



Robert Davidson, Director

LEGISLATIVE SERVICES OFFICE

P.O. Box 1018
Jackson, Mississippi 39215-1018
Tel: (601) 359-3217
Fax: (601) 359-2775

Wm. (Bubba) Neely
Larry Richardson
Jeff Rosamond
Caryn Quilter
Kristie Metcalfe
Staff Attorneys

MEMORANDUM

TO: ALL SENATORS

FROM: LEGISLATIVE SERVICES

DATE: MAY 25, 2016

Enclosed is a summary of major bills which were enacted during the 2016 Regular Legislative Session. Should any bill in which you are interested not appear or should you wish to have a more complete explanation of any measure, please let us know.

SUMMARY OF MAJOR LEGISLATION

2016 REGULAR SESSION

2016 FIRST EXTRAORDINARY SESSION

**Prepared by
Senate Legislative Services Office**

May 25, 2016

STATISTICS OF THE 2016 REGULAR SESSION
(As of 5/25/16)

	<u>2016</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>
Bills Passed Both Houses	403	385	447	459
Bills That Became Law	376	347	392	416
Senate Bills Introduced	969	931	1003	933
S.B. Passed by Senate	250	237	301	286
S.B. Passed by House	185	181	231	210
S.B. Died in Conference	13	14	11	15
S.B. Vetoed	1	4	2	3
S.B. Partially Vetoed	0	0	0	0
S.B. Vetoes Overridden	0	0	0	0
S.B. Approved by Governor	169	153	202	186
S.C.R. Introduced	190	173	140	130
S.C.R. Adopted by Senate	171	153	120	109
S.C.R. Adopted by House	169	151	120	107
S.R. Introduced	11	8	8	7
S.R. Adopted	10	8	7	7
House Bills Introduced	1789	1689	1651	1725
H.B. Passed by House	372	368	386	398
H.B. Passed by Senate	218	204	216	249
H.B. Died in Conference	6	6	12	13
H.B. Approved by Governor	207	190	191	230
H.B. Became Law Without Governor's Signature	0	4		
H.B. Vetoed	3	1	2	2
H.B. Partially Vetoed	0	0	0	0
H.B. Vetoes Overridden	0	0	0	0
H.C.R. Introduced	131	123	89	126
H.C.R. Adopted by House	100	92	55	84
H.C.R. Adopted by Senate	98	92	54	66
Nominations Received	85	78	72	94
Nominations Approved	79	73	69	86

VETOED BILLS

The following general bills from the 2016 Regular Session have been vetoed by Governor Bryant as of May 25, 2016:

SB 2752. Vetoed 4/5/16.

AN ACT TO REENACT SECTIONS 27-7-22.7 AND 27-7-22.9, MISSISSIPPI CODE OF 1972, WHICH PROVIDE AN INCOME TAX CREDIT FOR INCOME TAXPAYERS THAT USE PORT FACILITIES AT STATE, COUNTY AND MUNICIPAL PORTS FOR THE EXPORT OF CARGO AND REQUIRE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO REPORT ANNUALLY TO THE LEGISLATURE REGARDING THE IMPACT OF SUCH TAX CREDIT; TO AMEND REENACTED SECTIONS 27-7-22.7 AND 27-7-22.9, MISSISSIPPI CODE OF 1972, TO MAKE CERTAIN TECHNICAL CHANGES; TO AMEND SECTION 4, CHAPTER 492, LAWS OF 1994, AS LAST AMENDED BY SECTION 3, CHAPTER 377, LAWS OF 2012, TO EXTEND THE DATE OF REPEAL ON SECTIONS 27-7-22.7 AND 27-7-22.9; AND FOR RELATED PURPOSES.

HB 199. Vetoed 5/13/16.

AN ACT TO AMEND SECTION 25-9-127, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR A PERIOD OF THREE YEARS, THE PERSONNEL ACTIONS OF THE STATE DEPARTMENT OF EDUCATION SUBJECT TO THE REGULATIONS OF THE STATE PERSONNEL BOARD SHALL BE EXEMPT FROM STATE PERSONNEL BOARD PROCEDURES, AND ALL EMPLOYEES OF THE AGENCY SHALL BE CLASSIFIED AS NONSTATE SERVICE DURING THAT PERIOD; TO AMEND SECTIONS 37-3-13, 37-3-25, 37-3-95, 37-13-80 AND 43-5-8, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

HB 507. Vetoed 4/6/16.

Allow Governor's Veto to Stand 4/12/16.

AN ACT TO REENACT SECTIONS 57-107-1 THROUGH 57-107-7, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE MISSISSIPPI DELTA AREA WORKFORCE TRAINING PROJECT; TO REPEAL SECTION 39, CHAPTER 480, LAWS OF 2011, WHICH ESTABLISHES A JULY 1, 2016, REPEAL DATE ON THOSE STATUTES THAT CREATE THE MISSISSIPPI DELTA AREA WORKFORCE TRAINING PROJECT; TO CREATE NEW SECTION 57-107-9, MISSISSIPPI CODE OF 1972, TO PLACE A REPEALER ON THE MISSISSIPPI DELTA AREA WORKFORCE TRAINING PROJECT IN THE MISSISSIPPI CODE; AND FOR RELATED PURPOSES.

HB 1514. Vetoed 4/11/16.

AN ACT TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 49 EAST IN LEFLORE COUNTY, MISSISSIPPI, AS THE HIGHWAY PATROLMAN TOMMY E. KENDALL MEMORIAL HIGHWAY; TO DESIGNATE A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 15 IN UNION COUNTY AS THE ZACK STEWART HIGHWAY; TO DESIGNATE MISSISSIPPI U.S. HIGHWAY 45 ALTERNATE IN LOWNDES COUNTY, MISSISSIPPI, AS THE TOM GOODE MEMORIAL HIGHWAY; AND FOR RELATED PURPOSES.

TABLE OF CONTENTS

<u>COMMITTEE</u>	<u>PAGE</u>
Accountability, Efficiency, Transparency	
S. B. 2081	1
S. B. 2111	1
S. B. 2123	1
S. B. 2162	1
S. B. 2167	2
S. B. 2193	2
S. B. 2342	2
S. B. 2372	3
S. B. 2515	3
S. B. 2533	3
S. B. 2571	4
S. B. 2587	4
S. B. 2591	4
S. B. 2593	5
S. B. 2664	5-6
S. B. 2678	7
S. B. 2684	7
S. B. 2750	7
H. B. 167	7-8
H. B. 289	8
H. B. 296	9
H. B. 506	9
H. B. 732	9
H. B. 819	9-10
H. B. 1151	10
H. B. 1189	11
H. B. 1203	11-13
H. B. 1205	13
H. B. 1381	14
H. B. 1410	14
H. B. 1498	14-15
H. B. 1504	15-16
Agriculture	
S. B. 2209	17
S. B. 2342	17
H. B. 475	17
H. B. 1130	18

Appropriations

S. B. 2064	19
S. B. 2114	19
S. B. 2179	19
S. B. 2238	19
S. B. 2297	19
S. B. 2362	19-21
S. B. 2364	21
S. B. 2387	21
S. B. 2388	21
S. B. 2660	21
S. B. 2755	21
H. B. 33	22
H. B. 37	22
H. B. 116	22
H. B. 200	22
H. B. 207	22
H. B. 298	22
H. B. 878	23
H. B. 989	24
H. B. 1074	24
H. B. 1203	24

Business and Financial Institutions

S. B. 2119	25
S. B. 2200	25
S. B. 2346	26
S. B. 2349	26-27
S. B. 2409	27-29
S. B. 2483	29
S. B. 2504	30-31
S. B. 2520	31
S. B. 2704	32
S. B. 2725	32-33
H. B. 470	33
H. B. 472	33
H. B. 504	33
H. B. 1511	34

Corrections

H. B. 107	35
H. B. 479	35

County Affairs

S. B. 2183	36
S. B. 2198	36

Drug Policy

S. B. 2169 37-38
H. B. 1369 39

Education

S. B. 2064 40-42
S. B. 2157 42-43
S. B. 2160 43
S. B. 2161 43-44
S. B. 2388 44
S. B. 2392 45
S. B. 2398 45
S. B. 2438 45
S. B. 2495 45
S. B. 2500 46
S. B. 2501 47
H. B. 33 47
H. B. 34 47
H. B. 37 48
H. B. 110 48
H. B. 200 48
H. B. 207 48
H. B. 494 49
H. B. 926 49
H. B. 928 50
H. B. 968 50
H. B. 987 50-51
H. B. 989 51-53
H. B. 991 53
H. B. 1000 53

Elections

S. B. 2167 54-55
S. B. 2603 55
S. B. 2684 55
H. B. 130 55
H. B. 137 56
H. B. 809 56-57
H. B. 866 57-61

Energy

S. B. 2366	62
S. B. 2755	62-65
H. B. 486	66
H. B. 491	66
H. B. 499	66
H. B. 906	67
H. B. 1130	67
H. B. 1138	67
H. B. 1139	68-71

Finance

S. B. 2051	72
S. B. 2055	73-74
S. B. 2240	74
S. B. 2321	74
S. B. 2675	74-77
S. B. 2808	77-79
S. B. 2858	79-80
S. B. 2922	80-82
H. B. 26	82
H. B. 364	82-83
H. B. 393	83-84
H. B. 447	84-85
H. B. 460	85
H. B. 461	85-86
H. B. 496	86-87
H. B. 845	87
H. B. 899	87-91
H. B. 1078	92
H. B. 1223	92-94
H. B. 1560	95
H. B. 1677	95
H. B. 1687	96
H. B. 1729	97-112
H. B. 1745	112
H. B. 1747	112-114
State General Obligation Bond Totals	115-123

Forestry

S. B. 2321	124
------------------	-----

Highways and Transportation

S. B. 2309	125
S. B. 2532	125
H. B. 110	125
H. B. 241	125
H. B. 822	125
H. B. 825	126
H. B. 853	126
H. B. 918	126
H. B. 1381	126-128

Insurance

S. B. 2189	129
S. B. 2192	129-130
S. B. 2193	130
S. B. 2300	130
S. B. 2750	130
H. B. 93	131
H. B. 525	131

Judiciary, Division A

S. B. 2211	132-136
S. B. 2237	136-137
S. B. 2313	137
S. B. 2314	138
S. B. 2364	138-139
S. B. 2419	139
S. B. 2447	139
S. B. 2483	140
S. B. 2493	141-142
S. B. 2541	142-143
S. B. 2649	144
S. B. 2660	144
S. B. 2777	144-147
S. B. 2778	147-150
H. B. 396	150
H. B. 578	150
H. B. 711	151
H. B. 767	151-152
H. B. 786	153
H. B. 1240	154-156
H. B. 1292	156
H. B. 1300	157
H. B. 1328	157-158
H. B. 1361	158
H. B. 1413	159
H. B. 1523	159-162
H. B. 1529	163

Judiciary, Division B

S. B. 2032	164
S. B. 2468	164
H. B. 522	164
H. B. 772	165
H. B. 1289	165
H. B. 1380	166

Medicaid

S. B. 2238	167
------------------	-----

Municipalities

S. B. 2603	168
S. B. 2799	168

Ports and Marine Resources

S. B. 2597	169
S. B. 2600	169
S. B. 2699	169
H. B. 188	169
H. B. 506	169
H. B. 815	170
H. B. 1124	170

Public Health and Welfare

S. B. 2070	171-172
S. B. 2179	173-176
S. B. 2297	176
S. B. 2484	177
S. B. 2508	177
S. B. 2527	177-178
S. B. 2528	178
S. B. 2625	178-179
S. B. 2661	179-181
H. B. 41	181-183
H. B. 289	183
H. B. 456	183-184
H. B. 462	184-186
H. B. 473	186
H. B. 483	186-187
H. B. 489	187
H. B. 519	187-188
H. B. 1375	188
H. B. 1439	188

Public Property

S. B. 2111	189
S. B. 2291	189-190
S. B. 2372	190
S. B. 2629	190-191
S. B. 2644	191
S. B. 2801	192
H. B. 26	192
H. B. 114	193
H. B. 884	193-194
H. B. 904	194-195

Rules

S. B. 2150	196
------------------	-----

Universities and Colleges

S. B. 2126	197
S. B. 2629	197
H. B. 934	197
H. B. 976	198

Veterans and Military Affairs

S. B. 2669	199
H. B. 81	199
H. B. 732	199
H. B. 1119	200

Wildlife, Fisheries and Parks

H. B. 487	201
H. B. 1151	201-202
H. B. 1157	202

2016 FIRST EXTRAORDINARY SESSION

Finance

H. B. 1	203-218
---------------	---------

ACCOUNTABILITY, EFFICIENCY, TRANSPARENCY

SB 2081. Effective 1/1/16. Signed 4/18/16.

SB 2081 amends Section 25-41-3 under the Open Meetings Act to conform to another code section the definition of the term "meeting" when conducted through the use of video or teleconference devices.

SB 2111. See summary under Public Property heading.

SB 2123. Effective 7/1/16. Signed 4/6/16.

SB 2123 amends Section 47-5-105 to provide that only contracts within the purview of the Department of Finance and Administration must be approved by the Public Procurement Review Board. Previous law required all contracts entered into by the Commissioner of Corrections and in excess of \$500,000.00 to be approved by the Public Procurement Review Board.

SB 2162. Effective 7/1/16. Signed 5/4/16.

SB 2162 creates the Jackson Metropolitan Area Airport Authority, which will manage all matters pertaining to the operation of the Jackson-Medgar Evers International Airport and Hawkins Field Airport. The authority shall consist of nine members as follows:

- (a) The Adjutant General, or his designee;
- (b) The Executive Director of MDA, or his designee;
- (c) One commissioner appointed by the Mayor of the City of Jackson;
- (d) One commissioner appointed by the City Council of the City of Jackson;
- (e) One commissioner appointed by the Board of Supervisors of Madison County;

(f) One commissioner appointed by the Board of Supervisors of Rankin County;

(g) Two commissioners appointed by the Governor from the City of Jackson, one of whom shall be the holder of a valid pilot's license or certification issued by the FAA; and

(h) One commissioner appointed by the Lieutenant Governor from the City of Jackson.

After the initial terms, commissioners shall serve terms of five years or until their successor is appointed and qualified.

Upon review and approval by the Federal Aviation Administration (FAA) of the Jackson Metropolitan Area Airport Authority as an eligible airport sponsor and the FAA's review and approval of the issuance of an airport operating certificate under 14 CFR Part 139 with respect to the Jackson-Medgar Wiley Evers International Airport, the Jackson Municipal Airport Authority is abolished, and all powers and duties, airport equipment, buildings, facilities, inventories, records, personnel, resources and all other property, real or personal, tangible or intangible, including any pertaining to or generated from revenues of the airport, are transferred to the Jackson Metropolitan Area Airport Authority. The Jackson Metropolitan Area Airport Authority may not, by sale or otherwise, dispose of any real property acquired by transfer in accordance with this act or subsequently acquired by the authority.

SB 2167. See summary under Elections heading.

SB 2193. See summary under Insurance heading.

SB 2342. See summary under Agriculture heading.

SB 2372. See summary under Public Property heading.

SB 2515. Effective 7/1/16. Signed 4/18/16.

SB 2515 creates new Section 49-7-4 to exempt from the Mississippi Public Records Act records of hunting, fishing and trapping license applications, or information related to the holders of such licenses. Such records shall be released only upon order of a court having proper jurisdiction over a petition for release of the record or records. However, upon request, the records shall be available to all law enforcement agencies.

SB 2533. Effective 7/1/16. Signed 4/6/16.

SB 2533 amends Section 25-61-9 to provide that records furnished to public bodies by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction under the Mississippi Public Records Act until notice to third parties has been given, but the records shall be released no later than 21 days from the date the third parties are given notice by the public body unless the third parties have filed in chancery court a petition seeking a protective order on or before the expiration of the 21-day time period. Any party seeking the protective order shall give notice to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure.

SB 2571. Effective 7/1/16. Signed 5/11/16.

SB 2571 amends Section 27-104-3 to authorize the Department of Finance and Administration to issue a request for administrative support in order to meet reporting requirements under Internal Revenue Code Section 6056 and to comply with the Patient Protection and Affordable Care Act of 2010.

SB 2587. Effective 7/1/16. Signed 4/6/16.

SB 2587 provides that no person shall serve in an interim or hold-over capacity for longer than 180 days after the expiration of the term to which he was appointed. This bill applies to positions that are required by law to be filled by appointment of the governing body of a municipality, or by mayoral appointment with the advice and consent of the council or aldermen. If such position is not filled within 180 days of the date of vacancy, no municipal funds may be expended to compensate any person serving in the position.

SB 2591. Effective 7/1/16. Signed 4/4/16.

SB 2591 amends Sections 31-7-1 and 31-7-9 to clarify who must attend the Office of Purchasing, Travel and Fleet Management's purchasing certification program. If the purchasing agent issues purchase orders, invitations for bids, requests for proposals, and receives and accepts bids, then he must attend the certification program. This bill only applies to purchasing agents at state agencies, not at the county or city level.

SB 2593. Effective 7/1/16. Signed 4/6/16.

SB 2593 amends Section 25-61-5 under the Mississippi Public Records Act to clarify when competitive sealed proposals must be produced. The bill provides that competitive sealed proposals shall be produced no later than seven working days after the notice of intent to award a contract is issued to the winning proposer. Persons making a request for production after the notice of intent to award is issued shall still have a reasonable amount of time (at least seven working days after the production of the sealed proposals) to protest the procurement or intended award prior to the final execution of the contract.

Under previous law, a company or individual could request copies of bids or RFP's that are under review, even before the contract has been awarded. In some instances, these requests for public records could be used to unduly influence the outcome of what needs to be confidential activities while the negotiation is still in progress.

SB 2664. Effective 7/1/16. Signed 4/20/16.

SB 2664 amends Sections 83-39-3, 83-39-7 and 83-39-17 to revise the Bail Agent Licensing Law as follows:

- Provides that no license shall be issued or renewed for any person who has ever been convicted of a crime that the commissioner finds directly relates to the duties of a bail agent, including any felony that involved an act of fraud, dishonesty, or a breach of trust, or money laundering;
- Provides that the Insurance Department must approve the hours submitted for prelicensing and continuing education requirements;

- Removes the provision that prelicensing and continuing education requirements must be classroom hours and not conducted online;

- Requires the Insurance Department to establish a statewide electronic bondsmen registry;

- Requires the Insurance Department to submit a report on or before December 1, 2017, to the Senate and House Accountability, Efficiency and Transparency Committees that details the amount of all bonds that each bail bondsman has written in this state on which he is absolutely or conditionally liable since the bail bond database was established;

- Requires each professional bail agent to provide to the Insurance Department an annual financial statement;

- Authorizes the Insurance Department to establish, on or before October 1, 2016, a bail bond database within the department for the reporting of all bail bonds written by personal surety agents and limited surety agents in this state;

- Requires, by November 15, 2016, that each bail agent input his information into the database for all bonds written from and after October 1, 2016;

- Requires, by the 15th day of each subsequent month, that each bail agent update the database;

- Provides that any bail agent who fails to comply with the database reporting provisions shall be assessed a fine in an amount not to exceed \$1,000.00 per violation.

- Provides that the act shall stand repealed on July 1, 2018.

SB 2678. Effective 7/1/16. Signed 4/5/16.

SB 2678 amends Section 37-11-51 to exempt school safety plan documents from the provisions of the Mississippi Public Records Act of 1983.

SB 2684. See summary under Elections heading.

SB 2750. Effective 7/1/16. Signed 4/18/16.

SB 2750 authorizes the Department of Finance and Administration to issue a request for an ACA-compliant health insurance policy, or policies, to offer health insurance coverage to the full-time equivalent employees not otherwise eligible to participate in the State and School Employees' Health Insurance Plan.

HB 167. Effective 7/1/16. Signed 4/6/16.

HB 167 amends Section 25-65-75 to provide that if the State Auditor issues a certificate of noncompliance, with the requirement for a municipality to have an annual audit of its books, the Department of Revenue shall withhold 10% of the allocations and payments to the municipality that would otherwise be payable to the municipality until such time that the department receives written notice of the cancellation of the certificate of noncompliance from the State Auditor.

The bill also provides that if the Department of Revenue has made erroneous disbursements to a municipality as a diversion of sales tax revenue for a period of three years or more, the maximum amount that may be recovered or withheld from the municipality is the total amount of funds erroneously disbursed for a period of three years beginning with the date of the first erroneous disbursement. However, if during such period, a municipality provides written notice to the Department

of Revenue indicating the erroneous disbursement of funds, then the maximum amount that may be recovered or withheld from the municipality is the total amount of funds erroneously disbursed for a period of one year beginning with the date of the first erroneous disbursement.

HB 289. Effective 7/1/16. Signed 5/17/16.

HB 289 increases the maximum amounts of the fees that the State Board of Health may charge for certain radiological health services, and increases the amount of the fee that the State Department of Health will charge for soil and site evaluation and recommendation of individual on-site wastewater disposal systems. The bill further authorizes the board or department to increase the amount of those fees not more than two times during the period from July 1, 2016, through June 30, 2020, with the percentage of each increase being not more than 5% of the amount of the fee in effect at the time of the increase.

For all other fees charged by the State Board of Health or the State Department of Health for providing a service, including the issuance and renewal of licenses and registrations, the board or department is authorized to increase the amount of the fee not more than two times during the period from July 1, 2016, through June 30, 2020, with the percentage of each increase being not more than 15% of the amount of the fee in effect at the time of the increase.

The bill places a repealer of July 1, 2020, on the above provisions.

HB 296. Effective 7/1/16. Signed 4/6/16.

HB 296 revises the fees that are charged by county surveyors to provide that the fees will be those fees agreed to between the county surveyor and the party engaging his or her services.

HB 506. See summary under Ports and Marine Resources heading.

HB 732. See summary under Veterans and Military Affairs heading.

HB 819. Effective 7/1/16. Signed 4/11/16.

HB 819 amends Section 25-43-4.103, which establishes the Small Business Regulatory Review Committee, to:

- Require that one of the Governor's four appointees to the committee be the Executive Director of Mississippi Development Authority;
- Provide that two of the Lieutenant Governor's four appointees to the committee may be members of the Senate who own small businesses;
- Provide that two of the Speaker's four appointees to the committee may be members of the House who own small businesses;
- Provide that any legislative member who is appointed to the committee shall serve as an ex officio, nonvoting member;
- Provide that nominees for consideration for appointment by the Governor, Lieutenant Governor and Speaker are not limited to small business owners, but may also include business association representatives and small business regulatory advisors who have legal or accounting expertise; and

- Remove the restriction that a committee member can only serve three consecutive terms, which terms are for two years.

The bill amends Section 25-43-4.104 to allow the Small Business Regulatory Review Committee to file its own Economic Impact Statement with the Secretary of State if:

- An agency does not file its own economic impact statement, or

- An agency says there is no economic impact on a small business and the committee believes the proposed rule or regulation will negatively impact small business.

- ▶ If the committee files its own economic impact statement, it will have a 60-day period to file comments with the agency for consideration before the rule becomes final.

Finally, the bill deletes the automatic repealer on the Mississippi Small Business Regulatory Act.

HB 1151. See summary under Wildlife, Fisheries and Parks heading.

HB 1189. Effective 7/1/16. Signed 4/11/16.

HB 1189 amends Section 25-53-51 to revise the qualifications for the position of information confidentiality officer by deleting the requirement that such person enter into a surety bond in the minimum amount of \$5,000.00 to cover liability for breach of confidence of client personal information. Instead the Mississippi Department of Information Technology Services (MDITS) will work in conjunction with the Tort Claims Board in order to maintain appropriate liability insurance necessary to cover damages for any nonmalicious act. Additionally, MDITS is authorized to conduct fingerprint-based criminal history background checks to clear personnel for access into the state data centers.

HB 1203. Effective 7/1/16. Signed 5/13/16.

HB 1203 makes the following revisions to the Mississippi Coast Coliseum Commission:

- Increases the Mississippi Coast Coliseum Commission (commission) from five members to seven members. The seven-member commission shall consist of:
 - ▶ Five members appointed by each supervisor of the Harrison County Board of Supervisors (board of supervisors) who shall be residents of Harrison County and who shall serve at the will and pleasure of the supervisors. The terms of the commissioners shall run concurrently with the appointing supervisor, unless a commissioner is replaced or removed by a majority vote of the board of supervisors; and
 - ▶ Two members, one from each judicial district of Harrison County, appointed by the consensus of mayors of the municipalities from each judicial district. The members shall serve at the will and pleasure of the mayors and shall be

residents of the county. The terms of the commissioners shall run currently with the term of office of the mayors elected at a general municipal election, unless a commissioner is removed or replaced by the appointing mayors.

- Requires the appointed commissioners to meet on or before August 19, 2016, and provides that a quorum shall consist of four commissioners.

- Provides that the "multipurpose coliseum and related facilities," which the commission has authority over, are to include facility grounds, as well as any lands purchased by or on the behalf of the commission.

- Requires that from and after July 1, 2016, any development and/or any land acquired by or on behalf of the commission is subject to the Land Development Ordinances of the City of Biloxi.

- Provides that before the commission acquires any land by certain means, such acquisition must be approved by the board of supervisors.

- Provides that the annual budget of the commission is to be approved by the board of supervisors.

- Provides that if certain contracts are awarded by the commission and the contracts are for less than 180 days, then the commission must adopt uniform rules and regulations regarding those contracts, and such rules and regulations must be published on the commission and county websites for three consecutive weeks.

- Requires the commission to notify the board of supervisors if the commission intends to award contracts if such contracts exceed 180 days, and the commission must publish such intention to grant the contracts on the commission and county websites.

- Requires the commission to prepare an annual budget specifically describing the proposed receipt and expenditure of all funds from any source, and such budget must be approved by the board of supervisors.

- Provides that if the commission desires to take any action associated with the receipt or expenditure of funds which deviates from the annual budget, such individual action is subject to the approval of the board of supervisors.

- Requires the Mississippi Coast Coliseum and Convention Trust Fund to be administered by the board of supervisors who may expend monies in the fund, upon recommendation of the commission, without state appropriation, for repairs, capital improvement and debt service expense for the coliseum.

- Prohibits the board of supervisors from July 1, 2016, to February 16, 2018, from expending more than \$2,000,000.00 from the Mississippi Coast Coliseum Trust Fund, but after February 16, 2018, the board of supervisors may expend any or all of the remaining monies in the trust fund upon recommendation of the commission.

HB 1205. Effective 7/1/16. Signed 5/11/16.

HB 1205 amends Section 45-2-1 to revise the coverage of the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund to include causes of death that would be covered under the Public Safety Officers' Benefits Act of 1976 or the Hometown Heroes Survivors Benefits Act of 2003. Further, the bill revises the language regarding cause of death from "is accidentally or intentionally killed" to "dies" for purposes of the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.

HB 1381. See summary under Highways and Transportation heading.

HB 1410. Effective on passage. Signed 5/3/16.

HB 1410 creates the Asset Forfeiture Task Force. The task force will have the following 13 members: the Chairmen of the Judiciary "A" Committees, the Chairmen of the Judiciary "B" Committees, the President of the Mississippi Prosecutors Association, the President of the Mississippi Sheriffs' Association, the President of the Mississippi Association of Chiefs of Police, the State Defender of the Office of State Public Defender, the Director of the Mississippi Justice Institute at the Mississippi Center for Public Policy, the Director/Managing Attorney of the Mississippi Office of the Southern Poverty Law Center, the Director of the Mississippi Bureau of Narcotics, the Chief Justice of the Supreme Court of Mississippi and the Mississippi Attorney General.

The task force is required to collect and review information involving the seizure of property by a state or local law enforcement agency under state law, or as part of a collaboration with the federal government under federal law.

HB 1498. Effective 7/1/16. Signed 5/13/16.

HB 1498 extends for one year the exemption of the personnel actions of the Commissioner of the Department of Corrections from State Personnel Board rules, regulations and procedures and the provision that all employees of the department will be classified as nonstate service during that period.

In addition, the bill requires any state agency whose personnel actions are exempted from the rules, regulations and procedures of the State Personnel Board to file an annual report with the Lieutenant Governor, the Speaker of the House of

Representatives, and the members of the Senate and House Accountability, Efficiency and Transparency Committees not later than July 1, 2016, and each year thereafter while under the exemption, containing the following information:

- The number of current employees who received an increase in salary during the past fiscal year and the amount of the increase;

- The number of employees who were dismissed from the agency or otherwise adversely affected as to compensation or employment status during the past fiscal year, including a description of such adverse effects; and

- The number of new employees hired during the past fiscal year and the starting salaries of each new employee.

HB 1504. Effective 7/1/16. Signed 4/11/16.

HB 1504 amends Section 27-104-7 to:

- Authorize the Public Procurement Review Board to adopt regulations governing the approval of contracts for architectural and engineering services; and

- Require agencies requesting to lease certain space to provide information relating to the lease sufficiently in advance of the time the agency needs to lease the space to allow the Department of Finance and Administration to review and pre-approve the lease before the time for advertisement begins.

The bill amends Section 31-11-3 to:

- Clarify the authority of the Department of Finance and Administration to review and pre-approve all architectural and engineering service contracts entered into by state agencies to ensure compliance with purchasing regulations and to confirm that the contracts are procured by a competitive qualification-based selection process except where such appointment is for an emergency project or for a continuation of a previous appointment for a directly related project; and
- Exempt architectural and engineering contracts for any projections of the Mississippi Department of Transportation from preapproval by the Department of Finance and Administration.

AGRICULTURE

SB 2209. Effective on passage. Signed 4/4/16.

SB 2209 amends Section 69-3-17 to expressly provide for the preemption of any local ordinance or regulation that is in conflict with state agricultural seed laws and the regulations promulgated by the Mississippi Department of Agriculture and Commerce.

SB 2342. Effective on passage. Signed 4/4/16.

SB 2342 amends Section 69-45-11 to authorize the Mississippi Department of Agriculture and Commerce to charge an annual marketing assessment fee on persons or businesses who participate in the Mississippi Agricultural Promotions Program. The department may also allow a public or private entity to advertise the entity's name on department property and in its publications. Those funds received from advertising are required to be retained by the department to market and promote the Mississippi Agricultural Promotions Program. Section 69-45-13 is amended to clarify that the special fund designated as the "Mississippi Agricultural Promotions Fund" shall be used for the purpose of marketing and promoting the program.

HB 475. Effective 7/1/16. Signed 4/11/16.

HB 475 extends the repealer until July 1, 2020, on Section 69-37-17, which requires the Boll Weevil Management Corporation to provide an annual audit of its accounts to the Mississippi Department of Agriculture and Commerce.

HB 1130. Effective 7/1/16. Signed 4/11/16.

HB 1130 extends the repealer until July 1, 2020, on Sections 75-55-5 and 75-55-37, which provide definitions and penalties related to the petroleum products inspection laws.

APPROPRIATIONS

SB 2064. See summary under Education heading.

SB 2114. Effective on passage. Signed 5/13/16.

This bill amends the Uniform Traffic Ticket Law, Section 63-9-21, to clarify that additional misdemeanors observed by an officer during a routine traffic stop may be cited by the officer as a component of an electronic citation.

SB 2179. See summary under Public Health and Welfare heading.

SB 2238. See summary under Medicaid heading.

SB 2297. See summary under Public Health and Welfare heading.

SB 2362. Effective 7/1/16. Signed 5/6/16.

- This bill is the "Mississippi Budget Transparency and Simplification Act of 2016."

- From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent, audit fee, personnel fee or other charge for services or resources received. The provisions of this section shall not apply (a) to grants, contracts, pass-through funds, project fees or other charges for services between state agencies and the Board of Trustees of State Institutions of Higher Learning, any public university, the Mississippi Community College Board, any public community or junior college, and the State Department of Education, nor (b) to charges for services between the Board of

Trustees of State Institutions of Higher Learning, any public university, the Mississippi Community College Board, any public community or junior college, and the State Department of Education. The Board of Trustees of State Institutions of Higher Learning, any public university, the Mississippi Community College Board, any public community or junior college, and the State Department of Education shall retain the authority to charge and be charged for expenditures that they deemed nonrecurring in nature by the State Fiscal Officer.

- From and after July 1, 2016, the expenses of the following enumerated state agencies shall be defrayed by appropriation of the Legislature from the State General Fund: the State Fire Marshal, the State Fire Academy, the Office of Secretary of State, the Mississippi Public Service Commission, the Mississippi Department of Information Technology Services, the State Personnel Board, the Mississippi Department of Insurance, the Mississippi Law Enforcement Officers' Minimum Standards Board; the Mississippi Tort Claims Board; the Mississippi Gaming Commission; the Mississippi Oil and Gas Board; the Mississippi Department of Revenue - License Tag; the Office of the State Public Defender; the Mississippi Workers' Compensation Commission; the Office of Attorney General; and the Mississippi Department of Finance and Administration. Beginning July 1, 2016, any fees, assessments or other revenues charged for the support of the above-named state agencies shall be deposited into the State General Fund, and any special fund or depository established within the State Treasury for the deposit of such fees, assessments or revenues shall be abolished and the balance transferred to the State General Fund. Expenses heretofore drawn from such special funds or other depositories shall be drawn from the agencies General Fund Account.

- Beginning with the fiscal year ending June 30, 2016, the amount to be appropriated annually from the State General Fund for the support of each of the above-named state agencies shall not exceed the amount appropriated for such purpose in the preceding fiscal year, plus any increases in or additional fees, assessments or other charges authorized by act of the Legislature for the succeeding fiscal year. The provisions of this section shall not apply to any trust fund account that is maintained by any above-named agency. The provisions of this section shall not prohibit any of the above-named agencies from maintaining clearing accounts in approved depositories. The provisions of this section shall not apply to any trust fund accounts maintained by the Public Employees' Retirement System and protected under Section 272A of the Mississippi Constitution of 1890.

SB 2364. See summary under Judiciary, Division A heading.

SB 2387. Effective 7/1/16. Signed 4/6/16.

This bill requires state agencies to include information regarding any Maintenance of Effort (MOE) agreements with the federal government in their annual budget request to the legislative budget office.

SB 2388. See summary under Education heading.

SB 2660. See summary under Judiciary, Division A heading.

SB 2755. See summary under Energy heading.

HB 33. See summary under Education heading.

HB 37. See summary under Education heading.

HB 116. Effective 7/1/16. Signed 4/5/16.

This bill requires that a majority of the members of the Mississippi Commission on Environmental Quality not derive any significant portion of their income from persons subject to permits or enforcement orders under the Clean Air Act. Further, the bill requires a member of the commission to disclose a potential conflict of interest and recuse himself or herself.

HB 200. See summary under Education heading.

HB 207. See summary under Education heading.

HB 298. Effective 7/1/16. Signed 5/17/16.

This bill makes the following technical corrections relating to the imposition, collection and deposit of state assessments under Section 99-19-73 as amended by Senate Bill No. 2362:

- Removes the July 1, 2016, rollback provision on the total state assessment on traffic violations so that the amount of the assessment will be \$90.50 instead of \$88.42;
- Re-inserts the amounts of the additional assessments for speeding, reckless and careless driving violations, which were inadvertently removed in Senate Bill No. 2362; and
- Clarifies that the Department of Finance and Administration will deposit on a monthly basis all state assessments into the State General Fund or proper special fund in the State Treasury.

HB 878. Effective 7/1/16. Signed 5/9/16.

This bill provides for transfers of funds and addresses other fiscal matters as follows:

- Directs the State Fiscal Officer to transfer to the Capital Expense Fund during fiscal year 2016 a total of \$50,000,000.00 from certain special funds of the Secretary of State, Public Service Commission, Public Utilities Staff, Department of Information Technology Services, State Personnel Board, Department of Insurance, Department of Finance and Administration, Gaming Commission, Oil and Gas Board and Workers' Compensation Commission.

- Directs the State Fiscal Officer to transfer to the Capital Expense Fund during fiscal year 2017 a total of \$28,895,576.00 from certain special funds of the Unclaimed Property Fund, Board of Nursing, Medical Licensure Board, Department of Corrections, Board of Dental Examiners, Board of Engineers and Land Surveyors, Motor Vehicle Commission, Budget Contingency Fund and Hurricane Disaster Reserve Fund.

- Revises the percentage limitation on legislative appropriations from the State General Fund for fiscal year 2017 from 98% of the general fund revenue estimate for that fiscal year to 100% of the general fund revenue estimate.

- Revises the distribution of the unencumbered ending cash balance in the State General Fund at the end of fiscal year 2016 to have the distribution made only to the Municipal Revolving Fund and the Capital Expense Fund.

- Suspends the requirement for appropriations to the Local System Bridge Replacement and Rehabilitation Program during the 2016 Regular Legislative Session.

- Extends to July 1, 2017, the date of the repealer on the Health Care Trust Fund.

HB 989. See summary under Education heading.

HB 1074. Effective 7/1/16. Signed 5/13/16.

This bill creates the Economic Development and Infrastructure Fund as a special fund in the State Treasury. Monies deposited in the fund shall be used by the Mississippi Development Authority for the following two grant programs:

- To assist with construction and repair of infrastructure in counties in Mississippi where legal gaming is being conducted or is authorized and for structures designed to promote the gaming and entertainment industry in such counties; and

- To aid in increasing commercial air service at existing commercial service airports in counties in Mississippi in which legal gaming is being conducted or is authorized by offering to assist Part 121 carriers through the following air service development methods: revenue guaranty, seat guaranty, seat cost mitigation, ground handling and marketing.

The bill provides that not less than \$2,500,000.00 shall be used annually for grants provided to aid in increasing commercial air service. The Mississippi Development Authority is authorized to establish rules and regulations to implement the fund and grant programs.

HB 1203. See summary under Accountability, Efficiency, Transparency heading.

BUSINESS AND FINANCIAL INSTITUTIONS

SB 2119. Effective 7/1/16. Signed 5/11/16.

SB 2119 amends Section 73-33-2 to revise the definition of the term "attest" as used in the laws regulating public accountants. The bill also amends Section 73-33-5 to reduce the number of collegiate-level semester hours of education from 150 hours to 120 hours necessary to sit for the CPA exam. However, 150 hours of education will still be required to obtain a CPA license. The bill amends Section 73-33-11 to clarify the powers of the State Board of Accountancy when taking disciplinary actions, and amends Section 73-33-12 to allow the use of PEER review results in administrative actions by the board.

SB 2200. Effective 7/1/16. Signed 4/4/16.

SB 2200 amends Section 75-71-302 to provide for notice filings of new types of federal covered securities created by the federal Jobs Act. The bill also conforms Section 75-71-310 to allow the fee currently charged for notice filings of certain federal covered securities to also be charged for these new federal covered securities.

SB 2346. Effective 7/1/16. Signed 4/6/16.

Currently, Section 75-67-109 prohibits a small loan licensee from giving a premium to a prospective borrower as an inducement to make a loan or refinance a loan. SB 2346 amends that law to prohibit a small loan licensee from giving to a prospective borrower a premium as an inducement to make a loan if: (a) the premium amount is charged, directly or indirectly, to the borrower or prospective borrower; or (b) the inducement is undertaken with prior notification in a form as recommended by the commissioner.

SB 2349. Effective 7/1/16. Signed 5/12/16.

SB 2349 amends Section 75-67-121 to provide that on loans of \$100.00 or more, a small loan licensee may solicit and collect from any purchasing borrower the actual cost of any insurance premium paid for a noncredit insurance policy, provided that such insurance is optional, is filed with the Department of Insurance, and is underwritten by an insurance company qualified to do business in Mississippi, and provided that the following conditions are met:

(a) The licensee shall not require the purchase of the noncredit insurance as a condition of receiving any loan or other extension of credit from the licensee;

(b) The licensee's employees offering the noncredit insurance are:

(i) Properly licensed with the Department of Insurance as an insurance producer for the type of insurance being offered to the borrower by that employee; and

(ii) Appointed with the insurance company providing the insurance policy to the purchasing borrower;

(c) The licensee shall not make the borrower's ability to obtain any current or future loan or other extension

of credit from the licensee contingent upon the borrower's agreement to purchase the noncredit insurance or otherwise transact business with the licensee; and

(d) The licensee shall allow the borrower the option to pay the cost of the noncredit insurance policy using funds other than the proceeds of a loan obtained from the licensee, or to have the cost of the noncredit insurance paid from the proceeds of any loan obtained from the licensee.

SB 2409. Effective 7/1/16. Signed 5/13/16.

SB 2409 creates the "Mississippi Credit Availability Act" to provide licensing requirements for persons engaging in the business as a credit availability licensee. More specifically, the bill does the following:

- Provides exemptions from the act. The act does not apply to any bank, trust company, savings association, savings and loan association, savings bank or credit union that is chartered under the laws of this state or under federal law and domiciled in this state;

- Provides applicant eligibility requirements;

- Provides that each application for a license shall be in a form prescribed by the commissioner;

- Requires investigation by the Department of Banking before issuance of a license, and to require that the license shall be conspicuously posted in the place of business of the licensee;

- Authorizes the Department of Banking to adopt regulations and to examine the books and records of any licensee;

- Prohibits the advertising, displaying or publishing of false or misleading statements by a licensee;

- Provides for fees, charges and method of computation to be charged by a licensee under a credit availability account. On loans of \$500.00 or less, a licensee may charge a monthly handling fee not to exceed 25% of the outstanding balance of the credit availability account, payable in four to six months. On loans of more than \$500.00 but less than \$2,500.00, a licensee may charge a monthly handling fee not to exceed 25% of the outstanding balance of the credit availability account, payable in 6 to 12 months. In addition to the handling fee, a licensee may charge an origination fee in the amount of 1% of the amount disbursed to the account holder or \$5.00, whichever is greater, for costs associated with preparing the loan. The loans may be secured by personal property unless the property is exempt under state or federal law.

- Allows a licensee to charge a late fee of 10% of the past-due amount; however, no late fee may be charged unless an account holder has failed to pay the past-due amount within 10 business days after the due date and such fees must be clearly disclosed in the credit availability agreement. If an account holder is in default under the terms of a credit availability agreement for more than 60 days, the licensee may employ a third party, including an attorney, and charge additional fees in connection with any such default, provided that such fees are clearly disclosed in the credit availability agreement. Also, the licensee may charge and collect from the account holder in default any fees and costs relating to the repossession and sale of collateral.

- Requires licensees to provide the account holder with a written explanation of fees and charges;

- Authorizes the Commissioner of Banking to suspend or revoke a license upon making certain findings;

- Authorizes the Commissioner of Banking to investigate and examine persons licensed under the act and persons reasonably suspected of conducting business which requires a license under the act;

- Provides penalties for engaging in business without a license;

- Provides criminal and civil penalties for violations of the act;

- Provides that municipalities of this state may enact ordinances which are in compliance with, but not more restrictive than, the provisions of the act;

- Authorizes the Commissioner of Banking to employ the necessary full-time employees above the number of permanent full-time employees authorized for the department for fiscal year 2016 to enforce the provisions of the act;

- Amends Section 75-67-403 to remove the prohibition that no business other than title pledge business shall be conducted at a title pledge office;

- Amends Section 75-67-505 to provide that the Commissioner of Banking shall authorize the offering of credit availability transactions in addition to those that may be performed as part of a check cashing business.

SB 2483. See summary under Judiciary, Division A heading.

SB 2504. Effective 7/1/16. Signed 4/6/16.

SB 2504 extends the date of repeal from July 1, 2016, to July 1, 2020, on Sections 81-18-1 through 81-18-63, known as the "Mississippi S.A.F.E. Mortgage Act." The bill also does the following:

- Revises the qualifications for licensure by removing language that prevents licensure for an individual with a past conviction of a misdemeanor;
- Reduces from 12 to 8 the number of hours of annual continuing education hours required for a mortgage loan originator;
- Revises the maintenance requirements and investigation authority of business records;
- Revises the annual written reporting requirements by licensees. Failure to file accurate, timely and complete reports on the Nationwide Mortgage Licensing System and Registry may result in a violation of this chapter, resulting in a civil penalty;
- Revises the signage requirements for principal place of business and branch offices;
- Provides that a payoff statement must be an understandable and accurate statement of the total amount that is required to pay off the mortgage loan as of a specified date. No borrower shall be charged a fee for being informed or receiving a payoff statement or for being provided with a release upon full payment, provided that the licensed mortgage lender may charge a reasonable fee for providing a payoff statement after five or more requests in any calendar year;
- Prohibits certain acts by a licensee. A licensee shall not: (a) sign a consumer's name to a mortgage loan application or mortgage loan documents on behalf of a consumer; (b)

knowingly falsify income or asset information on a mortgage loan application or mortgage loan documents; or (c) discourage a consumer in a mortgage loan transaction from seeking or obtaining independent legal counsel or legal advice.

- Clarifies the contents of a lock-in fee agreement;
- Revises the regulations governing advertising of mortgage loans;
- Provides for the required contents of individual consumer servicer files;
- Revises the required content of a licensee's journal of mortgage transactions;
- Clarifies the prohibited activities in the course of residential mortgage loan transactions; and
- Deletes the registration requirement for mortgage loan originators through the Nationwide Mortgage Licensing System and Registry.

SB 2520. Effective on passage. Signed 4/5/16.

SB 2520 amends Sections 81-1-81 and 81-14-401 to authorize the Commissioner of Banking to join an examination with the Federal Reserve Bank of any bank holding company with more than One Billion Dollars in assets that owns a Mississippi state-chartered bank. Further, the commissioner may join in related supervisory orders issued by the Federal Reserve Bank. There shall be no cost to a bank or a bank holding company as a result of the commissioner's participation in a joint examination as authorized by this paragraph. This authority shall stand repealed July 1, 2022.

SB 2704. Effective on passage. Signed 4/4/16.

SB 2704 amends Section 97-19-55, known as the bad check law, to conform to current commercial practices. The bill makes it clear that it is unlawful to authorize a check, draft, order, electronically converted check, or electronic commercial debit knowing that there are not sufficient funds on deposit to pay that instrument. The law previously explicitly covered only making, drawing, issuing, uttering and delivering an instrument, not the authorizing of it.

SB 2725. Effective 7/1/16. Signed 5/11/16.

SB 2725 requires background investigations by the Mississippi Real Estate Commission of applicants for a real estate broker's or salesperson's license, or a nonresident's license. Beginning July 1, 2016, all applicants for a Mississippi real estate broker's license, or a Mississippi resident license as a real estate salesperson, or a nonresident's license in Mississippi, and all applicants for renewal of any real estate license, shall undergo a fingerprint-based criminal history records check. Each applicant shall submit a full set of the applicant's fingerprints, in a form and manner prescribed by the commission, which shall be forwarded to the Mississippi Department of Public Safety and the Federal Bureau of Investigation Identification Division for this purpose. The bill exempts from this background requirement brokers or salespersons who have held a license in this state for at least 25 years and who are older than 70 years of age.

The bill also clarifies that a simple communication with a mortgage broker or lender by a real estate licensee about any professional (example: appraiser, home inspector, contractor, etc.) regarding a listing or pending contract for sale does not constitute bad faith conduct by a real estate licensee, and therefore is not a violation of the licensing law.

HB 470. Effective 7/1/16. Signed 4/5/16.

HB 470 amends Section 81-22-1 to extend until July 1, 2019, the date of repeal for the Mississippi Debt Management Services Act.

HB 472. Effective 7/1/16. Signed 4/5/16.

HB 472 amends Section 73-34-103 to prohibit an appraisal management company from engaging in or conducting business in this state without first obtaining a registration issued by the Mississippi Real Estate appraiser Licensing and Certification Board under the Mississippi Appraisal Management Company Registration Act.

The bill also extends the date of repeal to July 1, 2019.

HB 504. Effective 7/1/16. Signed 4/5/16.

HB 504 reenacts the Mississippi Auctioneers License Act, and removes the date of repeal for such act. This bill requires an appeal from any action by the Mississippi Auctioneer Commission to be filed in the First Judicial District of Hinds County, Mississippi.

HB 1511. Effective 7/1/16. Signed 3/14/16.

HB 1511, which is to be known as the "Mississippi Consumer Alternative Installment Loan Act," authorizes small loan licensees to make consumer installment loans under an alternative schedule of rates and charges from those under the Small Loan Regulatory Law. The act will be administered and enforced by the Commissioner of Banking and Consumer Finance.

- On loans of \$4,000.00 or less, in lieu of the interest and charges authorized under the Small Loan Regulatory Law, a licensee may contract and charge a monthly finance charge of not more than an annual percentage rate of 59% per annum on the unpaid amount of the amount financed.

- The loan must be fully amortizing and be repayable in its entirety in a minimum of nine substantially equal and consecutive monthly payments with a period of not less than 272 days to maturity.

- A licensee may not make a loan to a consumer borrower if the payments to be made in any month on the loan exceed 22.5% of the consumer's gross monthly income.

CORRECTIONS

HB 107. Effective on passage. Signed 5/13/16.

This bill amends Section 47-7-3(1)(f) to provide that incarcerated offenders who were convicted after June 30, 1995, but before July 1, 2014, for committing the crime of sale or manufacture of a controlled substance shall be eligible for parole after serving 1/4 of the sentence imposed by the trial court.

HB 479. Effective 7/1/16. Signed 4/11/16.

This bill extends the date of repeal to July 1, 2020, on the provisions of law that authorize the Department of Corrections to house state offenders in county jails.

COUNTY AFFAIRS

SB 2183. Effective 7/1/16. Signed 5/13/16.

SB 2183 amends Section 41-39-5 to provide that the board of supervisors, or the coroner, shall direct the burial or cremation of unclaimed dead bodies. No county funds may be expended in excess of the amount budgeted for the purposes of this section without the prior approval of the board of supervisors of the county.

SB 2198. Effective 7/1/16. Signed 4/18/16.

SB 2198 amends Section 21-1-27 to provide that when any municipality having a population in excess of 40,000 wherein is located a state-supported university and in which U.S. Highways 49 and 11 intersect and which has boundaries that lie within two counties desires to enlarge its boundaries by adding adjacent unincorporated territory after January 1, 2016, the municipality shall pass a resolution:

(a) Certifying that more than 50% of the people who reside in the census block within the territory shall be included in the proposed annexation; or

(b) Certifying that, upon approval of the annexation, the municipality shall cede any authority to provide zoning and subdivision regulation to the board of supervisors of the county, if 50% or fewer people who reside in the census block within such territory are included in the proposed annexation.

DRUG POLICY

SB 2169. Effective 7/1/16. Signed 5/12/16.

Marijuana and synthetic cannabinoids are Schedule I controlled substances. This bill would change the classification of synthetic cannabinoids, sometimes called spice, to have a more serious penalty than marijuana but not as harsh a penalty as the other Schedule I drugs like heroin and opium.

The punishment for synthetic cannabinoids is increased by decreasing the amounts at which the graduated penalties attach:

- If 10 grams or less: not more than 3 years or not more than \$3,000.00, or both.
- 10 to 20 grams: not more than 5 years or not more than \$5,000.00, or both.
- 20 to 40 grams: 3 to 10 years or not more than \$15,000.00, or both.
- 40 to 200 grams: 5 to 20 years or not more than \$20,000.00, or both.

A new level of punishment is added for sale or possession with intent to sell of Schedule III and IV controlled substances:

- 30 to 500 grams or 40 to 2,500 dosage units: not more than 20 years or \$250,000.00, or both.

A new level of punishment is added for sale or possession with intent to sell Schedule V controlled substances:

- 30 to 500 grams or 40 to 2,500 dosage units: not more than 15 years or \$50,000.00, or both.

Simple possession of marijuana is not changed, but possession of synthetic cannabinoids is now:

- For 10 grams or less: \$100.00 to \$250.00.
- 10 to 20 grams can be charged as a misdemeanor (not more than \$1,000.00 and one year) or as a felony (not more than \$3,000.00 and 3 years).
- 20 to 40 grams: 2 to 8 years or not more than \$50,000.00, or both.
- 40 to 200 grams: 4 to 16 years or not more than \$250,000.00, or both.
- 200 or more grams: 6 to 24 years or \$500,000.00, or both.

The punishment for simple possession of Schedule III, IV and V controlled substances and for possession of paraphernalia is not changed.

The punishment for simple possession of all the other Schedule I drugs is not changed.

As to sale or possession with intent to sell, the bill revises and clarifies what amounts of which controlled substances are regarded as drug trafficking.

The bill also allows a court to consider whether information and assistance were furnished to a law enforcement agency, or its designee, which, in the opinion of the trial judge, objectively should or would have aided in the arrest or prosecution of other controlled substance violators. The bill allows the accused to have adequate opportunity to develop and make a record of all information and assistance furnished in order that the court may consider the assistance in mitigation of any minimum sentences or ineligibility for probation or parole.

HB 1369. Effective on passage. Signed 4/7/16.

This bill amends the controlled substance schedules to make minor revisions to Schedules I, II, III and IV.

Schedule I, Section 41-29-113, is amended to add Acetyl Fentanyl and to list additional synthetic cathinones.

Schedule II, Section 41-29-115, is amended to further clarify that hydrocodone is a Schedule II substance even when in combination with other materials. Naloxegol and Ioflupane are excluded from control.

The drug Perampanel is added to Schedule III in Section 41-39-117, and Section 41-29-119 is amended to add the drugs Alfaxalone and Suvorexant to Schedule IV.

EDUCATION

SB 2064. Effective 7/1/16. Signed 4/6/16.

Subject to the availability of funds, this bill:

- Establishes the Distance Learning Collaborative Act.
- Provides for a grant program administered by the Mississippi Department of Education to provide funds for the development and implementation of distance learning programs in school districts and approved collaborative entities meeting standards adopted by the State Board of Education.

- A "distance learning collaborative" means a school or schools that write and submit an application to participate in the voluntary distance learning program. A distance learning collaborative is comprised, at a minimum, of a public school district, and may include an agency or other nonprofit organization approved by the State Department of Education to provide distance learning resources.

- A "lead partner" is a public school district or other nonprofit entity with the instructional expertise and operational capacity to manage the Distance Learning Collaborative Program as described in the approved application for funds. The lead partner serves as the fiscal agent for the collaborative and shall disburse awarded funds in accordance with the collaborative's approved application. The lead partner ensures that the collaborative adopts and implements the Distance Learning Collaborative Program consistent with the standards adopted by the State Board of Education. The public school district shall be the lead partner if no other qualifying lead partner is selected.

- Provides certain minimum standards for the program.

- Distance Learning Collaborative Grants may be used to:
 - (a) Acquire the following types of equipment: (i) computer hardware and software; (ii) audio and video equipment; (iii) computer network components; (iv) terminal equipment; (v) data terminal equipment; (vi) inside wiring; (vii) interactive video equipment; and (viii) other facilities that further distance learning technology services.

- (b) Acquire instructional programming for distance learning programs.

- (c) Acquire technical assistance and instruction for using eligible equipment.

- (d) The cost of tuition and fees for students to participate over and above the available federal Perkins Loans or Stafford Loans which are loaned directly to qualifying students to assist in covering the cost of distance learning funding.

- (e) Any interest charges that accumulate during a student's degree program for the utilization of distance learning services.

- Distance Learning Collaborative Program funds shall be awarded to distance learning collaboratives whose proposed programs meet the program criteria established by the State Board of Education which shall include the following:

- (a) Distance learning programs shall be approved and registered with the State Department of Education and course content must be aligned with state standards.

- (b) Distance learning instructors shall complete professional development training in online methodology and technical aspects of web-based instruction, and may be credentialed by the National Board for Professional Teaching Standards (NBPTS).

(c) Transcript equivalency of grades between online and traditional classes. Student enrollment and credits awarded shall be made in accordance with regulations jointly approved by the State Board of Education, the Mississippi Community College Board and the Board of Trustees of State Institutions of Higher Learning.

(d) Curriculum standards for online courses.

(e) Classroom "seat time" requirements for online courses.

(f) Accountability for student achievement, including methods to assess online course completion rates.

- Provides that funds shall be appropriated for the Distance Learning Collaborative Act on a phased-in basis and to authorize the expenditure of funds from private sources.

- Requires school districts to make information about online learning programs available to students.

- Clarifies that Distance Learning Collaborative courses are fully eligible for the dual high school and postsecondary credit program.

SB 2157. Effective 7/1/16. Signed 4/20/16.

This bill:

- Provides standards for individual reading plans to be documented for intensive reading instruction and intervention under the Literacy-Based Promotion Act, for Kindergarten through third graders.

- Provides that beginning in the 2018-2019 school year promotion to Grade 4 is prohibited unless a student's reading deficiency is remedied before the end of Grade 3 as demonstrated by certain assessments and to make certain technical amendments to the "Literacy-Based Promotion Act."

- Clarifies special needs students being promoted to the Fourth Grade under the good cause exemption language.

SB 2160. Effective 7/1/16. Signed 4/20/16.

This bill provides that a high school diploma may be granted to students who met all of the graduation requirements but withdrew from school before graduation and later achieved the reasonably comparable requirements that existed at the time that the student would have graduated. The goal is to make it easier for those who dropped out of high school to receive a high school diploma from their high schools. The assessment test that was in place when the individual was in high school may no longer be in use so the bill stipulates a reasonably comparable exam.

SB 2161. Effective 7/1/16. Signed 4/14/16.

This bill amends the Mississippi Charter School law to allow students to cross district lines to attend charter schools in other areas. It will also remove the requirement that school boards in C-rated school districts approve a charter school to locate in the district.

This bill:

- Revises the designation of school districts which may disapprove the location of a charter school.
- Revises the residency requirement for applicants to attend a charter school and to require charter schools to give enrollment preference to underserved children.
- Requires charter schools to offer courses meeting state requirements for high school graduation.

- Provides that employees in charter schools are members of the Public Employees' Retirement System and to require teachers at charter schools to be fully certified within three years of employment.

- Provides that state fund payments are based on accurate enrollment projections and clarifies the calculation and distribution of the local ad valorem tax portion of the charter school per pupil funding.

- Revises the audit date for charter schools.

- Requires the local school district to lease a conversion charter school facility at or below fair market value.

- Includes charter schools in the authority for participation in the state public school building fund program.

- Prohibits public school districts from retaliating against an employee because the employee is involved in creating a charter school.

- Includes public charter schools in the definition of political subdivision for purposes of the Public Employees' Retirement System.

SB 2388. Effective 7/1/16. Signed 5/11/16.

Subject to the availability of funds, this bill authorizes and directs the State Department of Education to conduct a reading intervention program at "C" level or low-performing districts and schools and to prescribe standards for the program.

SB 2392. Effective 7/1/16. Signed 4/6/16.

This bill authorizes the Starkville-Oktibbeha Consolidated School District and Mississippi State University to enter into an agreement for constructing and operating a model rural education school for Sixth and Seventh Grade students from Oktibbeha County.

SB 2398. Effective on passage. Signed 4/6/16.

This bill authorizes the exchange of multiple parcels of forested sixteenth section lieu land for significant timber management, research and development.

SB 2438. Effective 7/1/16. Signed 4/4/16.

This bill provides for the appointment of all superintendents of schools from and after January 1, 2019.

SB 2495. Effective 7/1/16. Signed 5/10/16.

This bill provides for an administrative consolidation for Montgomery County and Winona Municipal Separate School Districts. The new consolidated school district will be designated as the Winona-Montgomery Consolidated School District.

SB 2500. Effective 7/1/16. Signed 5/10/16.

This bill:

- Requires the local school boards of the Lumberton Public School District, Lamar County School District and Poplarville Separate School District to enter into an agreement not later than July 1, 2019.
- Abolishes and dissolves the Lumberton School District and its central administrative office, effective at the start of the 2019-2020 school year.
- Creates an advisory council to be known as the Commission on the Administrative Consolidation of the Lumberton Public School District. The commission shall be composed of eleven members. The Commission on the Administrative Consolidation of the Lumberton Public School District shall meet within 30 days of passage of this act upon the call of the State Superintendent of Education and shall hold hearings and meet as necessary and develop a report to the Legislature, the Governor and the State Board of Education on or before December 1, 2017, with the agreed-upon plan for proceeding with the abolition and dissolving of the Lumberton Public School District, which shall include a reasonable effort to maintain and operate a school in the former Lumberton Public School District by which students desiring may, in the discretion of the parents of such students, attend. The plan may provide an option for students enrolled in the schools of the Lumberton Public School District on May 1, 2017, and children registered for kindergarten on that date with the Lumberton Public School District may be granted an automatic transfer by the Lamar County Board of Education or the Poplarville School Board, as determined by the agreed-upon plan.

SB 2501. Effective 7/1/16. Signed 5/10/16.

This bill:

- Provides for the transfer of Coahoma Agricultural High School to the Coahoma Community College District for use as an Early College High School for the students of Coahoma County subject to the approval of the State Board of Education.
- Provides for the transfer of personal property of the Coahoma Community District.
- Provides for the status of students and diplomas.
- If State Board disapproves Early College High School model this bill would require for the closure of Coahoma Agriculture High School.

HB 33. Effective 7/1/16. Signed 4/18/16.

This bill expands the state's special needs voucher law. The Equal Opportunity for Students with Special Needs Act currently provides up to \$6,500.00 for parents to remove their child from public school to seek educational services elsewhere. The bill expands the scholarships to students who have had an Individualized Education Program (IEP) in the last five years, as a qualification for assistance under the Equal Opportunity for Students With Special Needs Act, replacing the current requirement of 18 months.

HB 34. Effective 7/1/16. Signed 4/18/16.

This bill requires that financial advisors appointed by the State Superintendent of Public Education to districts with serious financial conditions shall be independent contractors unless employed by the State of Mississippi.

HB 37. Effective 7/1/16. Signed 4/18/16.

This bill repeals the code section that provides for the repeal of the dyslexia therapy scholarship for students with dyslexia program.

HB 110. Effective 7/1/16. Signed 4/5/16.

This bill clarifies the circumstances under which a person need not stop when meeting or passing a school bus on a divided highway.

HB 200. Effective 7/1/16. Signed 4/5/16.

This bill includes the teachers employed at the Mississippi School for the Arts, the Mississippi School for Math and Science, the Mississippi School for the Blind or the Mississippi School for the Deaf in the definition of the term "teachers" for purposes of receiving education enhancement fund procurement cards.

HB 207. Effective 7/1/16. Signed 4/18/16.

This bill:

- Authorizes a process reimbursement for each component of National Board Certification for teachers not to exceed four components.
- Authorizes an additional \$4,000.00 supplement and benefits to NBCT in Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena, Sunflower and Washington Counties.

HB 494. Effective 7/1/16. Signed 4/7/16.

This bill:

- Extends by five years the repealer on the provision of law requiring every school district to adopt a policy to implement abstinence-only or abstinence-plus education into its curriculum.

- Abolishes and dissolves the Teen Pregnancy Prevention Task Force.

HB 926. Effective 7/1/16. Signed 5/10/16.

This bill:

- Provides that in the Holmes County and Durant Public School Districts there shall be an administrative consolidation into one school district to be designated as the Holmes County Consolidated School District effective July 1, 2018.

- Provides for the composition and selection of the Board of Trustees of the new Holmes County Consolidated School District.

- Directs the State Board of Education to administratively consolidate any school district which does not voluntarily follow the consolidation order.

- Abolishes the former school districts following the administrative consolidation and provide for the transfer of school district assets and liabilities.

- Provides for execution of teacher and school district employee contracts and the preparation of a school district budget in the new school district.

- Directs the State Board of Education to promulgate regulations to implement such administrative consolidation.

HB 928. Effective 7/1/16. Signed 4/7/16.

This bill requires the State Superintendent of Public Education to gather annually all of the reports and prepare a report on the number of students arrested as a result of any unlawful activity which occurred on educational property or during a school-related activity. All data must be disaggregated by race, ethnicity, gender, school, offense and law enforcement agency involved. However, the report prepared by the State Superintendent of Public Education shall not include the identity of any student who was arrested.

HB 968. Effective on passage. Signed 4/5/16.

This bill clarifies the synonymous meaning of the terms "high school equivalency diploma" and "GED" for purposes of qualifying students in the Mississippi National Guard Youth Challenge Program for graduation.

HB 987. Effective 7/1/16. Signed 5/10/16.

This bill:

- Provides that in the Leflore County and Greenwood Public School Districts there shall be an administrative consolidation into one school district to be designated as the Greenwood-Leflore Consolidated School District effective July 1, 2019.
- Provides for the composition and selection of the Board of Trustees of the new Greenwood-Leflore Consolidated School District.
- Directs the State Board of Education to administratively consolidate any school district which does not voluntarily follow the consolidation order.

- Abolishes the former 10 school districts following the administrative consolidation and provides for the transfer of school district assets and liabilities.

- Provides for execution of teacher and school district employee contracts and the preparation of a school district budget in the new school district.

- Directs the State Board of Education to promulgate regulations to implement such administrative consolidation.

HB 989. Effective 7/1/16. Signed 5/12/16.

This bill creates a statewide school district for chronically failing schools, similar to the ones in Louisiana and Tennessee. It is an effort to catch struggling schools and districts before the state has to take them over. The only costs associated with the Achievement School District would be the salary of its superintendent, who will be chosen by the State Board of Education. The State Department of Education does not have the capacity to take over every district that may need it, and this is a "tool" to help struggling schools. Schools or school districts rated "F" for two consecutive years or for two out of three years could be chosen for the district. They will remain in the ASD until achieving a "C" rating for at least five years or until the State Board of Education makes the decision to take them out.

The bill:

- Creates the Mississippi Achievement School District for the purpose of improving certain failing public schools throughout the state.

- Provides that the Mississippi Achievement School District shall be a statewide district comprised of all public schools that have been assigned an "F" rating under the state accreditation system for two consecutive school years.

- Provides for the appointment of a school board for the Mississippi Achievement School District which shall exercise, subject to exceptions, the same powers and duties granted to all other school boards.

- Requires the board to procure office space for the district and to appoint a highly qualified individual to serve as school district superintendent.

- Requires the State Board of Education and the school board of the Mississippi Achievement School District, acting jointly, to adopt rules and regulations governing the transfer of schools from the local school district to the Achievement School District.

- Specifies that schools assigned an "F" designation for the second consecutive year in the 2017-2018 school year must be absorbed immediately by the Achievement School District unless the Achievement School District determines that a gradual transfer of control, complete before the 2017-2018 school year begins, is in the school's best interest.

- Requires school districts from which schools are being absorbed to cooperate with the Mississippi Achievement School District and the State Board of Education in the school's transfer.

- Provides for the subsequent return of a school to local school district control by the Mississippi Achievement School District subject to certain conditions being met.

- Requires the Superintendent of the Mississippi Achievement School District to recommend highly qualified persons for employment at a school and to authorize the continued employment, in the school board's discretion, of personnel employed at a school that is being absorbed.

- Authorizes the Mississippi Achievement School District to use the personal and real property of a school that is absorbed, subject to rules and regulations adopted jointly by the State Board of Education and the school board of the Achievement School District.

- Provides for state and local funding of schools in the Mississippi Achievement School District.

HB 991. Effective on passage. Signed 4/18/16.

This bill establishes a Commission on Chickasaw County Consolidated School District structure to make recommendations to the 2017 Legislature regarding the method for consolidating the county into one school district with one local school board.

HB 1000. Effective 7/1/16. Signed 4/6/16.

This bill repeals the provision for summer normals.

ELECTIONS

SB 2167. Effective 7/1/16. Signed 4/6/16.

This bill amends Section 23-15-297 to increase the qualifying fee for party and special election candidates and to require independent candidates to pay a qualifying fee. The qualifying fees to run for public office have been increased as follows:

- For Governor, from \$300.00 to \$1,000.00;
- For Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, State Auditor, Commissioner of Insurance, Commissioner of Agriculture and Commerce, State Highway Commissioner and State Public Service Commissioner, from \$200.00 to \$500.00;
- For district attorney, from \$100.00 to \$250.00;
- For State Senator and State Representative, from \$15.00 to \$250.00;
- For sheriff, chancery clerk, circuit clerk, tax assessor, tax collector, county attorney, county superintendent of education and board of supervisors, from \$15.00 to \$100.00;
- For county surveyor, county coroner, justice court judge and constable, from \$10.00 to \$100.00;
- For United States Senator, from \$300.00 to \$1,000.00; and
- For United States Representative, from \$200.00 to \$500.00.

This bill also adds qualifying fees and general election assessments to run for the Office of President of the United States. The amendments to Section 23-15-1093 add a qualifying fee in the amount of \$2,500.00 for candidates who want to appear on the presidential preference primary ballot. Party candidates

will pay the fee to the state executive committee of the appropriate political party. Independent candidates will pay the fee to the Secretary of State. The bill amends Section 23-15-359 to add an assessment in the amount of \$2,500.00 to appear on the general election ballot for the Office of President of the United States. All candidates must pay the general election assessment to the Secretary of State.

Finally, the bill amends Sections 23-15-299 and 23-15-359 by requiring any qualifying fees or petitions previously submitted to the State Board of Election Commissioners to now be submitted to the Secretary of State. The Secretary of State will deposit the qualifying fees into the Elections Support Fund.

SB 2603. See summary under Municipalities heading.

SB 2684. Effective 7/1/16. Signed 4/6/16.

This bill amends Section 23-15-153 to allow election commissioners to be paid the mileage reimbursement rate allowable to federal employees for the use of a privately owned vehicle while on official travel on election day. The mileage reimbursement would be in addition to any per diem authorized by this section.

HB 130. Effective 7/1/17. Signed 5/16/16.

This bill amends Section 21-3-3 to revise what officers are elected in a municipality that operates under the code charter form of government. Specifically, from and after July 1, 2017, the city or town clerk of a code charter municipality shall no longer be elected, but the clerk shall be appointed by the governing authorities of such municipality.

HB 137. Effective 7/1/16. Signed 4/4/16.

This bill amends Section 23-15-229 to increase the maximum amount of additional compensation that municipal governing authorities of a municipality may, in their discretion, pay to clerks and managers in the polling places from \$25.00 to \$50.00.

The bill also amends Section 23-15-239 to authorize a governing authority of a municipality to compensate poll managers who attend training sessions conducted to instruct such poll managers as to their duties in the proper administration of the election and the operation of the polling place.

HB 809. Effective 7/1/16. Signed 4/14/16.

This bill requires the Secretary of State, with the support of the Department of Public Safety, to establish a secure Internet website to permit registered electors to change their name, address or other information set forth in the electors' existing voter registration record. The secure website will provide verification that:

- The elector has a current and valid Mississippi driver's license or photo identification card issued by the Mississippi Department of Public Safety and the number for that driver's license or photo identification card provided by the applicant matches the number for the elector's driver's license or photo identification card that is on file with the Mississippi Department of Public Safety;
- The name and date of birth provided by the voter matches the name and date of birth that is on file with the Mississippi Department of Public Safety; and
- The information provided by the elector matches the information on file with the Mississippi Department of Public Safety.

The bill amends Section 23-15-13 to provide that if an elector requests to change his or her address on the secure website established by the Secretary of State and the changed address will place the elector in a precinct of a county or municipality that differs from the elector's voting precinct in his or her current registration records, the request will be treated in the same manner as a written request to transfer the elector's registration as now provided by law.

HB 866. Effective 1/1/17. Signed 4/18/16.

This bill amends Section 97-13-1 to expand the penalty for influencing voting or election activities to include a fine of not more than \$3,000.00.

The bill amends Section 97-13-3 to increase the fine for offering or giving a reward to a canvasser to procure votes from \$500.00 to \$1,000.00.

The bill amends Section 97-13-5 to increase the penalty for a poll manager who proceeds to an election without locking and securing the ballot box, or who opens and reads or consents to any other person opening and reading any ballot given to the poll manager to be deposited in the box at the election, before it is put into the box. The penalty is increased from six months' imprisonment, or a fine not to exceed \$300.00, to one year imprisonment, or a fine not to exceed \$1,000.00.

The bill amends Section 97-13-7 to increase the penalty for a poll manager who disposes of or deposits the ballot box before the votes are counted or gives access to the ballot box to any other person. The penalty is increased from imprisonment not to exceed three months, or a fine not to exceed \$300.00 to imprisonment not to exceed one year, or a fine not to exceed \$3,000.00.

The bill amends Section 97-13-9 to increase the penalty for a poll manager who knowingly makes or consents to any false entry on the list of persons voting, or permits a ballot not given by a voter to be put in the ballot box, or takes out or permits to be taken out of the ballot box any ballot, or destroys or changes any ballot given by the elector, to include the option of a fine of \$5,000.00.

The bill amends Section 97-13-13 to increase the penalty for a person who removes ballots from the voting place before the polls close. The penalty is increased to imprisonment not to exceed one year, or a fine not to exceed \$1,000.00, or both.

The bill amends Section 97-13-19 to revise the penalty for corrupt conduct, voting fraud or voting neglect by an election official. The penalty is revised from imprisonment in the penitentiary for a term not exceeding two years to imprisonment in the county jail not to exceed one year, or a fine not to exceed \$3,000.00, or both.

The bill amends Section 97-13-21 to increase the penalty for any person who unlawfully disturbs an election at the polling place, circuit clerk's office, or where the ballots are located. The penalty is increased from imprisonment not to exceed six months, or a fine not to exceed \$500.00 to imprisonment not to exceed one year, or a fine not to exceed \$1,000.00, or both.

The bill amends Section 97-13-23 to revise the penalty for a manager or returning officer who fails or refuses to return the votes cast in an election, as required by law. The penalty is revised from imprisonment in the State Penitentiary not to exceed five years to imprisonment not to exceed two years, or a fine not to exceed \$3,000.00, or both. The penalty is revised to also provide the alternative of imprisonment in a county jail

not to exceed one year, or a fine not to exceed \$1,000.00, or both.

The bill amends Section 97-13-25 to revise the penalty for any person who knowingly procures his or her registration or any person's registration as a qualified elector when that person is not entitled to be a qualified elector, or is registered under a false name, or is registered in an election precinct other than the one in which he or she resides. The penalty is revised from imprisonment not to exceed 10 years to imprisonment not to exceed five years, or a fine not to exceed \$5,000.00, or both.

The bill amends Section 97-13-27 to increase the penalty for any registrar who intentionally refuses or neglects to register a voter entitled to registration or registers a voter not entitled to registration. The penalty is increased to imprisonment in the State Penitentiary not to exceed two years, or a fine not to exceed \$3,000.00, or both. The penalty is revised to also provide the alternative of imprisonment in a county jail not to exceed one year, or a fine not to exceed \$1,000.00, or both.

The bill amends Section 97-13-29 to revise the penalty for any military officer or other persons who order, bring, or keep any troops of armed men at any place within a mile of the place where any election is held, unless it be for the purpose of quelling a riot or insurrection, in the manner provided by law, or for the purpose of defense in time of war, to imprisonment in the county jail not to exceed one year, or a fine not to exceed \$1,000.00, or both.

The bill amends Section 97-13-31 to increase the penalty for any election officer or other person, except as authorized by law, who aids or assists, or influences, a voter in preparing a ballot, or attempts to do so, from a fine of not less than \$10.00 nor more than \$200.00 to imprisonment in the county jail

not to exceed one year, or a fine not to exceed \$1,000.00, or both.

The bill amends Section 97-13-33 to increase the penalty for a poll manager's failure to honestly consider the voter's qualifications, or permitting an unqualified person to vote, or refusing the vote of a qualified person. The penalty is increased from imprisonment not to exceed three months or a fine not to exceed \$200.00 to imprisonment not to exceed one year and a fine not to exceed \$3,000.00.

The bill amends Section 97-13-35 to increase the penalty for voting by any person who is unqualified to vote, who votes at more than one place, or who votes for both parties in the same primary to imprisonment in the county jail not to exceed one year, or a fine not to exceed \$1,000.00, or both. Additionally, any person who votes in the second primary election of one party when he or she voted in the first primary election of another party preceding the same election will be punished by imprisonment in the county jail not to exceed six months, or by a fine not to exceed \$500.00, or both.

The bill amends Section 97-13-36 to increase the penalty for any person who votes in more than one place with the intent of having more than one vote counted to imprisonment in the State Penitentiary not to exceed five years, or a fine not to exceed \$5,000.00, or both, or imprisonment in a county jail not to exceed one year, or a fine not to exceed \$1,000.00, or both.

The bill amends Section 97-13-37 to increase the penalty for any person who procures votes or attempts to procure votes through intimidation, boycotting, violence, or lawsuit. The penalty is increased from imprisonment in the county jail not to exceed one year, or by a fine not to exceed \$1,000.00, or both, to imprisonment in the county jail not to exceed one year, or by a fine not to exceed \$3,000.00, or both.

The bill amends Section 97-13-39 to revise the penalty for any person who intimidates an elector to prevent the elector from voting. The penalty is revised to imprisonment in the county jail not to exceed one year, or by a fine not to exceed \$3,000.00, or both. Additionally, if any person uses the voter identification requirements to prevent an elector from voting, that person will be punished by imprisonment in the State Penitentiary not to exceed five years, or by a fine not to exceed \$5,000.00, or both.

The bill recodifies Section 23-15-117 as Section 97-13-41 and repeals Section 23-15-117. Additionally, the penalty for any person who knowingly makes a false entry in the Statewide Elections Management System or any poll book, is increased to imprisonment not to exceed 10 years.

The bill recodifies Section 23-15-531.13 as Section 97-13-43 and repeals Section 23-15-531.13. Additionally, the three-year minimum sentence for any person who willfully tampers with or damages any voting machine or tabulating computer device is removed, and the penalty for such tampering or damage is expanded to include the option of punishment by a fine of \$5,000.00.

The bill recodifies Section 23-15-555 as Section 97-13-45 and repeals Section 23-15-555.

ENERGY

SB 2366. Effective 7/1/16. Signed 4/4/16.

SB 2366 expands the application of the Mississippi Telephone Solicitation Act to include telemarketing calls and text messages to cellular telephones. Under the act, a telephone solicitor must purchase a "no-calls" database from the commission and may not make a telephone solicitation to any consumer who has notified the commission of his or her objection to receiving telephone solicitations.

SB 2755. Effective 7/1/16, except Section 2 shall take effect from and after January 1, 2017.
Signed 5/13/16.

SB 2755 makes various amendments to the laws regulating excavations. More specifically, the bill does the following:

- Amends Section 77-13-3 to provide the following new exemptions:
 - ▶ Routine maintenance activities carried out by or for those responsible for publicly maintained roadways and rights-of-ways, provided that the activities occur entirely within the public right-of-way and do not penetrate the earth to a depth of more than 12 inches. Routine maintenance activities shall be more specifically defined in the rules and regulations adopted by the board; and
 - ▶ The driving of wooden stakes by use of hand tools which do not penetrate the earth to a depth of not more than 6 inches.

- Creates Section 77-13-27 to provide civil penalties for violations:

- ▶ For a first violation, the violator shall complete a course of training concerning compliance;

- ▶ For a second violation within a five-year period, the violator shall complete the course of training or pay a civil penalty not to exceed \$500.00 per incident, or both;

- ▶ For a third or subsequent violation within a five-year period, the violator shall pay a civil penalty not to exceed \$2,500.00 per incident;

- ▶ If any violation was the result of gross negligence or willful or wanton misconduct as determined by the executive committee, the executive committee shall require the violator to complete a course of training and pay a civil penalty not to exceed \$5,000.00 per incident. For those instances in which training is ordered, if the person is a corporation, governmental entity or other organization, the board may require that at least one manager or supervisor attend any such training.

- Creates Section 77-13-29 to establish the Underground Facilities Damage Prevention Board, composed of 16 members as follows:

- ▶ The President of Mississippi 811, Inc., or his designee;

- ▶ One representative of the telecommunications industry, appointed by the Governor;

- ▶ One representative of the excavation, utility and/or site construction industry, appointed by the Lieutenant Governor;

- ▶ One representative of the electric power industry investor-owned utilities, appointed by the Governor;
- ▶ One representative of the Electric Power Associations of Mississippi, appointed by the Lieutenant Governor;
- ▶ The Executive Director of the Mississippi Department of Transportation, or his designee;
- ▶ One representative of the cable industry, appointed by the Governor;
- ▶ One representative of the Pipeline Safety Division within the Public Service Commission, serving as an ex officio, nonvoting member;
- ▶ One representative of the natural gas or liquid transmission industry, appointed by the Lieutenant Governor;
- ▶ One representative of the natural gas or liquid distribution industry, appointed by the Lieutenant Governor;
- ▶ The Executive Director of the Mississippi Association of Professional Surveyors, Inc., or his designee;
- ▶ The Executive Director of the Mississippi Association of Supervisors, or his designee;
- ▶ The Executive Director of the Mississippi Municipal League, or his designee;
- ▶ The Executive Director of the Mississippi Home Builders Association, or his designee;
- ▶ The CEO of the Mississippi Rural Water Association, or his designee;
- ▶ The Executive Director of the American Council of Engineering Companies of Mississippi, or his designee.

- The Pipeline Safety Division will provide administrative, investigative and legal support for the board. The Pipeline Safety Division shall charge to the board the expenses associated with the administration, investigative and legal duties requested by the board. Members of the board shall serve without compensation. The board shall elect an executive committee, which shall be responsible for levying civil penalties. A person aggrieved by the executive committee's order may, within 60 days, seek judicial review in the form of an appeal "de novo" in the chancery court of the county in which the excavation occurred. If the excavation occurred in more than one county, then the appeal shall be conducted in the chancery court of the county where the greatest amount of excavation referenced in the citation occurred.

- Creates Section 77-13-31 to provide for the powers and duties of the board. The board may assess its annual operating cost to operators in an amount necessary to offset the cost of investigation and administrative services performed by the Pipeline Safety Division.

- Creates Section 77-13-33 to require the board to develop and implement a process whereby upon receipt of a complaint, the executive committee shall initiate an investigation in accordance with this chapter and the rules adopted by the board.

- Creates Section 77-13-35 to create the Underground Damage Prevention Fund wherein all civil penalties shall be deposited.

- Amends Sections 77-13-5 and 77-13-9 to provide for design information requests and the time period by which an operator must respond to the request. A utility shall respond within seven working days from the time notice is provided.

HB 486. Effective 7/1/16. Signed 4/6/16.

HB 486 extends the date of repeal from July 1, 2016, to July 1, 2019, on the provisions of law that create the Mississippi Gulf Coast Region Utility Board.

HB 491. Effective 7/1/16. Signed 4/7/16.

HB 491 extends the date of repeal from July 1, 2016, to July 1, 2019, on Section 19-5-353, which establishes the minimum standards for emergency telecommunicators, and on Section 19-5-357, which imposes a service charge for funding the training of such telecommunicators.

HB 499. Effective 7/1/16. Signed 4/18/16.

HB 499 extends the date of repeal from July 1, 2016, to July 1, 2018, on Sections 77-1-1 through 77-1-49, which create the Public Service Commission and prescribe its powers and duties, and on Section 77-1-55, which authorizes the commission and Public Utilities Staff to hire attorneys and consultants for certain proceedings.

HB 906. Effective 7/1/16. Signed 4/7/16.

HB 906 extends the date of repeal from July 1, 2016, to July 1, 2019, on Section 57-39-21, which provides energy efficiency standards for commercial buildings. The statute authorizes the Mississippi Development Authority to adopt the energy code standards. Local governing authorities have authority to adopt rules and regulations for the enforcement of this section, and to adopt such penalties for violation of this section as they deem appropriate. In state-owned buildings, the Department of Finance and Administration provides for the compliance with the standards. In this statute, local governing authorities are also authorized to establish an inspection fee for the inspection of thermal and lighting standards in an amount not to exceed \$150.00.

HB 1130. See summary under Agriculture heading.

HB 1138. Effective 7/1/16. Signed 4/18/16.

HB 1138 creates Section 77-5-256 to provide additional provisions applicable to generation and transmission cooperatives under the Electric Power Association Law, to provide for the amendment of the cooperative's certificate of incorporation, to provide for the board of directors and its membership, and to provide for the general powers of the cooperative.

Also, in order to clarify the extent to which a generation and transmission cooperative is subject to regulation by the Public Service Commission, the bill declares that a G&T cooperative is only subject to the provisions of Sections 77-3-11, 77-3-13, 77-3-14, 77-3-23, 77-3-25 and 77-3-27, and any rules promulgated by the commission necessary to carry out its responsibilities under those specific code sections.

HB 1139. Effective 7/1/16. Signed 4/7/16.

HB 1139 revises various regulatory laws regarding electric power associations. More specifically, it does the following:

- Amends Section 77-5-203 to revise the definition of certain terms as used in the Electric Power Association Law;
- Amends Section 77-5-207 to provide that the period of duration of a corporation formed under this article may be perpetual;
- Amends Section 77-5-209 to clarify that the name of a corporation shall include either the words "electric power association" or "electric cooperative";
- Amends Section 77-5-211 to clarify the procedure for filing a certificate of incorporation with the Secretary of State;
- Amends Section 77-5-215 to revise the procedure for a corporation to amend its certificate of incorporation;
- Amends Section 77-5-217 to revise the procedure whereby two or more corporations may enter into an agreement for consolidation. (Requires approval by at least 2/3 of both boards of directors and ratification by at least 60% of each association's members voting. An application for consolidation must be filed with and approved by the PSC);
- Amends Section 77-5-219 to revise the procedure for dissolution of a corporation;
- Amends Section 77-5-221 to clarify the provision providing for the annual election of a board of directors;
- Amends Section 77-5-223 to revise the powers of the board of directors;
- Amends Section 77-5-225 to delete certain language regarding rates to nonmembers;

- Amends Section 77-5-231 to revise the specific powers of a corporation formed under this article;

- Amends Section 77-5-233 to provide that a corporation shall continue to have the power to acquire, construct, own, invest in, operate, maintain and/or improve generating and/or transmission assets;

- Amends Section 77-5-235 to provide that all rates of a corporation formed under this article shall be established by the corporation's board and shall not be regulated by the Mississippi Public Service Commission. However, a corporation shall be subject to commission regulations that limit disconnections of service during freeze warnings or excessive heat warnings issued by the National Weather Service, limit disconnections of service in life-threatening situations certified by a medical doctor, or establish initial deposit requirements for certified victims of domestic violence. Nothing herein shall be construed to impair the PSC's jurisdiction and authority, if any, to require corporations to establish, offer or participate in energy efficiency or net metering programs, but in no event shall the commission set or establish the level of expenditures, compensation or credits associated with a corporation's energy efficiency, net metering or other programs. Also, Section 77-5-235 is amended to provide that a corporation may only deny an attaching entity access to its owned or controlled poles on a nondiscriminatory basis if there is insufficient capacity or for reasons of safety and reliability and if the attaching entity will not resolve the issue;

- Amends Section 77-5-239 to authorize a corporation to incur obligations and liabilities, borrow money, issue notes, bonds, certificates of indebtedness and other obligations, and to enter into contracts of guaranty;

- Amends Section 77-5-241 to provide that any note, bond or other indebtedness issued by a corporation may bear such interest rate or rates as may be determined by the board of directors;

- Amends Section 77-5-243 to provide for the security for obligations of a corporation;

- Amends Section 77-5-247 to provide that monies of a corporation shall be deposited or invested in one or more banks, trust companies, financial institutions or such other public or private entities as may be approved by the board of directors;

- Amends Section 77-5-249 to provide that a corporation and its property shall be taxed and assessed in accordance with the laws of the State of Mississippi;

- Amends Section 77-5-253 to require each corporation to submit financial and compliance audits to the Public Service Commission and Public Utilities Staff;

- Amends Section 77-5-255 to provide for mediation proceedings of disputes between members or customers and electric power associations;

- Creates Section 77-5-257 to declare that the Public Service Commission and political subdivisions of the state shall not have jurisdiction over those portions or aspects of a corporation's operations, facilities, services or rates that are regulated by the Tennessee Valley Authority;

- Creates Section 77-5-259 to limit the time by which an action may be commenced for collection or reimbursement arising from a billing error by a corporation. No collection, reimbursement, or other relief may be awarded for underbillings or overbillings occurring more than six years prior to the commencement of the action or regulatory proceeding.

FINANCE

SB 2051. Effective on passage. Signed 4/4/16.

This bill amends a section of law that was passed during the 2015 Regular Session that authorized the issuance of state general obligation bonds for capital improvements to the state-owned shipyard in Jackson County. The amendments in this bill make changes in the way proceeds of the bonds are disbursed. This change was requested by the Mississippi Development Authority (MDA).

Current law provides that the proceeds of the bonds are disbursed, "...in the discretion of the authority (MDA) to pay the costs incurred by the authority in making such capital improvements as it considers necessary to the facility as a part of a five-year plan to modernize the shipyard to be competitive with other shipyards." MDA feels that this language requires them to actually make the purchases of the specialized equipment that are necessary to modernize the shipyard and MDA does not feel it has the expertise to make these types of purchases. This bill amends this language. In the amended language proceeds are still disbursed in the discretion of MDA but the language regarding "costs incurred by the authority" is removed and the capital improvements must be considered by MDA to be a part of the five-year plan. Under the amendment MDA does not make the purchase but does retain oversight of the expenditures of the bond proceeds.

SB 2055. Effective 7/1/16. Signed 5/11/16.

Under current law, a person convicted of possession of alcoholic beverages, light wine or beer in a dry county, and persons who are convicted of underage possession of alcoholic beverages, light wine or beer, may appeal the forfeiture of the alcoholic beverages or light wine or beer that was seized as a result of their arrest; however, because of their conviction the Department of Revenue does not have the authority to return the beverages to them. In short, the appeal cannot provide the relief sought. In the past these types of appeals rarely occurred, but they are now occurring on a regular basis. It is a waste of agency resources to prepare for these hearings since the relief sought cannot be granted. This bill provides that in cases in which a person is convicted of possession of alcoholic beverages, light wine or beer in a dry county or is convicted of underage possession of alcoholic beverages, light wine or beer, the beverages seized as a result of the arrest may be disposed of in the manner prescribed by the Department of Revenue.

This bill also expands the authority of enforcement officers of the Alcoholic Beverage Control Division of the Department of Revenue to enforce certain violations that are not violations of the Local Option Alcoholic Beverage Control Law. Under current law, the enforcement authority of ABC officers for violations that are not in the local option law is limited to certain provisions in the light wine and beer laws. These provisions are possession of light wine or beer in a dry county, manufacture or sale of light wine or beer without a license, possession or sale of light wine or beer after a license revocation, underage purchase or possession of light wine or beer and certain other offenses. This bill expands the authority of ABC officers to enforce any provision made unlawful by the light wine and beer law. The bill also gives ABC

officers the authority to enforce the law that makes it unlawful for an adult to knowingly allow a party to take place or continue at his or her residence or a premises under his or her control if a minor at the party obtains, possesses or consumes alcoholic beverage, light wine or beer.

SB 2240. Effective 7/1/16. Signed 4/4/16.

This bill authorizes the tax collectors to enter into an agreement with an online provider to conduct tax sales using online bidding and sale. The agreement must be ratified by the county board of supervisors in order to be binding. Upon ratification of the agreement by the county board of supervisors, the tax collector may conduct tax sales online. The time during which online bids can be made at an online tax sale conducted under this section shall be established in the agreement. The bill provides that if a tax sale is to be conducted online, the required advertisement must contain instructions on how to bid and the times during which online bids may be made at the online sale.

SB 2321. See summary under Forestry heading.

SB 2675. Effective 7/1/16. Signed 5/11/16.

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

- The GRAMMY® Museum Mississippi.
- The Mississippi Society of Certified Public Accountants.
- The West Point Consolidated School District.
- The Mississippi Physical Therapy Association.
- Southern Christian Services for Children and Youth, Inc.
- Canton High School.

- The Mississippi Symphony Orchestra.
- The Stone County School District.
- Provine High School.
- Cleveland High School.
- Gentry High School.
- Sacred Heart Catholic School in Hattiesburg.
- Mississippi Public Broadcasting.
- The Coahoma Community College Foundation.
- Prevent Child Abuse Mississippi.
- Murrah High School Alumni Association.
- The Mississippi Sickle Cell Foundation.
- The Blue Knights International Law Enforcement Motorcycle Club, Inc.
- The DeSoto County School District.
- The George County Rebel Athletic Council.
- The Humane Society of South Mississippi.

The bill authorizes a distinctive tag with the word "One Coast" imprinted on it.

The bill authorizes a tag commemorating the bicentennial of Mississippi's statehood. A portion of the fee charged for the tag shall be placed in a special fund to be expended upon legislative appropriation by the Department of Archives and History for the purpose of defraying costs associated with Mississippi Bicentennial projects or, when bicentennial projects have been completed, costs associated with projects related to the Mississippi History Museum and the Mississippi Civil Rights Museum.

The bill:

- Authorizes a portion of the fee for the distinctive tag for Texas A&M University to be distributed to the Aggie Scholarship Committee, Inc.

- Reauthorizes the distinctive tag that identifies the owner of a motor vehicle as a member of the clergy and authorizes a portion of the fee paid for the tag to be distributed to the Baptist Children's Village of Mississippi.

- Reauthorizes the distinctive license tag for supporters of the American Cancer Society.

- Reauthorizes the distinctive license tag for supporters of the Alzheimer's Association, Mississippi Chapter.

- Reauthorizes the distinctive license tag for supporters of the MIND Center at the University of Mississippi Medical Center.

- Removes the requirement that applicants for distinctive license tags authorized for supporters of the United States Marine Corps must provide proof of their active duty membership in the United States Marine Corps.

- Reauthorizes the distinctive license tag for supporters of Brookhaven High School.

- Reauthorizes the distinctive tag for supporters of Warren Central High School and authorizes a portion of the fee paid for the tag to be distributed to the Warren Central Touchdown Club.

- Reauthorizes the distinctive tag for supporters of the Dallas Cowboys professional football team and authorizes a portion of the fee paid for the tag to be distributed to the Alignment Jackson, Incorporated.

The bill authorizes an honorably discharged veteran who served in the United States Armed Forces during World War II to obtain one distinctive license tag identifying such person as a World War II veteran. The tag is exempt from all motor vehicle registration fees and privilege taxes. The unremarried surviving spouse of the veteran may retain the tag. The bill exempts a motor vehicle issued such a tag from ad valorem taxation. Because no additional fee is required to be paid from the tag, the requirement that a certain number of tags must be purchased before the tag may be issued does not apply.

SB 2808. Effective on passage. Signed 3/21/16.

This bill creates the Mississippi Works Fund to provide funds for highly focused workforce training for existing businesses in Mississippi that are expanding their operations and workforce or for new businesses opening in Mississippi. This fund is created in addition to the existing Workforce Enhancement Training (WET) Fund, which provides funding for training current staff in existing business operations in Mississippi. Priority is given to the training of unemployed persons. This bill provides for performance reporting to the Governor and the Legislature annually, showing the value added to the local communities through this training. Federal legislation, the Workforce Innovation and Opportunity Act (WIOA) of 2014, requires some modification to Mississippi law. These modifications are included in this bill to bring Mississippi law into conformity with the WIOA. One provision in this bill amends current law to address disposition of benefits charges, resulting from claims filed fraudulently using stolen identities. Fraudulent claims will not be charged against an employer's experience rating.

The tax collected to create the Mississippi Works Fund is derived by reducing the statutory minimum tax from 0.2% to zero. Part of the reduction will be recaptured to collect about \$10,000,000.00 in 2016 and about \$5,000,000.00 each year thereafter. There will be a tax reduction resulting from the amendments in this bill that will amount to around \$16.00 per worker, or approximately \$15,000,000.00 in total, for 2016, and around \$22.00 per worker, or approximately \$20,000,000.00 in total, per year for 2017 and each year thereafter, as long as this provision is in force. This tax collection and tax reduction will continue as long as the computed unemployment general experience rate doesn't rise to, or above 0.2%. At the point the computation for the general experience rate rises to 0.2% or greater, the Mississippi Works tax and the accompanying tax reduction will suspend until a future year when the general experience rate computation falls below 0.2%.

The bill revises the membership of the Mississippi State Workforce Investment Board (SWIB) to comply with federal law. The bill establishes a Rules Committee of SWIB that, in consultation with the full board, is designated as the body with the sole authority to promulgate rules and regulations for distribution of money in the Mississippi Works Fund. The Rules Committee will consist of the following members:

- The Executive Director of the Mississippi Development Authority;
- The Executive Director of the Mississippi Department of Employment Security;
- The Executive Director of the Mississippi Community College Board;
- The Chair of the Mississippi Association of Community and Junior Colleges;

- The Chair of the State Workforce Investment Board;
- A representative from the workforce areas selected by the Mississippi Association of Workforce Areas, Inc.;
- A business representative currently serving on the board, selected by the Chairman of the State Workforce Investment Board; and
- Two legislators, who shall serve in a nonvoting capacity, one of whom shall be appointed by the Lieutenant Governor and one of whom shall be appointed by the Speaker of the House of Representatives.

SB 2858. Effective 1/1/16. Signed 5/13/16.

This bill is entitled the "Taxpayer Pay Raise Act of 2016."

The bill phases out 3% income tax that is imposed on the first \$5,000.00 of taxable income under current law. The phase-out begins in calendar year 2018 by exempting \$1,000.00 of the first \$5,000.00 from the 3% rate and increases the amount exempted by \$1,000.00 each calendar year until the 3% rate is fully phased out in calendar year 2022. If a taxpayer has a fiscal year that begins in a calendar year with a rate that is different than the next calendar year and that ends in the next calendar year, the rate for the months in the calendar year in which the calendar year begins applies to those months and rate in which the calendar year ends applies to the months in the ending calendar year.

In the case of self-employed individuals, the bill provides a deduction for self-employed individuals from their gross income for income tax purposes in an amount equal to:

- 17% of the federal self-employment taxes imposed on such individual in taxable years ending in calendar year 2017;

- 34% of the federal self-employment taxes imposed on such individual in taxable years ending in calendar year 2018; and
- 50% of the federal self-employment taxes imposed in taxable years ending in calendar year 2019 and thereafter.

Under current law a franchise tax of \$2.50 on each \$1,000.00 or fraction thereof of capital used, invested or employed is levied on each corporation, association or joint-stock company, or partnership treated as a corporation under the income tax laws. The minimum annual tax under current law is \$25.00. The bill phases out the corporation franchise tax beginning on January 1, 2018. For tax years beginning on or after January 1, 2018, a franchise tax at the rate of \$2.50 for each \$1,000.00 or fraction thereof is levied on the value of capital used, invested or employed that is in excess of \$100,000.00. The rate on each \$1,000.00 of capital used in excess of \$100,000.00 is reduced for tax years ending in subsequent calendar years by 25¢ a calendar year through calendar year 2027. The franchise tax is repealed effective January 1, 2028.

SB 2922. Effective 7/1/16. Signed 5/12/16.

Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or a structure in a certified historic district, is entitled to a credit against income taxes 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 "historic tax credit" to:

- Exclude single-family dwellings from the definition of the term "eligible property" unless:

▶ A certificate evidencing the eligible credit has been issued to the taxpayer by the Department of Archives and History prior to July 1, 2016, that applies to such dwelling; or

▶ The dwelling is designated as a National Historic Landmark under the National Historic Landmarks Program.

- Prohibit the Department of Archives and History from issuing certificates evidencing the eligible credit which, when combined with certificates of eligible credits issued prior to July 1, 2016, will result in credits being awarded in excess of \$12,000,000.00 in any one state fiscal year.

- Increase from \$60,000,000.00 to \$120,000,000.00 the aggregate amount of tax credits that may be awarded and 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, 2016, but was unable to utilize the credit due to the limit on the aggregate amount of credits authorized prior to July 1, 2016:

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

- ▶ Shall be given priority for tax credits awarded after July 1, 2016.

- Extend the tax credit program though December 31, 2020.

The bill amends the law that authorizes county boards of supervisors to enter into agreements with certain enterprises authorizing a fee-in-lieu of ad valorem taxes. The bill provides that a fee-in-lieu of ad valorem taxes agreement may extend for up to 20 years from the commencement of the fee-in-lieu period; however, no particular parcel of land, real

property improvement or item of personal property shall be subject to a fee-in-lieu of ad valorem taxes for a duration of more than 10 years.

The bill revises the definition of the term "tourism project" under the Tourism Project Sales Tax Incentive Program to lower from \$200,000.00 to \$150,000.00 the minimum private investment for each guestroom in a hotel project located in a county in which the Grammy Museum Mississippi or the Mississippi Arts and Entertainment Center is located. The bill extends the Tourism Project Sales Tax Incentive Program until July 1, 2020.

The bill extends the Mississippi Motion Picture Incentive Act until July 1, 2017.

The bill provides that railroad property and facilities owned by a limited liability company or other entity that is wholly owned by a railroad authority created under state law is exempt from ad valorem taxes to the same extent as property belonging to the railroad authority.

HB 26. See summary under Public Property heading.

HB 364. Effective 7/1/16. Signed 5/12/16.

This bill clarifies how payments for home medical equipment and home medical supplies purchased under the Medicare program or Medicaid program may be made in order for the sale to be exempt from sales taxation. The bill provides that:

- Payment does not have to be made, in whole or in part, by any particular person to be eligible for the exemption, and
- Purchases of home medical equipment and supplies by a provider of home health services or a provider of hospice services are eligible for the exemption if the purchases otherwise qualify for the exemption.

The bill also exempts from sales taxation sales of tangible personal property, labor, services or products to schools and school districts under a program that is administered by or coordinated with an agency, commission, department or other instrumentality of the United States government when payment for the tangible personal property, labor, services or products is made by or through a nonprofit organization or other entity established by or for the benefit of the agency, commission, department or other instrumentality of the United States government administering or coordinating the program.

HB 393. Effective on passage. Signed 4/18/16.

This bill requires taxing entities to file an annual report with the State Auditor that provides the amount of tax revenues received by the taxing entity during the prior fiscal year. The report must be filed by the taxing entity within 90 days after the close of the fiscal year for which the report is prepared and must provide at least the following information:

- The total tax revenues derived from taxes levied by the taxing entity and/or for the taxing entity;
- The total tax revenues distributed to the taxing entity from state sales tax diversions, fuel tax diversions, ad valorem taxes, local sales taxes, payments in lieu of taxes, gaming fees and taxes and other tax sources; and
- The sources from which the taxing entity received the tax revenues and the amounts received from each source.

The reports required under the bill will be posted on the State Auditor's website.

For the purposes of the bill:

- "Taxing entity" includes counties, municipalities, school districts, fire protection districts, road districts, water districts, sewer districts, utility districts, regional solid waste management authorities, utility authorities, drainage districts, community hospitals, community college districts and junior college districts, housing authorities, county industrial development authorities, port commissions, and any other such regional or local agencies, authorities or entities created under law.

- "Tax revenue" includes revenue from ad valorem taxes, local sales taxes, gaming fees and taxes, payments in lieu of taxes, state sales tax diversions, fuel tax diversions and other tax sources.

HB 447. Effective on passage. Signed 4/4/16.

The Department of Revenue receives federal tax information from the Internal Revenue Service that is utilized to assess non-reported Mississippi income, to detect fraud and to receive federal refunds to offset state income tax debts. The state receives in excess of \$40,000,000.00 annually as a result of the department's use of this information. The Internal Revenue service is implementing new procedures that require all state employees with access to federal tax information to be fingerprinted and the fingerprints to be submitted to the FBI for background investigations. The FBI requires states to have supporting legislation in place allowing this process.

This bill meets the FBI requirement by authorizing the Commissioner of Revenue to require any employee with access to federal tax information to be fingerprinted and to request background checks from any state or federal agency. The initial cost will be approximately \$18,000.00 for the first year and involves approximately 500 employees of the Department of Revenue.

HB 460. Effective 7/1/16. Signed 4/4/16.

This bill revises the date upon which the time period begins to run to file a written request with the Board of Review of the Department of Revenue for a hearing on the suspension, surrender, seizure or revocation of a permit, tag or title issued or approved by the Department of Revenue. It provides that the request for a hearing must be made within 30 days from the date the Department of Revenue mailed or delivered the notice of the action. The bill also revises the date upon which the time period begins to run to file an appeal of a Board of Review order with the Board of Tax Appeals. It provides that the appeal must be filed within 30 days from the date the board of review or hearing officer mailed the order.

HB 461. Effective 1/1/16. Signed 4/5/16.

Under current law:

- State income tax returns of individuals, estates, trusts and partnerships are due:

- ▶ On or before the 15th day of the fourth month following the close of the fiscal year, if filed by fiscal year;

or

- ▶ On or before April 15 if filed by calendar year.

- State income tax returns for corporations are due:
 - ▶ On the 15th day of the third month following the close of the fiscal year, if filed by fiscal year; or
 - ▶ On or before March 15 if filed by calendar year.

The Internal Revenue Service changed the filing dates for partnerships and corporations for tax years beginning after December 31, 2015, and these dates are different from the due date in current state law. The new federal filing date for partnerships is March 15 for returns filed by calendar year or on or before the 15th day of the fourth month following the close of the fiscal year for returns filed by fiscal year. The new federal filing date for corporations is April 15 for returns filed by calendar year or on or before the 15th day of the fourth month following the close of the fiscal year for returns filed by fiscal year.

To prevent confusion, this bill changes the law to provide that the due dates for all state income tax returns is the same due date as the corresponding federal return. This will require corporations and partnerships to file their state income tax returns on the new federal due dates and conform the state's due dates for all entities to any future due date changes the IRS may impose.

HB 496. Effective 1/1/16. Signed 4/6/16.

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

This bill extends the repeal date on the section of law that authorizes the tax credit until January 1, 2019.

HB 845. Effective 7/1/16. Signed 4/11/16.

During the 2014 Regular Session, legislation was adopted that authorized a "resort area" under the Local Option Alcoholic Beverage Control Law in Rankin County on property owned by the Pearl River Valley Water Supply District upon an affirmative vote on the issue by residents of the area. An election was held and the vote was in favor of establishing the resort area.

This bill adds to the resort area authorized in 2014 the area that is located within the Reservoir Community District, zoned commercial, east of Old Fannin Road, north of Regatta Drive, south of Spillway Road, west of Hugh Ward Boulevard, accessible by Old Fannin Road and/or Spillway Road and/or Spann Road and/or Lake Vista Place.

The bill also includes within the definition of "resort area" under the Local Option Alcoholic Beverage Control Law the clubhouse and associated golf course where the golf course is adjacent to one or more residential developments and the golf course and all such developments collectively include at least 200 acres and at least 150 residential units, and are located in a county that has voted against coming out from under the dry law outside of but in close proximity to a municipality in the county which has voted after January 1, 2013, to come out from under the dry law.

HB 899. Effective 7/1/16. Signed 4/11/16.

This bill revises various provisions of the Public Employees' Retirement System (PERS), the Mississippi Highway Safety Patrol Retirement System and the Supplemental Legislative Retirement Plan as follows:

- Provides that upon the death of a PERS member that occurs while the member is performing certain qualified military service, the deceased member's period of qualified military service will be counted for vesting purposes and, to the extent required by the Internal Revenue Code, the deceased member's survivors are entitled to any additional benefits that the system would provide if the member had resumed employment and then died.

- Provides that a PERS member in qualified military service who is receiving differential wage payments (within the meaning of certain provisions of the Internal Revenue Code) from an employer must be treated as employed by that employer, and the differential wage payment will be treated as compensation for purposes of applying the limits on annual additions under certain provisions of the Internal Revenue Code.

- Authorizes PERS to perform on-site compliance audits of employers to determine compliance with reporting, contributions, and certification requirements; imposes penalties on employers for failure of the employer to allow access, provide records or comply in any way with such an audit; authorizes the waiver of penalties under certain circumstances; and requires an employer to reimburse the system for the cost of an audit if the audit reveals an employer's failure to make certain required contributions.

- Revises certain definitions relating to the laws governing PERS as follows:

- ▶ The definition of the term "beneficiary" is revised to clarify that, if a PERS member dies before retirement and the spouse and/or children are not entitled to a retirement allowance on the basis that the deceased member did not have the

requisite number of years of service, the type of service to which is referred is membership service.

▶ The definition of the term "child" is revised to clarify that a natural child of a PERS member is one that is conceived before the death of the member.

- Provides that a PERS member who is an employee of a political subdivision who was employed by the political subdivision before the subdivision became covered by PERS may make payments for and receive credit for service before that coverage in increments of not less than one month.

- Provides that creditable service for PERS members for periods of time after July 1, 2017, will be awarded in monthly increments.

- Provides that the computation of unused leave for creditable service for PERS members who retire on or after July 1, 2017, will be calculated in monthly increments.

- Clarifies that leave credit for elected officials who are PERS members is in lieu of, and not in addition to, leave earned while simultaneously employed in a nonelected position in the system.

- Clarifies that a PERS member's retirement benefit payments begin on the first day of the month after the member's application for benefits is received by the board of trustees of the retirement system.

- Provides that PERS will make payments of retirement benefits to members of PERS, the Mississippi Highway Safety Patrol Retirement System and municipal retirement systems by whatever means the board of trustees prescribes by regulation to be the most appropriate for proper and efficient payment of benefits; and authorizes the board of trustees to provide for alternative means of payment if the member or beneficiary can

demonstrate that payment by the prescribed means will cause the member or beneficiary undue hardship.

- Provides that if a PERS member who has been approved for a disability retirement allowance does not terminate state service within 90 days after approval, the disability retirement and the application for disability retirement will be void.

- Provides that a PERS member who applies for a disability retirement allowance must provide sufficient objective medical evidence in support of the claim, and defines "objective medical evidence."

- Provides that applications for disability retirement must be filed within one year after termination from active service; and authorizes an extension of that period by an additional year upon proof to the satisfaction of the board of trustees that the member was incapable of applying for benefits throughout the initial period because of mental or physical impairment as certified by a medical doctor.

- Clarifies that if a PERS member dies before being qualified for a full, unreduced retirement allowance, the reduction factor for the annuity of the surviving spouse will be based on the number of years that would have been required for the deceased member to qualify for a full, unreduced retirement allowance.

- Provides that for dependent children of deceased members of PERS and the Mississippi Highway Safety Patrol Retirement System, the extension of the age limitation to the July 1 after attaining age 23 will apply only to student children receiving a retirement allowance as of June 30, 2016.

- Clarifies that in order for PERS benefits for a death or disability that occurs in the performance of duty to be payable, the death or disability must have been as a direct result of a physical injury sustained from an accident or a traumatic event caused by external violence or physical force occurring in the performance of duty.

- Establishes a deadline of one year from the date of the marriage for a PERS retiree to change from Option 1 to Option 2 or 4-A to provide a lifetime benefit for a new spouse.

- Provides that members of PERS, the Mississippi Highway Safety Patrol Retirement System and the Supplemental Legislative Retirement Plan who have received a refund of their contributions and reenter state service may purchase the creditable service that was covered by the refund in increments of not less than one month.

- Provides that in the case of the retirement of any member of the Mississippi Highway Safety Patrol Retirement System before the age of attaining 55, the employer's annuity and prior service annuity will be reduced by an actuarially determined factor for each year of age below 55 or each year of service below 25, whichever is lesser.

- Repeals the code sections that require the board of trustees of PERS to design a plan of health insurance for all current and future retirees and provide when the plan would be implemented.

HB 1078. Effective 7/1/16. Signed 4/5/16.

This bill extends the repeal date on two income tax credits as follows:

- Extends until December 31, 2019, the date of repeal on the sections of law that provide an income tax credit for taxpayers that use the port facilities at state, county and municipal ports for the export of cargo and require the Mississippi Development Authority to report annually to the Legislature regarding the impact of the tax credit.
- Extends until July 1, 2019, the date of repeal on the sections of law that provide an income tax credit for taxpayers that use the facilities at public airports for the export or import of cargo and require the Mississippi Development Authority to report annually to the Legislature regarding the impact of the tax credit.

HB 1223. Effective 7/1/16. Signed 5/11/16.

This bill authorizes the governing authorities of any municipality located in one of the three most southern counties in the State of Mississippi, and the governing authorities of the Cities of Hattiesburg, Tupelo, Holly Springs, Greenville, Greenwood, Canton, Grenada, Starkville, Water Valley, Jackson, Senatobia and Corinth, to establish leisure and recreation districts within the corporate boundaries of the municipality and designate the geographic area or areas to be included within a district. The governing authorities of a municipality may modify the boundaries of a leisure and recreation district. The boundaries of a leisure and recreation district may extend from within the municipality into the unincorporated area of the county in which the municipality is located if the county

consents to the extension and has voted in favor of coming out from under the dry law.

The bill provides that holders of certain permits issued under the Local Option Alcoholic Beverage Control Law may sell or otherwise provide alcoholic beverages or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if the licensed premises is located within a leisure and recreation district and the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine. This provision applies to holders of the following permits: on-premises retailer's permit, native wine retailer's permit, temporary retailer's permit, caterer's permit, merchant permit, event venue retailer's permit and temporary theatre permit.

In addition to any other matters addressed in an ordinance or resolution establishing or modifying a leisure and recreation district, a municipality must describe the manner in which the municipality will provide for adequate law enforcement and other public safety measures and services within the district. Following the establishment or modification of a leisure and recreation district, the municipality must provide the Department of Revenue with (a) a copy of any ordinance relating to the establishment or modification of the district, (b) verification from the municipal police department and/or applicable sheriff's department indicating how such department will provide adequate law enforcement and other public safety measures and services within the district and (c) a list of persons or other entities that hold applicable alcohol permits

and are located or doing business under such permits in the district at the time the district is established.

The bill provides that if the City of Jackson establishes a leisure and recreation district, the district will consist of and be limited to the area located in the city consisting of the area beginning at Duling Avenue with its intersection with State Street and running to its intersection with Old Canton Road; then running along Old Canton Road to the point where it merges into State Street; then running along State Street to its intersection with Duling Avenue, as well as all of the area located within 500 feet outside of such described area.

The bill provides that if the City of Senatobia establishes a leisure and recreation district, the district will consist of and be limited to the following areas in the downtown historic district located in the city:

- The segment of Front Street located south of College Street and north of Tate Street, as well as all of the area located within 300 feet of such segment of Front Street,
- The segment of Main Street located west of the railroad track and east of U.S. Highway 51, as well as all of the area located within 300 feet of such segment of Main Street,
- The segment of Center Street located north of Tate Street and south of College Street, as well as all of the area located within 300 feet of such segment of Center Street,
- The segment of Ward Street located north of Court Street and south of College Street, as well as all of the area located within 300 feet of such segment of Ward Street, and
- The segment of Tate Street located west of the railroad track and east of Ward Street, as well as all of the area located within 300 feet of such segment of Tate Street.

HB 1560. Effective 7/1/16. Signed 4/18/16.

Taxpayers are required to provide the county tax assessor with a list of the taxable personal property possessed by them, or list of any additions or deletions to a previously provided list, by not later than April 1 of each year. This bill provides that in the case of a taxpayer that is a small business, the list provided by the taxpayer will be presumed to be accurate, and the tax assessor will use the list for the purpose of determining the true value of the personal property unless the assessor has reason to believe that the list does not accurately reflect the extent of the taxpayer's personal property and the value of the property. For the purposes of the bill, "small business" means a commercial enterprise with less than 25 employees that possesses taxable personal property with a true value of less than \$250,000.00.

HB 1677. Effective 7/1/16. Signed 4/18/16.

Under current law, sales by producers of certain agricultural products are exempt from sales taxation if sold in the original state of condition or preparation for sale before they are subjected to any other process or sold by a producer through an established store. The exemption does not apply to ornamental plants which bear no fruit of commercial value.

This bill makes it clear that the sales tax exemption applies to Christmas trees, hay, straw, fresh cut flowers and similar products when:

- Grown in Mississippi, and
- Cut, severed or otherwise removed from the farm, grove, garden or other place of production and first sold from the place of production in the original state or condition of preparation for sale.

HB 1687. Effective 7/1/16. Signed 5/12/16.

Current law provides an exemption for sales of durable medical equipment and home medical supplies when ordered or prescribed by a licensed physician for medical purposes of a patient that are not paid for through Medicare or Medicaid. This bill provides that for purposes of the exemption, "durable medical equipment" and "home medical supplies" mean equipment, including repair and replacement parts for the equipment or supplies, listed under Title XVIII of the Social Security Act or under the state plan for medical assistance under Title XIX of the Social Security Act, prosthetics, orthotics, hearing aids, hearing devices, prescription eyeglasses, oxygen and oxygen equipment. This bill makes it clear that the payment does not have to be made, in whole or in part, by any particular person to be eligible for the exemption. Purchases of home medical equipment and supplies by a provider of home health services or a provider of hospice services are eligible for the exemption if the purchases otherwise meet the requirements for the exemption.

The bill changes the date of the annual Mississippi Second Amendment Weekend holiday during which retail sales of firearms, ammunition and certain hunting supplies are exempt from sales taxation from the first weekend in September to the last weekend in August.

Current law authorizes a sales tax exemption for sales of tangible personal property or services to the Mississippi Children's Museum. The bill provides that the exemption applies to any subsidiary or affiliate of the museum operating a satellite or branch museum within this state.

HB 1729. Effective 7/1/16. Signed 5/17/16.

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

- Institutions of Higher Learning Bond Authorizations

- ▶ \$61,897,500 for the 2016 IHL Capital Improvements Fund to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishings and/or equipping facilities for public facilities as follows:

NAME	PROJECT	AMOUNT ALLOCATED
Alcorn State University.....		\$ 7,700,000.00
	Phase I of construction, furnishing and equipping of new buildings and related facilities for university faculty and staff housing.....	\$ 7,500,000.00
	Construction, furnishing and equipping of a new building and related facilities to house the Socially Disadvantaged Farmers and Ranchers Policy Center.....	\$ 200,000.00
Delta State University.....		\$ 7,942,500.00
	Repair, renovation, furnishing and equipping of Zeigel Hall.....	\$ 7,942,500.00

Jackson State University.....\$ 6,000,000.00
 Repair, renovation,
 furnishing, equipping and
 expansion of and additions
 to the College of
 Education and Human
 Development building
 and related facilities.....\$ 6,000,000.00

Mississippi University for Women.....\$ 7,140,000.00
 Repair, renovation,
 furnishing, equipping and
 expansion of and additions
 to the Demonstration School...\$ 7,140,000.00

Mississippi State University.....\$ 10,000,000.00
 Phase I of construction, furnishing and
 equipping of a new building
 and related facilities to
 house the Music Department....\$ 10,000,000.00

Mississippi State University/Division of Agriculture,
 Forestry and Veterinary Medicine.....\$ 4,000,000.00
 Phase II of construction,
 furnishing and equipping of
 a new building and related
 facilities to house the
 Departments of Animal and
 Dairy Science and Poultry
 Science.....\$ 4,000,000.00

Mississippi Valley State University.....\$ 7,500,000.00
 Repair, renovation,
 furnishing and equipping
 of Edna Horton Hall, and
 continuation and
 completion of previously
 authorized projects.....\$ 7,500,000.00

University of Mississippi.....\$ 10,000,000.00
 Phase I construction, furnishing
 and equipping of
 a new Science building
 and related facilities.....\$ 10,000,000.00

IHL Education and Research Center.....\$ 1,615,000.00
 Repair and renovation of campus
 buildings and facilities, and
 repair, renovation, replacement
 and improvement of campus
 infrastructure.....\$ 1,615,000.00

▶ \$33,500,000.00 for the 2016 IHL Additional Capital
 Improvements Fund (bonds may not be issued before July 1, 2017)
 to pay the costs of capital improvements, renovation and/or
 repair of existing facilities, furnishings and/or equipping
 facilities for public facilities as follows:

NAME	PROJECT	AMOUNT ALLOCATED
Alcorn State University.....		\$ 2,500,000.00
	Phase II of construction, furnishing and equipping of new buildings and related facilities for university faculty and staff housing.....	\$ 2,500,000.00

Mississippi State University.....\$ 4,000,000.00

Phase II of construction, furnishing and equipping of a new building and related facilities to house the Music Department....\$ 4,000,000.00

Mississippi State University/Division of Agriculture, Forestry and Veterinary Medicine.....\$ 12,000,000.00

Phase III of construction, furnishing and equipping of a new building and related facilities to house the Departments of Animal and Dairy Science and Poultry Science.....\$ 12,000,000.00

University of Mississippi.....\$ 15,000,000.00

Phase II of construction, furnishing and equipping of a new Science building and related facilities.....\$ 15,000,000.00

• Community and Junior College Bond Authorizations

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

Coahoma	\$	1,156,810.00
Copiah-Lincoln		1,354,580.00
East Central		1,309,956.00
East Mississippi		1,576,280.00

Hinds	2,797,352.00
Holmes	1,837,937.00
Itawamba	1,825,103.00
Jones	1,677,058.00
Meridian	1,378,257.00
Mississippi Delta	1,316,862.00
Mississippi Gulf Coast	2,468,234.00
Northeast Mississippi	1,415,117.00
Northwest Mississippi	2,124,231.00
Pearl River	1,581,927.00
Southwest Mississippi	1,180,296.00

- Other Bond Authorizations

- ▶ \$13,000,000.00 for the 2016 Bureau of Building State-Owned Buildings Discretionary Fund to pay the costs of site and infrastructure improvements, general repairs and renovations, weatherization, roofing, environmental mitigation, mechanical, electrical and structural repairs required for state-owned facilities, including Mississippi Department of Wildlife, Fisheries and Parks improvements to dams and dam-related properties and facilities, other facilities under the care and control of the Mississippi Department of Corrections, universities and community and junior colleges, repairs, renovations and improvements necessary for compliance with the Americans with Disabilities Act or other codes, purchase and installation of necessary furniture and equipment, acquisition of property required for parking, and continuation and completion of previously authorized projects. \$7,500,000.00 of the monies deposited into the special fund will be used to pay the costs of continuation of the construction, furnishing and equipping of psychiatric receiving units and related buildings and facilities at East Mississippi State Hospital.

▶ \$20,000,000.00 (not more than \$10,000,000.00 may be issued during any one fiscal year) to pay the costs of:

- ◆ Repair and renovation of and improvements to the Mississippi Coliseum;
- ◆ Construction of a new trade mart to adjoin the Mississippi Coliseum;
- ◆ Demolition of the existing Mississippi Trade Mart; and
- ◆ Improvements to parking on the Mississippi State Fairgrounds, including, but not limited to, the construction of parking facilities on the location of the existing Mississippi Trade Mart.

▶ \$300,000.00 to assist Tishomingo County in paying the costs of construction, furnishing and equipping of an equine center and related facilities.

▶ \$400,000.00 to assist Lowndes County in paying the costs of construction, furnishing and equipping of an equine center and related facilities.

▶ \$1,100,000.00 to assist the City of Columbus, working in coordination with Columbus Air Force Base, in paying costs associated with construction and development of walking tracks, walking trails, bicycle paths and trails, hunting ranges, firing ranges, and other recreational properties and facilities for the purpose of providing and improving available quality of life activities located on and/or near Columbus Air Force Base.

▶ \$2,500,000.00 for the Mississippi Community Heritage Preservation Grant Fund with some of the funds allocated for the following purposes:

- ◆ \$500,000.00 as grant funds to assist the City of Kosciusko in paying costs associated with repair, renovation,

furnishing, equipping, additions to and expansion of the Kosciusko Natchez Trace Visitor Center, and repair, renovation, furnishing, equipping, additions to and expansion of buildings and related facilities to house the Mississippi Native American Museum in Kosciusko.

- ◆ \$100,000.00 as grant funds to Jefferson County to assist in paying costs associated with repair, renovation, upgrades and improvements to the confederate cemetery and related properties and facilities in the county.

- ▶ \$7,500,000.00 to assist in paying the costs associated with planning, design, construction, repair, renovation, furnishing, equipping, additions to and expansion of any building and related facilities at the University of Mississippi Medical Center for the purpose of establishing a clinical research unit.

- ▶ \$16,605,000.00 to pay the costs of completion of construction, furnishing and equipping of the Mississippi Civil Rights Museum and the new Museum of Mississippi History, and acquisition, storage and relocation of artifacts for such museums and fabrication and installation of exhibits for the museums.

- ▶ \$15,000,000.00 (not more than \$5,000,000.00 may be issued during fiscal year 2017) to pay the costs of construction, furnishing, equipping and repairs and renovations at the Mississippi Arts and Entertainment Center and to purchase real estate for the center.

- ▶ \$10,000,000.00 (not more than \$5,000,000.00 may be issued in any one fiscal year) to assist in paying the costs of construction, furnishing and equipping of the Partnership School on the campus of Mississippi State University.

- ▶ \$5,000,000.00 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 as follows:

◆ \$2,000,000.00 to make grants to municipalities and counties through a development infrastructure grant fund to complete infrastructure related to new or expanded industry, and

◆ \$3,000,000.00 to make grants or loans to municipalities and counties through an equipment and public facilities grant and loan fund to aid in infrastructure-related improvements as determined by the Mississippi Development Authority, the purchase of equipment and in the purchase, construction or repair and renovation of public facilities.

▶ Increases by \$4,000,000.00 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.

▶ \$2,500,000.00 for the Small Municipalities and Limited Population Counties Fund.

▶ \$1,400,000.00 to assist Tate County in paying costs associated with purchasing real property, construction and development of buildings, facilities, infrastructure and other improvements to property and/or conducting engineering, environmental and related surveys or studies necessary to improve, promote, and/or enhance economic development in the county.

▶ \$500,000.00 to assist the City of Vicksburg in paying costs associated with recruiting, promotion, construction and development of tourism projects in the city.

▶ \$700,000.00 for the Mississippi Main Street Investment Revolving Loan Fund. The Mississippi Development Authority will use monies in the fund to make loans to municipalities with a population of less than 15,000 to assist with maintaining and improving the viability of revitalization zones. A municipality may use the loan proceeds for maintaining and improving the viability of a revitalization zone through means deemed appropriate by the governing authorities of the municipality, including, but not limited to, making loans, grants and other forms of assistance to any person or public or private association or other entity for use for infrastructure projects, improvements to properties, signage and other purposes related to maintaining and improving the viability of the revitalization zone.

▶ \$45,000,000.00 to pay the costs incurred in making such capital improvements at the state shipyard in Jackson County as part of the five-year plan to modernize the state shipyard and keep it competitive with other shipyards.

▶ \$20,000,000.00 for the Local System Bridge Replacement and Rehabilitation Fund.

▶ \$100,000.00 to assist the City of Hazlehurst in paying costs associated with historic preservation purposes related to the historic bluesman Robert Johnson.

▶ \$150,000.00 to assist the City of Saltillo in paying costs associated with providing lighting for city sports and recreation fields and related facilities.

▶ \$100,000.00 to assist the City of McComb in paying costs associated with construction, furnishing and equipping of a recreational center and related facilities.

▶ \$50,000.00 to assist the Alcorn County School District in paying costs associated with providing lighting for district baseball fields and related facilities.

▶ \$150,000.00 to assist the City of Terry in paying costs associated with historic preservation projects.

▶ \$100,000.00 to assist in paying the costs of construction, furnishing and equipping the Mississippi Maritime Museum in Pascagoula.

▶ \$150,000.00 to assist the City of Decatur in paying costs associated with infrastructure and infrastructure related projects.

▶ \$100,000.00 to assist the Town of Fulton in paying costs associated with infrastructure and infrastructure related projects.

▶ \$100,000.00 to assist the City of New Albany in paying the costs associated with construction, development and enhancement of and upgrades and improvements to bicycle trails, and landscaping and other related beautification work and projects along and near Bankhead Street from its intersection with Mississippi Highway 30 to its intersection with Mississippi Highway 15.

▶ \$200,000.00 to assist the Wilkinson County School District in paying costs associated with infrastructure and infrastructure related projects.

▶ \$100,000.00 to assist Chickasaw County in paying the costs associated with repair, renovation, improvement and rehabilitation of the Chickasaw County Health Department building and related facilities in Houston.

▶ \$100,000.00 to assist Lincoln County in paying costs associated with infrastructure and infrastructure related projects related to the Lincoln County Civic Center.

▶ \$100,000.00 to assist Calhoun County in paying costs associated with infrastructure and infrastructure related projects.

▶ \$150,000.00 to assist the Quitman County School District in paying costs associated with construction and development of recreational buildings and related facilities for district schools.

▶ \$500,000.00 to assist the City of Kosciusko in paying costs associated with repair, renovation, furnishing, equipping, additions to and expansion of the Kosciusko Natchez Trace Visitor Center, and repair, renovation, furnishing, equipping, additions to and expansion of buildings and related facilities to house the Mississippi Native American Museum in Kosciusko.

▶ \$100,000.00 to assist the City of Jackson in paying costs associated with providing police services and related public safety services.

▶ \$200,000.00 to assist Marshall County in paying costs associated with infrastructure and infrastructure related projects.

▶ \$750,000.00 to assist in paying the costs of construction of a Vietnam Veterans Memorial Wall at the Tupelo Veterans Plaza in Tupelo.

▶ \$50,000.00 to assist the Town of Utica in paying costs associated with infrastructure and infrastructure related projects.

- ▶ \$50,000.00 to assist the Town of Edwards in paying costs associated with infrastructure and infrastructure related projects.

- ▶ \$50,000.00 to assist the Mt. Olive Recreational Development Corporation in paying the costs of construction, repair, renovation, replacement and improvement of facilities and infrastructure at Mount Olive Park in Bolton.

- ▶ \$200,000.00 to pay the costs of construction, repair, renovation, replacement and improvement of buildings, facilities, exhibits and infrastructure at the Jackson Zoo.

- ▶ \$305,000.00 to pay the costs of construction, repair, renovation, replacement and improvement of buildings, facilities, exhibits and infrastructure at the Hattiesburg Zoo.

- ▶ \$150,000.00 to assist the City of Ocean Springs in paying costs associated with infrastructure and infrastructure related projects.

- ▶ \$150,000.00 to assist in paying the state's share of matching funds required by the Federal Emergency Management Agency in connection with tornado damage to the county-owned hospital in Winston County, which was a result of the tornado that damaged the hospital in April of 2014.

- ▶ \$375,000.00 to assist the City of McComb in paying costs associated with the repair, rehabilitation, resurfacing, construction and reconstruction, including the widening of and addition of lanes to, Parklane Road from its intersection with U.S. Highway 98 northerly to its intersection with Park Drive, and water and sewer infrastructure improvements related to such project.

▶ \$1,800,000.00 to assist Hinds County in paying the costs of construction and development of the Byram-Clinton Parkway project.

▶ \$31,000.00 to assist the City of Jackson in paying costs associated with improvements to Manhattan Park and Vine Street Park.

▶ \$250,000.00 to assist in paying costs associated with planning and designing and for constructing, developing and implementing facilities and infrastructure for providing wastewater collection, treatment and disposal systems and services in the Big Black River drainage basin in Hinds County, including, but not limited to, a sewage network to collect and transport wastewater to treatment plants, treatment and capacity upgrades at existing treatment plants, a new treatment plant, and a pumping/piping station to transport treated wastewater to the Big Black River.

▶ \$100,000.00 to assist the City of Senatobia in paying costs associated with landscaping and other related beautification work and projects along and near the Interstate Highway 55 and Mississippi Highway 4 interchange.

▶ \$100,000.00 to assist Humphreys County, as part of an agreement with the University of Mississippi Medical Center, in paying costs associated with construction, repair, renovation, expansion and additions to a building and related facilities which the county will lease to the University of Mississippi Medical Center for the purpose of the University of Mississippi Medical Center establishing and operating an urgent care clinic.

▶ \$800,000.00 to assist the B.B. King Museum and Delta Interpretive Center in funding the cost of completion of the museum, including, but not limited to, completion of connection

of the existing buildings and a memorial garden as the final resting place of B.B. King.

- ▶ \$750,000.00 to assist George County in paying the costs associated with the repair and renovation of the Merrill Salem Road Bridge that spans the Pascagoula River in George County.

- ▶ \$300,000.00 to assist the City of Pontotoc in paying the costs associated with the construction, furnishing and equipping of a cultural center to celebrate Native American Culture and the furniture industry heritage and to serve as an outpost on the Tanglefoot Trail.

- ▶ \$625,000.00 to be utilized by the Department of Environmental Quality to pay the cost to repair and renovate high hazard dams in DeSoto County.

- ▶ \$400,000.00 to assist Alcorn County in the further development of the Alcorn County Rail Hub.

- ▶ \$750,000.00 to pay costs associated with the planning of, acquisition of rights-of-way for, construction of, and related costs for, a bypass in Philadelphia.

- ▶ \$750,000.00 to assist Itawamba County in paying costs associated with the repair of Ridge Road.

- ▶ \$625,000.00 to assist the City of Brookhaven in paying the cost of construction, furnishing and equipping a fire station.

- ▶ \$1,600,000.00 to assist the City of Flowood in paying costs associated with constructing access roads for the new Flowood Convention Center.

- ▶ \$1,000,000.00 to pay the cost of repair and renovation of the old Farmers Market Merchants Building Number Four in Jackson in order to establish a food hub to serve as a

processing and distribution center for food produced by Mississippi farmers.

- ▶ \$100,000.00 to assist the City of Laurel in paying costs associated with the repair of Fifth Avenue.

- ▶ \$100,000.00 to assist the Town of Heidelberg in paying costs associated with repairs to South Pine Street.

- ▶ \$300,000.00 to assist the Oakland-Yalobusha Natural Gas District in paying costs associated with the extension of a natural gas line.

- ▶ \$340,000.00 to assist the Hattiesburg Convention Commission in paying costs associated with preplanning, development and establishment of the Mississippi Science Exploration Center in Hattiesburg.

- ▶ \$260,000.00 to assist the Town of Meadville in paying costs associated with the repair, rehabilitation, reconstruction and improvement of the sanitary sewer collection system of the Town of Meadville.

- ▶ \$1,600,000.00 to assist the Pearl River Valley Water Supply District in paying costs associated with the repair, rehabilitation, reconstruction or replacement of seawalls at the Ross Barnett Reservoir as required by the settlement agreement in the case of Bobby L. Baker, Jr., et al. v. Pearl River Valley Water Supply District, in the Circuit Court of Rankin County, Mississippi, Civil Action No. 212-133E.

- ▶ \$400,000.00 to pay the costs of furnishing, equipping, repairing and renovating the Natchez Seminary Property of the General Missionary Baptist Convention of Mississippi, Inc.

- Miscellaneous

The bill revises the definition of the term "approved business enterprise" for purposes of the Mississippi Industry Incentive Financing Revolving Fund to include any project that is a manufacturer of high-end kitchen appliances having at least 400 employees working at its Mississippi facilities on January 1, 2015, and with a capital investment of at least \$5,000,000.00 made after July 1, 2014, through four years after July 1, 2015, that expands in this state, and retains a minimum of 400 jobs.

HB 1745. Effective on passage. Signed 5/11/16.

This bill increases the maximum aggregate amount of revenue bonds that the Northeast Mississippi Gas District is authorized to issue. The prior law limited the maximum aggregate amount to \$6,000,000.00, and the bill increases that amount to \$10,000,000.00.

HB 1747. Effective on passage. Signed 5/5/16.

Under current law, fire districts may be formed by a county as follows:

- By a petition for the incorporation of the district submitted to the board of supervisors signed by at least 25 owners of property in the proposed district.
- The board of supervisors may initiate the incorporation of the district by resolution of the board and presentation of a petition of at least 25 property owners in the proposed district.

Public hearings are required to be held and if after the hearing the board of supervisors makes certain findings the board must adopt a resolution declaring its intention to form the district. The resolution must then be published and if 20%

or 150 of the qualified electors in the district file a petition protesting against the formation of the district an election must be held. If no petition is filed or 3/5 of those voting at an election vote in favor of the formation of the district, the board of supervisor must adopt a resolution creating the district.

In districts created after July 1, 1987, the board of supervisors may levy a 2 mill ad valorem tax on the property in the fire protection district to support the district; however, if the district"... is created pursuant to a mandatory election called by the board of supervisors in lieu of a petitioned election the board of supervisors may levy a special tax annually not to exceed an amount to be determined by the board of supervisors and stated in the notice of such election." There is no provision in current law that authorizes the creation of a fire protection district "pursuant to a mandatory election." Because of this flaw in the law, the Attorney General has issued opinions stating that the maximum millage that may be levied in fire protection districts created after July 1, 2017, is 2 mills. In some counties the millage rate has been raised above 2 mills by following the procedure in the law for districts created after July 1, 1987, by a "mandatory election."

This bill authorizes the increase of the millage rate in excess of 2 mills in fire protection districts created after July 1, 1987, regardless of how they were created. Under current law, the tax levy can be raised for district formed by a "mandatory election" only after an election is held in the district. This bill requires an election only if 20% of the qualified electors in the district file a petition protesting against the tax increase.

The bill contains a provision that ratifies, approves and confirms increases in tax levies made for fire protection districts prior to the passage of the bill.

STATE GENERAL OBLIGATION BONDS

AUTHORIZED TO BE ISSUED DURING THE 2016 REGULAR SESSION

H.B. 1729

INSTITUTIONS OF HIGHER LEARNING

•	Alcorn State University	
	Fiscal Year 2017	\$ 7,700,000.00
	Fiscal Year 2018	\$ 2,500,000.00
•	Delta State University	\$ 7,942,500.00
•	Jackson State University	\$ 6,000,000.00
•	Mississippi University for Women	\$ 7,140,000.00
•	Mississippi State University	
	Fiscal Year 2017	\$ 10,000,000.00
	Fiscal Year 2018	\$ 4,000,000.00
•	Mississippi State University/Division of Agriculture, Forestry and Veterinary Medicine	
	Fiscal Year 2017	\$ 4,000,000.00
	Fiscal Year 2018	\$ 12,000,000.00
•	Mississippi Valley State University	\$ 7,500,000.00
•	University of Mississippi	
	Fiscal Year 2017	\$ 10,000,000.00
	Fiscal Year 2018	\$ 15,000,000.00
•	University of Mississippi Medical Center	\$ 7,500,000.00
•	IHL Education and Research Center	\$ <u>1,615,000.00</u>
	IHL Fiscal Year 2017 Authorizations	\$ 69,397,500.00
	IHL Fiscal Year 2018 Authorizations	\$ <u>33,500,000.00</u>
	IHL GRAND TOTAL	\$102,897,500.00

COMMUNITY AND JUNIOR COLLEGES

• Coahoma	\$ 1,156,810.00
• Copiah-Lincoln	1,354,580.00
• East Central	1,309,956.00
• East Mississippi	1,576,280.00
• Hinds	2,797,352.00
• Holmes	1,837,937.00
• Itawamba	1,825,103.00
• Jones	1,677,058.00
• Meridian	1,378,257.00
• Mississippi Delta	1,316,862.00
• Mississippi Gulf Coast	2,468,234.00
• Northeast Mississippi	1,415,117.00
• Northwest Mississippi	2,124,231.00
• Pearl River	1,581,927.00
• Southwest Mississippi	1,180,296.00
COMMUNITY AND JUNIOR COLLEGE TOTAL	\$25,000,000.00

OTHER AUTHORIZATIONS

- Bureau Of Building State-Owned Buildings
Discretionary Fund \$ 13,000,000.00

- Mississippi State Fairgrounds (not more
than \$10,000,000 may be issued
in any one fiscal year) \$ 20,000,000.00

- Tishomingo County Equine Center \$ 300,000.00

- Lowndes County Equine Center \$ 400,000.00

- City of Columbus-Columbus Air Force Base
(recreational facilities) \$ 1,100,000.00

- Mississippi Community Heritage
Preservation Grant Fund \$ 2,500,000.00

- Mississippi Civil Rights Museum and
Museum of Mississippi History \$ 16,605,000.00

- Mississippi Arts and Entertainment
Center (not more than \$5,000,000 may
be issued during fiscal year 2017) \$ 15,000,000.00

- Partnership School (not more than
\$5,000,000 may be issued in any
one fiscal year) \$ 10,000,000.00

- ACE Fund \$ 5,000,000.00

- Mississippi Business Investment Act \$ 5,000,000.00

- Mississippi Major Economic Impact Act
 (for improvements to military bases at
 risk under the Defense Base Closure and
 Realignment Act of 1990) \$ 4,000,000.00
- Small Municipalities and Limited
 Population Counties Fund \$ 2,500,000.00
- Tate County (for cost of projects to
 enhance economic development) \$ 1,400,000.00
- City of Vicksburg (for recruiting,
 promotion, construction and/or
 development of tourism projects) \$ 500,000.00
- Mississippi Main Street Investment
 Revolving Loan Fund \$ 700,000.00
- State Shipyard in Jackson County \$ 45,000,000.00
- Local System Bridge Replacement and
 Rehabilitation Fund \$ 20,000,000.00
- City of Hazlehurst (for historic
 preservation purposes related to the
 historic bluesman Robert Johnson) \$ 100,000.00
- City of Saltillo (for recreation facilities
 Improvements) \$ 150,000.00
- City of McComb (for recreation facilities
 Improvements) \$ 100,000.00
- Alcorn County (for lighting for district
 baseball fields and related
 facilities) \$ 50,000.00

- City of Terry (for costs associated with historic preservation projects) \$ 150,000.00
- Mississippi Maritime Museum \$ 100,000.00
- City of Decatur (for infrastructure projects) \$ 150,000.00
- Town of Fulton, (for infrastructure projects) \$ 100,000.00
- City of New Albany (for improvements to bicycle trails and/or landscaping and other related beautification work) .. \$ 100,000.00
- Wilkinson County School District (for infrastructure projects) \$ 200,000.00
- Chickasaw County Health Department \$ 100,000.00
- Lincoln County (for infrastructure projects related to the Lincoln County Civic Center) \$ 100,000.00
- Calhoun County (for infrastructure projects) \$ 100,000.00
- Quitman County School District (construction and development of recreational buildings and related facilities) \$ 150,000.00
- City of Kosciusko (for improvements to Natchez Trace Visitor Center, and for facilities to house the Mississippi Native American Museum) \$ 500,000.00

- City of Jackson (for costs associated with providing police services and related public safety services) \$ 100,000.00
- Marshall County (for infrastructure projects) \$ 200,000.00
- Vietnam Veterans Memorial Wall at the Tupelo Veterans Plaza \$ 750,000.00
- Town of Utica (for infrastructure projects) \$ 50,000.00
- Town of Edwards (for infrastructure projects) \$ 50,000.00
- City of Bolton (for improvements to Mount Olive Park) \$ 50,000.00
- Jackson Zoo \$ 200,000.00
- Hattiesburg Zoo \$ 305,000.00
- City of Ocean Springs (for infrastructure projects) \$ 150,000.00
- Winston County Hospital (for state's share of matching funds required by the Federal Emergency Management Agency in connection with tornado damage) \$ 150,000.00
- City of McComb (for improvements to Parklane Road) \$ 375,000.00
- Hinds County (for the Byram-Clinton Parkway project) \$ 1,800,000.00

- City of Jackson (for improvements to Manhattan Park and Vine Street Park) \$ 31,000.00
- Hinds County (for infrastructure for wastewater collection, treatment and disposal systems and services in the Big Black River drainage basin) \$ 250,000.00
- City of Senatobia (for landscaping and beautification projects along and near the Interstate Highway 55 and Mississippi Highway 4 interchange) \$ 100,000.00
- Humphreys County (for an urgent care clinic to be operated by UMMC) \$ 100,000.00
- B.B. King Museum and Delta Interpretive Center (to assist in funding completion of the museum) \$ 800,000.00
- George County (to pay costs associated with the repair and renovation of the Merrill Salem Road Bridge) \$ 750,000.00
- City of Pontotoc (for a cultural Center) \$ 300,000.00
- Department of Environmental Quality (for repair and renovation of high hazard dams in DeSoto County) \$ 625,000.00
- Alcorn County (for the further development of the Alcorn County Rail Hub \$ 400,000.00
- Department of Transportation (for costs associated with the construction of a bypass in Philadelphia, MS) \$ 750,000.00

- Itawamba County (for the repair of Ridge Road) \$ 750,000.00
- City of Brookhaven (for construction, furnishing and equipping of a fire station) \$ 625,000.00
- City of Flowood (for constructing access roads for the new Flowood Convention Center) \$ 1,600,000.00
- Old Farmer's Market (for renovation of a building to establish a food hub to serve as a processing and distribution center for food produced by Mississippi farmers) \$ 1,000,000.00
- City of Laurel (for the repair of Fifth Avenue) \$ 100,000.00
- Town of Heidelberg (for repairs to South Pine Street) \$ 100,000.00
- Oakland-Yalobusha Natural Gas District (for the extension of a natural gas line) \$ 300,000.00
- Hattiesburg Convention Commission (for preplanning, development and establishment of the Mississippi Science Exploration Center) \$ 340,000.00
- Town of Meadville (for improvements to its sanitary sewer collection system) ... \$ 260,000.00
- Pearl River Valley Water Supply District (for the repair, rehabilitation, reconstruction or replacement of seawalls at the Ross Barnett Reservoir as required by a settlement agreement) \$ 1,600,000.00

- Department of Finance and Administration
 (for repair and renovation of the
 Natchez Seminary Property of the
 General Missionary Baptist Convention
 of Mississippi, Inc \$ 400,000.00

- Fiscal Year 2017 Authorizations \$249,913,500.00**
- Fiscal Year 2018 and later**
- Authorizations \$ 58,500,000.00**

- GRAND TOTAL \$308,413,500.00**

FORESTRY

SB 2321. Effective 7/1/16. Signed 4/4/16.

SB 2321 extends the repeal date until July 1, 2020, on Section 49-19-115, which authorizes the board of supervisors of a county to levy a special tax known as "the forest acreage tax."

HIGHWAYS AND TRANSPORTATION

SB 2309. Effective 7/1/16. Signed 4/4/16.

SB 2309 designates that segment of U.S. Highway 45 Alternate in Lowndes County as the Tom Goode Memorial Highway.

SB 2532. Effective 7/1/16. Signed 4/5/16.

SB 2532 extends the repeal date until July 1, 2019, on Section 27-19-61, which authorizes the Mississippi Department of Transportation to issue harvest permits for vehicles hauling certain agricultural and forestry products on certain highways in the state. The bill also extends the repeal date until July 1, 2019, on Section 65-3-33, which authorizes boards of supervisors and municipal authorities to designate the route within their respective jurisdiction that must be used by a vehicle which has been issued a harvest permit by MDOT.

HB 110. See summary under Education heading.

HB 241. Effective 7/1/16. Signed 4/6/16.

This bill designates the segment of Mississippi Highway 492 in Newton County beginning at its intersection with Bill Willis Road and extending westerly to its intersection with the Newton-Scott County Line as the "Fire Chief Mickey Lewis Yates Memorial Highway."

HB 822. Effective 7/1/16. Signed 4/6/16.

This bill designates the segment of Mississippi Highway 48 in Amite County beginning at its intersection with East Jerusalem Road and extending westerly to its intersection with West Jerusalem Road as the "Taurean Harris Memorial Highway."

HB 825. Effective 7/1/16. Signed 4/6/16.

This bill amends Section 65-3-71.88 to make a technical correction to the street designation of the "Lance Corporal Roy M. Wheat Memorial Highway."

HB 853. Effective 7/1/16. Signed 4/6/16.

This bill amends Section 65-3-71.154 to designate the segment of U.S. Highway 61 in Coahoma County beginning at its northern intersection with Mississippi Highway 161 and extending southerly to its southern intersection with Mississippi Highway 161 as the "Dr. Aaron E. Henry Memorial Highway."

HB 918. Effective 7/1/16. Signed 4/7/16.

This bill designates the segment of Mississippi Highway 182 in Lowndes County beginning at its intersection with South Martin Luther King Jr. Drive and extending easterly to its intersection with Lehmborg Road as the "Representative Esther M. Harrison Memorial Highway."

HB 1381. Effective 7/1/16. Signed 4/4/16.

This bill generally provides for the statewide licensure and exclusive regulation of businesses that use a digital network to connect riders to drivers who provide prearranged rides, also referred to as transportation network companies (TNC). However, a county, municipality or other local entity that owns or operates an airport may adopt certain reasonable regulations relating to TNCs.

The bill provides that TNCs are not regulated under the state Motor Carrier Law and TNC drivers are not required to register their vehicle as a commercial vehicle. Additionally, a TNC driver may not solicit or accept street hails. Further, a TNC driver is an independent contractor and not an employee.

A TNC must obtain a license from the Mississippi Department of Insurance before operating in Mississippi. The department shall issue a license to each applicant who meets the requirements for a TNC and pays an annual license fee of \$5,000.00. Further, a TNC must maintain an agent for service of process in the State of Mississippi.

The bill authorizes a TNC, on behalf of a TNC driver, to charge a fare for the services provided to riders, however, the TNC must disclose the fare collection method, provide riders with the applicable rates and transmit an electronic receipt to the rider. Further, the TNC's online-enabled technology application shall display a picture of the TNC driver and the license plate number of the driver's motor vehicle.

The bill requires a TNC driver, or a TNC on a driver's behalf, to maintain primary automobile insurance that recognizes that the driver is a TNC driver. The insurance coverage requirements may be met by coverage maintained by the TNC driver, the TNC or a combination of both. The TNC driver must carry proof of coverage and in the case of an accident, disclose their insurance information to the affected parties, insurers and police officers. A policy that meets the requirements of the bill shall be deemed to satisfy the provisions of the state Motor Vehicle Safety - Responsibility Law.

▶ A TNC driver who is logged on to the TNC's digital network but is not engaged in a ride must be covered by at least \$50,000.00 for death and bodily injury per person, \$100,000.00 for death and bodily injury per incident, \$25,000.00 for property damage, and uninsured motorist coverage to the extent required by Section 83-11-101.

▶ While a TNC driver is engaged in a prearranged ride, the driver must be covered by insurance that provides at least \$1,000,000.00 for death, bodily injury and property damage, and uninsured motorist coverage to the extent required by Section 83-11-101.

▶ If the insurance maintained by a TNC driver has lapsed, the insurance maintained by a TNC must provide coverage.

▶ Insurers may exclude any and all coverage afforded under a policy issued to an owner of a personal vehicle for any loss that occurred while a driver is logged on to the TNC's digital network or is providing a prearranged ride.

The bill requires a TNC to implement a zero-tolerance policy that addresses the use of drugs or alcohol by a TNC driver. A TNC must conduct a local and national criminal background check for each TNC driver application. A TNC must adopt a policy of nondiscrimination.

A TNC must maintain customer records and the Commissioner of Insurance will have the right to visually inspect a sample of records the TNC is required to maintain.

INSURANCE

SB 2189. Effective 7/1/16. Signed 4/4/16.

SB 2189 changes the company level action risk-based capital ratio required for a life and/or health insurer from 2.5 to 3.0. The risk-based capital ratio generates the regulatory minimum amount of capital that a company is required to maintain to avoid regulatory action. There are four levels of action that a company can trigger under the formula: company action, regulatory action, authorized control and mandatory control levels. Each RBC level requires some particular action on the part of the regulator, the company, or both. An insurer that breaches the Company Action Level must produce a plan to restore its RBC levels. This could include adding capital, purchasing reinsurance, reducing the amount of insurance it writes, or pursuing a merger or acquisition.

SB 2192. Effective 7/1/16. Signed 4/4/16.

SB 2192 provides the Commissioner of Insurance with the authority to investigate every person, company, corporation or association who holds a license to conduct the business of insurance in this state in order to determine whether such person, company, corporation or association has been engaged in any improper or unauthorized activity in violation of any insurance law.

Whenever the commissioner has reason to believe that any such person, company, corporation or association has engaged or is engaging in any improper or unauthorized activity in violation of any insurance law, the commissioner may issue a cease and desist order with or without notice and a hearing directing them to cease and desist from further activities. If

a cease and desist order is issued without notice and a hearing, the respondent may request a hearing for reconsideration 20 days of the date of the order.

The bill also authorizes the commissioner to take the same action against a nonresident producer licensed in this state as that taken by the nonresident producer's home state.

SB 2193. Effective 7/1/16. Signed 5/10/16.

SB 2193 changes the license period for insurance adjusters and public adjusters from an annual period to a biennial period (every 2 years). Because of changing to a two-year period, the bill revises the privilege license tax upon each individual adjuster from \$50.00 to \$100.00, and each company engaged in the business of adjusting losses from \$200.00 to \$400.00. The bill also creates a limited lines workers' compensation adjuster license. And, finally, the bill revises the continuing education requirements for adjusters.

SB 2300. Effective on passage. Signed 4/4/16.

SB 2300 revises the eligibility for coverage provided under the Comprehensive Health Insurance Risk Pool Association Act. The bill also clarifies that the association may close enrollment in the plan, subject to approval by the Commissioner of Insurance and upon a determination by the board that the availability of coverage is no longer necessary because of the federal Affordable Care Act.

SB 2750. See summary under Accountability, Efficiency, Transparency heading.

HB 93. Effective 7/1/16. Signed 4/4/16.

Current law states that insurers shall honor an assignment of benefits for a period of one year from the initial date of assignment or until the insured revokes the assignment, whichever occurs first. HB 93 deletes the phrase "or until the insured revokes the assignment, whichever occurs first," thereby requiring insurers to honor the assignment for a period of one year starting from the initial date of assignment.

HB 525. Effective 1/1/17. Signed 4/11/16.

HB 525 requires a certificate of insurance to be provided to the Department of Public Safety to reinstate a driver's license that has been suspended under the DUI laws. The certificate of insurance must be maintained for a period of at least three years after issuance. Insurance companies must send to the Department of Public Safety a notice if the coverage is cancelled before the expiration of the three-year time period.

The bill also clarifies that the Department of Public Safety may not require fees from insurance companies to administer the Motor Vehicle Safety Responsibility Law.

JUDICIARY, DIVISION A

SB 2211. Effective 7/1/14. Signed 4/7/16.

This legislation has a retroactive effective date and addresses several revisions to the Mississippi Uniform Trust Code and the Mississippi Qualified Disposition in Trust Act that were enacted in 2014. Grammatical errors are also corrected and minor technical amendments are made in both acts.

Mississippi Uniform Trust Code

The reason changes were needed to the Uniform Trust Code is to clarify and coordinate the statutory provisions concerning beneficiary surrogates, trust protectors and trust advisors. Section 91-8-1201 grants a nonexclusive list of powers which may be granted to a trust protector or trust advisor. Also, Sections 91-8-105(d) and 91-8-813 provide for the ability to designate a beneficiary surrogate to receive information and reports which otherwise must be provided to the beneficiary. While it can be inferred, there is no explicit provision in Section 91-8-1201 which provides that a trust protector or trust advisor also may serve as the beneficiary surrogate. Likewise, there is no explicit provision in Section 91-8-1201 which grants a trust protector or trust advisor the right to appoint a representative without a material conflict of interest to represent and bind a beneficiary under Section 91-8-303(8) even though the definition of "beneficiary surrogate" states that the surrogate may be appointed by the trust advisor or trust protector.

In order to clarify any uncertainty resulting from the use of different titles for these positions in the Uniform Trust Code, it is important to explicitly state that a settlor may nominate the same person to fill the role of trust protector,

trust advisor, beneficiary surrogate and a Section 91-8-303(8) representative. Similarly, it is important to clarify that the settlor may grant the trust protector or trust advisor the power to designate a representative under Section 91-8-303(8) to represent and bind a beneficiary.

Upon enactment of the Mississippi Uniform Trust Code, former Sections 91-9-1 through 91-9-9 were repealed. Section 91-8-407(b) was added to the Uniform Trust Code as a substitute for and an improvement to Section 91-9-1. The Uniform Trust Code did not contain language similar to Section 91-9-2 regarding transfers made in the name of the trust rather than to the trustees. To avoid doubt that a transfer in the name of the trust is legally sufficient, language has been added to Section 91-8-401(a) and Section 91-8-407(c).

While it can be inferred from the language of Section 91-8-407(b)(1) that a will filed and admitted to probate constitutes constructive notice of the existence of the trust established in accordance with the provisions of the will, a sentence was added to make it clear that substantial compliance with the contents of the memorandum of trust would be sufficient to constitute constructive notice of the trust.

Section 91-8-703(i) is revised to make it clear that trust advisors and trust protectors, as well as trustees, have a duty to keep other fiduciaries informed about their role in the administration of the trust to the extent reasonably necessary for the fiduciary to perform his or her duties.

Section 91-8-814(a)(2) is revised to properly state that the trustee shall consider the spouse's resources when making a discretionary distribution when the "settlor" is still living, not when the "settlor's spouse" is still living.

Before the 2014 enactment of the Mississippi Uniform Trust Code, Mississippi had a statute that addressed the same subject matter as Section 91-8-1012. Section 91-9-115 provided that a third person, without actual knowledge that the trustee is exceeding his powers or improperly exercising them, is fully protected in dealing with the trustee as if the trustee possessed and properly exercised the powers he purports to exercise. In upholding the statute, the Mississippi Supreme Court, in Collier v. Trustmark National Bank, 678 So. 2d 693 (Miss. 1996), held that "constructive knowledge or notice" is insufficient to hold the bank liable. The Uniform Trust Code does not use "actual knowledge" and it was not the intent of the Uniform Trust Code Study Committee to change Mississippi law in this regard. Therefore, subsections (a) and (d) of Section 91-8-1012 are revised to reflect that the third person is protected unless the person has actual knowledge that the trustee is exceeding his powers or improperly exercising them.

Mississippi Qualified Disposition in Trust Act

The definition of "investment advisor" under Section 91-9-703(e) is amended to correctly reflect the role of the investment advisor. The investment advisor should consent or disapprove a trustee's, not the transferor's, actual or proposed investment decisions, and the investment advisor should not be involved in distribution decisions.

Section 91-9-707(2)(B) provides that a creditor may not bring an action with respect to property that is the subject of a qualified disposition unless the creditor proves by clear and convincing evidence that the settlor's transfer of the property was made with the intent to defraud that specific creditor. This rule should apply whether or not the claim by the creditor arose before or after the qualified disposition to the trust,

and Section 91-9-707(a), as enacted in 2014, implies that this rule only applies to cases where the creditor's claim arose after the qualified disposition. Section 91-9-707(a) is revised to correctly reflect the law as provided under Section 91-9-707(2) (B).

Family Trust Preservation Act

The Mississippi Qualified Disposition in Trust Act amended the Family Trust Preservation Act of 1998 by amending Sections 91-9-503, 91-9-505 and 91-9-507 and repealing Section 91-9-509. Instead of repealing Section 91-9-509 in its entirety, which provides that a provision restraining the voluntary or involuntary transfer of the settlor's interest is invalid against transferees or creditors of the settlor in a self-settled trust, the provisions of the Mississippi Qualified Disposition in Act should instead have been referenced as an exception to Section 91-5-509(1). Instead of repealing Section 91-9-505(2) in its entirety, which provides that a self-settled trust providing that the trustee shall pay income or principal or both of the trust for the education or support of the beneficiary or gives the trustee discretion to determine the amount of income or principal or both of the trust to be paid to or for the benefit of the settlor, a transferee or creditor of the settlor may reach the maximum amount of the trust that the trustee could pay to or for the benefit of the settlor under the trust instrument, not exceeding the amount of the settlor's proportionate contribution to the trust, the provisions of the Mississippi Qualified Disposition in Act should instead have been referenced as an exception to Section 91-5-509(2).

Sections 91-9-503, 91-9-505 and 91-9-507 are revised to read as they did before the Qualified Disposition in Trust Act was passed. The exception for Section 91-9-509 in these three sections is added back into the statutes. Section 91-9-509 is reinstated and amended to provide for an exception relating to the Mississippi Qualified Dispositions in Trust Act (Sections 91-9-701 through 91-9-723).

SB 2237. Effective on passage. Signed 5/3/16.

This bill provides that the execution team for imposition of the death penalty consists of:

- The State Executioner and his deputies, who are responsible for the administration of lethal chemicals;
- Those persons, such as medical personnel, who provide direct support for the administration of lethal chemicals;
- Others who assist in the execution in any capacity; and
- Those personnel assigned to specific duties related to an execution.

All members of the execution team perform their respective functions as official duties on behalf of the state or any agency of the state.

The identities of all members of the execution team, a supplier of lethal injection chemicals, and the identities of witnesses who attend as members of the victim's or the condemned person's immediate family are confidential, and the information is exempt from disclosure under the provisions of the Mississippi Public Records Act of 1983. "Supplier of lethal injection chemicals" is limited to only suppliers of lethal injection chemicals located within the State of Mississippi.

Any portion of any record of any kind that could identify a person as being a current or former member of an execution team or a current or former supplier of lethal injection chemicals, or the witnesses who attend as members of the victim's or the condemned person's immediate family, are confidential, exempt, and protected from disclosure; however, the remainder of the record shall not be protected unless otherwise provided by law.

A court is required to preserve the secrecy of all confidential and exempt information described in this section by reasonable means, which may include granting protective orders, holding in camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose the information without prior court approval.

A member of the execution team or supplier of lethal injection chemicals who is licensed by a board or department is not to be censured, reprimanded, suspended, revoked, or be subject to any other disciplinary action against the person's license because the person participated in a lawful execution.

Any person or institution assisting with or participating in carrying out an execution in accordance with this statute is presumed to be acting in good faith.

Any person or institution acting in good faith in connection with carrying out an execution is immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

SB 2313. Effective on passage. Signed 4/5/16.

This bill deletes the requirement that all firearm silencers are to be registered with the Department of Public Safety.

SB 2314. Effective 7/1/16. Signed 5/12/16.

Section 9-1-46 requires that individual misdemeanor and felony case records are reported by the circuit clerk for all circuit and county court criminal proceedings and by the municipal and justice court clerks for all misdemeanors. The reports are to be organized by offense and must contain the date on which the criminal charges were filed, the charge code and name of indicted offenses, the count number of indicted offenses, the disposition of the charges, the date disposed, the date sentenced, the charge code and name of sentenced offenses, and the length of the sentence.

This bill requires the clerks to also report whether counsel was appointed in a case, and requires the Administrative Office of Courts to provide the compiled information to the State Public Defender.

SB 2364. Effective 7/1/16. Signed 4/18/16.

This bill creates the Juvenile Detention Facilities Licensing Act and prescribes certain duties of the Juvenile Facilities Monitoring Unit in its role as a licensing agency to protect and promote the health and safety of the children who are detained in juvenile detention centers in this state by providing for the licensing of juvenile detention facilities to assure that certain minimum standards are maintained.

A criminal records background check and a child abuse registry check for all facility administrators and facility staff of a juvenile detention facility is required. The Department of Education is required to promulgate rules for the education of children housed in juvenile detention facilities and requires that juvenile detention facilities must have a license to operate as of October 2017. In the interim, there will be practice inspections to assist the facilities in

achieving licensure. The licensing agency must make inspections, and there will be a hearing and appeals process if a juvenile detention facility's license is suspended, revoked or restricted.

The bill provides that no statements, admissions or confessions or incriminating information obtained from a youth during a screening or assessment may be admitted into evidence against the child on the issue of whether the child committed a delinquent act. Sections 43-21-559 and 43-21-561 are also amended to prohibit statements, admissions or confessions from being admitted into evidence to determine delinquency.

SB 2419. Effective 7/1/16. Signed 4/18/16.

This bill amends Section 67-1-57 to provide that managers of alcoholic beverage permittees are not automatically disqualified by a felony conviction record for a manager's license under the Local Option Alcoholic Beverage Control Law if the person was not convicted of a crime of violence and has been released from incarceration for at least three years.

SB 2447. Effective 7/1/16. Signed 4/4/16.

Current state law requires a charitable organization to renew its registration filings with the Secretary of State's Office annually on the date of the original filing. Under this bill the annual renewal is required to be filed on the 15th day of the 5th month following the close of the organization's taxable year; this will allow charitable organizations to more easily maintain and update filings in concert with requirements by other state and federal agencies.

The bill also allows the Secretary of State to promulgate rules to provide for extensions of the filing due date and to impose an administrative penalty for failure to comply.

SB 2483. Effective 7/1/16. Signed 4/18/16.

Section 79-4-2.02 contains provisions related to information a corporation must set forth in its articles of incorporation, as well as information that may be set forth in its bylaws. This bill permits a corporation to set forth in its articles of incorporation or bylaws a provision designating venue for derivative proceedings, or other internal corporate claims, in the appropriate court of the county where the corporation's principal office is located. The legislation will:

- Allow a Mississippi corporation to adopt a forum selection provision, potentially protecting itself and its shareholders from multiple lawsuits in multiple jurisdictions on the same or similar matters.
- Provide a convenient location to both shareholders and the corporation in lawsuits involving Mississippi corporations, as well as promote consistent, efficient, and cost-effective results related to interpretations of Mississippi law.
- Reduce the risk of Mississippi law being misapplied by a court in another jurisdiction not accustomed to ruling on such law, and reduce the risk of potentially inconsistent outcomes that may result from two or more similar claims being heard in different courts.

SB 2493. Effective 7/1/16. Signed 5/13/16.

The Supporting and Strengthening Families Act creates a form of temporary power of attorney by which a parent may delegate to another willing person the care and custody of a child or children for a period not to exceed one year or, for a military parent, not to exceed the length of active-duty service plus 30 days.

The power of attorney provides an option for parents without a social safety net such as family, friends, religious community when a crisis arises and the parent needs a respite from daily parenting responsibilities without the children being placed in foster care. Most placements under the power of attorney will be for less than one year. The parent or legal custodian has the authority to revoke the power of attorney at any time.

All placements must be facilitated by a Safe Families chapter. The Safe Families chapter must run background checks and a full criminal history and child abuse history on prospective host families. The power of attorney cannot be used solely to change the child's school district. Under the Safe Families model, most children stay in their same school for the duration.

Execution of the power of attorney does not constitute abuse, neglect, desertion or abandonment by the parent, and the attorney-in-fact is not a foster parent.

The power of attorney does not change or modify any parental or legal rights, obligations, or authority established by an existing court order; deprive any custodial or noncustodial parent or legal guardian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child; or affect a court's ability to determine the best interests of a child.

The power to consent to marriage or adoption of the child, to consent to an abortion on or for the child, or to terminate parental rights to the child are not covered by the power of attorney but remain with the parent or legal guardian.

SB 2541. Effective on passage. Signed 5/12/16.

This bill creates the Fantasy Contest Task Force to undertake a comprehensive review of fantasy contests and to recommend the proper oversight and regulation of the practice. The task force is required to make a detailed final report to the Legislature by October 15th and will be headed by joint chairpersons: the Chairperson of the House Gaming Committee and the Chairperson of the Senate Judiciary Committee, Division A. The seven additional members will be:

(a) The Executive Director of the Mississippi Gaming Commission or a designee;

(b) The Commissioner of Revenue or a designee;

(c) An assistant or special assistant attorney general assigned to the Gaming Commission as designated by the Attorney General;

(d) Two members appointed by the Chairperson of the Senate Judiciary Committee, Division A; and

(e) Two members appointed by the Chairperson of the House of Representatives Gaming Committee.

The bill also creates the Fantasy Contest Act to require that operators of fantasy contests must register with the Gaming Commission and be otherwise qualified to do business in the state. There is no registration fee, but an operator must contract with a third party to annually perform an independent audit and submit the results of the audit to the Gaming Commission. The Gaming Control Act only applies to fantasy contests for dispute resolution procedures.

The statistical results and performance of individuals used to determine a player's outcome are restricted to only professional athletes and professional athletic events.

Fantasy contest operators are required to:

- (a) Prevent employees of the fantasy contest operator, and relatives living in the same household with an employee, from competing;
- (b) Prevent sharing with third parties of confidential information;
- (c) Prevent the fantasy contest operator from participating in a fantasy contest he or she offers;
- (d) Verify that a fantasy contest player in a fantasy contest is 18 years of age or older;
- (e) Ensure that individuals who participate or officiate in a game or contest that is the subject of a fantasy contest will be restricted from entering a fantasy contest that is determined, in whole or in part, on the accumulated statistical results of a team of individuals in a fantasy contest in which he or she is a player;
- (f) Allow individuals to restrict themselves from entering a fantasy contest;
- (g) Disclose the number of entries that a fantasy contest player may submit to each fantasy contest and provide reasonable steps to prevent players from submitting more than the allowable number; and
- (h) Segregate fantasy contest player funds from operational funds and maintain a reserve.

SB 2649. Effective 7/1/16. Signed 4/20/16.

This bill amends:

- Sections 41-43-7 and 75-63-69 to provide a process for appeal of any penalties imposed by the Secretary of State for violations of the provisions of law regulating the placement and sale of cemeteries;
- Section 97-17-71.1 to provide a process for appeal of penalties imposed by the Secretary of State for violations of the provisions of law regulating scrap metal; and
- Section 79-11-509 to provide a process for appeal of penalties imposed by the Secretary of State for violations of the provisions of law regulating charitable corporations.

SB 2660. Effective on passage. Signed 4/6/16.

Section 9-1-107 requires that a person must have served as a judge or justice for at least 8 years in order to be qualified for designation as a senior judge. This bill reduces the requirement to 6 years of service to be eligible for that designation. The requirements that the person must also be either at least 62 years old or be receiving state retirement benefits are unchanged.

SB 2777. Effective on passage. Signed 5/4/16.

The DUI Information-Exchange Improvement Advisory Committee is created by this bill to address the problem of a lack of timely information regarding DUI arrests and convictions being available to law enforcement, prosecutors and courts. The committee is to:

- Make a comprehensive study of the flow of information between trial court clerks and judges, DUI prosecutors, the Driver Services Division of the Department of Public Safety, the

Criminal Information Center of the Department of Public Safety, the Mississippi Alcohol Safety Education Program, the Mississippi Department of Mental Health, and all law enforcement agencies in the state to improve the imposition of enhanced penalties for repeat DUI offenders.

- Make recommendations to implement electronic submission of all records and determine the probable potential costs of electronic submission statewide.

- Make recommendations for implementing court-supervised drug testing for repeat offenders who are allowed to drive following a conviction for driving under the influence of a substance other than alcohol.

- Review nonadjudication and sentencing records to determine whether repeat DUI offenders are actually being prosecuted and sentenced as repeat offenders.

- Assess the practicability of the Department of Public Safety producing a self-authenticating record of DUI convictions that is admissible under the Rules of Evidence.

- Report its findings and recommendations to the Legislature by December 1, 2016.

The Director of the Social Science Research Center at Mississippi State University will appoint the chair, and the other members will be:

- (a) The Director of Management Information Systems, Department of Public Safety;

- (b) The Director of the Driver Services Division, Department of Public Safety;

- (c) The Director of the Criminal Information Center, Department of Public Safety;

- (d) The Deputy Director, Mississippi Highway Patrol;
- (e) The President of the Mississippi Municipal Court Clerks Association or a designee;
- (f) The President of The Mississippi Justice Court Clerks Association or a designee;
- (g) A municipal court prosecutor appointed by the President of the Mississippi Prosecutors Association;
- (h) A county prosecutor appointed by the Mississippi Prosecutors Association;
- (i) The Traffic Safety Resource Prosecutor, Mississippi Attorney General's Office;
- (j) A representative of the Electronic Citation program appointed by the Director of the Social Science Research Center at Mississippi State University;
- (k) The President of the Mississippi Association of Chiefs of Police or a designee;
- (l) The President of the Mississippi Sheriffs' Association or a designee;
- (m) The President of the Mississippi Municipal Judges Association or a designee;
- (n) The President of the Justice Court Judges Association or a designee;
- (o) The Director of the Administrative Office of Courts or a designee;
- (p) A member appointed by the Commissioner of Public Safety from the State Traffic Records Coordinating Committee, Office of the Highway Safety Division of Public Safety Planning;
- (q) The State Defender of the Mississippi Office of Public Defender or a designee;
- (r) The Director of the Office of the Highway Safety Division of Public Safety Planning or a designee;

(s) The Executive Director of the Mississippi Department of Transportation or a designee; and

(t) A representative of the Coalition of Interlock Manufacturers.

SB 2778. Effective 10/1/16. Signed 5/13/16.

This bill amends the administrative suspension of drivers' licenses statutory law to require law enforcement to notify a person who is subject to suspension of his license for a DUI offense that in some cases the person will have the option of obtaining an interlock-restricted license that will authorize driving of a vehicle equipped with ignition interlock.

The provisions concerning administrative suspension following a DUI conviction, previously found in Section 63-11-30, are moved to Section 63-11-23 and reworded. Trial courts are still required to notify the Department of Public Safety of DUI convictions, and the department is still required to suspend a person's license 30 days after receipt of the court abstract, but the bill clarifies that the license will not be suspended if the person is able to qualify for an interlock-restricted license.

If a person appeals the administrative suspension for license refusal, the prosecuting attorney of the city or county having jurisdiction of the DUI is to represent the state in the de novo appeal of the administrative suspension.

For a person who does not or is not able to obtain an interlock license, the administrative suspension periods following a DUI conviction or nonadjudication are:

First offense	120 days
Second offense	1 year
Third and fourth offense	full period of sentence

For a third offense, once released from incarceration, the person must drive on an interlock-restricted license for three years.

For a fourth offense, once released from incarceration, the person must drive on an interlock-restricted license for ten years.

The suspension periods under Zero Tolerance for Minors are:

First offense 120 days

Second offense 1 year

Third offense 5 years or until the person is 21

A first offender or a person who is nonadjudicated must complete MASEP before being eligible for license reinstatement.

A new offense under aggravated DUI is created; the holder of a commercial driver's license who is convicted of operating a commercial motor vehicle at .08% or above is guilty of a felony that is punishable by incarceration for two to five years.

A person is guilty of a second offense DUI if he has, within the previous five years, had a first offense or a nonadjudication.

The maximum term of confinement in jail for a second offense and for interlock violations is reduced from one year to six months.

Nonadjudication is clarified under Section 63-11-30(14) to provide that the offender must agree to participate in a nonadjudication program that will consist of court supervision of a period of driving either under an ignition interlock or drug testing; a person who does not participate in one or both of these programs as ordered by the trial court will be subjected to a 120-day license suspension. Failure to successfully complete the program will result in the adjudication of the offense and imposition of all penalties previously withheld.

The trial court is to inform the Department of Public Safety of a conviction following a failed nonadjudication program on the same basis as all other DUI convictions. DPS is to keep a confidential registry of all nonadjudicated cases in order that judges, clerks, prosecutors and law enforcement will know who is ineligible either as a first offender or for expunction or nonadjudication.

Determination of indigence will be made by the court instead of the Department of Public Safety.

The bill clarifies that the department cannot charge the \$175.00 reinstatement fee to a person who is obtaining an interlock-restricted license. The reinstatement fee is to be charged when the person is able to go back to a regular license following a license suspension or completion of a nonadjudication interlock or drug-testing program.

Interlock vendors will be required to report ignition-interlock data in a consistent and uniform format to DPS and to the trial court supervising an offender.

Trial court clerks who fail to provide conviction information and the abstract of the court record are guilty of a civil violation punishable by a civil fine of \$100.00 per infraction.

When a law enforcement officer arrests a person, the officer is to conduct a criminal history background check on the person being arrested using the National Crime Information Center (NCIC) database at the time of the arrest or at the person's booking and note the Federal Bureau of Investigation arrest numbers or system identification numbers of prior arrests or convictions. This information and a copy of the person's NCIC driver's license query will become a part of the person's law enforcement record until the disposal of the matter giving rise to the grounds for arrest.

The bill also repeals Sections 63-11-49, 63-11-51 and 63-11-53, which provide for the seizure, forfeiture and disposition of proceeds of vehicles used in a third or subsequent DUI violation.

HB 396. Effective 7/1/16. Signed 4/5/16.

This bill amends Section 27-19-57 to prohibit tax collectors from requiring a person to provide a Mississippi driver's license as a condition for the registration of a motor vehicle, if the person has a valid government identification issued from any state. The bill also amends Section 63-1-7 to revise the length of time a nonresident is authorized to operate a motor vehicle in the state without securing a driver's license from 60 days to 60 consecutive days.

HB 578. Effective on passage. Signed 4/18/16.

This bill provides immunity from civil and criminal liability to a person who in good faith makes a report of suspicious activity or behavior if the report is based on objectively reasonable suspicion.

The bill also defines "report of suspicious activity or behavior" as a communication to a law enforcement officer or agency or other appropriate authority of the behavior or activity of another person that is made with the reasonable belief that the behavior or activity constitutes or is in furtherance of an act of terrorism.

The bill does not apply to the intentional making of a report known to be false, including a violation of Section 97-35-47, or to a report made with reckless disregard for the truth of the report.

HB 711. Effective 7/1/16. Signed 5/13/16.

This bill clarifies which courts have jurisdiction to revisit bonds that are excessive or insufficient. If it appears to either the committing court or the court before which a person charged with a criminal offense has given bail to appear that the bail is insufficient or excessive in any respect, the court, may after a hearing, order the issuance of a revised mittimus reducing the previously set bail, or order the issuance of process for the arrest of such person, and may, after a hearing, require additional bail.

HB 767. Effective 7/1/16. Signed 4/11/16.

This bill codifies the duty of care of a possessor of real property to a trespasser by creating new Section 95-5-31. It defines "possessor of real property" as any person with a fee, reversionary, or easement interest in real property, including an owner, lessee or other lawful occupant; and defines "trespasser" as a person who enters upon the property of another without permission and without an invitation, express or implied, or other legal right.

The bill also provides the following:

- A possessor of real property owes no duty of care to a trespasser, except a duty to refrain from willfully or wantonly injuring the trespasser.
- A possessor of real property may be subject to liability for injury to a trespasser if:
 - ▶ The possessor discovers the trespasser in a position of peril on the property and fails to exercise reasonable care to prevent injury to that trespasser; or

► The trespasser is a child injured by an artificial condition on the possessor's property and all of the following apply:

◆ The place where the condition existed was one upon which the possessor knew or had reason to know that a child would be likely to trespass;

◆ The condition is one of which the possessor knew or had reason to know and which the possessor realized or should have realized would involve an unreasonable risk of death or serious bodily harm to a child;

◆ The injured child because of his or her youth did not discover the condition or realize the risk involved in intermeddling with it or in coming within the area made dangerous by it;

◆ The utility to the possessor of maintaining the condition and the burden of eliminating the danger was slight as compared with the risk to the child; and

◆ The possessor failed to exercise reasonable care to eliminate the danger or otherwise to protect the child.

• The bill does not create or increase the liability of any possessor of real property and does not affect any immunities from or defenses to civil liability established by another section of the Mississippi Code of 1972 or available at common law to which a possessor of real property may be entitled.

HB 786. Effective on passage. Signed 4/15/16.

Section 1 of this bill, known as the Mississippi Church Protection Act, provides immunity to the governing body of any church or place of worship that establishes a security program by which designated members of the church or place of worship are authorized to carry firearms for the protection of the congregation of the church or place of worship. The bill outlines the elements required to be fulfilled by the church or place of worship in order to be eligible. It also provides that necessarily killing a person while acting as a fully qualified participant of a security team is justifiable homicide.

Section 45-9-101 is amended to revise the "purse carry" provision enacted in the 2015 Regular Session to provide that a carry permit is not required to carry a weapon concealed in a sheath, belt holster, shoulder holder, purse, handbag, satchel, bag, briefcase or fully enclosed case if the person is not engaged in criminal activity other than a misdemeanor traffic offense and is not prohibited from possessing a firearm under state or federal law. It restricts this privilege to places that are not restricted under the concealed carry permit law so that a person without a permit does not have greater rights than a person who has obtained a permit.

The bill also provides that a federal executive order, agency order, law not enrolled by the United States Congress and signed by the President of the United States, rule, regulation or administrative interpretation of a law or statute issued, enacted or promulgated after July 1, 2016, that violates the United States Constitution or the Mississippi Constitution of 1890 is not to be enforced or ordered to be enforced by any official, agent or employee of this state or a political subdivision thereof.

HB 1240. Effective on passage. Signed 4/18/16.

The purpose of this bill is to ensure due process and fair proceedings for families and children involved in termination of parental rights proceedings. The Termination of Parental Rights Study Group (TPR Study Group) was convened by suggestion of the Mississippi Supreme Court to study the "Termination of Rights of Unfit Parents Law" and the "Adoption, Change of Name, and Legitimation of Children" chapters and to make recommendations for consistent practices that serve, within the purview of constitutional scrutiny, the best interests of children and the interests of justice.

The bill balances the preferred rights of parents in raising a child while not compromising the child's paramount right to a safe, secure and permanent home. Chism v. Bright, 152 So. 3d 318, 322 (Miss. 2014), strictly interpreted Section 93-15-103(1) by holding that a court may not invoke any specific ground for terminating a parent's parental rights unless:

(a) The child has been removed from the home of [both] the natural parents and cannot be returned to the home of the natural parents within a reasonable length of time or the parent is unable or unwilling to care for the child;

(b) Relatives are not appropriate or are unavailable;
and

(c) Adoption is in the best interest of the child.

Applying this standard, as dictated by the wording of the statute, had consequences that were probably not intended by the Legislature. For instance, a court could not involuntarily terminate the parental rights of an inmate who is serving time for sexually abusing the inmate's child, or even invoke any specific grounds for terminating that inmate's parental rights (such as failure to seek treatment for alcoholism or a drug

addiction), so long as the child is living with, and is being properly cared for by, the other parent - even if that other parent is the inmate's former spouse - because the child had not been removed from the home of both parents.

Additionally, termination of parental rights should be an action independent of adoption. The key inquiry should not be whether adoption is in the best interest of the child, but rather whether termination of the parent's parental rights is in the best interest of the child. In the above example, the spouse caring for the child might better rear the child if the inmate's parental ties to the child were permanently severed.

Parental rights are a liberty interest protected by the Constitution and the courts. Each parent, though, is equally responsible for ensuring the health, safety and welfare of the child. A parent derelict in fulfilling that obligation should not find sanctuary against termination of parental rights in the selfless sacrifices of the other parent.

This bill:

- Consolidates all proceedings and the grounds for termination of parental rights under one chapter of the Mississippi Code titled "Mississippi Termination of Parental Rights Law."
- Clarifies jurisdiction and venue for chancery court and youth court proceedings.
- Clarifies the definitions of terms within the chapter on termination of parental rights.
- Clarifies the commencement of proceedings, the necessary parties to the action, and the procedures governing service of process or a waiver thereof.

- Clarifies the procedures for surrendering a child to the Department of Human Services or a home as defined within the chapter.

- Clarifies the procedures for executing a written voluntary release.

- Clarifies the procedures for conducting termination of parental rights hearings and for verifying information and explaining procedures and rights.

- Clarifies the criteria for involuntary termination of parental rights so as to facilitate reunification, adoption, or other permanency goals in a timely manner consistent with federal laws that affect funding.

- Clarifies the standard of proof in termination of parental rights proceedings.

- Conforms to federal law for procedures pertaining to the parent of a Native American child.

- Establishes the right to appeal final judgments.

HB 1292. Effective 7/1/16. Signed 4/11/16.

This bill revises the maximum term of imprisonment for a person found guilty of violating the social host laws. The term of imprisonment was increased from 90 days to six months.

HB 1300. Effective 7/1/16. Signed 4/11/16.

This bill clarifies that the right to operate as a sport-shooting range may not be amended, restricted or terminated due to a change of circumstances regarding the use of adjacent or surrounding properties to the extent that any sport-shooting range has been issued permission to operate as a sport-shooting range, whether as of right or by special exception, variance, or otherwise, by any entity having zoning or zoning appeal authority.

A person who subsequently acquires title to or leases or otherwise uses or exercises control over real property adversely affected by the normal operation or use of property with an established sport-shooting range may not maintain a nuisance action against the range or the person who owns, leases or otherwise uses or exercises control over the range to restrain, enjoin or impede the use of the range where there has not been a substantial change in the hours of operation of the range, the types of firearms used at the range, or the number of persons using the range.

HB 1328. Effective 7/1/16. Signed 4/11/16.

This bill authorizes justice court judges to expunge misdemeanors on the same basis as already applies in municipal courts. The justice court judge, upon prior notice to the county prosecutor and upon a showing in open court of rehabilitation, good conduct for a period of two years since the last conviction in any court, and that the best interest of society would be served, may order the record of conviction of a person of any or all misdemeanors in that court expunged. Once the expunction is granted, the person legally stands as though he or she had never been convicted of the misdemeanor and may lawfully so respond to any query of prior convictions.

This bill does not apply to the confidential records of law enforcement agencies and has no effect on the driving record of a person maintained under Title 63, Mississippi Code of 1972, or any other provision of said Title 63.

This bill also provides that a person who was convicted in justice court of a misdemeanor before reaching his 23rd birthday, excluding conviction for a traffic violation, and who is a first offender, may utilize the provisions of Section 99-19-71 to expunge the misdemeanor conviction.

HB 1361. Effective 7/1/16. Signed 4/6/16.

This bill clarifies who may administer a Driving Under the Influence test. The bill allows an "authorized officer" to administer the test. The bill defines "authorized officer" as any highway patrol officer, sheriff or a duly commissioned deputy, police officer in any incorporated municipality, national park ranger, officer of a state-supported institution of higher learning campus police force if such officer is exercising this authority in regard to a violation that occurred on campus property, or security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978 if such officer is exercising this authority in regard to a violation that occurred within the limits of the Pearl River Valley Water Supply District.

HB 1413. Effective on passage. Signed 4/6/16.

This bill provides that a trafficked child comes within the definition of an abused child for purposes of the Youth Court Act. It also requires any person convicted of prostitution or procurement of child prostitution to register as a sex offender. The bill adds the definition of "coercion" within the context of the crime of trafficking.

HB 1523. Effective 7/1/16. Signed 4/5/16.

This bill protects a sincerely held religious belief or moral conviction that (1) marriage is or should be recognized as the union of one man and one woman, (2) sexual relations are properly reserved to such a marriage, and (3) the terms male and female refer to an individuals biological sex at the time of birth. The bill would not protect any religious belief or moral conviction other than the three listed.

- The bill provides that the government shall not take any discriminatory action against a religious organization on the basis that such organization takes the following actions based on a sincerely held religious belief or moral conviction:

- ▶ Solemnizes or declines to solemnize any marriage, or provides or declines to provide services related to the marriage.

- ▶ Makes any employment-related decision.

- ▶ Makes any decision concerning the sale, rental, occupancy of, or terms and conditions of occupying a dwelling or other housing under its control.

- ▶ Advertises, provides or facilitates any adoption, foster care or related service.

- The bill provides that the government shall not take any discriminatory action against a person who the state grants custody of a foster or adoptive child, or who seeks to adopt or foster, on the basis that the person raises the child in a manner consistent with a sincerely held religious belief or moral conviction.

- The bill provides that the government shall not take any discriminatory action against a person who declines to participate in treatments, counseling or surgeries related to sex reassignment or gender identity transitioning based upon a sincerely held religious belief or moral conviction.

- The bill provides that the government shall not take any discriminatory action against a person who declines to provide certain services related to the solemnization, formation, celebration or recognition of any marriage (wedding cakes, floral arrangements, jewelry sales, dressmaking, etc.) based upon a sincerely held religious belief or moral conviction.

- The bill provides that the government shall not take any discriminatory action against a person who establishes sex-specific standards or policies concerning employee or student dress or grooming, or concerning access to restrooms, spas, baths, showers, dressing rooms, locker rooms or other intimate facilities based upon a sincerely held religious belief or moral conviction.

- The bill provides that the government shall not take discriminatory action against a state employee who lawfully speaks or engages in expressive conduct based upon a sincerely held religious belief or conviction, if such action is consistent with the time, place and manner of similar expressions or is outside of the workplace.

- The bill provides that persons authorized to license marriages may seek recusal from authorizing lawful marriages if such person provides prior written notice to the State Registrar of Vital Records and takes all necessary steps to ensure the authorization of marriages is not impeded or delayed.

- The bill provides that judges, magistrates and justices of the peace may seek recusal from performing or solemnizing lawful marriages and that the Administrative Office of Courts shall ensure that the performance or solemnization of any legally valid marriage is not impeded or delayed.

- The bill describes discriminatory action as to:

- ▶ Alter in any way the tax treatment of, or cause any tax, penalty or payment to be assessed against, or deny, delay, revoke or otherwise make unavailable an exemption from taxation of any person referred to in this act;

- ▶ Disallow, deny or otherwise make unavailable a deduction for state tax purposes of any charitable contribution made to or by such person;

- ▶ Withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any state grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, or other similar benefit from or to such person;

- ▶ Withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any entitlement or benefit under a state benefit program from or to such person;

- ▶ Impose, levy or assess a monetary fine, fee, penalty or injunction;

▶ Withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any license, certification, accreditation, custody award or agreement, diploma, grade, recognition, or other similar benefit, position, or status from or to any person; or

▶ Refuse to hire or promote, force to resign, fire, demote, sanction, discipline, materially alter the terms or conditions of employment, or retaliate or take other adverse employment action against a person employed or commissioned by the state government.

• The bill provides that a person may assert a violation of this act as a claim against or defense from the government in any judicial or administrative proceeding; however, the aggrieved person must first seek injunctive relief to prevent or remedy a violation and be granted injunctive relief before any other remedy is granted. A person who successfully asserts a claim against the government may recover declaratory relief, injunctive relief, compensatory damages and reasonable attorneys' fees and costs.

• A person must bring an action to assert a claim under this act not later than two years after the date that the person knew or should have known that a discriminatory action was taken against that person.

HB 1529. Effective 7/1/16. Signed 5/13/16.

This bill provides guidelines for appeal bonds during the pendency of appeals or discretionary reviews in civil litigation. The appeal bond or other forms of security that are required of all appellants collectively shall be in the amount of the judgment but not to exceed \$35,000,000.00, regardless of the value of the judgment.

The bill also provides a remedy for any appellee who can prove by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid payment of a judgment. A court may enter any order that is necessary to protect the appellee; and require the appellant to post a bond in an amount up to the total amount of the judgment.

The bill only applies to judgments entered on or after the effective date of this act, regardless of the date the civil litigation was filed.

The bill defines the following terms:

- "Civil litigation" includes, without limitation, cases involving individual, aggregated, class action, or otherwise joined claims.
- "Legal, equitable or other relief" means all forms of relief, including, without limitation, compensatory, special, punitive, exemplary or other damages, injunctive relief, or any other form of relief.
- "Dissipation of assets" shall not include expenditures, including payments to the owners of a business, of a kind that the appellant made in the regular course of business before entry of the judgment being appealed.

JUDICIARY, DIVISION B

SB 2032. Effective 7/1/16. Signed 5/9/16.

This bill amends Section 63-7-19 to allow a nonlaw enforcement vehicle that is used to lead and facilitate the movement of a military funeral procession to be marked with blinking, rotating or oscillating purple lights, and also amends Section 63-7-23 to provide that any lamps visible from the front of a vehicle, and illuminated when the vehicle is in motion, shall display only a white or amber light unless otherwise required or permitted by law.

The bill also designates a segment of U.S. Highway 49 East in Leflore County, Mississippi, as the Highway Patrolman Tommy E. Kendall Memorial Highway.

SB 2468. Effective 7/1/16. Signed 4/5/16.

This bill amends Section 97-3-7 to provide that an assault upon any member of the Mississippi National Guard or United States Armed Forces is an aggravating circumstance for both simple and aggravated assault.

HB 522. Effective 7/1/16. Signed 4/7/16.

This bill amends Section 63-25-3 to include all-terrain and off-road vehicles in the definition of motor vehicles for purposes of the Motor Vehicle Chop Shop, Stolen and Altered Property Act.

HB 772. Effective 7/1/16. Signed 5/13/16.

This bill authorizes a youth court judge to appoint counsel to represent an indigent parent or guardian who is a party in an abuse, neglect or termination of parental rights proceeding. It also requires any person who serves as appointed counsel in such proceedings to receive annual training that is approved by the Office of State Public Defender and the Mississippi Commission on Continuing Legal Education.

The bill also authorizes the State Defender to provide representation to parents or guardians who have been determined by the youth court judge to be indigent and in need of representation in an abuse, neglect or termination of parental rights proceeding or appeal therefrom. Representation may be provided by staff or contract counsel including, but not limited to, by contract with legal services organizations.

HB 1289. Effective 7/1/16. Signed 4/6/16.

This bill requires law enforcement agencies in this state to adopt written policies that specify the procedures to be used to investigate reports of missing children. The policies must ensure that cases involving missing children are investigated promptly using appropriate resources.

The bill also provides that a law enforcement agency shall not adopt rules, regulations or policies that prohibit or discourage the filing of a report or the taking of any action on a report that a child is a missing child or that a child is believed to be a missing child. The bill also provides that a runaway child is a missing child and is not to be excluded as such based solely on the fact the child has voluntarily absented himself from his normal place of residence.

HB 1380. Effective on passage. Signed 4/6/16.

This bill clarifies that an arresting authority must report all HIV test results to the State Department of Health and the Children's Safe Center no later than 24 hours after the test results are available. The bill also removes the provision of Section 99-49-1 that required the state to preserve the biological evidence taken in tests for HIV/AIDS of persons arrested for the commission of a sex crime against a minor, which conflicts with the provision of Section 99-3-41 that requires the biological sample to be destroyed.

MEDICAID

SB 2238. Effective 7/1/16. Signed 5/10/16.

This bill aims to defund Mississippi's Planned Parenthood clinic. The bill prohibits Medicaid funding from going to any organization that provides "nontherapeutic abortions," or abortions when a mother's life is not endangered and not in cases of rape or incest. It also prohibits Medicaid from reimbursing any entity affiliated with such an organization. The state's only Planned Parenthood clinic does not perform abortions but does provide cancer screenings and family planning services.

MUNICIPALITIES

SB 2603. Effective 7/1/16. Signed 4/6/16.

Current law authorizes municipalities with a population of less than 10,000 to have five aldermen. Municipalities with a population of 10,000 or more may have seven aldermen. This bill makes an exception for municipalities with a population of 500 or less. These municipalities may have three aldermen. The reduction in the number of aldermen from five to three must be approved by a majority of the qualified electors of the municipality in a special election held for this purpose.

SB 2799. Effective 7/1/16. Signed 4/4/16.

This bill amends Section 21-17-5 to authorize the governing authority of any municipality to lease the naming rights to municipal property to a private commercial entity.

PORTS AND MARINE RESOURCES

SB 2597. Effective 7/1/16. Signed 4/4/16.

SB 2597 amends Section 49-15-40 by expanding the law to allow the development of aquaculture facilities and oyster production technologies.

SB 2600. Effective 7/1/16. Signed 4/4/16.

SB 2600 amends Section 49-15-36 by deleting the requirement that oyster reefs must be tested within a certain period of time after the reef has been closed.

SB 2699. Effective 7/1/16. Signed 5/9/16.

SB 2699 is a complete revision of Section 49-27-71, which provides the procedures for the removal of derelict vessels. The bill expands the types of vessels subject to removal as derelict vessels and streamlines and shortens the seizure and disposal process.

HB 188. Effective 7/1/16. Signed 4/6/16.

HB 188 increases the time for marine enforcement officers to obtain the necessary training from 6 months to 12 months.

HB 506. Effective 7/1/16. Signed 4/14/16.

HB 506 amends Section 59-5-37 to extend the date of repeal to July 1, 2020, on subsection (3) of this section, which provides that MDA or the State Port Authority may use the design-build method of contracting for renovation, repair and other improvements to not more than one freezer and related equipment and facilities at the State Port in Gulfport, Mississippi.

HB 815. Effective 7/1/16. Signed 4/7/16.

HB 815 amends Section 49-15-41 to expand the prohibition on harvesting oysters at night to encompass all of the waters of Mississippi and to include oyster aquaculture operations by removing the requirement that the oysters be harvested with the use of tongs, dredge, rake or other mechanical device.

HB 1124. Effective 7/1/16. Signed 4/7/16.

HB 1124 amends Section 49-27-29 to set a maximum length of five years for coastal wetlands permits, except for permits for the maintenance dredging of existing channels maintained by a local governmental entity, which shall not exceed 10 years. The bill also limits the extension of a permit to one additional period of not more than two years if the applicant requests the extension in writing before the current permit expires.

PUBLIC HEALTH AND WELFARE

SB 2070. Effective 7/1/16. Signed 5/13/16.

This bill enacts legislative intent to support and promote breast-feeding in Mississippi through legislative acknowledgement of the many benefits of breast-feeding. This bill also reenacts the Small Business and Grocer Investment Act and prohibits the funding of any project that would be directly competing against an existing food retailer.

- Hospitals that provide birth services may adopt an infant feeding policy that promotes and supports breast-feeding. Any infant feeding policies adopted under this section shall include guidance on the use of formula (a) for medically necessary supplementation; (b) if preferred by the mother; or (c) when exclusive breast-feeding is not advised for the mother and/or infant.

- Any breast-feeding infant feeding policy adopted under this act must be written down and all relevant hospital personnel, including, but not limited to, obstetric and neonatal staff, must be trained in the necessary skills to implement the adopted policy.

- The State Department of Health shall prepare a statement of rights regarding "Breast-Feeding in Mississippi: Guidelines." Maternal health care facilities in the state should make every reasonable effort to post a copy of the statement of rights conspicuously in a public place of the maternal health care facility. The statement of rights shall be of an adequate size and font so as to be easily read by all visitors and/or patients within the room or space. The State Department of Health shall make available to every maternal health care provider and maternal health care facility, via its

website, a template copy of the statement of rights for use within their facilities. If they post a statement of rights, maternal health care providers and maternal health care facilities are free to choose whether to use the Department of Health template or develop their own copy as long as it comports to the visibility requirements.

- The State Department of Health shall revise the "Breast-Feeding in Mississippi: Guidelines" as needed to reflect advances in research regarding breast-feeding and to incorporate any additional rights of breast-feeding mothers as subsequently granted by the Mississippi Legislature, and hospitals may post the revised version on the "Breast-Feeding in Mississippi: Guidelines" within three months of its updated publishing.

- The State Board of Health shall adopt any rules and regulations necessary to ensure the display of these rights.

- The State Department of Health shall prepare a video in an appropriate medium for presentation in offices of the department in which the department provides benefits to women of child-bearing age, which shall provide information about the importance of breast-feeding infants. Applicants for and recipients of any such benefits provided by the department may view the video in the offices of the department. The department may provide the video to other state agencies that provide benefits to women of child-bearing age, for appropriate use by those agencies.

SB 2179. Section 1 effective on passage.
Sections 2 through 7 effective 7/1/16.
Signed 5/13/16.

This bill addresses the federal court order regarding the foster care program administered by the Mississippi Department of Human Services. The bill creates a new Mississippi Department of Child Protection Services.

- The Chief Administrative Officer of the Department of Child Protection Services shall be the Commissioner of Child Protection Services who shall be appointed by the Governor with the advice and consent of the Senate. The commissioner shall possess the following qualifications:

- (a) A bachelor's degree from an accredited institution of higher learning and 10 years' experience in management, public administration, finance or accounting; or

- (b) A master's or doctoral degree from an accredited institution of higher learning and five years' experience in management, public administration, finance, law or accounting.

- On a temporary basis, but for no longer than March 1, 2017, the Department of Child Protection Services may function as a Division of the Department of Human Services.

- The Commissioner of Child Protection Services may assign to the appropriate offices such powers and duties deemed appropriate to carry out the lawful functions of the programs transferred to the department under this act. The commissioner is authorized to employ three administrators who shall serve at his will and pleasure to direct the bureaus and offices necessary to carry out the lawful functions of the programs transferred to the department.

- The Commissioner of Child Protection Services and the Executive Director of the Department of Human Services shall develop and implement a plan for the orderly establishment of

the Department of Child Protection Services and its transition from the Office of Family and Children's Services of the Department of Human Services.

- The Commissioner of Child Protection Services and the Executive Director of the Department of Human Services shall recommend any necessary legislation to the Governor and the Legislature before the 2017 Regular Session.

- The new Mississippi Department of Child Protection Services is authorized to carry out the duties and responsibilities of the Office of Family and Children's Services of the Department of Human Services during the transition period from and after passage of this act through July 1, 2018. The Office of Family and Children's Services of the Department of Human Services is directed to cooperate with the new department in transferring resources and employees in furtherance of this act. From and after July 1, 2018, the programs and services provided by the Office of Family and Children's Services of the Department of Human Services shall be provided by the Department of Child Protection Services.

- The salary of the Commissioner of Child Protection Services is exempt from statutory limits.

- There is a Personal Service Contract Review Board exemption for any personal service contracts entered into by the Department of Human Services through June 30, 2018, which the Executive Director of the Department of Human Services determines would be useful in establishing and operating the Department of Child Protection Services, and any personal service contracts entered into by the Department of Child Protection Services through June 30, 2019.

- Before the Department of Human Services or the Department of Child Protection Services may enter into a personal service

contract, the department(s) shall give notice of the proposed personal service contract to the Personal Service Contract Review Board for any recommendations by the board. Upon receipt of the notice, the board shall post the notice on its website and on the procurement portal website established by Sections 25-53-151 and 27-104-165. If the board does not respond to the department(s) within seven calendar days after receiving the notice, the department(s) may enter the proposed personal service contract. If the board responds to the department(s) within seven calendar days, then the board has seven calendar days from the date of its initial response to provide any additional recommendations. After the end of the second seven-day period, the department(s) may enter the proposed personal service contract.

- Through July 1, 2019, there is an exemption for the personnel actions of the Department of Child Protection Services and the Department of Human Services that are subject to the rules and regulations of the State Personnel Board, and all employees of the departments shall be classified as nonstate service during that period. Any employee hired on or after July 1, 2019, by the division and department shall meet the criteria of the State Personnel Board as it presently exists for employment. The Commissioner of Child Protection Services and the Executive Director of the Department of Human Services shall consult with the Office of the Attorney General before taking personnel actions authorized by this section to review those actions for compliance with applicable state and federal law.

- Before the Department of Human Services or the Department of Child Protection Services may take an action that would otherwise be subject to the regulations of the Mississippi Department of Information Technology Services (MDITS), the

department(s) shall give notice of the proposed action to the MDITS for any recommendations by the MDITS. Upon receipt of the notice, the MDITS shall post the notice on its website and on the procurement portal website. If the MDITS does not respond to the department(s) within seven calendar days after receiving the notice, the department(s) may take the proposed action. If the MDITS responds to the department(s) within seven calendar days, then the MDITS has seven calendar days from the date of its initial response to provide any additional recommendations. After the end of the second seven-day period, the department(s) may take the proposed action.

SB 2297. Effective 7/1/16. Signed 4/4/16.

This bill defines "freestanding emergency room" for the purpose of licensure by the State Department of Health and requires a license to operate and provide procedures for application. "Freestanding emergency room" is defined as a facility open 24 hours a day for the treatment of urgent and emergent medical conditions which is not located on a hospital campus. In order to be eligible for licensure under this chapter, the freestanding emergency room shall be located at least 15 miles from the nearest hospital-based emergency room in any rural community where the federal CMMS had previously designated a rural hospital as a critical access hospital and that designation has been revoked. Rules, regulations and standards for freestanding emergency rooms shall include a patient transfer policy under which the freestanding emergency room enters into an agreement with a general hospital for a protocol for patient transfers.

SB 2484. Effective 7/1/16. Signed 4/4/16.

This bill extends the automatic repealer on the State Board of Chiropractic Examiners and the Chiropractic Practice Act.

SB 2508. Effective on passage. Signed 4/4/16.

This bill repeals the provision that every person who receives a license to practice medicine must file it in the office of the clerk of the circuit court of the county in which he resides or practices within 60 days.

SB 2527. Effective on passage. Signed 4/13/16.

This bill:

- Expands the types of patients who would be eligible for treatment with an investigational drug, biological product or device under the "Right to Try Act."
- Revises the definition of investigational drug, biological product or device under the act as follows:
"Investigational drug, biological product or device" means a drug, biological product or device, any of which are used to treat the patient's disability or illness, and the use of which has been either described in a United States Food and Drug Administration/National Institutes of Health (FDA/NIH) approved protocol or study, or approved by an institutional review board (IRB). The drug, product or device must be produced in a manner consistent with the quality standards of an investigational drug, biological product or device in the United States (i.e., standards required by an FDA-approved trial) and must show prior evidence of safe usage in humans in the United States or other countries. The investigational drug, biological product or device must have successfully completed phase one of a clinical trial but has not been approved for general use by the United

States Food and Drug Administration and remains under investigation in a clinical trial. The term shall not include Schedule I controlled substances.

- Provides tort immunity to any hospital for rendering services to an eligible patient where an investigational drug, biological product or device is used or purchased under the "Right to Try Act."

- Clarifies that any health plan or third-party administrator is not liable for any outstanding debt relating to such treatment.

SB 2528. Effective 7/1/16. Signed 4/4/16.

This bill extends the automatic repealer on the State Board of Barber Examiners and the Barber Practice Act.

SB 2625. Effective 7/1/16. Signed 4/13/16.

In 2003, the Mississippi Legislature passed a bill that mandated that each employee of a "covered entity" and any individual, who by contract, provided care and services in a covered entity, must be fingerprinted. A "covered entity" was defined as a hospital, nursing home, personal care home, hospice or a home health agency. The statute mandated that the covered entities would submit fingerprints to MSDH, and MSDH was charged with not only the enforcement of this law, but also the responsibility to submit the fingerprints to the Mississippi Criminal Information Division (MCIC) who, once the fingerprints were processed through the state system, would electronically submit the fingerprints to the FBI for processing through the federal system. In 2004, the statute was amended to state that the term "employee" did not include students. The healthcare-related universities/colleges realized that many

health care providers did not want the students in their facility unless they were fingerprinted, so the universities, through IHL, requested the department to process their student's fingerprints.

This bill provides authority for the State Department of Health to process fingerprints of the students should a healthcare-related university or college request for processing submitted fingerprints of students from healthcare-related professional/vocational technical programs who, as part of their program of study, conduct observations and provide clinical care and services in a covered entity.

SB 2661. Effective 7/1/16. Signed 4/13/16.

This bill:

- Revises the definition of "capital expenditure" and "change of ownership" and "clinical health services" for the purpose of health care certificate of need review as follows: The CON review threshold for clinical health services is \$5,000,000.00, adjusted for inflation as published by the State Department of Health, and for nonclinical health services is \$10,000,000.00, adjusted for inflation as published by the State Department of Health. "Clinical health services" shall only include those activities which contemplate any change in the existing bed complement of any health care facility through the addition or conversion of any beds, under Section 41-7-191(1)(c) or propose to offer any health services if those services have not been provided on a regular basis by the proposed provider of such services within the period of twelve (12) months prior to the time such services would be offered, under Section 41-7-191(1)(d). "Nonclinical health services" shall be all

other services which do not involve any change in the existing bed complement or offering health services as described above.

- An application for a certificate of need may be filed at any time with the department after the applicant has given the department 15 days' written notice of its intent to apply for a certificate of need. The State Department of Health shall not delay review of an application. The department shall make its recommendation approving or disapproving a complete application within 45 days of the date the application was filed or within 15 days of receipt of any requested information, whichever is later, said request to be made by the department within 15 days of the filing of the application.

- In addition to other remedies now available at law or in equity, any party aggrieved by any such final order of the State Department of Health regarding CONs shall have the right of appeal to the Chancery Court of the First Judicial District of Hinds County, Mississippi, which appeal must be filed within 30 days after the date of the final order. Provided, however, that any appeal of an order disapproving an application for such a certificate of need may be made to the chancery court of the county where the proposed construction, expansion or alteration was to be located or the new service or purpose of the capital expenditure was to be located. Such appeal must be filed in accordance with the 30 days for filing as heretofore provided. Any appeal shall state briefly the nature of the proceedings before the State Department of Health and shall specify the order complained of. Any appeal shall state briefly the nature of the proceedings before the State Department of Health and shall specify the order complained of. Any person whose rights may be materially affected by the action of the State Department of Health may appear and become a party or the court may, upon

motion, order that any such person, organization or entity be joined as a necessary party.

- An order of the chancery court reversing the denial of a certificate of need by the State Department of Health shall not entitle the applicant to effectuate the certificate of need until either:

- (a) Such order of the chancery court has become final and has not been appealed to the Supreme Court; or

- (b) The Supreme Court has entered a final order affirming the chancery court.

- There shall be a "stay of proceedings" of any final order issued by the State Department of Health pertaining to the issuance of a certificate of need for the establishment, construction, expansion or replacement of a health care facility for a period of 30 days from the date of the order, if an existing provider located in the same service area where the health care facility is or will be located has requested a hearing during the course of review in opposition to the issuance of the certificate of need.

- An applicant proposing a project which may be governed by the provisions of the CON law may submit a determination of reviewability request to obtain a written declaratory opinion regarding the reviewability of the proposed project.

HB 41. Effective on passage. Signed 5/16/16.

This bill enacts the Interstate Medical Licensure Compact and provides that Mississippi enters into the compact with all other states legally joining in the compact in accordance with its terms.

- The bill provides that in order to strengthen access to health care, and in recognition of the advances in the delivery

of health care, the member states of the compact have allied in common purpose to develop a comprehensive process that:

- ▶ Complements the existing licensing and regulatory authority of state medical boards;
- ▶ Provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients;
- ▶ Creates another pathway for licensure and does not otherwise change a state's existing medical practice act; and
- ▶ Adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located.

- State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact.

- The compact will be administered and enforced by the Interstate Medical Licensure Compact Commission, a joint agency of the member states that is created in the bill. The commission will consist of two voting representatives appointed by each member state who will serve as commissioners.

- The provisions of the compact and the rules promulgated by the commission will have standing as statutory law, but will not override existing state authority to regulate the practice of medicine.

- The compact will become effective and binding upon legislative enactment of the compact into law by not less than seven states. Thereafter, it will become effective and binding on a state upon enactment of the compact into law by that state. Once effective, the compact will continue in force and remain binding upon every member state. However, a member state may withdraw from the compact by specifically repealing the statute that enacted the compact into law.

HB 289. See summary under Accountability, Efficiency, Transparency heading.

HB 456. Effective 7/1/16. Signed 5/3/16.

This bill provides that a network pharmacy or pharmacist that has a contract with a pharmacy benefits manager to provide covered drugs at a negotiated reimbursement rate may decline to provide certain drugs or services if the network pays less than the pharmacy's or pharmacist's acquisition cost for the product.

- If the network pharmacy or pharmacist declines to provide such drug or service, the pharmacy or pharmacist must provide the customer with adequate information as to where the prescription for the drug or service may be filled.

- The State Board of Pharmacy is directed to adopt rules and regulations not later than October 1, 2016, that are necessary to implement and ensure compliance with the bill, including rules and regulations that address access to pharmacy services in rural or underserved areas in cases where a network pharmacy or pharmacist declines to provide a drug or service.

- "Network pharmacy," for the purposes of the bill, means a licensed pharmacy in this state that has a contract with a pharmacy benefit manager to provide covered drugs at a negotiated reimbursement rate.

In addition, the bill deletes the repealers on two code sections that are part of the Pharmacy Benefit Prompt Pay Act.

HB 462. Effective 7/1/16. Signed 4/20/16.

This bill extends to July 1, 2020, the date of the repealer on the Mississippi Pharmacy Practice Act and includes several additional code sections relating to pharmacy practice within the repealer.

In addition, the bill amends various provisions of the Pharmacy Practice Act as follows:

- Provides that when an election is required by the Mississippi Pharmacists Association to narrow the number of potential candidates for nominations for appointments to the State Board of Pharmacy, the association must provide a ballot to each licensed pharmacist.

- Authorizes the State Board of Pharmacy to impose a monetary penalty for any person who uses the Prescription Monitoring Program in any manner other than that for which it was intended.

- Authorizes the State Board of Pharmacy to determine the registration period, either biennially or annually, for facilities that engage in the wholesale distribution of prescription drugs and reverse distributors, and increases the maximum biennial fee for registration of wholesalers for an original or renewal permit from \$500.00 to \$1,000.00.

- Directs the State Board of Pharmacy to establish the criteria that each nonresident pharmacy must meet to qualify for a permit; provides that after a nonresident permit has been issued, it may not be amended, transferred or reassigned; and provides that a pharmacist-in-charge of a nonresident pharmacy may not be the pharmacist-in-charge at any other location that has been issued a permit by the board.

- Revises several provisions of the Prescription Monitoring Program as follows:

- ▶ Provides that pharmacists licensed by the State Board of Pharmacy must be registered users of the program, and provides that failure of a pharmacist to register as a user is grounds for disciplinary action by the board;

- ▶ Provides that the program through the board may establish the cost of administration, maintenance, and operation of the program and charge agencies a fee based on a formula to be determined by the board, and assess charges for information and/or statistical data provided to agencies, institutions and individuals;

- ▶ Provides that any misuse of the program is subject to certain penalties; and

- ▶ Provides that the board and the program will be immune from civil liability arising from inaccuracy of any of the information submitted to the program.

- Deletes the individual repealers on several code sections in the practice act since those sections are already included in the general repealer on the practice act.

- Deletes the individual repealer on the code section that requires drug manufacturers to allow pharmacies to return outdated drugs for credit or refund since that section will now be included in the general repealer on the practice act.

- Deletes the individual repealer on the code section that establishes the Prescription Monitoring Program since that section will now be included in the general repealer on the practice act.

HB 473. Effective 7/1/16. Signed 4/7/16.

This bill extends to July 1, 2019, the date of the repealer on the provision that authorizes the issuance of a temporary license that will be valid for not more than one year to applicants for licensure as a physician assistant who meet all licensure requirements except for the master's degree upon proof of enrollment in a master's program that will meet the master's degree requirement.

HB 483. Effective 7/1/16. Signed 4/7/16.

This bill extends to July 1, 2019, the date of the repealer on the code sections that create a burn care lien for hospitals designated as a burn center by the State Department of Health and for physician practices that provides burn care or burn-related treatment or services to a patient who has been admitted to a designated burn center.

The lien is for the reasonable charges for care, treatment or services of an injured person for uncompensated traumatic burn care, and the lien is only upon any causes of action accruing to the person to whom the care, treatment or services were furnished on account of injuries that gave rise to the causes of action and that necessitated the care, treatment or

services, and not against the injured person or any other property or assets of the injured person.

HB 489. Effective 7/1/16. Signed 4/14/16.

This bill extends to July 1, 2020, the date of the repealer on the "The Patient's Right to Informed Health Care Choices Act," which provides that advertisements for health care services that name a health care practitioner must identify the type of license held by the practitioner, and that the advertisements must be free from any deceptive or misleading information.

HB 519. Effective 7/1/16. Signed 4/15/16.

This bill, which is to be known as the "Mississippi Unborn Child Protection from Dismemberment Abortion Act," provides for the following:

- Defines "dismemberment abortion" to mean, with the purpose of causing the death of an unborn child, to purposely dismember a living unborn child and extract him or her one piece at a time from the uterus.
- Makes it unlawful for any person to purposely perform or attempt to perform a dismemberment abortion and thereby kill an unborn child unless necessary to prevent serious health risk to the unborn child's mother.
- Authorizes a person accused in any proceeding of unlawful conduct to seek a hearing before the State Board of Medical Licensure on whether the dismemberment abortion was necessary to prevent serious health risk to the unborn child's mother, and provides that the board's findings are admissible on that issue at any trial in which the unlawful conduct is alleged.

- Provides for injunctive relief, civil damages and criminal penalties for violations of the act, with the first priority being injunctive relief, which must be used before the other two penalty provisions may be used. Only if an action for an injunction has been brought and that action has been denied by the court, may an action for civil penalties or criminal penalties be brought against the person.

HB 1375. Effective 7/1/16. Signed 4/20/16.

This bill requires the Department of Mental Health to make a reasonable effort to arrange for assistance in obtaining supportive services and residential facilities when a patient who is an alcoholic or drug addict is discharged from a public or private treatment facility.

HB 1439. Effective 7/1/16. Signed 4/7/16.

This bill deletes the repealer on the code section that authorizes participation in group purchasing programs by certain public hospitals and regional mental health centers.

PUBLIC PROPERTY

SB 2111. Effective 7/1/16. Signed 4/13/16.

This bill authorizes the Secretary of State to provide the forms for certifying lands struck off to the state for taxes to the chancery clerk in an electronic format. The chancery clerk may certify the list of all lands struck off to the state by completing and submitting the form with the chancery clerk's electronic signature to the Secretary of State. A signed electronic record of the list submitted by the chancery clerk to the Secretary of State will be sufficient to vest good title in the State of Mississippi to those lands listed in the record.

Section 29-1-37 is amended to authorize the Secretary of State to sell state-forfeited tax land by online auction and to adopt procedures and rules for these auctions.

The amendments to Section 29-1-75 extend the repeal date to July 1, 2019, on the restrictions that apply to the purchase of tax-forfeited lands by corporations and nonresident aliens.

SB 2291. Effective on passage. Signed 4/20/16.

Section 1 of this bill authorizes the Department of Finance and Administration (DFA), in consultation with the Board of Trustees of State Institutions of Higher Learning (IHL), to sell or lease almost one acre of land under the possession and control of the University of Southern Mississippi (USM). If sold, DFA may not sell the land for less than fair market value. If leased, USM is authorized to negotiate all aspects of the lease agreement with IHL's approval, but the lease term cannot exceed 40 years.

Section 2 amends a 2014 authorization for DFA to sell or transfer property on behalf of USM. The amendments change the property description for two parcels of land that may be sold or leased.

SB 2372. Effective on passage. Signed 4/5/16.

Current law in Section 27-104-7 requires state agencies that need to lease office space to provide specific information to the Department of Finance and Administration (DFA) related to the agency's terms and conditions for the lease. Senate Bill 2372 amends Section 27-104-7 to add that state agencies must provide this information to DFA sufficiently in advance of the need for the space. Submitting this information before advertising a request for proposal will facilitate review and preapproval by DFA's Division of Real Property Management.

SB 2629. Effective on passage. Signed 5/11/16.

This bill authorizes Jackson State University (JSU), with the approval of the Board of Trustees of State Institutions of Higher Learning (IHL), to enter into a ground lease, management and maintenance agreement, and an agreement to lease or sell part of its real property with a private entity selected in JSU's invitation to negotiate process. The properties that may be subject to these agreements are the buildings known as "Stewart Hall" and "University Pointe" and the facilities to be constructed on certain other property that is more particularly described in the bill.

JSU is also authorized to enter into a ground lease and a management and maintenance agreement with a private entity to lease the property on which the buildings known as "Stewart Hall" and "University Pointe" are located.

The Department of Finance and Administration (DFA) and the Jackson State University Educational Building Corporation (JSUEBC) are each authorized to sell certain properties under JSU's possession and control to a private entity. After the sale of these properties, JSU is authorized to enter into agreements with the buyer regarding the management and maintenance of the student housing facilities to be built by the buyer on the property.

Any property that is sold must be sold for not less than the property's current fair market value. Also, all lease agreements, management and maintenance agreements and ground leases authorized in the bill may not exceed a term of 40 years. These agreements and leases must be approved by IHL, and IHL must not void approved agreements and leases based on the binding successor doctrine. Finally, the ownership of all property and any improvements on the property that is the subject of any agreement or other type of contract authorized in this bill must be transferred without cost to JSU from the private entity at the conclusion of the agreement or contract.

SB 2644. Effective on passage. Signed 4/19/16.

Senate Bill 2644 authorizes the Department of Finance and Administration, acting on behalf of the Mississippi Department of Corrections, to convey and transfer certain real property to the Mayor and the Board of Aldermen of the Town of Walnut Grove, Mississippi. The three tracts of real property to be transferred are located in Leake County, Mississippi.

SB 2801. Effective on passage. Signed 5/11/16.

This bill authorizes the Department of Public Safety (DPS) to lease the former State Crime Lab to the Hinds County Board of Supervisors for use by the Hinds County Medical Examiner.

DPS will not charge Hinds County rent, but Hinds County must pay for all utilities, repairs to fixtures and office equipment and any other needed improvements. The Hinds County Board of Supervisors, with DPS's approval, is authorized to enter into interlocal agreements or sublease agreements with other counties. But the board must not charge any rent beyond the cost of utilities and requested improvements that may be attributed to the entity with which the board enters an agreement.

If DPS headquarters are sold, relocated or renovated, DPS has the authority to terminate any lease, sublease or interlocal agreement entered into under this bill at least 90 days after the date that written notice of termination of the agreement is submitted to the lessee. The Department of Finance and Administration may also terminate any lease on similar terms.

HB 26. Effective on passage. Signed 4/11/16.

This bill authorizes the Department of Finance and Administration to renew the lease on property that is located in Jackson, Mississippi, and is known as the Mississippi Sports Hall of Fame and Dizzy Dean Museum, for one additional lease period not exceeding 20 years and for a nominal fee. The bill also provides for the automatic repeal of the authority to renew the lease at the end of the extended lease period on July 1, 2036.

HB 114. Effective 7/1/16. Signed 4/18/16.

This bill renames the Public Employees' Retirement System of Mississippi Building in Jackson, Hinds County, Mississippi, the "Timothy Alan (Tim) Ford Building" and requires the Department of Finance and Administration in conjunction with the Public Employees' Retirement System of Mississippi to erect the proper lettering or signage on the outdoor facade of the building displaying the official name as the "Timothy Alan (Tim) Ford Building." Additionally, the bill also renames the Pascagoula Public Beach located in Pascagoula, Jackson County, Mississippi, as "Buffett Beach" in honor and in recognition of Pascagoula native James William "Jimmy" Buffett and requires the Department of Finance and Administration in conjunction with the Mississippi Department of Marine Resources to erect the proper signage displaying the official name as "Buffett Beach."

HB 884. Effective 7/1/16. Signed 5/13/16.

This bill authorizes the Board of Trustees of State Institutions of Higher Learning, acting on behalf of Mississippi State University of Agriculture and Applied Sciences, to enter into lease and sublease of property located on and under the jurisdiction of the university for the purpose of developing housing and retail space to benefit the university for a term of not to exceed 40 years and one additional option for renewal of the lease for a period not to exceed 10 years. Any lease or sublease entered into by the board shall be protected from actions of successor boards based on the binding successor doctrine. The bill further authorizes the Board of Trustees of State Institutions of Higher Learning to negotiate all aspects of any lease or sublease and any terms and ancillary agreements pertaining to any lease or sublease as may be reasonably necessary to ensure a fair and equitable return to the state.

All proceeds derived or received from the agreements and leases entered under the bill shall be deposited into a special fund and expended only for the use and benefit of Mississippi State University. The property leased under the authority of this bill shall revert to Mississippi State University at the end of the lease term. In addition to retaining all mineral rights to the real property leased for the State of Mississippi, the Department of Finance and Administration is authorized to correct any discrepancies in the property description of the property to be leased.

HB 904. Effective on passage. Signed 5/13/16.

This bill authorizes the University of Mississippi Medical Center (UMMC), with the approval of the Board of Trustees of State Institutions of Higher Learning, to enter into an agreement to lease a part of its real property to the American Cancer Society for the purpose of providing temporary housing, in the form of an American Cancer Society Hope Lodge, in the City of Jackson, Hinds County, Mississippi, to cancer patients and their families and for the use of associated administrative office space for a term of no more than 40 years. The property is to be leased in the manner prescribed in the agreement as determined by the University of Mississippi Medical Center and approved by the Board of Trustees of State Institutions of Higher Learning. At a minimum, the property leased and developed must contain: approximately 8,000 square feet of office space; approximately 24,000 square feet of lodging space containing approximately 35 temporary residential units; surface parking; and landscaping and green space buffers.

All proceeds derived or received from the agreements and leases entered under the bill shall be deposited into a special fund and expended only for the use and benefit of UMMC. The property leased under the authority of this bill shall revert to UMMC at the end of the lease term. All mineral rights to the real property leased are retained for the State of Mississippi.

RULES

SB 2150. Effective on passage. Signed 3/28/16.

This bill designates the Mississippi Wildlife Heritage Museum in Leland, Mississippi, as the official state wildlife heritage museum.

UNIVERSITIES AND COLLEGES

SB 2126. Effective 7/1/16. Signed 4/4/16.

This bill expands the membership of the Education Achievement Council by adding the Executive Director of the Mississippi Association of Independent Colleges and Universities and the President of the Mississippi Association for Proprietary Schools.

SB 2629. See summary under Public Property heading.

HB 934. Effective 7/1/16. Signed 4/7/16.

This bill amends Section 37-106-47 to provide additional authority to the Postsecondary Educational Financial Assistance Board to promulgate rules and regulations for the administration of the Southern Regional Education Board Contract Forgivable Loan Program. The board's ancillary power tasks it with the operation of the following forgivable loan programs of like character, operation and purpose to encourage the participation of eligible worthy persons in appropriate courses of instruction in state institutions of higher learning: Graduate Teacher Forgivable Loan, Counselor and School Administrator Forgivable Loan, Southern Regional Education Board Doctoral Scholars Forgivable Loan, and Veterinary Medicine Minority Forgivable Loan.

Section 37-135-1, which contains the provisions of the compact between states who are parties to the compact of the Southern Regional Education Board Contract is brought forward without change.

HB 976. Effective 7/1/16. Signed 4/5/16.

This bill amends Section 37-103-25 to waive out-of-state tuition costs for veterans who are enrolled in a professional degree program within the State of Mississippi at a state institution of higher learning to those veterans who meet the federal criteria established under Section 702 of the Veterans Access, Choice and Accountability Act of 2014.

VETERANS AND MILITARY AFFAIRS

SB 2669. Effective 7/1/16. Signed 4/4/16.

SB 2669 simply amends Section 33-13-419 to correct a reference to the United States Court of Appeals for the Armed Forces.

HB 81. Effective 7/1/16. Signed 4/4/16.

HB 81 provides that the Office of Vital Records Registration shall furnish without charge up to five certified copies of the death certificate of any deceased person who was an honorably discharged veteran of the Armed Forces of the United States or who was killed or died while serving on active duty in the Armed Forces of the United States to any person or entity that is authorized to receive death certificates. The applicant requesting a copy of the death certificate must furnish such written evidence of the deceased person's service in the Armed Forces of the United States as required by the office. Copies of death certificates furnished under the bill are in addition to any copies of death certificates furnished without charge under Section 35-3-9.

HB 732. Effective 7/1/16. Signed 4/11/16.

HB 732 revises the maximum fines which may be imposed by general courts-martial, special courts-martial and summary courts-martial. The general courts-martial fine is \$2,000.00. The special courts-martial fine is \$1,000.00. The summary courts-martial fine is \$250.00.

This bill also allows the Adjutant General to designate the confinement facility when the sentence of a court-martial adjudges confinement.

HB 1119. Effective 7/1/16. Signed 4/6/16.

HB 1119 revises the military facilities in the state where, during periods of annual training, military police personnel will have certain peace officer powers. During such periods, the Adjutant General may designate personnel of military police units to have peace officer powers of a constable on all military facilities, airfields or reservations belonging to the Mississippi National Guard. Key Field in Meridian, and Thompson Field and Hawkins Field in Jackson are added to the list of locations and facilities provided under the law. The bill also provides that the Adjutant General, Mississippi Military Department, Mississippi National Guard and any designated civilian guard employee, including peace officers and armed or unarmed civilian guards, have discretion in the performance of their duties and are immune from liability according to the provisions of the state Tort Claims Act. The bill also provides that monies in the State General Fund may be used for the training of these officers at the Mississippi Law Enforcement Officers' Training Academy.

WILDLIFE, FISHERIES AND PARKS

HB 487. Effective 7/1/16. Signed 5/3/16.

Under current law, a violation of the regulations promulgated by the Commission on Wildlife, Fisheries and Parks regarding the importation and transportation of wild hogs is a Class II violation which is punishable by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment for not less than 60 days nor more than six months, or both. This bill provides that a violation of these regulation is a Class I violation which is punishable by:

- A fine of not less than \$2,000.00 nor more than \$5,000.00;
- Imprisonment in the county jail for five days; and
- Forfeiture of all hunting, trapping and fishing privileges for a period of not less than 12 consecutive months from the date of the conviction.

The bill also removes the July 1, 2016, repeal date on the law that prohibits the importation and transportation of wild hogs.

HB 1151. Effective 7/1/16. Signed 4/14/16.

This bill increases the fees for certain resident hunting and fishing licenses at such time as the Commission on Wildlife, Fisheries and Parks increases the fees for nonresident hunting and fishing licenses. The revised fees that will be effective upon the increase of nonresident fees are as follows:

- Combination hunting and fishing: \$25.00 (\$17.00 under current law);
- Combination small game hunting and fishing license: \$10.00 (\$8.00 under current law);

- Sportsman' license: \$45.00 (\$32.00 under current law).

The bill requires the revenue collected from any increase in the fees authorized by this bill must be designated for use by the Department of Wildlife, Fisheries and Parks for recruitment, training, equipping and compensation of conservation officers to fill existing vacancies.

HB 1157. Effective 7/1/16. Signed 4/6/16.

Under current law, the subscription price for the official magazine published by the Commission on Wildlife, Fisheries and Parks are set by statute. This bill authorized the Commission on Wildlife, Fisheries and Parks to set the prescription price for the magazine.

The bill authorizes the commission to produce and distribute a digital version of the magazine and authorizes the commission to sell advertisements in and on any media under its control to minimize subscription costs and offset costs related to the print and digital versions of the magazine.

2016 FIRST EXTRAORDINARY SESSION

FINANCE

HB 1. Effective on passage. Signed 2/8/16.

MISSISSIPPI MAJOR ECONOMIC IMPACT ACT

SECTION 1. (57-75-5) Revises the term "project" under the Mississippi Major Economic Impact Act (MMEIA) to include the following two projects:

- Any enterprise engaged in the manufacture of tires or other related rubber or automotive products for which construction of a plant begins after January 1, 2016, and is substantially completed no later than December 31, 2022, and:

- ▶ Commits to an aggregate capital investment by such enterprise and its affiliates of not less than \$1,450,000,000.00;

- ▶ Commits to the creation of at least 2,500 new full-time jobs meeting criteria established by the authority, which criteria must include that:

- ◆ Such jobs must be held by persons eligible for employment in the United States under applicable state and federal law, and the requirement; and

- ◆ The average annual salary or wage, excluding the value of any benefits which are not subject to Mississippi income tax, of such jobs shall be at least \$40,000.00.

▶ The project is required to enter into binding commitments that:

- ◆ Minimum requirements for investment and jobs for the project shall be met; and

- ◆ If such commitments are not met, all or a portion of the funds provided by the state for the project may, as determined by the authority, be subject to repayment by such enterprise, together with such any penalties or damages required by the authority in connection therewith.

- Any enterprise owning or operating a maritime fabrication and assembly facility for which construction begins after February 1, 2016, and concludes not later than December 31, 2018, and the enterprise commits:

- ▶ To initial capital investment in land, buildings and equipment not less than \$68,000,000.00, and

- ▶ To create not less than 1,000 new full-time jobs meeting criteria established by the authority, which criteria must include that:

- ◆ Such jobs must be held by persons eligible for employment in the United States under applicable state and federal law, and

- ◆ The average annual compensation, excluding benefits which are not subject to Mississippi income taxes, of at least \$40,000.00.

- ▶ Each project is required to enter into binding commitments that:

- ◆ The minimum requirements for the project shall be met.

- ▶ If such commitments are not met, all or a portion of the funds provided by the state for the project may, as determined by the authority, be subject to repayment by such

enterprise, together with such any penalties or damages required by the authority in connection therewith.

The term "affiliate" under the MMEIA is revised to include affiliates of the enterprise engaged in the manufacture of tires or other related rubber or automotive products.

SECTION 2. (57-75-9) Provides that contracts by a public agency for site preparation, utilities, real estate improvements, infrastructure, roads or for public works for both projects may be exempt from the provisions of Section 31-7-13 (public purchasing law) and the following procedure must be followed in the award of contracts:

- The public agency shall advertise for a period of time to be set by the public agency, but in no event less than one nor more than five calendar days, the date, time and place of a meeting with the public agency to receive specifications on site preparation, utilities, real estate improvements, infrastructure, roads or for public works related to the project;

- The public agency shall set the minimum qualifications necessary to be considered for award of the contract and the advertisement shall set forth such minimum qualifications; and

- Following the meeting the public agency shall, in its discretion, which discretion may include participation by an enterprise involved in the project, select one or more of the qualified contractors with whom to negotiate or award the contract. The decision of the public agency concerning selection of the contractor shall be final.

A public agency may, as part of negotiations, negotiate and require the level of participation by the enterprise involved in the project.

The company is required to make commercially reasonable efforts for Mississippi Businesses and Mississippi Disadvantaged Business Enterprises to bid on certain contracts.

SECTION 3. (57-75-11) Provides that the MMEIA Authority (Authority) will support the enterprises that own or operate the projects if they wish to have a program of diversity in contracting, and/or that wish to do business with or cause its prime contractor to do business with Mississippi companies, including those companies that are small business concerns owned and controlled by socially and economically disadvantaged individuals.

- In connection with the tire or other rubber or automotive manufacturing plant project, the Authority is authorized to:

- ▶ Provide grant funds to reimburse or otherwise defray the costs incurred by public agencies or an enterprise operating the project for site preparation, utilities, real estate purchases, purchase options and improvements, infrastructure, roads, rail improvements, public works, job training, as well as planning, design, environmental mitigation and environmental impact studies with respect to a project, and any other purposes approved by the authority by this act;

- ▶ Provide loans to public agencies for site preparation, utilities, real estate purchases, purchase options and improvements, infrastructure, roads, rail improvements, public works, job training, as well as planning, design, environmental mitigation and environmental impact studies with respect to the project, and any other purposes approved by the authority in amounts not to exceed the amount authorized by this act;

- ▶ Supervise the use of all such grant funds so reimbursed and/or loans so made; and

▶ To the extent that the authority enters into any construction or similar contract for site preparation work or for the construction of any improvements on a project site, to assign or otherwise transfer to an enterprise or affiliate thereof that owns or operates the project on the project site any and all contractual, express or implied warranties of any kind arising from the contract or work performed or materials purchased in connection with it, and cause the contract to contain terms and provisions designating the enterprise as a third-party beneficiary under the contract.

• In connection with the maritime fabrication and assembly facility project the Authority is authorized to:

▶ Provide grant funds to reimburse or otherwise defray the costs incurred by public agencies or an enterprise operating a project for public infrastructure needs, site preparation, building improvements, purchase of launch systems, recruitment of employees to fill new full-time jobs, providing internal company training and train prospective, new and existing employees of the enterprise associated with the project, including training of company employees who will utilize such instruction to teach other prospective, new and existing employees of the company and other workforce expenses and any other expenses approved by the authority in amounts not to exceed the amount authorized by this act; and

▶ To supervise the use of all such grant funds so reimbursed.

SECTION 4. (57-75-15) Authorizes the issuance of state general obligation bonds in the amount of \$263,000,000.00 for the tire or other rubber or automotive manufacturing plant project. No bonds can be issued under this provision after July 1, 2034.

- Authorizes the issuance of state general obligation bonds in the amount of \$11,000,000.00 for the maritime fabrication and assembly facility project. No bonds can be issued under this provision after July 1, 2025;

- Authorizes the Authority to provide grants and loans for the tire or other rubber or automotive manufacturing plant project or, in connection with a facility related to the project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate; and

- Authorizes the Authority to provide grants for the maritime fabrication and assembly facility project for any purposes deemed by the authority in its sole discretion to be necessary and appropriate.

SECTION 5. (57-75-17) Provides that no well may be permitted by a public agency to drill on or under a tract of land which is a part of the tire or other rubber or automotive manufacturing plant project, and no mining activities shall be allowed without the consent of the enterprise that owns or operates the project.

SECTION 6. (57-75-33) Provides that the board of supervisors of a county or the governing authorities of a municipality may each:

- Enter into an agreement with an enterprise operating certain tire or other rubber or automotive manufacturing plant projects providing that the county or municipality will not levy any taxes, fees or assessments upon the enterprise other than taxes, fees or assessments that are generally levied upon all taxpayers; and

- Enter into a fee-in-lieu of ad valorem taxes agreement with the enterprise operating such a project.

The bill provides that the fee-in-lieu agreement becomes effective upon its execution by the enterprise and the county board of supervisors and/or municipal governing authorities and continues in effect until all fee-in-lieu periods granted have expired; however, the period during which any fee-in-lieu may be granted cannot exceed 30 years, and no particular parcel of land, real property improvement or item of personal property shall be subject to a fee-in-lieu for a duration of more than 10 years.

SECTION 7. (57-75-37) In any county in which the tire or other rubber or automotive manufacturing plant project is located, any public agency is authorized to assist in defraying the costs incurred or to be incurred by the enterprise establishing the project and/or any public agency in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project. The public agency may provide assistance by contributing or lending any sum approved for that purpose by the governing authority of the public agency. The proceeds of the contribution or loan must be used by the recipient in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project.

- In order to provide the assistance authorized by this provision:

- ▶ A county may appropriate money from the county's general funds or provide the assistance from the proceeds of general obligation bonds. The county may issue the bonds for that purpose, and

▶ Any public agency may borrow or accept grants for necessary amounts from the authority or the Mississippi Development Authority.

• In any county in which the project is located, the governing authority of any public agency may:

▶ Transfer and convey to the MMEIA Authority or the Mississippi Development Authority, with or without consideration being paid or received, any real and/or personal property for use in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project and the authority or MDA may accept the transfers or donations;

▶ Transfer and convey among themselves, with or without consideration being paid or received, any real and/or personal property for use in connection with the location, construction and/or operation of a project or any facilities or public infrastructure related to the project, and may accept the transfers or donations;

▶ Make grants or other contributions of funds to one another for use in connection with the location, construction and/or operation of such a project or any facilities or public infrastructure related to the project, and may accept such grants or contributions of funds; and make grants to local water associations to defray costs of water or wastewater related improvements; and

▶ Make one or more periodic grants or other contributions of funds to an enterprise or an affiliate owning and/or operating a project in such amount or amounts approved by such governing authority, and enter into an agreement with such enterprise to make such periodic grants or other contributions of funds; however, the duration of any obligation of the public

agency to make such grants or other contributions shall not exceed 30 years.

- The acquisition of any real property to be used in connection with the location, construction and/or operation of the project, is exempt from certain requirements if the purchase price for such property equals the lowest price negotiated between the owner of the property and the public agency seeking to acquire the property, and at which the owner of the property is willing to sell the property, and any such public agency is further authorize to procure an option to purchase any such real property for such purchase price authorized by this subsection for the lowest option payment at which the owner of the property is willing to grant such option.

- In any county in which there is to be located a project, upon the sale of any sixteenth section lands for industrial purposes as provided by law for such project, the board of education controlling the lands, the superintendent of education and the MDA, on behalf of the state, may sell and convey all minerals in, on, and under any such lands for such consideration determined to be adequate by, and upon such terms and conditions prescribed by, such board of education, superintendent of education and the MDA.

- In any county in which the project is located, the governing authority of a public agency may enter into an agreement binding on future governing authorities, for any period not to exceed 30 years to:

- ▶ Waive any and all fees and expenses associated with building permits and privilege licenses required for the project;

- ▶ Establish and maintain a rate structure for water supplied to the project and wastewater received from the

project, which is no higher than the lowest tariff prices for the water and wastewater charged to any customer of equal or lesser volume located within the boundaries of the public agency;

- ▶ Provide firefighting, hazardous materials emergency response, technical rescue, and medical response assistance to the enterprise owning or operating the project; and

- ▶ Require any contractor hired by the public agency for purposes of entering onto the project site to perform work related to the provision of water supply or wastewater services, to procure customary liability insurance designating the enterprise owning or operating the project as an additional insured, and to contractually indemnify such enterprise for any losses incurred by the enterprise as a result of such contractor's negligence and/or willful acts or omissions arising from the contractor's entry upon the project site.

WAGE WITHHOLDING REBATE

SECTION 8. (57-99-1) Includes the tire or other rubber or automotive manufacturing plant project in the definition of the term "qualified business or industry" for purposes of the program that rebates a portion of the Mississippi income taxes withheld from employees in qualified jobs.

The rebates or incentive payments under the program are paid quarterly for a period of not to exceed 25 years. The amount of the incentive payments are equal to the lesser of 3.5% of the wages and taxable benefits for qualified jobs or the actual amount of Mississippi income tax withheld by the employer for the qualified job.

SECTION 9. (57-99-3) Under the withholding rebate program, the tire or other rubber or automotive manufacturing plant project can select the date that the program begins, but the date may not be later than 60 months after the earlier of:

- ▶ The date the project applied for incentive payments;
- or
- ▶ The start of commercial production.

AGREEMENTS NOT TO ANNEX

SECTION 10. (21-1-59) Provides that the governing authorities of a municipality may enter into an agreement with an enterprise operating the tire or other rubber or automotive manufacturing plant project providing that the municipality will not change its boundaries so as to include within the limits of such municipality the project site of such a project unless consent to the boundary change is obtained in writing from the enterprise operating the project. The agreement may be for a period of not to exceed 30 years and is binding on future governing authorities of the municipality.

INCOME TAX EXEMPTION

SECTION 11. (27-7-30) Exempts from income taxation income arising from the tire or other rubber or automotive manufacturing plant project and its affiliates. The exemption does not apply to activities subject to Mississippi income tax prior to certification of the project. The income tax exemption cannot exceed 25 years. The enterprise owning or operating the project may elect the date upon which the 25-year period will begin; however, the date may not be later than 60 months after the date the qualified business or industry begins commercial production. In the event that the annual average number of full-time jobs falls below the minimum annual average number of

full-time jobs required by the authority pursuant to a written agreement between the authority and such qualified business or industry for two consecutive years, the tax exemption is suspended until the first tax year during which the annual average number of full-time jobs maintained by the qualified business or industry reaches the minimum annual average number of full-time jobs required by the authority pursuant to a written agreement between the authority and such qualified business or industry.

- Exempts from income taxation arising from the maritime fabrication and assembly facility project. The exemption does not apply to activities subject to Mississippi income tax prior to certification of the project. The exemption cannot exceed 20 years. At least 1,000 jobs must be created prior to receiving the exemption. The enterprise owning or operating the project may elect the date upon which the twenty-year period will begin; however, the date may not be later than 60 months after the date the qualified business or industry begins commercial production and in no event later than December 31, 2022.

PROPERTY TAX EXEMPTION

SECTION 12. (27-31-1) Provides that if a municipality changes its boundaries so as to include within the boundaries of such municipality the project site of certain tire or other rubber or automotive manufacturing plants, all real and personal property located on the project site within the boundaries of such municipality that is owned by a business enterprise operating such project shall be exempt from ad valorem taxation for a period of time not to exceed 30 years upon receiving approval for the exemption by the Mississippi Development Authority.

SALES TAX EXEMPTION

SECTION 13. (27-65-101) Grants a sales tax exemption for sales or leases to:

- An enterprise operating the tire or other rubber or automotive manufacturing plant and its affiliates of all personal property and fixtures, replacements of, repair parts for or repair services; and services taxable pursuant to Section 27-65-23 required to establish, support, operate, repair and/or maintain the project.

- An enterprise operating the maritime fabrication and assembly facility project of purchases required to establish the project, including, but not limited to, sales of component building materials, machinery, and equipment required to establish the project facility and any additions or improvements thereon; and machinery, special tools (such as dies, molds, and jigs) or repair parts thereof, or replacements and lease thereof, repair services thereon, fuel, supplies and electricity, coal and natural gas used in the manufacturing process and purchased by the enterprise owning or operating the project for the benefit of the project.

STATE PORTS AND HARBOR LAW EXEMPTIONS REGARDING PURCHASE OF LAND BY THE STATE

SECTION 14. (29-1-1) Exempts land acquired, sold or leased pursuant to the State Ports and Harbors Law from certain requirement regarding the purchase of land by the state.

COUNTY BOND ISSUES

SECTION 15. (31-19-25) Provides that certain provisions regarding the issuance of bonds shall not apply to the sale of bonds by a county in connection with certain tire or other rubber or automotive manufacturing plant projects. The requirements that do not apply to bonds issued for the project are generally the advertising requirements and the sale of the bonds by sealed bids.

EXEMPTION FROM CERTAIN POLICIES REGARDING THE ACQUISITION OF REAL PROPERTY WITH PUBLIC FUNDS

SECTION 16. (47-37-3) Exempts purchases of real property by the county in which the tire or other rubber or automotive manufacturing plant projects is located, any municipality located in the county and local public economic development agencies from the requirement that the property be appraised and that the price paid for the property must be the lesser of the appraised value or the negotiated price.

FEE-IN-LIEU OF FRANCHISE TAX

SECTIONS 17 AND 18. (27-13-5 and 27-13-7) Provides that the term of the franchise tax fee-in-lieu agreement negotiated under these sections and authorized between the Mississippi Major Economic Impact Authority and the enterprise operating the tire or other rubber or automotive manufacturing plant project shall not exceed 25 years. In the event that the annual number of full-time jobs maintained by the enterprise falls below the minimum annual number of full-time jobs required by the authority pursuant to a written agreement between the authority and the enterprise for two consecutive years, the franchise tax fee-in-lieu for the project shall be suspended until the first tax year during which the annual number of full-time jobs maintained by the enterprise reaches the minimum annual number

of full-time jobs required by the authority pursuant to a written agreement between the authority and the enterprise.

COUNTY BONDED INDEBTEDNESS LIMIT

SECTION 19. (19-9-5) Provides that bonds issued by a county for a tire or other rubber or automotive manufacturing plant project are exempt from the debt limitation that applies to counties.

SIXTEENTH SECTION LAND

SECTION 20. (29-3-29) Conforms this section to other provisions in the bill that authorize conveyance of the mineral interest in sixteenth section land for a tire or other rubber or automotive manufacturing plant project.

FEE-IN-LIEU OF AD VALOREM TAXES

SECTION 21. (27-31-104) To clarify that:

- Fee-in-lieu agreements shall become a binding obligation of the parties and be effective upon the execution of the agreement by the parties and approval by the Mississippi Development Authority; however, the term for which the fee-in-lieu may be granted under the agreement shall not exceed a single period of 10 years commencing on the date specified in the agreement.

- Fee-in-lieu agreements shall be binding on future boards of supervisors of the county and governing authorities of a municipality for the duration of the agreement.

- The parties to a fee-in-lieu agreement may agree on terms and conditions providing for the reduction, suspension, termination or reinstatement of a fee-in-lieu agreement or any fee-in-lieu period granted under the agreement upon the cessation of operations by a project for 12 or more consecutive months or due to other conditions set forth in the agreement.

EXEMPTION FROM CERTAIN FEE-IN-LIEU REQUIREMENTS

SECTION 22. (27-31-107) Exempts certain projects granted a fee-in-lieu under Section 27-31-104 or 27-31-105(2) from the provision that requires an application for the fee-in-lieu be filed on or before June 1 of the year of completion of the new enterprise or completion of the expansion or addition.

EFFECTIVE DATE

SECTION 23. Effective on passage.