



## Mississippi State Senate

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**TO: ALL SENATORS**

**FROM: LEGISLATIVE SERVICES**

**DATE: AUGUST 21, 2020**

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Enclosed is a summary of major bills which were enacted during the 2020 Regular Session as of August 19, 2020. 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**

**2020 REGULAR SESSION**

**Prepared by  
Senate Legislative Services Office**

**August 19, 2020**

**STATISTICS OF THE 2020 REGULAR SESSION**  
 (\*Stats correct as of 8/19/20)

	<u>2020*</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Bills Passed Both Houses	397	370	359	338
Bills That Became Law	353	353	329	305
Senate Bills Introduced	1053	1124	1088	1068
S.B. Passed by Senate	277	214	229	219
S.B. Passed by House	185	176	169	154
S.B. Died in Conference	14	5	11	9
S.B. Vetoed	4	1	2	2
S.B. Partially Vetoed	0	0	0	2
S.B. Vetoes Overridden	0	0	0	0
S.B. Approved by Governor	153	166	155	135
S.B. Became Law Without Governor's Signature	11	2	0	2
S.C.R. Introduced	88	167	158	191
S.C.R. Adopted by Senate	71	147	137	165
S.C.R. Adopted by House	61	141	136	158
S.R. Introduced	60	23	9	2
S.R. Adopted	56	23	7	1
House Bills Introduced	1806	1752	1701	1786
H.B. Passed by House	369	307	331	325
H.B. Passed by Senate	212	194	190	184
H.B. Died in Conference	5	6	11	9
H.B. Approved by Governor	171	185	169	164
H.B. Became Law Without Governor's Signature	18	0	5	4
H.B. Vetoed	4	2	2	2
H.B. Partially Vetoed	2	0	0	1
H.B. Vetoes Overridden	1	0	0	0
H.C.R. Introduced	85	100	105	116
H.C.R. Adopted by House	51	68	79	73
H.C.R. Adopted by Senate	48	64	77	68
Nominations Received	47	131	76	106
Nominations Approved	32	129	74	101

## VETOED BILLS

The following general bills from the 2020 Regular Session have been vetoed by Governor Reeves as of August 18, 2020:

### SB 2123. Vetoed 7/8/2020.

AN ACT ENTITLED THE "MISSISSIPPI CORRECTIONAL SAFETY AND REHABILITATION ACT OF 2020"; TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CONDITIONS FOR PAROLE ELIGIBILITY AND TO PROVIDE LIMITATIONS ON INMATE ELIGIBILITY TO PETITION THE SENTENCING COURT FOR PAROLE ELIGIBILITY IF THE INMATE IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE OR NONVIOLENCE; TO REENACT AND AMEND SECTION 47-7-3.1, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR INMATE CASE PLANNING AND TO PRESCRIBE DATES FOR THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO COMPLETE CASE PLANS FOR PAROLE-ELIGIBLE INMATES TO ENSURE THAT THE PLAN IS ACHIEVABLE; TO REENACT AND AMEND SECTION 47-7-3.2, MISSISSIPPI CODE OF 1972, TO PROVIDE A MINIMUM TIME OFFENDERS CONVICTED OF A CRIME OF VIOLENCE MUST SERVE BEFORE RELEASE AND A MINIMUM PERCENTAGE OF OTHER SENTENCES OTHER OFFENDERS MUST SERVE BEFORE RELEASE; TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO REQUIRE AN AFFIRMATIVE VOTE OF AT LEAST THREE MEMBERS OF THE MISSISSIPPI PAROLE BOARD TO GRANT PAROLE TO AN INMATE CONVICTED OF A CRIME OF VIOLENCE AFTER JUNE 30 1995; TO AMEND SECTION 47-7-13, MISSISSIPPI CODE OF 1972, TO REQUIRE AN AFFIRMATIVE VOTE OF AT LEAST FOUR MEMBERS OF THE MISSISSIPPI PAROLE BOARD TO GRANT PAROLE TO A SEX OFFENDER; TO AMEND SECTION 47-7-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE VICTIM OR DESIGNATED FAMILY MEMBER SHALL BE PROVIDED AN OPPORTUNITY TO BE HEARD BY THE PAROLE BOARD PRIOR TO A PAROLE DECISION; TO AMEND SECTION 47-7-18, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN PAROLE HEARINGS FOR SEX OFFENDERS; AND FOR RELATED PURPOSES.

### SB 2737. Vetoed 6/25/2020.

AN ACT TO AMEND SECTIONS 23-15-551 AND 23-15-691, MISSISSIPPI CODE OF 1972, BY DELETING THE OPTION OF MARKING ELECTION BALLOTS WITH INDELIBLE PENCIL; AND FOR RELATED PURPOSES.

**SB 2824. Vetoed 6/23/2020.**

AN ACT TO AMEND SECTION 37-106-75, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT RECIPIENTS OF THE HIGHER EDUCATION LEGISLATIVE PLAN GRANT PROGRAM MUST SUCCESSFULLY COMPLETE HIGH SCHOOL COURSEWORK WHICH INCLUDES THE COLLEGE PREPARATORY CURRICULUM (CPC) APPROVED BY THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; AND FOR RELATED PURPOSES.

**SB 2856. Vetoed 6/29/2020.**

AN ACT TO ALLOW CERTAIN MUNICIPALITIES TO ADOPT RULES AND PROCEDURES AUTHORIZING ACCOUNTING SYSTEM ACCOMMODATION OF CERTAIN UNCOLLECTIBLE INDEBTEDNESS OWED BY A CUSTOMER FOR WATER AND SEWER SERVICES; TO AMEND SECTIONS 31-19-27 AND 31-19-29, MISSISSIPPI CODE OF 1972, DEALING WITH DOUBTFUL CLAIMS; AND FOR RELATED PURPOSES.

**HB 658. Vetoed 7/8/20.**

AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF FELONY CONVICTIONS ELIGIBLE FOR EXPUNGEMENT; AND FOR RELATED PURPOSES.

**HB 1387. Vetoed 7/8/20.**

AN ACT TO CREATE THE "COMPREHENSIVE CAREER AND TECHNICAL EDUCATION REFORM" OR "CCATER" ACT; TO PROVIDE THAT DUAL CREDIT CAREER AND TECHNICAL EDUCATION INSTRUCTORS SHALL BE REQUIRED TO HAVE A HIGH SCHOOL DIPLOMA AND POSSESS A MINIMUM OF FIVE YEARS' EXPERIENCE BUT SHALL NOT BE REQUIRED TO HOLD AN ASSOCIATE OR BACHELOR'S DEGREE; TO REQUIRE THE STATE BOARD OF EDUCATION TO PROVIDE NOTICE TO ALL INCOMING MIDDLE SCHOOL AND JUNIOR HIGH STUDENTS OF THE CAREER TRACK PROGRAMS OFFERED BY LOCAL SCHOOL BOARDS; TO REQUIRE ALL STUDENTS IN THE CAREER AND TECHNICAL EDUCATION TRACK TO TAKE THE ACT WORKKEYS ASSESSMENT; TO PROVIDE ADDITIONAL CLASSES THAT MAY BE ADDED TO THE CURRICULUM IN THE CAREER TRACK PROGRAM; TO PROVIDE THAT LOCAL BUSINESS OR OTHER PROFESSIONAL PERSONNEL SHALL NOT BE REQUIRED TO HOLD AN ASSOCIATE OR BACHELOR'S DEGREE IN ORDER TO BE GRANTED A ONE-YEAR EXPERT CITIZEN-TEACHER LICENSE; TO PROVIDE THAT THE ACCREDITATION SYSTEM SHALL INCLUDE STUDENT PERFORMANCE ON THE ADMINISTRATION OF THE ACT WORKKEYS ASSESSMENT, WHICH SHALL BE WEIGHTED IN THE SAME PERCENTAGE AS THE STANDARD ACT ASSESSMENT; AND FOR RELATED PURPOSES.

**HB 1700. Partially Vetoed by Governor 7/8/20  
Veto overridden 8/10/20.**

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF FUNDING K-12 AND OTHER RELATED EDUCATIONAL ACTIVITIES, INCLUDING CERTAIN AGENCIES AND PROGRAMS, IN THE STATE OF MISSISSIPPI, FOR THE FISCAL YEAR 2021.

**HB 1782. Partially Vetoed by Governor 7/8/20.**

AN ACT MAKING AN APPROPRIATION FROM THE BUDGET CONTINGENCY FUND TO THE MISSISSIPPI DEVELOPMENT AUTHORITY, THE STATE DEPARTMENT OF HEALTH, THE STATE DEPARTMENT OF MENTAL HEALTH AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING FOR THE PURPOSES OF ADDRESSING OR RELATED TO THE PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 PANDEMIC; AND FOR RELATED PURPOSES.

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**ACCOUNTABILITY, EFFICIENCY, TRANSPARENCY**

**SB 2131.** Effective on passage. Signed 6/25/20.

SB 2131 amends Section 7-3-7 to provide that the official seal used by the Secretary of State shall contain the words "In God We Trust" at the bottom of the seal. The Secretary of State shall continue to use stationery and other supplies having the seal thereon as it existed before July 1, 2020, until such stationery and other supplies are depleted. The seal as it existed before July 1, 2020, affixed on any public buildings, property or any other item shall remain thereon until the replacement of the seal due to normal wear or until replacement with any nonpublic funds.

**SB 2595.** Effective 7/1/20. Signed 6/29/20.

SB 2595 provides that a governmental entity may not prohibit an individual from wearing traditional tribal regalia or objects of cultural significance at a public event.

For purposes of this bill, the following terms are defined:

(a) "Individual" means a human being, regardless of age, who is a member or descendant of a federally recognized Indian tribe.

(b) "Governmental entity" means any branch, department, agency or instrumentality of state government, or any official or other person acting under color of state law, or any political subdivision of this state.

(c) "Political subdivision" has the meaning provided in Section 11-46-1.

(d) "Public event" means an event held or sponsored by a governmental entity, including, but not limited to, an award ceremony, a graduation ceremony or public meeting.

**HB 266.** Effective 7/1/20. Signed 6/25/20.

HB 266 amends Section 31-7-9 to require the Office of Purchasing, Travel and Fleet Management to adopt purchasing regulations authorizing rural water associations to purchase at the state contract price afforded to agencies and governing authorities.

**HB 632.** See summary under Ports and Marine Resources heading.

**HB 827.** See summary under Ports and Marine Resources heading.

**HB 984.** See summary under Public Health and Welfare heading.

**HB 999.** Effective 1/1/21. Signed 6/25/20.

HB 999 provides that amusement park rides may not be operated in the State of Mississippi unless the Mississippi Department of Revenue has issued an operating permit decal for the amusement ride to the owner or operator within the preceding 12 months. Operators are required to submit an application to DOR for an operating permit decal at least 15 business days before the first time the amusement ride is operated in the state.

The application must include the following: certificate of liability insurance in the amount of not less than \$1,000,000.00 per occurrence for personal and/or property damage arising out of the use or operation of the amusement ride; payment of the required fee not to exceed \$100.00; and proof of satisfactory inspection of the ride by a qualified inspector.

Permit decals are valid for one year from the date of issuance in the form and design prescribed by the DOR and must be affixed to the ride in a plainly visible location.

The bill further specifies that in order for a permit to be valid, the inspector must be: certified by the National Association of Amusement Ride Safety Officials as a Level I inspector; or by the Amusement Industry Manufacturers and Suppliers International at a level that is equivalent to the certification of a Level I inspector; have 24 months of employment experience as an amusement rider inspector; and, not be the owner or operator of the ride or an employee or agent of the owner or operator.

The inspection must certify that the ride is with and is in substantial compliance with ASTM International Standard F770-19, and requires the owner/operator to maintain the same substantial ASTM International Standard F770-19 compliance, as well as keeping a paper or electronic copy of all required forms or certifications, and of all safety inspections conducted for the longer period of the previous 12 months or the next inspection, which must be made available to the DOR.

The bill further specifies the minimum requirements and responsibilities for both the operators and patrons of amusement park rides. Operators must be 16 years of age, operate only one ride at a time while always personally attending its operation. Patrons are responsible for assuming the inherent risks associated with the ride, and must abstain from participating while under the influence of drugs and alcohol, and to properly use all ride or device safety equipment provided.

Owner/operators are required to keep a three-year incident report log for all rider injuries or illnesses resulting from the operation of an amusement ride, which must include: the date the injury occurred; the name, address and telephone number

of the injured rider; the age of the injured rider; the manufacturer's name and serial number of the amusement ride involved in the injury; the name of the amusement ride in use at the location of the injury, if different from the manufacturer's name; a description of the injury including, to the extent known, its cause; and a description of any first-aid treatment administered to the injured rider.

If serious injuries or illnesses, but no death result from the operation of an amusement, the incident must be reported to the DOR, in writing, within 72 hours of notifying the owner/operator. If death is the result from the operation of an amusement park ride, the incident must be reported to the owner/operator within two hours of the death, who must notify the DOR by phone and follow up with a written report of a death within 24 hours of the occurrence, which shall cause the ride to cease operation and a full investigation into the incident be launched.

**HB 1104.** Effective 7/1/20. Signed 6/29/20.

HB 1104 amends Section 73-47-5 to authorize the Occupational Licensing Review Commission to review the substance of an existing occupational regulation that was promulgated by an occupational licensing board, and determine whether the regulations comply with the provisions of the chapter. If the commission determines that the regulations do not comply with the provisions of the chapter, then the commission may either declare the regulation to be invalid 60 days after the date of review, rendering it unenforceable under the law, or allow the occupational licensing board to revise the regulation to ensure compliance with state policy.



**HB 1253.** Effective 7/1/20. Signed 7/1/20.

HB 1253 creates a State Fire Academy for the training and education of persons engaged in municipal, county and industrial fire protection. The Commissioner of Insurance is required to appoint an Executive Director for the State Fire Academy who, along with employees, shall be designated as a division of the Insurance Department. The bill provides that the executive director of the academy serves at the pleasure of the Commissioner of Insurance.

The bill authorizes the Commissioner of Insurance to establish and charge reasonable fees for training programs and other services provided by the academy. A record of all funds received pursuant to this paragraph shall be maintained as required for other monies pursuant to Section 45-11-5.

**HB 1566.** See summary under Agriculture heading.

## AGRICULTURE

**SB 2725.** Effective on passage. Signed 6/29/20.

This bill created the Mississippi Hemp Cultivation Act, which legalized the cultivation, processing, and transportation of industrial hemp under a state plan to be created and implemented by the Commissioner of Agriculture and Commerce. Specifically, the bill does the following:

- Establishes a special fund for the Mississippi Department of Agriculture and Commerce to administer the Mississippi State Hemp Plan.
- Directs the Commissioner of Agriculture and Commerce to create a State Hemp Plan.
- Authorizes the Commissioner and Mississippi Department of Agriculture and Commerce to promulgate any rule or regulation deemed necessary for the administration of the State Hemp Plan.
- Requires hemp growers to be licensed and hemp processors to be registered with the Mississippi Department of Agriculture and Commerce.
- Subjects hemp growers and processors to criminal background investigations.
- Requires persons who transport hemp to have proper documentation in all vehicles used to transport hemp under normal cultivation activities.
- Allows the Mississippi Department of Agriculture and Commerce to enter any public or private property where hemp is being cultivated or processed for the purpose of determining compliance with rules and regulations.

- Authorizes the Mississippi Department of Agriculture and Commerce to revoke or refuse to issue or renew a hemp grower license or hemp processor registration and to impose a civil penalty for violations of rules and regulations.

- Exempts employees of the state or any division, agency, institution involved in the administration or enforcement of this act from prosecution in conjunction with the employee's duties related to hemp.

- Defines negligent violations, such as failing to obtain a license or producing Cannabis with a THC concentration of more than 0.5%.

- Negligent violations will be corrected by a corrective action plan.

- A hemp grower who negligently violates the State Plan shall not, as a result of that violation, be subject to any criminal enforcement action by a state, county or local government entity.

- Violations of the State Plan with a culpable mental state greater than negligence shall be reported to the United States Attorney General, the Mississippi Attorney General, the Mississippi Public Safety Commissioner and the Mississippi Bureau of Narcotics.

- The Mississippi Bureau of Narcotics may detain, seize or destroy the crop and may initiate a criminal case for any violation of this act or the Mississippi Uniform Controlled Substances Law.

- The State Attorney General shall prosecute all criminal actions related to violations.

- Defines prohibited acts, such as a failure to comply with a corrective action plan, transporting hemp in violation of this

act, or purposely, recklessly or knowingly growing hemp with a THC concentration exceeding 1%. The latter will constitute a felony punishable by five years imprisonment, a fine of not more than \$10,000.00, or both.

- Prohibits any person convicted of a felony relating to a controlled substance under state or federal law before, on or after the date of enactment of this act from participating in the State Hemp Plan for ten years.

- Defines the State Chemist as the entity for testing THC concentration in hemp samples taken by the Mississippi Department of Agriculture and Commerce.

- Allows the Mississippi Department of Agriculture and Commerce to charge fees for a grower's license and processor's registration.

- Requires all hemp processors to have a surety bond.

- Authorizes the Commissioner to promulgate rules and regulations as necessary to require hemp processors to secure a surety bond.

- Amends Section 69-25-51, Mississippi Code of 1972, to add Sections 1 through 11 of this act.

- Amends Section 41-29-113, Mississippi Code of 1972, to exempt hemp from control as a Schedule I controlled substance.

- Amends Section 41-29-105, Mississippi Code of 1972, to exclude hemp in the definition of marijuana.

- Amends Section 41-29-136, Mississippi Code of 1972, to allow the Department of Pharmacy Services at the University of Mississippi Medical Center to dispense hemp extract.

- Subjects the provisions of this act which provide authority to the Commissioner of Agriculture and Commerce and the Mississippi Department of Agriculture and Commerce to administer the program to legislative appropriation or funding from a private or public entity.

- Exempts programs administered by the Mississippi State Chemical Laboratory of Mississippi State University from provisions of this act.

**HB 326.** Effective 7/1/20. Signed 6/25/20.

This bill amends Section 75-29-951 to extend the exemption to cottage food operations from the requirement to pay food establishment permit fees by increasing the maximum annual gross sales of cottage food products from \$20,000.00 to \$35,000.00.

**HB 687.** Effective 7/1/20. Signed 6/22/20.

This bill amends Section 69-37-17 to extend the repealer on the requirement for the Mississippi Boll Weevil Management Corporation to submit its annual audit of accounts to the Mississippi Department of Agriculture and Commerce until July 1, 2023.

**HB 1566.** Effective 7/1/20. Signed 6/30/20.

This bill creates a new code Section 69-1-119, to allow the Commissioner of Agriculture and Commerce to provide technical guidance and outreach to landowners, farmers and producers regarding the management of nuisance wildlife on private agricultural and forestry lands. The commissioner is further authorized to partner with state and federal agencies regarding nuisance wildlife management and to promote awareness across the state.

The bill amends Section 69-29-1 to provide authority to the commissioner to hire three additional agricultural and livestock theft investigators, and removes the requirement that these investigators must be hired from each highway patrol district and reside in the highway patrol district from which they were selected. Additionally, the investigators are required to conduct training for law enforcement regarding laws enforced by the Mississippi Agricultural and Livestock Theft Bureau and to assist any other law enforcement agencies in responding to matters that may be related to agriculture and commerce and in cases of natural disasters or other disasters as needed or as requested by other agencies. This bill also mandates that the Mississippi Department of Revenue, instead of the State Tax Commission, cooperate with investigators by furnishing to them information as to any possible or suspected violations.

The bill amends Section 25-1-77 to exempt the Mississippi Agricultural and Livestock Theft Bureau from the fleet management requirements for vehicles purchased and assigned to agricultural theft investigators for use in the performance of their work duties and responsibilities.

Sections 69-5-1, 69-5-3, 69-5-5, 69-5-7, 69-5-8, 69-5-11, 69-5-13, 69-5-15, 69-5-27, 69-5-29 and 69-5-31 are amended to abolish the Mississippi Fair Commission and transfers its powers and duties to the Mississippi Department of Agriculture and Commerce, creates an advisory council of the existing commission, with the addition of the Director of the Mississippi Development Authority, the Mayor of the City of Jackson and a gubernatorial appointee. Additionally, the amendments to this section clarifies that wherever the term "Mississippi Fair Commission" appears in any law or regulation, the same shall mean the Department of Agriculture and Commerce. The commissioner is required to appoint a director to oversee the

operation at the State Fairgrounds Complex, who must be confirmed by the Mississippi Senate. This bill also directs officers while in the performance of their duty on the premises or at any of the facilities at the Mississippi State Fairgrounds Complex under the direction or control of the Department of Agriculture and Commerce shall now be required to dress in uniforms prescribed by the respective law enforcement agency by which he or she is employed. The provisions of the sections pertaining to the Mississippi Fair Commission stand to repeal on July 1, 2022.

## APPROPRIATIONS

**SB 2194.** See summary under Energy heading.

**SB 2353.** See summary under Education heading.

**SB 2594.** See summary under Education heading.

**SB 2626.** See summary under Public Health and Welfare heading.

**SB 2684.** See summary under Corrections heading.

**SB 2772.** Effective on passage. Signed 5/20/20.

Senate Bill 2772 transfers federal funds received from the Coronavirus Aid, Relief, and Economic Security (CARES) Act and provides economic relief to eligible small businesses.

SECTION 1. Directs the State Fiscal Officer to make the following transfers:

- \$7,599,822.00 to the Capital Expense Fund;
- \$900,000,000.00 from the Department of Finance Administration (DFA) Cares Act COVID-19 Fund to the Budget Contingency Fund;
- \$60,000,000.00 from the DFA Cares Act COVID-19 to the Mississippi COVID-19 Relief Payment Fund; and
- \$240,000,000.00 from the DFA Cares Act COVID-19 to the Back to Business Mississippi Grant Fund.

The Mississippi Development Authority may escalate these federal funds for providing grants under Sections 5 through 10.



SECTION 2. Authorizes DFA to escalate federal funds in the DFA Cares Act COVID-19 Fund during fiscal year 2020 in an amount not to exceed \$50,000,000.00 for defraying expenses incurred by any state agency, department or institution for the purposes provided under the Coronavirus Relief Fund, Section 5001 of the CARES Act;

SECTION 3. Provides a statement of legislative intent which is to provide economic support to eligible businesses for costs incurred related to COVID-19;

SECTION 4. Creates the "Mississippi COVID-19 Relief Payment Fund" as a special fund in the State Treasury for the purpose of providing direct payments to eligible taxpayers. Monies shall be disbursed from this special fund in compliance with the requirements of the CARES Act and guidelines from the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund. The Governor may transfer unobligated monies in the fund as of November 1, 2020, to another state agency for use pursuant to the CARES Act. The Department of Revenue must establish a program to provide direct payments in the amount of \$2,000.00 to eligible taxpayers that were subject to COVID-19-related state, municipal and/or county-required business closures. An eligible taxpayer is defined as a resident taxpayer that:

- Was registered with the department before March 1, 2020, had an Employer Identification Number (EIN) or Social Security Number (SSN) before March 1, 2020, and/or had an active department withholding account established before March 1, 2020, which withholding account was not for the purpose of paying household employees or as a home healthcare recipient.

- Had a certain North American Industry Classification System (NAICS) code before March 1, 2020 and was engaged as an active business in such activity before March 1, 2020.
- Was subject to any COVID-19-related state, municipal, and/or county required business closure or voluntary closure.
- Filed state taxes for 2018 tax year or 2019 tax year or (if formed on or after January 1, 2002) plans to file state taxes for 2020, unless tax exempt.
- Has customers or employees coming to physical premises, conducts business on customer premises, or has an owner who is an active participant in the day-to-day operations of the business.
- Has no more than 50 full-time equivalent employees, as of March 1, 2020.
- Is not a subsidiary of a business with more than 50 full-time equivalent employees, is not part of a larger business enterprise with more than 50 full-time equivalent employees and is not owned by a business with more than 50 full-time equivalent employees.

The Department of Revenue must compile a report of eligible taxpayers and provide the report to DFA, which shall disburse the payments.

SECTION 5. Sections 5 through 10 shall be known and may be cited as the "2020 COVID-19 Mississippi Business Assistance Act".

SECTION 6. Defines terms used in Sections 5 through 10.

"Eligible business" means:

- A corporation, LLC, partnership or sole proprietorship that is domestic prior to March 1, 2020.

- If applicable, is in good standing with the Secretary of State.
- Suffered a business interruption.
- Has a controlling interest owned by one or more Mississippi residents, whether individual resident citizens or Mississippi domestic business entities.
- Filed state taxes for 2018 tax year or 2019 tax year or (if formed on or after January 1, 2002) plans to file state taxes for 2020, unless tax exempt.
- Has customers or employees coming to physical premises, conducts business on customer premises, or has an owner who is an active participant in the day-to-day operations of the business.
- Had no more than 50 full-time equivalent employees, as of March 1, 2020.
- Is not a subsidiary of a business with more than 50 full-time equivalent employees, is not part of a larger business enterprise with more than 50 full-time equivalent employees and is not owned by a business with more than 50 full-time equivalent employees.
- Does not exist for the purpose of advancing partisan political activities, does not directly lobby federal or state officials and has not employed or otherwise worked with a lobbyist during any point in 2020.
- Does not derive income from passive investments without active participation in business operations.

"Business interruption" means the disruption of regular business operations resulting from required or voluntary closure related to COVID-19.

"Eligible expense" means any cost, not reimbursed from another source, incurred by an eligible business for public health measures or due to business interruption. Eligible expenses from business interruption may consist only of mortgage interest, rent, payroll, and utilities, or other COVID-19-related expenses (during a two-month period) allowed by law. Eligible expenses do not include lost profits. No cost will be considered an eligible expense if found to be ineligible under the Treasury guidelines.

"Minority Business Enterprise" means a socially and economically disadvantaged small business concern, owned or controlled by one or more minorities or minority business enterprises certified by MDA, at least 50% of whom are resident citizens.

SECTION 7. Establishes the "Back-To-Business Mississippi Grant Program," to be administered by the Mississippi Development Authority, for the purpose of making grants to eligible businesses to reimburse them for eligible expenses.

For the first 21 days of the application period, MDA shall only consider and review applications for eligible businesses that (i) did not receive a Small Business Administration (SBA) PPP loan or an Economic Injury Disaster Loan (EIDL), (ii) did not receive and has not been awarded reimbursement under any other federal program for the expenses that will be reimbursed by a grant under this section and (iii) did not receive compensation from an insurance company for the business interruption. After the completion of such 21-day period, MDA shall consider and review applications from other eligible businesses.

SECTION 8. Provides that any eligible business desiring to participate in the program shall make application for a grant to the MDA. The application shall include verified documentation, signed under penalty of perjury.

The use of grants shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor. A business found to be fully or partially noncompliant with grant requirements shall return to the state all or a portion of the grant monies received. Applicants shall confirm their understanding of these terms.

The program shall be subject to the following terms and conditions:

- The base payment to an eligible business shall be \$1,500.00. An eligible business may choose to receive additional compensation by either claiming \$500.00 per full-time equivalent employee employed by the eligible business as of March 1, 2020, or itemizing eligible expenses on the application form. The total payment shall be reduced by the amount of any Paycheck Protection Program (PPP) funds, Economic Injury Disaster Loan (EIDL) Emergency Advance funds up to a maximum of \$10,000.00, and business interruption insurance proceeds received by the eligible taxpayer; provided, however, that the total payment shall not be reduced by more than half. In no event shall the total payment to an eligible business under this section exceed \$25,000.00.
- At least \$40,000,000.00 in grants, exclusive of administrative expenses retained by the MDA, shall be awarded to minority business enterprises for the first 60 days of the application period.

- Grants awarded shall be protected from creditors and shall not be subject to tax; however, eligible expenses for which grants are received may not be itemized as tax deductions.

SECTION 9. Creates a special fund in the State Treasury, to be known as the "Back-to-Business Mississippi Grant Fund," from which the grants authorized by this act shall be disbursed by the MDA. All monies shall be disbursed from the fund in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act. If on November 1, 2020, there are unobligated monies in the fund, the Governor may transfer monies to another state agency to be used for eligible expenditures pursuant to the CARES Act.

SECTION 10. Requires any office, division, board, bureau, committee, institution or agency of the state, or any political subdivision thereof, to provide the employees, facilities, assistance, information and data needed to enable the MDA to carry out its duties. The MDA shall, at a minimum, work with the Department of Revenue to verify applicant tax information, and with the Department of Human Services to promote applications by childcare organizations.

The Secretary of State shall notify all registered businesses of the availability of grants under the program.

SECTION 11. Provides that funds received under the Paycheck Protection Program (PPP) shall not be subject to tax; however, eligible expenses for which PPP funds are received may not be itemized as tax deductions.

SECTION 12. Severability clause.

Section 13. Effective on passage.

**SB 3053** Effective on passage. Law without Governor's signature 8/18/20.

SB 3053 amends SB 2772, 2020 Regular Session, the recently passed bill that provides economic relief to small businesses affected by COVID-19. Specifically, the bill does the following:

- Includes fiscal year 2021 along with fiscal year 2020 as the time period in which the Department of Finance and Administration may receive, budget and escalate certain federal funds for defraying expenses incurred by any state agency, department or institution for the purposes provided under the federal CARES Act;
- Clarifies legislative findings regarding the purpose of the \$2,000.00 direct payment so that the direct payment will be separate and distinct from an expense that is reimbursable under the Back to Business Grant Program;
- Adds certain North American Industry Classification System codes to the definition of an eligible taxpayer for the \$2,000.00 direct payment. The additional codes are: 311811 (Retail Bakeries); 487210 (Scenic and sightseeing transportation on water, including chartered boats); 7113 (Promoters of performing arts, sports, and similar events); 7223 (Specialty food services, including caterers); 7224 (drinking places, alcoholic beverages, including bars);
- Provides that MDA shall not consider applications filed after September 15, 2020, for the Back to Business Mississippi Grant Program;
- Increases the base payment to an eligible business under the Back to Business Mississippi Grant Program from \$1,500.00 to \$3,500.00;

- Removes the provision requiring that the total payment under the Back to Business Mississippi Grant Program shall be reduced for Paycheck Protection Program funds, economic injury disaster loan emergency advance funds, and business interruption insurance proceeds received by the eligible business;
- Specifies that the amount of a payment under the Back to Business Mississippi Grant Program shall not be reduced by \$2,000.00 for any direct payment received from the Department of Revenue; and
- Provides that all changes will be retroactive to May 20, 2020.



**BUSINESS AND FINANCIAL INSTITUTIONS**

**SB 2427.** Effective 7/1/20. Signed 6/11/20.

SB 2427 removes the repealer on the provisions of law known as the Mississippi S.A.F.E. Mortgage Act. The bill also amends Section 81-18-21 to extend and clarify the time period during which mortgage brokers are required to maintain their books, accounts and records. The books, accounts and records must be maintained apart and separate from any other business in which the person is involved and may represent historical data for five years from the final disposition of the loan application to which the records relate. The bill also requires individual borrower files of a licensee to contain a copy of the loan estimate of costs provided to the borrower.

**HB 597.** Effective 7/1/20. Signed 6/22/20.

HB 597 requires the Department of Revenue to revise the individual income tax forms used for returns to allow an individual taxpayer to designate up to two bank accounts for direct deposit of the taxpayer's refund and the allocation of the taxpayer's refund amount between the designated bank accounts.

**HB 940.** Effective 7/1/20. Signed 6/29/20.

HB 940 authorizes a financial institution to delay the completion of a financial transaction if certain employees of the financial institution, such as an officer of a financial institution or a branch manager, or their designee, believe in good faith that a requested transaction may result in, or be the result of, exploitation of an eligible person. An eligible

person means a vulnerable person, or any person age 65 years or older.

The bill also provides that a transaction delay will expire upon either:

- A good-faith determination by the financial institution that the transaction will not result in, or is not the result of, exploitation of the eligible person; or

- Ten calendar days, unless the Department of Human Services or a law enforcement authority requests that the financial institution extend the delay.

Additionally, the bill requires the financial institution to notify the Department of Human Services of the delayed transaction, and authorizes the financial institution to notify other certain individuals if a transaction is delayed, such as:

- Any federal, state or local law enforcement authority;
- Any other person who is authorized to have access to or transact business on any account of the eligible person with the financial institution;

- Any person reasonably associated with the eligible person; and

- Any other person permitted by state or federal laws or regulations or by customer agreement.

The bill further limits the liability of a financial institution that either delays a transaction or does not delay a transaction.

**HB 1071.** Effective 7/1/20. Signed 6/22/20.

HB 1071 provides that a Roth individual retirement account is exempt from seizure under execution or attachment.

**HB 1138.** Effective 7/1/20. Signed 6/25/20.

HB 1138 amends the provisions of law that regulate self-storage rentals by:

- Adding definitions for "electronic mail," "late fee" and "sale."
- Including late fees as part of the self-storage owner's liens.
- Limiting the amount of the maximum value for any claim of personal property to the value limit specified by the rental agreement.
- Authorizing the owner to deny an occupant's access to the leased space at the self-storage facility if the occupant is in default.
- Authorizing the rental agreement to provide for a reasonable late fee for failure of the occupant to timely make payments for the leased space when due; and limiting the monthly late fee to no more than \$20.00 or 20% of the monthly rental amount, whichever is greater.
- Authorizing notice by electronic mail, if: the owner of the facility offers electronic mail notice as an option, the occupant elects to receive notice by electronic mail, and such choice of electronic mail notice is shown in the rental agreement.

**HB 1212.** Effective 7/1/20. Signed 6/25/20.

HB 1212 creates two tiers for real estate broker license applicants. The key difference between the new tiers is the time period for applicants who desire to hire real estate agents within a certain period of time from the date of approval of a broker's license. Any applicant who signs a form stating that he will not hire any real estate salesperson for 36 months from the date of approval of his active real estate salesperson's license is only required to have held a license as an active real estate salesperson for 12 months immediately before making application for the broker's examination.

However, any applicant who desires to hire a real estate salesperson in less than 36 months from the date of approval of his active real estate salesperson's license is required to have held a license as an active real estate salesperson for 36 months before making application for the broker's examination.

## CORRECTIONS

**SB 2279.** Effective 7/1/20. Signed 7/8/20.

This bill extends the repealer until 2024 on Sections 47-5-901 through 47-5-909, which provide conditions under which state offenders may serve sentences in county jails.

**SB 2469.** Effective 7/1/20. Signed 7/8/20.

This bill amends Section 47-7-3 to allow a senior status judge to authorize a nonviolent offender to be eligible for parole consideration. The bill provides that if a senior circuit judge must be recused, then another judge of the same district or a senior status judge may preside over the matter.

**SB 2680.** Effective 7/1/20. Signed 6/29/20.

This bill amends Section 19-25-74. Current law requires that the sheriff issue a daily report of the meals served to prisoners. The bill changes that requirement to monthly reporting due by the 10th calendar day of each month.

**SB 2684.** Effective 7/1/20. Signed 7/8/20.

This bill mandates that the Department of Corrections contract with the board of supervisors of designated counties to house state inmates in regional facilities. Under current law, that contractual authority is discretionary for certain counties. This bill requires it for each listed regional facility.

The bill removes the discretionary limitation that permitted the department to contract with only Kemper and Neshoba Counties to house up to 75 additional offenders; this bill allows the department to contract with any county.

The bill also adds a provision that authorizes the Governor and the Commissioner of Corrections to increase the number of offenders that can be placed in regional corrections facilities.

The bill also increases the regional per diem that may be paid for each offender that is housed in the facility. The current per diem is capped at \$29.74. The bill increases the per diem to no more than \$31.00.

**SB 2696.** Effective passage. Signed 7/8/20.

This bill revises the qualification requirements for the Commissioner of the Department of Corrections by removing the requirement that the commissioner possess at least a bachelor's degree in fiscal management.

**HB 685.** Effective 7/1/20. Signed 7/8/20.

This bill reenacts and amends Sections 47-5-901 through 47-5-911 to extend the date of repeal to July 1, 2024, on the provisions of law that authorize the Department of Corrections to house state offenders in county jails. The bill further amends Section 47-5-901 to provide that any person committed, sentenced or otherwise placed under the custody of the Department of Corrections, on order of the sentencing court, may serve all or any part of his or her sentence in the county jail of the county where the person was convicted if the sheriff or president of the board of supervisors requests such inmate or inmates.

More specifically, the bill provides that upon such request of the sheriff or president of the board of supervisors, the department may allow such inmate or inmates to serve all or any part of such inmate's or inmates' sentence(s), as the case may be, in the county of conviction of the inmate or inmates. The determination shall be promptly made by the Department of Corrections upon receipt of notice of the conviction of such person. Whenever a request is denied for an inmate or inmates, then the commissioner shall certify in writing to the sentencing court, sheriff, or president of the board of supervisors of a county, as the case may be, that such inmate or inmates does not qualify to serve the sentence or sentences in the county jail.

The bill also amends Section 47-5-26 to authorize the Commissioner of the Department of Corrections to employ a Deputy Commissioner for Programs, Education, Re-entry and Vocational Rehabilitation Services. Additionally, the bill clarifies that the administrative assistant for parole matters, who is employed by the commissioner, shall be selected by the State Parole Board as well as located within the office of the State Parole Board.

The bill also amends Section 47-5-28 to clarify that the Commissioner of the Department of Corrections shall contract for no more than 800 transitional reentry center beds. This section is also amended to authorize the commissioner to designate deputy commissioners with the status of peace officers and law enforcement officers when the commissioners are performing their official duties pertaining to the custody, control, transportation, recapture or arrest of any offender within the jurisdiction of the department or any offender of any jail, penitentiary, public workhouse or overnight lockup of the state or any political subdivision thereof not within the jurisdiction of the department.

Further, the bill provides that a deputy commissioner who is certified by the Mississippi Board on Law Enforcement Officer Standards and Training shall have the powers of a law enforcement officer of this state under certain circumstances. Such powers shall include making arrests as well as servicing and executing search warrants and other valid legal process anywhere in the state. The powers may be executed when performing officially assigned duties related to the custody, control, transportation, recapture or arrest of any offender within the department's jurisdiction. Such powers may also be executed by a deputy commissioner who is certified by the Mississippi Board on Law Enforcement Officer Standards and Training when relating to the custody, control, transportation or recapture of any offender of any jail, penitentiary, public workhouse or overnight lockup of the state or any political subdivision thereof not within the jurisdiction of the department.

Lastly, the bill amends Section 47-5-471 to provide that counties shall be reimbursed by the Department of Corrections at a rate that is not to exceed \$20.00 per day for each state offender participating in the state-county work program. This section is also amended to remove the prohibition that the department not be obligated to pay counties for any costs associated with the housing or caring of state offenders who are participants of the state-county work program.

**HB 851.** Effective on passage. Signed 6/29/20.

This bill amends Section 47-5-6 to revise the composition of the Corrections and Criminal Justice Oversight Task Force. More specifically, the bill adds two additional members to the task force. The first member adds a representative of the Mississippi Chiefs of Police Association who is appointed by the



association. The second member adds a Governor-appointed member who must be an advocate for offenders and families who have been directly affected by the prison justice system.

**COUNTY AFFAIRS**

**SB 3047.** Effective on passage. Law without Governor's signature 7/08/2020.

SB 3047 established the Mississippi County and Municipality Emergency Relief Program to be administered by the Mississippi Emergency Management Agency (MEMA) to reimburse counties and municipalities for eligible expenditures incurred in response to the COVID-19 pandemic.

The bill defines terms, including "eligible expenditure." Under the bill, "eligible expenditure" means a cost that is incurred that is reimbursable from funds received from the Coronavirus Relief Fund under the guidance and guidelines of the United States Department of Treasury.

In administering the relief program, MEMA shall:

- Promulgate regulations and develop procedures for a reimbursement process for each county and municipality to submit eligible expenditures for reimbursement;
  - Inform each county and municipality of its portion of the funds and the requirements for reimbursement under the program;
  - Make initial disbursements no later than August 15, 2020;
- and
- Accept and reimburse rolling applications after August 15, 2020.

Also, the bill allows MEMA to retain up to \$500,000.00 of the funds available under the act to administer the program.

To be eligible for reimbursement under the program, a participating county or municipality shall submit to MEMA a request for public assistance, the original, itemized receipt and/or invoice, documentation of any funds from any source to reimburse COVID-19-related expenses, and a specific job

description of and rationale for any work performed by an employee who received hazard pay.

The bill provides that each county and municipality shall have set aside a pro rata share of the monies in the funds for reimbursement of qualified expenditures according to the population of the county or municipality as listed in the 2010 U.S. Census.

Funds appropriated for the relief program shall be deposited into COVID-19 Fund (Fund Number 6820174100) to be disbursed by MEMA. On November 30, 2020, the Governor shall have the discretion to transfer any unobligated monies in the COVID-19 Fund to another state agency to be used for eligible expenditures pursuant to the CARES Act. The use of funds under this program is subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor.

Under the bill, MEMA shall report, by September 1, 2020, on the utilization of the program to the Chair of the County Affairs and Municipalities Committees of the Senate and the House of Representatives, the Lieutenant Governor, the Speaker of the House and the Governor. At a minimum the report shall contain the names of each participating county and municipality and the amount of reimbursement requested and the amount of reimbursement received by each county and municipality.

**HB 353.** See summary under Municipalities heading.

**HB 415.** Effective on passage. Signed 7/2/20.

HB 415 amends Section 25-3-3 to authorize the Mississippi Cooperative Extension Service, rather than the International Association Assessing Officers, to issue certificates of

educational recognition to tax assessors. The bill also amends Sections 25-3-17, 25-3-19, 25-3-29 and 25-3-36, Mississippi Code of 1972, to provide the option that the salaries of county prosecuting attorneys, boards of supervisors, county auditors, deputy chancery clerks, sheriffs, certain deputy sheriffs and justice court judges be paid every two weeks. Previously, such salaries could only be paid monthly or semimonthly on the first and fifteenth day of each month.

**HB 494.** Effective 7/1/20. Signed 6/25/20.

HB 494 amends Sections 31-7-103 and 31-7-119 to increase from \$1,500.00 to \$2,000.00 the aggregate acquisition cost that a county may purchase for an item or service without a requisition to purchase, purchase order, or a receiving report.

**HB 1063.** Effective on passage. Signed 6/25/20.

HB 1063 amends Section 25-3-3 to authorize the Mississippi Cooperative Extension Service, rather than the International Association Assessing Officers, to issue certificates of educational recognition to tax assessors.

## ECONOMIC AND WORKFORCE DEVELOPMENT

**SB 2563.** Effective 7/1/20. Signed 7/8/20.

This bill creates "The Incentives Transparency for a Prosperous Mississippi Act," applying to economic incentives awarded by the Mississippi Development Authority after July 1, 2020. An "economic incentive" is defined as any grants and/or loans awarded by the MDA to a certified applicant, and in exchange the applicant agrees to take some action that contributes to economic development. A "certified applicant" or "applicant" means any privately owned corporation, partnership, company or other for-profit business enterprise or any individual receiving one or more economic incentives worth, in total, more than \$5,000,000.00.

Before the MDA may award an economic incentive to a certified applicant for a qualified economic development project, it must adopt a resolution finding that the project is in the best interests of the state and setting forth specific evidence and reasons supporting this finding. A "qualified economic development project" means a business or other economic development project receiving one or more economic incentives worth, in total, more than \$5,000,000.00. The MDA shall share its resolution and supporting evidence with the University Research Center and, upon request, with the Governor, Speaker of the House and President of the Senate.

An applicant receiving an economic incentive must enter into a memorandum of understanding with the state through the MDA containing performance measures for attainment within a period of time as determined by the MDA in accordance with its resolution and supporting evidence. The memorandum is to

contain provisions for noncompliance allowing the state, through the MDA or the State Auditor's office, to stop, readjust or recapture all or part of the economic incentive awarded. Failure to meet the measures will disqualify an applicant from the award of an economic incentive for five years from the date of the notice of default by the MDA, or until the recipient either cures the default or repays the incentive, whichever occurs first. If the applicant is a business entity, the disqualification attaches to the entity and to each owner or shareholder of 20% or more of the business.

On or before March 1 of each year, applicants are required to file annual reports with the MDA for any qualified economic development projects for the tax year ending during the immediately preceding calendar year. The report must contain the following information: the name and county of operation of the recipient; the amount of the economic incentive awarded to the applicant; the purpose of the incentive; the number of full-time employees, part-time employees and employees of a temporary employment agency the applicant agreed to hire, retain or train when the incentive was awarded; the amount of the investment the applicant expects to make in the state as a result of the project; the number of all full-time employees, part-time employees and employees of a temporary employment agency employed by the applicant and based in the state on the last day of the report year; the incremental amount of qualified investment made in the report year; the average and median wages of all additional full-time employees and part-time employees above the applicant's base level of employment in the state whose jobs were added since the first day of the first tax year in which the incentive was awarded; the percentage and number of all additional full-time employees and part-time employees above the applicant's base level of employment who have access to

retirement benefits and health benefits; and the number of Mississippi-based companies included in the applicant's supply chain.

By October 1, the Executive Director of the MDA must file a report with the Governor, Speaker of the House, President of the Senate, Joint Legislative Budget Committee and the members of the committees in the House and Senate having jurisdiction over taxation matters containing data for each year that the applicant received an economic incentive. In addition to the data on individual qualified economic development projects, the report is to contain the total amount of incentives approved or awarded, the total amount of loans made by the MDA, the total amount of grants awarded by the MDA, a description of standard terms for each loan program, and a list of projects having met contractual requirements and having been closed out by the MDA. The Department of Revenue will provide the MDA with the tax information required to be included in this report.

Section 57-1-14 is amended to exclude from confidentiality provisions, with respect to the Mississippi Public Records Act of 1983, information related to a qualified economic development project that must be disclosed in the annual report by the applicant.

**SB 2564.** Effective 7/1/20. Signed 7/8/20.

This workforce development restructuring bill amends Section 37-153-5 to define "office" as the Mississippi Office of Workforce Development, housed at the Department of Finance and Administration. Section 37-153-7 is amended to create the office and to provide that the Mississippi State Workforce Investment Board shall serve as the advisory board for the office.

The membership of the board is revised, with a reduction in total members from 41 to 31, including: the Governor or his designee; 19 appointees of the Governor, to consist of business, workforce and government representatives; two representatives of businesses in the state appointed by the Lieutenant Governor; two representatives of businesses in the state appointed by the Governor from a list of three recommendations from the Speaker of the House; the Executive Director of the Mississippi Department of Employment Security; the Executive Director of the Department of Rehabilitation Services; the State Superintendent of Public Education; the Executive Director of the Mississippi Development Authority; the Executive Director of the Mississippi Community College Board; the President of the Community College Association; and the Commissioner of the Institutions of Higher Learning. In addition, one senator, appointed by the Lieutenant Governor, and one representative, appointed by the Speaker of the House, shall serve on the state board in a nonvoting capacity. The Governor may appoint additional members if required by the federal Workforce Innovation and Opportunity Act or a successive act. Board members serve a term of four years and shall not serve more than three consecutive terms. The Governor designates the board's chairman from among the business and industry voting members. Board members may be recalled by their appointing authority for cause.

The board's duties are also adjusted in accordance with its new role in relation to the Office of Workforce Development. Its state workforce development strategic plan and its assistance in the development and improvement of the statewide workforce investment system are now given to the Lieutenant Governor and Speaker of the House, as well as to the Governor. Added duties are to develop broad statewide development goals, including a goal to raise the state's labor force participation



rate, and to perform a comprehensive review of the state's workforce development efforts, including the amount spent and effectiveness of programs supported by state or federal money. The bill removes from the board the duty to assist the Governor in reducing duplication of services by urging the local workforce investment boards, via awards of incentive grants of \$200,000.00 from federal Workforce Investment Act funds, to designate the local community/junior college as the operator of the WIN Job Center.

Each state agency, department and institution is required to report any monies received for workforce training activities or career and technical education and to provide a detailed itemization to the board of how those monies were spent. The board shall compile the data and provide a report of the monies and expenditures to the Chairs of the House and Senate Appropriations Committees, the Chair of the House Workforce Development Committee and the Chair of the Senate Economic and Workforce Development Committee by October 1 of each year. The exclusive authority of the Governor to enforce cooperation among state agencies using federal or state funding for the conduct of workforce development activities is removed.

The bill replaces the board's rules committee with an executive committee consisting of nine board members, including the chair, two business representatives selected by the Governor, the two business representatives appointed by the Lieutenant Governor, and the two business representatives appointed by the Governor from a list of three recommendations by the Speaker of the House. The two legislators on the board serve on the committee in a nonvoting capacity. The board's obligation to create and implement performance metrics for the Mississippi Works Fund and to report annually on the fund's

performance to the Governor, Lieutenant Governor, and Speaker of the House is removed.

The executive committee selects the office's executive director with the advice and consent of a majority of the board. The qualifications for the position of executive director include extensive experience in the development of economic, human and physical resources and the promotion of industrial and commercial development, together with a bachelor's degree from a state-accredited institution and at least eight years of professional experience related to workforce or economic development. The executive director serves at the will and pleasure of the executive committee and is responsible for the operation and administration of the office, with oversight from the executive committee and the board.

The Office of Workforce Development is directed to collaborate with the Mississippi Community College Board in administering and overseeing the Mississippi Workforce Enhancement Training Fund and the Mississippi Works Fund. The executive director maintains complete and exclusive operational control of the office's functions.

The office must file an annual report with the Governor, Secretary of State, President of the Senate, Secretary of the Senate, Speaker of the House, and Clerk of the House by October 1 of each year regarding all funds approved by the office to be spent on workforce training during the prior calendar year. The report is to include information on the performance of the Mississippi Workforce Enhancement Training Fund and the Mississippi Works Fund, in terms of adding value to the local and state economy, the contribution to future growth of the state economy, and movement toward state goals, including increasing the labor force participation rate. With respect to specific workforce training projects, the report shall include

the location of the training, the amount allocated to the project, the purpose of the project, the specific business entity that is the beneficiary of the project, and the number of employees intended to be trained and actually trained, if applicable, in the course of the project. All information provided to the executive director concerning a proposed project shall be kept confidential, except with respect to disclosure under the Mississippi Public Records Act of 1983 of records describing the nature, quantity, cost or other pertinent information related to the activities of, or services performed using, the Mississippi Workforce Enhancement Training Fund or the Mississippi Works Fund.

Conforming amendments are made to Sections 37-153-11, 37-153-13, 71-5-353 and 71-5-453.

The bill also codifies the repealer for Chapter 153 of Title 37, and it adds Section 37-153-15, the remaining section in the same chapter, as subject to the repealer.

**SB 3051.** Effective 7/1/20. Law without Governor's signature 7/6/20.

This COVID-19 relief bill amends Section 71-5-355 to provide that the general experience rate for 2021 shall be 0%. Charges attributed to each employer's individual experience rate for the period March 8, 2020, through June 30, 2020, will not impact the employer's individual experience rate calculations for purposes of calculating the total unemployment insurance rate for 2021 and the two subsequent tax rate years. Moreover, charges attributed to each employer's individual experience rate for the period July 1, 2020, through December 31, 2020, will not impact the employer's individual experience rate calculations for purposes of calculating the total unemployment insurance rate for 2022 and the two subsequent tax rate years.

Section 71-5-353 is also amended to provide that contribution collections for the State Workforce Investment, Mississippi Works and Mississippi Workforce Enhancement Training Funds shall not be suspended for tax rate year 2021, and the resulting contribution rate of .20% shall be added to the employer's general and individual experience rate to obtain the total unemployment insurance rate for 2021.

**HB 1383.** Effective 7/1/20. Signed 7/7/20.

This bill amends Section 65-4-5 to revise the definition of "high economic benefit project" for the Economic Development Highway Act to include any new investments in land, buildings, depreciable fixed assets and improvements of at least \$15,000,000.00 by a private company to establish a private regional or national headquarters and such new investments provide for the employment of at least 100 new employees in the aggregate over a five-year period with those new employees earning an annual average salary, excluding benefits which are not subject to Mississippi income taxes, of at least 150% of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified private regional or national headquarters is located, as determined by the Mississippi Department of Employment Security, whichever is less.

The bill amends Section 65-4-15 to clarify that a mixed-use development that includes retail space that is no more than 20% of the square footage of the development is not prohibited from receiving monies as a high economic benefit project.

**HB 1795.** Effective 7/1/20. Law without Governor's signature 7/9/20.

This bill makes an appropriation to the Department of Employment Security from the Budget Contingency Fund in the amount of \$55,000,000.00. The money shall be distributed as follows:

- \$49,000,000.00 to the Delta Workforce Investment Area, the Twin Districts Workforce Investment Area, the Mississippi Partnership Workforce Investment Area and the Southcentral Mississippi Workforce Investment Area, for each workforce investment area to further distribute the money to the community colleges within each workforce investment area, to be used for employment and training programs that are necessary due to the COVID-19 public health emergency.

- \$4,700,000.00 to the Delta Workforce Investment Area, the Twin Districts Workforce Investment Area, the Mississippi Partnership Workforce Investment Area and the Southcentral Mississippi Workforce Investment Area for on-the-job training for employees displaced due to the public health emergency.

- \$550,000.00 to be retained by the Department of Employment Security for administrative fees.

- \$550,000.00 to be distributed to the Delta Workforce Investment Area, the Twin Districts Workforce Investment Area, the Mississippi Partnership Workforce Investment Area and the Southcentral Mississippi Workforce Investment Area for administrative fees.

The bill also provides that none of the \$49,000,000.00 may be distributed by the Department of Employment Security to any of the four workforce investment areas until the workforce investment area certifies to the Department of Employment Security that furloughed, unemployed, underemployed or other

similar individuals who were displaced due to the public health emergency will have first priority to be enrolled in one of the training programs that have been modified or created to respond to the emergency, and that the workforce investment area will make every reasonable effort to advertise, promote, inform or otherwise enroll the furloughed, unemployed and underemployed individuals who were displaced due to the emergency of the training programs that have been modified or created to respond to the emergency.

In addition, none of the \$4,700,000.00 may be distributed by the Department of Employment Security to any of the four workforce investment areas until the workforce investment area certifies to the Department of Employment Security that priority will be given to those employees who have been furloughed, unemployed, underemployed or otherwise displaced due to the public health emergency, or that priority will be given to those employers who have been forced to reduce their labor force due to the emergency.

Additionally, the bill provides that the Department of Employment Security shall not disburse any of the funds to any recipient without first making an individualized determination that the request for funds sought is, in the Department of Employment Security's independent judgment, for necessary expenditures incurred due to the COVID 19 public health emergency, and determining that the recipient has not received and will not receive reimbursement for the anticipated expenses in question from any other source of funds. The Department of Employment Security shall also ensure that the funds are disbursed in compliance with the Single Audit Act.

Furthermore, as a condition of receiving and expending the funds appropriated, the Department of Employment Security shall certify to the Department of Finance and Administration that

each expenditure of the funds appropriated is in compliance with guidelines regarding the use of the monies from the Coronavirus Relief Fund established by the CARES Act. If the Office of Inspector General of the United States Department of the Treasury determines that the Department of Employment Security has expended any of the funds appropriated in a way that is not in compliance with the guidelines regarding the use of the monies from the Coronavirus Relief Fund established by the CARES Act, and the State of Mississippi is required to repay the money to the federal government, then the Department of Employment Security shall be required to pay the amount of those funds to the State of Mississippi.

## EDUCATION

**SB 2283.** Effective 7/1/20. Signed 6/11/20.

SB 2283 amends Section 37-11-27 to provide that conflict-of-interest provisions applicable to school districts do not apply to employees who do not have any authority to negotiate contracts on behalf of the school district.

**SB 2353.** Effective 7/1/20. Signed 6/23/20.

SB 2353 amends Section 37-106-55 to extend the date of repeal to July 1, 2021, on the provision of law that creates the Critical Needs Teacher Forgivable Loan Program.

**SB 2506.** Effective 7/1/20. Signed 6/11/20.

SB 2506 amends Section 37-7-104.4 to reconstitute the membership of the Winona-Montgomery School District Board of Trustees. Under the bill, the members of the Winona-Montgomery Consolidated School District Board of Trustees, in office on July 1, 2020, shall continue to serve until January 1, 2021, when the membership shall be reconstituted.

The bill provides that on the first Tuesday after the first Monday in November 2020, a special election shall be held in Montgomery County to elect a new board of trustees, which shall be elected from the Supervisors Districts of Montgomery County. At the election:

- The member of the board from District One shall be elected for a term of one year;
- The member from District Two shall be elected for a term of two years;



- The member from District Three shall be elected for a term of three years;
- The member from District Four shall be elected for a term of four years; and
- The member from District Five shall be elected for a term of five years.

Thereafter, members shall be elected at special elections as vacancies occur for terms of five years each.

The bill also provides that all members shall reside in the supervisors district which the member represents, and shall take office on the first Monday of January following the date of their election. All trustees of the school district shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229, Mississippi Code of 1972. Any vacancies which may occur during a term shall be filled by appointment of the consolidated school district trustees from the qualified electors of the district in which the vacancy occurs. However, the appointed member shall serve only until the next general election following the appointment, when a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term. The person elected to the unexpired term shall take office immediately.

**SB 2508.** Effective 7/1/20. Signed 6/11/20.

SB 2508 amends Chapter 159 of Title 37 to extend the date of repeal to July 1, 2021, on the provisions of law that constitute the "Mississippi Critical Teacher Shortage Act of 1998."

**SB 2509.** Effective 7/1/20. Signed 6/23/20.

SB 2509 amends Section 37-17-13 to extend the date of repeal to July 1, 2023, on the provisions of law that authorizes the Board of Education to appoint a new five-member school board for the administration of a failing school district.

**SB 2511.** Effective 7/1/20. Signed 6/23/20.

SB 2511 amends Section 37-3-2 to revise the Standard License requirements for the approved program route and the nontraditional teaching route.

Under the revised standards, applicants for the approved program route must meet the following criteria for entrance into an approved teacher education program:

- Achieve an ACT Score of 21 (or 154 SAT equivalent); or
- Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or
- Obtain a minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

Applicants for the nontraditional teaching route must meet the same criteria listed above before licensure in addition to any other requirements of the nontraditional teaching route. Also, applicants for the nontraditional route who have met the above criteria and attained a passing score on the Praxis Subject Assessment in the requested area of endorsement may apply for admission to the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12.

**SB 2565.** Effective on passage. Signed 6/11/20.

SB 2565 amends Section 29-3-113 to authorize school districts to spend the interest accrued from its 16th section trusts once the school district is current on its loan payments.

**SB 2594.** Effective on passage. Signed 6/25/20.

SB 2594 revises the provisions of the Equal Opportunity for Students with Special Needs Act and extends the date of repeal to July 1, 2024.

The bill amends the definition of "eligible student" to mean any student who has had an active Individualized Education Program (IEP) within the past three years and has maintained eligibility. Further, the bill defines the term "participating student" to mean an eligible student who is participating in an ESA program at an eligible school. The bill also amends the definition of "eligible school" to mean a state-accredited special purpose school, a state-accredited nonpublic school, or a nonpublic school located in the state that has enrolled a participating student and is providing services for the participating student's disability or special education needs, or is providing services addressing a participating student's IEP. The bill defines the term "awarded ESA school year" as the duration of the school year in which ESA program funds are deposited in a student's ESA.

The bill provides that the expenses reimbursed under the program shall be incurred within the awarded ESA school year. Also, the bill requires eligible schools to provide the parent or guardian who submitted the ESA program application an original, itemized receipt who shall then submit the receipt to the department for reimbursement. In lieu of the parent or guardian submitting the receipt to the department, the eligible school may submit the receipt if the parent or guardian has

approved and signed off on the receipt. Further, if a participating student returns to his or her home school district, the student's ESA shall be closed and any remaining funds shall be distributed to the student's home school district at the end of the awarded school year.

Further, the bill requires the department to maintain a waitlist of applications in chronological order and award applications in order according to the waitlist.

Under the bill, eligible schools shall disclose to parents a record of student achievement and proof of its capacity to serve the participating students with the scope of his or her IEP. Eligible schools shall also require students to take a pre-assessment at the beginning of the school year and a post-assessment at the end of the school year. The eligible school may select their current assessment used to demonstrate academic progress, a nationally standardized norm-referenced achievement test, or a current state board-approved screener. The bill further requires an eligible school to notify a parent or guardian that he or she waives the right of the participating student to an individual entitlement to a free and appropriate public education (FAPE) from their home school district for as long as the student is participating in the ESA program. An eligible school, upon enrollment of a participating student, must also certify to the department that the eligible school shall provide services for the participating student's disability or special education needs, or shall provide services addressing a participating student's IEP.

Last, eligible schools, or the parent or guardian who submitted the ESA application, must submit student performance data to the State Department of Education at the end of the school year, including the individual results of the required pre-assessment and post-assessment.

**SB 3044.** Effective on passage. Law without Governor's signature 7/8/20.

SB 3044 creates the "Equity in Distance Learning Act" and establishes the Equity in Distance Learning Grant Program.

The bill requires the State Fiscal Officer to transfer:

- \$300,000.00 to the Equity in Distance Learning Fund out of the Budget Contingency Fund to be spent by the Department of Education to assist with technology upgrades to the Mississippi Student Information System (MSIS) to support schools with the implementation of their individual digital learning plans to mitigate the impact of COVID-19.

- \$129,700,000.00 to the Equity in Distance Learning Fund out of the Budget Contingency Fund to be allocated by the department to the schools pursuant to the act.

- \$20,000,000.00 to the Equity in Distance Learning Fund out of the Budget Contingency Fund to be allocated by the department to the schools according to the schools' needs assessment responses.

This bill states legislative finding and intent and defines terms. Among other terms, it defines "eligible expense" as:

- The purchase of laptop computers, tablets, assisted learning devices or other devices which can be used personally by a student or teacher in their home or in the classroom;

- The purchase of learning management systems, software and other online tools;

- The purchase and installation of hardware to provide for or enhance the internet connectivity of a school's students, including the cost of establishing personal or centrally located hotspots;

- The enhancement of security related to devices or connectivity to comply with state and federal law, and to protect students, teachers, administrators and other staff working within the school;

- The delivery of professional development related to use of devices, connectivity and other relevant components of distance learning for teachers, students and the wider community, including parents or guardians of students enrolled in the school; and

- Materials or equipment necessary to increase health and safety precautions in classrooms or other school facilities.

This bill requires the department to administer the Equity in Distance Learning Grant Program for the purpose of reimbursing schools for eligible expenses incurred in funding their distance learning plans, and in facilitating safe classroom and remote instruction. It provides that allocations under the program shall be made based on average daily membership as defined by Section 37-151-5 and as calculated for the 2019-2020 school year. Also, the bill highly encourages schools to commit a portion of their ESSER funds as supplemental matching funds to offset the total cost of purchasing sufficient electronic devices, technological supports and systems of service for its distance learning plan.

Under this bill, the department shall:

- Inform each school of its portion of the funds appropriated under the grant program;

- Develop regulations and procedures to govern the administration of the program;

- Provide guidance to schools on the development and implementation of a distance learning plan;

- Solicit bid proposals from vendors to establish an express products list (EPL); and
- Seek an emergency exemption from the procurement laws and bidding procedures established in Section 31-7-13 to expedite the compilation of an EPL and to minimize the cost of relevant devices or other technology for school districts through bulk purchasing.

Also, this bill authorizes the department to revise its adopted EPL and use federal ESSER funds to administer the grant program to the extent permissible under federal law.

This bill, for a school to be eligible, requires schools to:

- Prioritize the purchase of individual electronic devices, the purchase of learning management systems software and other online tools, and the purchase and installation of hardware to provide for or enhance the internet connectivity of a school's students;
- Match 20% of the funds received under the grant program with ESSER funds;
- Purchase products from vendors listed on the EPL unless the school can demonstrate that unlisted vendors or products meet or exceed the technological specification and functionality required by the department at a price point that is less than a comparable product on the EPL;
- Submit the original, itemized receipt of purchase with its request for reimbursement;
- Secure insurance for any items to be reimbursed under the grant program;
- Develop and submit to the department, by September 1, 2020, a distance learning plan, a technology sustainability plan and a responsible use policy; and

- Compile and maintain an inventory list of any items acquired under the grant program.

This bill also creates the Equity in Distance Learning Fund within the State Treasury. The bill allows the department, on November 1, 2020, to distribute any remaining monies in the fund for eligible expenditures pursuant to the CARES Act to schools by application. On December 29, 2020, any unexpended Coronavirus Relief Fund monies remaining in the fund shall lapse into the Budget Contingency Fund, to be transferred, by the State Fiscal Officer, into the Unemployment Compensation Fund on or before December 30, 2020. The bill also provides that use of the funds from the grant program shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor.

This bill requires the department to report on the use of funds distributed under the grant program and the effectiveness of distance learning plans adopted by schools to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Chairs of the Senate and House Appropriations and Education Committees by October 1, 2020.

Last, this bill amends Section 31-7-13 to provide that purchases under the grant program and the directive that schools create a distance learning plan shall be deemed an emergency purchase for the purposes of the procurement and competitive bidding law.

**HB 667.** Effective 7/1/20. Signed 6/25/20.

HB 667 amends Section 43-5-1 to allow the Board of Education, at its discretion, to delegate certain authority to administrative staff of the Department of Education for the



purpose of receiving and holding real and personal property or testamentary gifts or bequests for the benefit of the Mississippi School for the Blind and the Mississippi School for the Deaf (MSBD).

The bill also amends Section 43-5-8 to require, effective on July 1, 2021, that all administrative and licensed instructional employees of MSBD to enter into contracts for terms of their employment and to require the State Board of Education to determine the qualifications for those employees, who shall be transferred from under the authority of the Mississippi Personnel Board to the governance of the employing school. Transferred employees of the MSBD shall retain all of their benefits and service with the Public Employees' Retirement System and the State and School Employees' Health Insurance Plan. Employees of the school will be subject to the will and pleasure of the respective superintendents of MSBD. The bill further exempts these employment contracts from any applicable requirements of the Public Procurement Review Board.

The bill amends Section 37-39-1 to include the State Board of Education within the meaning of the term "school board," when acting on behalf of the MSBD. The bill also amends Section 31-7-1, to amend the definitions of the terms "agency" and "governing authority" under the public purchasing laws to exempt the MSBD from certain requirements of the Public Procurement Review Board.

Lastly, Section 37-140-5, as it pertains to the Mississippi School of the Arts, is amended to align the personnel matters for employment and dismissal with those prescribed for the MSBD.

**HB 669.** Effective upon approval by the U.S. District Court, Northern District of Mississippi. Signed 6/25/20.

HB 669 requires, no later than July 1, 2020, the Tate County School Board to consolidate its system of high schools by closing Coldwater High School upon the completion of the 2019-2020 scholastic year. Factors used in determining the necessity to close Coldwater High School include: consistent and chronic academic underperformance during the last four accreditation cycles; an average annual enrollment of approximately 100 students for the last four scholastic terms; an average annual student enrollment for the last four scholastic terms that represents less than 4% of the overall student enrollment for the Tate County School District; a limited selection of robust and advanced course offerings as part of its adopted curriculum; and graduation percentage rates and dropout percentage rates in comparison to Strayhorn and Independence High Schools.

The Tate County School Board is required to execute a plan to provide for the closure of Coldwater High School that provides students attending Coldwater High School with the discretion to choose whether to: attend either Independence High School or Strayhorn High School in a manner that does not disparately impact the desegregation of either school; or to transfer to the Senatobia Municipal School District, if Senatobia High School is closer in proximity to the student's residence than either Independence High School or Strayhorn High School. Additionally, the Tate County School Board must issue an order to enter into an agreement with the Senatobia Municipal School Board for the release by the Tate County School Board and subsequent acceptance by the Senatobia Municipal School District of students affected by the closure of Coldwater High School.

Because the Tate County School District has been under a desegregation order since 1972, the bill requires the Attorney General of the State of Mississippi to submit this act, immediately upon approval by the Governor, to the United States District Court, Northern District of Mississippi, such court having jurisdiction over the original desegregation order for final approval of legislative action for consolidation.

**HB 676.** Effective 7/1/20. Signed 6/22/20.

HB 676 amends Section 25-15-303 to clarify the composition of the State and School Employees Health Insurance Management Board. The bill authorizes a state agency executive head to designate an individual to serve in his or her capacity to administer the State and School Employees Life and Health Insurance Plan.

**HB 751.** Effective 7/1/20. Signed 6/29/20.

HB 751 amends Section 37-159-11, to remove the requirement that the Department of Education administer the Mississippi Employer Assisted Housing Teacher Program in conjunction with the Federal National Mortgage Association, giving sole administering authority to the department. Additionally, the bill deletes the repeal date on this provision of law.

**HB 1176.** See summary under Highways and Transportation heading.

**HB 1336.** Effective 7/1/20. Signed 6/29/20.

HB 1336 creates the "Mississippi Learn to Earn Act." The bill requires the Board of Education, in conjunction with certain agencies and licensing authorities to identify

high-school-to-work apprenticeships and other student internship programs that may be eligible for exemptions from federal and state labor laws and regulations. Additionally, these entities must establish procedures by which exemptions may be obtained for high-school-to-work apprenticeships and other student internship programs.

The bill requires the Board of Education to develop a rule by December 31, 2020, which authorizes local school boards, in their discretion, to develop an Extended Learning Opportunity policy to include alternative educational opportunities available to students in Grades 9 through 12 for course credit. The policy must:

- Provide for an application process for entities to submit proposals for alternative educational opportunities that will qualify for elective course credit;
- Define which entities are eligible to submit applications for alternative educational opportunities, including: nonprofit organizations; businesses with established locations in the state; trade associations; parents of students involved in alternative educational opportunity programs; teachers and other school personnel involved in programs outside of the traditional classroom;
- Provide criteria used to evaluate the alternative educational opportunity;
- Describe any communication and collaboration needed with local school districts to implement alternative educational opportunities;
- Require background checks for key personnel and minimum accountability standards; and
- Provide a process for student credit transfer.

The Department of Education, on receipt of an application, has 90 days to approve or deny it. Any denied application shall be returned to the applying school board and include an explanation of the reasons for denial of the application.

The department is required to provide annual reports, beginning December 1, 2021, to the Chairmen of the Senate and House Education Committees, detailing the progress that has been made in each school district in providing alternative courses, programs and opportunities or apprenticeships.

Licensing authorities are required to grant a license to any student applicant who participates in an alternative learning course, program or opportunity or apprenticeship program, and who: completed an apprenticeship in the licensed occupation or profession; attained a satisfactory industry certification score on the WorkKeys assessment, if it is a required component of the alternative course or apprenticeship; passed a licensure examination by achieving the established passing score for respective examinations, which shall not exceed the passing score required under the standard licensing processes; and paid any fees established by the appropriate licensing authority, which shall not exceed the licensing fee required under the standard licensing processes.

**HB 1577.** Effective 7/1/20. Signed 6/25/20.

HB 1577 authorizes public school districts to offer a course in hunter safety as a component of its curriculum for students in Grades 7 through 12, beginning in the 2020-2021 school year. The course must be taught by a well-trained individual who is credentialed to provide instruction in the safe handling of firearms. Further, the course must be designed to expose students to firearm safety, and provide, at a minimum:

- The capabilities of firearms;
- Respecting and handling firearms responsibly; and
- Managing and controlling firearms.

The bill also prohibits the use of operable weapons and live ammunition in the course, and it authorizes parents to opt a student out of the course without detriment to the student.

## ELECTIONS

**HB 824.** Effective 7/01/20. Signed 7/8/20.

This bill amends Section 23-15-153 to authorize a per diem in the amount of \$150 to election commissioners for the performance of their duties on the day of any primary or runoff election in addition to any general or special election. Additionally, the board of supervisors may pay the election commissioners an additional amount not to exceed \$50 for the performance of their duties at any election occurring from July 1, 2020, through December 31, 2020. Such amount shall be considered additional pandemic pay and shall be payable out of the county general fund, and may be payable from federal funds available for such purpose, or a combination of both funding sources.

The bill also amends Sections 23-15-227 and 23-15-229 to provide that the board of supervisors may pay an additional amount not to exceed \$50 for county and municipal poll managers for any election occurring from July 1, 2020, through December 31, 2020, which shall be considered additional pandemic pay. Such funds shall also be payable out of the county general fund, and may be payable from federal funds available for such purpose, or a combination of both funding sources.

The Secretary of State is authorized to promulgate necessary regulations to ensure the safety of poll workers and electors during the COVID-19 emergency.

**HB 1521.** Effective on passage. Signed 7/8/20.

This bill amends Sections 23-15-637 and 23-15-651 to provide that absentee ballots and applications received by mail must be postmarked on or before the date of the election and received by the registrar no more than five business days after the election. Additionally, all ballots cast by the absent elector appearing in person in the office of the registrar shall be cast with an absentee paper ballot and deposited into a sealed ballot box by the voter not later than 5:00 p.m. on the Saturday immediately preceding the election during the year 2020. All absentee ballots cast in person in the office of the registrar shall be deposited in a secured and sealed box in the circuit clerk's office upon receipt. The ballot box used shall be sealed at the close of each business day and shall remain sealed until the beginning of the next business day, and the seal number shall be recorded with the number of ballots cast, which shall be stored in a secure location in the registrar's office. No absentee ballots shall be sent to the precinct polling locations. It also provides that all votes cast by absentee ballot shall be final, and that no person who votes absentee before the election shall be allowed to vote in person on election day. The Secretary of State is authorized to promulgate rules and regulations to ensure that absentee ballots remain in the registrar's office for counting and not be taken to the precincts on election day.

The bill also amends Section 23-15-645 to provide that absentee ballots cast in the registrar's office shall be processed on election day but not tallied until after the closing of the polls and announced simultaneously with all other votes cast on election day. It also provides for the retention and destruction of packages of protested, void and wholly blank ballots, voted ballots, open packages of unused ballots, sealed



packages of unused ballots, and all absentee and military ballots and ballot envelopes.

Furthermore, the bill amends Section 23-15-649 to provide that for all elections, the election officials shall prepare absentee ballots in the same form as official ballots except that they shall be printed on tinted paper of a tint different from that of the regular official ballot, which is current law, or with a header of different tint. After the changes, the entire ballot may be a different tint from that of the regular official ballot, or just the header may be a different tint.

Sections 23-15-627 and 23-15-713 are amended to extend the eligibility for absentee voting in person or by mail. Absentee voting is now also available to any person unable to appear in person at the polling place of the election district in which he or she is a qualified voter because of a physician-imposed quarantine due to COVID-19 during the year 2020 or because the voter is caring for a dependent that is under a physician-imposed quarantine due to COVID-19 during the year 2020. Such persons are also authorized to receive an absentee ballot for the runoff election at the same time he or she receives the regular absentee ballot.

The bill also amends Section 23-15-715 to provide that for all elections, the registrar shall mail together to the absentee voter the application and absentee ballot for the runoff election.

In addition, the bill amends Section 23-15-719 to provide that except where the registrar has already mailed a ballot with an application, upon receipt of a properly completed application form by an elector qualified to vote absentee, the registrar shall mail the absent voter an absentee ballot within one business day, or as soon as the ballot is prepared and available.

Section 23-15-639 is amended to provide for the examination and counting of all absentee ballots. At the opening of the regular balloting, and at the opening of the polls, the resolution board established under Section 23-15-523 and trained in the process of canvassing absentee ballots shall process the absentee ballots. All absentee ballots received before 7:00 p.m. the day before the election shall be counted in the registrar's office by the resolution board when the polls close and then added to the votes cast in each precinct. All absentee ballots received after 7:00 p.m. the day before the election but not later than the fifth business day after the election shall be processed by the resolution board.

Lastly, Sections 23-15-625, 23-15-629, 23-15-631, 23-15-635, 23-15-641, 23-15-647, 23-15-699, 23-15-721, 23-15-731, 23-15-733 and 23-15-735 are amended to conform to the provisions of this act.

**HB 1523.** Effective 7/1/20. Signed 6/25/20.

This bill amends Section 23-15-235 to remove the limitation on the additional poll managers that the election commissioners may appoint for each 1,000 registered voters in each voting precinct above the first 500. Now, the election commissioners may appoint such additional persons as determined necessary by the election commissioners and approved by the board of supervisors.

**HC 47.** See summary under Constitution heading.

## ENERGY

**SB 2194.** Effective 7/1/20. Signed 7/8/20.

SB 2194 amends Section 77-3-721 to extend the repealer until July 1, 2021, on the section of the Mississippi Telephone Solicitation Act that provides for the deposit of fees into the State General Fund.

**SB 2386.** Effective 7/1/20. Signed 6/25/20.

SB 2386 amends Section 77-1-51 to extend the date of repeal until December 31, 2024, on the sections which create the Public Service Commission and prescribe its powers and duties. The bill also does the following:

- Amends Sections 77-1-1, 77-1-11, 77-1-15 and 77-1-27 to remove references to common or contract carrier by motor vehicle;
- Amends Section 77-1-55 to extend the date of repeal until July 1, 2024, on this section which authorizes the commission and the Public Utilities Staff to hire attorneys and consultants for certain proceedings;
- Amends Section 77-3-93 to treat renewable purchases like other power purchases;
- Amends Section 77-3-42 to change the date by which the commission must provide a full report of certain audits to the Legislature;
- Repeals Section 77-1-17, which authorizes the Public Service Commission to employ a competent rate expert and an assistant rate expert;

- Repeals Section 77-1-19, which authorizes the Public Service Commission to employ personnel to implement the motor carrier regulatory law; and
- Repeals Section 77-1-21, which authorizes the Department of Transportation to employ an enforcement officer and inspectors to implement the motor carrier regulatory law.

**SB 2674.** Effective 7/1/20. Signed 7/1/20.

SB 2674 amends Section 41-26-101 to authorize the Mississippi Rural Water Association and other training organizations to charge a fee for the training of community public water system board members in the amount of \$75.00 per member plus the cost of the manual and materials. These costs shall be reimbursed to the board member as an expense of the community public water system. Any system having a board member who fails to obtain the required training within the first two years of being elected to the board shall remove such member from the board in accordance with their bylaws and the Mississippi Nonprofit Corporation Act.

The bill also requires two officers of each board to obtain an additional four hours of continuing education within a four-year period. If one of the officers is not able to attend the training, then he may appoint someone from the existing board to attend in his place; however, the board member attending this training must have first completed the required eight hours of management training. The association and other training organizations may charge a fee in the amount of \$25.00 per member plus the cost of the materials needed for the continuing education. These costs shall also be reimbursed to the board member as an expense of the community water system.

**SB 3046.** Effective on passage. Law without Governor's signature 7/8/20.

SB 3046 creates the "Mississippi Electric Cooperatives Broadband Covid-19 Grant Program" and the "Covid-19 Broadband Provider Grant Program". The bill also directs the State Fiscal Officer to transfer \$65,000,000.00 to the Mississippi Electric Cooperatives Broadband Covid-19 Grant Program Fund and \$10,000,000.00 to the Covid-19 Broadband Provider Grant Program Fund. Both grant programs created under this act shall be administered by the Department of Finance and Administration for the purpose of expanding broadband access in unserved and underserved areas of the State of Mississippi, as determined by the Mississippi Public Utilities Staff.

The bill prescribes the requirements of application for the grants. Any primary application must be submitted on or before the close of business on July 17, 2020. A primary application must include the following: (a) a description of the applicant, (b) a description of the proposed project, (c) a project map depicting the projects unserved or underserved census blocks, as identified by the Public Utilities Staff, (d) an engineering map of the project, (e) an estimate of the total number of households along the route of the project, (f) the total estimated miles of fiber to be installed, (g) the proposed maximum speeds to be delivered both downstream and upstream, (h) the total estimated cost of the project, (i) the grant amount requested, subject, however, to the limit set forth in this act, and (j) confirmation by the applicant of its obligation to refund any awarded funds in the event it is found by the Public Utilities Staff to be fully or materially noncompliant with this act.

In order to assist with the expenses the Public Utilities Staff will incur in the administration of the grant programs, any application for a grant under this act, whether primary or secondary, must include an application fee that is: (a) made payable to the Public Utilities Staff Regulation Fund, and (b) equal to one-half of one percent of the grant amount requested in the application.

On July 28, 2020, the Public Utilities Staff shall notify the applicant and the department which primary applications have been approved. The department shall then distribute the approved grants to the approved applicants by July 31, 2020.

The applicant whose project is rejected based on the Public Utilities Staff's determination may, within three days after the staff's determination, revise its proposed project and refile an amended application. The refiled project shall continue as the same designation (primary or secondary) as the rejected project.

If after approval by the Public Utilities Staff of all primary applications, the department determines that the requested grants are greater than the monies in a given grant fund, the staff shall determine a ranking of the primary applications for whichever grant fund is overdrawn. Such ranking shall be determined by the following criteria:

- (a) Maximum speeds, including both downstream and upstream,
- (b) Total miles of fiber to be deployed, and
- (c) Total value of the project, including both grant and match, with preference given to projects of greater value.

After the Public Utilities Staff has determined primary application rankings, it shall transmit said rankings to the department for disbursement. The department shall disburse grant funds in order of the primary application rankings until all the grant funds are disbursed.

Any secondary application by an applicant shall be submitted on or before July 29, 2020, and meet the same application content criteria as a primary application.

Any unobligated monies in the funds as of October 1, 2020, shall be transferred to the Unemployment Insurance Fund.

**HB 689.** Effective 7/1/20. Signed 6/22/20.

HB 689 amends Sections 75-55-5 and 75-55-37 to extend the date of the repealers on those sections of law which provide definitions and penalties under the Petroleum Products Inspection Law of Mississippi.

**HB 977.** Effective 1/1/21. Signed 6/22/20.

HB 977 revises the date by which taxpayers must remit oil severance and gas severance taxes. The bill provides that the taxes will be due and payable in monthly installments, on or before the twenty-fifth day of the second month next succeeding the month in which the tax accrues. The current law provides that the taxes are due and payable in monthly installments, on or before the twenty-fifth day of the month next succeeding the month in which the tax accrues.

**HB 1175.** Effective on passage. Signed 6/29/20.

HB 1175 amends Section 25-7-9 to revise the chancery court fees charged for recording oil and gas assignments as follows:

- Increases the fee for recording oil and gas leases, cancellations, etc., including indexing in general indices for the first five pages to be \$25.00.

- Provides the fee for recording each oil and gas assignment, amendment of assignment, release, etc., for the first five pages to be \$25.00 and each additional assignee shall be \$18.00.

- Provides that the archive fee shall be \$1.00.

- Provides that the fee for entering marginal notations, if requested on document or by cover letter, pertaining to the recording of any oil and gas document only per book and page shall be \$4.00.

**HB 1334.** Effective 1/1/21. Signed 6/25/20.

HB 1334 amends Section 77-13-9 to revise the Mississippi 811 Law to require certain notifications to occur through the Positive Response Information Center (PRIS), including notifications that previously were required to be made in writing or by telephone or electronic means.

**HB 1788.** Effective on passage. Law without the Governor's Signature 7/8/20.

HB 1788, creates the "Mississippi Pandemic Response Broadband Availability Act," and directs the State Fiscal Officer to transfer \$50,000,000.00 to the Mississippi Pandemic Response Broadband Availability Grant Program Fund. Specifically, the bill does the following:

- Provides a statement of legislative intent and findings of the immediate increased need for reliable internet service in Mississippi due to the COVID-19 pandemic.

- Creates the "Mississippi Pandemic Response Broadband Availability Grant Program Fund" as a special fund in the State Treasury for the purpose of providing funds for grants to



Mississippi public school districts, independent schools and Native American tribal school districts.

- Provides that the Mississippi Pandemic Response Broadband Availability Grant Program shall be administered by the Mississippi Department of Education, for the purpose of making grants to eligible school districts and schools to provide them with grant monies for eligible expenses. The bill requires the department to distribute the grants as equitably and efficiently as possible after determining the unserved areas of the state using the latest publicly available Federal Communications Commission broadband data, and after determining which and to what extent Mississippi public school districts, independent schools and Native American tribal school districts educate students living in such unserved areas of the state. In addition, the bill directs the Mississippi Department of Education to develop regulations and procedures to govern the administration of the program.

- Requires that any grant monies provided under the act shall be spent by the recipient school district no later than December 1, 2020, or by such later date as may be specified in the guidelines, guidance, rules, regulations and/or other criteria of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act.

- Requires that grants shall be conditioned on the school district or school broadband provider agreements, including that broadband capacity shall be expanded to a significant extent for the district's or school's students during the COVID-19 public health emergency.

- Requires that grant monies distributed under the act must be used by school districts and schools to negotiate and contract with existing or potential broadband providers to increase or gain broadband access for the unserved areas where their students reside. To achieve such increased broadband access, the school districts and schools may utilize any broadband technology available to increase or gain broadband access in the unserved areas.

- Specifies that the use of grant funds shall be subject to audit and regulation of the Mississippi Department Of Education, and noncompliance with the terms of the grant shall require repayment of grant monies to the state.

- The bill specifies that Mississippi public school districts, independent schools and Native American tribal schools that receive grant monies under the act shall provide periodic project status reports to the Mississippi Department of Education and any other documentation that the Mississippi Department of Education determines is necessary to ensure compliance with the act and the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act.

- Provides for the transfer of any undistributed monies in the fund as of December 1, 2020, to the Unemployment Compensation Fund.

**ENVIRONMENT PROT, CONS AND WATER RES**

**HB 117.** Effective 7/1/20. Signed 6/25/20.

HB 117 removes the requirement that an applicant must present three notarized affidavits to the examining committee of the Commission on Environmental Quality to obtain a water well contractor's license.

**HB 1028.** Effective 7/1/20. Signed 6/25/20.

HB 1028 revises the Air Operating Permit Program Fee Trust Fund and the Title V fee system by requiring that funds be collected through an equitable fee system for the Title V program. This bill also changes the composition of the Advisory Council by designating the Executive Director of the Mississippi Development Authority, instead of the Executive Director of the Department of Economic and Community Development, to appoint a member to the council. It also requires the Commission on Environmental Quality to establish the amount of each fee to cover the costs of the Title V program, and authorizes the commission to:

- Assess and collect fees from any stationary source subject to the Title V program; and
- Promulgate rules and regulations as are necessary for the development and administration of the program and assessment and collection of the fees.

## FINANCE

**SB 2099.** Effective on passage. Signed 6/23/20.

This bill amends Section 63-21-15 to specify that the owner of a motor vehicle need not purchase a license tag in order to receive a certificate of title to the vehicle, so long as the application contains an affidavit attesting to the owner's intent that the vehicle not be operated on the highways of this state until and unless the owner applies for a license tag.

**SB 2253.** Effective 7/1/20. Signed 7/8/20.

This alcohol reform bill makes a number of changes to the Local Option Alcoholic Beverage Control Law. It amends Section 67-1-5 to revise the definition of "qualified resort area" by adding several specified locations in the state. However, it also amends Section 67-1-16 to require an election to be held before the municipality described in Section 67-1-5(o)(iii)21 may be designated a qualified resort area. Section 67-1-7 is also amended to allow the governing authorities for certain qualified resort areas to provide, by ordinance or resolution, that package retailer's permits may be issued in the applicable resort areas and that alcoholic beverages may be received, stored, sold, possessed and distributed in accordance with these permits.

Section 67-1-37 is amended to delete the prohibition against the sale or consumption of alcoholic beverages at any public athletic event at any public school, community or junior college, college or university. The bill amends Section 67-1-77 to allow the holder of a manufacturer's permit in a certain location to have a financial interest in a premises upon which

alcoholic beverages are sold at retail. Finally, Section 67-1-51 is amended to allow the holder of an on-premises retailer's permit to sell one bottle of wine to be removed from the licensed premises for every two entrees ordered as part of a carry-out order.

**SB 2257.** Effective on passage. Law without Governor's signature 3/11/20.

This bill amends Section 27-7-83 to authorize the State Auditor and his employees to examine tax returns necessary for auditing benefits administered under the United States Department of Health and Human Services and the United States Department of Agriculture, and to make information related to the audits available to state agencies responsible for the administration of these benefits.

**SB 2277.** See summary under Public Property heading.

**SB 2288.** Effective on passage. Signed 7/8/20.

This bill authorizes the issuance of distinctive motor vehicle license tags to persons who are honorably discharged veterans and served in the United States Armed Forces during the Cold War, to first responders injured in the line of duty, to attorneys, and to supporters of the following:

- Robotics Alliance of Mississippi;
- Tupelo Children's Mansion;
- Excel By 5;
- Camp Sunshine;
- EV Mississippi;

- Sunflower County Ministerial Alliance Counseling Services (SCMACS), Inc.;
- Mississippi Lupus Foundation;
- Bogue Chitto Strong Monument;
- Louisiana State University, 2019 National Champions;
- Thomas E. Edwards High School (formerly Ruleville Central High School);
- Lewisburg High School;
- The former Utica High School;
- The former Hinds Agricultural High School;
- The former Utica Junior College;
- Walnut High School;
- Falkner High School;
- Ripley High School;
- Pine Grove High School;
- Blue Mountain High School;
- Chalybeate School;
- East Union School;
- West Union School;
- Ingomar School;
- Myrtle School;
- Bruce Trojans;
- Calhoun City Wildcats;
- Vardaman Rams;
- New Albany School District;
- Mississippi Wildlife, Fisheries and Parks Foundation (limited to 150 tags);
- Mississippi State Parks (for boat trailers and utility trailers in addition to motor vehicles);

- Mississippi Trotting Association; and
- Poplarville High School.

The bill recodifies the following three distinctive tags, which were inadvertently deleted from the code but have met their presale requirement:

- For supporters of Knights of Columbus (Section 27-19-56.40);
- For supporters of Veterans of the United States Armed Forces (Section 27-19-56.140); and
- Displaying the Heroines of Jericho emblem (Section 27-19-56.205).

Various code sections are amended to reauthorize the issuance of distinctive motor vehicle license tags to supporters of the following:

- Kossuth High School (Section 27-19-56.306);
- Corinth High School (Section 27-19-56.308);
- Alcorn Central High School (Section 27-19-56.310);
- Biggersville High School (Section 27-19-56.311);
- Palmer Home for Children (Section 27-19-56.331);
- Pass Christian School District (Section 27-19-56.369);
- Murrah High School (Section 27-19-56.400);
- Murrah High School Alumni Association (Section 27-19-56.430);
- Mississippi Sickle Cell Foundation (Section 27-19-56.431); and
- Marty Wilson Foundation One Gulf One Goal (Section 27-19-56.480).

Section 27-19-56.371, which authorizes the issuance of distinctive motor vehicle license tags to supporters of the Mississippi Band of Choctaw Indians, is amended to reauthorize

the issuance of the tags, revise the persons to whom the tags may be issued, and revise the distribution of the fees collected from the issuance of the tags.

Section 27-19-56.425 is amended to reauthorize the issuance of distinctive motor vehicle license tags to supporters of the Gentry High School Mighty Rams, and to revise the distribution of fees collected from the issuance of the tags.

Section 27-19-56.90, which authorizes the issuance of distinctive motor vehicle license tags to supporters of the National Rifle Association of America, is amended to authorize the issuance of these tags for boat trailers and utility trailers as well.

The bill amends Sections 27-19-56.67 and 27-19-56.377, which authorize the issuance of distinctive motor vehicle license tags to members of Omega Psi Phi fraternity and to supporters of Mississippi MoToSteps Motorcycle Safety Training, respectively, to authorize the issuance of these tags for motorcycles as well.

Section 27-19-56 is amended to provide that a person who is issued a Grand Lodge of Mississippi, Free and Accepted Masons, motor vehicle or motorcycle tag and also has a disability that limits or impairs the ability to walk, or has a child, parent or spouse with such a disability, may be issued a special decal indicating the disability.

The bill creates a new code section from various code sections authorizing distinctive tags for different categories of veterans. These categories are:

- Honorably discharged veterans of the U.S. Armed Forces (Section 27-19-56.12);
- Recipients of the Bronze Star (Section 27-19-56.62);



- Honorably discharged veterans of the U.S. Armed Forces who served in the Vietnam Conflict and were awarded a Vietnam Service Ribbon (Section 27-19-56.85);
- Veterans of the U.S. Armed Forces (Section 27-19-56.125);
- Gold Star tags to family members of service members who have died while serving on active duty in the U.S. Armed Forces while the United States was engaged in hostile activities or a time of war, and providing that one Gold Star tag issued to the mother of the service member who was killed and one Gold Star tag issued to the spouse of the service member who was killed shall be exempt from ad valorem taxes, privilege taxes and all other taxes and fees (Section 27-19-56.162);
- Iraq veterans (Section 27-19-56.186);
- Afghanistan veterans (Section 27-19-56.187);
- Recipients of the Navy and Marine Corps Medal (Section 27-19-56.199); and
- Combat veterans (Section 27-19-56.450).

Section 27-19-44 is amended to exempt the following tags from the requirement that a certain number be presold before issuance:

- Tags authorized under Section 27-19-56.40, 27-19-56.140 or 27-19-56.205;
- Tags authorized for supporters of the Gentry High School Mighty Rams;
- Tags authorized for supporters of the Mississippi Wildlife, Fisheries and Parks Foundation; and
- Tags issued under the newly created, integrated veterans section.

**SB 2290.** Effective 7/1/20. Signed 7/3/20.

This bill amends Section 27-33-31 to require that an application for homestead exemption include the date of birth, social security number, phone number and email address of the property owner and, if the applicant is married, the name, date of birth, social security number, phone number and email address of the applicant's spouse.

**SB 2311.** See summary under Public Health and Welfare heading.

**SB 2319.** Effective on passage. Signed 6/23/20.

This bill amends Section 27-65-17 to clarify the description of logging equipment that qualifies for a reduced sales tax rate by deleting the word "permanently" from the description, "permanently attached to other equipment drawn by a vehicle which is self-propelled."

**SB 2328.** Effective 7/1/20. Signed 6/23/20.

This bill amends Section 69-2-13 to revise the limits on the amounts of loans to agribusinesses or greenhouse production horticulture enterprises from the Emerging Crops Fund. The maximum amount of a loan to any single enterprise is increased from \$200,000.00 to \$250,000.00 (if less than 20% of the total cost of the project for which financing is sought). The maximum amount of a loan to existing enterprises for upgrades, renovations, repairs and other improvements to their equipment, facilities and operations is also increased from \$200,000.00 to \$250,000.00 (if less than 30% of the total cost of the project for which financing is sought). The maximum aggregate amount of

loans to any one agribusiness is increased from \$400,000.00 to \$500,000.00.

Section 69-2-19 is also amended to increase from \$109,000,000.00 to \$114,000,000.00 the aggregate amount authorized for the issuance of general obligation bonds to provide funds for the Emerging Crops Fund, and to extend the deadline for the issuance of such bonds to October 1, 2023.

**SB 2333.** Effective 7/1/20. Signed 7/1/20.

This bill amends Section 67-1-37 to authorize the Department of Revenue to prescribe and charge a fee to defray the costs of shipping alcoholic beverages, provided that the fee is determined in a manner provided by the department by rules or regulations adopted in accordance with the Mississippi Administrative Procedures Law. Section 27-71-29 is also amended to create a special fund in the State Treasury known as the "ABC Shipping Fund," into which the shipping fees charged by the department are to be deposited. The monies in this special fund will be earmarked for the department's use for any expenditure made to ship alcoholic beverages. Net proceeds remaining in the special fund after subtracting the actual shipping costs each fiscal year will lapse into the General Fund on August 1.

**SB 2362.** Effective 7/1/20. Signed 7/3/20.

This bill amends Section 27-67-35, which creates a special fund in the State Treasury to be used to provide funds to assist municipalities in paying costs associated with road and bridge improvements and water and sewer infrastructure improvements, to provide that grant funds and loan funds received by a municipality and expended for such purposes shall not be considered when calculating the base expenditure threshold the

municipality must meet in order to be eligible for the full amount of monies from the special fund.

**SB 2365.** Effective 7/1/20. Signed 6/23/20.

This bill amends Section 27-51-103 to direct that motor vehicle ad valorem tax receipts shall not specify any particular legislative session in relation to the legislative tag credit provided.

**SB 2434.** Effective on passage. Signed 6/25/20.

This bill creates the Sales Tax Taxation of Construction-Related Activities Study Committee to examine and develop recommendations regarding the taxation of certain construction-related activities in Mississippi. The committee is charged with studying, at a minimum, which construction-related businesses should be subject to sales taxation, and the manner in which construction-related activities should be taxed. The committee is to report its recommendations to the 2021 Regular Session of the Legislature, including the provisions of current Mississippi law that will need to be amended to adopt the measures recommended by the committee.

The committee is to be composed of the following 11 members: the Commissioner of Revenue, or his designee; a member of the Mississippi State Senate appointed by the Lieutenant Governor; a member of the Mississippi House of Representatives appointed by the Speaker of the House; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means Committee; the Executive Director of the Mississippi Associated General Contractors of Mississippi, or his/her designee; the President of the Associated Builders and

Contractors Mississippi, or his/her designee; the President of the Homebuilders Association of Mississippi, or his/her designee; the Executive Director of the Subcontractor and Supplier Alliance of Mississippi, or his/her designee; the Executive Director of the Mississippi Chapter of the American Subcontractors Association, Inc., or his/her designee; and an appointee of the Governor.

Appointments to the study committee are to be made within 30 days of the act's effective date. The Department of Revenue is to provide the staff and other support necessary for the study committee to perform its duties, but other state agencies are also required to cooperate with a request of the committee chairman for facilities, assistance, information or data needed by the committee. The committee will be dissolved upon its report to the 2021 Regular Session of the Legislature.

**SB 2545.** See summary under Tourism heading.

**SB 2552.** Effective 7/1/20. Signed 6/23/20.

This bill amends Sections 67-3-22 and 67-3-69 to remove the prohibitions against, and penalties for, brewpubs selling beer and light wine away from their premises and packaging beer and light wine so that they may be carried away from their premises. It also amends Section 27-71-301 to revise the definition of brewpub accordingly. The bill does not alter the prohibition on distribution pursuant to the three-tier structure set out in Section 67-3-55.

**SB 2596.** Effective on passage. Signed 7/8/20.

Penalties concerning the furnishing of alcoholic beverages and alternative nicotine products to minors are the concern of this bill. It amends Section 67-1-81 to remove the automatic and permanent revocation of the permit of an alcoholic beverage permittee convicted of a second offense for supplying an alcoholic beverage to a minor. Instead, new language creates a discretionary structure authorizing the Commissioner of Revenue to impose the following administrative penalties on permittees: for a first offense on the licensed premises, permit suspension for not more than one week; for a second offense on the licensed premises in a twelve-month period, permit suspension for not more than two weeks; for a third offense on the licensed premises in a twelve-month period, permit suspension for not more than three weeks, or permit revocation; and for a fourth or subsequent offense on the licensed premises in a twelve-month period, permit revocation. The imposition of these administrative penalties shall be unaffected by the expunction of any conviction.

The remainder of the bill defines crimes and penalties for supplying alternative nicotine products to minors. Section 97-32-52 is created to declare as unlawful, and to provide the penalties for, the furnishing of an alternative nicotine product to an individual under 21 years of age within 1,500 feet of a building on educational property as defined in Section 97-37-17 (encompassing the property of public and private schools and colleges), or within 1,000 feet of a church, public park, ballpark, public gymnasium, youth center or movie theater. Violation of the latter prohibition subjects the offender to treble the fines and community service prescribed for the former prohibition. Treble fines and service hours, in addition to any other applicable penalties, also apply if the alternative

nicotine product supplied contains a controlled substance otherwise prohibited by law, or any other substance causing the recipient to require emergency medical care as a result of using the product.

The bill amends Section 97-32-51 to add the following alternative definitions for "alternative nicotine product": "any electronic device that can be used to deliver nicotine to an individual inhaling from the device, including, but not limited to, any cartridge component, liquid, capsule or powder used to refill or resupply such an electronic device," and "an electronic cigar or cigarillo." The age of majority for alternative nicotine products is changed from 18 to 21, and fines for first, second, and third or subsequent offenses are raised from \$50.00 to \$250.00, from \$75.00 to \$500.00, and from \$100.00 to \$1,000.00, respectively. Treble fines, in addition to any other applicable penalties, also apply if the alternative nicotine product supplied contains a controlled substance otherwise prohibited by law, or any other substance causing the recipient to require emergency medical care as a result of using the product.

Section 97-32-9, prohibiting the purchase of tobacco products by minors, and the possession of tobacco by high school, junior high and elementary school students on educational property as defined in Section 97-37-17, is amended to change the age of majority from 18 to 21, and to expand the prohibitions to the purchase and possession of alternative nicotine products. Penalties for first, second, and third or subsequent offenses are set respectively at a \$100.00 fine and no more than 15 hours of community service, a \$300.00 fine and no more than 25 hours of community service, and a \$500.00 fine and no more than 40 hours of community service.

Conforming amendments are made to Sections 97-32-7, 97-32-13 and 97-32-21, and Section 97-32-2 is amended to provide for statewide uniformity with respect to certain laws concerning the sale, promotion and distribution of tobacco and alternative nicotine products.

**SB 2764.** See summary under Highways and Transportation heading.

**SB 2807.** Effective on passage. Signed 7/3/20.

This bill creates a study committee to investigate the advisability of the creation of a Mississippi Liquor Distribution Corporation to assume responsibility for the sale and distribution of alcoholic beverages, which is currently under the purview of the Alcoholic Beverage Control Division of the Department of Revenue. The committee is to be composed of 13 members: the Chairman of the Senate Finance Committee, and five other members of the Senate appointed by him; the Chairman of the House Ways and Means Committee, and five other members of the House appointed by him; and a member of the department, or a designee, as an ex officio, nonvoting member. The bill includes a nonexclusive list of specific questions to be studied by the committee relating to the potential role of the proposed corporation. Appointments to the study committee are to be made within 30 days of the act's effective date. The Department of Revenue is to provide the staff and other support necessary for the study committee to perform its duties, but other state agencies are also required to cooperate with a request of the committee chairman for facilities, assistance, information or data needed by the committee. The committee will be dissolved on or before January 1, 2021.



**SB 2847.** Effective 7/1/20. Signed 7/3/20.

This bill amends Section 57-26-1 to revise the definition of the term "tourism project" for purposes of the Tourism Project Sales Tax Incentive Program. It adds a county in which the Saenger Theater and the main campus of a state institution of higher learning are located, and the downtown historic district of the city in which the NWCC Performing Arts Center is located, as areas to which the reduced \$150,000.00 minimum private investment per guest room or suite applies for full-service hotels. It also adds, as a new category under the "tourism project" definition, a tourism attraction, located in a county bordered by the Mississippi River and including Interstate 69 and U.S. Highways 3, 4 and 61, with a minimum investment of \$100,000,000.00 and subject to an urban renewal plan that redevelops two hotels, a golf course and clubhouse, a shooting range and a convention center and develops an entertainment center and waterpark, together with other attraction-related amenities, on an area not less than 2,000 acres.

Section 57-26-5 is amended to extend until July 1, 2023, the authority of the Mississippi Development Authority to issue certificates designating an entity as an approved participant and authorizing the approved participant to participate in the Tourism Project Sales Tax Incentive Program. For tourism projects that are cultural retail attractions, however, no issued certificates approving participants shall be altered or extended after the date last approved as of the act's effective date.

**SB 2881.** Effective 7/1/20. Signed 6/23/20.

This bill amends Section 37-155-9 to revise the comprehensive investment plan and investment policies used by the Board of Directors of the College Savings Plans of Mississippi Trust Funds in its administration of the Mississippi Prepaid Affordable College Tuition (MPACT) Trust Fund.

The board's options for investments are expanded to include taxable municipal bonds, agency and nonagency residential and commercial mortgage-backed securities and collateralized mortgage obligations, convertible bonds, revenue bonds or notes of any state in the United States or any city or county in such a state, shares of stocks, common and/or preferred and convertible securities of non-United States companies, and other types of investments under certain conditions. Minimum bond rating requirements are changed, and Fitch Ratings, Ltd., is added as an approved credit rating service. The minimum population threshold for cities and counties and the ten-year lookback for default are replaced with the requirement that the bonds or notes of the city or county be of investment grade. Certain maximum investment percentages are also changed.

**SB 3048.** Effective on passage. Signed 7/3/20.

This COVID-19 relief bill amends Section 27-31-55 to provide that, if a licensed free port warehouse failed to submit the inventory required to be filed with the tax assessor by the March 31, 2020, deadline due to measures related to COVID-19, because of either a required or voluntary closure of the business, a furlough, layoff or other reduction in staff operations, or the closure of county government offices, such free port warehouse may submit the required inventory by July 1, 2020.

**HB 23.** Effective on passage. Signed 7/8/20.

This bill provides that certain indebtedness incurred through a loan to a municipality for a project defined in Section 57-75-5(f)(xxvii) under the Mississippi Major Economic Impact Act will not be included in the municipality's calculation of its maximum outstanding bonded indebtedness or maximum outstanding general obligation indebtedness.

**HB 24.** Effective on passage. Signed 7/8/20.

This bill amends the section of law that provides for the advertisement of the sale and receipt of bids for the sale of bonds by the governing authority of any county, road district, school district, drainage district or other political subdivision or instrumentality of this state, to provide that sealed bids may be submitted in electronic form and to delete the requirement that a bank issuing or certifying a cashier's check, certified check or exchange for a bidder's guaranty must be a bank located in this state.

**HB 326.** See summary under Agriculture heading.

**HB 379.** Effective 7/1/20. Signed 6/30/20.

This bill creates the Marketplace Facilitator Act of 2020 and revises and provides for the following definitions of terms under the Mississippi Sales Tax Law and the Mississippi Use Tax Law:

- Revises the definition of the term "retailer" under the Mississippi Sales Tax Law to include persons who facilitate the sale of services or tangible personal property that belongs to a third party.

- Revises the definition of the term "retail sale" under the Mississippi Sales Tax Law to include a sale made or facilitated by a person regularly engaged in the sale or facilitation of sales of services or tangible personal property. "Retail sale" does not include a sale by a third-party food delivery service that delivers food from an unrelated restaurant to a customer, regardless of whether the customer orders and pays for the food through the delivery service or whether the delivery service adds fees or upcharges to the price of the food.

- Revises the definition of the term "doing business" under the Mississippi Sales Tax Law to include any person selling or facilitating the sale of services or tangible personal property.

- Revises the definition of the term "person doing business in this state" under the Mississippi Use Tax Law to include any marketplace facilitator, marketplace seller or remote seller with sales that exceed \$250,000.00 in any consecutive twelve-month period. A sale made through a marketplace facilitator is a sale of the marketplace facilitator and not the sale of a marketplace seller for purposes of determining whether a person exceeds \$250,000.00 in sales.

- Defines the following terms under the Mississippi Use Tax Law:

- ▶ "Marketplace facilitator" means any person who facilitates a retail sale by a seller by:

- ◆ Listing or advertising for sale by the retailer, in any forum, tangible personal property, services or digital goods that are subject to tax under the Mississippi Use Tax Law; and

◆ Either directly or indirectly, through agreements or arrangements with third parties, collecting payment from the customer and transmitting that payment to the retailer, regardless of whether the marketplace provider receives compensation or other consideration in exchange for its service.

▶ "Marketplace seller" means a seller that makes sales through any physical or electronic marketplace owned, operated or controlled by a marketplace facilitator, even if such seller would not have been required to collect and remit sales tax had the sale not been made through such marketplace.

▶ "Remote seller" means a person, other than a marketplace facilitator, that does not maintain a place of business in this state and that, through a forum, sells tangible personal property, taxable services or specified digital products, the sale or use of which is subject to the tax imposed by the Mississippi Use Tax Law.

The bill provides that the Department of Revenue can audit a marketplace facilitator solely for sales made by marketplace sellers and facilitated by the marketplace facilitator. The department will not audit marketplace sellers for sales facilitated by a marketplace facilitator except to the extent the marketplace facilitator seeks relief from liability as provided below. A marketplace facilitator that collects and remits the use tax will collect taxes on sales through its marketplace based upon the address where the tangible personal property or specified digital products are shipped or delivered.

A marketplace facilitator will be relieved of liability for failure to collect and remit the correct amount of use tax to the extent that the failure was due to incorrect or insufficient information given to the marketplace facilitator by the

marketplace seller, provided that the marketplace facilitator can demonstrate it made a reasonable effort to obtain correct and sufficient information from the marketplace seller. This provisions does not apply if the marketplace facilitator and the marketplace seller are related.

A marketplace facilitator and marketplace seller may contractually agree to have the marketplace seller collect and remit all applicable taxes and fees where the marketplace seller:

- Has annual United States gross sales over \$1,000,000,000.00, including the gross sales of any related entities, and in the case of franchised entities, including the combined sales of all franchisees of a single franchisor;
- Provides evidence to the marketplace facilitator that it is registered under Section 27-65-27 or Section 27-67-9 in this state; and
- Notifies the Department of Revenue in a manner prescribed by the department that the marketplace seller will collect and remit all applicable taxes on its sales through the marketplace and is liable for failure to collect or remit applicable taxes on its sales.

The bill also provides that, on or before August 15, 2020, and each succeeding month thereafter through July 15, 2022, an additional \$1,000,000.00 of the total use tax revenue collected during the preceding month will be deposited into the Local System Bridge Replacement and Rehabilitation Fund.

**HB 654.** Effective on passage. Signed 7/1/20.

This bill authorizes any city or town in this state having a population of not less than 1,000 according to the latest federal decennial census and located in a county that has no city or town with a population of more than 2,500, or any city, town or village that is a county seat and has voted to come out from under the dry law under Section 67-1-14, to hold an election for the purpose of determining whether to permit the sale and the receipt, storage and transportation for the purpose of sale of beer and light wine.

**HB 684.** See summary under Forestry heading.

**HB 697.** Effective on passage. Signed 6/29/20.

This bill removes the reverter on the provision of law that provides that, if property is found to have escaped ad valorem taxation due to a county board of supervisors having granted an ad valorem tax exemption authorized under Sections 27-31-101 through 27-31-117 and then inadvertently allowing the exemption to extend beyond the period authorized by law for the exemption, a taxpayer may pay the ad valorem taxes, without any penalty or interest, which otherwise would have been levied on the property had it not been inadvertently exempted from ad valorem taxation by the county board of supervisors.

**HB 777.** See summary under Public Health and Welfare heading.

**HB 858.** Effective 7/1/20. Signed 6/22/20.

This bill provides that, if a person is convicted of selling or possessing alcoholic beverages, beer, light wine or raw materials in a manner or location prohibited by law, the alcoholic beverages, beer, light wine or raw material seized in connection with the violation may be disposed of in the manner prescribed by the Department of Revenue.

**HB 859.** Effective 7/1/20. Signed 6/25/20.

This bill amends various sections of law that provide for the payment of interest by taxpayers for failing to pay taxes such as insurance premium tax, ad valorem tax, sales tax, use tax, tobacco excise tax and beer or light wine excise tax, to make the interest rates consistent with the interest rates provided in other sections of law for the payment of interest.

**HB 861.** Effective 7/1/20. Signed 7/7/20.

This bill authorizes the Commissioner of Revenue to reduce a tax liability based on additional information or documentation provided by a taxpayer after the Board of Tax Appeals has issued an order. During the 60 days after the date the Board of Tax Appeals mailed the order, if the taxpayer provides additional documentation or information, the Commissioner of Revenue may reduce the amount due by the taxpayer. The Commissioner of Revenue will have 30 days from the date the taxpayer mails or otherwise provides in writing the additional documentation or information to issue a determination, during which the 60-day period for appeal to chancery court will be tolled. If the Commissioner of Revenue issues a determination in less than 30 days, the appeal period will begin to run again at the time of the written notice of the commissioner's determination. The



written notice by the Commissioner of Revenue will indicate that the 60-day appeal period has begun to run again as of the date of the notice, and will provide the taxpayer the date on which the appeal period will expire.

**HB 863.** Effective 1/1/21. Signed 6/25/20.

This bill revises certain provisions regarding the assessment of railroad and other public service corporation property for the purposes of ad valorem taxation. Railroads and other public service corporations will be required to file with the Department of Revenue, by the first day of April each year, schedules of property owned by such corporations (first Monday in April under current law). The department may grant an extension of 20 days to file the schedule (30 days under current law). Assessments of the property made by the department will remain open for objection for 20 days (30 days under current law). If a corporation fails to file a schedule, the bill authorizes the department to impose a penalty of 10% of the assessment made by the department. (Current law provides a mandatory penalty of up to 10% of the assessment.)

The bill also provides that airline companies will be required to file with the Department of Revenue, by the first day of April each year, schedules of aircraft operated in this state (first Monday in April under current law). Assessments of the aircraft made by the Department of Revenue will remain open for objection for 20 days (30 days under current law).

**HB 865.** Effective 7/1/20. Signed 7/7/20.

This bill provides that the Commissioner of Revenue may deny an application for a sales tax permit or revoke a sales tax permit if the applicant or taxpayer is an entity, and any

partner, member, principal officer or director of the entity has failed to satisfy all of the finally determined tax liabilities owed by that partner, member, principal officer or director. The denial or revocation of an entity's permit based on a partner, member, principal officer or director's finally determined tax liability will only be authorized if the partner, member, principal officer or director owns 10% or more of the entity and is or will be exercising responsibility for fiscal management. In lieu of denying or revoking an entity's permit, the Commissioner of Revenue may accept an increased or additional bond from the entity to cover the additional risk involved with having an individual with a finally determined tax liability involved.

**HB 866.** Effective 7/1/20. Signed 6/22/20.

This bill allows the maximum bond limit for distributors of gasoline, special fuel, lubricating oil and compressed gas to be exceeded in certain circumstances as follows:

- The prior law provided that the bond for a distributor of gasoline, special fuel or lubricating oil, as the case may be, would be in an amount not to exceed \$250,000.00, and not to exceed the applicable gasoline tax, special fuel tax or lubricating oil tax estimated to become due by the distributor for any 90-day period. The bill provides that, if a distributor of gasoline, special fuel or lubricating oil, as the case may be, is greater than one month delinquent in the payment of the applicable tax and the tax estimate for any 90-day period exceeds \$250,000.00, then the bond amount will be increased in excess of \$250,000.00 to equal the applicable tax estimate for any 90-day period. If the distributor is greater than three months delinquent in the payment of the applicable tax, and the

tax estimate for any 180-day period exceeds \$250,000.00, then the bond amount will be increased in excess of \$250,000.00 to equal the applicable tax estimated for any 180-day period.

- The prior law provided that the bond for a distributor of compressed gas would be in an amount not to exceed \$25,000.00, and not to exceed the compressed gas tax estimated to become due by the distributor for any 90-day period. The bill provides that, if a distributor of compressed gas is greater than one month delinquent in the payment of compressed gas tax, and the compressed gas tax estimate for any 90-day period exceeds \$25,000.00, then the bond amount will be increased in excess of \$25,000.00 to equal the compressed gas tax estimate for any 90-day period. If a distributor of compressed gas is greater than three months delinquent, and the compressed gas tax estimate for any 180-day period exceeds \$25,000.00, then the bond amount will be increased in excess of \$25,000.00 to equal the compressed gas tax estimated for any 180-day period.

The bill also adds requirements for electronic filing of reports and payments of tax by distributors of gasoline, special fuel, lubricating oil and compressed gas. It also adds requirements for electronic filing of reports and taxes levied on natural gas and locomotive fuel used for certain purposes.

**HB 869.** Effective 1/1/21. Signed 6/22/20.

This bill changes, in conformity with federal mandate, the vehicle age from 10 to 20 years for purposes of exemption from the odometer disclosure requirement when applying for a certificate of title to a motor vehicle.

**HB 977.** See summary under Energy heading.

**HB 1087.** Effective 7/1/20. Signed 6/30/20.

This bill authorizes the possession of alcoholic beverages, beer and light wine throughout the state, provided the alcoholic beverages, beer or light wine is purchased legally. It also deletes the provisions limiting where the manufacture, sale and distribution of alcoholic beverages is permissible in wet counties.

**HB 1088.** Effective 1/1/21. Signed 6/30/20.

This bill provides that an individual resident of this state who is at least 21 years of age may purchase wine from a winery and have the purchase shipped into the state so long as it is shipped to a package retailer permittee in the state. The package retailer permittee will pay to the Department of Revenue all taxes, fees and surcharges on the wine that are imposed upon the sale of wine shipped by the department, and no credit will be provided to the permittee for any taxes paid to another state as a result of the transaction. Package retailers may charge a service fee for receiving and handling shipments from wineries on behalf of purchasers. The Department of Revenue will develop and provide forms to be completed by package retailer permittees verifying the transaction, and the completed forms will be forwarded to the department. A purchaser of wine that is to be shipped to a package retailer's store will be required to get the prior approval of the package retailer before any wine is shipped to the package retailer, and a purchaser will be limited to no more than 10 cases of wine per year to be shipped to a package retailer. A package retailer must notify a purchaser of wine within two days after receiving the shipment of wine. If the purchaser of the wine does not pick up or take the wine from the package retailer within 30 days after being notified by the

package retailer, the package retailer may sell the wine as part of his inventory.

Shipments of wine into this state under the bill will be made by a duly licensed carrier. A common or contract carrier, and every firm or corporation that brings, carries or transports wine from outside the state for delivery inside the state to package retailer permittees on behalf of consumers, will be required to prepare and file with the Department of Revenue a report of known wine shipments containing the name of the common or contract carrier, firm or corporation making the report, the period of time covered by the report, the name and permit number of the winery, the name and permit number of the package retailer permittee receiving the wine, the weight of the package delivered to each package retailer permittee, a unique tracking number, and the date of delivery. Reports received by the Department of Revenue will be made available by the department to the public via the Mississippi Public Records Act process in the same manner as other state alcohol filings. Any common or contract carrier that willfully fails to make reports will be subject to a notification of violation. In the case of a continuing failure to make reports, the common or contract carrier will be subject to possible license suspension and revocation by the Department of Revenue. Any person who makes, participates in, transports, imports or receives a shipment in violation of the provisions of the bill will be guilty of a misdemeanor and, upon conviction, will be punished by a fine of \$1,000.00 or imprisonment in the county jail for not more than six months, or both. Each shipment will constitute a separate offense.

**HB 1175.** See summary under Energy heading.

**HB 1332.** Effective on passage. Signed 6/25/20.

This bill revises the amount of the fee collected by the Secretary of State for the filing of a patent for the conveyance of state land. The fee was \$20.00 under the prior law, and the bill provides that the fee will be in an amount equal to the fee provided in Section 25-7-9(1)(b) for recording a deed, will, lease, amendment, subordination, lien, release, cancellation, order, decree, oath, etc., per book and page listed where applicable, each deed of trust, or any other document, for the first five pages. The amount provided in Section 25-7-9(1)(b) is \$25.00.

**HB 1440.** Effective 7/1/20. Signed 6/25/20.

This bill amends sections of the Mississippi Securities Act of 2010 to:

- Remove the requirement that a person filing a posteffective amendment to increase the number of securities specified to be offered or sold shall pay a registration fee with respect to the additional securities proposed to be offered;
- Provide that the initial filing fee for a notice filing with respect to a federal covered security is \$1,000.00;
- Provide that the filing fee for a registration statement under Section 75-71-305 is \$1,000.00, and to remove the filing fee for an amendment to a registration statement to register additional securities;
- Provide that the fee for any renewal required under the Mississippi Securities Act of 2010 or rule of the Secretary of State is \$300.00;

- Provide that the fee for filing a notification of completion, termination or withdrawal of an offering required under the Mississippi Securities Act of 2010 or rule of the Secretary of State is \$50.00.

**HB 1486.** Effective 7/1/20. Signed 6/22/20.

This bill regulates certain activities of the manufacturers and wholesale dealers of tobacco products by:

- Providing that manufacturers and wholesale dealers in tobacco products shall not sell, offer to sell or deliver any tobacco products to retail dealers in tobacco products and that retail dealers shall not buy or accept delivery for any such product for any consideration other than cash or on terms;

- Providing that if payment is not received when due, or payment is returned for insufficient funds, the vendor, within five business days, shall notify the Commissioner of Revenue, and the Commissioner of Revenue shall promptly notify all manufacturers and wholesale dealers in the state of the default in payment;

- Prohibiting the sale of any tobacco products to the retailer in default unless by cash delivery only, until otherwise authorized by the Commissioner of Revenue; and

- Authorizing the Commissioner of Revenue to suspend or revoke the permit of a retail dealer for nonpayment.

**HB 1729.** Sections 2 and 3 effective 1/1/20 and remainder effective 7/1/20. Signed 7/7/20.

Any taxpayer incurring costs and expenses for the rehabilitation of eligible property that is a certified historic structure or a structure in a certified historic district is entitled to an income tax credit in an amount equal to 25% of

the total costs and expenses of rehabilitation incurred after January 1, 2006. This bill amends the law which establishes the tax credit to:

- Remove the provision that authorizes a taxpayer to elect to receive a 75% rebate on the amount of the credit in excess of \$250,000.00 in lieu of the 10-year carryforward, so as to allow the taxpayer to elect to receive a rebate on 75% of the total amount of the credit in lieu of the 10-year carryforward.

- Increase from \$120,000,000.00 to \$180,000,000.00 the aggregate amount of tax credits that may be awarded, and to delete the provision that provides that not more than \$12,000,000.00 may be awarded in any one state fiscal year.

- Provide that a taxpayer who was issued a certificate evidencing the eligible tax credit prior to July 1, 2020, but was unable to be awarded the credit due to the limit on the aggregate amount of credits authorized prior to July 1, 2020:

- ▶ May be awarded the credit so long as the award does not cause the aggregate amount of tax credits awarded to exceed the amount authorized; and

- ▶ Will be given priority for tax credits awarded after July 1, 2020.

- Provide that the tax credit applies to taxpayers:

- ▶ Who have been issued a certificate evidencing the eligible credit before December 31, 2030, or

- ▶ Who, before December 31, 2030, have received a determination in writing from the Mississippi Department of Archives and History, in accordance with the department's Historic Preservation Certificate Application, Part 2, that the rehabilitation is consistent with the historic character of the property and that the property meets the United States Secretary



of the Interior's Standards for Rehabilitation, or will meet the standards if certain specified conditions are met, and who are issued a certificate evidencing the eligible credit on or after December 31, 2030.

The prior law required that a taxpayer receive a certificate evidencing the eligible credit or a determination from the Mississippi Department of Archives and History before December 31, 2020.

The bill amends Section 27-7-22.41, which authorizes an income tax credit for voluntary cash contributions by business enterprises to certain eligible charitable organizations, to:

- Revise the definition of the term "eligible charitable organization."
- Provide that a taxpayer who applied for a tax credit under this section during calendar year 2020, but who was unable to be awarded the credit due to the limit on the aggregate amount of credits authorized for calendar year 2020, will be given priority for tax credits authorized to be allocated to taxpayers under this section by Section 27-7-22.39.
- Provide that for calendar year 2021, and for each calendar year thereafter:
  - ▶ The aggregate amount of tax credits that may be allocated by the Department of Revenue under this section during a calendar year cannot exceed \$10,000,000.00 (\$5,000,000.00 through calendar year 2020).
  - ▶ 50% of the tax credits allocated during a calendar year will be allocated for contributions to eligible charitable organizations described in Section 27-7-22.41(1)(b)(i), and 50% of the tax credits allocated during a calendar year will be allocated for contributions to eligible charitable organizations described in Section 27-7-22.41(1)(b)(ii).

▶ For credits allocated during a calendar year for contributions to eligible charitable organizations described in Section 27-7-22.41(1)(b)(i), no more than 25% of such credits may be allocated for contributions to a single eligible charitable organization.

▶ For credits allocated during a calendar year for contributions to eligible charitable organizations described in Section 27-7-22.41(1)(b)(ii), no more than 5% of such credits may be allocated for contributions to a single eligible charitable organization.

- Delete the prohibition against the Department of Revenue allocating any credits under this section after January 1, 2025.

The bill 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 provide that, for calendar year 2021, and for each calendar year thereafter, the aggregate amount of tax credits that may be awarded under this section in a calendar year cannot not exceed \$1,000,000.00 (\$3,000,000.00 for calendar year 2020). It also provides that any tax credits not awarded under this section before June 1, 2020, may be allocated during calendar year 2020 under Section 27-7-22.41 for contributions by taxpayers to eligible charitable organizations described in Section 27-7-22.41(1)(b)(ii) as provided under that section, notwithstanding any limitation on the percentage of tax credits that may be allocated for such contributions. The bill also extends the date of the repealer on this section of law to January 1, 2025.

The bill amends the section of law that authorizes an income tax credit for expenses incurred for the adoption of a child to extend the reverter to January 1, 2024, 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 carryforward period of five years for adoption expenses claimed but not used in a taxable year.

The bill also:

- Extends until July 1, 2025, the sales tax exemption on sales of equipment to telecommunications enterprises which is used in the deployment of broadband technologies;
- Extends until July 1, 2025, the income tax credit and corporation franchise tax credit authorized for telecommunications enterprises for the cost of equipment used in the deployment of broadband technologies;
- Extends until July 1, 2025, the ad valorem tax exemption for equipment used in the deployment of broadband technologies by telecommunications enterprises.

**HB 1730.** Effective on passage. Law without Governor's signature 7/9/20.

This bill authorizes the issuance of state general obligation bonds for various purposes as follows:

- Institutions of Higher Learning Bond Authorizations
  - ▶ \$86,725,000.00 for the 2020 IHL Capital Improvements Fund as follows:

<b>NAME</b>	<b>PROJECT</b>	<b>AMOUNT ALLOCATED</b>
Alcorn State University.....		\$ 3,650,000.00
	Campus safety and security project, including open space development, sprinkler systems for dormitories, security camera installation, card access systems, street lighting, and emergency kiosks.....	\$ 3,650,000.00
Alcorn State University/Division of Agriculture.....		\$ 2,635,000.00
	Phase II of repair, renovation, furnishing, equipping and expansion of and additions to the Child Development Learning Center.....	\$ 2,635,000.00
Delta State University.....		\$ 3,000,000.00
	Repair, renovation, and upgrading of campus buildings and facilities.....	\$ 3,000,000.00
Jackson State University.....		\$ 5,260,000.00
	Phase III of repair, renovation, and upgrading of campus buildings, facilities, and infrastructure.....	\$ 5,260,000.00

Mississippi State University.....	\$	10,000,000.00
Phase III of construction, furnishing and equipping of a new building and related facilities to house the Kinesiology Department.....		
	\$	10,000,000.00
Mississippi State University/Division of Agriculture, Forestry and Veterinary Medicine....	\$	7,935,000.00
Phase II of repair and renovation, replacement and/or demolition of Ballew Hall and related facilities.....		
	\$	7,535,000.00
Pre-planning for repair and renovation of Dorman Hall and related facilities.....		
	\$	400,000.00
Mississippi University for Women.....	\$	13,000,000.00
Phase II of construction, furnishing and equipping of a new building and related facilities to house the Culinary Arts Program.....		
	\$	13,000,000.00
Mississippi Valley State University.....	\$	13,435,000.00
Phase II 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.....		
	\$	13,435,000.00

University of Mississippi.....	\$	13,530,000.00
Phase II of repair, renovation, furnishing, equipping and expansion of and additions to the Data Center Building and related facilities.....	\$	13,530,000.00
University of Mississippi Medical Center.....	\$	5,680,000.00
Replacement of HVAC systems, boilers and related equipment, infrastructure and controls....	\$	5,680,000.00
University of Southern Mississippi.....	\$	6,500,000.00
Phase II of repair and renovation of the Kinesiology Building and related facilities.....	\$	6,000,000.00
Pre-planning for repair and renovation of Hickman Hall and related facilities.....	\$	500,000.00
University of Southern Mississippi/Gulf Coast Campuses.....	\$	700,000.00
Pre-planning for design of Executive Education and Conference Center and related facilities on the Gulf Park campus.....	\$	200,000.00
Planning, repair, renovation, life safety, and ADA code upgrades, furnishing and equipping		

of campus buildings  
and facilities  
at the Gulf Coast  
Research Laboratory,  
Halstead Campus.....\$ 500,000.00

IHL Education and Research Center.....\$ 1,400,000.00

Replace mechanical air  
handlers at Jackson State  
University's Edsel E.  
Thrash Universities  
Center and the Mississippi  
Public Broadcasting  
Building.....\$ 1,400,000.00

- State Agency Bond Authorizations
  - ▶ \$41,500,000 for the 2020 State Agencies Capital  
Improvements Fund as follows:

Department of Corrections.....\$ 6,000,000.00

Planning, critical repair  
and renovation of and  
security improvements to department  
buildings, facilities and  
infrastructure and facilities  
under the care and control  
of the department.....\$ 6,000,000.00

Department of Finance and Administration.....\$ 13,500,000.00

Continuation of planning,  
repair and restoration  
of the New Capitol  
and Capitol Grounds.....\$ 1,600,000.00

Phase II of repair and restoration of the New Capitol House Chamber.....	\$	4,150,000.00	
Planning, repair, renovation, furnishing and equipping of War Memorial Building.....	\$	1,750,000.00	
Space Optimization Program.....	\$	1,000,000.00	
Statewide critical repairs and renovations.....	\$	5,000,000.00	
Department of Mental Health.....	\$		4,000,000.00
Planning, repair, restoration and improvement of building envelopes at the Mississippi State Hospital.....	\$	1,000,000.00	
Planning, repair and replacement of plumbing systems at the Mississippi State Hospital.....	\$	1,000,000.00	
Planning, repair and renovation for ADA compliance for buildings and facilities at Ellisville State School.....	\$	750,000.00	
Planning, repair and renovation, furnishing and equipping of cottages at Hudspeth Regional Center.....	\$	500,000.00	



Planning, repair  
 and replacement of  
 flooring at South  
 Mississippi Regional  
 Center.....\$ 750,000.00  
 Department of Public Safety.....\$ 14,000,000.00  
 Planning and construction of  
 new DPS headquarters.....\$ 10,000,000.00  
 Replacement, furnishing  
 and equipping of District 5  
 Highway Patrol Starkville  
 Substation.....\$ 4,000,000.00  
 Department of Wildlife, Fisheries and Parks.....\$ 3,000,000.00  
 Planning, repair,  
 renovation, furnishing  
 and equipping of and  
 improvements to park  
 buildings, facilities and  
 infrastructure and  
 rehabilitation and upgrades  
 of dams, spillways and other  
 structures and facilities.....\$ 3,000,000.00  
 Mississippi Military Department.....\$ 1,000,000.00  
 Matching funds for  
 planning, repair,  
 renovation of and  
 upgrades and improvements  
 to readiness centers.....\$ 1,000,000.00

- Community and Junior College Bond Authorizations

- ▶ \$35,590,000.00 for the 2020 Community and Junior Colleges Capital Improvements Fund as follows:

Coahoma.....	\$ 1,615,000.00
Copiah-Lincoln.....	1,915,000.00
East Central.....	1,820,000.00
East Mississippi.....	2,125,000.00
Hinds.....	3,925,000.00
Holmes.....	2,640,000.00
Itawamba.....	2,445,000.00
Jones.....	2,340,000.00
Meridian.....	1,955,000.00
Mississippi Delta.....	1,795,000.00
Mississippi Gulf Coast.....	3,440,000.00
Northeast Mississippi.....	2,040,000.00
Northwest Mississippi.....	3,500,000.00
Pearl River.....	2,365,000.00
Southwest Mississippi.....	1,670,000.00
<b>TOTAL.....</b>	<b>\$ 35,590,000.00</b>

- Other Bond Authorizations

- ▶ \$3,000,000.00 for the Mississippi Site Development Grant Fund.

- ▶ \$10,000,000.00 for the ACE Fund.

- ▶ Increases by \$5,000,000.00 the amount of bonds authorized to be issued under the Mississippi Business Investment Act with the proceeds of the bonds used to make grants or loans to municipalities through an equipment and public facilities grant and loan fund to aid in infrastructure-related improvements, the purchase of equipment and in the purchase, construction or repair and renovation of public facilities.

- ▶ Increases by \$3,000,000.00 the amount of bonds that may be issued under the Mississippi Major Economic Impact Act to provide funds to improve, expand or otherwise enhance military

installations in order to reduce the risk of closure or realignment of such installations.

- ▶ Increases by \$7,000,000.00 the amount of bonds that may be issued under the Economic Development Highway Act.

- ▶ \$5,000,000.00 for the Small Municipalities and Limited Population Counties Fund.

- ▶ \$2,000,000.00 for the Mississippi Main Street Investment Grant Fund.

- ▶ \$3,000,000.00 to assist the Chickasaw Inkana Foundation in paying the costs associated with the construction, furnishing and equipping of the Chickasaw Heritage Center in Tupelo.

- ▶ \$2,830,000.00 to provide matching funds for federal funds for the Water Pollution Control Revolving Fund.

- ▶ \$1,000,000.00 for a Department of Environmental Quality dam safety program.

- ▶ \$2,000,000.00.00 to assist in paying costs associated with construction and development of and upgrades and improvements to property, roadways, infrastructure, facilities and structures at LeFleur's Bluff State Park in Jackson for the purpose of enhancing and developing the entrance to the Mississippi Children's Museum and the Mississippi Museum of Natural Science, and areas and amenities related to the museums.

- ▶ \$4,500,000.00 to pay the costs of preplanning, constructing, furnishing and equipping the Martyr Stuart Congress of Country Music in Philadelphia.

- ▶ \$1,200,000.00 to assist the City of Vicksburg in paying costs associated with the relocation and/or extension of the current levee system and related flood control structures along and near Haining Road and Long Lake Road in Vicksburg.

▶ \$5,000,000.00 for the Mississippi Community Heritage Preservation Grant Fund (\$400,000.00 of which will be allocated and disbursed as grant funds to Humphreys County to assist in paying costs associated with repair and renovation of and upgrades and improvements to the Humphreys County Courthouse).

▶ \$3,000,000.00 for the Local Governments And Rural Water Systems Improvements Revolving Loan Fund.

▶ \$800,000.00 to assist Farmington Water Association in paying costs associated with upgrades and improvements to its water system and related facilities and infrastructure, including the repayment of debt incurred by the association for such purposes before the effective date of the bill.

▶ \$500,000.00 to assist Wayne County in paying costs associated with construction, development, repair, upgrades and improvements to utilities, water system and sewer system infrastructure and facilities, roads and related infrastructure and facilities within the Wayne County Industrial Park.

▶ \$2,000,000.00 to assist Itawamba County in paying costs associated with port repairs, upgrades and improvements, railroad repairs, upgrades and improvements, jail site development and economic development purposes. Itawamba County may disburse 10% of the funds it receives to Three Rivers Planning and Development District for disbursement by the district to the City of Fulton to assist the city in paying costs associated with sewer system repairs, upgrades and improvements.

▶ \$50,000.00 to assist in paying costs associated with construction of a new building and related facilities for the Mooreville-Eggville Volunteer Fire Department in Lee County.

▶ \$600,000.00 to assist the City of Petal in paying costs associated with parking lot improvements at the Robert E.

Russell Sports Complex and improvements at the William Bradley "Brad" Pickett Memorial Baseball Fields in Petal.

- ▶ \$500,000.00 to assist Tishomingo County in paying costs associated with repair and/or replacement of a bridge on County Road 133 in Tishomingo County.

- ▶ \$500,000.00 to assist in paying costs associated with construction, furnishing and equipping of a recreation center and related facilities in Centreville.

- ▶ \$1,000,000.00 to assist Jackson State University in the administration and operation of a Science, Technology, Engineering and Mathematics (STEM) Program.

- ▶ \$200,000.00 to assist Union County in paying costs associated with acquisition and repair and renovation of a building to be used as an additional office for the District Attorney for the Third Circuit Judicial District.

- ▶ \$1,000,000.00 to assist the City of Jackson in paying costs associated with renovating the Russell C. Davis Planetarium.

- ▶ \$300,000.00 to assist the Town of Wesson in paying costs associated with parking lot repairs for the Wesson Old School Visitor Center.

- ▶ \$200,000.00 to assist the Town of Georgetown in paying costs associated with repair of the Georgetown Town Hall building.

- ▶ \$125,000.00 to assist the Town of Utica in paying costs associated with repairs to the town's natural gas system lines and related infrastructure.

- ▶ \$1,500,000.00 to assist the City of D'Iberville in paying costs associated with improvements at the intersection of Lamey Bridge Road and Mallet Road in D'Iberville.

▶ \$100,000.00 to assist Clay County in paying costs associated with repair and renovation of and upgrades and improvements to facilities and property at the Una Community Center and Park in Clay County.

▶ \$50,000.00 to assist Monroe County in paying costs associated with repairs, upgrades and improvements to Chapel Grove Road in Monroe County.

▶ \$500,000.00 to assist Clay County in paying costs associated with repairs, upgrades and improvements to roads and bridges in Supervisors District 1 in Clay County.

▶ \$240,000.00 to assist in paying costs associated with site development and construction of a building and related facilities for the Pocahontas Volunteer Fire Department in Hinds County.

▶ \$1,000,000.00 to assist the City of Greenville in paying costs associated with the construction and extension of Colorado Street from its intersection with George Abraham Boulevard southerly to VFW Road in the City of Greenville, including costs associated with land acquisition and professional services for such project.

▶ \$200,000.00 to assist the City of Louisville in paying the costs associated with constructing a road and other transportation infrastructure in the City of Louisville that will provide and improve access to land owned by the city designated for an economic development project on or near the location of Winston Plywood & Veneer.

▶ \$175,000.00 to assist the Town of Eupora in paying costs associated with construction and development of an access road and related infrastructure in Eupora.

▶ \$100,000.00 to assist the Town of French Camp in paying costs associated with repairs and other improvements to the town's sewer system and related infrastructure.

▶ \$100,000.00 to assist the Town of Noxapater in paying costs associated with repairs, resurfacing and making other improvements to streets in Noxapater.

▶ \$200,000.00 to assist the Town of Ackerman in paying costs associated with repairs and improvements to sidewalks along Main Street in Ackerman.

▶ \$500,000.00 to assist the City of Grenada in paying costs associated with upgrades and other improvements to the city's water system and related infrastructure.

▶ \$500,000.00 to assist Marshall County in paying costs associated with construction, furnishing and equipping of a full-time emergency response center, including ambulance service, a fire station and a sheriff's department substation, to serve the growing area in and around the Chickasaw Trail Industrial Park.

▶ \$200,000.00 to assist in paying costs associated with acquisition of vehicles and equipment necessary for the Hancock County Sheriff's Department to establish and maintain a mobile command unit.

▶ \$50,000.00 to assist in paying costs associated with acquisition of a pumper truck and equipment for the Steep Hollow Volunteer Fire Department in Pearl River County.

▶ \$150,000.00 to assist in paying costs associated with construction and development of walking tracks, a walking bridge, solar lighting, parking lots, RV parking facilities and other upgrades and improvements at Trailside Park at Legion Lake in Houston.

▶ \$300,000.00 to assist the City of Hattiesburg in paying costs associated with flood control, detention basins or other infrastructure improvements in and around Gordon's Creek.

▶ \$300,000.00 to assist Union County in paying costs associated with repairs, resurfacing, upgrades and improvements to roads and bridges in Supervisors District 2 in Union County.

▶ \$100,000.00 to assist the Town of Abbeville in paying costs associated with repairs, resurfacing and making other improvements to roads in the Town of Abbeville.

▶ \$250,000.00 to assist Noxubee County in paying costs associated with construction, furnishing and equipping of a county emergency operations center and related facilities.

▶ \$150,000.00 to assist the City of Morton in paying costs associated with repairs, resurfacing, upgrades and improvements to roads in the City of Morton.

▶ \$1,000,000.00 to assist Pike County in paying costs associated with earthwork grading at Gateway Industrial Park, including the 24-acre Mississippi Military Department McComb Readiness Center site in Pike County.

▶ \$500,000.00 to assist Scenic Rivers Development Alliance in paying costs associated with repair, renovation and rehabilitation of and upgrades and improvements to electrical equipment and systems, lighting equipment and systems, irrigation systems, arenas, pavilions, cabins, public waterways, boat ramps, piers and access to piers, parking areas and facilities, trails, road repairs, other infrastructure, equipment and/or buildings and related facilities at the following:

- ◆ Ethel Vance Park in Amite County;
- ◆ Okhissa Lake in Franklin County;



- ◆ Bogue Chitto Water Park and Quail Hollow Golf Course in Pike County;

- ◆ Lake Walthall, Walthall Range, Walkers Bridge Park and the Walthall County Building, in Walthall County; and

- ◆ Clark Creek Trail, Lake Mary, Fosters Lake, Indian Mound Sites and Wilkinson County Park, in Wilkinson County.

- ▶ \$500,000.00 to assist the City of Columbia in paying costs associated with repairs, upgrades and improvements to the city's water system and sewer system and related infrastructure.

- ▶ \$200,000.00 to assist Pearl River County in paying costs associated with repair and renovation of the Pearl River County Courthouse.

- ▶ \$150,000.00 to assist in paying costs associated with construction and development of a veterans memorial site at the intersection of Mississippi Highway 182 and U.S. Highway 51 in Winona.

- ▶ \$100,000.00 to assist in paying costs associated with construction of a building and related facilities for the Red Hill Volunteer Fire Department in Montgomery County.

- ▶ \$200,000.00 to assist the Town of Summit in paying costs associated with upgrades and improvements to the town's water system and related infrastructure.

- ▶ \$100,000.00 to assist the Town of Lambert in paying costs associated with construction and development of a community park and related facilities.

- ▶ \$150,000.00 to assist Newton County in paying costs associated with construction, furnishing and equipping of a multiuse building for the Newton County Sheriff's Department and the purchase of two motor vehicles for the department.

▶ \$300,000.00 to assist the City of Union in paying costs associated with repairs and overlay of Industrial Circle in Union.

▶ \$400,000.00 to assist Covington County in paying costs associated with right-of-way acquisition, construction, and rerouting of Union Church Road at its intersection with U.S. Highway 49.

▶ \$250,000.00 to assist the City of Ellisville in paying costs associated with water system improvements, drainage improvements, erosion prevention, sidewalk repairs, lighting improvements, public parking improvements and other infrastructure related projects.

▶ \$50,000.00 to assist the Town of Plantersville in paying costs associated with repairs, resurfacing and making other improvements to roads, water system and sewer system improvements and other infrastructure improvements in Plantersville.

▶ \$250,000.00 to assist the Town of Como in paying costs associated with repairs, resurfacing and making other improvements to roads in Como.

▶ \$500,000.00 to assist the Mississippi's Toughest Kids Foundation in paying the costs associated with:

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

◆ Design, preplanning, construction and development of infrastructure at the camp.

▶ \$4,000,000.00 to assist the Mississippi Transportation Commission and the Mississippi Department of Transportation in paying the costs associated with

infrastructure upgrades to improve the capacity and safety of the intersection of Mississippi Highway 7 and University Avenue in Oxford.

- ▶ \$100,000.00 to assist the Town of Ecpu in paying costs associated with construction of a welcome center along with exhibit space in the center for M.B. Mayfield exhibits, and acquisition of land for the welcome center.

- ▶ \$100,000.00 to assist Harrison County in paying costs associated with construction, repairs, upgrades and improvements to Marlin Ladner Boulevard.

- ▶ \$1,000,000.00 to assist the City of Ocean Springs in paying costs associated with improvements to the city's water system and sewer system infrastructure.

- ▶ \$500,000.00 to assist Jackson County in paying costs associated with replacement of the Parker's Lake Bridge on Wade Vancleave Road in Jackson County.

- ▶ \$1,000,000.00 to assist in paying costs associated with repair and renovation of and upgrades and improvements to the Mississippi Sports Hall of Fame and Museum and related facilities in Jackson.

- ▶ \$2,000,000.00 to assist in paying costs associated with certain purposes described in the 2018 Transportation and Infrastructure Improvements Fund (Section 27-104-301(2)(n)(i)).

- ▶ \$5,000,000.00 to assist in paying the costs associated with preconstruction, design, engineering, land acquisition, right-of-way acquisition, construction and development of the Reunion Parkway project from Bozeman Road to Parkway East in Madison County.

- ▶ \$1,500,000.00 to assist the City of Gautier in paying costs associated with the purchase of land located between U.S. Highway 90 and Dolphin Boulevard in Gautier.
- ▶ \$300,000.00 to the Mississippi Department of Transportation to assist in paying costs associated with construction and development of one or more sidewalks to the elementary school and middle school in Rosedale.
- ▶ \$1,500,000.00 to assist in paying costs associated with repairs, upgrades and improvements to a portion of Mississippi Highway 4 east of Interstate 55 and running toward Mississippi Highway 7.
- ▶ \$400,000.00 to assist Leake County in paying costs associated with repairs, resurfacing, upgrades and improvements to Hooper Mill Creek Bridge and other roads and bridges in Leake County.
- ▶ \$200,000.00 to assist Leake County in paying costs associated with repairs, resurfacing and other improvements to Barnes Road in Leake County.
- ▶ \$500,000.00 to assist Holmes County in paying costs associated with repair and renovation of the Holmes County Courthouse.
- ▶ \$500,000.00 to assist in paying costs associated with repair and renovation of and upgrades and improvements to a building and related facilities to house the Skipworth Performing Arts Center in Kosciusko.
- ▶ \$225,000.00 to assist the Town of West in paying costs associated with the purchase of a fire truck.
- ▶ \$100,000.00 to assist in paying costs associated with repair and renovation of the Pratts Old Schoolhouse building and related facilities in Lee County.

▶ \$50,000.00 to assist the City of Baldwin in paying costs associated with construction and development of a parking lot and related facilities for the city's Veterans Park.

▶ \$100,000.00 to assist repair and renovation of and upgrades and improvements to the B.B. King Museum and Delta Interpretive Center in Indianola.

▶ \$3,000,000.00 to assist DeSoto County in paying costs associated with construction of a state-of-the-art consolidated workforce center to be located in Southaven.

▶ \$1,000,000.00 to assist the Sand Creek Wastewater Authority in paying costs associated with designing, constructing, developing, equipping and implementing a regional wastewater treatment center and related facilities, systems and infrastructure in Northeast Mississippi.

▶ \$500,000.00 to assist the City of Tupelo in paying the costs associated with the repair, renovation and expansion of the BancorpSouth Arena and Conference Center.

▶ \$2,000,000.00 to assist the Pearl River Valley Water Supply District in paying the costs associated with the dredging of Pelahatchie Bay and road improvements for the Bob Anthony Parkway.

▶ \$850,000.00 to assist in paying the costs associated with the construction, furnishing and equipping of two career technical buildings at the Greenville Higher Education Center.

▶ \$150,000.00 to assist the Town of Metcalfe in paying the costs associated with the repair and renovation of the Shirley S. Allen Multipurpose Center.

▶ \$750,000.00 to assist the Kemper County Natural Gas District in paying the costs associated with the construction of a natural gas pipeline to the East Mississippi Community College campus in Scooba.

▶ \$4,500,000.00 to assist the East Metropolitan Corridor Commission in paying the costs associated with land acquisition and implementation of the East Metro Corridor project in Rankin County.

▶ \$350,000.00 to assist the City of Mendenhall in paying the costs associated with the construction of a water line from a new, unused water tank to the city for purposes of utilizing the water system.

▶ \$1,000,000.00 to assist Yalobusha County in paying the costs associated with the demolition and replacement of the damaged Gum's Crossing Bridge on County Road 221.

▶ \$150,000.00 to assist the Village of Pittsboro in paying the costs associated with repairs to its water tank.

▶ \$500,000.00 to assist in paying the costs associated with the renovation and expansion of the Greene County Rural Events Center in Leakesville.

▶ \$100,000.00 to assist in paying the costs associated with the repair and renovation of Cotesworth Culture and Heritage Center in Carrollton.

▶ \$1,000,000.00 to assist Lowndes County in paying costs associated with the extension of Manufactures Drive, and to fund the acquisition of any right-of-way, if necessary, for the roadway extension, together with any associated striping or signage.

▶ \$250,000.00 to assist the City of Carthage in paying the costs associated with the repair and renovation of its coliseum.

▶ \$250,000.00 to assist the City of Canton in paying the costs associated with the alleviation of flooding.

▶ \$500,000.00 to assist the City of West Point in paying the costs associated with the remodeling, renovation and improvement of Northside School.

▶ \$150,000.00 to assist the Town of Ashland in paying the costs associated with making improvements to its Town Maintenance Shop Building and Facility.

▶ \$450,000.00 to assist Jasper County in paying the costs associated with leveling, asphalt and shoulder work on certain county roads.

▶ \$250,000.00 to assist the Town of Heidelberg in paying the costs associated with leveling, asphalt and shoulder work on certain municipal streets.

▶ \$1,500,000.00 to assist Oktibbeha County in paying the costs associated with construction, repairs and improvements to Poor House Road (\$1,000,000.00) and Black Jack Road (\$500,000.00).

▶ \$750,000.00 to assist the City of Meridian in paying the costs associated with road construction and improvements for the Sela Ward Parkway Project.

▶ \$750,000.00 to assist the City of Brookhaven in paying the costs associated with the reconstruction of a segment of Brookway Boulevard.

▶ \$285,000.00 to assist the City of Picayune in paying the costs associated with the repair and renovation of its city hall.

▶ \$2,000,000.00 to assist the Capitol Complex Improvement District in paying the costs associated with the repair and improvement of major thoroughfares connecting two properties within the district (Jackson State University and the Jackson Medical Mall) to major interstate highways.

▶ \$750,000.00 to assist the City of Ridgeland in paying the costs associated with the construction, furnishing and equipping of its new city hall.

▶ \$750,000.00 to assist the City of Madison in paying the costs associated with the repair and renovation of a historic high school building and attached historic gymnasium to serve as the new city hall and performing arts center.

▶ \$400,000.00 to assist in paying the costs associated with repairs to Fifteenth Street in Yazoo City.

▶ \$500,000.00 to assist the Alcorn County Alliance in paying the costs associated with infrastructure and development projects to foster economic development and business recruitment.

▶ \$400,000.00 to assist Quitman County in paying the costs associated with the repair and restoration of its courthouse.

▶ \$2,000,000.00 to assist in paying costs associated with construction, furnishing and equipping of the Mississippi Center for Medically Fragile Children at state-owned property in Jackson.

▶ \$1,000,000.00 to assist in paying costs associated with the repair, renovation and other improvements to buildings and related facilities in Batesville to house the Concourse Workforce Training Center.



▶ \$3,900,000.00 to assist in paying costs associated with repair, rehabilitation and related construction activities for the Mississippi Center for Innovation and Technology in Vicksburg.

▶ \$200,000.00 to assist in paying costs associated with the acquisition, storage and relocation of artifacts and the design, fabrication and installation of permanent exhibits, including the development of all associated films and interactive components, for the Delta Blues Museum in Clarksdale.

▶ \$60,000.00 to assist in paying costs associated with repair, renovation and expansion of and additions, upgrades and improvements to buildings and facilities for the Maclean Road Volunteer Fire Department in Hinds County.

▶ \$25,000.00 to assist the Town of Mathiston in paying costs associated with construction, repair, renovation, upgrades and improvements to the town's baseball park and related facilities.

▶ \$100,000.00 to assist the City of Bruce in paying costs associated with repair, renovation, furnishing and equipping of a city-owned building located on the town square.

- Miscellaneous

▶ Revises provisions regarding the use of monies in the Mississippi Industry Incentive Financing Revolving Fund to provide that the Mississippi Development Authority will allocate and disburse \$30,000,000.00 from the fund as a grant to Mississippi State University for the construction, furnishing and equipping of a high-performance computing data center that is home to federally designated centers of computing excellence.

▶ Amends Section 1, Chapter 454, Laws of 2019, to revise the purposes for which proceeds of state general obligation bonds authorized to be issued for Mississippi State University may be used.

▶ Amends Section 1, Chapter 452, Laws of 2018, to revise the purposes for which proceeds of state general obligation bonds authorized to be issued for the University of Southern Mississippi may be used.

▶ Amends Section 1, Chapter 479, Laws of 2015, as amended by Section 7, Chapter 1, 2018 First Extraordinary Session, to revise the purposes for which monies in the 2015 Mississippi Deficient Bridge and State Aid Road Supplemental Fund may be used for projects in the City of Vicksburg.

▶ Amends Section 41, Chapter 511, Laws of 2016, to revise the purposes for which the proceeds of state general obligation bonds authorized for the City of Kosciusko may be used.

▶ Amends Section 41, Chapter 454, Laws of 2019, to revise the purposes for which the proceeds of state general obligation bonds authorized for the Town of Wesson may be used.

▶ Revises the use of the Mississippi Railroad Improvements Fund to provide that grants from the fund shall be available specifically to short-line railroads.

**HB 1743.** Effective on passage. Signed 7/2/20.

This bill amends Section 10, Chapter 567, Laws of 2013, to increase by \$10,000,000.00 the amount of bonds authorized to be issued for the Hinds County Development Project Loan Fund and to authorize money in the fund to also be utilized as a loan to Hinds County to assist in the construction of a parking garage

and related improvements associated with a certain hotel construction project.

**HB 1748.** Effective 1/1/20. Signed 6/30/20.

This bill revises the definition of gross income under the state income tax law to exclude from gross income:

- Amounts received as advances and/or grants under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act;
- Any and all cancelled indebtedness provided for under the CARES Act;
- Amounts received as payments under Section 4 of Senate Bill No. 2772, 2020 Regular Session; and
- Amounts received as grants under the 2020 COVID-19 Mississippi Business Assistance Act.

The bill also amends Section 11 of Senate Bill No. 2772, 2020 Regular Session, to provide that there shall not be allowed a deduction for otherwise deductible payments paid with funds received under the Paycheck Protection Program (PPP) established by the CARES Act, but only to the extent those payments are not allowed as deductions for federal income tax purposes. It also provides that, to the extent such payments are allowed as deductions for federal income tax purposes, those expenses shall be deemed to have been incurred in connection with earning and distributing taxable income, notwithstanding that such payments resulted in forgiveness of loans received.

**STATE GENERAL OBLIGATION BONDS  
 AUTHORIZED TO BE ISSUED DURING THE 2020 REGULAR SESSION**

**HOUSE BILL NO. 1730**

**INSTITUTIONS OF HIGHER LEARNING**

Alcorn State University.....	\$	3,650,000.00
Alcorn State University/Division of Agriculture.....	\$	2,635,000.00
Delta State University.....	\$	3,000,000.00
Jackson State University.....	\$	5,260,000.00
Mississippi State University.....	\$	10,000,000.00
Mississippi State University/Division of Agriculture, Forestry and Veterinary Medicine.....	\$	7,935,000.00
Mississippi University for Women.....	\$	13,000,000.00
Mississippi Valley State University.....	\$	13,435,000.00
University of Mississippi.....	\$	13,530,000.00
University of Mississippi Medical Center.....	\$	5,680,000.00
University of Southern Mississippi.....	\$	6,500,000.00
University of Southern Mississippi/Gulf Coast Campuses.....	\$	700,000.00
IHL Education and Research Center.....	\$	1,400,000.00
<b>IHL TOTAL.....</b>	<b>\$</b>	<b>86,725,000.00</b>

**STATE AGENCIES**

Department of Corrections.....	\$	6,000,000.00
Department of Finance and Administration.....	\$	13,500,000.00
Department of Mental Health.....	\$	4,000,000.00
Department of Public Safety.....	\$	14,000,000.00
Department of Wildlife, Fisheries and Parks.....	\$	3,000,000.00
Mississippi Military Department.....	\$	1,000,000.00
<b>STATE AGENCIES TOTAL.....</b>	<b>\$</b>	<b>41,500,000.00</b>

**COMMUNITY AND JUNIOR COLLEGES**

Coahoma.....	\$	1,615,000.00
Copiah-Lincoln .....	\$	1,915,000.00
East Central.....	\$	1,820,000.00
East Mississippi.....	\$	2,125,000.00
Hinds.....	\$	3,925,000.00
Holmes.....	\$	2,640,000.00
Itawamba.....	\$	2,445,000.00
Jones.....	\$	2,340,000.00
Meridian.....	\$	1,955,000.00
Mississippi Delta.....	\$	1,795,000.00
Mississippi Gulf Coast.....	\$	3,440,000.00
Northeast Mississippi.....	\$	2,040,000.00
Northwest Mississippi.....	\$	3,500,000.00
Pearl River.....	\$	2,365,000.00
Southwest Mississippi.....	\$	1,670,000.00
<b>COMMUNITY AND JUNIOR COLLEGES TOTAL.....</b>	<b>\$</b>	<b>35,590,000.00</b>

**MISCELLANEOUS**

Mississippi Site Development Grant Fund.....	\$	3,000,000.00
ACE Fund.....	\$	10,000,000.00
Mississippi Business Investment Act for the Development Infrastructure Grant Program (DIP).....	\$	5,000,000.00
Mississippi Major Economic Impact Act for Base Realignment and Closure Act (BRAC).....	\$	3,000,000.00
Economic Development Highway Act.....	\$	7,000,000.00
Small Municipalities and Limited Population Counties Fund.....	\$	5,000,000.00
Mississippi Main Street Investment Grant Fund....	\$	2,000,000.00
Chickasaw Heritage Center in Tupelo.....	\$	3,000,000.00
Water Pollution Control Revolving Fund.....	\$	2,830,000.00

Department of Environmental Quality Dam Safety Program.....	\$	1,000,000.00
Mississippi Children's Museum and Mississippi Museum of Natural Science at LeFleur's Bluff State Park in Jackson.....	\$	2,000,000.00
Construction of Marty Stuart Congress of Country Music in Philadelphia.....	\$	4,500,000.00
Relocation or Extension of Vicksburg Levee System and Flood Control.....	\$	1,200,000.00
Mississippi Community Heritage Preservation Grant Fund.....	\$	5,000,000.00
Local Governments and Rural Water Systems Improvements Revolving Loan Fund.....	\$	3,000,000.00
Farmington Water Association Water System Improvements and Debt Repayment.....	\$	800,000.00
Wayne County Industrial Park Infrastructure.....	\$	500,000.00
Itawamba County Improvements.....	\$	2,000,000.00
Facilities Construction for Mooreville-Eggville Volunteer Fire Department in Lee County.....	\$	50,000.00
Improvements at Robert E. Russell Sports Complex and William Bradley "Brad" Pickett Memorial Baseball Fields in Petal.....	\$	600,000.00
Repair or Replacement of County Road 133 Bridge in Tishomingo County.....	\$	500,000.00
Centreville Recreation Center Construction.....	\$	500,000.00
Jackson State University STEM Program.....	\$	1,000,000.00
Office Building in Union County for District Attorney for Third Circuit Judicial District.....	\$	200,000.00
Russell C. Davis Planetarium Renovation.....	\$	1,000,000.00
Wesson Old School Visitor Center Parking Lot Repairs.....	\$	300,000.00
Georgetown Town Hall Repairs.....	\$	200,000.00
Repairs to Utica Natural Gas System Lines and Related Infrastructure.....	\$	125,000.00
D'Iberville Intersection Improvements.....	\$	1,500,000.00
Una Community Center and Park in Clay County.....	\$	100,000.00

Chapel Grove Road Improvements in Monroe County.....	\$	50,000.00
Improvements to Roads and Bridges in Supervisors District 1 in Clay County.....	\$	500,000.00
Pocahontas Volunteer Fire Department Site Development and Construction.....	\$	240,000.00
Colorado Street Extension in Greenville.....	\$	1,000,000.00
Louisville Road Construction.....	\$	200,000.00
Eupora Access Road Construction.....	\$	175,000.00
French Camp Sewer System Improvements.....	\$	100,000.00
Noxapater Street Improvements.....	\$	100,000.00
Sidewalk Repairs on Main Street in Ackerman.....	\$	200,000.00
Grenada Water System Improvements.....	\$	500,000.00
Emergency Response Center for Chickasaw Trail Industrial Park in Marshall County.....	\$	500,000.00
Vehicles and Equipment for Hancock County Sheriff's Department Mobile Command Unit....	\$	200,000.00
Pumper Truck and Equipment for Steep Hollow Volunteer Fire Department in Pearl River County.....	\$	50,000.00
Trailside Park at Legion Lake in Houston.....	\$	150,000.00
Hattiesburg Flood Control or Other Infrastructure Improvements.....	\$	300,000.00
Improvements to Roads and Bridges in Supervisors District 2 in Union County.....	\$	300,000.00
Abbeville Road Improvements.....	\$	100,000.00
County Emergency Operations Center Construction in Noxubee County.....	\$	250,000.00
Morton Road Improvements.....	\$	150,000.00
Earthwork Grading at Gateway Industrial Park, including Mississippi Military Department McComb Readiness Center Site, in Pike County.....	\$	1,000,000.00
Scenic Rivers Development Alliance Improvements at Various Facilities.....	\$	500,000.00
Columbia Water and Sewer System Improvements.....	\$	500,000.00

Pearl River County Courthouse Renovation.....	\$	200,000.00
Veterans Memorial Site Construction in Winona....	\$	150,000.00
Red Hill Volunteer Fire Department Facilities Construction in Montgomery County.....	\$	100,000.00
Summit Water System Improvements.....	\$	200,000.00
Town of Lambert Community Park and Facilities Construction.....	\$	100,000.00
Newton County Sheriff's Department - Multiuse Building Construction and Purchase of Two Motor Vehicles.....	\$	150,000.00
Repair and Overlay of Industrial Circle in Union.....	\$	300,000.00
Union Church Road Right-of-Way in Covington County.....	\$	400,000.00
Ellisville Infrastructure Improvements.....	\$	250,000.00
Plantersville Infrastructure Improvements.....	\$	50,000.00
Como Road Improvements.....	\$	250,000.00
Mississippi's Toughest Kids Foundation for Camp Kamassa Construction in Copiah County.....	\$	500,000.00
Oxford Intersection Improvements.....	\$	4,000,000.00
Ecru Welcome Center and M.B. Mayfield Exhibits...	\$	100,000.00
Marlin Ladner Boulevard Improvements in Harrison County.....	\$	100,000.00
Ocean Springs Water and Sewer System Improvements.....	\$	1,000,000.00
Replacement of Parker's Lake Bridge in Jackson County.....	\$	500,000.00
Improvements to Mississippi Sports Hall of Fame and Museum in Jackson.....	\$	1,000,000.00
2018 Transportation and Infrastructure Improvements Fund.....	\$	2,000,000.00
Reunion Parkway Project in Madison County.....	\$	5,000,000.00
City of Gautier Land Purchase.....	\$	1,500,000.00
School Sidewalk Improvements in Rosedale.....	\$	300,000.00
Mississippi Highway 4 Improvements.....	\$	1,500,000.00



Leake County Road and Bridge Improvements.....	\$	400,000.00
Barnes Road Improvements in Leake County.....	\$	200,000.00
Holmes County Courthouse Renovation.....	\$	500,000.00
Skipworth Performing Arts Center in Kosciusko....	\$	500,000.00
Town of West Fire Truck Purchase.....	\$	225,000.00
Renovation of Pratts Old Schoolhouse in Lee County.....	\$	100,000.00
Parking Lot Construction at Veterans Park in City of Baldwyn.....	\$	50,000.00
Improvements to B.B. King Museum and Delta Interpretive Center in Indianola.....	\$	100,000.00
Construction of Consolidated Workforce Center in Southaven.....	\$	3,000,000.00
Sand Creek Wastewater Authority Regional Wastewater Treatment Center in Northeast Mississippi.....	\$	1,000,000.00
Renovation and Expansion of BancorpSouth Arena and Conference Center in Tupelo.....	\$	500,000.00
Pelahatchie Bay Dredging and Bob Anthony Parkway Improvements.....	\$	2,000,000.00
Construction of Two Career Tech Buildings at Greenville Higher Education Center.....	\$	850,000.00
Renovation of Shirley S. Allen Multipurpose Center in Metcalfe.....	\$	150,000.00
Kemper County Natural Gas District Construction of Natural Gas Pipeline to Scooba.....	\$	750,000.00
East Metro Corridor Project in Rankin County.....	\$	4,500,000.00
Mendenhall Water Line Construction.....	\$	350,000.00
Replacement of Gum's Crossing Bridge in Yalobusha County.....	\$	1,000,000.00
Pittsboro Water Tank Repairs.....	\$	150,000.00
Renovation and Expansion of Greene County Rural Events Center in Leakesville.....	\$	500,000.00
Renovation of Cotesworth Culture and Heritage Center in Carrollton.....	\$	100,000.00
Extension of Manufactures Drive in Lowndes County.....	\$	1,000,000.00

Carthage Coliseum Renovation.....	\$	250,000.00
Canton Flood Alleviation.....	\$	250,000.00
Renovation of Northside School in West Point.....	\$	500,000.00
Improvements to Ashland Town Maintenance Shop Building and Facility.....	\$	150,000.00
Jasper County Road Improvements.....	\$	450,000.00
Heidelberg Municipal Road Improvements.....	\$	250,000.00
Improvements to Poor House Road and Black Jack Road in Oktibbeha County.....	\$	1,500,000.00
Sela Ward Parkway Project in Meridian.....	\$	750,000.00
Reconstruction of Brookway Boulevard Segment in Brookhaven.....	\$	750,000.00
Picayune City Hall Renovation.....	\$	285,000.00
Improvements to Major Thoroughfares in Capitol Complex Improvement District.....	\$	2,000,000.00
Ridgeland City Hall Construction.....	\$	750,000.00
Renovation of Historic Building for Madison City Hall and Performing Arts Center.....	\$	750,000.00
Repairs to Fifteenth Street in Yazoo City.....	\$	400,000.00
Alcorn County Alliance Infrastructure and Development Projects.....	\$	500,000.00
Quitman County Courthouse Restoration.....	\$	400,000.00
Construction of Mississippi Center for Medically Fragile Children in Jackson.....	\$	2,000,000.00
Improvements for Concourse Workforce Training Center in Batesville.....	\$	1,000,000.00
Mississippi Center for Innovation and Technology in Vicksburg.....	\$	3,900,000.00
Exhibits for Delta Blues Museum in Clarksdale....	\$	200,000.00
Improvements to for Maclean Road Volunteer Fire Department in Hinds County.....	\$	60,000.00
Mathison Baseball Park Improvements.....	\$	25,000.00
Bruce Town Square Building Renovation.....	\$	100,000.00
<b>MISCELLANEOUS TOTAL.....</b>	<b>\$</b>	<b>128,765,000.00</b>
<b>H.B. 1730 TOTAL.....</b>	<b>\$</b>	<b>292,580,000.00</b>

**HOUSE BILL NO. 1743**

Hinds County Development Project Loan Fund  
for Hotel Parking Garage Construction.....\$ 10,000,000.00

**SENATE BILL NO. 2328**

Emerging Crops Fund.....\$ 5,000,000.00

**TOTAL 2020 BOND AUTHORIZATIONS.....\$ 307,580,000.00**

**FORESTRY**

**HB 684.** Effective on passage. Signed 6/29/20.

This bill deletes the repealer on the section of law that requires county boards of supervisors to levy a forest acreage tax.

## HIGHWAYS AND TRANSPORTATION

**SB 2195.** Effective 7/1/20. Signed 6/25/20.

This bill designates the segment of Mississippi Highway 15 in Newton County, Mississippi, beginning at the southern corporate limits of the City of Union and extending northward for one mile, as the "Judge Marcus D. Gordon Memorial Highway." The Mississippi Department of Transportation is required to erect and maintain appropriate signs along and approaching this segment of highway.

**SB 2467.** Effective 7/1/20. Signed 6/25/20.

This bill amends Section 63-5-33 to permit a vehicle operated by an engine fueled primarily by compressed or liquefied natural gas to exceed the gross vehicle weight limits by the difference between the weight of its natural gas and fueling system and the weight of a comparable diesel tank and fueling system. The bill imposes a ceiling of 2,000 pounds on the amount by which the weight limit may be exceeded.

**SB 2660.** Effective 7/1/20. Signed 6/25/20.

This bill amends Section 63-5-49 to authorize law enforcement officers to escort vehicles designated as superload vehicles under Mississippi Department of Transportation regulations. It further amends Section 27-19-81 to allow the agency performing the escort to charge and collect a reasonable fee.

**SB 2716.** Effective 7/1/20. Signed 6/25/20.

This bill amends Section 63-5-52 to allow the Mississippi Department of Transportation to issue special forestry permits to certain vehicles for the transporting of equipment necessary for timber-harvesting activities, whether to and from timber harvest operations, or to and from a truck repair shop or equipment service center. The vehicles must be no more than 14 feet wide and 14 feet high, with a gross weight of no more than 100,000 pounds. The annual fee for the permit is \$200.00 per pulling unit.

**SB 2764.** Effective 1/1/21. Signed 7/3/20.

This bill provides for the issuance by the Department of Revenue, through the county tax collectors, of special decals for applicants with health conditions impairing their effective communication with law enforcement. (Examples of these conditions are autism and Asperger's syndrome.) These decals are to be placed on the license plate and front left windshield corner of the applicant's vehicle. The initial and renewal applications must have the certification of a state-licensed physician or psychologist stating that the applicant or the applicant's child, parent or spouse has a physical or mental health condition impairing the ability to communicate effectively with law enforcement, and that the physician or psychologist has determined that the communication impairment will last for at least five years. The information provided by the applicant will be confidential and may not be disclosed.

Additionally, the bill directs the Board on Law Enforcement Officer Standards and Training at the Department of Public Safety to promulgate regulations requiring education and training on mental health and behavioral issues, in order to

help law enforcement officers recognize conditions or disabilities that may impede effective communication.

**SB 3052.** Effective 7/1/20. Signed 7/8/20.

This bill revises certain laws to make adjustments for COVID-19:

First, the requisite period in Section 63-1-9 for possession of a learner's permit or intermediate license before an applicant may qualify for an intermediate license or driver's license, respectively, is shortened in certain circumstances involving COVID-19 office closures.

Second, Chapter 467, Laws of 2019, which is the Mississippi First Responders Health and Safety Act, is amended to extend the act's effective date by one year, from July 1, 2021, to July 1, 2022.

Third, Section 25-15-406 is amended to extend, from January 1, 2022, to January 1, 2023, the date by which the state or a municipality, county, or fire protection district must show proof of insurance coverage meeting the requirements of the Mississippi First Responders Health and Safety Act, the administration of which is changed from the Attorney General to the Commissioner of Insurance.

**HB 1080.** Effective 7/1/20. Signed 7/7/20.

This bill amends Section 65-43-3 to revise the toll road laws regarding public-private partnerships to allow for extensions, automatic renewals or other contractual terms agreed to by the governmental entity as exceptions to the maximum contract period of 50 years.

**HB 1176.** Effective 7/1/20. Signed 6/22/20.

This bill amends Section 37-41-47 to increase the maximum speed limit for the driver of any school bus transporting children to 65 miles per hour on interstate highways.

**HB 1279.** Effective 7/1/20. Signed 7/7/20.

This bill designates the following memorial highways and other related purposes:

- Designates a segment of U.S. Highway 51 in Lincoln County, Mississippi, in memory of fallen Brookhaven police officers Corporal Walter Zachery "Zach" Moak and Officer James Kevin White;
- Designates a segment of Mississippi Highway 589 in Lamar County, Mississippi, in memory of fallen Hattiesburg police officer Benjamin J. Deen;
- Designates a segment of U.S. Highway 50 in Lowndes County, Mississippi, as the "Senator William 'Bill' Canon Memorial Highway";
- Designates a segment of U.S. Highway 11 in Jones County, Mississippi, as the "Coach Elmer Higginbotham Memorial Highway";
- Designates a segment of U.S. Highway 45 in Alcorn County and Prentiss County, Mississippi, as the "Speaker William J. 'Billy' McCoy Memorial Highway";
- Designates a segment of Mississippi Highway 35 in Jefferson Davis County, Mississippi, as the "H.D. Broome Memorial Highway";
- Designates a segment of Mississippi Highway 371 in Itawamba County as the "Jeff Boren Memorial Highway";
- Designates a segment of Mississippi Highway 16 in Leake County, Mississippi, as the "Blake Burgess Memorial Highway";



- Designates a segment of Mississippi Highway 42 in Greene County, Mississippi, as the "Piney Woods Creek Memorial Highway in Recognition EOW April 1, 1921, Deputy U.S. Marshal Jake Green and Greene County Deputy Lawrence Dunnam";

- Authorizes a sign or signs to be erected on Mississippi Highway 25 in Rankin County, Mississippi, to honor Olympic Gold Medalist Tori Bowie;

- Creates a new section in Title 65, Chapter 3, Mississippi Code of 1972, to require the Mississippi Department of Transportation to erect signs on Interstate 55 and Mississippi Highway 568 directing motorists to the Lynyrd Skynyrd monument in Pike County, Mississippi;

- Designates a segment of Mississippi Highway 13 in Scott County, Mississippi, as the "Sheena Miles, R.N., Medical Memorial Bypass";

- Requires the erection of signs for Magnolia Heights School at Exit 263 of Interstate 55 in Tate County, Mississippi;

- Designates a portion of Highway 11 in Jones County, Mississippi, as the "Tyrone Stewart Memorial Highway";

- Designates a portion of Mississippi Highway 302, also known as Goodman Road, in Horn Lake, as the "Sam Dye Memorial Highway";

- Designates a portion of Old Highway 15/South Jackson Street in Houston, Mississippi, as the "Mississippi Supreme Court Chief Justice Armis Hawkins Memorial Highway"; and

- Directs the Mississippi Department of Transportation to erect and maintain appropriate signs along and approaching the intersection of highway described in House Concurrent Resolution No. 82, 2019 Regular Session.

**HB 1371.** Effective on passage. Signed 7/8/20.

- This bill amends Section 63-1-13 to provide that the Director of the Driver Services Division, the Director of the Driver License Examining Bureau and supervising examiners must meet qualifications set by the State Personnel Board for their respective positions.

- The bill provides that not later than July 1, 2021, the commissioner shall not employ any active-service highway patrol officers in the Driver License Examining Bureau.

- The bill amends Section 63-1-16 to provide that driver's license kiosks shall be equipped with printers at all locations in the state for the purpose of printing all kiosk documents, cards and other printouts on site.

- The bill provides that at each driver's license location in the state there shall be location signs prominently displayed providing for required information for the various licenses, cards and other services.

- The bill provides that on the Driver Services Division's website, there shall be tutorial videos linked to online procedures to help clearly illustrate how to use the website.

- The bill provides that on the Driver Services Division's website, the "Wait Anywhere Appointment," or its equivalent or successor program, shall be made available to use for all driver's license locations in the state.

- The bill amends Sections 63-1-35 and 45-35-3 to direct the Commissioner of Public Safety to develop and implement, not later than July 1, 2021, an electronic format for driver's licenses, driving permits and identification cards as an option for license holders, permit holders and card holders.

- The bill amends Section 63-1-33 to require the Department of Public Safety to accept the certification of successful completion of an individual's training in the knowledge and skills needed for the proper and safe operation of a motor vehicle from a driver education and training program at a secondary school that meets the standards of the State Board of Education, in lieu of the Department of Public Safety administering the examination of the individual for the purpose of obtaining a driver's license. The bill specifies who may be employed as instructors in such secondary school programs.

- The bill directs the Commissioner of Public Safety to develop an affidavit whereby a parent, guardian or teacher may certify that he or she has witnessed a student operate a motor vehicle for at least 50 hours and attest to his or her proficiency in the proper and safe operation of a motor vehicle and provide that the Department of Public Safety shall accept such in lieu of a skills test administered by the department.

- The bill amends Section 63-1-43 to provide, starting January 1, 2021, for a \$10.00 reduction of a driver's license fee in certain instances where the person does not receive his or her license after a 2.5-hour wait.

- The bill amends Section 63-1-47 to require the Department of Public Safety to send email and text notification of the upcoming expiration of a driver's license to known emails and phone numbers authorized by license holders not less than 30 days before the expiration date.

- The bill amends Section 63-1-208 to require the Commissioner of Public Safety to authorize certain third parties to administer the knowledge and skills test required for a commercial driver's license.

- The bill amends Section 63-1-211 to provide that CDL renewals shall be available to be performed online except in certain circumstances. The bill further requires that the Department of Public Safety shall upload medical card information within five days of receiving the updated medical card information and notify license holders within 24 hours of such upload.

- The bill amends Sections 45-33-25, 45-33-27, 45-33-29, 45-33-31, 45-33-33 and 45-33-35 to change the location for mandatory personal appearances of registered sex offenders from the driver's license station to a facility designated by the Department of Public Safety or in a manner of the Department of Public Safety's choosing, including by electronic means.

## INSURANCE

**SB 2227.** Effective 7/1/20. Signed 6/10/20.

SB 2227 amends Section 83-23-203 to clarify the purpose of the Mississippi Life & Health Insurance Guaranty Association Act. The bill also does the following:

- Amends Section 83-23-205 to revise the coverages provided under the act to include coverage for health maintenance organization subscriber contracts and certificates, and to clarify certain coverages;
- Amends Section 83-23-209 to provide that the definition of "member insurer" includes a health maintenance organization that holds a certificate of authority to transact health maintenance organization business;
- Amends Section 83-23-211 to provide that health maintenance organizations shall be and remain member insurers as a condition of their authority to transact health maintenance organization business in Mississippi;
- Amends Section 83-23-215 to revise the powers of the association;
- Amends Section 83-23-217 to remove the maximum limitation on Class A assessments and to provide for the allocation of Class B assessments related to long-term care insurance;
- Amends Section 83-23-235 to clarify the prohibition against using the association's name in advertising and to provide for delivery of a summary document disclosure by health maintenance organizations;

- Creates new Section 83-23-239 to provide that the amendments made by this bill shall not apply to any member insurer that, before the effective date of those amendments, has been placed under an order of liquidation with a finding of insolvency.

**SB 2230.** Effective on passage. Signed 6/10/20.

SB 2230 amends Section 83-11-101 to require automobile liability insurance policies to provide coverage under the Uninsured Motorist Act for claims involving vehicles owned or operated by a person or entity protected by immunity under the Mississippi Tort Claims Act.

**SB 2301.** Effective 7/1/20. Signed 6/10/20.

SB 2301 amends Section 83-11-551 to remove the repealer on the provision requiring an insurer paying an automobile insurance claim to add the business repairing the automobile or the lienholder as a payee on the check.

**SB 2709.** Effective 7/1/20. Signed 6/23/20.

SB 2709 amends Sections 83-75-1, 83-75-3 and 83-75-5 to include commercial property in the insurance premium discount or rate reduction for hurricane or windstorm damage mitigation. Not later than July 1, 2021, insurance companies must provide a premium discount or insurance rate reduction for new commercial insurable property. In addition, insurance companies may also offer additional adjustments in deductible, other credit rate differentials, or a combination thereof, collectively referred to as adjustments. These adjustments shall be available to any owner who builds or locates a new commercial insurable property, or who retrofits existing commercial insurable property, to

resist loss due to hurricane, tornado or other catastrophic windstorm events in any county located in the State of Mississippi.

**HB 95.** Effective 7/1/20. Signed 6/30/20.

HB 95 amends Section 83-9-5 to provide that the Commissioner of Insurance may resolve any disputes between health care providers and insureds arising under provisions regarding assignment of benefits and billing. The bill provides that the Commissioner of Insurance shall adopt rules and regulations necessary to enforce these provisions regarding assignment of benefits and billing.

**HB 408.** Effective 7/1/20. Signed 6/22/20.

HB 408 amends Sections 83-19-151 and 83-19-157 to provide a definition of a reciprocal jurisdiction and to provide requirements for credit for reinsurance when the reinsurance is ceded to an assuming insurer having its head office or domicile in, and being licensed in, a reciprocal jurisdiction.

**HB 773.** Effective 7/1/20. Signed 7/7/20.

HB 773 amends Sections 83-2-7 and 83-2-3 to enact the Commercial Lines Modernization Act. The bill provides that rates, supplementary rate information, policy forms and endorsements for the following commercial lines insurance coverages shall be exempt from filing and approval requirements:

- Surety and Fidelity;
- Boiler and Machinery;
- Environmental Impairment or Pollution Liability;
- Kidnap and Ransom;
- Political Risk or Expropriation;

- Excess and Umbrella Liability;
- Employment Practices Liability;
- Media Liability;
- Product Liability, Product Recall, and Completed

Operations;

- Highly Protected Commercial Property; and
- Any other commercial lines insurance coverage or risk that the commissioner shall, pursuant to regulation, exempt from rate, rate supplementary information, or policy form filing requirements in order to promote enhanced competition or to more effectively use the resources of the department that might otherwise be used to review commercial lines filings.

The bill provides that if a commercial lines insurance rate, policy form or endorsement is determined not to comply with the requirements of Mississippi law, the Commissioner of Insurance may issue an order specifying in detail how the rate, policy form, or endorsement fails to meet statutory requirements and further specifying a prospective date after which the rate or form may not be used.

The bill provides that the commissioner may temporarily reinstate, for a period of not longer than one year, the filing and approval requirements for rate, rate supplementary information, or policy form for a specific type of commercial lines insurance if, after a hearing, the commissioner makes a finding of fact that a reasonable degree of competition does not exist for that specific type of insurance coverage.

The bill provides that for purposes of Section 83-2-7, commercial lines insurance means property and casualty insurance for any risk that is not a personal or family risk, but shall not include workers' compensation, medical malpractice



liability, creditor-placed insurance or any insurance issued by residual market mechanisms or assigned risk plans.

The bill also amends Section 45-45-27 to provide that the owner of an elevator that serves only two adjacent floors may request an exemption from the annual inspection requirement under the Mississippi Conveyance Safety Act pursuant to rules and regulations promulgated by the Commissioner of Insurance.

**JUDICIARY, DIVISION A**

**SB 2212.** Effective on passage. Signed 6/29/20.

This bill creates an advisory committee on jail census data collection.

The duties of the advisory committee are to research the practice of other states and the federal government to propose standards for a centralized database that will facilitate the availability of comparable and uniform data across the state. The advisory committee shall research the following:

- The number of individuals detained for a new offense or delinquent act.
- The number of individuals detained pending trial.
- The number of offenders detained for a revocation of supervision.
- The average sentence length for new jail sentences by offense type.
- The average sentence length for offenders in jail for a probation revocation.
- The average sentence length for offenders in jail for a parole revocation.
- The percentage of sentences in each category offense type, including whether the offense was a violent, property, drug, or public order offense. All drug offenses must include the type of drug implicated in the offense, as well as type of offense, such as possession, sale or manufacture.
- The average length of stay by offense type.

- For individuals awaiting trial, the average length of stay from the time of arrest to the time of indictment, and from the time of indictment to trial.

The committee is to report by December 1, 2020, and will consist of five members: the Commissioner of Corrections, acting Commissioner of Corrections or a designee; the State Public Defender or a designee; the President of the Mississippi Prosecutors Association or a designee; the President of the Mississippi Sheriffs' Association or a designee; and a circuit court judge appointed by the Chief Justice of the Supreme Court.

Appointments are to be made within 30 days, and the committee must meet and organize by August 15th. The Performance Evaluation and Expenditure Review Committee will provide staff support.

**SB 2273.** Effective 7/1/20. Signed 6/29/20.

This bill amends Section 59-5-37 to extend the date of repeal to July 1, 2024, of the provisions of law that authorizes the State Port Authority at Gulfport to use the design-build method of contracting for certain purposes.

The bill also authorizes that notwithstanding any other provision of law to the contrary, any port or port commission may use the design-build method of contracting for the renovation, repair and/or making of other improvements to equipment and/or facilities at the port.

**SB 2430.** Effective 7/1/20. Signed 6/25/20.

This bill creates new Section 15-1-83 that provides that an action against a licensed real estate appraiser must be commenced within five years after the date the appraisal was relied upon or must be filed within the time prescribed in

Section 15-1-49, the limitation provision for actions that are not otherwise specified, whichever is earlier. This limitation does not apply to any action arising from a real estate appraisal where the licensed real estate appraiser fraudulently inflated the value of the property or colluded with others to fraudulently inflate the value of the property.

The bill also creates new Section 15-1-85 that provides that an action based on actions or omissions to act by a real estate broker or salesperson must be commenced within five years after the date the appraisal was relied upon or must be filed within the time prescribed in Section 15-1-49, the limitation provision for actions that are not otherwise specified, whichever is earlier. This limitation does not apply to any action where the real estate broker or salesperson or an affiliated firm fraudulently inflated the value of the property or colluded with others to fraudulently inflate the value of the property.

**SB 2510.** Effective on passage. Signed 6/23/20.

This bill provides that the Secretary of State is allowed to commence a proceeding under Section 79-29-1021 for the administrative revocation of the registration of a foreign limited liability company if the Department of Revenue has notified the Secretary of State that the limited liability company is delinquent in any payments or tax owed to the state.

**SB 2553.** Effective 7/1/20. Signed 7/1/20.

This bill enacted the Uniform Partition of Heir Property Act. The bill only applies to partition actions of property that the court determines to be heir property. Heir property is property where, at the time of the filing of the partition

action, there is no agreement in a record binding all the cotenants which governs the partition of the property. Also, one or more of the cotenants of the property must have acquired title from a relative. Last, any of the following is the case concerning the property: 20% or more of the interests are held by cotenants who are relatives, 20% or more of the interests are held by an individual who acquired title from a relative, or 20% or more of the cotenants are relatives. If the court determines the property to be heir property, the property must be partitioned under the act unless all of the cotenants agree otherwise in a record. This act supplements Mississippi's law on partitions and replaces any provisions that are inconsistent with the act.

In sum, if the property is determined to be heir property and there is no agreement in a record among all of the cotenants as to partition, then the partition is subject to the act.

Under the bill, the plaintiff must notify all of the other cotenants of the partition action. If this notice is done by publication, the bill requires the plaintiff, no later than ten days after the court's determination that the property is heir property, to post and maintain a conspicuous sign on the property for the duration of the action. The sign must state that the action has commenced, must identify the name and address of the court, and include the common designation by which the property is known. The court may require the plaintiff to publish on the sign the name of the plaintiff and the known defendants.

Next, the court must order an independent appraisal to determine the property's fair market value as a single parcel. If any cotenant objects to the appraisal, the court must hold a hearing to consider additional evidence. Once the appraisal has been entered into the record and noticed to each party with a

known address, the court shall hold a hearing to determine the fair market value of the property, regardless of whether or not a cotenant has objected to the appraisal of the property.

Any cotenant may buy the interest of the cotenant seeking partition for a proportional share of the court-determined fair market value. The cotenants have 45 days to exercise their right of first refusal, and if exercised, another 60 days in which to arrange for financing. If more than one cotenant elects to buy the shares of the cotenant(s) seeking partition, the court will pro-rate the sellers' shares among the buyers according to their existing fractional ownership percentages.

If no cotenant elects to purchase shares from the cotenant(s) seeking partition, the court must order a partition in kind, unless the court determines that partition in kind will result in great prejudice to the cotenants as a group. If the court does not order partition in kind, the court shall order partition by sale or if no cotenant requested partition by sale, the court shall dismiss the action. In its discretion, the court may order one or more cotenants to pay one or more other cotenant amounts so that the payments, taken together with the value of the in-kind distributions to the cotenants, will make the partition in kind just and proportionate in value to the fractional interests held. Should the court partition the property in kind, the court shall allocate to the cotenants who are unknown, unlocatable, or the subject of a default judgment, an undivided part of the property representing their combined interests. The bill sets forth a number of factors that court shall consider in determining whether partition in kind would result in manifest prejudice to the cotenants as a group, including whether the heir property practicably can be divided among the cotenants.

If partition in kind is inappropriate and the court orders a partition by sale, the property must be offered for sale on the open market at a price no lower than the court-determined value for a reasonable period of time and in a commercially reasonable manner. If an open market sale is unsuccessful or the court determines that a sale by sealed bids or by auction would be more economically advantageous for the cotenants as a group, the court may order a sale by one of those methods.

**SB 2821.** See summary under Veterans and Military Affairs heading.

**SB 2850.** Effective 7/1/20. Signed 6/23/20.

This bill amends Section 91-1-1 to provide that Mississippi's decent and distribution law applies to the property of decedents domiciled in Mississippi and the real property of nonresidents located in Mississippi.

The bill also amends Section 91-5-35 to allow a will to be admitted to probate as muniment of title only by filing signed and sworn petitions without necessity of administration. The bill provides that Mississippi's decent and distribution law applies to the property of decedents domiciled in Mississippi and the real property of nonresidents located in Mississippi.

Under the bill, when a person dies testate owning real property in Mississippi and his or her will purports to devise the property, the person's will may be admitted to probate, as a muniment of title only, by petition signed and sworn if the value of the person's probate estate did not exceed the sum set fourth in Section 91-7-322 and all known debts of the person and his estate have been paid.

This petition shall be signed and sworn by the personal representative, including (a) an executor, (b) an administrator with the will annexed, or (c) other personal representative serving in a foreign jurisdiction. If there is no such serving executor, administrator with the will annexed, or other personal representative, then it shall be signed and sworn by (i) the spouse of the decedent, if then living, and (ii) the devisees of the Mississippi real property, whether specific or residuary, but excluding persons holding mere contingent remainder interests in the real property. The petition may be signed for and on behalf of the spouse of the decedent, or a beneficiary under the will of the decedent, by a person acting in a representative capacity in accordance with Section 91-8-303.

The bill also amends 91-17-412 to provide that to the extent that a trustee accounts for receipts from the sale of timber and related products pursuant to this section, the trustee shall allocate the net receipts first to principal, based upon the volume of the timber at the time of transfer to the trust or decedent's estate. The balance shall be allocated 80% to income and the balance to principal. In determining net receipts to be allocated, a trustee shall deduct, including, but not limited to, the following expenses related to the sale of timber and related products from gross receipts:

- (1) Management expenses;
- (2) Legal and accounting expenses and fees;
- (3) Sales commissions;
- (4) Reforestation expenses; and
- (5) Any necessary timber stand improvement expense that is recognized and accepted as good forest management practice at the time of sale.



The bill further amends Section 91-17-501 which is a provision of the Mississippi Principal and Income Act of 2013. The bill gives the trustee discretion to allocate more or less of certain percentages of expenses if income or principal of the trust is insufficient to satisfy the amounts required by Section 91-17-501.

Last, the bill amends Section 91-7-322 to revise the threshold under which payment of personal property can be made upon affidavit of successor.

**SB 2851.** Effective 7/1/20. Signed 6/29/20.

This bill revises Mississippi law governing trusts and estates by enacting portions of the Uniform Probate and Trust Codes.

First, the bill creates the Mississippi Real Property Transfer-on-Death Act which authorizes a transfer-on-death deed that is both revocable and nontestamentary. The bill does not affect any other method of transferring property in Mississippi and applies to transfer-on-death deeds executed or acknowledged on or after July 1, 2020.

A transfer-on-death deed requires the same mental capacity as required to contract and may not be created through a power of attorney unless the transfer of property is authorized in the power of attorney. A transfer-on-death deed is effective without notice, delivery, acceptance or consideration. Further, subject to certain conditions, a transfer-on-death deed is revocable.

During the transferor's life, a transfer-on-death deed does not affect any interest or right in the property of the transferor or any other owner. A transfer-of-death deed is voided if the transferor, during his or her lifetime, conveys the property and a valid instrument conveying the transferor's

interest is recorded in the official records of the chancery clerk. The bill describes the effect of the transfer-on-death deed at the transferor's death and provides that the designated beneficiary takes the property subject to all liens, encumbrances and creditor's claims. A beneficiary, though, may disclaim all or part of his or her interest under the Mississippi Uniform Disclaimer of Property Interests Act.

The bill provides optional forms for the transfer-on-death deed and for revocation of the transfer-on-death deed. It also specifies the act's relation to electronic signatures under the Global and National Commerce Act.

Also, the bill provides for revocation of certain instruments executed before divorce. It provides that a decedent's former spouse is not a surviving spouse if the marriage is dissolved or declared void during the decedent's life unless the decedent remarries the former spouse. It also provides for the revocation of certain nontestamentary transfers and instruments under which the former spouse may have been a beneficiary and the effect of those revocations.

Under the bill, a bona fide purchaser of property from a former spouse of a divorced individual who receives payment or property from the former spouse in satisfaction of an enforceable obligation is not required to return the payment and is not liable for the amount or value of it. But a former spouse of a divorced individual who receives payment he or she is not entitled to shall return the payment to the person entitled to it and is personally liable to that person for the amount or value of the payment.

Certain trusts where divorced parties are joint settlors are governed by the bill. Likewise, the bill provides for certain multiple-party accounts and provides for treatment of a former spouse under certain circumstances. The bill also

develops standards for determining individuals' consanguinity and affinity. Also, the bill allows for the pre-decree designation of an ex-spouse as a life insurance beneficiary or as retirement or other financial plan beneficiary as long as certain conditions are met.

Further, this bill creates the Mississippi Uniform Estate Tax Apportionment Act. The bill provides for apportionment by will and develops a statutory scheme for apportionment where the apportionment is not governed by an instrument. The bill also establishes credits and deferrals. Also, the bill provides for instances when property is subject to a time-limited interest which is included in the apportionable estate but is unavailable for payment of estate tax because of impossibility or impracticability. The bill establishes recapture provisions for special elective benefits and provides for the securing of payment of estate tax from property in possession of a fiduciary. Further, a fiduciary is authorized to collect estate tax from certain persons. Also, persons required to pay an estate tax greater than the amount due under the bill have a right of reimbursement from another person to the extent that the other person has not paid the tax required by the bill.

The chancery court has the jurisdiction to make the prorations and the orders directing payment of amount of tax contemplated by the Mississippi Uniform Estate Tax Apportionment Act. Moreover, courts, in applying and construing the chapter, must give consideration to the need to promote uniformity of the law with respect to its subject matter among those states that enact the law. The provisions of the act are severable. Further, the provisions of this act do not apply to the estate of a decedent who dies on or within one year of July 1, 2020, unless the decedent has directed that the provisions shall apply.

Additionally, this bill authorizes an estate debtor to settle the obligation outside of administration. Under the bill, a payment or delivery made in good faith on the basis of proof of authority will release the debtor or person having possession of the personal property to the same extent as if payment or delivery had been made to a local personal representative. Payment, though, shall not be made by the debtor if a resident creditor of a nonresident decedent notifies the debtor of the nonresident decedent that the debt should not be paid.

A foreign personal representative may file authenticated copies of a foreign appointment. If a foreign personal representative does so, the representative may exercise, as to assets, all the powers of a local representative and may bring actions subject to any conditions imposed upon nonresident parties generally. These powers of the foreign personal representative are terminated by an application for local administration of the estate, but a person who has changed his position in reliance on this bill before receiving actual notice of a local administration shall not be prejudiced. A foreign personal representative is subject to the jurisdiction of the courts of this state limited to the money or value of personal property collected under certain circumstances and is also subject to the jurisdictions of the courts of this state to the same extent as his or her decedent was subjected to jurisdiction immediately before death. The bill also provides for service of process against a foreign representative.

For a nonresident decedent, this bill governs proceedings in a court of this state and governs the status, powers, duties and liabilities of any local personal representative and the rights of claimants, purchasers, distributees and others in regard to a local administration. Also, an adjudication in any

jurisdiction against a foreign personal representative shall be as binding on the local representative as if he or she were a party to the adjudication.

This bill also enacts Article 5 of the Uniform Trust Code. It provides for the rights of a beneficiary's creditor or assignee and creates a spendthrift provision. Further, a discretionary interest is a mere expectancy under the bill. The bill also governs creditors' claims against settlors and distributions relative to support, mandatory, and certain remainder interests. Trust property, under the bill, is not subject to personal obligations of the trustee. Further, the bill provides for the removal or replacement power over a trustee. Additionally, the bill prohibits the judicial foreclosure of beneficial interests, powers of appointment, and reserved powers.

In addition, the bill enacts the "Mississippi Uniform Disclaimer of Property Interests Act (2002/2010)" which applies to disclaimer of any interest in or power over property, whenever created and is supplemented by the principles of equity. Under the bill, a person may disclaim, in whole or part, any interest in or power over property.

The bill provides certain requirements for disclaimer and describes its effect. It also provides for the effect of a disclaimer of a property or interest:

- Where the property or interest is held in joint tenancy;
- Where the property or interest is held as tenants by the entirety; and
- Where the property or interest would otherwise have become trust property.

The bill further describes the effect of the disclaimer of a power of appointment or other power not held in a fiduciary

capacity as well as the disclaimer of an exercise of power of appointment by an appointee, object, or taker in default. Also, the bill describes the effect of the disclaimer of power held in a fiduciary capacity.

The bill also governs the delivery or filing of a disclaimer of an interest as well as the circumstances where disclaimer is barred or limited. Also, if the disclaimed interest is considered under the provision of Title 26 of the United States Code as never having been transferred, then the disclaimer is effective under this bill. Constructive notice of a disclaimer of interest in real property is not provided unless the disclaimer is filed with the chancery clerk and contains a description of the real property.

An interest in property existing on July 1, 2020, as to which the time for delivering or filing a disclaimer under law superseded by this bill has not expired may be disclaimed after July 1, 2020. Courts interpreting this bill should consider uniformity; and the provisions of the bill are severable.

Last, the bill repeals The Uniform Estate Tax Apportionment Act, The Uniform Disclaimer of Property Interests Act, The Family Trust Preservation Act of 1998 and Section 91-7-259 which provides for foreign fiduciaries and lawsuits and debts.

**SB 2874.** Effective on passage. Signed 6/23/20.

This is a technical correction bill for SB 2828, 2019 Regular session, which revised the guardianship and conservatorship laws. It was commonly referred to as the GAP Act (guard and protect vulnerable children and adults).

This bill clarifies the definitions of "notice" and "summons" and provides when notice and summons are required under the act. It also provides that the guardianship laws do not apply to a durable legal relative guardianship to facilitate

child placement that may be created by a youth court under Section 43-21-609.

Sections 93-20-107 and 93-20-108 are amended to authorize combining proceedings and letters of guardianship and conservatorship when the guardian and conservator are the same person and to require subscription to an oath by a fiduciary.

Section 93-20-118 is amended to provide for the payment of attorney's fees in cases where a petition for guardianship or conservatorship is determined to have been filed in bad faith.

The transition and conflict of law provisions are clarified by amending Section 93-20-125. Sections 93-20-201 and 93-20-302 are amended to authorize the court to dispense with legal representation if that would impose an undue burden on the ward's estate.

Other provisions revise the parties entitled to be given notice of a petition for appointment of a guardian of a minor, guardian of an adult, or conservator for the estate of a minor or an adult, to clarify the hearing required before appointment of any of these fiduciaries, and to specify what notice is required, and to whom given, of any subsequent proceedings.

Other provisions clarify the appointment and role of a guardian ad litem, when professional examination of a minor is required before appointment of a conservator, and what are the respondent's rights at a hearing on a petition to appoint a conservator. Section 93-20-411 is amended to provide when costs are not to be assessed to the petitioner.

Section 93-20-431 is amended to provide that payment of settlement proceeds may be made without appointment of a conservator under certain limited circumstances; this conforms to prior law repealed in the 2019 bill.

Sections 93-14-401, 92-14-402 and 93-14-403, which constitute Article 4 of the Uniform Adult Guardianship and

Protective Proceedings Jurisdiction Act and deal with the registration and recognition of foreign orders of guardianship and conservatorship are repealed as duplicative.

**SB 2877.** Effective 7/1/20. Signed 7/8/20.

This bill amends Sections 43-19-33, 93-9-9 and 93-9-21 to provide that an affirmation of paternity of a dependent child can be established by written declaration, made under penalty of perjury, with a court of competent jurisdiction.

**SB 3049.** Effective from and after 3/14/20, and expire one year after the end of the COVID-19 state of emergency, except that any civil liability arising out of acts or omissions or related to an injury that occurred during the operation of this act shall be subject to its provisions in perpetuity. It is the intent of the Legislature that this act take effect retroactively. Signed 7/8/20.

This bill provides immunity from suit and liability to various entities during the COVID-19 state of emergency.

A person, or agent of that person, who attempts in good faith to follow public health guidance shall be immune from suit for civil damages for any injuries or death resulting from or related to actual or alleged exposure or potential exposure to COVID-19 in the course of or through the performance or provision of its functions or services. A person also has the same civil immunity for the period of time before the issuance of public health guidance. The civil immunity also applies to any owner, lessee, occupant, or any other person in control of a premises who directly or indirectly invites or permits any person onto a premises.



The bill defines "person" as an individual, the state and political subdivisions as defined in Section 11-46-1, association, educational entity, for-profit or nonprofit entity, religious organization or charitable organization. It also defines "public health guidance" as written guidance related to the COVID-19 state of emergency that is issued by an executive agency or regulatory agency of the federal government or an executive agency of the State of Mississippi.

Health care professionals or health care facilities are also granted civil immunity for any injury or death directly or indirectly sustained because of acts or omissions while providing health care services related to a COVID-19 state of emergency. The immunity for healthcare professionals and facilities takes effect when the COVID-19 state of emergency is declared, applies to any health care services performed during the COVID-19 state of emergency, and terminates one year after the end of the COVID-19 state of emergency. The immunity includes, but is not limited to, injury or death resulting from screening, assessing, diagnosing or treating persons in relation to the COVID-19 state of emergency or the medical conditions causing the COVID-19 state of emergency, or acts or omissions while providing health care services to persons unrelated to the COVID-19 state of emergency when those acts or omissions were intended to support the state's response to the COVID-19 state of emergency.

A person who designs, manufactures, labels, sells, distributes, or donates a qualified product in response to COVID-19 shall be immune from suit for civil damages for any injuries resulting from or related to actual or alleged exposure or potential exposure to COVID-19 caused by a qualified product. Under the bill, the term "qualified product" describes a broad category of goods related to the public health system's response

to the COVID-19 pandemic, including, but not limited to, personal protective equipment, medical devices, medications and tests. In addition, a person who designs, manufactures, labels sells, distributes, or donates disinfecting or cleaning supplies or personal protective equipment in response to COVID-19 outside the ordinary course of the person's business shall be immune from suit for civil damages for any injuries resulting from or related to actual or alleged exposure or potential exposure to COVID-19 caused by the disinfecting or cleaning supplies or personal protective equipment.

This bill does provide, however, that the immunities granted in the bill do not apply where a plaintiff shows, by clear and convincing evidence, that a defendant acted with actual malice or willful, intentional misconduct. The bill is not intended to create a cause of action, eliminate an element of any claim, affect workers' compensation law, or affect any other immunity or limitation of liability.

Last, the bill provides that, except as otherwise provided in Section 11-46-11, a person must bring suit for any alleged injury arising from COVID-19 not later than 2 years after the day the cause of action accrues.

**HB 25.** Effective 7/1/20. Signed 6/30/20.

This bill requires each circuit, chancery and county court in this state to require the use of the Mississippi Electronic Court System by July 1, 2021, for all pleadings and other papers that are served, filed, signed or verified.

**HB 96.** Effective 7/1/20. Signed 6/29/20.

This bill makes the following revisions to the Baby Drop-Off Law:

- Increases the maximum age of a child that an emergency medical services provider may take possession of when the child is voluntarily delivered to the provider by the child's parent and the parent did not express an intent to return for the child, from 72 hours old or younger to seven days old or younger.

- Expands the types of emergency medical services providers that may take possession of a child to include a fire station or mobile ambulance staffed with full-time firefighters, emergency medical technicians or paramedics.

**HB 273.** See summary under Municipalities heading.

**HB 493.** Effective 7/1/20. Signed 6/29/20.

This bill amends Sections 19-7-25 and 19-25-65 to provide that boards of supervisors and sheriffs may maintain an electronic format of state statutes, digests and other legal books in the courtroom. However, the required printed format of such books must be continued to be maintained in the court room. The bill also amends Section 19-7-31 to authorize county public law libraries to maintain an electronic format of law books in the libraries as long as the required printed format of the books is continued to be maintained in the libraries.

Additionally, the bill amends Section 1-1-11 to require the Joint Committee on Compilation, Revision and Publication of Legislation to distribute or provide for the distribution of three sets of the compilation of the Mississippi Code of 1972 to the Department of Child Protection Services. The bill further reduces from seven to four sets of the compilation that are to be distributed to the Department of Human Services. Finally, the bill provides that an official written request to the Joint

Committee on Compilation, Revision and Publication of Legislation must be made by any elected state official, elected state district official, or any member of the Legislature in order for such elected official to receive a set of the Mississippi Code of 1972.

**HB 576.** Effective on passage. Signed 7/8/20.

This bill revises the burden of proof by owners of livestock. It removes the owner's burden to prove a lack of negligence when livestock of the owner is found estranged on roads and/or highways. The bill also provides that the provisions of this act shall not be applicable to any case filed before July 1, 2020.

**HB 811.** Effective 7/1/20. Signed 6/29/20.

This bill creates a new section of law to require that the operator of a motor vehicle in an accident without serious injury or death on a highway in this state who is capable of safely moving the vehicle shall do so by moving the vehicle to a designated accident investigation site, a location on the frontage road, the nearest suitable cross-street or other suitable location. The bill makes a violation of this section punishable as a traffic offense beginning on July 1, 2021. The bill provides that the Mississippi Department of Transportation shall determine and erect appropriate signs in appropriate locations throughout the state to inform the public about the new state law provided for in this section.

**HB 1127.** Effective 7/1/20. Signed 6/22/20.

This bill removes the determination that reunification and adoption are inappropriate as a condition for a grant of durable legal guardianship to a relative or fictive kin licensed as a

foster parent if the licensed relative foster parent, or licensed fictive kin foster parent exercised physical custody of the child for at least six months before the grant of durable legal relative guardianship and the Department of Child Protection Services had legal custody or exercised supervision of the child for at least six months.

**HB 1129.** Effective 7/1/20. Signed 6/22/20.

This bill clarifies the jurisdiction of a county court to have exclusive jurisdiction to hear a petition for termination of parental rights when the county court acquires jurisdiction of a child in an abuse or neglect proceeding.

**HB 1131.** Effective 7/1/20. Signed 6/22/20.

This bill amends Sections 43-21-301 and 43-21-303, Mississippi Code of 1972, to change the reference in the provisions of law regulating youth court custody orders from "endanger" to "in danger of a significant risk of harm."

**HB 1134.** Effective 7/1/20. Signed 7/8/20.

This bill amends provisions governing out-of-state adoptions by requiring the prospective adoptive parent or parents, if not residing in Mississippi, to have completed and provided the court with a satisfactory Interstate Compact for Placement of Children (ICPC) home study and accompanying forms.

The bill also clarifies that a married person whose spouse does not join in the petition because such spouse does not cohabit or reside with the petitioning spouse may adopt a child. The bill clarifies that only the consenting adult will be a legal parent of the child.

**HB 1156.** Effective 7/1/21. Signed 6/25/20.

This bill revises Mississippi's Law on Notarial acts by:

- Defining certain terms.
- Prescribing the notarial acts that a notarial officer may perform.
  - Authorizing notarial officers to charge a fee not exceeding \$5.00 for services rendered.
  - Requiring individuals requesting certain notarial services to physically appear before the notarial officer.
  - Requiring notarial officers to determine the identity of the person appearing before the officer and prescribes acceptable forms of identification.
  - Authorizing notarial officers to refuse to perform certain acts.
  - Authorizing an individual who is physically unable to sign a record before a notarial officer to direct another person to sign on the individual's behalf.
  - Authorizing notarial acts to be performed by notaries public, elected judges and clerks of court and the Secretary of State.
  - Recognizing certain qualified notarial acts performed under the authority of another state, federally recognized Indian tribe, the federal government and foreign states.
  - Requiring a notarial act to be evidenced by a certificate.
  - Requiring notaries public to have an official seal, to procure a stamping device and to maintain a journal of notarial acts.
  - Authorizing notaries public to perform notarial acts with respect to electronic records.

- Authorizing individuals to apply to the Secretary of State for a commission as a notary public and to prescribe the minimum qualifications.

- Authorizing the Secretary of State to deny or revoke a commission as a notary public for certain specified acts.

- Requiring the Secretary of State to maintain an electronic database of notaries public.

- Prohibiting notaries public from acting in certain capacities and performing certain acts.

- Specifying that a notarial act is not invalidated due to a failure of a notarial officer to perform certain statutory duties.

- Authorizing the Secretary of State to adopt rules necessary to implement the revised Mississippi law on Notarial Acts.

- Clarifying that a commission as a notary public in effect on July 1, 2021, continues until its expiration, at which time a renewal of the commission must comply with this act.

- Clarifying that this act will not affect the validity or effect of notarial acts performed before July 1, 2021.

- Specifying that this act supersedes certain federal statutes regarding electronic signatures in commerce.

- Repealing Sections 25-33-1 through 25-33-33, which authorized the appointment of notaries public and prescribe their powers and duties.

- Repealing Section 25-7-29, which authorizes notaries public to charge fees for certain services.

- Revising proof necessary to recording.

- Conforming provisions concerning affidavits relating to identification, marital status, heirship or other matters affecting title to real property.
- Repealing Section 89-3-3, which provided for acknowledgment and proof necessary for recordation.
- Repealing Section 89-3-5, which provided for acknowledgments before commissioned officers of the United States Armed Forces.
- Repealing Section 89-3-9, which provided for foreign acknowledgments.
- Repealing Section 89-3-11, which clarified the construction of certain foreign acknowledgments.
- Repealing Section 89-3-13, which provided for acknowledgments or proof made in a foreign country.
- Repealing Section 89-3-15, which provided for proof in the absence of any grantor or witness.

**HB 1243.** Effective 7/1/20. Signed 6/25/20.

This bill creates the crimes of "impeding critical infrastructure" and critical infrastructure trespass." A person is guilty of impeding critical infrastructure if he or she intentionally or knowingly impedes the operations of a critical infrastructure facility in a manner not otherwise authorized by law. A person is guilty of critical infrastructure trespass if he or she enters or remains on or in a critical infrastructure facility or the construction site of a permitted critical infrastructure facility knowing he or she is not authorized to do so, or by means of false, forged, altered or counterfeit identification, or after having been notified to depart or instructed not to trespass.



The term "critical infrastructure facility" is defined by the bill as any portion of an oil, gas, carbon dioxide, hazardous liquid or chemical pipeline or tank that is buried or enclosed by a fence or other physical barrier obviously designed to exclude intruders, or clearly marked with a sign or signs reasonably likely to come to the attention of intruders and indicating that entry is forbidden without authorization; and includes a list of other structures within this definition.

Penalties for violation of each crime are included in the bill.

**HB 1286.** Effective 7/1/20. Signed 7/2/20.

This bill removes previous procedures regarding service of process for youth court; and requires such service to conform to the Uniform Rules of Youth Court Practice.

**HB 1386.** Effective 7/1/20. Signed 6/29/20.

This bill regulates the confidentiality of communications between the victims of domestic violence, sexual assault, stalking and human trafficking and the advocates who provide counseling, protection and shelter for them. The bill defines the terms: "advocate," "confidential victim communications," "domestic violence," "human trafficking," "personally identifying information," "services," "sexual assault," "stalking," "victim" and "victim service provider."

It also prohibits disclosure of any confidential communication, release of personally identifying information of a victim, or surrender of confidential victim communications with limited specific exceptions outlined in the bill.

A penalty in the amount of \$10,000.00 plus any compensatory damages may be obtained by a victim if such person suffers as a result of any prohibited disclosure.

**HB 1490.** Effective 7/1/20; Sections 3 and 4 effective 1/1 2023. Signed 7/8/20.

This bill creates the Twenty-third Circuit Court District which shall be filled during the November 2022 judicial election in accordance with Sections 23-15-974 through 23-15-985. The newly created district includes DeSoto County and will have two circuit judges. By virtue of the creation of this district, the bill also creates a new district attorney position for the Twenty-third Circuit Court District. The bill provides that the office of district attorney for the Twenty-third Circuit Court District shall be filled by the person who holds the office of district attorney for the Seventeenth Circuit Court District on December 31, 2022. The composition of the Seventeenth Circuit Court District is also revised to remove DeSoto County from the district; and reduce the number of judges in such district from four to two.

The bill increases the number of chancellors in the Third Chancery Court District from three to four. The new chancellorship position for the Third Chancery Court District shall be filled during the November 2026 judicial election in accordance with Sections 23-15-974 through 23-15-985.

The bill further provides that the vacancy for the office of district attorney for the Seventeenth Circuit Court District shall be filled by special election on the date set for judicial elections in November 2022, with such person taking office as district attorney for the Seventeenth Circuit Court District on January 1, 2023.

Lastly, the bill requires monies appropriated for the purposes of funding drug courts in the Seventeenth and the Twenty-third Circuit Court Districts as described in the act to be apportioned equally.

**HB 1559.** Effective on passage. Law without Governor's Signature 7/8/20.

This bill authorizes the Office of the Attorney General to establish a program to fund victim service providers that offer shelter, counseling, medical needs, transitional housing and other related services to victims of human trafficking and victims of commercial sexual exploitation at no charge to the victim. The program is authorized to be funded from monies in the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund." The bill creates the fund and utilizes the increase in penalties for certain crimes to provide monies for the fund. Within six months of the effective date of the bill, the Office of the Attorney General is required to create a committee comprised of seven persons described in the bill for the purpose of developing a strategic plan to address services for victims of human trafficking and commercial sexual exploitation. The bill lists the eligibility qualifications for shelters that wish to apply for monies from the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund."

It also requires the Commissioner of Child Protection Services to hire a Coordinator of Services for Victims of Human Trafficking and Commercial Sexual Exploitation within the Department of Child Protection Services, and outlines the duties for the coordinator.

A new Section 43-26-3 is created by the bill to require the Department of Child Protection Services to follow certain guidelines when calls or information are received regarding

victims of human trafficking or commercial sexual exploitation.  
The bill authorizes inclusion of a sexual assault nurse examiner  
on a multidisciplinary team to assist victims.

**JUDICIARY, DIVISION B**

**SB 2009.** Effective 7/1/20. Signed 7/7/20.

This bill created new Section 45-33-63 which prohibits a convicted sex offender from having future contact with the crime victim.

The bill provides that it is unlawful for a sex offender to commit any of the following actions with respect to the victim of the sex offense:

- Threaten, visit, assault, molest, abuse, injure, or otherwise interfere with the victim;
- Follow the victim, including at the victim's workplace;
- Harass the victim;
- Contact the victim by telephone, written communication, or electronic means;
- Enter or remain present at the victim's residence, school, or place of employment when the victim is present.

The bill also provides that this prohibition does not apply if the court in which the offender was convicted enters an order, at the request of the victim or the parent, guardian, or conservator of the victim, allowing contact with the victim.

A violation of this prohibition is a felony punishable by a fine of not more than \$5,000.00 and imprisonment for not less than five years nor more than ten years. A law enforcement officer shall arrest and take into custody a person, with or without a warrant or other process, if the officer has probable cause to believe that the person knowingly has violated this prohibition.

**SB 2061.** Effective 7/1/20. Signed 6/23/20.

This bill amends Section 99-3-28 to provide a probable cause hearing upon a criminal affidavit before issuance of any arrest warrant at the discretion of the court.

In the discretion of the court, a judge must make a determination, with or without a hearing, as to whether the affidavit clearly identifies probable cause to believe that the offense alleged has been committed before an arrest warrant based on the criminal complaint of a person who is not a law enforcement officer acting in the officer's official capacity may be issued against a person for an alleged criminal act, whether misdemeanor or felony. If the judge holds a probable cause hearing, the parties shall testify under oath, and the accused shall have the right to enter an appearance, be represented by legal counsel at his own expense, to hear the accusations and evidence against him, and may present evidence or testify in his or her own behalf.

This bill does not prohibit an officer from arresting any person in circumstances where a warrant would not be required from a court.

**SB 2225.** See summary under Veterans and Military Affairs heading.

**SB 2279.** See summary under Corrections heading.

**SB 2658.** Effective 7/1/20. Signed 7/8/20.

This bill amends Section 97-41-16 to revise the offense of abuse of a domesticated dog or cat.

Under the bill, each act of simple cruelty or aggravated cruelty against more than one domesticated dog or cat is a separate offense. In calculating previous offenses of aggravated cruelty, acts of aggravated cruelty against more than one domesticated dog or cat within a twenty-four-hour period is considered one offense.

A court may order that anyone convicted of simple cruelty is prohibited from owning or possessing a domesticated dog or cat for not more than five years from the person's sentencing date. This prohibition may be up to 15 years from the date of sentencing if the conviction involved four or more counts of simple cruelty. For a conviction of aggravated cruelty, a court shall prohibit the person from owning or possessing a domesticated dog or cat for not less than five years and not more than 15 years. Anyone found in violation of the prohibitions for simple or aggravated cruelty shall forfeit the domesticated dog or cat and be fined in an amount not exceeding \$1,000.00 per domesticated dog or cat.

Further, several actions are added to what constitutes aggravated cruelty: starving to death, crushing, drowning, suffocating, or impaling. Further, a first conviction of aggravated cruelty is now a felony, punishable by a fine of not more than \$5,000.00 or imprisonment for not more than three years or both. A second or subsequent offense shall be punished by a fine of not more than \$10,000.00 and imprisonment of not more than ten years.

**HB 359.** Effective on passage. Signed 7/8/20.

This bill amends Section 85-7-251 to delete the five-day requirement that a towed vehicle be left without the real property owner's permission before the vehicle owner shall be liable for the reasonable price of towing and storage of the vehicle.

The bill amends Section 63-17-74 to add an exception to the provision that makes it unlawful for a person to sell a motor vehicle that is not titled and registered in such person's name for a wrecker service or automobile repair service/business selling a motor vehicle that is legally being held for sale as merchandise.

**HB 1018.** Effective on passage. Signed 6/29/20.

This bill amends the Church Protection Act by requiring any church with a security program to record the firearm license numbers of concealed license holders, the identification numbers of law enforcement officers or the identification numbers of qualified retired law enforcement officers, as applicable, in the minutes or in some written form within the church's documents.

**HB 1295.** Effective 7/1/20. Signed 7/1/20.

This bill prohibits the performance of abortions based on race, sex or genetic abnormality, except in the case of a medical emergency. It requires each physician who performs an abortion to notate in a report that the abortion is not sought because of race, sex or the presence of a genetic abnormality. The State Department of Health is required to create the necessary forms necessary for the required reporting under the act.



The bill also provides criminal penalties, professional sanctions and civil penalties for violations of this act. The Attorney General is required to bring an enforcement action on behalf of the State Department of Health or the State Board of Medical Licensure.

**HB 1500.** See summary under Veterans and Military Affairs heading.

**MEDICAID**

**SB 2486.** Effective on passage. Signed 6/25/20.

SB 2486 amends Section 43-13-121 to authorize the Division of Medicaid to extend certain management information system and support contracts for a period not exceeding two years.

## MUNICIPALITIES

**SB 2583.** Effective on passage. Signed 7/6/20.

This bill amends Section 27-104-301 by changing language to clarify the use of funds from the 2018 Transportation and Infrastructure Improvements Fund to assist the City of Bruce in paying costs associated with improvements to roads and the construction of walking and bicycle trails. The bill also changed language to clarify the use of funds to assist the City of Guntown in paying costs associated with improvements to municipal structures.

**HB 273.** Effective 7/1/20. Signed 6/25/20.

This bill amends Section 21-23-7 to authorize a municipal judge to hold court outside the boundaries of a municipality, beyond a one-mile radius of the municipality, whenever the judge is accepting a plea of a defendant at an adult detention center within the county.

**HB 353.** Effective 7/1/20. Signed 6/30/20.

This bill requires a person who fails to abide by a final order, resolution or ordinance of a county or municipality to pay all court costs and attorney's fees in an action by the county or municipality the person owes, when the county or municipality prevails in a civil action against the person for failure to pay.

**HB 444.** Effective 7/1/20. Signed 6/22/20.

This bill revises the municipal procedures for regulating the cleaning of property declared to be a menace. For vacant properties, notice will continue to be provided to the address where the ad valorem tax notice is sent; however, notice is not required to be mailed to the address of the subject property if the land or structure on the property is apparently vacant. It also increases from one year to two years the time period in which a municipality may reenter a property for cleaning without further hearing.

The bill also allows a municipality to forgo the notification process and to proceed to clean menaced state-owned property with written authority from the Secretary of State's office for state-owned properties; and without penalty assessment against the state for cleaning state-owned properties. It also provides that for menaced property that has been cleaned with certain minimum costs and the property is less than one acre and is located within a municipality that has a population over 1,500, the governing authority may impose a penalty not to exceed \$100.00 or 100% of the actual cost of cleaning the property. It authorizes liens pertaining to the cost and any penalties for the cleaning of menaced property to be enrolled by a municipality in the chancery clerk of the county rather than the circuit clerk of the county.

**PORTS AND MARINE RESOURCES**

**SB 2720.** Effective on passage. Signed 6/29/20.

This bill prohibits the use of a haul seine net for the taking of fish in marine waters within one-half mile of the shoreline of Cat Island.

It is unlawful for a person to use a gill net, trammel net, entanglement net, or like contrivances for the taking of finfish in marine waters within one-half mile of the shoreline.

For the purposes of this section, the phrase "like contrivances" means any net that is similar in form, function, purpose or use to a gill net, trammel net or entanglement net.

The provisions of this act shall not apply to hand seines, cast nets or brill nets.

A violation of this act is punishable by the penalties provided in Section 49-15-100.

**HB 632.** Effective 7/1/20. Signed 6/22/20.

This bill amends Section 49-15-9 to revise the rights of a riparian owner to exclude state-owned lands on Deer Island, which shall be not more than 400 yards from shore.

**HB 827.** Effective 7/1/20. Signed 6/30/20.

This bill amends Section 49-15-11 to expand the qualifications for the chief financial officer of the Department of Marine Resources to also include a person who is a certified public accountant. A person who has a minimum of a master's degree in business administration, accounting or related field and a minimum of five years' experience in business management

or accounting practice or a person who is a certified public accountant may now hold the position.

The bill also amends Section 49-15-301 to revise the Mississippi Commission on Marine Resources to be an advisory commission to the Executive Director of the Department of Marine Resources. The bill provides that the Mississippi Advisory Commission on Marine Resources shall not have independent authority to take official action on behalf of the Mississippi Department of Marine Resources and its actions are purely advisory in nature. Additionally, whenever the terms "Mississippi Commission on Marine Resources," "Commission on Marine Resources" and "commission" when referring to the Mississippi Commission on Marine Resources appear in any state law, they shall mean the "Mississippi Advisory Commission on Marine Resources."

The bill amends Section 49-15-305 to revise how the Executive Director of the Department of Marine Resources is chosen. The changes provide that the Governor shall appoint the Executive Director of the Department of Marine Resources, with the advice and consent of the Senate, and that the executive director shall serve at the will and pleasure of the Governor. Additionally, the executive director shall be knowledgeable and experienced in marine resources management.

The bill amends Sections 49-15-303, 49-15-304, 49-15-307, 49-15-15 and 49-15-25 to conform to the changes in Section 49-15-301.

**PUBLIC HEALTH AND WELFARE**

**SB 2307.** Effective 7/1/20. Signed 6/29/20.

SB 2307 amends Section 73-5-45 to extend the date of repeal until July 1, 2025, on the provisions of law that create and empower the Board of Barber Examiners.

**SB 2311.** Effective 7/1/20. Signed 7/8/20.

SB 2311 deletes the automatic repealer on the provisions of law that authorize the Board of Health to assess fees for certain services.

**SB 2610.** Effective on passage. Signed 7/8/20.

SB 2610 creates the position known as the Coordinator of Mental Health Accessibility within the Department of Finance and Administration. It requires the Executive Director of DFA to appoint the coordinator. Further, the bill provides that the coordinator shall be housed within the Department of Mental Health.

Under the bill, the coordinator shall perform a comprehensive review of Mississippi's mental health system to determine if sufficient mental health services are offered in each county. The coordinator shall also review: the structure of the mental health system, the adequacy and quality of the supports and services provided to those discharged from state hospitals or to those at risk of commitment, and the quarterly financial statements and status reports of the individual community mental health centers.

Also, the coordinator shall consult with the special master appointed in the United States of America v. State of Mississippi, No. 3:16-CV-622-CWR-FKB (S.D. Miss. Feb. 25, 2020) regarding the status of services offered by Mississippi's mental health system. The coordinator shall report quarterly on the status of the mental health system to various governmental authorities.

In addition, the coordinator shall determine (1) where in any county, or geographic area within a county, the delivery or availability of mental health services are inadequate and (2) whether each community mental health center has sufficient funds to provide the required mental health services.

This bill also requires the coordinator to take certain actions if the coordinator determines that a county or area within a county offers inadequate mental health services. Initially, the coordinator shall determine if there is a plan in place to address the issue and shall assess the viability of the plan. If no plan is in place or under development, the coordinator may allow the county board of supervisors of the regional commission time to develop and implement a plan. Should the coordinator determine that the plan is or will be insufficient, then the coordinator shall develop and implement a plan.

To implement and develop a plan, first, the coordinator shall meet with the pertinent board of supervisors and the regional commission and explain the consequences of the failure to address the inadequacy of the available mental health services. Second, the coordinator shall work with one or more of the adjacent regional commissions to coordinate the provision of mental health services. Third, if no adjacent commission is willing or able to provide services to the area with inadequate services, the coordinator shall work with one or more of the



regional commissions that are not adjacent to the area with deficient services in order to have one of those commissions provide mental health services. Fourth, if no commission is willing or able to provide mental health services, the coordinator shall notify the Board of Mental Health.

If the coordinator does notify the Board of Mental Health of a lack of services, the board shall issue a request for proposals to obtain public or private providers of mental health services to provide the necessary mental health services in the county or the geographic area within the county where the services are inadequate.

As it relates to the coordinator's duties, the Department of Mental Health, the regional commissions, the Division of Medicaid, the Department of Rehabilitation Services, the Department of Health, the PEER Committee, and the Legislative Budget Office shall allow the coordinator or his or her staff to enter any part of the mental health system, interview any person employed by or receiving services from the entity, and access services, documents, records, programs, and materials as necessary to assess the status of the mental health system.

Last, this bill requires the regional commission or the community service provider to develop a sustainability business plan within 30 days of being placed on probation by the Board of Mental Health. Further, the board shall provide training to new regional commissioners as well as annual training for all commissioners of the regional commissions.

**SB 2626.** Effective 7/1/20. Signed 6/30/20.

SB 2626 amends Sections 41-99-1, 41-99-3, 41-99-5, and 41-99-7 to provide for grants to recruit new primary care physicians to Mississippi Qualified Health Centers. The bill provides for one-time salary supplements to recruit and retain

new primary care physicians in areas where there is the most need in order to increase health care access to patients in Mississippi.

Per fiscal year, a qualified health center shall be eligible for only one grant if a primary care physician agrees to work, full time, for the health center for at least three consecutive years. Under the bill, the qualified health center shall repay the grant award to the Department of Health if the grant is disbursed and the hiring does not materialize. The physician shall be liable to the department for a pro rata share of the grant based on the number of unserved months during the three-year period if the physician abandons his or her employment at the health center.

**SB 2830.** Effective on passage. Signed 6/25/20.

SB 2830 amends Section 41-131-1 to revise the definition of "eligible patient" to include those patients with a traumatic injury. The bill also revises the definition of "investigational drug, biological product or device" to include adult autologous mesenchymal stem cell.

**HB 94.** Effective 7/1/20. Signed 6/29/20.

HB 94 establishes the Mississippi Center for Rural Health Innovation within the Office of Rural Health of the State Department of Health to provide services and resources to rural hospitals, critical access hospitals, rural health clinics, and rural federally qualified health centers, including expert analysis, guidance, training opportunities, and telehealth investment.

- For the purposes of the bill, the term "rural hospital" means a licensed Mississippi hospital that:

▶ Has 50 or fewer licensed general acute, nonspecialty beds; or

▶ Is located within the geographic boundaries of a municipality that has a population of less than 7,400 people according to the 2010 United States Census.

• The department will provide personnel and resources as necessary to provide for the operation of the center, and is authorized to enter into contracts as necessary to carry out the purpose of the center.

**HB 686.** Effective 7/1/20. Signed 6/29/20.

HB 686 amends Section 41-121-11 to extend the date of repeal until July 1, 2025, on the provisions of law that creates the Patient's Right to Informed Health Care Choices Act, which requires health care practitioners to identify their license(s) in advertisements and in their offices and provides that failure to do so shall be grounds for disciplinary action against licensees.

In addition, the bill requires the Board of Optometry to conduct criminal history records checks on licensure applicants and on licensees whose licensure is subject to investigation by the board.

**HB 688.** Effective 7/1/20. Signed 6/30/20.

HB 688 reenacts the Mississippi Pharmacy Practice Act and extends the date of repeal to July 1, 2025, on the act.

**HB 708.** Effective 1/1/21. Signed 6/29/20.

HB 708 makes the following revisions to the Pharmacy Benefit Prompt Pay Act:

- Revises the definition of the term "health insurance plan" and defines the term "pharmacy benefit manager affiliate."

- Reduces the period of time within which all benefits payable under a pharmacy benefit management plan must be paid from 15 days to seven days.

- Prohibits pharmacy benefit managers from retroactively denying or reducing a claim or aggregate of claims after the claim or aggregate of claims has been adjudicated.

- Specifies the circumstances under which a pharmacy benefit manager may place a drug on a maximum allowable cost list.

- ▶ Requires pharmacy benefit managers to provide access to their maximum allowable cost list to each pharmacy subject to the list, update the list on a timely basis, and provide a process for each pharmacy subject to the list to receive prompt notification of an update to the list.

- ▶ Requires pharmacy benefit managers to provide an administrative appeal procedure to allow pharmacies to challenge a maximum allowable cost list and reimbursements made under such a list.

- Prohibits pharmacy benefit managers from reimbursing a pharmacy or pharmacist an amount less than the amount that the manager reimburses a pharmacy benefit manager affiliate for providing the same pharmacist services.

- Revises the provision relating to disclosure of proprietary information by pharmacy benefit managers to the State Board of Pharmacy.

- ▶ Requires the board to destroy or delete all such information 30 days after the board determines that the information is no longer necessary or useful.

- ▶ Provides that any person who knowingly releases any such information shall be subject to a monetary penalty imposed by the board.

- ▶ Provides that all employees of the board who have access to such information shall be fingerprinted and undergo a criminal history records check.

- Prohibits pharmacy benefit managers or third-party payors from requiring pharmacy accreditation standards or recertification requirements inconsistent with, more stringent than, or in addition to federal and state requirements for licensure as a pharmacy in this state.

- Prohibits pharmacies, pharmacy benefit managers, and pharmacy benefit manager affiliates from ordering of a patient to a pharmacy by a pharmacy benefit manager affiliate; offering or implementing plan designs that require patients to use affiliated pharmacies; or using patient or prospective patient-specific advertising, marketing or promotion of a pharmacy by an affiliate.

- ▶ Requires resident and nonresident pharmacies that have affiliates to annually file with the State Board of Pharmacy a disclosure statement identifying all such affiliates.

- Authorizes the State Board of Pharmacy to bring court actions for temporary or permanent injunctions to prohibit a pharmacy benefit manager or pharmacy benefit manager affiliate from using any method, act or practice prohibited in the Pharmacy Benefit Prompt Pay Act.

- Authorizes the State Board of Pharmacy to impose a monetary penalty on a pharmacy benefit manager or pharmacy benefit manager affiliate for noncompliance with the provisions of the Pharmacy Benefit Prompt Pay Act.

**HB 777.** Effective on passage. Signed 6/25/20.

HB 777 revises the licensure laws for licensed professional counselors as follows:

- Clarifies that certain fees charged to applicants for licensure as a licensed professional counselor or a provisional licensed professional counselor are application fees and not licensing fees.

- Deletes the requirement that applicants for renewal of a provisional licensed professional counselor license undergo a fingerprint-based criminal history records check.

- Clarifies that applicants for renewal of a licensed professional counselor license will undergo a fingerprint-based criminal history records check as required by the board.

- Clarifies the renewal of license fee and licensing period for provisional licensed professional counselors.

- Deletes the authority of the State Board of Examiners for Licensed Professional Counselors to increase license renewal fees.

- Clarifies the continuing education requirements for renewal of a provisional licensed professional counselor license.

**HB 984.** Effective 7/1/20. Signed 6/25/20.

HB 984 amends Section 73-15-11 to revise the type and time of the notice required to be provided to board members when a special meeting of the Board of Nursing is called.

**HB 1520.** Effective on passage. Signed 6/25/20.

HB 1520 authorizes medical directors of hospices to prescribe controlled substances for patients of the hospice for terminal disease pain without having an in-person face-to-face visit with a patient before issuing a prescription.

## PUBLIC PROPERTY

**SB 2277.** Effective 7/1/20. Signed 7/8/20.

SB 2277 authorizes the Mississippi Board of Mental Health to sell certain real property and any improvement thereon, which served as the former Old Friendship Center property in the City of Meridian. The bill provides for the following:

- The property shall not be sold for less than fair market value.
- Monies derived from the sale of the property shall be deposited into a special fund created in the State Treasury for the use and benefit of the East Central State Hospital.
- The Department of Finance and Administration may correct any discrepancies in the legal description.
- The State of Mississippi shall retain all mineral rights to the designated property sold.

The bill also authorizes the Board of Supervisors of Tallahatchie County, Mississippi, to reconvey a certain parcel of real property to the original grantor through a warranty deed. This property is in the second judicial district of Tallahatchie County and was originally conveyed to the county through the execution of a warranty deed by B&S Planting Company, Inc.

**HB 1000.** Effective on passage. Signed 6/25/20.

HB 1000 amends Section 1, Chapter 411, Laws of 2011, to extinguish the reversionary provision on a parcel of property donated by the Department of Archives and History to Tougaloo College for purposes of parking use by visitors to the Medgar Evers Home Museum, to allow Tougaloo to transfer and convey the



donated land to the National Park Service or any agency of the United States government. Upon an agreement between Tougaloo College and the National Park Service or any agency of the United States government, the State of Mississippi shall relinquish its claim to all rights, title and interest in the real property.

**HB 1439.** Effective 7/1/20. Signed 6/25/20.

HB 1439 amends Section 29-1-3, to replace obsolete references to the State Land Commissioner with the Secretary of State, whose office now performs all of the duties of the previous office of the State Land Commissioner. Additionally, to align its recordkeeping practices with 21st century technology, the sixteenth section management information reports presently required in paper form by state, county, municipality and school district officials must be submitted in electronic format specified by the Secretary of State.

In keeping with the electronic filing of documents required by the amendment to Section 29-1-3, the bill further amends Section 29-3-82 to include leasing procedures for sixteenth section lands that are not designated as forest or agricultural lands and removes the requirement that the newly executed lease be signed in triplicate by the president of the board of supervisors, the president of the board of education and the superintendent of education. A certified copy of the lease must be provided to the Secretary of State in the format requested.

## RULES

**HB 1647.** Effective on passage. Signed 3/19/20.

HB 1647 authorizes counties, cities and public school districts to grant administrative leave with pay to its employees during COVID-19 shutdown periods. The bill authorizes eligibility for employees affected before passage of this bill. This authority was retroactive from March 14, 2020.

**HB 1796.** Effective on passage. Signed 6/30/20.

HB 1796 establishes the Commission to Redesign the Mississippi State Flag for the sole purpose of developing, designing and reporting to the Governor and the Legislature its recommendation for the new design for the official Mississippi State Flag not later than September 14, 2020. The commission is composed of nine members to be appointed by the Governor, Lieutenant Governor and Speaker of the House, each having three appointments.

The bill prohibits the new design from including the design of the Confederate Battle Flag, but requires that the new design include the words "In God We Trust." The bill also requires the new design to be placed on the ballot in a statewide special election on November 3, 2020. The design will be placed on the ballot with a "Yes" and "No" option. If a majority of the qualified electors voting on the question in the special election vote "Yes," then the Legislature shall enact into law the new design as the official Mississippi State Flag during the next regular session of the Legislature after the election. However, if a majority of the qualified electors voting on the question in the special election vote "No," then the commission

shall reconvene to create a new flag design. The procedure for creating a new design, presenting it to the Governor and the Legislature and placing the design on the ballot will continue until a design has received a "Yes" vote by a majority of the qualified electors voting on the question of the new flag design.

## TOURISM

**SB 2545.** Effective 7/1/20. Signed 7/1/20.

This bill enacts a number of measures to reform state law with respect to native wines and other alcoholic beverages. It amends Section 67-1-51 by creating a festival wine permit authorizing wine manufacturers and native wine producers to transport their products to festivals held within the state, to sell sealed, unopened bottles to festival participants, and to provide free samples to participants. "Festival" is defined as any event at which three or more vendors are present at a location for the sale or distribution of goods. Holders of festival wine permits are exempted from the requirement to purchase the alcoholic beverages authorized to be sold from the Department of Revenue's liquor distribution warehouse, although they must pay applicable taxes, fees and surcharges to the department and file the reports and returns prescribed by the department. A festival wine permit is issued per festival for two consecutive days, during the hours authorized for on-premises permittees sales in that county or city. The permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect. A \$10.00 privilege license tax, included in an amendment to Section 27-71-5, applies to each festival wine permit. All provisions concerning the festival wine permit are scheduled to stand repealed on July 1, 2023.

Section 67-1-51 is further amended to allow the holder of a native wine retailer's permit, when selling to consumers for on-premises consumption, to add to the native wine alcoholic beverages not produced on the premises, so long as the total

volume of foreign beverage components does not exceed 20% of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.

The bill amends Section 67-1-52 to allow the holder of a package retailer's permit to offer free tastings and samplings without prior written approval from the Department of Revenue. A third party may also serve any product for tasting or sampling and may open, touch and pour product as well as make a presentation and answer questions, and the package retailer will be responsible for the third party's actions. Restrictions removed from this section include the requirement of a clearly separated area for the tasting or sampling, the limit of one tasting or sampling event every three months, and the provision of records to the Department of Revenue concerning the alcoholic beverages and amounts consumed per event.

Section 67-1-41, which enumerates the Department of Revenue's prerogatives and duties as wholesale distributor and seller of alcoholic beverages in the state, is amended to allow the department to promulgate rules facilitating a retailer's onsite pickup of native wines sold by the department, so that those wines may be delivered to the retailer at the native winery instead of via shipment from the department warehouse. Holders of festival wine permits are exempted from the section's application. The bill amends Section 67-5-11 to allow native wineries to hold for onsite pickup, pursuant to the department rules promulgated, native wines sold by the department to retailers, rather than shipping those wines to the department warehouse. The bill also amends Section 67-1-5 to add honey as a product from which native wines may be made, in conformity with other statutory provisions.

Section 67-1-77 is amended to allow a distiller, wine manufacturer, rectifier, blender or bottler to have a financial interest in and possess a festival wine permit.

**HB 917.** Effective on passage. Signed 6/18/20.

This bill legalizes the manufacture and sale of light spirit products, to be regulated in the same manner as beer and light wine. The bill defines "light spirit product" to mean a beverage of an alcoholic content of not more than four percent by weight and containing one or more distilled spirits, as defined in Section 67-1-5.

## UNIVERSITIES AND COLLEGES

**HB 274.** Effective 7/1/20. Signed 6/22/20.

This bill amends Section 37-106-75 to revise provisions of the Higher Education Learning Plan (HELP) Grant Program to align the curriculum requirements with changes in the College Preparatory Curriculum required by the Board of Trustees of State Institutions of Higher Learning by removing the specific number of high school Carnegie units required for admission to a state university. The bill deleted the requirement of 17-1/2 Carnegie units as well as the additional requirement for one unit in art and one unit in a foreign language.

**HB 1793.** Effective on passage. Law without the Governor's signature 7/9/20.

This bill creates the "Postsecondary Education COVID-19 Mitigation Relief Program Act to be administered by the Department of Finance and Administration (DFA) to provide grants and reimbursements to eligible two-year and four-year, public and private postsecondary educational institutions located within the State of Mississippi for unreimbursed expenses directly related to COVID-19.

Each eligible four-year postsecondary educational institution shall only receive funds equivalent to the lesser of the total of itemized eligible COVID-19-related expenses or the maximum allowable for each institution based on the total number of students enrolled during the 2019-2020 scholastic year, who were actively enrolled as a part-time or full-time student on March 1, 2020, at an amount equivalent to \$568.00. Each eligible four-year postsecondary educational institution's

application for reimbursement must specify the amount of reimbursement requested and include an itemized expense report that evidences the eligible expenses incurred by the eligible postsecondary educational institution. Failure of a four-year postsecondary educational institution to submit the itemized expense report will subject the institution to forfeiture of any allotted funds designated for the institution's eligible maximum reimbursement amount.

Each two-year postsecondary educational institution, upon a showing of itemized eligible COVID-19-related expenses, shall be eligible to be awarded funds equivalent to the lesser of the total of its itemized eligible expenses or the initial base amount of \$351,550.71 available to each two-year postsecondary educational institution, which such base amount initially awarded shall be deducted from the eligible maximum reimbursement amount allowed for each two-year postsecondary educational institution. The remaining unreimbursed expenses incurred by all two-year postsecondary educational institutions shall then be reimbursed at an amount equivalent to \$545.42 per FTE student.

The eligible maximum reimbursement amounts available for all four-year and two-year postsecondary educational institutions are as follows:

- Alcorn State University.....\$ 1,854,520.00
- Delta State University.....\$ 1,946,536.00
- Jackson State University.....\$ 3,603,960.00
- Mississippi State University.....\$ 11,704,776.00
- Mississippi University for Women.....\$ 1,523,944.00
- Mississippi Valley State University.....\$ 1,147,928.00
- University of Mississippi.....\$ 11,981,392.00
- University of Southern Mississippi.....\$ 7,320,384.00



- Belhaven University.....\$ 2,272,000.00
- Blue Mountain College.....\$ 340,800.00
- Millsaps College.....\$ 433,952.00
- Mississippi College.....\$ 2,465,688.00
- Rust College.....\$ 364,088.00
- Tougaloo College.....\$ 397,600.00
- William Carey University.....\$ 2,433,312.00
- Coahoma Community College.....\$ 1,104,018.54
- Copiah-Lincoln Community College.....\$ 1,641,377.19
- East Central Community College.....\$ 1,429,800.67
- East Mississippi Community College.....\$ 1,943,536.14
- Hinds Community College.....\$ 4,900,064.29
- Holmes Community College.....\$ 2,908,719.58
- Itawamba Community College.....\$ 2,511,704.35
- Jones County Junior College.....\$ 2,359,313.34
- Meridian Community College.....\$ 1,697,113.29
- Mississippi Delta Community College.....\$ 1,453,472.11
- Mississippi Gulf Coast Community College..\$ 4,220,356.11
- Northeast Mississippi Community College...\$ 1,866,958.52
- Northwest Mississippi Community College...\$ 3,372,657.14
- Pearl River Community College.....\$ 2,497,523.94
- Southwest Mississippi Community College...\$ 1,248,446.98

DFA is required to make a report on the utilization of the program to the Legislature and the Governor by October 1, 2020, which must contain: (a) the name of each educational institution; (b) the total amount of reimbursement requested by each postsecondary educational institution; and (c) the total amount of reimbursement received by each postsecondary educational institution.

The bill creates the "Postsecondary Education COVID-19 Mitigation Relief Grant Fund, as a special fund in the State Treasury, to be disbursed by DFA in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury. If on November 30, 2020, there are unobligated monies in the fund, the Governor shall have the discretion to transfer monies to another state agency to be used for eligible expenditures pursuant to the CARES Act.

The bill also establishes the "Independent Schools' COVID-19 Assistance Grant Program" to be administered by Mississippi Development Authority (MDA), which shall consider and review applications from eligible independent schools for the purpose of making grants to eligible independent schools to provide reimbursements for eligible expenses. Eligible independent schools seeking to receive reimbursement must submit an application for a grant for reimbursement; demonstrate the need and purpose of the grant funds received to mitigate the impact of COVID-19 on the operation of the school and its delivery of instruction; and provide an itemized list of reimbursable eligible expenses previously incurred, is presently incurring or will incur before December 30, 2020.

The eligible maximum amount of grant funds which may be awarded to any eligible independent school shall not exceed \$100,000.00. Grant funds awarded shall be the lesser of the amount indicated in the independent school's application as itemized eligible COVID-19-related expenses or the eligible maximum amount, subject to approval by MDA. Eligible independent schools may submit multiple applications for grant funds until such time that the respective independent schools has received the aggregate amount of funds for which it is eligible to be awarded.

The bill creates the "Independent Schools' COVID-19 Assistance Grant Fund," as a special fund in the State Treasury, to be disbursed by MDA in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury. If on December 1, 2020, there are unobligated monies in the fund, those funds shall lapse into the Budget Contingency Fund, to be transferred, by the State Fiscal Officer, into the Unemployment Compensation Fund.

MDA is required to make a report on the utilization of the program to the Legislature and the Governor by October 1, 2020, which must contain: (a) the name of each educational institution; (b) the total amount of reimbursement requested by each postsecondary educational institution; and (c) the total amount of reimbursement received by each postsecondary educational institution.

**VETERANS AND MILITARY AFFAIRS**

**SB 2117.** Effective 7/1/20. Signed 6/29/20.

This bill revises the provisions applicable to the issuance of occupational licenses to applicants who are members of the military or married to or dependents of members of the military, to make it easier and faster for those applicants to receive occupational licenses in Mississippi. This program shall be known as the "Military Family Freedom Act".

The applicant must hold a current and valid license in another state in an occupation with a similar scope of practice, as determined by the occupational licensing board in Mississippi and has held this license from the occupational licensing board in the other state for at least one year.

The occupational licensing board in the other state must hold the applicant in good standing, and the applicant must not have a disqualifying criminal record as determined by the occupational licensing board in Mississippi under Mississippi law.

The applicant must not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state. The applicant must not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the occupational licensing board in Mississippi shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in

Mississippi to the satisfaction of the occupational licensing board in Mississippi.

The occupational licensing board may require an applicant to pass a jurisprudential examination specific to relevant state laws in Mississippi that regulate the occupation if the issuance of a license in Mississippi requires an applicant to pass jurisprudential examination specific to relevant state statutes and administrative rules in Mississippi that regulate the occupation.

The applicant may practice under a temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the occupational licensing board. A temporary license will expire in 365 days after its issuance if the applicant fails to satisfy the requirement for licensure if applicable.

An occupational licensing board shall prominently print the following on all license applications, any communication denying a license, and on the board's website: "Pursuant to the provisions of the Military Family Freedom Act, Mississippi shall recognize occupational licenses obtained from other states for military members and their families. "An occupational licensing board shall prepare and place on the board's website an annual report detailing the number of applications submitted to the licensing board under this act during a calendar year and the actions taken by the board on the applications.

An occupational licensing board shall adopt rules necessary to implement this act by January 1, 2021.

**SB 2125.** Effective 7/1/20. Signed 6/29/20.

This bill authorizes the recordation with charge of any veterans' Form DD-214 with the chancery clerk, provides that such form is not a public record and authorizes copies to be

made only on the request of the veteran or his immediate family. Also authorizes the recordation without charge of any veterans' Form NGB-22 with the chancery clerk, provides that such form is not a public record and authorizes copies to be made only on the request of the veteran, a dependent or authorized representative.

The chancery clerk of all counties shall keep a record of all veterans' Form DD-214 in a separate record safeguarded and protected from theft, and marked "Record of Veterans' Service Form DD-214 Members of the Armed Forces."

The chancery clerk of all counties shall keep a record of all veterans' Form NGB-22 in a separate record safeguarded and protected from theft, and marked "Record of Veterans' Service Form NGB-22 Members of the Armed Forces."

**SB 2225.** Effective 7/1/20. Signed 6/29/20.

This bill provides that a disabled veteran shall only be required to provide a United States Department of Veterans Affairs Health Services Identification Card in order to obtain a concealed weapons permit. A disabled veteran who seeks to qualify for an exemption under this act shall be required to provide a veterans health services identification card issued by the United States Department of Veterans Affairs indicating a service-connected disability, which shall be sufficient proof of such service-connected disability.

**SB 2611.** Effective 7/1/20. Signed 6/23/20.

This bill provides that general and special court-martial shall have jurisdiction to order forfeiture of all pay and allowances of offenders.

**SB 2821.** Effective 7/1/20. Signed 7/08/20.

This bill provides that any domestic abuse action that originates in state military court alleged against a member of the Mississippi National Guard and brought in a state military court proceeding shall be the sole province of the Mississippi National Guard, and venue shall only be proper for such action before a state military court, and shall be subject to all the applicable laws, procedures, rules and/or regulations as set forth in the Code of Military Justice. This provision shall not prohibit any person from bringing the same or similar action in municipal, justice, county or chancery court. Nothing in this section shall be construed to interfere with the courts' authority to address bond condition violations in a more restrictive manner.

The bill also creates a Mississippi Veterans Honor Medal program to be administered by the State Veterans Affairs Board to honor, recognize and thank Mississippi veterans for their honorable military service. The Mississippi Veterans Honor Medal shall be available for Mississippi veterans who were honorably discharged. The State Veterans Affairs Board shall determine as expeditiously as possible the specific eligibility requirements for the medal. Applications for the medal shall be filed with the State Veterans Affairs Board on forms prescribed and furnished by the board. The program shall be revenue neutral with all costs to be paid by the sale of medals at a price to be determined by the board. The State Veterans Affairs Board may adopt any rules and regulations necessary to administer the provisions of this act.

The bill also provides that the additional annual tax imposed on electric vehicles and hybrid vehicles shall not be imposed on such vehicles that are owned by disabled veterans and the spouses of such deceased disabled veterans and that such vehicles are exempt from ad valorem taxation.

**HB 1500.** Effective 7/1/20. Signed 6/25/20.

This bill authorizes the Board on Law Enforcement to Officer Standards and Training to assess certain military training when determining whether an applicant has satisfied requirements to be qualified for appointment or employment as a law enforcement officer.



**WILDLIFE, FISHERIES AND PARKS**

**SB 2722.** Effective 7/1/20. Signed 6/10/20.

Under former law, the chronic wasting disease (CWD) testing of white-tailed deer harvested within an enclosure was discretionary with the Department of Wildlife, Fisheries and Parks and the Commission on Wildlife, Fisheries and Parks. This bill mandates CWD testing of all white-tailed deer harvested within an enclosure as a matter of law. A first violation is a Class II violation, and subsequent violations are Class I violations.

**SB 2723.** Effective 7/1/20. Signed 6/10/20.

This bill amends Sections 49-7-31, 49-7-31.2, 49-7-31.3 and 49-7-31.4 to authorize the Commission on Wildlife, Fisheries and Parks to extend the open seasons on deer, bobwhite quail, wild turkey, squirrel, rabbits and other fur-bearing animals, when ending on a Friday, to 30 minutes after sunset the following Sunday.

**HB 1577.** See summary under Education heading.