, the governing body of the county shall review the need for continuing the local emergency at its first regular meeting following the proclamation or at a special meeting legally called for such review. Thereafter, the governing body of the county shall review the need for continuing the local emergency at least every 30 days until the local emergency is terminated.

SB 2444. Effective 7/1/19. Signed 3/15/19.

This bill amends Section 27-3-52 to increase the amount of additional compensation that must be paid to any tax assessor and/or his deputies upon the successful completion of certain certifications, and authorizes additional compensation for deputy tax assessors who complete certain certifications:

- For receiving the certification level of Track II, Evaluator I, the additional compensation is increased from \$1,000.00 to \$2,000.00.
- For receiving the certification level of Track II, Evaluator II, the additional compensation is increased from \$1,000.00 to \$2,000.00.
- For receiving the certification level of Mississippi Assessment Evaluator (MAE), the additional compensation is increased from \$1,500.00 to \$2,500.00.
- For earning the International Association of Assessing Officer's professional designation of Residential Evaluation Specialist (RES), any county may, in its discretion, pay a deputy tax assessor an additional amount not to exceed \$3,000.00.

- For earning the International Association of Assessing Officer's professional designation of Certified Assessment Evaluator (CAE), any county may, in its discretion, pay a deputy tax assessor an additional amount not to exceed \$5,000.00.
- The maximum amount of all supplemental pay provided under this section is increased from \$8,500.00 to \$11,500.00.

SB 2781. Effective 7/1/19. Signed 4/16/19.

This bill creates the "Fresh Start Act of 2019." It provides that, absent applicable state law, no person shall be disqualified from engaging in any occupation for which a license is required solely or in part because of a prior conviction, unless the conviction directly relates to the duties and responsibilities for the licensed occupation. The provisions of this section do not apply to the admission or reinstatement of any person to The Mississippi Bar as an attorney in good standing authorized to practice law.

The bill also requires the revision of certain licensing restrictions that are based on criminal records. Absent applicable state law, licensing authorities shall not have in their rules for qualifications for licensure any vague or generic terms, including, but not limited to, "moral turpitude," "any felony" and "good character." Absent applicable state law, licensing authorities may only consider criminal records that are specific and directly related to the duties and responsibilities for the licensed occupation when evaluating applicants. All licensing authorities shall meet these requirements within 120 days after the effective date of this act. The provisions of this section do not apply to the admission or reinstatement of any person to The Mississippi Bar as an attorney in good standing authorized to practice law.

The bill also allows an individual with a criminal record to petition at any time for a determination of whether his criminal record will disqualify him from obtaining a license. The licensing authority shall inform the individual of his standing within 30 days of receiving the petition. The licensing authority may charge a fee to recoup its costs not to exceed \$25.00 for each petition. The provisions of this section do not apply to the admission or reinstatement of any person to The Mississippi Bar as an attorney in good standing authorized to practice law.

Finally, the bill prohibits any licensing authority from suspending or revoking the license it has issued to any person who is:

- In default or delinquent in the payment of their student loans solely on the basis of such default or delinquency; or
- In default or delinquent in the satisfaction of the requirements of their work-conditional scholarship solely on the basis of such default or delinquency.

SB 2821. See summary under Energy heading.

SB 2863. Effective 7/1/19. Signed 3/22/19.

This bill amends Section 25-9-301 to revise the definition of the term "disabled veteran" as used for veterans preference in state employment. "Disabled veteran" means a veteran who the Veterans Administration has certified to have a service-connected disability rating of at least 30% within the last 90 days, or a veteran who was awarded the Purple Heart for wounds received in combat.

HB 273. See summary under Insurance heading.

HB 323. See summary under Insurance heading.

HB 324. See summary under Insurance heading.

HB 444. Effective 7/1/19. Signed 4/3/19.

This bill amends Section 83-34-1 to define certain terms as used in the Mississippi Windstorm Underwriting Association Law. The bill amends reenacted Section 83-34-4 to divert \$3.5 Million derived from the nonadmitted policy fee into the Rural Fire Truck Fund or Supplementary Rural Fire Truck Fund, and to extend the repealer on the section to July 1, 2022. The bill amends Section 83-34-10 to authorize the windstorm association to levy recoupable and nonrecoupable assessments upon the occurrence of certain events, to provide that the minimum reserve shall not be considered as funds available to the association in determining whether to levy a recoupable or nonrecoupable assessment, and to set the maximum total of nonrecoupable assessments. The bill amends Section 83-34-13 to provide that the association's plan of operation may include the establishment of a minimum reserve. The bill amends Section 83-34-33 to authorize the Commissioner of Insurance to implement an excess deficit surcharge for covered event losses on all property and casualty premiums. The bill repeals Section 83-34-11 which implements a surcharge on all property and casualty premiums for the purpose of reimbursing assessable insurers who paid a regular assessment. Further, the bill amends Section 17-23-1 to authorize an additional round of fire trucks under the Rural Fire Truck Acquisition Assistance Program.

HB 698. See summary under Public Property heading.

HB 914. See summary under Elections heading.

HB 1204. Effective 7/1/19. Signed 3/21/19.

This bill amends Section 25-61-5 under the Mississippi Public Records Act to provide that in any instance where a person has filed for a protective order for a competitive sealed proposal and the court has not ruled on the protective order within 90 days of filing, then the public body may proceed with awarding the contract without production of competitive sealed proposals and the contract may be protested after execution.

The bill also adds a July 1, 2021, repealer to Section 25-61-5.

HB 1205. Effective 7/1/19. Signed 3/28/19.

This bill provides that a public agency shall not require any entity organized under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information.

- In Section 1, the bill defines "personal information" and "public agency." "Personal information" means any list, record, register, registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter or volunteer of, or donor of financial or nonfinancial support to, any entity organized under Section 501(c) of the Internal Revenue Code. "Personal information" does not include information reportable to the Secretary of State pursuant to Section 79-11-503(1)(b). "Public agency" means any state or local governmental unit, however designated, including, but not limited to, this state; any department,

agency, office, commission, board, division or other entity of this state; any political subdivision of this state, including, but not limited to, a county, city, township, village, school district, community college district or any other local governmental unit, agency, authority, council, board or commission; or any state or local court, tribunal or other judicial or quasi-judicial body.

- In Section 2, the bill provides that a public agency shall not:

- ▶ Require entities organized under Section 501(c) to provide the public agency with personal information.

- ▶ Release, publicize or otherwise disclose personal information without certain permission.

- ▶ Request or require a current or prospective contractor with a public agency to provide the public agency with a list of entities organized under Section 501(c) to which it has provided financial or nonfinancial support.

- However, in Section 2, the bill does not prevent:

- ▶ Any lawful warrant for personal information issued by a court of competent jurisdiction; or

- ▶ A lawful request for discovery of personal information in litigation if certain conditions are met.

- Section 3 provides that a person alleging a violation of the act may bring a civil action for appropriate injunctive relief. It also provides that a court, in rendering a judgment in an action brought under this section, shall award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

- Section 4 provides that a person who knowingly violates the act is guilty of a misdemeanor punishable by imprisonment of not more than 90 days or a fine of not more than \$1,000.00, or both.

- Section 5 provides that the act shall not affect any reporting required under the campaign finance laws.

- Section 6 amends Section 25-61-3 to exempt personal information pertaining to Section 501(c) organizations from the Mississippi Public Records Act.

HB 1269. See summary under Ports and Marine Resources heading.

HB 1288. See summary under Business and Financial Institutions heading.

HB 1292. Effective 7/1/19. Signed 3/19/19.

This bill amends Sections 73-35-9 and 73-35-18 to require applicants for a real estate broker's or salesperson's license or license renewal from the Mississippi Real Estate Commission to provide a current email address.

The bill also amends Section 73-35-35 to require the commission to provide notice of proposed rule changes and adoptions to all real estate brokers and salespersons who have provided an email address to the commission.

HB 1477. Effective 7/1/19. Signed 3/21/29.

This bill amends Sections 19-7-39 and 21-37-21 to authorize the board of supervisors of any county and the governing authorities of any municipality to maintain and repair any abandoned public or private nonprofit cemetery located within the corporate boundaries of the county or municipality, respectively. The expense of maintaining an abandoned public or private nonprofit cemetery may be paid from any available county or municipal funds, as the case may be.

Further, the bill defines the term "public or private nonprofit cemetery." A public or private nonprofit cemetery includes an abandoned community, religious or fraternal cemetery; however, it does not include family burial grounds or for-profit perpetual care cemeteries that are subject to the state's Cemetery Law as provided in Sections 41-43-31 through 41-43-57.

Finally, the bill defines the term "abandoned cemetery" as a cemetery which shows signs of neglect, including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no person can be found who is legally responsible and finally capable of the upkeep of the cemetery.

HB 1540. Effective 7/1/19. Signed 3/21/19.

This bill amends Section 17-17-5 to provide an exception for the term of contracts pertaining to the collection and transportation of solid wastes entered into by a board of supervisors of any county and/or the governing authorities of a municipality. Under current law, the length of the contract is up to six years. However, this bill provides that if a contract is executed on or after July 1, 2019, then the board of supervisors of a county and/or the municipal governing authority may extend the contract by mutual consent of the parties in one-year increments up to four additional years without advertising for proposals as long as the following occurs:

- The rate adjustments remain consistent with the existing contract; and
- The total term of the contract does not exceed 10 years.

AGRICULTURE

SB 2922. Effective 7/1/19. Signed 3/12/19.

This bill amends Section 75-35-15, which requires the proper labeling of meat and meat food products that are sold to consumers. The amendment to this law prohibits the labeling of three types of food as meat or meat food products. Specifically, products that (a) contain cultured animal tissue produced from animal cell cultures outside of the organism from which it is derived, (b) are plant-based, or (c) are insect-based cannot be labeled as meat or meat food products.

HB 754. Effective 7/1/19. Signed 3/21/19.

This bill amends Section 27-19-81 to authorize the owner or operator of bulk feed or wood pellets to apply to the Mississippi Department of Transportation for a harvest permit for the purpose of authorizing any such vehicles to operate on the highways in this state. Further, the bill extends the date of repeal on the provisions of law authorizing harvest permits until July 1, 2023.

HB 1206. Effective 7/1/19. Signed 3/19/19.

This bill amends Section 69-1-18 to provide definitions for "micro market" and "vending machine" and to exempt micro markets and vending machines which sell prepackaged food and other food products from the regulatory authority of the Mississippi Department of Agriculture and Commerce. The bill also amends Section 75-29-19 to exempt micro markets and vending machines which sell prepackaged food and other food products from the regulatory authority of the State Board of Health.

"Micro market" is defined as an unattended, self-checkout retail establishment that utilizes an automated payment system and is located in the interior of a building that is generally not accessible by the general public, with limited access and use to a defined population. A "micro market" also:

- Offers for sale only commercially, tamper-evident packaged food and beverages properly labeled for individual retail sale and acquired from a source approved by the United States Food and Drug Administration or an appropriate state government agency; whole, uncut, raw fruits and vegetables; such other food and beverages as may be authorized in the Food Code, as adopted by the Department of Agriculture and Commerce; and any other food and beverages not otherwise subject to any required on-site inspection.

- Has no on-site food preparation except for the heating or reheating of food in a microwave oven.

- May utilize beverage dispensers which provide individual servings.

- May utilize refrigeration and freezer units.

"Vending machine" is defined as a self-service machine that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses servings of food in bulk or in packages, or prepared by the machine, without the necessity of replenishing the machine between each vending operation.

APPROPRIATIONS

SB 2161. Effective on passage. Signed 3/14/19.

This bill provides that the State Medical Examiner must obtain a license to practice medicine in Mississippi and be certified in forensic pathology by the American Board of Pathology. The State Medical Examiner may also be designated as the Chief Medical Examiner.

The Deputy Chief State Medical Examiners shall be licensed to practice medicine in Mississippi and either board-certified in forensic pathology by the American Board of Pathology or be a physician who is eligible to sit for the forensic pathology board examination administered by the American Board of Pathology.

SB 2196. See summary under Public Health and Welfare heading.

SB 2268. See summary under Medicaid heading.

SB 2392. Effective 7/1/19. Signed 3/29/19.

This bill modifies certain definitions relating to the identification and inventorying of programs used in the budgeting process and expands the scope of agencies that may be required to participate in the process.

The following budget terms are defined:

- "Evidence-based program."
- "Intervention program."
- "Research-based program."
- "Promising program."
- "Other programs."

- "Program inventory."
- "Rigorous controlled evaluation."

Upon recommendations of the PEER Committee staff, the Legislative Budget Office may, for the fiscal year 2021 budget cycle and all later budget cycles, annually designate additional agencies that shall be required to comply with the reporting requirements of this section. Material collected in association with the provisions of this section may be incorporated into agency appropriations bills to the extent deemed practicable by the Legislative Budget Committee.

SB 2447. See summary under Education heading.

SB 2449. See summary under Education heading.

SB 2524. See summary under Public Health and Welfare heading.

SB 2541. Effective on passage. Signed 4/18/19.

This bill provides for certain transfers to the Capital Expense Fund during fiscal year 2019. It provides for certain transfers from the Capital Expense Fund to the 2018 Transportation and Infrastructure Improvements Fund. The bill extends the automatic repealer on the Health Care Expendable Fund. It authorizes the escalation of funds for the variable compensation plan or pay increases for specified agencies. It revises transfers in the fiscal year 2018 appropriation to the Department of Public Safety among various categories and transfers funds to the Mississippi Forestry Commission Operating Fund.

SB 2625. See summary under Education heading.

SB 2681. Effective 7/1/19. Signed 3/29/19.

This bill authorizes Jackson State University, with the approval of the Board of Trustees of State Institutions of Higher Learning, to transfer, convey and dispose of certain tax-forfeited real property and any improvements thereon that are in the possession and control of the university in the City of Jackson, Mississippi, when the property has ceased to be used for educational purposes. The bill provides for a right of first refusal for the purchase of the property by adjacent homeowners and other homeowners residing on the same street or block or in the same neighborhood. It provides that the properties that are not purchased by adjacent homeowners or other homeowners in the neighborhood shall be transferred and conveyed to a nonprofit community development corporation (CDC) that serves as an entity for the revitalization of the community surrounding the university. The bill provides that the CDC to which the properties have been transferred may sell any portion or all of the properties, after first advertising notice of its intent to sell the properties and provides that the CDC shall transfer 50% of the net proceeds received from the sale of the properties to the Department of Finance and Administration for deposit into a special fund that is created in the State Treasury to be known as the "Jackson State University Surplus Properties Fund." Monies in the fund shall be expended only for purposes approved by the Board of Trustees of State Institutions of Higher Learning that are for the benefit of Jackson State University. Any of the properties that are not sold by December 31, 2019, shall revert to the possession and control of the university on January 1, 2020.

SB 2827. Effective 1/1/20, except for Section 11, which shall take effect from and after 7/1/19, and Sections 12 and 13, which shall take effect from and after passage. Signed 4/18/19.

This bill authorizes compensation increases for county officials as follows:

- Increases the limit on compensation of chancery clerks and circuit clerks from fees to \$94,500.00;
- Increases the compensation of county registrars of election by 5%;
- Increases the salaries of county tax assessors and collectors by 5%;
- Increases the salaries of county supervisors by 3%. Supervisors must approve their salary increases;
- Increases certain filing fees charged by chancery clerks for the recording of documents;
- Increases the fee paid to the circuit clerk for each day's attendance upon the circuit court term to \$75.00;
- Increases the fees charged by sheriffs for service of process to \$45.00;
- Increases the fees charged by marshals and constables;
- Increases the salaries of the county medical examiners, deputy medical examiners and deputy medical examiner investigators;
- Increases the fees paid by the county to a medical examiner or his deputy for filing certain investigation reports, and extends the date of repeal thereon;
- Authorizes the board of supervisors of any county to pay a monthly office allowance to the attorney employed by the board;

- Creates a county elected official's compensation and fees task force to study the structure, amounts and sources of the compensation received by, and the fees charged and collected by, the elected officials of the counties, and to make recommendations to address the compensation received by, and the fees charged and collected by, elected county officials on a long-term basis;

- Directs the task force to make a report of its findings and recommendations to the Legislature by December 1, 2019, provides for the members of the task force, provides for the organization of the task force, authorizes the payment of per diem and expenses for attending meetings of the task force, provides that if the total amount of all fees received by the office of the chancery clerk or by the office of the circuit clerk in any year are insufficient to pay the expenses of the office for that year, the clerk shall notify the board of supervisors, provides that if the board makes a finding and enters on its minutes the finding that the fees received by the office of the clerk are insufficient to pay the expenses of the office for that year, then the board of supervisors may appropriate funds of the county to the office of the clerk as necessary to supplement the payment of the expenses of the office of the clerk.

SB 2831. See summary under Insurance heading.

SB 2835. See summary under Insurance heading.

SB 2839. See summary under Veterans and Military Affairs heading.

SB 2918. Effective on passage. Signed 3/15/19.

This bill provides for the procurement of aircraft, aircraft maintenance, parts, equipment and services. The Department of Finance and Administration is exempt from certain requirements of the procurement law when procuring aircraft maintenance, parts, equipment and/or services. It shall be the responsibility of the Executive Director of the Department of Finance and Administration to ensure commercially reasonable practices, including competitive pricing and superb industry maintenance standards. The selection process of the maintenance facility shall consider: their capability and experience, the scope of work, the cost, and the length of time the aircraft will be out of service. The process undertaken by the Department of Finance and Administration for procurement of the maintenance facility shall be reported to the Public Procurement Review Board.

SB 2928. Effective 7/1/19, and shall stand repealed from and after 7/1/22. Signed 4/18/19.

This bill authorizes the Board of Trustees of the Vicksburg-Warren School District and the Claiborne County Board of Education to establish a partnership with the energy industry located within the State of Mississippi, Warren County and the Mississippi Development Authority for an Energy High School Academy. The intent of the legislation is to provide an opportunity for motivated students to participate in a curriculum that will prepare them for a career of employment in the energy industry in their home state.

The Board of Trustees of the Vicksburg-Warren School District and the Claiborne County Board of Education are authorized to make application to the Mississippi Development Authority for the approval of entering into a Memorandum of

Understanding with a nuclear facility and Warren County and the State of Mississippi for the establishment of a partnership for the operation of an Energy High School Academy. The purpose of the Energy High School Academy shall be to provide qualified students attending school in Warren and/or Claiborne County in the eighth through twelfth grade with career education, potential student internships and continuing education for careers in the energy industry. The Energy High School Academy shall be under the administrative direction of the Energy High School Academy Partnership Council (Partnership Council) consisting of one member from each of the following entities:

- The Chief Executive Officer of an enterprise engaged in the generation of nuclear energy located in Claiborne County, or his designee, who shall serve for four years;
- The Superintendent of the Vicksburg-Warren School District, who shall serve for four years;
- The Superintendent of the Claiborne County School District, who shall serve for four years;
- A designee of the Mississippi Development Authority, appointed by the Executive Director of MDA, and which may be the executive director, who shall serve three years;
- A member of the Board of Trustees of the Vicksburg-Warren School District, appointed by the Vicksburg Mayor and Board of Aldermen, who shall serve two years;
- A member of the Claiborne County Board of Education, appointed by the Claiborne County Board of Supervisors, who shall serve two years;
- A member of the Claiborne County Chamber of Commerce, appointed by the chairman of the board of directors, who may appoint himself or herself, and who shall serve one year; and

- A member of the Vicksburg Chamber of Commerce, appointed by the chairman of the board of directors, who may appoint himself or herself, and who shall serve one year.

The Energy High School Academy Partnership Council shall promulgate administrative rules and regulations to prescribe the criteria to be used in the establishment of the Energy High School Academy, which shall include student qualifications, application requirements and curriculum components.

The bill establishes in the State Treasury a fund to be known as the "Energy High School Academy Fund." The purpose of the fund is to provide necessary financial support to Vicksburg-Warren/Claiborne County School Districts and the Mississippi Development Authority for start-up costs and costs associated with implementing and operating the Energy Academy established under this section. The fund may consist of monies obtained from grants from any public or private source. The Mississippi Development Authority shall administer the fund pursuant to appropriation by the Legislature, and may apply for any grants from the federal government or private sources.

The Mississippi Development Authority shall prepare a three-year budget proposal for the operation of the Energy Academy which shall include staff and liaison salary estimates, equipment and facility costs and job demand estimates. This budget shall be submitted to the Governor, the Legislative Budget Office and the Partnership Council and updated annually.

SB 2947. Effective on passage. Signed 3/15/19.

This bill clarifies that the statutes providing for the revision of budget estimates and reduction of funding allocations in the event of revenue shortfall which are applicable to the administration budget of the Mississippi Department of Transportation are fully applicable to the Office of State Aid Road Construction.

HB 84. Effective 7/1/19. Signed 3/15/19.

This bill establishes the position of Curator of the New Capitol Building, and specifies the powers and duties of the Curator. The primary function of the Curator is to oversee, initiate, approve and monitor the care of the New Capitol Building and grounds to ensure long-term preservation, conservation and maintenance of the building, historic furnishings and grounds.

The Curator will be employed by and under the joint jurisdiction of the House Management Committee and the Senate Rules Committee, and the expenses of the Curator will be paid from the funds appropriated by the Legislature for the joint legislative operations of the House and the Senate.

The bill transfers the Curator of the New Capitol Building who is currently employed by the Board of Trustees of the Department of Archives and History from the jurisdiction of the department to the joint jurisdiction of the House Management Committee and the Senate Rules Committee.

HB 150. See summary under Education heading.

HB 444. See summary under Accountability, Efficiency, Transparency heading.

HB 740. Effective on passage. Signed 4/16/19.

This bill deletes the provisions of law that require certain expenses of the State Oil and Gas Board to be defrayed by appropriation from the State General Fund, which makes the board a special fund agency again as it was before the enactment of the Budget Transparency and Simplification Act in 2016.

The bill also authorizes the board to obtain funds from the Capital Expense Fund until July 1, 2021, for the emergency plugging of any oil or gas well in the state that has been determined by the board to represent an imminent threat to the environment and that has been determined by the board to be an "orphan" well.

HB 913. Effective 7/1/19. Signed 3/15/19.

This bill revises the organizational structure of the Department of Public Safety to provide that the Office of the Medical Examiner will be included within the Office of Forensics Laboratories.

HB 980. Effective 7/1/19. Signed 4/18/19.

This bill deletes the provision that contractual obligations of state agencies will be considered as incurred within the fiscal period in which they are to be paid, and are to be encumbered against funds to be available in that fiscal period, and requires approval by the Department of Finance and Administration before state agencies may pay certain contractual obligations from a prior fiscal year.

HB 1283. See summary under Education heading.

BUSINESS AND FINANCIAL INSTITUTIONS

SB 2451. Effective 7/1/19. Signed 3/22/19.

This bill extends the repealer until July 1, 2022, on Section 73-34-103, which prohibits an appraisal management company from engaging in or conducting business in this state without first obtaining a registration issued by the Mississippi Real Estate Appraiser Licensing and Certification Board.

SB 2697. Effective 7/1/19. Signed 3/22/19.

This bill revises certain provisions under the Real Estate Appraiser Licensing and Certification Act. Specifically, the bill does the following:

- Creates new Section 73-34-16 to provide the qualifications for a trainee appraiser;
- Amends Section 73-34-3 to revise certain definitions regarding real estate appraisers;
- Amends Section 73-34-5 to require any person engaging in real estate appraisal activity to obtain one of the three real estate appraiser licenses;
- Amends Section 73-34-9 to revise the powers and duties of the Mississippi Real Estate Commission to include the Appraiser Qualifications Board in the provisions regarding defining the type of educational and appraisal experience that meets the necessary requirements;
- Requires that the commission implement certain requirements of the Appraiser Qualifications Board;
- Amends Section 73-34-17 to revise the qualifications necessary to be a licensed real estate appraiser;

- Amends Section 73-34-21 to revise the prerequisites to taking the examination for licensing as a licensed certified appraiser;
- Amends Section 73-34-33 to revise the prerequisites to renew a real estate appraiser's license by requiring a total of 28 hours of instruction and seminar courses;
- Amends Section 73-34-45 to require the board to establish and collect a national registry fee as required by the Appraisal Subcommittee pursuant to federal law.

SB 2817. Effective on passage. Signed 3/29/19.

This bill amends Section 81-5-1 to clarify the general parity and open-end credit parity provisions by renumbering an existing subsection. The bill also clarifies that a Mississippi chartered or domiciled bank that seeks to use the open-end credit parity provisions shall set forth in the records of the bank the rates and fees to be charged, the state where the rates and fees are permissible, and the identity of one or more of the financial institutions.

SB 2869. Effective 7/1/19. Signed 3/22/19.

Current law requires an appraisal management company to certify to the Mississippi Real Estate Commission annually that it has a system in place requiring payment to an independent contract appraiser within 60 days after the appraiser provides the completed appraisal report. This bill amends Section 73-34-117 to reduce that required time for payment from 60 days to 30 days.

SB 2901. Effective 7/1/19. Signed 3/29/19.

This bill creates the "Landowners Protection Act." The bill regulates the liability of landowners when an invitee is injured on the landowner's property. For any premises-liability action brought under the laws of the State of Mississippi, no person who owns, leases, operates, maintains or manages commercial or other real property, and no director, officer, employee, agent or independent contractor acting on behalf of any such person, shall be civilly liable to any invitee who is injured on the property as the result of the willful, wanton or intentional tortious conduct of any third party, unless the injured party can prove by a preponderance of the evidence that:

- The conduct of the third party occurred on the property;
- The conduct of the person who owns, leases, operates, maintains or manages the property actively and affirmatively, with a degree of conscious decision-making, impelled the conduct of the third party; and
- The third party's conduct proximately caused the economic and noneconomic damages suffered by the injured party.

The bill also provides that an atmosphere of violence shall only be established by similar violent conduct:

- Which occurred three or more times within three years before the third-party act at issue;
- Which took place only on the commercial or other real property where the acts of the third party occurred; and
- Which are based upon three or more separate events or incidents that resulted in three or more arraignments of an individual for a felony involving an act of violence.

The bill also amends Section 85-5-7 to revise the definition of "fault" regarding joint and several liability. For any premises-liability action, alleging injury as a result

of the willful, wanton or intentional tortious conduct of a third party on commercial or other real property in the State of Mississippi, "fault" shall include any tort which results from an act or omission committed with a specific wrongful intent. "Premises-liability action" is defined as a civil action based upon the duty owed to someone injured on a landowner's premises as a result of conditions or activities on the land.

HB 800. Effective 7/1/19. Signed 3/15/19.

This bill reenacts the Mississippi Debt Management Services Act and extends the date of the repealer on that act to July 1, 2022.

HB 1288. Effective 7/1/19. Signed 3/15/19.

This bill amends Sections 73-13-31, 73-13-15, 73-13-43, 73-13-85 and 73-13-105 to allow certificates of licensure for professional engineers and land surveyors to be renewed every two years. It also revises the renewal fees based on a two-year period.

CORRECTIONS

SB 2704. Effective on passage. Signed 4/3/19.

This bill authorizes a circuit court to issue an order disabling service from a carrier to unauthorized cell phones that are identified through the managed-access system used by the Mississippi Department of Corrections.

HB 1465. See summary under Judiciary, Division B heading.

COUNTY AFFAIRS

SB 2243. See summary under Accountability, Efficiency, Transparency heading.

HB 874. Effective 7/1/19. Signed 3/21/19.

This bill amends Section 19-25-73 to increase the amount that may be expended by county sheriffs to feed prisoners housed within county jails. Specifically, sheriffs may expend an amount not to exceed \$15.00 per day per prisoner for the feeding of such prisoners. Previously, sheriffs were limited to an amount not to exceed \$6.00 per day per prisoner for the feeding of prisoners housed within county jails.

EDUCATION

SB 2050. Effective 7/1/19. Signed 3/22/19.

This bill requires school districts to accept an application for enrollment and course registration by electronic means for any pupil whose parent is transferred to, or is pending transfer to, a military installation within this state while on active military duty pursuant to an official military order. The parent of a pupil who meets the requirements of this act shall provide proof of residence to the school district within ten days after the published arrival date provided on official documentation. The parent may use the address of any of the following as proof of residence for the purposes of this subsection:

- A temporary on-base billeting facility.
- A purchased or leased home or apartment.
- Any federal government housing or off-base military housing, including off-base military housing that may be provided through a public-private venture.

SB 2447. Effective 7/1/19. Signed 3/29/19.

This bill provides career and technical education grants through the State Board of Education and the State Workforce Investment Board (SWIB) to schools for each student who earns a qualifying industry certification. "Industry certification" means a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies, resulting in the award of a credential that is nationally recognized and must be at least one of the following:

- Within an industry that addresses a critical local, regional or statewide economic need;
- Linked to an occupation that is included in the State Department of Employment Security's occupations in high-demand list; or
- Linked to an occupation that is identified as emerging.

"Qualifying industry certification" means an industry certification that is linked to an occupation with wages of at least 70% of the average annual wage in this state unless the industry certification is stackable to another postsecondary or professional credential which is linked to an occupation which meets the wage criterion.

The grants may be used for qualifying industry certification examination fees, professional development for teachers in career and technical education programs under this section, student instructional support for programs that lead to qualifying industry certifications, or to increase access to qualifying industry certifications. Any grants awarded under this act may not be used to supplant funds provided for the basic operation of the career and technical education programs.

SB 2449. Effective 7/1/19. Signed 3/29/19.

This bill defines the responsibility of the home school district and the sponsoring school district to provide education for students in juvenile detention facilities, requires local school districts to provide relevant records of detained students in accordance with State Board of Education policy, provides for a required summer course for such students focusing on mathematics and language arts and authorizes the State Department of Education to promulgate rules and regulations

related to the education of children housed in a juvenile detention facility.

The local home school district shall be defined as the school district where the detainee was last enrolled. Detainees who have received a High School Equivalency diploma shall be provided remedial instruction in math and language arts, or other areas as determined by the sponsoring school district, which may be computer-based instruction, as well as career-counseling opportunities.

The sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, shall be responsible for providing the instructional program and, when required by state and federal law, special education services, for the detainee while in detention during the sponsoring school district's academic calendar and a six-week summer enrichment program, the dates which are determined by the sponsoring school district. The enrichment program shall be facilitated by certified or classified district staff and shall be focused academically on mathematics and English language arts instruction, and may include other primary core subject areas, including character education. The six-week enrichment program shall not set aside any guidelines set forth by the Individuals with Disabilities Education Act. The summer enrichment program may be computer-based and have an abbreviated school day that shall not be less than four hours per day. After 48 hours of detention during the sponsoring school district's academic calendar and six-week enrichment program, the detainee shall receive the following services which may be computer-based:

- Diagnostic assessment of grade-level mastery of reading and math skills;

- Individualized instruction and practice to address any weaknesses identified in the assessment conducted under this section if the detainee is in the center for more than 48 hours during the sponsoring school district's academic calendar and six-week enrichment program; and

- Character education to improve behavior.

Any student identified under IDEA will utilize the student's current IEP in lieu of the IAP. It shall be the responsibility of the student's local home school district school to ensure that all related services identified on a student's IEP are provided in accordance with the student's IEP. It shall be the responsibility of the student's local home school district to collaborate with the sponsoring school district to ensure that all students, including students with disabilities, are appropriately included in general state and district-wide assessments, including assessments required by the Elementary and Secondary Education Act of 1965 (ESEA), as amended, and state law. Teachers in youth detention facilities serving IDEA-eligible students must be licensed with endorsements required by state and federal law, and related services personnel and paraprofessionals must meet state and federal qualifications for those personnel.

Student's records, including grades and attendance, shall be part of the student's transition and submitted to the receiving school district for review. Grades received from the Juvenile Detention Center (JDC) education program shall be incorporated into each student's academic performance grade.

The Mississippi Department of Education has the authority to promulgate rules and regulations related to the education of all children housed in a juvenile detention facility, to conduct inspections of the facility's educational services at least

annually or more often as deemed necessary and shall provide the licensing agency with its determination of the facility's compliance with the education provisions. The licensing agency shall use the information in its determination of the facility's eligibility for licensure. The implementation of the provisions of this act shall not create accountability or accreditation requirements or standards upon the sponsoring school district or the home district that are greater, more restrictive or more demanding than those requirements imposed upon local school districts in the provision of educational services to the general population of students.

SB 2625. Effective 7/1/19. Signed 3/29/19.

This bill relates to the operation of the Mississippi School of the Arts (MSA).

From and after January 1, 2020, all administrative, instructional and noninstructional employees of the Mississippi School of the Arts shall be transferred from state service and the authority of the State Personnel Board to employment status as employees of the Mississippi School of the Arts. All administrative and instructional employees at the said school shall enter into written contracts of employment to indicate and cover the period for which they are respectively employed. All such contracts for administrative and instructional employees shall be exempt from the requirements of the Public Procurement Review Board for state agency employment contracts. The State Board of Education may set and determine qualifications necessary for such employees and may appoint a subcommittee of the board for the purpose of authorizing the execution of such employment contracts on a timely basis. Such administrators and employees shall be offered contracts by the Superintendent/Executive Director of the MSA and shall have the

employment rights prescribed for administrative and certificated school district employees under Sections 37-9-17, 37-9-59, 37-9-103 and 37-7-307, Mississippi Code of 1972. The MSA may renew employment or nonrenew employment with such administrative and instructional employees in accordance with the provisions of said sections relating to school district employment.

Noninstructional employees of the MSA shall be full-time employees of the MSA and shall serve at the will and pleasure of the Superintendent of the MSA. All salaries and contracts shall be subject to the approval of the State Board of Education, and the MSA may continue to use the teacher salary scale for its instructional employees which is in effect on January 1, 2019. Any unused leave accumulated at the Mississippi School of the Arts shall be transferred in accordance with the provisions of Section 37-7-307. There shall be no interruption of service with the Public Employees' Retirement System and the State and School Employees' Health Insurance Plan for administrative, instructional and noninstructional employees due to an employee's employment status under this subsection. The MSA shall not be considered a local educational agency for the same purposes and to the same extent that all other school districts in the state are deemed local educational agencies under applicable federal law. The MSA may receive donations or grants from any public or private source, including any federal funding that may be available to the schools within the MSA.

The bill provides that the purchases of equipment and commodities made by the MSA are exempt from the regulations of the public procurement law.

The bill also provides that the Mississippi School of the Arts, the Mississippi School for the Blind and Deaf and the Mississippi School for Math and Science shall be subject to any mid-year budget reductions by the Department of Finance and Administration only to the same extent as applicable to other school districts in the state.

SB 2770. Effective 7/1/19. Signed 4/16/19.

This bill revises the minimum teacher salary scale by increasing the minimum salary by \$1,500.00. It also increases the minimum annual salary for teacher assistants to \$14,000.00, and adds Holmes, Yazoo and Tallahatchie Counties to the \$4,000.00 annual salary supplement incentive program for licensed teachers who have met the requirements and acquired a Master Teacher Certificate from the National Board for Professional Teaching Standards and who is employed in a public school district.

HB 150. Effective 7/1/19. Signed 4/16/19.

This bill amends Section 37-106-71 to expand the pool of recipients eligible for the Mississippi Dyslexia Education Forgivable Loan Program, by making those individuals who enroll into and complete a master's degree program of study for dyslexia therapy at any public or private institution in the state and upon receiving their license for the first time from the State Department of Education, commits to working in a public school or district in an instructional or clinical capacity as a licensed dyslexia therapist. Prior to the change in the law, only individuals who served as licensed teachers of dyslexia therapy were eligible for loan forgiveness.

Additionally, the bill amends the "William F. Winter Teacher Forgivable Loan Program," established under Section 37-106-57 to award scholarships to nontraditional licensed teachers showing a documented need for student loan repayment and employed in those school districts designated by the State Board of Education as a geographical area of the state or in a subject area of the curriculum in which there is a critical shortage of teachers.

HB 572. Effective 7/1/19. Signed 3/15/19.

This bill amends Section 37-7-307 to allow teachers to take a personal leave of absence on the day before the first or last day of the school year and the day before a holiday in the event of the death of an immediate family member (parent, child, grandparent, sibling, stepparent, stepchild or stepsibling). The bill further provides that the three days granted do not have to be consecutive days, but can be used as needed at the teacher's discretion.

HB 578. Effective 7/1/19. Signed 4/16/19.

This bill amends Section 37-3-2 to clarify the composition of the Commission on Teacher and Administrator Education, Certification, Licensure and Development to make the commission reflective of the state's four current congressional districts as opposed to five former congressional districts. Without changing the number of members on the commission, three members will be appointed from the state at large. The bill also authorizes the commission to appoint hearing officers to hear complaints of aggrieved teachers and administrators who are subject to penalty for violations of licensure laws which may result in denial, suspension, revocation of licenses in an

effort to assist the State Department of Education in reducing its backlog of administrative hearings.

The bill also provides that for the immediate revocation of licensure in the event that the offending teacher has been convicted, has pled guilty or entered a plea of nolo contendere to a felony or a sex offense, or if the teacher has been placed on probation or post-release supervision for a sex conviction as defined by federal or state law; or if the licensed teacher has fondled or had any inappropriate sexual involvement with a student; or the licensed teacher fails to report knowledge of sexual involvement between a school employee and a student. Such occurrences would also cause the department to immediately deny any application for licensure an individual has on file with the department.

For applicants who are on probation or post-release supervision for a felony other than a sex offense conviction there shall be immediate denial of their application for licensure. This disqualification for licensure eligibility expires upon the end of the probationary or post-release supervision period imposed on the individual submitting the application.

HB 654. Effective 7/1/19. Signed 3/15/19.

This bill amends Sections 37-5-9 and 37-7-711 to provide that any county with an elected school board shall require a runoff between the two candidates receiving the highest number of votes if no one candidate receives a majority of the vote, within three weeks of the initial election.

HB 1182. Effective 7/1/19. Signed 3/21/19.

This bill amends Section 37-11-57 to prohibit public school teachers, assistant teachers, principals, assistant principals or other school personnel from using corporal punishment on any student with a disability who has an individualized education plan (IEP) under the Individuals with Disabilities Education Act (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973. No school personnel shall be granted immunity from liability for the use of corporal punishment on a student with a disability.

HB 1283. Effective 7/1/19. Signed 3/29/19.

This bill creates the "Mississippi School Safety Act of 2019." This bill puts safeguards and procedures in place in public schools to ensure the overall safety and awareness of potential dangers and ominous threats for students and staff, including:

- Amending Section 37-11-5 to provide that active shooter drills, which would be required within the first 60 days of the new school year; and requiring district employees to attend annual training on Civil Response to Active Shooter Events;
- Amending Section 37-3-83 to require the Safety Grant Program administered by the State Department of Education to include a pilot program to implement a developmentally appropriate social and emotional curriculum for students in Grades K-5; and requiring school employees to complete a training or professional development course in mental health every two years;

- Amending Section 37-3-93 to require the Mississippi Office of Homeland Security to develop a curriculum to be used in training and certifying threat assessment officers, who would be tasked with conducting annual inspections and threat assessment of each public school in the state, and in turn developing an improvement plan for each school inspected and providing reports of such findings to local law enforcement agencies and the local school board within four weeks of completion;

- Amending Section 37-3-91 to expand student access to local mental health resources under the regional behavioral management program using a newly developed state standardized MOU between community mental health centers and facilities and school districts that provides referral protocols and training school personnel to conduct initial behavioral health screenings;

- Amending Section 37-3-82 to increase the minimum state funding of school resource officers by the State Department of Education under the Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program to \$10,000.00 annually, which could be used to train school resource officers. Currently those monies, which are a 50/50 match with district funds, can only be used to employ additional officers or pay the salaries and benefits of those who have been employed to serve as school resource officers (SROs);

- Creating new Section 95-15-1 to authorize the State Department of Education to raise statewide awareness regarding the "See Something Say Something Act" and providing immunity from liability for good faith reporting of suspicious activity or behavior; and

- Amending Section 45-1-2 to direct the Department of Public Safety to establish the Mississippi Analysis and Information Center (MSAIC Fusion Center) in the Office of Homeland Security and employ a regional analyst whose job would be dedicated to statewide social media intelligence platform threats and disseminating school safety information.

HB 1322. Effective 7/1/19. Signed 3/15/19.

This bill amends Section 37-3-87 to establish the "Mississippi Better Sight for Better Learning Program." The bill requires the State Board of Education to recommend a child entering first grade to have a face-to-face comprehensive eye examination completed by an optometrist or ophthalmologist by January 1 of the child's first-grade year if the child's eye screening indicates such a need. The school principal, director or other person in charge of the school is required to collect evidence of the child's face-to-face comprehensive eye examination from the child's parent or legal guardian, or a signed request by the parent or legal guardian of each student opting out of the face-to-face comprehensive eye examination. If the child had a face-to-face comprehensive eye examination before initially being enrolled, that examination is satisfactory.

ELECTIONS

SB 2030. Effective 7/1/19. Signed 3/29/19.

Senate Bill 2030 establishes a default two-year residency requirement to run for certain public offices. This new law requires a candidate for any municipal, county or county district office to be a resident of the municipality, county, county district or other territory that he or she seeks to represent in the office for two years immediately before the election day. The two-year residency requirement applies to elections held on and after January 1, 2020, with two exceptions. First, the two-year residency requirement will not apply to any municipality with fewer than 1,000 residents according to the latest federal decennial census. Second, the default two-year residency requirement is inapplicable if the qualifications for the elected office specify a different residency requirement.

This bill also establishes a specific residency requirement that will apply in elections held on and after January 1, 2020, for the offices of State Highway Commissioner, District Attorney and Commissioner of Agriculture and Commerce. A candidate for State Highway Commissioner or District Attorney must be a resident of the applicable state district for five years immediately before the election day. A candidate for Commissioner of Agriculture and Commerce must be a resident of the state for five years immediately before the election day.

SB 2237. Effective 7/1/19. Signed 3/21/19.

This bill clarifies that persons who have been convicted of embezzlement of public funds are not eligible to hold public office. The amendments to Sections 23-15-299 and 23-15-359 make it clear that election officials must verify that potential candidates for public office have not been convicted of a disqualifying offense.

The bill also amends Section 37-9-13 to change the qualifications for appointment to the office of school district superintendant. A person is ineligible for appointment to this office if he or she has pled guilty to or been convicted of any state or federal offense in which he or she unlawfully took, obtained or misappropriated funds received by or entrusted to the person by virtue of his or her public office or employment.

Finally, this bill amends Section 99-15-26 to prohibit the nonadjudication of offenses involving the unlawful use or taking of public funds by public officials and employees.

SB 2916. Effective 7/1/19. Signed 3/22/19.

This bill changes the qualifying deadline for judicial offices from the first Friday in May to March 1.

HB 914. Effective 7/1/19. Signed 3/19/19.

This bill amends Section 23-15-283 to prohibit changes to precinct boundaries until the Legislature completes its redistricting plan for the House of Representatives and Senate districts.

The bill amends Sections 23-15-281, 23-15-285 and 19-3-1 to conform to the changes in Section 23-15-283 and to remove language that provides that the changed boundaries shall conform to visible natural or artificial boundaries such as streets, highways, railroads, rivers, lakes, bayous or other obvious lines of demarcation, with the exception of county lines and municipal corporate limits.

ENERGY

SB 2687. Effective 7/1/19. Signed 3/22/19.

This bill extends the repealer until July 1, 2023, on the provisions of law which create the Mississippi Gulf Coast Region Utility Board.

SB 2744. Effective 7/1/19. Signed 4/18/19.

This bill amends Sections 77-3-803 and 77-3-805 to revise the prohibition against caller identification spoofing to conform to federal law. A person shall not, in connection with any telecommunications service or interconnected VOIP service, knowingly and with the intent to defraud or cause harm to another person or to wrongfully obtain anything of value, cause any caller identification service to transmit misleading or inaccurate caller identification information to a subscriber. The bill also provides that a violation of the Caller ID Anti-Spoofing Act is a violation of the Mississippi Telephone Solicitation Act, which shall be in addition to any other remedies and penalties available under the law.

SB 2821. Effective 7/1/19. Signed 4/16/19.

This bill amends Sections 77-3-705 and 77-3-711 to expand the definition of "telephone solicitation" under the Mississippi Telephone Solicitation Act to include text message communications, solicitations of a charitable contribution, and solicitations of items of value regardless of whether a sales presentation is made. The bill also amends Section 77-3-725 to increase the civil penalties from \$5,000.00 to \$10,000.00 for each violation of the act. Finally, the bill amends Section

77-3-737 to remove the repealer on the Mississippi Telephone Solicitation Act.

HB 366. Effective on passage. Signed 1/30/19.

This bill is known as the "Mississippi Broadband Enabling Act." Specifically, the bill does the following:

- Authorizes, but does not require, electric cooperatives to establish, acquire, and wholly or partially own one or more broadband affiliates.
- Authorizes an electric cooperative to allow its affiliate or an unaffiliated broadband operator to own, lease, construct, maintain and operate a broadband system on the electric cooperative's electric delivery system and to provide broadband services to the public utilizing the electric cooperative's broadband system or other parts of its electric delivery system.
- Provides that an electric cooperative may determine which broadband operators, if any, may have access to its broadband system, and may provide exclusive access.
- Provides that an electric cooperative may charge an affiliate or an unaffiliated broadband operator for those parts of its electric delivery system that are used or may be reserved for broadband services. Any lease of facilities by an electric cooperative to a broadband affiliate that includes the use of the electric cooperative's poles shall specifically include pole attachment fees to be paid by the broadband affiliate to the electric cooperative equal to pole attachment fees charged by the electric cooperative to like unaffiliated, private entities.
- Prohibits an electric cooperative from (a) charging an affiliate an amount less than the electric cooperative charges an unaffiliated entity for the same item or class of items; or (b) paying an affiliate an amount more than the affiliate

charges an unaffiliated entity for the same item or class of items.

- Prohibits an electric cooperative from using its electric energy revenues to subsidize any broadband system.

- Allows an electric cooperative to make capital investments in a broadband affiliate, make loans to an affiliate at fair market rate and enter loan guarantees for the benefit of an affiliate.

- Requires an electric cooperative, before utilizing this act, to have an economic feasibility study conducted and made available to its members, and the electric cooperative must adopt a plan that will provide service to its entire certificated area.

- Clarifies that it does not expand the regulatory authority of any state agency, instrumentality or political subdivision of the state.

- Prohibits an electric cooperative from allowing a broadband system to diminish the reliability of its electric delivery system.

- Prohibits an electric cooperative from requiring any person to purchase broadband services as a condition of receiving electric energy.

- Prohibits an electric cooperative from disconnecting or threatening to disconnect its electric service to any customer due to the customer's failure to pay for broadband services.

- Authorizes an electric cooperative to grant permission to an affiliate or other broadband operator to use the electric delivery system of the cooperative to provide broadband services, which shall not be considered an additional burden on the real property of the system and shall not require consent by anyone having an interest in the real property.

- Outlines a specific court petition process when the landowner of real property believes his property has been damaged by the provision of broadband services under this act.
- Provides that nothing in the act shall be construed to infringe upon nor otherwise encumber the property or property interests used by any investor-owned electric public utility to provide electric service to its customers.
- Requires every electric cooperative to conduct an annual audit of compliance with this act, which shall be made publicly available.
- Requires any electric cooperative electing to operate under the act to send notice by mail to its members of its elections for board of directors separately from any bill, and send notice by mail to its members of (a) application for candidacy to the board of directors, and (b) annual meetings at least 90 days before an election or annual meeting.
- Requires any electric cooperative electing to operate under this act to publish, by paid advertisement in a newspaper or newspapers of general circulation in the electric cooperative's certificated area, results of its elections to each member.
- Amends Sections 77-5-205 and 77-5-231, Mississippi Code of 1972, which are part of the Electric Power Association Law, to provide electric cooperatives with the authority to operate under this act.

HB 1362. Effective 7/1/19. Signed 3/22/19.

This bill amends Section 57-39-21 to extend the repealer to July 1, 2023, on the provisions of law that require the Mississippi Development Authority to provide for certain standards that promote efficient energy use to be implemented during the design, direction, construction and alteration of certain buildings and require local governing authorities to provide certain administration and enforcement.

FINANCE

SB 2056. Effective 7/1/19. Signed 3/29/19.

During the 2012 Regular Session the Mississippi Health Care Industry Zone Act was passed. One provision in that act authorized qualified businesses as defined under the act to enter into fee-in-lieu of ad valorem tax agreements with local governments. A qualified business as defined under the Health Care Industry Zone Act was required in most cases to have a capital investment of \$10,000,000.00.

During the 2018 Regular Session, legislation was adopted that reduced from \$100,000,000.00 to \$60,000,000.00 the amount required for projects by new enterprises to be eligible for a fee-in-lieu agreement and authorized projects by existing enterprises that have been doing business for 24 months that total over \$60,000,000.00 to be eligible for fee-in-lieu agreements.

The bill also erroneously included language that required a qualified business as defined under the Mississippi Health Care Industry Zone Act to have investments totaling over \$100,000,000.00. This bill corrects that error by removing that requirement which has the effect of returning the investment required for qualified businesses under the Mississippi Health Care Industry Zone Act to be eligible for a fee-in-lieu agreement to \$10,000,000.00 in most cases.

SB 2133. Effective on passage. Signed 4/3/19.

This bill extends until July 1, 2023, the repeal date on the laws that establish the Mississippi Comprehensive Workforce Training and Education Act and the Mississippi Department of Employment Security.

SB 2193. See summary under Tourism heading.

SB 2210. Effective 1/1/19. Signed 3/29/19.

This bill authorizes an income tax credit for certain charitable contributions, namely, gifts to endowed funds held by community foundations. These are foundations that are exempt from federal income taxation and recognized by the Mississippi Association of Grantmakers as meeting certain criteria, including incorporation in and charitable service to the State of Mississippi. The tax credit is 25% of the amount of the contribution. The minimum amount of a contribution qualifying for the credit is \$1,000.00, and the maximum annual amount of qualifying contributions per taxpayer is \$200,000.00. The maximum aggregate amount of credits authorized under this bill is \$500,000.00 per year.

Credits are awarded on a first-come, first-served basis, and any authorized but unused credits may be carried forward for five years. No credits will be authorized after January 1, 2024, but unused credits that were authorized before that date may be carried forward five years from 2023.

SB 2229. Effective 7/1/19. Signed 3/22/19.

This bill amends Section 27-65-201, which imposes a tax on the purchase of motor vehicles from someone other than a licensed dealer and provides certain exemptions from that tax. The section already exempts transfers of ownership between spouses, parents and children, and grandparents and grandchildren. The amendment in this bill adds an exemption for transfers between siblings.

SB 2271. Effective 7/1/19. Signed 3/22/19.

This bill amends Section 57-113-21, the definitions section of the article granting tax exemptions to certain business enterprises owning or operating data centers. The amendment revises the definition of "business enterprise" to lower the minimum capital investment from \$50,000,000.00 to \$20,000,000.00. It also lowers the minimum job creation threshold from 50 to 20 new, full-time jobs with a certain minimum average annual salary, which itself is lowered from 150% to 125% of the average state annual wage.

The bill also amends the definition of "state tax" for purposes of the exemption to include income and franchise taxes. It further adds a ten-year term of exemption from these state taxes upon the Mississippi Development Authority's certification of a business enterprise's eligibility for the exemption.

There is also an amendment to Section 27-65-107 regarding utility exemptions from sales taxes. This amendment specifies that sales to a data center of power, fuel and the like are exempted from the sales tax.

SB 2272. Effective 7/1/19. Signed 4/12/19.

This bill amends various code sections to simplify the method by which the Mississippi Development Authority is reimbursed for costs incurred in the administration of different grant, loan and financial incentive programs. Currently, these sections limit the reimbursement from a certain fund to costs of programs related to that fund. The applicable funds are: the ACE Fund, the Small Municipalities and Limited Population Counties Fund, the Mississippi Industry Incentive Financing Revolving Fund, the Mississippi Alternative Fuel School Bus and Municipal Motor Vehicle Revolving Loan Fund, the Mississippi Site Development Grant Fund, the Mississippi Railroad

Improvements Fund, the Mississippi Rural Impact Fund, the Mississippi Existing Industry Productivity Loan Fund, the Mississippi Job Protection Act Fund, the Small Business and Existing Forestry Industry Enterprise Participating Loan Program Revolving Fund, and the Economic Development Highway Fund.

Presently, up to 3% of bond proceeds in each fund can be used to reimburse the MDA for costs of grants, loans or other programs related to the purpose of that particular fund. This bill allows the MDA to be reimbursed with up to 3% of bond proceeds in the aggregate of funds, regardless of the particular program for which it is seeking reimbursement.

SB 2282. Effective 7/1/19. Signed 3/28/19.

This bill creates the Mississippi Ports Improvements Fund. The bill requires the Mississippi Development Authority to establish a program to make grants from the fund to assist in paying a portion of the costs associated with the repair, rehabilitation, construction, reconstruction, upgrading and improvement of existing port facilities.

The bill creates the Port Improvement Fund Advisory Committee whose membership shall consist of:

- Six directors of ports, appointed by the President of the Mississippi Ports Council, or his or her designee, as follows: two directors of the coastal ports, two directors of inland river ports located on the Mississippi River and two directors of inland ports located on the Tennessee-Tombigbee Waterway; and
- The Executive Director of the Mississippi Development Authority, or his or her designee.

The Mississippi Development Authority, in consultation with the Port Improvement Fund Advisory Committee, provides grants authorized by this act. The terms of a grant are within the discretion of the Mississippi Development Authority.

SB 2425. Effective 7/1/19. Signed 3/22/19.

This bill provides a means for a county to service its debt from a redevelopment project financed wholly or partially with bonds issued under the Tax Increment Financing Act (Section 21-45-1 et seq.). The bill amends the sales tax chapter of the Mississippi Code (Section 27-65-75) to authorize a monthly diversion to the county of 18-1/2% of sales tax revenue on business activities within the redevelopment project area. For a county to qualify for this diversion, it must have outstanding debt on the tax increment bonds issued to finance the redevelopment project, and the development or planned development must have a value of at least \$10,000,000.00. The final qualification is that the county must border the Mississippi Sound and the State of Alabama. Accordingly, this bill is intended to address the financing of a particular planned development in Jackson County, but its anticipated success in doing so is expected to be a model for financing future development projects in other counties.

In addition, the Tax Increment Financing Act itself (Section 21-45-9) is amended to conform by adding the sales tax portion distributed to the county as a means by which the county may service the debt incurred pursuant to its issuance of the tax increment bonds.

SB 2570. Effective 7/1/19. Signed 4/16/19.

This bill authorizes the issuance of distinctive motor vehicle license tags to supporters of the following:

- First Responders of Mississippi;
- Belhaven Improvement Association;
- Jefferson Davis County School District;
- Canopy Children's Solutions;
- Mississippi Kidney Foundation;
- Mississippi Faculty Association of Community and Junior Colleges;
- Mississippi Sweet Potato Council;
- Family Resource Center of North Mississippi;
- Ingalls Shipbuilding in Pascagoula, Mississippi;
- Rotary Club of Central Hancock County;
- Starkville High School;
- Camp Pioneer, Inc.;
- Marty Wilson Foundation One Gulf One Goal;
- Columbus High School;
- Ronald McDonald House Charities of Mississippi, Inc.;
- Celtic Heritage Society;
- Suicide prevention (Mississippi Chapter of the American Foundation for Suicide Prevention);
- Moss Point School District;
- Mississippi Book Festival;
- North Panola School District;
- Holly Springs Separate School District;
- The Dixie National Rodeo;

Section 27-19-44 is amended to exempt the distinctive tag for supporters of the Dixie National Rodeo from the requirement that a certain number of the tags must be presold prior to issuance.

The bill authorizes the issuance of a distinctive tag displaying the Stennis Flag designed by Laurin Stennis. A portion of the fees collected from the issuance of the tag is deposited into a special fund and used for the operation and maintenance of the Mississippi Museum of History and the Mississippi Civil Rights Museum.

The bill reauthorizes the issuance of distinctive motor vehicle license tags that display the emblems located in other states. It also provides that a portion of the fees collected from the issuance of distinctive license tags displaying the emblem of Florida State University shall be distributed to the Florida State University Veterans Alliance Fund.

The bill reauthorizes the issuance of the following tags by extending the time within which the required number of tags must be presold before they may be issued:

- Supporters of Rotary International;
- Supporters of the Juvenile Diabetes Research Foundation;
- Supporters of Children's Advocacy Centers of Mississippi;
- Supporters of the MIND Center at the University of Mississippi Medical Center;
- Supporters of Callaway High School.

The bill revises the distribution of the fees collected from the issuance of distinctive tags for supporters of the Pearl River Valley Water Supply District. Under current law \$24.00 of the \$30.00 fee charged for the tag is distributed to the Pearl River Valley Water Supply District for deposit into the district's operation and maintenance fund. This bill

provides that the \$24.00 be distributed to the Barnett Reservoir Foundation.

The bill increases to two the number of disabled veteran motor vehicle license tags that may be issued to a disabled veteran and increases to two the number of vehicles owned by a disabled veteran that may be exempt from ad valorem taxation and privilege taxes.

The bill revises the persons to whom the Gold Star distinctive motor vehicle license tags may be issued by providing that the tag may be issued to family members of service members who have died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war. The tags issued under this section are exempt from ad valorem taxation.

Section 27-51-41 is amended to conform to the changes to disabled veteran tags and Gold Star tags.

The bill authorizes the issuance of the Iraq Veteran distinctive motor vehicle license tag to persons who are recipients of the Inherent Resolve Campaign Medal.

The bill includes senior judges on senior status within the members of the state judiciary who may apply for motor vehicle license tags issued by the Department of Revenue that cannot be traced except by law enforcement agencies.

SB 2577. Effective 7/1/19. Signed 3/22/19.

This bill initiates a study into the possibility of paying for motor vehicle tags at the time of vehicle purchase so that the buyer can receive temporary tags, and permanent tags soon afterwards, directly from the dealer. Because of the complications inherent in the involvement of multiple local taxing authorities in Mississippi's vehicle tagging process, streamlining the system will require an in-depth study. To that

end, this bill creates a study committee composed of members representing the Department of Revenue, county tax assessors and collectors, and automobile dealers, as well as a legislator from each house. The committee is to report its findings to the 2020 Regular Session of the Legislature.

SB 2598. Effective 7/1/19. Signed 3/21/19.

This bill extends the deadline, from January 1, 2020, to July 1, 2021, for the Mississippi Development Authority to allocate income tax credits and insurance premium tax credits to taxpayers with qualified equity investments as defined in the Internal Revenue Code.

SB 2602. Effective on passage. Signed 3/29/19.

This bill extends the deadline, from June 30, 2019, to June 30, 2024, for the Mississippi Home Corporation to issue bonds and notes annually in an aggregate principal amount of no more than \$350,000,000.00.

SB 2603. Effective on passage. Signed 4/8/19.

This bill amends the Mississippi Motion Picture Incentive Act to revise the definition of "base investment" to add a provision to allow for the inclusion of certain payroll and fringes for a motion picture company or its owner, principal, member, production partner, independent contractor director or producer, or subsidiary company that: (a) is designated and prequalified by the Mississippi Development Authority as Mississippi-based or a Mississippi resident; (b) has filed income taxes in Mississippi during each of the previous three years; and (c) has engaged in activities related to the production of at least two motion pictures in Mississippi during the past 10 years. Entities meeting these criteria may include,

as part of their base investment, payroll and fringes paid for any employee who is not a resident and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968. To receive this inclusion, the entity must submit a request to the MDA when applying for approval as a state-certified production. The amount of payroll and fringes per employee that may be included in base investment is capped at \$5,000,000.00. The effect of this amendment to the definition of base investment is to increase the rebate to which a qualifying entity may be entitled under another section of the Mississippi Motion Picture Incentive Act.

SB 2604. Effective 7/1/19. Signed 4/16/19.

In order to issue variable rate refunding bonds under current law, the State Bond Commission must find at the time of issuing the bonds that the refunding is expected to result in a net present value savings to maturity of not less than 2% of the bonds being refunded. This bill removes this requirement because market conditions are such that it is impossible to predict with any precision the amount of savings.

SB 2802. Effective on passage. Signed 3/6/19.

This bill amends the Airport Authorities Law to add definitions for "airport-related contracts, leases and other arrangements" and "unrelated contracts, leases and other arrangements." The intent and effect of this amendment is to distinguish between airport property used for airport-related purposes and airport property used for other purposes, so as to ensure that tax-exempt status is granted only to the former. This bill is an answer to the recent Mississippi Supreme Court case of *Rankin County Board of Supervisors v. Lakeland Income Properties, LLC*, 241 So.3d 1279 (Miss. 2018), which interpreted

the Airport Authorities Law as providing that certain retail developments on property leased from the Jackson-Medgar Wiley Evers International Airport were exempt from ad valorem taxation. This bill was designed to clarify the Airport Authorities Law so as to exclude such an interpretation.

SB 2810. Effective on passage. Signed 3/22/19.

This bill describes two parcels of land owned by the Mississippi Development Authority in Lowndes County and permits the MDA to sell, lease, or otherwise dispose of these parcels. Two appraisals are required to determine the fair market value of land sold. Any proceeds from the sale are to be deposited into the state land acquisition fund, and the Department of Finance and Administration is granted the authority to correct any discrepancies in the bill's legal description of the property.

In addition, the bill describes a parcel of land in Oxford and authorizes the Mississippi Transportation Commission to lease it to the Mississippi Department of Human Services. The commission is granted the authority to correct any discrepancies in the bill's legal description of the property.

SB 2867. Effective 7/1/19. Signed 4/16/19.

Under current law, the Public Procurement Review Board is responsible for the approval of contracts for the construction and maintenance of state buildings and other facilities, as well as related contracts for architectural and engineering services. This bill grants authority to the Board of Trustees of State Institutions of Higher Learning to approve and administer these kinds of contracts for IHL facilities paid for with self-generated funds.

Another provision, to be repealed July 1, 2022, likewise grants the IHL board the authority to approve and administer contracts for IHL buildings and facilities funded wholly or partially by state general obligation bonds at institutions designated annually by the IHL board as being capable of procuring and administering all such contracts. Before the disbursement of funds, an agreement for each project must be executed between the institution and the Department of Finance and Administration. This agreement may not be withheld by either party without a detailed written explanation of the reasons. The agreement is to stipulate the responsibilities of each party, applicable procurement regulations, documentation and reporting requirements, conditions prior to, and schedule of, disbursement of general obligation bond funds to the institution, and provisions concerning the handling of any remaining general obligation bonds at the completion of the project. The agreement may not include additional criteria that would serve to invalidate the designation of the institution as capable of procuring and administering the project, and the inclusion of any such criteria may be appealed to the Public Procurement Review Board.

SB 2876. Effective 7/1/19. Signed 3/22/19.

This bill extends the repeal date, from July 1, 2019, to July 1, 2021, on Section 31-7-14, which regulates contracts of school districts, colleges, hospitals and other state entities with energy efficiency services providers.

SB 2885. Effective on passage. Signed 3/21/19.

The Growth and Prosperity Act authorizes exemptions from certain state taxes and local ad valorem taxes (except the school portion of the tax and any portion of the tax imposed to pay for police and fire protection) for approved business enterprises that are in a county that has been issued a certificate of public convenience and necessity designating the county as a growth and prosperity county. Any county which has an annualized unemployment rate that is at least 200% of the state's unemployment rate, or any county in which 30% or more of the population is at or below the federal poverty level, is eligible for a certificate of public convenience and necessity.

Under current law, an approved business enterprise is exempt from the applicable taxes for 10 years or until December 31, 2029, whichever occurs first. This bill authorizes the exemptions to last for 10 years or until December 31, 2033, whichever occurs first.

SB 2955. Effective 7/1/19. Signed 4/16/19.

This bill amends Section 27-65-111 to add sales tax exemptions for sales of tangible personal property or services to: the Junior League of Jackson; MS Gulf Coast Buddy Sports, Inc.; Biloxi Lions, Inc.; Lions Sight Foundation of Mississippi, Inc.; and the Goldring/Woldenberg Institute of Southern Jewish Life (ISJL). In addition, there is a new exemption, to be repealed on July 1, 2022, for sales of tangible personal property or services to the Mississippi's Toughest Kids Foundation specifically for use in the construction, furnishing and equipping of buildings and related facilities and infrastructure at Camp Kamassa in Copiah County. The amendment also expands the sales tax holiday on the last Friday in July to include retail sales of school supplies.

SB 3065. Effective on passage. Signed 4/12/19.

This bill authorizes the issuance of state general obligation bonds in the amount of \$85,382,500.00 for the 2019 IHL Capital Improvements Fund to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishings and/or equipping facilities for public facilities as follows:

NAME	PROJECT	AMOUNT ALLOCATED
Alcorn State University		\$ 6,320,000.00
	Planning, repair, renovation, life safety and ADA code upgrades, furnishing and equipping of campus buildings, facilities, and infrastructure and continuation and completion of previously authorized projects.....	\$ 6,320,000.00
Alcorn State University/Division of Agriculture		\$ 720,000.00
	Phase I of repair, renovation, furnishing, equipping and expansion of and additions to the Child Development Laboratory Center.....	\$ 720,000.00
Delta State University		\$ 7,320,000.00
	Planning, repair, renovation, life safety and ADA code upgrades, furnishing and equipping and expansion of and	

additions to campus
 buildings, facilities,
 and infrastructure.....\$ 7,320,000.00
 Jackson State University..... \$ 6,740,000.00
 Repair, renovation,
 furnishing, equipping and
 expansion of and additions
 and improvements to campus
 buildings, facilities
 and infrastructure.....\$ 6,740,000.00
 Mississippi State University..... \$ 10,320,000.00
 Phase II of construction,
 furnishing and equipping of
 a new building and related
 facilities to house the
 Kinesiology Department.....\$ 10,000,000.00
 Preplanning of construction,
 demolition, furnishing and
 equipping of a new building
 and related facilities to
 house the College of
 Architecture, Art
 and Design.....\$ 320,000.00
 Mississippi State University/Division of
 Agriculture, Forestry and Veterinary Medicine \$ 7,987,500.00
 Repair and renovation of
 buildings and related
 facilities at the
 Sustainable Bioproducts
 Complex and repair and
 renovation of Ballew Hall
 and related facilities.....\$ 7,987,500.00

Mississippi University for Women..... \$ 6,645,000.00

Phase I of construction,
furnishing and equipping of
a new building and related
facilities to house the
Culinary Arts Program.....\$ 6,645,000.00

Mississippi Valley State University..... \$ 6,320,000.00

Phase I of Student Union
improvements and planning,
repair, renovation, life
safety and ADA code upgrades,
furnishing and equipping
and expansion of and
additions to campus
buildings, facilities, and
infrastructure.....\$ 6,320,000.00

University of Mississippi..... \$ 5,320,000.00

Repair, renovation,
furnishing, equipping and
expansion of and additions
to the Data Center Building
and related facilities.....\$ 5,320,000.00

University of Mississippi Medical Center..... \$ 12,000,000.00

Matching funds for site
development, planning,
design, construction, repair,
renovation, furnishing,
equipping, additions
to and expansion of
Blair E. Batson Children's
Hospital and related
facilities at the

University of Mississippi
 Medical Center.....\$ 12,000,000.00
 University of Southern Mississippi \$ 13,300,000.00
 Planning, repair,
 renovation, life safety
 and ADA code upgrades,
 furnishing and equipping
 and expansion of and
 additions to campus
 buildings, including the
 Cook Library and Old
 Kinesiology, other
 facilities, and
 infrastructure.....\$ 8,300,000.00
 Construction of improvements,
 upgrades and additions to
 campus infrastructure,
 including roads and
 streets, sidewalks,
 parking lots and related
 facilities.....\$ 5,000,000.00
 University of Southern Mississippi/Gulf
 Coast Campuses \$ 1,700,000.00
 Planning, repair,
 renovation, life safety,
 and ADA code upgrades,
 furnishing and equipping
 of campus buildings,
 facilities, and
 infrastructure at any of
 the coast campuses, including
 Gulf Park, Halstead and Cedar

Point.....	\$	1,700,000.00
IHL Education and Research Center.....	\$	690,000.00
Repair, renovation, furnishing, equipping and expansion of and additions and improvements to campus buildings, facilities and infrastructure.....	\$	690,000.00

This bill authorizes the issuance of state general obligation bonds in the amount of \$38,600,000.00 for the 2019 State Agencies Capital Improvements Fund be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishings and/or equipping facilities for public facilities as follows:

Department of Corrections.....	\$	4,000,000.00
Planning, critical repair and renovation of and code upgrades and improvements to department buildings, facilities and infrastructure and facilities under the care and control of the department; planning, repair and replacement of roofing for department buildings and facilities under the care and control of the department; planning, repair and renovation of and upgrades and improvements to security of department		

buildings and facilities
 and facilities under
 the care and control
 of the department.....\$ 4,000,000.00
 Department of Finance and Administration..... \$ 11,350,000.00
 Continuation of planning
 repair and restoration
 of the New Capitol
 and Capitol Grounds.....\$ 4,400,000.00
 Planning, repair,
 renovation, furnishing
 and equipping of
 and improvements to
 Capitol Complex buildings,
 facilities, grounds and
 infrastructure.....\$ 5,450,000.00
 Planning, construction,
 furnishing and equipping
 of an emergency air response
 station for the central
 Mississippi region.....\$ 1,500,000.00
 Department of Mental Health..... \$ 4,000,000.00
 Planning, repair,
 and replacement of roofing
 and mechanical systems
 and equipment for
 buildings and facilities
 at East Mississippi
 State Hospital; planning, repair
 and replacement of
 plumbing systems
 at the Mississippi

State Hospital; planning, repair
and restoration
of, or replacement
of windows at the
Mississippi State Hospital; planning, repair
and renovations
for ADA compliance
for buildings and facilities
at Boswell Regional Center; planning, repair
and replacement of mechanical
systems at the Central
Mississippi Residential Center; planning, repair
and replacement of roofing
for buildings and facilities
at Ellisville State School; planning, repair
and renovations
for ADA compliance
for buildings and facilities
at Ellisville State School; planning, repair
and replacement of
generators for campus
buildings and facilities
and for community group homes
at Ellisville State School; planning and construction
of new and replacement
generators for group homes
at Hudspeth Regional Center; planning, repair
and replacement of roofing
for buildings and facilities
at North Mississippi
Regional Center; planning, repair
and replacement of

generators for campus
 buildings and facilities
 and for community group homes
 at South Mississippi
 Regional Center; planning, repair
 and renovation of
 cottage kitchens
 at South Mississippi
 State Hospital.....\$ 4,000,000.00
 Department of Wildlife, Fisheries and Parks \$ 4,000,000.00
 Planning, repair,
 rehabilitation and upgrades
 of high-hazard dams,
 spillways and other
 structures and facilities....\$ 4,000,000.00
 Mississippi Fair Commission..... \$ 2,250,000.00
 Planning and replacement
 of Coliseum seating.....\$ 2,250,000.00
 Mississippi Military Department \$ 2,000,000.00
 Matching funds for
 planning, repair,
 renovation of and
 upgrades and improvements
 to readiness centers.....\$ 2,000,000.00
 State Fire Academy \$ 11,000,000.00
 Planning, repair,
 renovation, furnishing
 and equipping of and
 expansion of administration,
 kitchen and dining
 facilities at the
 Mississippi State Fire

Academy in Rankin
 County, Mississippi; construction,
 furnishing and equipping of a fire
 station, dormitory, disaster staging
 area and related infrastructure and
 facilities site and infrastructure
 construction, acquisition of property
 for parking and continuation of
 previously authorized projects at
 the Mississippi State Fire Academy in
 Rankin County, Mississippi...\$ 11,000,000.00

This bill authorizes the issuance of state general
 obligation bonds in the amount of \$25,000,000.00 to pay the
 costs of acquisition of real property, construction of new
 facilities, equipping and furnishing facilities, including
 furniture and technology equipment and infrastructure, and
 addition to or renovation of existing facilities for community
 and junior college campuses as recommended by the Mississippi
 Community College Board as follows:

Coahoma	\$ 1,160,000.00
Copiah-Lincoln	1,360,000.00
East Central	1,310,000.00
East Mississippi	1,525,000.00
Hinds	2,815,000.00
Holmes	1,905,000.00
Itawamba	1,755,000.00
Jones	1,710,000.00
Meridian	1,415,000.00
Mississippi Delta	1,265,000.00
Mississippi Gulf Coast	2,430,000.00
Northeast Mississippi	1,435,000.00

Northwest Mississippi	2,095,000.00
Pearl River	1,640,000.00
Southwest Mississippi	1,180,000.00

The bill authorizes the issuance of state general obligation bonds in the amount of \$59,400,000.00 for the following projects:

- The Mississippi Aquarium at Gulfport \$ 4,000,000.00
- Workforce Training Center in Batesville .. \$ 2,000,000.00
- Port Bienville Dredging/Buccaneer Park
Improvements \$ 1,000,000.00
- Grand Gulf Road Repair \$ 500,000.00
- Street Improvements Near Keesler Gate \$ 5,000,000.00
- Mississippi Center for Innovation and
Technology Repair (ERDC Hardware Building
Vicksburg) \$ 2,500,000.00
- Northeast Mississippi Regional Wastewater
Treatment Project \$ 2,000,000.00
- Harrison County Veterans Affairs
Nursing Home \$ 16,000,000.00
- Local Governments and Rural Water Systems
Improvements Revolving Loan and
Grant Fund \$ 1,000,000.00
- Scenic Rivers Development Alliance
Improvements \$ 750,000.00
- Scenic Rivers Development Alliance Land
Acquisition \$ 500,000.00
- Watershed Repair and Rehabilitation
Cost-Share Program \$ 3,000,000.00
- Mississippi Community Heritage Preservation
Grant Fund \$ 5,000,000.00

• Small Municipalities and Limited Population Counties Fund	\$ 5,000,000.00
• Gunter Road Extension	\$ 1,000,000.00
• Laurel Drainage Project	\$ 650,000.00
• Leonard Clark Road Improvements (Perry County)	\$ 500,000.00
• Sumrall Recreational Facilities Construction	\$ 2,000,000.00
• Newton City Hall Repair and Renovation ...	\$ 1,000,000.00
• Copiah County Airport	\$ 60,000.00
• Town of Caledonia Park Improvements	\$ 50,000.00
• Town of Noxapater Road Improvements	\$ 50,000.00
• Town of French Camp Sewer System Improvements	\$ 50,000.00
• West Marion High School Bus Route Improvements	\$ 50,000.00
• Noxubee County Courthouse Improvements ...	\$ 65,000.00
• Jesse Harper Road/Interstate 20 North Frontage Road Flood Risk Reduction (Hinds County)	\$ 75,000.00
• Choctaw County/Sherwood East - OCL Road Improvements	\$ 100,000.00
• Town of Eupora Access Road	\$ 100,000.00
• Long Beach Cemetery Repair and Improvement	\$ 100,000.00
• Town of Ackerman Road Improvements	\$ 200,000.00
• McAlister Road Improvements (Monroe County)	\$ 200,000.00

- Mississippi Children's Museum Improvements
(Jackson) \$ 185,000.00
- Harrison County Law Enforcement Training
Academy Improvements \$ 250,000.00
- Itawamba County Boat Ramp Road
Bridge Repair \$ 250,000.00
- Town of Wesson Police Station Repair \$ 300,000.00
- Quitman County Sewer Infrastructure
Improvements \$ 300,000.00
- City of Kosciusko Courthouse Square
Repaving \$ 365,000.00
- Bruce Water System Improvements \$ 300,000.00
- Pearl River Valley Water Supply District
Dam Safety Studies \$ 350,000.00
- Pearl River County Courthouse Repair \$ 350,000.00
- Ocean Springs Water and Sewer Systems
Improvements \$ 400,000.00
- Leake County Courthouse Repair \$ 400,000.00
- Pontotoc Sewer System Improvements \$ 400,000.00
- Chickasaw Heritage Center Construction
(Tupelo) \$ 50,000.00
- Completion of Belwood Levee
(Adams County) \$ 1,000,000.00

The total amount of bonds authorized to be
issued under this bill is **\$ 208,382,500.00**

Of the bonds authorized to be issued for the Community
Heritage Preservation Grant Fund (\$5,000,000.00), the bill
allocates a portion as follows:

- \$450,000.00 - Grants for renovation of the Columbus City
Hall.

- \$400,000.00 - Grants for historical restoration of the Tate County Courthouse.

The bill revises the Mississippi Main Street Revolving Loan Fund program (Section 57-1-601) by changing the program to authorize grants instead of loans. The bill revises the definition of the term "municipality" under the program to mean the City of Senatobia.

The bill amends Section 71, Chapter 511, Laws of 2016, to clarify the use of the proceeds of bonds issued under the chapter for the establishment of the Mississippi Science Exploration Center in Hattiesburg. The bill extends from July 1, 2020, to July 1, 2023, the period of time during which bonds may be issued under the chapter. The amount of bonds authorized to be issued under current law is \$340,000.00.

The bill creates a special fund to assist in paying costs associated with the operation and maintenance of a national park or other federal visitors or recreation area when, due to a shutdown of the federal government, federal funds are unavailable and have been unavailable for at least five days for such purposes. Funds made available by the MDA under this section shall be provided on a reimbursable basis and cannot exceed 50% of the amount of funds expended from private, local and/or other sources for the operation and maintenance of a national park or other federal visitors or recreation area located in this state during the time that federal funds are unavailable for such purposes. The Department of Finance and Administration, with the concurrence of the State Bond Commission, may incur debt, including notes or other evidences of indebtedness, for the purpose of providing monies for the special fund. All notes or certificates of indebtedness issued must mature in approximately equal installments of principal and

interest over a period not to exceed one year from the date of issuance. The maximum amount of debt that may be outstanding is \$100,000.00.

The bill also corrects the description of various projects included in the 2018 Transportation and Infrastructure Improvements Fund (Section 27-104-301).

HB 694. Effective 7/1/19. Signed 3/15/19.

This bill extends to December 31, 2022, the repeal date on the sections of law that provide an income tax credit for taxpayers that use the port facilities at state, county and municipal ports for the export of cargo and require the Mississippi Development Authority to report annually to the Legislature regarding the impact of the tax credit.

The bill also extends to July 1, 2022, the repeal date on the sections of law that provide an income tax credit for taxpayers that use the facilities at public airports for the export or import of cargo and require the Mississippi Development Authority to report annually to the Legislature regarding the impact of the tax credit.

HB 695. Effective 7/1/19. Signed 3/15/19.

This bill extends to July 1, 2022, the repeal date on the provision of law that authorizes an income tax credit for any company that transfers or relocates its national or regional headquarters to the State of Mississippi from outside the state. The credit is for an amount equal to the actual relocation costs paid by the company.

HB 713. Effective 7/1/19. Signed 3/19/19.

This bill extends to July 1, 2022, the repeal date 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 761. Effective 7/1/19. Signed 3/15/19.

This bill, which is to be known as the "Israel Support Act of 2019," requires the Executive Director of the Department of Finance and Administration (DFA) to develop and publish a list of companies that boycott Israel and prohibits the Public Employees' Retirement System and the State Treasurer from investing with companies on that list.

The term "boycott Israel" or "boycott of Israel" is defined as refusing to deal, terminating business activities, or taking other actions to limit commercial relations with Israel, or persons or entities doing business in Israel or in Israeli-controlled territories, in a discriminatory manner.

Before a company is included on the list of companies determined to engage in a boycott of Israel, the Executive Director of DFA must provide 90 days' written notice of the intent to include the company on the list, and provide the company with an opportunity to comment in writing that it is not engaged in a boycott of Israel.

Officers, employees and agents of the Public Employees' Retirement System and the State Treasurer's office are held harmless for claims arising from decisions to restrict investments under the bill.

The bill provides that nothing in it can be construed to require the Public Employees' Retirement System of Mississippi or the State Treasurer or their agents to take any action as described in the bill unless it is determined, in good faith, that:

- The action described in this act is consistent with the fiduciary responsibilities of the Public Employees' Retirement System of Mississippi or the State Treasurer or their agents; and

- There are appropriated funds of the state to absorb the expenses necessary to implement this act.

HB 779. Effective 4/16/19. Signed 4/16/19.

This bill amends Section 65-1-179 to revise how the emergency road and bridge repair fund monies may be spent by authorizing the combination of program funds to maximize all potential sources of funding for projects covered by the program. The bill amends Sections 19-11-27 and 65-7-95 to provide exceptions to certain limitations on boards of supervisors with respect to the awarding of contracts and expending of monies for roads and bridges. Those exceptions are for, until January 1, 2020, projects of any type that receive monies from the Local System Bridge Replacement and Rehabilitation Program, the Emergency Road and Bridge Repair Fund, the 2018 Transportation and Infrastructure Improvement Fund or the Gulf Coast Restoration Fund.

HB 808. Effective 1/1/19. Signed 3/15/19.

Current law authorizes an income tax credit for enterprises that own or operate upholstered household furniture manufacturing facilities. The amount of the credit is \$2,000.00 annually for each full-time employee employed in a new cut-and-sew job for a period of five years from the date the credit commences. This bill extends to January 1, 2022, the repeal date on the section of law that authorizes the tax credit.

HB 872. Effective 7/1/19. Signed 3/22/19.

This bill prohibits a motor vehicle manufacturer, distributor, wholesaler or any factory, branch or division thereof from coercing a motor vehicle dealer into constructing or substantially altering a facility or premises if the same area of the facility or premises has been constructed or substantially altered within the last 10 years and the construction or alteration was required and approved by the manufacturer as a part of a program. It also prescribes standards for motor vehicle manufacturers to regulate costs and management of inventory between motor vehicle manufacturers and its franchisees.

The bill also defines the terms "Stop-Sale" or "Do-Not-Drive" order. It requires the manufacturer to compensate its new motor vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs, and requires the compensation for such recall repairs to be reasonable. It further regulates the compensation from manufacturers to motor vehicle dealers for reimbursement related to recall remedies.

HB 983. Effective 7/1/19. Signed 3/28/19.

This bill authorizes the issuance of state general obligation bonds in the amount of \$45,000,000.00 to provide funds to pay the costs incurred in making capital improvements at the state shipyard in Jackson County as are considered to be a part of the five-year plan to modernize the shipyard and keep it competitive with other shipyards. The bonds cannot be issued unless the Mississippi Development Authority is provided proof that the lessee of the shipyard has incurred debt or has otherwise irrevocably dedicated funds or a combination of debt and funds in an amount of not less than \$90,000,000.00 for

capital improvements, investments or upgrades at facilities in Jackson County owned or leased by the lessee. The debt or dedication of funds is in addition to debt or funds required under previous bills that authorized the issuance of bonds for improvements at the shipyard.

HB 991. Effective 1/1/19. Signed 3/19/19.

This bill creates the Local Government Debt Collection Setoff Act.

The bill authorizes counties and municipalities (local governments) to submit debts owed to them to the Department of Revenue for collection through a setoff against the debtor's Mississippi income tax refund. A local government must use the Mississippi Association of Supervisors or the Mississippi Municipal League, as appropriate, as its member organization in utilizing the setoff procedure.

In order for the setoff procedure to be used, the amount of the debt must be at least \$50.00, and the amount of the refund to which the debtor is entitled to receive must be at least \$50.00. Different types of debts under \$50.00 may be combined to satisfy the debt threshold if they are owed by the same debtor.

A local government may not submit a debt for collection until it has complied with certain notice provisions required in the bill and the claim has been finally determined. A local government, or its member organization on its behalf, must send written notice to a debtor that the local government intends to submit the debt owed by the debtor for collection by setoff. The notice must explain the basis for the local government's claim to the debt, that the local government intends to apply the debtor's income tax refund against the debt, and that a total collection assistance fee of 25% will be added to the debt

if it is submitted for setoff. The notice must also inform the debtor that the debtor has the right to contest the matter by filing a request for a hearing with the local government, state the time limits and procedures for requesting a hearing and state that the failure to request a hearing within the required time will result in setoff of the debt. A debtor may contest the setoff by filing a written request for a hearing with the local government within 30 days after the notice is mailed to the debtor. Any civil or criminal matter that has been litigated in a court cannot be reconsidered in a hearing. A decision made after the hearing will determine whether the debt is owed. Appeals from decisions made at the hearing may be made to the circuit court of the county in which the debtor resides.

When a debt is finally determined to be owed, the debt may be submitted to the Department of Revenue for collection through setoff against the debtor's income tax refund. If the Department of Revenue determines that a debtor is entitled to a refund of at least \$50.00, the department will set off the debt against the tax refund to which the debtor would otherwise be entitled and refund any remaining balance to the debtor.

When there are multiple claims by two or more member organizations submitting debts on behalf of local governments, the claims have priority based on the date each member organization filed the claim with the Department of Revenue. When there are multiple claims among local governments whose debts are submitted by the same member organization, the claims have priority based on the date each local government requested the member organization to submit the debts on its behalf. Child support claims for setoff under Sections 27-7-501 through 27-7-519 have priority over claims for setoff authorized in the bill.

A 25% collection assessment fee will be imposed on each debt collected by setoff. The Department of Revenue will collect this fee as part of the debt and retain 5% for its administrative costs. The additional 20% will be remitted to the appropriate member organization as payment for collection services it renders.

The Department of Revenue may provide information regarding a taxpayer that is necessary to carry out the purposes of the bill. The information obtained by a local government or its member organization from the department will retain its confidentiality and can only be used by the local government or member organization in the pursuit of its collection of debts under the bill. Any employee or former employee of a local government or its member organization who unlawfully discloses the information for any other purpose will be subject to the same penalties specified by law for unauthorized disclosure of confidential information by an agent or employee of the Department of Revenue.

HB 1065. Effective 1/1/19. Signed 3/28/19.

This bill authorizes an income tax credit for water transportation enterprises that are primarily engaged in providing inland water transportation of cargo on lakes, rivers and/or intracoastal waterways, except on the Great Lakes System. The amount of the tax credit is \$2,000.00 annually for each Mississippi full-time job created for a period of five years from the date the credit commences. A "Mississippi full-time job" is a job created in Mississippi on or after January 1, 2019, and filled by a Mississippi resident who works at least 35 hours per week. A water transportation enterprise cannot claim a tax credit for the reemployment of a person whose employment with the enterprise is terminated by the enterprise if the

reemployment occurs within twelve months from the date of the termination. The credit that may be used each year cannot exceed the total state income tax liability of the water transportation enterprise. Any tax 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 credits were earned. The maximum aggregate amount of tax credits that may be claimed by all taxpayers claiming a credit in a taxable year is \$2,000,000.00.

HB 1126. Effective 6/30/19. Signed 3/22/19.

This bill extends to July 1, 2021, the authority of the Mississippi Home Corporation to issue bonds and notes annually in an aggregate principal amount not to exceed \$350,000,000.00.

HB 1132. Effective 7/1/19. Signed 3/19/19.

This bill extends to July 1, 2022, the date of the repealer on the Small Business and Grocer Investment Act.

HB 1147. See summary under Public Health and Welfare heading.

HB 1160. Effective on passage. Signed 3/18/19.

This bill authorizes the issuance of state general obligation bonds in the amount of \$12,500,000.00 to provide funds to assist in paying costs associated with the construction, furnishing and equipping of the Mississippi Center for Medically Fragile Children in the City of Jackson.

HB 1249. Effective on passage. Signed 4/18/19.

This bill amends Section 25-15-103 to authorize any county to provide group life insurance coverage and group hospitalization benefits for all or specified groups of its public employees and their dependents. Additionally, the bill provides that the coverage and benefits may be provided retroactively for any existing group coverage plan previously adopted by a county.

HB 1307. Effective 7/1/19. Signed 4/16/19.

This bill provides that where land is sold for the nonpayment of ad valorem taxes, no purchaser of land at a tax sale, nor holder of the legal title under him by descent or distribution, shall have any right of action to challenge the validity of the tax sale.

HB 1427. Effective 7/1/19. Signed 3/28/19.

This bill authorizes the issuance of state general obligation bonds in the amount of \$86,000,000.00 to provide funds for various Mississippi Development Authority programs as follows:

- \$3,000,000.00 for the Mississippi Site Development Grant Fund.
- \$50,000,000.00 for the ACE Fund.
- Increases by \$20,000,000.00 the amount of bonds that may be issued under the Mississippi Business Investment Act and authorizes those funds to be utilized to make grants or loans to counties and municipalities through an equipment and public facilities grant and loan fund to aid in infrastructure-related improvements, the purchase of equipment, and the purchase, construction or repair and renovation of facilities.

- Increases by \$3,000,000.00 the amount of bonds that may be issued under the Mississippi Major Economic Impact Act for projects designed to enhance facilities that are at risk for closure pursuant to the Base Closure and Realignment Act of 1991 or other applicable federal law.

- Increases by \$10,000,000.00 the amount of bonds that may be issued under the Economic Development Highway Act.

The bill also amends Section 25, Chapter 533, Laws of 2010, as last amended by Section 1, Chapter 1, Laws of 2011 First Extraordinary Session, to extend to July 1, 2025, the period of time during which bonds may be issued to provide funds for the Mississippi Industry Incentive Financing Revolving Fund.

HB 1431. Effective 7/1/19. Signed 3/28/19.

This bill revises the definition of the term "business enterprise" for the purposes of eligibility of aerospace industries for certain state tax exemptions by:

- Expanding the operations that qualify aerospace industries to be included in the definition;
- Reducing the minimum amount of capital investment required by an aerospace industry that locates or expands in this state to \$25,000,000.00 (\$30,000,000.00 under prior law) and requiring the investment to be in land, building and equipment;
- Reducing the minimum number of new, full-time jobs that must be created to 25 (100 under prior law); and
- Requiring that the new, full-time jobs must provide an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least 110% of the most recently published state average annual wage or the most recently published average annual wage of the county in which

the business or industry is located as determined by the Mississippi Department of Employment Security, whichever is less.

The tax exemptions authorized for aerospace industries are:

- Sales tax or use tax imposed on the business enterprise related to the purchase of component building materials and equipment or initial construction of facilities or expansion of facilities;

- Income tax imposed on income earned by the business enterprise;

- Franchise tax imposed on the value of capital used, invested or employed by the business enterprise; and

- Sales tax or use tax imposed on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion.

HB 1468. Effective 7/1/19. Signed 3/15/19.

This bill amends Section 19-5-99 to expand the authority and empowerment of economic development districts to sell, lease, trade, exchange or otherwise dispose of industrial sites or rail lines situated within industrial parks to the Mississippi Military Department or Mississippi National Guard for military use.

HB 1564. Effective on passage. Signed 3/28/19.

This bill authorizes the issuance of state general obligation bonds in the amount of \$3,500,000.00 to provide funds to assist Lauderdale County in paying costs associated with construction, development and upgrades of and improvements to facilities, property and infrastructure within the county's industrial park, including the repayment of debt incurred by the county for such purposes before the effective date of the bill.

HB 1568. Effective 7/1/19. Signed 3/28/19.

This bill authorizes the issuance of state general obligation bonds in the amount of \$7,940,000.00 to provide funds for the Water Pollution Control Revolving Fund.

HB 1612. Effective 7/1/19. Signed 3/29/19.

This bill authorizes any municipality in this state with a population of 150,000 or more according to the 2010 federal decennial census to create special local improvement assessment districts. A special local improvement assessment district may be created if the boundaries of the proposed district are within the boundaries of the homeowners' association (HOA) representing that area. A municipality will begin efforts to establish a special local improvement assessment district upon delivery of a petition to the clerk of the municipality which is signed by the owners of at least 60% of the taxable real property in the HOA representing the area in the proposed district. If the boundaries of the proposed special local improvement assessment district are located, in whole or in part, within the boundaries of the Capitol Complex Improvement District in the City of Jackson, or a portion of the proposed district adjoins the boundaries of the Capitol Complex Improvement District, the petition may be delivered to the Capitol Complex Improvement

District Project Advisory Committee, and the committee will deliver the petition to the clerk of the municipality.

The HOA representing the property owners in the proposed special local improvement assessment district will submit a strategic plan to the municipality specifying the local improvements proposed for the district during the municipality's upcoming fiscal year and the total amount proposed to be expended for the improvements. The governing authorities of the municipality will determine the additional millage to be levied upon all taxable real property in the district, not to exceed six mills, needed in order to provide funds for the local improvements proposed in the strategic plan. Within 90 days of receipt of the strategic plan, the municipality will prepare a notice calling for an election to be held in the proposed special local improvement assessment district on the question of whether to establish the district. At the election, all qualified electors of the proposed district may vote, which qualified electors will be determined by use of the voter rolls of all municipal voting precincts containing any property in the proposed district. The governing authorities of the municipality will adopt a resolution creating the special local improvement assessment district if at least 60% of the qualified electors in the proposed district who vote in the election vote in favor of creating the district. The resolution will contain a description of the boundaries of the district and specify the millage rate to be levied upon taxable real property in the district for the municipality's fiscal year. The boundaries of a special local improvement assessment district may be modified by using the procedures provided for the establishment of a district.

Upon the establishment of a special local improvement assessment district, the HOA representing the property area in

the district may exercise certain powers relating to local improvements within the district. The proceeds of any special assessment levied on real property located within a district may be used to pay costs including administrative costs of and relating to exercising the powers of the HOA within the district. The HOA must keep the proceeds of the special assessment separate and apart from other funds of the HOA. A special local improvement assessment district will operate on the same fiscal year as the municipality.

A special local improvement assessment district will be dissolved upon completion of all improvements in the district's strategic plan and satisfaction of all indebtedness incurred in connection with the district's activities. However, the district may be continued in effect by following the procedures provided for the establishment of the district.

If a parcel of taxable property falls under the purview of more than one HOA, each of whose property owners petition to create a special local improvement assessment district, the parcel may not be assessed more than once at any given time. The parcel will be assessed by the special local improvement assessment district first approved under the method provided in the bill. Following the dissolution of the taxing special local improvement assessment district, the next special local improvement assessment district to have been approved as provided in the bill will become the taxing district.

The bill defines "local improvements" to mean:

- Any improvements constructed within a special local improvement assessment district or services established under the bill to improve the appearance or functioning of property located within the district, including, but not limited to, parks and related facilities, sidewalks, streets, street

curbing, street medians, planting areas, walls, lighting equipment, fountains and flagpoles;

- Trees, shrubs, flowers and other vegetation;
- Security enhancements including, but not limited to, cameras, radios, monitors and related equipment;
- Private patrol services;
- The acquisition, rehabilitation and sale of property in a special local improvement assessment district; and
- Any expenditures made in conjunction with the improvements set forth above such as the removal and relocation of utility service or purchase and removal of signs.

HB 1613. Effective 1/1/19. Signed 4/18/19.

This bill authorizes an income tax credit and an insurance premium tax credit for voluntary cash contributions made by certain taxpayers to eligible charitable organizations. The tax credit is available only to a taxpayer who is a business enterprise engaged in commercial, industrial or professional activities and operating as a corporation, limited liability company, partnership or sole proprietorship. The amount of credit that may be utilized by a taxpayer in a taxable year cannot exceed 50% of the total income tax and/or insurance premium tax liability of the taxpayer for the taxable year. Any tax 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 credits were 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:

- Licensed by or under contract or agreement with the Department of Child Protection Services and provides services for:

- ▶ The prevention and diversion of children from custody with the Department of Child Protection Services,
- ▶ The safety, care and well-being of children in custody with the Department of Child Protection Services, or
- ▶ The express purpose of creating permanency for children through adoption; or

- Certified by the Department of Revenue as a job training, workforce development or educational services charitable organization and provides services to:

- ▶ Children in a foster care placement program established by the Department of Child Protection Services, children placed under the Safe Families for Children model, or children at significant risk of entering a foster care placement program established by the Department of Child Protection Services,

- ▶ Children who have a chronic illness or physical, intellectual, developmental or emotional disability, or

- ▶ Children eligible for free or reduced price meals programs under Section 37-11-7.

The bill also provides that:

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

- The aggregate amount of tax credits that may be allocated by the Department of Revenue during a calendar year cannot exceed \$5,000,000.00, and not more than 50% of tax credits allocated during a calendar year may be allocated for

contributions to eligible charitable organizations that are certified by the Department of Revenue as job training, workforce development or educational services charitable organizations and provide services as described above.

The bill also amends Section 27-7-22.39, which authorizes an income tax credit for individuals who make voluntary cash contributions to qualifying charitable organizations and qualifying foster care charitable organizations, to:

- Revise the definitions of the terms "qualifying charitable organization," "qualifying foster care charitable organization" and "services".
- Revise certain provisions regarding certifications that charitable organizations must file with the Department of Revenue.
- Increase to \$3,000,000.00 the maximum aggregate amount of the income tax credits that may be awarded in a calendar year (\$1,000,000.00 under prior law).
- Extend the repeal date on the section of law to January 1, 2021.

The bill further amends Section 27-7-22.32, which authorizes an income tax credit for expenses incurred for the adoption of a child, to extend the reverter to January 1, 2021, on the provisions that:

- Provide that the maximum amount of the tax credit cannot exceed \$5,000.00 for each child adopted.
- Authorize an income tax credit in the amount of \$5,000.00 for each child adopted through the Mississippi Department of Child Protection Services.
- Provide for a carry-forward period of five years for adoption expenses claimed but not used in a taxable year.

HB 1668. Effective on passage. Signed 3/28/19.

Current law authorizes county boards of supervisors and municipal governing authorities to grant ad valorem tax exemptions for certain new enterprises. This bill adds data centers (as defined in Section 57-113-21) to the list of new enterprises that may be eligible for the exemptions.

The bill also clarifies that the exemption from ad valorem taxes may include leasehold interests in eligible property by providing that an exemption from ad valorem taxes may include any or all tangible property, real or personal, including any leasehold interests therein but excluding automobiles and trucks operating on and over the highways of the State of Mississippi, used in connection with, or necessary to, the operation of an eligible enterprise, whether or not such property is owned, leased, subleased, licensed or otherwise obtained by such enterprise, irrespective of the taxpayer to which any such leased property is assessed for ad valorem tax purposes. It also provides that if an exemption is granted with respect to any leasehold interest under a lease, sublease or license of tangible property used in connection with, or necessary to, the operation of an eligible enterprise, the corresponding ownership interest of the owner, lessor and sublessor of such tangible property will similarly and automatically be exempt without any action being required to be taken by such owner, lessor or sublessor. The bill also clarifies that a fee-in-lieu of ad valorem taxes may include such leasehold interests in eligible property.

The bill ratifies, approves and confirms any exemption from ad valorem taxes or fee-in-lieu of ad valorem taxes granted before the effective date of the bill and consistent with the bill.

HB 1699. Effective 1/1/19. Signed 3/19/19.

This bill provides for the method of apportionment of income for income tax purposes of a major medical laboratory service business whose business activity is taxable both within and without Mississippi. The net business income which has not been allocated, directly assigned or excluded will be apportioned to Mississippi by multiplying the income by a single sales factor. The sales factor is a fraction, the numerator of which is the receipts from medical laboratory services and other receipts of the taxpayer in this state during the taxable year, and the denominator of which is the total receipts of the taxpayer within and without this state during the taxable year.

The bill provides that:

- Receipts attributable to medical laboratory services are determined to be within Mississippi if the medical laboratory services are provided on behalf of an individual or patient whose service address is located in this state at the time the service is performed.

- Receipts attributable to medical laboratory services performed in this state shall be thrown back and sourced to Mississippi if, pursuant to the patient service address rule above:

- ▶ The receipts are sourced to a state or local jurisdiction in which the taxpayer is not subject to an income or gross receipts tax (other than a general sales tax) during a given taxable year, or

- ▶ The company is subject to an income or gross receipts tax in another state or local jurisdiction, but the laws of that jurisdiction do not source such receipts to that jurisdiction.

A company will be considered taxable in another state or local jurisdiction if it files a separate company income or gross receipts tax return in that state or local jurisdiction, it is included in a unitary or combined group income or gross receipts tax return in that state or local jurisdiction, or the state or local jurisdiction has authority to levy an income or gross receipts tax upon the company regardless of whether that jurisdiction actually levies such a tax.

- Any other receipts of the taxpayer not attributable to medical laboratory services will be sourced to this state pursuant to regulations of the Department of Revenue.

The bill defines the following terms:

- "Major medical laboratory service business" means a company that performs laboratory testing and analysis for the medical industry and that invests a minimum of \$25,000,000.00 in land, buildings and/or equipment located in Mississippi and creates 280 new full-time, direct jobs within three years of start of operations, as certified by the Mississippi Development Authority.

- "Medical laboratory services" means laboratory testing and analysis performed for the medical industry.

- "Service address" means the physical location of the doctor's office, clinic or other medical facility requesting the testing or analysis.

STATE GENERAL OBLIGATION BONDS
AUTHORIZED TO BE ISSUED DURING THE 2019 REGULAR SESSION

HOUSE BILL NO. 983

State Shipyard in Jackson County.....\$ 45,000,000.00

HOUSE BILL NO. 1160

Mississippi Center for Medically Fragile
Children.....\$ 12,500,000.00

HOUSE BILL NO. 1427

Mississippi Site Development Grant Fund.....\$ 3,000,000.00
ACE Fund.....\$ 50,000,000.00
Mississippi Business Investment Act
for the Development Infrastructure
Grant Program (DIP).....\$ 20,000,000.00
Mississippi Major Economic Impact Act
for Base Realignment and Closure
Act (BRAC).....\$ 3,000,000.00
Economic Development Highway Act.....\$ 10,000,000.00
H.B. 1427 TOTAL.....\$ 86,000,000.00

HOUSE BILL NO. 1564

Lauderdale County Industrial Park
Improvements.....\$ 3,500,000.00

HOUSE BILL NO. 1568

Water Pollution Control Revolving Fund.....\$ 7,940,000.00

SENATE BILL NO. 3065

INSTITUTIONS OF HIGHER LEARNING

Alcorn State University.....\$ 6,320,000.00
Alcorn State University/Division of
Agriculture.....\$ 720,000.00

Delta State University	\$	7,320,000.00
Jackson State University	\$	6,740,000.00
Mississippi State University	\$	10,320,000.00
Mississippi State University/Division of Agriculture, Forestry and Veterinary Medicine	\$	7,987,500.00
Mississippi University for Women	\$	6,645,000.00
Mississippi Valley State University	\$	6,320,000.00
University of Mississippi	\$	5,320,000.00
University of Mississippi Medical Center	\$	12,000,000.00
University of Southern Mississippi	\$	13,300,000.00
University of Southern Mississippi/Gulf Coast Campuses	\$	1,700,000.00
IHL Education and Research Center	\$	690,000.00
IHL TOTAL	\$	85,382,500.00

STATE AGENCIES

Department of Corrections	\$	4,000,000.00
Department of Finance and Administration	\$	11,350,000.00
Department of Mental Health	\$	4,000,000.00
Department of Wildlife, Fisheries and Parks (High hazard dams)	\$	4,000,000.00
Mississippi Fair Commission	\$	2,250,000.00
Mississippi Military Department	\$	2,000,000.00
State Fire Academy	\$	11,000,000.00
STATE AGENCIES TOTAL	\$	38,600,000.00

COMMUNITY AND JUNIOR COLLEGES

Coahoma	\$	1,160,000.00
Copiah-Lincoln	\$	1,360,000.00
East Central	\$	1,310,000.00
East Mississippi	\$	1,525,000.00

Hinds	\$	2,815,000.00
Holmes	\$	1,905,000.00
Itawamba	\$	1,755,000.00
Jones	\$	1,710,000.00
Meridian	\$	1,415,000.00
Mississippi Delta	\$	1,265,000.00
Mississippi Gulf Coast	\$	2,430,000.00
Northeast Mississippi	\$	1,435,000.00
Northwest Mississippi	\$	2,095,000.00
Pearl River	\$	1,640,000.00
Southwest Mississippi	\$	1,180,000.00
COMMUNITY AND JUNIOR COLLEGES TOTAL	\$	25,000,000.00

MISCELLANEOUS

The Mississippi Aquarium at Gulfport	\$	4,000,000.00
Workforce Training Center in Batesville	\$	2,000,000.00
Port Bienville Dredging/Buccaneer Park Improvements	\$	1,000,000.00
Grand Gulf Road Repair	\$	500,000.00
Street Improvements near Keesler Gate	\$	5,000,000.00
Mississippi Center for Innovation and Technology Repair (ERDC Hardware Building Vicksburg)	\$	2,500,000.00
Northeast Mississippi Regional Wastewater Treatment Project	\$	2,000,000.00
Harrison County Veterans Affairs Hospital	\$	16,000,000.00
Local Governments and Rural Water Systems Improvements Revolving Loan and Grant Fund ..	\$	1,000,000.00
Scenic Rivers Development Alliance Improvements	\$	750,000.00
Scenic Rivers Development Alliance Land Acquisition	\$	500,000.00
Watershed Repair and Rehabilitation Cost-Share Program	\$	3,000,000.00

Mississippi Community Heritage Preservation Grant Fund	\$	5,000,000.00
Small Municipalities and Limited Population Counties Fund	\$	5,000,000.00
Gunter Road Extension	\$	1,000,000.00
Laurel Drainage Project	\$	650,000.00
Leonard Clark Road Improvements (Perry County)	\$	500,000.00
Sumrall Recreational Facilities Construction	\$	2,000,000.00
Newton City Hall Repair and Renovation	\$	1,000,000.00
Copiah County Airport	\$	60,000.00
Town of Caledonia Park Improvements	\$	50,000.00
Town of Noxapater Road Improvements	\$	50,000.00
Town of French Camp Sewer System Improvements	\$	50,000.00
West Marion High School Bus Route Improvements	\$	50,000.00
Noxubee County Courthouse Improvements	\$	65,000.00
Jesse Harper Road/Interstate 20 North Frontage Road Flood Risk Reduction (Hinds County)	\$	75,000.00
Choctaw County/Sherwood East - OCL Road Improvements	\$	100,000.00
Town of Eupora Access Road	\$	100,000.00
Long Beach Cemetery Repair and Improvement	\$	100,000.00
Town of Ackerman Road Improvements	\$	200,000.00
McAlister Road Improvements (Monroe County)	\$	200,000.00
Mississippi Children's Museum Improvements (Jackson)	\$	185,000.00
Harrison County Law Enforcement Training Academy Improvements	\$	250,000.00
Itawamba County Boat Ramp Road Bridge Repair	\$	250,000.00
Town of Wesson Police Station Repair	\$	300,000.00
Quitman County Sewer Infrastructure Improvements	\$	300,000.00

City of Kosciusko Courthouse Square Repaving	\$	365,000.00
Bruce Water System Improvements	\$	300,000.00
Pearl River Valley Water Supply District		
Dam Safety Studies	\$	350,000.00
Pearl River County Courthouse Repair	\$	350,000.00
Ocean Springs Water and Sewer Systems		
Improvements	\$	400,000.00
Leake County Courthouse Repair	\$	400,000.00
Pontotoc Sewer System Improvements	\$	400,000.00
Chickasaw Heritage Center Construction		
(Tupelo)	\$	50,000.00
Belwood Levee Construction (Adams County)	\$	<u>1,000,000.00</u>
MISCELLANEOUS TOTAL	\$	59,400,000.00
S.B. 3065 TOTAL	\$	208,382,500.00
TOTAL 2019 BOND AUTHORIZATIONS	\$	363,322,500.00

HIGHWAYS AND TRANSPORTATION

SB 2898. Effective 7/1/19. Signed 3/28/19.

This bill designates the following as memorial highways:

- That portion of Mississippi Highway 25 from the city limits of Aberdeen, Monroe County, to Highway 382, is designated and shall be known as the "Thomas Lee Bales Memorial Highway."
- That portion of U.S. Highway 51 within the city limits of Duck Hill, Montgomery County, is designated and shall be known as the "Lucie E. Campbell Memorial Highway."
- That portion of U.S. Highway 61 within the city limits of Shaw, Bolivar County, is designated and shall be known as the "Andrew and Mary Lou Hawkins Memorial Highway."
- That portion of U.S. Highway 72 within the corporate limits of the City of Iuka, Tishomingo County, is designated and shall be known as the "Mayor Johnny Biggs Memorial Highway."

The Mississippi Department of Transportation is required to erect and maintain appropriate signs along and approaching the memorial highways described in this bill.

SB 2900. Effective on passage. Signed 3/22/19.

This bill designates a portion of Mississippi Highway 16 in Neshoba County, beginning at its intersection with Mississippi Highway 482 and extending eastward to its intersection with Mississippi Highway 491, as the "Carson W. Bounds Memorial Highway."

The Mississippi Department of Transportation is required to erect and maintain appropriate signs along and approaching the memorial highways described in this bill.

HB 535. Effective 3/15/19. Signed 3/15/19.

This bill authorizes the Mississippi Transportation Commission, acting through the Mississippi Department of Transportation, to sell certain state-owned real property and any improvements thereon, which are located in Neshoba County, Mississippi. The real property and any improvements thereon shall be sold by negotiated private sale to a Mississippi resident or Mississippi-based entity for not less than the current fair market value as determined by the average of at least two appraisals by qualified appraisers.

HB 580. Effective 7/1/19. Signed 3/21/19.

This bill authorizes the Mississippi Transportation Commission to require its contractors, through provision in a contract, to provide work zone safety operations. The bill authorizes the commission's contractors to enter into agreements with state and local law enforcement agencies to provide work zone safety operations. Further, if a mutually acceptable agreement between a contractor and applicable law enforcement agencies cannot be reached after good faith negotiations, the bill authorizes the commission to utilize its officers to perform certain work zone safety operation functions.

The bill also amends Section 63-3-516 to provide new criminal penalties for highway work zone violations that result in property damage to road construction equipment or a motor vehicle in an amount of \$500.00 or greater by punishment of a fine of not less than \$250.00 nor more than \$1,000.00, or by imprisonment in the county jail for a term of not less than 30 days nor more than one year, or by both such fine and imprisonment, in the discretion of the court, and the court shall, as a condition of any sentence imposed, determine the extent of the property damage caused by the violator and require

the violator to make restitution to the injured party upon such terms and conditions determined by the court. The bill also provides new criminal penalties for highway work zone violations that result in the death of another within a highway work zone or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another within a highway work zone by punishment in the custody of the State Department of Corrections for a period of time of not less than three years and not to exceed 15 years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction.

HB 701. Effective 7/1/19. Signed 3/15/19.

This bill renames the building which houses the Mississippi Department of Public Safety's Highway Patrol Troop K Command Center in Biloxi, Harrison County, the "Commissioner George Landon Phillips District Office." The bill requires the Department of Finance and Administration, in conjunction with the Mississippi Department of Public Safety, to erect the proper lettering or signage on the outdoor facade of the facility displaying the official name as the "Commissioner George Landon Phillips District Office."

HB 724. Effective 7/1/19. Signed 3/15/19.

This bill designates the segment of Mississippi Highway 537 beginning at its intersection with Mississippi Highway 15/Matthews Road and extending northeasterly to its intersection with the Jones/Jasper County Line near the unincorporated community of Moss in Jones County, as the "Winnie Frost Morgan Memorial Highway."

The bill designates the segment of Mississippi Highway 370 beginning at its intersection with County Road 2788 and extending southerly to its intersection with County Road 1503 in Lee County, as the "Dalen Keith Thomas Memorial Highway."

The bill designates the segment of Mississippi Highway 370 beginning at its intersection with County Road 2788 and extending northerly to its intersection with Mississippi Highway 366 in Lee County, as the "Leland 'L.R.' Burcham Memorial Highway."

The bill designates the intersection of Mississippi Highway 370 with County Road 2788 in Lee County, as the "Lenoise Davidson Memorial Intersection."

HB 725. Effective 7/1/19. Signed 3/15/19.

This bill designates the segment of U.S. Highway 11 in Jones County, beginning at its intersection with the southernmost city limits of Ellisville and extending southerly to its intersection with Hall Street in the unincorporated community of Moselle, as the "Coach Phillip James Jr. Memorial Highway."

HB 726. Effective 7/1/19. Signed 3/15/19.

This bill designates the segment of Mississippi Highway 15 in Jones County, beginning at its southernmost intersection with the corporate limits of the City of Laurel and extending southerly until its intersection with Triangle Drive/Country Circle, as the "Glade Memorial Highway" in memory of the late Fred Blackledge and Coach Frank Lucas.

HB 1101. Effective 7/1/19. Signed 3/15/19.

This bill designates a segment of Mississippi Highway 98 in Greene County, beginning at its intersection with Mississippi Highway 198/Old Highway 98 and extending southeasterly to its intersection with Mississippi Highway 57 South, as the "Maj. Ed 'Too Tall' Freeman Memorial Highway."

HB 1108. Effective 7/1/19. Signed 3/15/19.

This bill designates the segment of U.S. Highway 51 in Lincoln County, beginning at its intersection with Lee Drive and extending northerly to its southernmost intersection with Cold Springs Lane, as the "Deputy Donald William Durr Memorial Highway."

HB 1329. Effective 7/1/19. Signed 3/21/19.

This bill amends Sections 63-5-19 and 63-5-23 to allow certain rear and front projecting loads of vehicles to extend to the distance allowable under federal law.

HB 1474. Effective 7/1/19. Signed 3/15/19.

This bill designates the segment of Mississippi Highway 759 in Choctaw County located in the City of Ackerman, as the "James Plemon 'J.P.' Coleman Memorial Highway."

INSURANCE

SB 2831. Effective 7/1/19. Signed 4/3/19.

This bill creates the "Insurance Data Security Law."

Specifically, the bill does the following:

- Requires insurers and other entities licensed by the Commissioner of Insurance to develop, implement and maintain an information security program based on its risk assessment, with a designated employee in charge of the information security program.

- Phases in requirements for compliance with the information security program and oversight of third-party service providers.

- Requires licensees to investigate a cybersecurity event and to notify the Commissioner of Insurance of a cybersecurity event that would likely materially harm a Mississippi consumer. A cybersecurity event means an event resulting in unauthorized access to an information system or nonpublic information stored on the information system.

- Authorizes the Commissioner of Insurance to examine licensees for compliance with the law and to remedy data security deficiencies found during an examination.

SB 2835. Effective 7/1/21. Signed 4/16/19.

This bill creates the "Mississippi First Responders Health and Safety Act." It provides that when a first responder who has completed 10 or more years of service is unable to perform his or her regular duties by reason of cancer, the affected first responder or his beneficiaries shall be entitled to certain benefits granted by this act as an alternative to pursuing workers' compensation benefits. The costs of

purchasing an insurance policy that provides for cancer coverage in compliance with this act, or the costs of providing such benefits through a self-funded system in compliance with this act, must be borne solely by the employer that employs the eligible first responder and may not be funded partially or wholly by individual first responders. Counties and municipalities may use proceeds from county and municipal taxes for the purposes of providing insurance in compliance with this act. The state, municipality, county or fire protection district shall, no later than January 1, 2022, show proof of insurance coverage that meets the requirements of this act to the Attorney General, or shall show satisfactory proof of the ability to pay such compensation to ensure adequate coverage for all eligible first responders.

The Attorney General shall adopt such rules and regulations as are reasonable and necessary to implement the provisions of this act. The Attorney General shall also adopt rules to establish firefighter cancer prevention best practices as it relates to personal protective equipment, decontamination, fire suppression, apparatus and fire stations.

"Firefighter" is defined as any firefighter who has 10 or more years of service and is employed by the State of Mississippi, or any political subdivision thereof, on a full-time duty status. and any firefighter who has 10 or more years of service and is registered with the State of Mississippi, or a political subdivision thereof, on a volunteer firefighting status.

"Law enforcement officer" is defined as any officer who has been certified by the Mississippi Board on Law Enforcement Officer Standards and Training and has 10 or more years of service.

SB 2864. Effective 7/1/19. Signed 3/12/19.

This bill amends Section 83-23-109 under the Mississippi Insurance Guaranty Association Law to provide that a covered claim shall not include any claim that has been rejected by any other state guaranty fund based upon that state's statutory exclusions regarding the insured's net worth.

The bill also amends Section 83-23-115 to provide that a covered claim shall not include a claim filed after the deadline set by a court for the filing of claims against the liquidator or receiver of an insolvent insurer.

HB 273. Effective 7/1/19. Signed 3/15/19.

This bill authorizes the members of the board of trustees of a community hospital to choose to participate in any hospital medical benefit plan or health insurance plan, whether self-funded or otherwise, which may be in effect for hospital employees. Any member of the board of trustees choosing to participate in such plan shall pay the same amount for his or her participation in the plan as hospital employees are required to pay for their participation in such plan.

HB 323. Effective 1/1/20. Signed 3/15/19.

This bill revises the chapter of law governing the audit of financial statements of insurers to amend Section 83-5-102 to revise definitions of certain terms used in the sections of law requiring an audit of insurers and to define the term "internal audit function." The bill amends Section 83-5-119 to provide that the audit committee of an insurer shall be responsible for overseeing the insurer's internal audit function. The bill creates Section 83-5-120 to require insurers to establish an internal audit function providing independent, objective and reasonable assurance to the audit committee and insurer management regarding the insurer's governance, risk management and internal controls.

HB 324. Effective 1/1/20. Signed 3/19/19.

This bill requires insurance companies to file a Corporate Governance Annual Disclosure (CGAD) with the Commissioner of Insurance. The bill authorizes the Commissioner of Insurance to issue rules, regulations and orders as necessary to carry out the provisions of this act. The bill provides for the contents of corporate governance annual disclosures, provides that certain documents, materials or other CGAD-related information shall be confidential and shall not be subject to the Mississippi Public Records Act, authorizes the commissioner to retain third-party consultants and provides a penalty for failing to timely file the disclosure as required by this act.

HB 628. Effective 7/1/19. Signed 3/22/19.

This bill amends Section 83-9-5 to require accident and health insurance policies to include additional provisions that penalize late payment of claims by insurer to a health care provider or insured. To provide that errors, such as system errors, attributable to the insurer, do not change a clean claim status. The bill increases from 1.5% to 3% per month the amount of interest the insurer must pay the health care provider or insured for claims paid after the due date to pay, with exemptions for Medicare Advantage plans or Medicare Advantage Prescription Drug plans. The bill provides that if it is determined that the insurer acted in bad faith as evidenced by a repeated or deliberate pattern of failing to pay benefits and/or claims when due, the person entitled to such benefits (health care provider or insured) shall be entitled to recover damages in an amount up to three times the amount of the benefits that remain unpaid until the claim is finally settled or adjudicated.

HB 630. Effective 7/1/19. Signed 3/15/19.

This bill amends Section 83-17-53 to include self-storage insurance within the definition of limited lines insurance. The bill amends Section 83-17-63 to authorize insurance producers to receive qualification for licensure in self-storage limited lines insurance. The bill creates a new section of law to provide for a limited license as an insurance producer for self-storage insurance.

HB 752. Effective 7/1/19. Signed 3/19/19.

This bill amends Section 83-51-1 to define certain terms as used in the Dental Care Benefits Law. The bill creates a new section of law to require dental service contractors to establish appeal procedures for claim denials based upon lack of medical necessity. The bill prohibits claim denials for procedures specifically included in a prior authorization unless certain circumstances apply. The bill provides a time limit for prior authorization approvals. Further, the bill prohibits the recoupment of a claim in certain circumstances.

HB 785. Effective 7/1/19. Signed 3/15/19.

This bill amends Section 63-17-75 to clarify that certain blanket liability insurance requirements for motor vehicle dealers do not apply when the motor vehicle dealer's inventory does not have a motor.

HB 925. Effective 7/1/19. Signed 3/21/19.

This bill amends Section 83-65-103 to revise the definition of "vehicle service contract" and provides a definition of "road hazard" for the laws that regulate vehicle service contracts in the State of Mississippi.

JUDICIARY, DIVISION A

SB 2141. Effective 7/1/19. Signed 3/21/19.

This bill is the Mississippi Terroristic Threats Law. It provides that the offense of making a terroristic threat occurs when a person makes a threat to commit a crime of violence or a threat to cause bodily injury to another person if the threat does in fact cause a reasonable expectation or reasonable fear of the imminent commission of an offense and if, in making the threat, the person intends to:

- Intimidate or coerce a civilian population or segment of a civilian population to cede to the person's demands; or
- Influence or affect, by intimidation or coercion, the policy or conduct of a unit of government, educational institution, business or segment of the civilian population to cede to the person's demands.

It is not a defense to a prosecution under this section that, at the time the defendant made the terroristic threat, the defendant did not have the intent or capability to actually commit the specified offense, nor is it a defense that the threat was not made to a person who was a subject or intended victim of the threatened act.

A person convicted of the offense of making a terroristic threat is guilty of a felony punishable by imprisonment in the custody of the Mississippi Department of Corrections for not more than ten years.

SB 2305. Effective 7/1/19. Signed 4/16/19.

This bill increases the punishment for human trafficking of a minor or for procuring sexual servitude of a minor to be not less than 20 years nor more than life in prison.

SB 2328. Effective 7/1/19. Signed 4/16/19.

This bill corrects issues raised 40 years ago by the Mississippi Supreme Court in *Brown v. Jaquith* for felony cases in which the defendant is found not competent to be prosecuted. If the circuit court concludes that a person is incompetent and not restorable to competency sufficient to stand trial, the matter is referred to chancery court for a civil commitment. The order is in lieu of the affidavit normally used to institute civil commitment proceedings, and the District Attorney retains the right to later prosecute a case that was deferred due to the defendant's lack of competence if it later becomes triable.

Additional changes modernize the commitment process for questions of competency in a felony case.

- The bill requires training for examiners who perform the medical and mental examination of the defendant.

- A county court judge, in addition to a circuit court judge, can order a mental examination when a person is charged with a felony.

- Before the release of the person who was committed, the Department of Mental Health must notify the District Attorney, and the District Attorney must notify the victims or family members who have requested notification under Section 99-43-35 (victims' bill of rights), as well as the sheriffs of the counties both where the offense occurred and where the committed person is being sent upon release.

- The bill defines the term "appointed examiners" in order to streamline references to persons who have been appointed to conduct the necessary medical examination as set out in Section 41-21-67(2). This way the law does not repeat "physician, psychologist, nurse practitioner or physician assistant" multiple times throughout the chapter.

The bill also has general application to other civil commitment procedures, whether for mental illness or addiction to alcohol or other addictive substances. It mandates the creation of two guides for the public to aid in navigating those commitment processes.

For mental illness commitments:

- Language in Section 41-21-65(5) that authorized the chancellor to send a person back to his county of residence for commitment is removed.
- Filing costs are capped at \$150.00.
- An option is added for the mental and physical examination to be conducted by nonphysicians if a licensed physician is not available within 48 hours of the issuance of a writ; this would not apply to the criminal defendant who is referred for civil commitment. The bill also adds psychiatric nurse practitioners to the list of nonphysicians who would be permitted to conduct examinations.
- Clarifies that costs incidental to court proceedings could not be included in the fees and assessments for filing the affidavit.
- Gives continuing jurisdiction to the court for one year; this allows a subsequent affidavit to be filed concerning the same respondent so the family does not have to start completely over or pay initial filing fees again.

For Drug and Alcohol Addiction Commitments, the bill:

- Provides that the commitment process for addiction is commenced by use of a standardized affidavit form instead of by petition. This brings drug and alcohol commitments in line with how mental health commitments are commenced.

- Clarifies that court clerks cannot require an affiant to hire an attorney to file the affidavit, which is in line with the civil commitment process.

- Adds language regarding the appointment of counsel for the person in need of treatment, to be in line with the civil commitment process.

- Adds a section to authorize outpatient treatment.

- Gives continuing jurisdiction to the court for one year; this allows a subsequent affidavit to be filed concerning the same respondent so the family does not have to start completely over or pay initial filing fees again.

Chapters 30 (emergency involuntary drug/alcohol commitment) and 31 (drug/alcohol commitment to private facility) of Title 41 are amended to bring them in line with the changes made to the addiction commitment laws.

SB 2491. Effective on passage. Signed 3/28/19.

In order to operate and receive funding, all drug courts must receive initial certification and then recertification on a two-year cycle. There are currently 40 drug courts that were all scheduled to be recertified in 2019. Twenty-two of these courts are adult felony drug courts, and the remaining 18 are a combination of misdemeanor, youth, and family drug court.

This bill solely changes the time frames for the certification of drug courts to allow the adult felony drug courts to be certified on a two-year cycle starting December 2019 and all other drug courts to be certified on a two-year cycle starting December 2020.

SB 2561. Effective 7/1/19. Signed 4/16/19.

Section 93-21-15 is amended to provide that all appeals of a temporary domestic abuse protection order issued by either a municipal or justice court are to be heard in chancery court, which is the best court for these appeals as these cases involve family matters most of the time. Appeals from justice or municipal courts will be by trial de novo. Appeals from county court will be "on the record" appeals.

The ability to appeal an ex parte emergency order is eliminated; it makes no sense to appeal an emergency order. These are ten-day orders that are not based on evidence presented in the full hearing where both parties have an opportunity to present evidence, but are based on information the judge gets ex parte from the person requesting relief. These orders expire before an appeal can be entertained.

Appeal of the denial of a temporary domestic abuse protection order by justice or municipal court is also eliminated. The proper recourse for someone whose request for a temporary order was denied is to file a petition requesting a final order of protection from county or chancery court. The time that would be spent appealing the denial of a temporary protection order can be better spent on filing in the higher court for a final order.

These procedures track those provided in the Uniform Rules of Circuit and County Court.

The proposed language also navigates through the oddities of fees and costs. Under federal law, a victim of abuse cannot be charged up front with any costs related to getting a protection order.

The victim can, however, be charged fees and costs on the backend if the court finds that the victim is not really a

victim of abuse. If an appellant is found to not be a victim of abuse, fees and costs can be charged.

The bill also establishes that the perfection of an appeal does not act as a supersedeas. These situations are often very dangerous and the protection orders need to remain in place throughout the appeal.

Language in the bill clarifies that a judge cannot restrict a domestic abuse protection order to the boundaries of Mississippi or to a particular municipality or county. Domestic abuse protection orders issued by a Mississippi court are valid nationwide, and this state recognizes orders issued by other states under the doctrine of Full Faith and Credit.

The new appellate procedure will be in a new section to be codified as Section 93-21-15.1.

SB 2576. Effective 7/1/19. Signed 4/16/19.

Section 97-35-47 is amended to provide that making a false report of child abuse or neglect to the Department of Child Protection Services is a misdemeanor. Sections 43-21-257, 43-21-261 and 43-21-353 are amended to allow Child Protection Services to release to the appropriate prosecutor and law enforcement agency the identity of a reporter who knowingly reported a false allegation of child abuse or neglect. References to the Department of Child Protection Services are corrected throughout.

Child Protection Services is inundated with reports of abuse or neglect believed to be false, which can occur during divorce and child custody proceedings and has more recently been used to harass public officials. The department may report those calls they believe to be fraudulent to law enforcement and to share records necessary to assist law enforcement in investigation and prosecution of those who make false reports.

SB 2679. Effective 7/1/19. Signed 3/22/19.

Section 33-13-31 is amended to increase certain fines provided for a commanding officer's nonjudicial punishment under the Mississippi Code of Military Justice; the fines remain subject to any applicable limitation under federal law.

SB 2680. Effective 7/1/19. Signed 3/22/19.

Section 33-13-159 is amended to clarify that the decision to grant a trial before a summary courts-martial is reserved to the special or general court-martial convening authority, respectively.

SB 2716. Effective on passage. Signed 3/22/19.

This bill amends sections in Title 89, Chapter 7, to clarify when a complaint for eviction is triable, when a warrant for eviction is to be issued, and when a stay of execution is or is not appropriate.

A warrant for removal is to be issued immediately upon request once a judgment of eviction is granted unless the rent and all accrued late fees and costs as of the date of judgment have been paid. The judge is authorized to grant a stay not to exceed three days for good cause unless it is shown that a stay is likely to result in material injury to the landlord's property.

SB 2828. Effective 1/1/20. Signed 4/16/19.

Purposes of the Act:

- Distinguish "guardian of the person" from "conservator of the estate."

- Clarify role of guardian/conservator in ward's life.

- Explain the basis for appointment of a guardian or conservator through improved and more specific medical evaluations.

- Encourage individualized planning and the use of least restrictive alternatives in order to allow wards the most autonomy possible while still protecting those unable to be fully self-determined.

- Require accountability measures between guardians or conservators and the courts.

- Inform the ward of procedural and substantive rights at hearings and ensure due process through protection of both the person and assets of the ward.

- Give courts sufficient information regarding the welfare and resources of a ward under guardianship/conservatorship through individualized plans, accountings, inventories and well-being reports tracked via Mississippi Electronic Courts (MEC).

Outline of the Act:

- General Provisions - Article I

- Guardianship of the Minor - Article II

- Guardianship of the Adult - Article III

- Conservatorship of the Estate for a Minor or Adult - Article IV

- Repeals current law on guardianship and conservatorship in Sections 11 through 19

- Conforming code sections are found in Sections 2 through
- 10

Overview of the Act:

- **Basis and Petition for Appointment of Guardian or Conservator**

- ▶ Any person (including a chancellor, chancery clerk, relative or other interested person) interested in the welfare of a minor or adult may petition the court for appointment of a guardian or conservator.

- ▶ For an adult, the petition must be based on the respondent's inability to receive and evaluate information or make or communicate decisions.

- ▶ The petition must include the name and address of the attorney filing for the petitioner (if any) and the prescribed due process language; the petition must be served on the respondent at least seven days before the hearing along with the summons.

- **Notice of Hearing and Rights at Hearing**

- ▶ For a minor: notice of the hearing must be given to the parent(s).

- ▶ For an adult who does not join the petition, notice must be given to:

- ♦ Persons claiming to be legal custodians of ward;

- ♦ Living spouse, children, parents and siblings of ward; or if none found;

- ♦ One adult relative of ward who resides in Mississippi and is within the 3rd degree of kinship; or if none found;

- ♦ Another person or guardian ad litem appointed by the court to receive notice.

- ▶ Notice of subsequent hearings must be given to the respondent, the guardian/conservator, and any other person the court requires.

- ▶ At the hearing, the respondent may present evidence and subpoena documents and witnesses.

- **Appointment of Attorney**

- ▶ If the respondent does not have an attorney, the court may appoint one.

- ▶ A rule change to UCCR 6.01 is proposed to include: "Except where there are not assets or funds available, the court may decline appointment of an attorney. The duty of a fiduciary, to keep the court informed, remains the same with or without attorney representation."

- **Professional Evaluation (drafted in collaboration with Mississippi Medical Association)**

- ▶ Court must find the need for appointment of a guardian or conservator by clear and convincing evidence. Proof must include written certificates made after personal examination of the respondent (unless respondent is missing, detained or unable to return to the USA) by:

- ♦ At least two licensed physicians, or
- ♦ One licensed physician and one licensed psychologist, nurse practitioner or physician's assistant. The nurse practitioner or physician's assistant cannot be in a collaborative or supervisory relationship with the certifying physician.

- ▶ Personal examination may be face-to-face or via telemedicine with audio-visual connection to a licensed

physician in Mississippi ("telemedicine" is defined in Section 83-9-351).

- **Order of Appointment**

- ▶ Order appointing guardian/conservator must include findings to support appointment. If full guardianship or conservatorship, must explain why a limited guardianship or conservatorship is not sufficient. If limited, the specific powers granted to the guardian or conservator must be detailed.

- ▶ Court order for guardian/conservator of an adult must give name and contact information of any person entitled to: notice of ward's rights, ward's change in residence, ward's death or condition, copy of the guardian/conservator plans per Sections 315 and 419, access to court records, court limitation on powers, and removal of guardian/conservator.

- ▶ Spouse and adult children of adult ward are entitled to notices under Section 309(4) or 411(5) unless the court finds it is not in the ward's best interest.

- **Emergency Guardian/Conservator**

- ▶ An interested person may petition for an emergency guardian/conservator and the court may appoint a guardian or conservator if it finds that the appointment is likely to prevent substantial and irreparable harm; no one else has authority or willingness to act in the circumstances; and there is reason to believe a guardian/conservator is necessary.

- ▶ Emergency guardian/conservator may serve no longer than 60 days, although a 60-day extension might be allowed; the powers of the emergency guardian/conservator must be specified in the order.

- ▶ There must be reasonable notice of date, time and place of hearing; however, if the court finds from affidavit or

testimony that the respondent will likely be substantially and irreparably harmed, then the court can appoint an emergency guardian/conservator without notice; within 48 hours after appointment of an emergency guardian/conservator, the court must give notice, and then must hold a hearing on the appointment within five days of the emergency appointment.

- ▶ Appointment of an emergency guardian/conservator is not a determination that a basis for a permanent protective arrangement exists; the court may remove an emergency guardian/conservator and require any type of report at any time.

- **Bond; Oath; Financial Institutions; Alternative Arrangements (collaborated with Bankers Association)**

- ▶ Except for exempt financial institutions, the court must require a conservator's bond or require an alternative asset-protection arrangement. The court may fully or partially waive bond if: ward is a minor and parent has waived bond in will or testamentary instrument; or assets are deposited in FDIC-insured financial account subject to prior court approval for release and where depository institution receives a copy of the order and files acknowledgement of receipt; or the court finds bond or other arrangement is not necessary to protect ward's property (bond for professional nonbank conservator cannot be waived).

- ▶ FDIC-insured institution authorized to do trust business in Mississippi is not required to give bond. Financial institution with funds on deposit that complies with this act is not liable absent knowledge that the representations made are incorrect.

- ▶ Depository institution may charge a fee to service account.

▶ Prescribed form for acknowledgment of receipt of funds set out in Section 416.

- **Duties and Powers of Guardian/Conservator**

▶ A guardian/conservator and a fiduciary must make decisions it is believed the ward would make unless it would fail to preserve resources needed for the ward's well-being. The ward's directions, preferences, opinions, values and actions, to the extent known, must be considered.

▶ If the guardian/conservator does not know preferences or believes the ward's decision would fail to preserve resources, the guardian/conservator must act in the ward's best interest.

▶ Article IV, Section 414 lists conservator powers requiring court approval, and Section 421 lists conservator powers that do not require court approval.

- **Guardian/Conservator Plans**

▶ Within 90 days after the initial appointment, a guardian/conservator must file a plan with the court, taking into account the ward's best interest and preferences, values and prior directions to the extent known.

▶ Court must review plan and consider any objections and whether the plan is consistent with the guardian or conservator's duties in determining whether to approve the plan.

▶ Court must not approve the plan until 30 days after the plan is filed. After the court approves the plan, the guardian/conservator must give a copy to the ward and others entitled to notice.

- **Inventory; records**

- ▶ Within 90 days after appointment, conservator must file a detailed inventory and oath/affirmation that the inventory is believed to be complete and accurate.

- ▶ Within 14 days after filing, the conservator must give notice of filing the inventory to the ward and any other person entitled to notice.

- ▶ Conservator must keep records of actions and make those available for examination on request of ward, guardian, or other persons permitted by court.

- **Conservator's Report and Accounting**

- ▶ Conservator must file a report and a petition for the court to approve the report annually and upon resignation, removal or termination, unless the court directs otherwise.

- ▶ The report must state or contain: an accounting that lists property included in the estate, receipts, disbursements and liabilities during the accounting period; list of services provided to the ward; a statement whether the conservator has deviated from the plan and, if so, how and why; a recommendation as to the need for continued conservatorship and any recommended changes in scope; anything of more than de minimis value that the conservator, anyone residing with the conservator, or the spouse, child, sibling or parent of the conservator has received from a vendor of goods or services to the ward; and any business relationships the conservator has with a person who was paid or benefitted from the ward's property.

- ▶ The court may establish procedures for monitoring reporting and annual review of each report.

SB 2840. Effective 7/1/19. Signed 4/16/19.

The Supreme Court's Commission on Children's Justice impaneled a legislative task force in 2018 to address issues and make recommendations. Representatives from the Department of Child Protection Services, the Supreme Court, local youth court judges, the Office of the State Public Defender, a parent representative, prosecutors, and the Attorney General's Office constituted the task force. This bill is the outcome of the recommendations proposed by the task force and was supported by the Chief Justice.

- Youth court and Child Protection Services confidentiality was addressed:

- ▶ By designating that the forensic interview of a child conducted by a Child Advocacy Center is defined as a record involving children and thus protected under the confidentiality laws; it also provides for those records to be accessible to chancery courts without further order if the forensic interview is ordered by the chancellor.

- ▶ To authorize disclosure of records to guardian ad litem.

- ▶ To authorize disclosure of records relevant to a matter before the youth court -- there may be exculpatory records that are relevant and should be made available for trial preparation.

- ▶ To allow Child Protection Services to share confidential information about a child with certain people or entities (foster family, service providers, schools, etc.) to further the treatment plan of the child or family.

- ▶ To authorize Child Protection Services to report fraudulent reports: Child Protection Services is inundated with reports of abuse or neglect believed to be false, which can

occur during divorce and child custody proceedings and has more recently been used to harass public officials; the department may report those calls they believe fraudulent to law enforcement and to share records necessary to assist law enforcement in investigation.

- ▶ To waive confidentiality and allow CPS to release information as to the cause and circumstances regarding a fatality or near fatality, including previous reports and investigations, services provided by the state and other actions on behalf of the child.

- Provisions charging guardian ad litem: amends present law by adding that the youth court judge shall by order direct the guardian ad litem and provide authority.

- The bill addresses when the use of controlled substances by a parent is grounds for loss of custody: the positive test of a parent or newborn for controlled substances is not dispositive grounds for removal of the child; the child must be endangered or the parent unable to provide proper care and supervision, and there is no reasonable alternative to loss of custody.

- Changes are made to improve youth court practice:
 - ▶ All hearings to be on the record.
 - ▶ Oral orders be reduced to writing within 48 hours.
 - ▶ Existing law provides that a review shall be had at least every 180 days; the bill allows a request by the child or parent for an earlier hearing subject to the discretion of the court to prevent frivolous requests.

- ▶ If a child abuse or neglect case arises in a county where the family does not reside, the youth court judge may transfer disposition to the county of residence.

- Child Death and Near-Death Reporting: Under existing law, a report of a child's death is made to the medical examiner who is to report the death to Child Protection Services. The bill creates a new category of mandatory reporters that requires all law enforcement, firefighters, medical personnel, coroners and others to make a report of all child deaths and all child near-fatalities directly to Child Protection Services so an investigation can be made into the circumstances.

- Other CPS-related amendments to improve practice:

- ▶ Central Registry issues: existing law burdens the department with the responsibility to investigate to determine if sexual, felony physical abuse or neglect which is a threat to life is substantiated. There have been serious due process issues with the central registry, so this bill authorizes only convictions and adjudications of abuse or neglect to be added to the central registry.

- ▶ The Mississippi Adoption Supplemental Benefits Law of 1979 is amended to expand the definition of "special circumstances" to include children older than two and a sibling group to be adopted together; this allows for their adoptive families to receive benefits under the act.

- ▶ Medicaid benefits will continue for special needs children adopted through a state-supported adoption agency if the child was receiving the benefits immediately before the adoption.

- ▶ Clarifies that Child Protection Services can provide financial support for nonrecurring adoption expense (attorney, filing fees, etc.).

- Changes were made throughout to change the name of the department from the Department of Human Services or the Department of Public Welfare to the Department of Child

Protection Services. This necessitated the addition of immunity language for the Department of Human Services to the extent the Office of Youth Services makes a good-faith disclosure of central registry or other confidential information absent a willful or malicious violation of the administrative procedures of the department.

- The Supporting and Strengthening Families Act (Section 93-31-1 et seq.) is amended to require that temporary powers of attorney under the act must be registered with the youth court, entered into the MYCIDS system, and administratively reviewed by the youth court after one year. The act is further amended to provide for revocation of a power of attorney granted under the act and to require agency acceptance of a power of attorney. The chancery clerk may not impose, charge or collect any fees for the filings. The sufficient acknowledgment clauses are updated to reflect the changes.

HB 390. Effective 7/1/19. Signed 3/21/19.

This bill authorizes active duty law enforcement officers as defined in Section 45-6-3 and qualified retired law enforcement officers as defined in 18 USC Section 926C(c) to serve as members of a church security program and be eligible for immunity under the Mississippi Church Protection Act.

HB 571. Effective 7/1/19. Signed 3/28/19.

This bill revises the elements for the crime of prostitution to provide that a person must be 18 years of age or older to commit the misdemeanor crime of prostitution. It also authorizes a law enforcement officer who encounters a minor engaging in the acts of prostitution to take the minor into emergency protective custody within the requirements of the Youth Court Act. The Department of Child Protection Services (CPS) is added as a contact for law enforcement and investigation of such cases.

References to the Department of Human Services are changed to the Department of Child Protection Services (CPS).

The definition for "commercial sexual exploitation" is defined as any sexual act or crime of a sexual nature, which is committed against a child for financial or economic gain, to obtain a thing of value, for quid pro quo exchange of property or any other purpose. The bill also adds references to "commercial sexual exploitation and human trafficking of children" in the responsibilities of CPS to administer plans, provide counseling services, other support services and distributing services to foster children and the foster parents. The regulation of multidisciplinary teams to coordinate efforts to intervene with physically abused children now includes references to "commercial sexual exploitation and human trafficking of children" in the goals and expertise of the teams, adds the Statewide Human Trafficking Coordinator to the team, authorizes CPS to initiate creation of a team, and requires Child Protection Services to be included on a team when the department is not the initiator of the team.

The Department of Child Protection Services is added as an option to be contacted for mandatory reporting of child trafficking. An agency receiving reports under these provisions

is required to begin an initial investigation into the suspected abuse or neglect. The Statewide Human Trafficking Coordinator and CPS are required to provide an annual report to the Speaker of the House, the Lieutenant Governor and the Chairperson of the House and Senate Judiciary Committees concerning services CPS provided to children.

The bill also revises the provisions which regulate mandatory reporting to include victims of commercial sexual exploitation and human trafficking in the list of abused children for reporting purposes and adds CPS in the list of agencies who may receive a report and investigate such report. Note that the definition of "abused child" in prior law included a trafficked child.

Definitions for youth court provisions are revised to add the phrases "commercial sexual exploitation," "abused child" and "commercial sexual exploitation."

The bill revises the provisions of law that list sex crimes against a minor to include procuring the sexual services of a minor and sexual battery of a vulnerable person who is a minor.

The bill requires the existing minimum training standards for local public safety and 911 communicators to include at least two hours of training related to receiving and managing calls regarding sexual exploitation of children and human trafficking.

The bill also:

- Requires the minimum educational and training standards for field and investigative law enforcement officers to include at least two hours of training related to handling complaints and victims of commercial sexual exploitation and human trafficking. This two-hour requirement is also included in the

curriculum for schools providing basic and advanced courses for officer training.

- Revises the training standard for family protection workers and specialists by requiring the training to include at least two hours related to handling complaints and victims of commercial sexual exploitation and human trafficking.

- Reallocates monies from the fund to the Bureau of Investigation of the Department of Public Safety.

- Moves the office of the Statewide Human Trafficking Coordinator to the Mississippi Bureau of Investigation of the Department of Public Safety.

- Clarifies the duty of the Statewide Human Trafficking Coordinator to provide annual reports and perform other duties required by law to conform to the requirements of the bill.

- Revises the provisions concerning crimes against a vulnerable person to require the report of abuse against a minor to be made to the Department of Child Protection Services.

HB 626. Effective 7/1/19. Signed 3/21/19.

This bill requires the Supreme Court to give preference and conduct an expedited judicial review of an appeal of a final order of the chancery court relating to a certificate of need proceeding. It also requires the Supreme Court to render a final order regarding the appeal no later than 120 days from the date the final order by the chancery court is certified to the Supreme Court. The Supreme Court shall consider such appeals in an expeditious manner without regard to position on the court docket.

HB 869. Effective 7/1/19. Signed 3/19/19.

This bill creates new code Section 85-7-432 to regulate private project construction bonds by authorizing any person who has performed work on a private project, but has not been paid within a certain time, to sue. It creates a right of action upon a private work payment bond for certain persons, and requires the persons protected by a payment bond to be listed. It provides a time period for commencing a suit on a performance bond, and requires any person supplying labor or materials for executing work on a private project construction to furnish the contract and bonds within a certain period of time. The bill authorizes a trial judge hearing an action regarding such bonds to award attorney's fees.

HB 904. Effective on Passage. Signed 4/16/19.

This bill removes the residency requirements for judges in the Third Circuit Court District.

HB 925. See summary under Insurance heading.

HB 962. Effective 7/1/19. Signed 3/15/19.

This bill clarifies the exceptions to the prohibition against covenants requiring payment of a fee upon the transfer of real property by requiring evidence by a deed restriction or covenant running with the land filed in the public land records.

HB 1075. Effective 7/1/19. Signed 3/21/19.

This bill expands the crimes against a vulnerable person by including the intentional infliction of severe mental anguish upon a vulnerable person as a separate felony.

HB 1096. Effective 7/1/19. Signed 3/22/19.

This bill revises the requirement to file a petition for grandparent visitation by requiring a showing of financial hardship for the parents before the court directs the grandparents to pay reasonable attorney's fees to the parent or parents.

HB 1352. Effective date 7/1/19 except that Section 32 is effective 10/15/19. Signed 4/16/19.

This bill:

- Updates the drug court statutes to allow for additional types of problem-solving courts. Internal references in the former drug court provisions have been changed from "drug court" to "intervention courts." It also defines intervention court to include drug, mental health or veterans' court.

- Revises the monitoring authority of the State Intervention Courts Advisory Committee to include mental health courts, veterans' courts and other intervention courts. Representatives of the mental-health courts, veterans' affairs, criminal defense bar and prosecutors association are added as potential members.

- Adds to the required data-collection plan of an intervention court, "the total number of applications for screening by race, gender, offense and reason for nonacceptance."

- Creates a special clinical assessment for any person with two or more DUI convictions, and requires the court to determine whether the person would benefit from court-approved medication-assisted treatment as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; all intervention courts

are required to make court-approved medication-assisted treatment an option for participants.

- Authorizes judges to waive all participant fees if the person is determined to be indigent.

- Requires screening for admission to intervention courts for any person, upon request of the person, if the person is eligible under the statutory requirements for participation.

- Removes the word "pilot" throughout the provisions that regulate the Rivers McGraw Mental Health Diversion Program, and changes internal references to add "mental health court."

- Conforms the provisions of law which regulate judges' salaries, youth court intake, court-ordered drug testing, release following arrest, and criminal fines, by changing the internal references to "intervention court."

- Removes the requirement that a person's driver's license be suspended for a controlled substance violation that is unrelated to operating a motor vehicle. This section is the only one in the bill with an effective date of October 15, 2019.

- Eliminates the requirement to suspend a driver's license for failure to pay fines and fees.

- Authorizes the release of certain misdemeanants on their own recognizance.

- Expands time for initial payment of supervision fees to 60 days and prohibits denial of earned-discharge credits based solely on nonpayment of fees or fines if a hardship waiver has been granted.

- Provides for expunction of certain felony and misdemeanor conviction records if the person was found not guilty or a minor is found not delinquent.

- Opts out of the application of 21 USC Section 862a(a) 2019. The effect of opting out would not require the state to deny social security and assistance to needy families benefits to those who have committed drug-related crimes.

- Revises the expunction provisions by allowing expunction of one felony conviction. "One conviction" and "one felony expunction" are defined as all convictions that arose from a common nucleus of operative facts as determined in the discretion of the court. The following crimes are not eligible for expunction:

- Crime of violence as provided in Section 97-3-2;
- Arson, first degree as provided in Sections 97-17-1 (dwelling house, whether occupied or vacant) and 97-17-3 (state-supported school, church temple, synagogue or other place of worship);
- Trafficking in controlled substances as provided in Section 41-29-139;
- Third, fourth and subsequent offense DUI as provided in Section 63-11-30(c) and (4);
- Felon in possession of a firearm as provided in Section 97-35-5;
- Failure to register as a sex offender as provided in Section 45-33-33;
- Voyeurism as provided in Section 97-29-61;
- Witness intimidation as provided in Section 97-9-113;
- Abuse, neglect or exploitation of a vulnerable person as provided in Section 43-47-19; or
- Embezzlement as provided in Sections 97-11-25 and 97-23-19.

HB 1375. Effective 7/1/19. Signed 4/16/19.

This bill revises the procedure that governs the administration of wills by:

- Clarifying the requirements and procedure for conducting and filing an inventory.

- Clarifying the procedure for filing a supplementary inventory.

- Clarifying the procedure for employing an appraiser when necessary.

- Clarifying the procedure for setting apart exempt property.

- Clarifying the procedure for setting apart one year's support for family.

- Clarifying the procedure for apportioning one year's allowance.

- Clarifying a fiduciary's powers to negotiate paper.

- Clarifying the procedure for filing an annual account of administration.

- Clarifying the procedure for filing a final account of administration.

- Removing requirement of filing or producing legal vouchers for final examination and decree of the court.

- To clarify distribution upon affidavit of a successor when an estate qualifies for the small estate exemption of \$50,000.00.

- Providing for a statutory order of abatement for the shares of distributees of the property of a deceased.

- Repealing Sections 91-7-257, 91-7-139, 91-7-137, 91-7-279, 91-7-111, 91-7-115 and 91-7-113 to conform to the revisions.

HB 1547. Effective 7/1/19. Signed 4/16/19.

This bill revises Schedule I of the Controlled Substances Act to include certain synthetic cannabinoids, fentanyl and fentanyl-like substances that have no accepted medical use. The bill also revises Schedule II to exclude naldemedine from control. The bill revises Schedule V to include a cannabinoid that has been approved as a legend drug by the federal Food and Drug Administration. The bill creates a task force to study the cultivation of hemp and make recommendations.

HB 1581. Effective 7/1/19. Signed 3/15/19.

This bill clarifies that the definition of courtroom includes a judge's chamber, witness room and jury room, for purposes of concealed carry of firearms, but does not include: hallways, courtroom entrances, courthouse grounds, lobbies, corridors, or other areas within a courthouse that are generally open to the public for the transaction of business outside of an active judicial proceeding, the grassed areas, cultivated flower beds, sidewalks, parking lots, or other areas contained within the boundaries of the public land upon which the courthouse is located.

JUDICIARY, DIVISION B

SB 2445. Effective 7/1/19. Signed 3/22/19.

This bill creates the "Pay and Trade with Confidence and Electronic Device Tampering Act" to create the felony of possession with intent to defraud of a credit card skimmer. Unlawful use of a skimmer is criminalized under Section 87-45-3, but that section does not cover possession without the element of use.

A skimmer is a "scanning device" and includes a scanner, reader, skimmer or other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card.

"Credit card" means anything issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder, on a promise to pay in part or in full therefor at a future time, whether all or any part of the indebtedness is secured or unsecured. It includes a debit card, electronic benefit transfer card, stored value card, and includes the number that is assigned the card, instrument or device, even if the physical card, instrument or device is not used or presented.

A person who violates the new law commits a felony punishable by imprisonment not to exceed five years, a fine not to exceed \$10,000.00, or both.

SB 2470. Effective 7/1/19. Signed 3/22/19.

This bill revises Sections 97-21-33, 97-21-13, 97-21-15, 97-21-17 and 97-21-23 to apply the prohibition against counterfeiting to paper currency as well as to gold and silver coins and to revise the punishment for forgery of currency.

A person convicted of forgery of currency or treasury notes of the United States or of a foreign government, or who possesses counterfeited currency or a plate to counterfeit notes, bills, drafts, checks and other evidence of debt, is guilty of a felony. The punishment is as follows:

- When the amount of value involved is less than \$5,000.00, by imprisonment for not more than five years, or a fine of not more than \$10,000.00, or both;
- When the amount of value involved is \$5,000.00 or more, but less than \$25,000.00, by imprisonment for not more than 10 years, or a fine of not more than \$10,000.00, or both;
- When the amount of value involved is \$25,000.00 or more, by imprisonment not to exceed 20 years, or a fine of not more than \$10,000.00, or both.

The total value of the forgery by the person from a single victim shall be aggregated in determining the gravity of the offense.

SB 2532. Effective 7/1/19. Signed 3/22/19.

The Sex Offender Registration Act is amended to require the employer of a person who is required to register as a sex offender to make a reasonable effort to notify the parents or guardians of children under the age of 18 who come in direct, private and unsupervised contact with that employee. The bill does not authorize the employment of a person for a position for which employment of a sex offender is prohibited by any law, and

does not apply to an employer whose employees have only incidental contact with children because children may be present in the workplace without any formal agreement; casual or incidental contact does not trigger the duty to inform. This amendment is made to Section 45-33-59.

Section 45-33-32 is amended so that the notification requirements for volunteer organizations also apply to volunteers who are sex offenders and who have direct, private and unsupervised contact with minors under the age of 18.

Employers and volunteer organizations acting in good faith in making notification to parents or guardians, or who fail in good faith to make notification, are not liable in any civil or criminal action as a result of the notification or failure to notify.

Section 45-33-23 is amended to add a definition under the sex offender registration act in order to require homeless or transient residents to provide a specific description of where that offender habitually lives; for a homeless person to list "homeless" as an address is not sufficient.

HB 677. Effective 7/1/19. Signed 3/21/19.

This bill amends Section 63-3-615 to provide that any person may file an affidavit against the driver of a vehicle who unlawfully passes a school bus. The bill also allows a school bus driver to block the two outermost lanes of traffic when stopping for the purpose of preventing being overtaken when receiving or discharging any school children.

HB 940. Effective 7/1/19. Signed 3/29/19.

This bill creates the crime of theft of consigned motor fuels by providing that it is unlawful to take, use, sell or dispose of consigned motor fuels without the consent of the consignor. It also provides a definition for consigned motor fuels, and requires a written agreement between consignors and consignees of motor fuels that title to the consigned motor fuel is vested in the consignor.

HB 1465. Effective 7/1/19. Signed 3/19/19.

This bill expands the provision of law regarding the requirements for enhanced penalties for simple assault and aggravated assault by adding "health care providers."

MEDICAID

SB 2268. Effective on passage. Signed 3/28/19.

This bill provides that the Division of Medicaid is authorized to reimburse for services provided to eligible Medicaid beneficiaries by a licensed freestanding psychiatric hospital in a method and manner to be determined by the division in accordance with federal law and federal regulations. The division may seek any necessary waivers, make any required amendments to its State Plan, or revise any contracts authorized under Section 43-13-117(H) as necessary to provide the services authorized under this section. As used in this section, the term "psychiatric hospital" shall have the meaning as defined in Section 41-7-173(h)(ii), which is an institution that is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of persons with mental illness. It is the intent of the Legislature that the cost of providing services to individuals in a psychiatric hospital shall not exceed the cost of providing the same services to individuals in a hospital as defined by Section 41-7-173(h)(i).

PUBLIC HEALTH AND WELFARE

SB 2012. Effective 7/1/19. Signed 3/28/19.

This bill removed the repealer on the code sections which create a lien on causes of action accruing to certain injured persons for uncompensated traumatic burn care. Any person, firm, authority or corporation operating a qualifying hospital or qualifying practice providing traumatic burn care in this state shall have a lien for the reasonable charges for care, treatment or services of an injured person for uncompensated traumatic burn care, which lien shall be only upon any and all causes of action accruing to the person to whom the care was furnished or to the legal representative of the person on account of injuries that gave rise to the causes of action and that necessitated the care, treatment or services, subject and subordinate, however, to any attorney's lien or fees. The lien provided for in this subsection is only a lien against those causes of action and shall not be a lien against the injured person, the legal representative, or any other property or assets of those persons and shall not be evidence of the person's failure to pay a debt.

SB 2116. Effective 7/1/19. Signed 3/21/19.

This bill outlaws abortion after a fetal heartbeat can be detected, which is usually around 6 to 9 weeks into a pregnancy, sometimes, before a woman even knows she is pregnant. It provides an exception if the pregnancy threatens a woman's life or would cause serious injury, though there is no exception in the case of incest or rape. Doctors who perform an abortion after a heartbeat is detected could have their license suspended or face misdemeanor charges.

"No person shall knowingly perform an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the unborn human individual that the pregnant woman is carrying and whose fetal heartbeat has been detected. A person is not in violation of this section if that person performs a medical procedure designed to or intended, in that person's reasonable medical judgment, to prevent the death of a pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman. Any person who violates this section is guilty of performing an abortion after the detection of a fetal heartbeat, a violation punishable as provided in Section 41-41-39" (misdemeanor).

SB 2196. Effective 7/1/19. Signed 3/28/19.

This bill establishes the Mississippi Foster Care Fund" in the Department of Child Protection Services and authorizes expenditures for the support of foster family/foster children. The purpose of the fund shall be for supporting the services directly provided to foster families and foster children by programs, persons or entities pursuant to contracts and grants that comply with Mississippi law, and for other related purposes. Monies in the fund shall be expended by the department, upon appropriation by the Legislature, only for the purposes stated in this subsection, and only in such amounts as then exist in the fund. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:

- Monies appropriated by the Legislature for the purposes of funding the Mississippi Foster Care Fund;
- The interest accruing to the fund;

- Monies received under the provisions of Section 99-19-73 for the Mississippi Foster Care Fund, 90% of which shall be used directly for supporting the services directly provided to foster families and foster children by programs, persons or entities pursuant to contracts and grants that comply with Mississippi law, and no more than 10% of which shall be used for administrative purposes;

- Monies received from the federal government;
- Donations; and
- Monies received from such other sources as may be provided by law.

SB 2365. Effective 7/1/19. Signed 3/21/19.

This bill defines the terms "biological product" and "interchangeable biological product" and revises the definition of the term "product selection" for the purposes of the Pharmacy Practice Act. The bill allows product selection of interchangeable biological products by pharmacists in the same manner as product selection of generic drug equivalents and requires pharmacists to make certain electronically accessible records of biological products dispensed by them and convey that information to the prescribers of those products.

Within five business days following the dispensing of any biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific product provided to the purchaser, including the name of the product and the manufacturer, and communicate that information to the prescriber. The communication shall be conveyed by making an entry that is electronically accessible to the prescriber through:

- An interoperable electronic medical records system;

- An electronic prescribing technology;
- A pharmacist benefit management system; or
- A pharmacy record.

Entry into an electronic records system is presumed to provide notice to the prescriber. Otherwise, the pharmacist shall communicate the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission, or other prevailing means, provided that communication shall not be required where:

- There is no federal Food and Drug Administration-approved interchangeable biological product for the product prescribed; or
- A refill prescription is not changed from the product dispensed on the prior filling of the prescription.

The Board of Pharmacy shall maintain a link on its website to the federal Food and Drug Administration's List of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations.

The label of the container of any biological product dispensed by a pharmacist shall include its nonproprietary name designated by the federal Food and Drug Administration for use and the name of the manufacturer of the product.

SB 2524. Effective 7/1/19. Signed 3/29/19.

This bill adds a licensed psychiatrist as a member of the Mississippi Rural Physicians Scholarship Commission, includes the American Psychiatric Association among the organizations from which the commission shall seek input regarding the implementation of the Mississippi Rural Physicians Scholarship Program; and authorizes the commission to grant an exception for fourth-year medical school students who demonstrate a desire to

practice psychiatry in rural Mississippi and who use a practice model and enter the practice of medicine in a rural or underserved area in Mississippi. Upon the funding of 61 or more rural physicians' scholarships by the Legislature and recognizing the importance of balancing the needs of comprehensive primary care, along with a critical shortage of psychiatrists in Mississippi, the commission may grant an exception for fourth-year medical or osteopathic school (M4) students who demonstrate a desire to practice psychiatry in rural Mississippi and who use a practice model and enter the practice of medicine in a rural or underserved area in Mississippi, as defined by the commission beginning for the M4 class of 2020.

SB 2766. Effective 7/1/19. Signed 3/28/19.

This bill provides that the State Board of Cosmetology shall conduct student examinations instead of contracting with a testing service, prohibits the members of the board from personally administering or monitoring the examinations, directs the board to contract for administrators of the examinations and provides that a member of the board shall not receive any per diem compensation for any day that the member is present at the site where the examinations are being administered. The bill contains an automatic repealer of July 1, 2021.

SB 2892. Effective 7/1/19. Signed 3/29/19.

This bill amends the definition of a community hospital service area to include areas outside of the state. The bill provides that when an owner of a community hospital wishes to sell the hospital or lease the hospital with an option to sell it, a petition requesting an election on the question of whether the owner should proceed with the process of seeking proposals

for the sale or lease of the hospital may be filed with the clerk of the owner. If less than a majority of the voters in the election vote in favor of the question, or if no such petition requesting an election is timely filed with the clerk, then the owner may seek proposals for the sale or lease of the hospital and may sell or lease the hospital to the respondent submitting the highest and best proposal after publishing notice.

HB 584. Effective 7/1/19. Signed 3/21/19.

This bill extends the period of time that the State Department of Health may make grants under the Mississippi Qualified Health Center Grant Program to July 1, 2024.

HB 714. Effective 7/1/19. Signed 3/22/19.

This bill extends to July 1, 2020, the date of the repealers on the provisions of law that exempt actions of the Department of Human Services and the Department of Child Protection Services from the regulations of the Department of Information Technology Services and the State Personnel Board, and exempt personal and professional service contracts entered into by the Department of Human Services and the Department of Child Protection Services from the regulations of the Public Procurement Review Board.

HB 798. Effective 7/1/19. Signed 3/21/19.

This bill deletes the repealer on the provision that authorizes the State Board of Medical Licensure to issue a temporary one-year license to applicants for licensure as a physician assistant who meet all licensure requirements except for the master's degree upon proof of enrollment in a master's program that will meet the master's degree requirement.

HB 977. Effective on passage. Signed 3/21/19.

This bill authorizes team physicians for out-of-state athletic teams to provide medical treatment and evaluation for players and staff members of the team when participating in sporting events in Mississippi, without having to be licensed in Mississippi.

- To be exempt from Mississippi licensure, an out-of-state team physician must:

- ▶ Be employed or formally designated as the team physician by an athletic team visiting Mississippi for a specific sporting event;

- ▶ Limit the practice of medicine in Mississippi to medical treatment of the players, coaches and staff members of the sports organization or entity that employs or has designated the physician; and

- ▶ Be licensed in the state in which the sports organization or entity is based or housed.

- Out-of-state team physicians also may treat players or staff members from the home team in Mississippi if the physician has specialized training or experience beyond that of the home team physician.

- The extent of the medical practice allowed for out-of-state team physicians is limited to the following aspects of the sporting event:

- ▶ Pre-game warm-up and any postgame activities;
 - ▶ During the actual game or sporting event;
 - ▶ Travel to and from the sporting event within Mississippi; and
 - ▶ In-state lodging of the team and staff members.

- The practice of medicine outside of the circumstances authorized in the bill constitutes the illegal practice of medicine, subject to all fines and penalties for that crime.

HB 1048. Effective 7/1/19. Signed 3/21/19.

This bill repeals the section of law that provides for certification of hemodialysis technicians by the Mississippi Board of Nursing and establishes a program for the registration of hemodialysis technicians under the State Board of Health.

Hemodialysis technicians are authorized to administer hemodialysis under the authority of a registered nurse licensed under the Mississippi Nursing Practice Law, who may delegate tasks based on nursing judgment to a hemodialysis technician based on the technician's education, knowledge, training and skills.

HB 1117. Effective 7/1/19. Signed 3/21/19.

This bill requires the Department of Child Protection Services to notify the applicable military installation family advocacy program when reports of child abuse or neglect are made if CPS determines that a parent or other person responsible for the care or welfare of an abused or neglected child maintains active duty status within the military.

HB 1147. Effective 7/1/19. Signed 3/21/19.

This bill extends to July 1, 2023, the date of the repealers on certain statutes relating to the administration of the Department of Human Services.

HB 1226. Effective 7/1/19. Signed 3/21/19.

This bill authorizes the State Board of Pharmacy to conduct criminal history records checks on all applicants for licenses for in- and out-of-state wholesale distributors, chain pharmacy warehouses and repackagers shipping into Mississippi.

HB 1313. Effective 7/1/19. Signed 3/21/19.

This bill revises the definition of "emergency medical technician-advanced" for the purposes of the emergency medical technician laws to mean a person who is specially trained in an advanced life-support training program authorized by the State Board of Health, and deletes references to a specific outdated training program in the definition.

HB 1519. Effective 7/1/19. Signed 3/21/19.

This bill authorizes the Mississippi Board of Nursing to establish an alternative to the discipline program for nursing licensees who have an impairment as a result of substance abuse or a mental health condition; the following are the minimum components:

- Participation in the program is voluntary with the licensee, and the licensee must enter the program before the board holds a disciplinary action hearing regarding the licensee;
- The full cost of participation in the program, including the cost of any care, counseling, treatment and/or education received by the licensee, will be borne by the licensee;
- All of the procedures and records regarding the licensee's participation in the program will be confidential, cannot be disclosed and will be exempt from the provisions of the Mississippi Public Records Act of 1983; and

- A licensee may not participate in the program more often than one time during any period of five years or such longer period as set by the board.

PUBLIC PROPERTY

HB 698. Effective on passage. Signed 4/16/19.

This bill creates a new code section to be codified as Section 31-5-39, which would require public entities planning a public-funded construction project to establish a cost estimate for the project on or before the date and time established to receive bids for any contract related to the project, which reflect amounts allocated for the project in totality and amounts allocated for construction alone. Under this bill funds can be allocated to a project at any time, including for purposes of awarding a contract to the lowest and best bidder; however, the addition of funds is prohibited after the deadline for receipts of bids for use as a means of increasing leverage in negotiations.

The bill addresses the Mississippi Supreme Court ruling in *Clarksdale v. Hemphill* that interpreted Section 31-7-13(d)(iv) of the public purchase law to preclude public entity ability to allocate additional funds to a construction project subsequent to receipt of bids for the purpose of awarding a contract to the lowest and best bid received. The decision interpreted current statute regarding construction contract award negotiation authority as limiting the award of any construction contract to the funds allocated prior to receipt of bids.

HB 807. Effective 7/1/19. Signed 3/15/19.

The bill amends Section 29-1-75 to extend the repeal date to July 1, 2022, on the restrictions that apply to the purchase of tax-forfeited lands by corporations and nonresident aliens.

HB 961. Effective on passage. Signed 4/16/19.

This bill makes two transfers of public property. The first transfer authorizes the Board of Mental Health to transfer, at its discretion, a certain parcel of land in Senatobia that it currently has no intentions to use to the Tate County Board of Supervisors. It reserves the right of the board to retain a 20- to 30-foot right-of-way to benefit the Department of Mental Health for purposes of additional green space and a buffer zone for privacy and safety. Additionally, this property once transferred is restricted from being utilized in a manner that would be adverse to the operations of the Department of Mental Health use of the occupied property for Mental Health Community Homes.

The second transfer authorizes the Mississippi Transportation Commission to transfer a portion of the right-of-way in Wesson, Copiah County, Mississippi, to Co-Lin Community College to allow it to place a new sign at the entrance of the school property.

HB 1533. Effective 7/1/19. Signed 3/21/19.

This bill amends previous chapter law to authorize the transfer of two parcels of property at Columbia Training School in Marion County. The first transfer would authorize the Marion County Economic Development District to transfer and convey without cost a certain portion of the real property to the Board of Supervisors of Marion County for the purpose of law enforcement training. The second transfer would authorize the Department of Finance and Administration to transfer and convey to the Marion County Economic Development District certain real property located at Columbia Training School in Marion County, Mississippi, for the purpose of providing unobstructed ingress

and egress access for the industrial development of the Marion County AirPlex on the property.

The state retains all mineral rights on the property. Additionally, the property conveyed must be conveyed to the Marion County Economic Development District without any assumption of liability or financial responsibility by the State of Mississippi for any known or unknown environmental defects contained thereon. Upon receipt of the deed of title to the property, the Marion County Economic Development District shall indemnify the State of Mississippi for any damage, injury or loss.

TOURISM

SB 2193. Effective 7/1/19. Signed 4/3/19.

This bill creates the Mississippi Tourism Association Marketing Advisory Board to assist the Mississippi Development Authority in the planning of initiatives for advertising and promoting tourism in Mississippi. The membership of the board is to consist of the Executive Director of the Mississippi Tourism Association and members of the association's board of directors, composed through the bylaws of the association as being geographically and ethnically diverse members from the five tourism regions of Mississippi, together with three at-large members. The advisory board will give input and advice on marketing and advertising planning to the MDA's Tourism Division, but it will have no executive powers. Members of the advisory board will not be compensated for their service.

The bill also amends Section 27-65-75 to divert 1% of sales tax revenue from restaurants and hotels to the MDA Tourism Advertising Fund in fiscal year 2020, to be increased to 2% in fiscal year 2021 and to 3% in fiscal year 2022 and thereafter. The bill also requires the Joint Legislative Committee on Performance Evaluation and Expenditure Review to provide an annual report to the Legislature indicating the amount of funds deposited into the MDA Tourism Advertising Fund and a detailed account of how the funds are spent.

UNIVERSITIES AND COLLEGES

SB 2049. Effective 7/1/19. Signed 3/29/19.

This bill provides that the spouse or child of an active duty United States Armed Forces member who is stationed in Mississippi shall be deemed an in-state resident for purposes of determining tuition at Mississippi institutions of higher learning and community colleges. The spouse or child may continue to be designated as an in-state resident by maintaining continuous, full-time enrollment in good standing at the institution or community college. However, the revised method of establishing and maintaining in-state residency does not apply to spouses who enroll at professional schools or colleges.

SB 2053. Effective 7/1/19. Signed 3/28/19.

This bill requires the Board of Trustees of State Institutions of Higher Learning and the boards of trustees of the community colleges to adopt policies allowing the award of educational credits for courses that are part of military training or service. The policies must satisfy applicable standards for awarding academic credit and must be effective by the 2020-2021 academic year. Credits awarded for courses completed during military training or service must be equivalent in content or experience to courses at the institution or community college.

SB 2737. Effective 7/1/19. Signed 3/22/19.

This bill makes several changes to the Mississippi Proprietary School and College Registration Law.

The bill revises the definitions of certain terms in Section 75-60-3 as follows:

- "Correspondence education" is revised to clarify that this education process is not the same as distance education.
- "Distance education" is revised to add that this education process uses certain technologies to deliver instructions to students and to support regular, substantive interaction between students and instructors.
- "Occupational degree" is revised to clarify that this degree is designated as "applied" or "occupational" in the credential title.

Section 75-60-17 now requires that the surety bond obtained by a proprietary school must indemnify the Commission on Proprietary School and College Registration for administrative costs incurred by the commission when a school closes.

The change to Section 75-60-23 makes it clear that a proprietary school agent must obtain a permit for each school or campus he or she represents. Finally, Section 75-60-25 is amended to remove the language referring to an agent's permit as a "pocket card."

SB 2749. Effective on passage. Signed 3/29/19.

This bill revises the qualifications for Mississippi Community College Board members. First, it removes the prohibition on members being engaged in the educational profession. Second, the bill removes the prohibition on two members residing in the same junior college district.

SB 2867. See summary under Finance heading.

HB 1247. Effective 7/1/19. Signed 4/16/19.

This bill amends Sections 37-29-65 and 37-29-457 to reduce the size of the board of trustees of community and junior colleges by removing elected school superintendents who were placed on the board by virtue of their elected office. Since the office of school superintendent became an appointed office effective January 1, 2019, this change would reduce the large size of these boards to make them more effective. Some counties that were part of the original county coalition that formed a community college district will be reduced from six to five members, and those counties that joined the community college district subsequent to its establishment will be reduced from two members to one member.

VETERANS AND MILITARY AFFAIRS

SB 2452. Effective on passage. Signed 3/29/19.

This bill amends Section 73-50-1 to provide that an occupational licensing board issuing a license, certification or registration to a military spouse shall issue or deny the license, certification or registration within four months of the military spouse's application if the spouse's orders are in Mississippi for 36 months or less. The bill also requires occupational licensing boards to adopt rules necessary to implement this section by January 1, 2020.

SB 2723. Effective 7/1/19. Signed 3/22/19.

This bill amends Section 35-1-21 to authorize the State Veterans Affairs Board to provide services to state veterans homes. The bill also provides that certain provisions which authorize the board to contract with a vendor for these services shall supersede any rule or regulation of the Public Procurement Review Board.

SB 2839. Effective 7/1/19. Signed 3/22/19.

This bill amends Section 35-1-1 to provide that the State Veterans Affairs Board may also be referred to as the "Mississippi Veterans Affairs." Beginning July 1, 2019, any reference in the Mississippi Code to the State Veterans Affairs Board shall also mean the Mississippi Veterans Affairs.

HB 751. Effective 7/1/19. Signed 3/15/19.

This bill revises the Commercial Driver's License Act to exclude from the definition of "commercial motor vehicle" any military and commercial equipment owned or operated by the Mississippi Military Department and operated by employees of the department.