



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 1, 2017

Enclosed is a summary of major bills which were enacted during the 2017 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

2017 REGULAR SESSION

**Prepared by
Senate Legislative Services Office**

May 1, 2017

STATISTICS OF THE 2017 REGULAR SESSION
(As of 4/21/17)

	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Bills Passed Both Houses	338	403	385	447
Bills That Became Law	299	376	347	392
Senate Bills Introduced	1068	969	931	1003
S.B. Passed by Senate	219	250	237	301
S.B. Passed by House	154	185	181	231
S.B. Died in Conference	9	13	14	11
S.B. Vetoed	2	1	4	2
S.B. Partially Vetoed	2	0	0	0
S.B. Vetoes Overridden	0	0	0	0
S.B. Approved by Governor	135	169	153	202
S.B. Became Law Without Governor's Signature	2	0	0	
S.C.R. Introduced	191	190	173	140
S.C.R. Adopted by Senate	165	171	153	120
S.C.R. Adopted by House	158	169	151	120
S.R. Introduced	2	11	8	8
S.R. Adopted	1	10	8	7
House Bills Introduced	1786	1789	1689	1651
H.B. Passed by House	325	372	368	386
H.B. Passed by Senate	184	218	204	216
H.B. Died in Conference	9	6	6	12
H.B. Approved by Governor	164	207	190	191
H.B. Became Law Without Governor's Signature	4	0	4	
H.B. Vetoed	2	3	1	2
H.B. Partially Vetoed	1	0	0	0
H.B. Vetoes Overridden	0	0	0	0
H.C.R. Introduced	116	131	123	89
H.C.R. Adopted by House	73	100	92	55
H.C.R. Adopted by Senate	68	98	92	54
Nominations Received	106	85	78	72
Nominations Approved	101	79	73	69

VETOED BILLS

The following general bills from the 2017 Regular Session have been vetoed by Governor Bryant as of April 21, 2017:

SB 2349. Vetoed 3/6/17.

AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF FORREST COUNTY, MISSISSIPPI, TO PROVIDE FUNDS TO THE ASSOCIATION FOR RETARDED CITIZENS, BIG BROTHERS/BIG SISTERS OF SOUTHEAST MISSISSIPPI, THE BOY SCOUTS OF AMERICA, THE GULF PINE GIRL SCOUT COUNCIL, THE HATTIESBURG DOWNTOWN ASSOCIATION, INC., THE SALVATION ARMY, PEARL RIVER VALLEY OPPORTUNITY, THE HATTIESBURG LITTLE LEAGUE BASEBALL ASSOCIATION, PETAL OPTIMIST CLUB BASEBALL, FIRST TEE, THE AIDS SERVICES COALITION, PINE BELT ASSOCIATION OF FAMILIES AND KIDS HUB, AND TO PAY HAROLD TUCKER FOR DAMAGES HE INCURRED; AND FOR RELATED PURPOSES.

SB 2861. Vetoed 4/18/17.

AN ACT TO CREATE THE "MISSISSIPPI EMERGENCY TELEPHONE SERVICE CHARGES STUDY COMMITTEE" FOR THE PURPOSE OF STUDYING ALL EMERGENCY TELEPHONE SERVICE CHARGES LEVIED IN THE STATE OF MISSISSIPPI, INCLUDING, BUT NOT LIMITED TO, THE COLLECTION, DISTRIBUTION, USE AND OVERSIGHT OF SUCH CHARGES; AND FOR RELATED PURPOSES.

SB 2956. Partially Vetoed by Governor 4/18/17.

AN ACT MAKING AN APPROPRIATION TO THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING FOR THE SUPPORT AND MAINTENANCE OF FINANCIAL AID SCHOLARSHIP, LOAN AND GRANT PROGRAMS AND THE MISSISSIPPI OFFICE OF STUDENT FINANCIAL AID, FOR FISCAL YEAR 2018.

SB 3015. Partially Vetoed by Governor 4/18/17.

AN ACT MAKING AN ADDITIONAL APPROPRIATION OF GENERAL FUNDS, CAPITAL EXPENSE FUNDS, BUDGET CONTINGENCY FUNDS AND SPECIAL FUNDS TO DEFRAY THE EXPENSES OF VARIOUS AGENCIES FOR FISCAL YEARS 2017 AND 2018 AND RELATED PURPOSES.

HB 1033. Vetoed 4/18/17.

AN ACT TO PROVIDE THAT INCARCERATION SHALL NOT AUTOMATICALLY FOLLOW THE NONPAYMENT OF A FINE, RESTITUTION, OR COURT COSTS; TO PROVIDE THAT THE AGGREGATE TOTAL OF THE PERIOD OF INCARCERATION IMPOSED PURSUANT TO THIS SECTION AND THE TERM OF THE SENTENCE ORIGINALLY IMPOSED MAY NOT EXCEED THE MAXIMUM TERM OF IMPRISONMENT AUTHORIZED FOR THE OFFENSE; TO AMEND SECTIONS 99-19-20, 99-37-7 AND 47-1-1, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING SECTIONS; TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN OTHERWISE INELIGIBLE INMATE FOR PAROLE SHALL BE ELIGIBLE FOR PAROLE IF AN INMATE HAS NOT BEEN CONVICTED OF COMMITTING A CRIME OF VIOLENCE, DRUG TRAFFICKING OR AS A HABITUAL OFFENDER AND HE OR SHE HAS SERVED AT LEAST 25% OF HIS OR HER SENTENCE; TO REQUIRE THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE EVALUATION AND EXPENDITURE REVIEW TO CONDUCT A ONE TIME CENSUS OF JAIL POPULATIONS THROUGHOUT THE STATE; TO CREATE THE MISSISSIPPI SENTENCING DISPARITY TASK FORCE; TO APPOINT THE MEMBERS TO THE TASK FORCE; TO AMEND SECTIONS 47-7-27 and 47-7-37, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE NUMBER OF PRIOR REVOCATIONS RATHER THAN THE NUMBER OF ALLEGED TECHNICAL VIOLATIONS SHALL BE CONSIDERED FOR PURPOSES OF REVOCATION SENTENCING; TO AMEND SECTION 99-19-81, MISSISSIPPI CODE OF 1972, TO REVISE SENTENCING OF CERTAIN OFFENDERS AS HABITUAL OFFENDERS; AND FOR RELATED PURPOSES.

HB 1447. Vetoed 4/18/17.

AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AUTHORIZE CERTAIN COUNTIES IN WHICH CERTAIN LAND IS LOCATED THAT FALLS WITHIN SUCH DEFINITION TO SPECIFY THE HOURS OF OPERATION OF FACILITIES THAT OFFER ALCOHOLIC BEVERAGES FOR SALE, TO SPECIFY THE PERCENTAGE OF REVENUE THAT FACILITIES THAT OFFER ALCOHOLIC BEVERAGES FOR SALE MUST DERIVE FROM THE PREPARATION, COOKING AND SERVING OF MEALS AND NOT FROM THE SALE OF BEVERAGES AND TO DESIGNATE THE AREAS IN WHICH FACILITIES THAT OFFER ALCOHOLIC BEVERAGES FOR SALE MAY BE LOCATED; TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY NOT APPROVE AN AREA AS A QUALIFIED RESORT AREA AFTER JULY 1, 2017, IF ANY PORTION OF SUCH PROPOSED AREA IS LOCATED WITHIN A CERTAIN DISTANCE OF CONVENTS OR MONASTERIES LOCATED IN CERTAIN COUNTIES; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ACQUIRE AND PROVIDE SUITABLE AND ADEQUATE QUARTERS FOR THE DEPARTMENT OF REVENUE - SENATOBIA DISTRICT OFFICE, WHICH SHALL BE LOCATED IN THE INCORPORATED LIMITS OF SENATOBIA, TATE COUNTY, MISSISSIPPI; TO PROVIDE THAT WHEN SUCH PROPERTY IS ACQUIRED, THE SENATOBIA DISTRICT OFFICE, PRESENTLY LOCATED IN HERNANDO, DESOTO COUNTY, MISSISSIPPI, AS OF JANUARY 1, 2017, SHALL BE REESTABLISHED AND RELOCATED TO SENATOBIA; AND FOR RELATED PURPOSES.

HB 1502. Partially Vetoed by Governor 4/18/17.

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF FUNDING K-12 AND OTHER RELATED EDUCATIONAL ACTIVITIES, INCLUDING CERTAIN AGENCIES AND PROGRAMS, IN THE STATE OF MISSISSIPPI, FOR THE FISCAL YEAR 2018.

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ACCOUNTABILITY, EFFICIENCY, TRANSPARENCY

SB 2263. Effective 7/1/17. Signed 3/20/17.

SB 2263 amends Section 27-39-203 to provide that a municipality having a population of less than 2,000 according to the latest federal decennial census, rather than a population of 1,500, may advertise its annual budget hearing by posting a notice in three public places.

SB 2275. Effective on passage. Signed 3/20/17.

SB 2275 creates new Section 27-104-167 to require the Department of Finance and Administration to publish on its searchable website the annual report required by Section 27-101-1 to be prepared by each agency, board, commission, department and institution. All such agencies, boards, commissions, departments and institutions shall fully cooperate with the Department of Finance and Administration in providing the information necessary to comply with the requirements of this section.

SB 2298. See summary under Insurance heading.

SB 2354. Effective on passage. Signed 3/20/17.

SB 2354 amends Section 31-7-1 to define certain terms as used in the Public Purchasing Law which were inadvertently deleted from the code during the 2016 Regular Session.

HB 342. Effective on passage. Signed 3/9/17.

This bill amends Section 25-9-120 to exempt from review by the Personal Service Contract Review Board any contracts for entertainers and/or performers at the Mississippi State Fairgrounds entered into by the Mississippi Fair Commission.

HB 460. See summary under Public Health and Welfare heading.

HB 467. See summary under Elections heading.

HB 649. Effective 7/1/17. Signed 3/10/17.

HB 649 creates the Mississippi Data Management Working Group and prescribes its responsibility for researching and reporting on issues related to the quality, utility and accessibility of data maintained by all agencies, boards, commissions, departments and committees of the three branches of state government. Based on its research, the working group shall determine and ascertain the following:

- (a) The identity of any and all financial and nonfinancial databases that such entities maintain;
- (b) The degree to which those databases are kept current, as well as any standards each entity has developed for ensuring that data is maintained and updated in a timely and accurate manner;
- (c) The existence of policies regarding the retention and archiving of past years' database files;
- (d) Any standards for uniformity of database architecture;

(e) The transparency and Internet accessibility of such databases that are established for public access and use;

(f) The degree of Internet accessibility and any hindrances to the accessibility of such databases by agencies and committees charged with the responsibility for assessing agency and program effectiveness and efficiency;

(g) The general volume, source and format of unstructured data not currently found in databases;

(h) Any legal requirements under state and federal law that impact access and use of confidential or otherwise legally protected information;

(i) The existence of one or more data dictionaries for any and all databases;

(j) The existence of any audit procedures implemented by such entities to ensure reliability of data;

(k) Issues related to the public ownership of the databases of such entities;

(l) Issues related to security of such databases;

(m) Costs of maintaining databases;

(n) Any other matter that the working group considers merited to study and comment.

The group, which shall serve without compensation, consists of nine members representing the Department of Information Technology Services, Department of Finance and Administration, Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER), Legislative Budget Office, State Health Officer, Division of Medicaid, Commissioner of Higher Education, Mississippi Administrative Office of Courts and the Commissioner of Revenue. The report is required to be submitted to respective offices and committees of the Legislature by December 1, 2018, at which time the group will be dissolved on December 2, 2018.

HB 938. Effective 7/1/17. Signed 4/6/17.

HB 938 provides for certain restrictions on state agencies and employees regarding motor vehicles as follows:

- Provides for a one-year moratorium, from July 1, 2017, through June 30, 2018, on state agencies purchasing, leasing or acquiring any motor vehicle, regardless of the source of funds used.

- ▶ Provides an exemption from the moratorium for vehicles of the Department of Child Protection Services, and for vehicles that are acquired by the use of grant monies for which no state matching funds from the State General Fund are used.

- Requires state agencies to use a trip optimizer type system developed and administered by the Department of Finance and Administration to compute the optimum method and cost for travel by state officers and employees using a motor vehicle where the travel will exceed 100 miles per day and the officer or employee is not driving a state-owned or state-leased vehicle that has been dedicated or assigned to the officer or employee.

- ▶ Provides that the maximum authorized amount of travel reimbursement related to motor vehicle usage will be the lowest cost option as determined by the trip optimizer type system.

- ▶ Provides an exemption from the requirement to use the trip optimizer type system for travel by state officials in vehicles driven by the official or in vehicles used for the transport of the official. "State officials" for the purposes of this exemption is defined as statewide-elected officials and the elected members of the Public Service Commission.

- Requires state agencies making requests to the Bureau of Fleet Management for authority to purchase, lease or acquire

vehicles to submit the lowest cost vehicle possible to carry out its intended use.

- ▶ Provides that the Bureau of Fleet Management will only approve the lowest cost vehicle which, in its estimation, will carry out the intended use.

- ▶ Prohibits agencies from purchasing any vehicle that the Bureau of Fleet Management has disapproved as being a higher cost option.

HB 999. Effective 7/1/17. Signed 3/10/17.

HB 999 creates new code Section 25-53-201 to establish the Enterprise Security Program to provide for the coordinated oversight of the cybersecurity efforts across all state agencies, including cybersecurity systems, services and the development of policies, standards and guidelines. The Mississippi Department of Information Technology Services (MDITS) is required to provide centralized management and coordination of state policies for the security of data and information technology resources to be distributed to each participating state agency, in addition to the fulfillment of other responsibilities with regard to administering the provisions of the program. Each state agency's executive director or agency head is responsible for ensuring the protection of agency and employee data and information systems, being solely responsible for the security of all data and IT resources under its purview, implementing policies and standards to ensure that all agency data and IT resources comply with state and federal laws and regulations, ensuring that internal assessments of the security program are conducted, and participating in annual information security training.

HB 1106. Effective 1/1/18. Signed 4/6/17.

HB 1106 amends Section 31-7-13, as amended by House Bill No. 926, 2017 Regular Session, and House Bill No. 1109, 2017 Regular Session, to require, for purchases over \$50,000.00, state agencies and local governing authorities to provide a secure electronic interactive system for the submittal of bids requiring competitive bidding that will be an additional bidding option for those bidders who choose to submit their bids electronically.

- The Department of Finance and Administration shall provide, by regulation, the standards that agencies must follow when receiving electronic bids.

- Agencies and governing authorities shall make the appropriate provisions necessary to accept electronic bids from those bidders who choose to submit their bids electronically for all purchases requiring competitive bidding.

- Any special condition or requirement for the electronic bid submission shall be specified in the advertisement for bids.

- Agencies or governing authorities that are currently without available high-speed Internet access shall be exempt from this requirement until such time that high-speed Internet access becomes available.

- Any county having a population of less than 20,000 shall be exempt from the provisions of this requirement, and any municipality having a population of less than 10,000 shall be exempt from the provisions of this requirement.

- No bidder shall be required to submit bids electronically.

- When construction bids are submitted electronically, the requirement for including a certificate of responsibility, or a statement that the bid enclosed does not exceed \$50,000.00, on

the exterior of the bid envelope as indicated in Section 31-3-21(1) and (2) shall be deemed in compliance by including same as an attachment with the electronic bid submittal.

The bill also amends Section 9, House Bill No. 1109, 2017 Regular Session, to remove the \$1,000.00 fine assessed to those employees who reveal the names of the offerers and the corresponding identifying information before the appropriate time.

HB 1109. Effective 1/1/18. Signed 3/29/17.

HB 1109 creates standards for procurements by the solicitation of requests for proposals or requests for qualifications and provides that the standards shall apply to procurements by state agencies of commodities, supplies, equipment, construction, technology, personal and professional services, any type of state agency employee benefits and state agency supplemental insurance and cafeteria plans.

Additionally, the bill provides the factors that must be considered when determining to use a request for proposals or requests for qualifications, the content to include in a request for proposals or request for qualifications, the requirements of pre-proposal conferences, the method to properly draft a request for proposals or request for qualifications, the evaluation factors to use when reviewing a request for proposals or requests for qualifications, the qualifications of the evaluation committee that will evaluate each submitted proposal or qualification, the guidelines for discussions once proposals or qualifications have been submitted and the content to be included in the best and final offer.

In addition, the bill provides for the following:

- Amends Section 25-9-120 to abolish the Personal Service Contract Review Board and to provide that the powers, duties and all resources of the Personal Service Contract Review Board shall be transferred to the Public Procurement Review Board.

- Amends Section 27-104-7 to reconstitute the Public Procurement Review Board in order to include the powers and duties of the Personal Service Contract Review Board under the purview of the Public Procurement Review Board.

- Amends Section 31-7-13 to require reverse auctions to be the primary method for receiving bids during the competitive bidding process and to require the Public Procurement Review Board to approve a purchasing entity's decision to use a method other than reverse auction for soliciting bids.

- Amends Section 25-61-9 to require anyone seeking a protective order for certain contract information otherwise required to be public under the Public Records Act to post notice of the petition and the reasons for the protective order on the Mississippi Procurement Portal for a minimum of seven days before filing the petition for the protective order in chancery court.

HB 1116. Effective 7/1/17. Signed 3/22/17.

HB 1116 amends Section 25-41-13 to revise certain provisions of the Open Meetings Act as follows:

- Requires notice of called special meetings to be posted to a public body's website not less than one hour before the meeting.

- Provides that a copy of the notice shall be transmitted to any citizen and all publications, broadcasts and digital

media not less than one hour before the meeting if those media outlets have requested in writing to receive the notice.

- Provides that any public body may purge any list of publications, broadcasts or digital media that have requested to receive the notices once every 24 months, and that after the purge, any publication, broadcast or digital media may resubmit in writing its interest to receive the notices.

- States that nothing shall add additional notice requirements for meetings of public bodies held in cases of emergencies that result from serious damage to public property or roads or bridges, or in cases of emergencies that result from epidemic conditions or weather conditions.

- Provides that these new notice requirements shall not apply to any municipality with a population as determined by the latest federal decennial census of less than 25,000 inhabitants or any county with a population as determined by the latest federal decennial census of less than 50,000 inhabitants.

HB 1119. Effective 7/1/17. Signed 3/10/17.

HB 1119 amends Section 25-41-5 to revise the manner in which teleconference and video meetings are required to be held under the Open Meetings Act as follows:

- Revises the language that required participation to be available to the general public at one or more public locations specified in the public meeting notice to require that if a teleconference or video meeting is held, the equipment must be placed at the location where the public body normally meets or at a public location specified in the notice.

- Requires that the equipment allow the members of the public body and members of the public who attend the meetings to hear the deliberations of the public body.

- Deletes language that provides the establishment of a quorum by a municipal public body with members of the public body who are on active duty.

- Deletes the five-day notice requirement for meetings that are conducted by teleconference or video means.

- Revises the way that votes are taken during a teleconference or video meeting to require that they are taken in a manner that is clearly audible or visible to all members of the public body and to members of the public present at the public location.

- Deletes language that specifically authorizes a public body to meet by teleconference or video means as often as needed if an emergency exists and the public body is unable to meet in regular session.

HB 1149. See summary under County Affairs heading.

HB 1226. Effective 7/1/17. Signed 4/18/17.

HB 1226 creates the Capitol Complex Improvement District (CCID) in the City of Jackson and specifies the area surrounding the State Capitol Building that will be in the district.

Specifically, the bill does the following:

- Requires the Executive Director of the Department of Finance and Administration (DFA) to implement, supervise and administer certain infrastructure improvement projects within the CCID paid for with funds from the Capitol Complex Improvement District Project Fund.

▶ Defines "improvement projects" as the following types of projects in the public areas of the CCID:

- ◆ Street reconstruction, resurfacing and other repairs to roadways, curbs and gutters;
- ◆ Bridge construction, reconstruction and repair;
- ◆ Reconstructing and repairing of surface water drainage systems including street drains, ditches, culverts and other components of the system;
- ◆ Installing and replacing street lighting;
- ◆ Installing and replacing traffic signals;
- ◆ Installation of new water and sewer lines and rehabilitation of existing water and sewer lines serving the CCID;
- ◆ Reconstruction and repair of parks and public rights-of-way;
- ◆ Reconstruction and repair of sidewalks along public streets;
- ◆ Planting and replacing landscaping materials, trees, and site amenities within public parks and rights-of-way;
- ◆ Relocation of underground power and communication lines serving the CCID; and
- ◆ Infrastructure, public safety and other improvements as determined necessary by the Executive Director of DFA.

• Authorizes the executive director to employ persons necessary for the proper supervision and administration of improvement projects funded from the Capitol Complex Improvement District Project Fund.

• Provides that DFA will be reimbursed from the Capitol Complex Improvement District Project Fund for the cost of

providing necessary personnel, services and other expenses that it incurs in performing its duties under the bill.

- Requires DFA to make commercially reasonable efforts to place out for bid certain contracts by DFA relating to the CCID, such that Mississippi Contractors and Mississippi Disadvantaged Business Enterprises (DBEs) will have an equal opportunity to respond to the bid.

- Requires DFA to develop and adopt a comprehensive plan for improvement projects in the City of Jackson in consultation with the Capitol Complex Improvement District Project Advisory Committee.

- ▶ Improvement projects shall be coordinated with the City of Jackson to the greatest extent possible.

- ▶ The plan shall attempt to incorporate the needs of the city, DFA, Jackson State University, the University of Mississippi Medical Center, the Mississippi Department of Archives and History, and the Jackson One-Cent Sales Tax Commission.

- ▶ Requires that any plans developed by DFA not duplicate efforts undertaken by the Jackson One-Cent Sales Tax Commission.

- ▶ Provides that improvement projects undertaken under the bill must comport with the plan and will not be subject to approvals, permits or fees assessed by the City of Jackson.

- ▶ Provides that the plan may be updated at any time and must be completely updated every five years.

- ▶ Requires DFA to post the plan and any updates on its website as well as an annual status report of all projects funded under the bill.

- Creates the Capitol Complex Improvement District Project Advisory Committee and provides for its membership.

- Creates the Capitol Complex Improvement District Project Fund, into which will be deposited the money specified in Section 27-65-75 and such other money from whatever source derived.

- ▶ Provides that an amount not to exceed 5% of the amount deposited into the fund may be used for administrative expenses incurred by DFA in performing its duties under the bill.

- ▶ Provides that an amount not to exceed 10% of the amount deposited into the fund may, in the discretion of DFA, be used to compensate the City of Jackson for general police and fire protection provided by the city in the CCID and for police coverage for major events conducted within the CCID.

- ▶ Provides that an amount not less than 85% of the amount deposited into the fund must be used within the CCID for improvement projects.

- Requires the City of Jackson to provide police coverage for major events conducted within the CCID and to maintain all completed improvement projects within the CCID.

- Provides that DFA will have concurrent jurisdiction with the City of Jackson relative to the enforcement of all laws of the state within the boundaries of the CCID.

- Amends Section 27-65-75 to divert a certain percentage of the total sales tax revenue collected on business activities within the City of Jackson, and provides that the revenue collected will be deposited into the Capitol Complex Improvement District Project Fund.

▶ Beginning August 15, 2018, until August 14, 2019, 2% of the tax revenue will be deposited into the fund.

▶ On August 15, 2019, until August 14, 2020, 4% of the tax revenue will be deposited into the fund.

▶ On August 15, 2020, and thereafter, 6% of the tax revenue will be deposited into the fund.

HB 1425. Effective 7/1/17. Signed 4/11/17.

HB 1425 creates the Occupational Licensing Review Commission which shall be composed of the Governor, the Secretary of State and the Attorney General, or his or her respective designee. The commission shall be responsible for the active supervision of state executive branch occupational licensing boards controlled by active market participants to ensure compliance with state policy in the adoption of an occupational regulation promulgated by an occupational licensing board. The active supervision required under this act shall not extend to individual disciplinary actions taken or imposed by an occupational licensing board as to any active market participant subject to the jurisdiction of the occupational licensing board.

An occupational licensing board must submit any proposed occupational regulation to the commission before the occupational licensing board may file the occupational regulation in the Office of the Secretary of State if the occupational regulation is required to be filed in the Office of the Secretary of State by Chapter 43, Title 25, Mississippi Code of 1972, (Mississippi Administrative Procedures Law), or before the occupational regulation becomes effective if filing is not required.

The commission shall issue resolutions necessary to effectuate the provisions of this act, including the process, procedures and timelines that will govern any submission filed in accordance with the act. Nothing in this act shall be interpreted to subject the commission to any of the administrative procedures of Chapter 43, Title 25, Mississippi Code of 1972, (Mississippi Administrative Procedures Law).

The provisions of the bill shall not apply to occupational licensing boards that are not controlled by active market participants. The term "active market participant," in addition to other terms, is defined in the bill.

AGRICULTURE

SB 2359. Effective on passage. Signed 3/20/17.

Section 1 of this bill allows the Commissioner of the Mississippi Department of Agriculture and Commerce to lease naming rights to the Mississippi Agriculture and Forestry Museum's buildings, improvements, grounds or objects located on the Museum's property for a term not to exceed 20 years in exchange for consideration benefitting the department.

Section 2 of this bill allows the Mississippi Fair Commission to lease naming rights to buildings, improvements, grounds or objects located on the State Fairgrounds for a term not to exceed 20 years in exchange for consideration benefitting the commission. The commission, however, cannot lease naming rights to the Kirk Fordice Equine Center.

SB 2647. Effective on passage. Signed 3/6/17.

This bill amends Section 69-15-2 to revise the membership of the Mississippi Board of Animal Health. The Mississippi Independent Meat Packers Association will no longer be able to recommend one of its members for appointment to the board. Section 69-15-3 is also amended to change the board's meeting date requirements. Meetings will be held once a quarter rather than every other month.

HB 528. Effective 7/1/17. Signed 3/10/17.

This bill amends Sections 75-47-11 and 75-47-13 to require every registrant or guarantor who distributes commercial fertilizer in this state to file an annual statement with the Commissioner of Agriculture and Commerce setting forth the number of net tons of commercial fertilizer distributed in the state during the previous year. This bill changes the reporting requirement from a quarterly basis to an annual basis, which must be submitted by the thirtieth day of the month following the reporting year.

HB 865. Effective 7/1/17. Signed 3/20/17.

This bill deleted the repealer on the provisions of law requiring safety marking on certain anemometer towers, an instrument for measuring and recording the speed of the wind.

APPROPRIATIONS

SB 2479. See summary under Insurance heading.

SB 2571. See summary under Highways and Transportation heading.

SB 2572. Effective 7/1/17. Signed 4/5/17.

This bill abolishes certain inactive boards, commissions, councils, committees, authorities, task forces and panels:

- The Task Force to Study Voting Systems that Comply with the Help America Vote Act of 2002;

- The Institute For Technology Development Oversight Committee;

- The Advisory Committee on Alcohol Abuse and Alcoholism of the Advisory Council on Comprehensive Health Planning of the Office of the Governor;

- The Mississippi Health Finance Authority;

- The Healthcare Coordinating Council;

- The Technical Advisory Committee of Boiler and Pressure Vessel Safety;

- The Advisory Council to the Department of Economic Development;

- The Food Technology Advisory Board;

- The Mississippi Wayport Authority and a Mississippi Wayport Authority Advisory Council;

- The Council of State Agencies on Agriculture;

- The Agricultural Marketing Advisory Task Force.

The bill also repeals obsolete provisions of law relating to Un-American activities investigations of the 1950s-1960s. It repeals sections:

- Authorizing an investigation of Un-American activities in the state;
- Empowering the Secretary of State to investigate subversive groups;
- Empowering the Secretary of State to require a list of officers and members of subversive groups;
- Providing a criminal penalty for failure to comply, direct district attorneys to enforce this law and direct the Attorney General to seek an injunction to dissolve such subversive groups.

SB 2649. Effective on passage. Signed 4/18/17.

Sections 1, 2 and 4. Provides that the Fiscal Year 2018 General Fund appropriation cannot exceed 99% of the estimated revenue.

Section 3. For Fiscal Year 2017, the Governor may transfer not more than \$100 Million from the Working Cash-Stabilization Fund for the purpose of balancing the ending fiscal year General Fund revenue with expenditures.

Section 5. This section allows for the expansion of tobacco-related health care programs at the Department of Health that may utilize tobacco control funds.

Section 6. Provides for the unexpended Fiscal Year 2017 Tobacco Control Funds shall lapse into the Health Care Expendable Fund.

Section 7. Transfers \$32 Million from agency special funds in the Capital Expense Fund.

Unclaimed Property Fund - \$17 Million

Department of Revenue - \$15 Million

Section 8. Reduces the Fiscal Year 2017 Department of Insurance General Fund level of funding by \$182,500.00.

Section 9. Increases the Fiscal Year 2017 General Fund spending level for the State Fire Academy by the same amount for building repairs and matching federal funds for a fire truck, and also provides the State Fire Academy reappropriation of any unspent General Funds that total up to \$182,500.00 for Fiscal Year 2018.

Section 10. This section makes funding authority changes between budget categories as requested by the Department of Public Safety to their Fiscal Year 2016 appropriation bill.

SB 2685. See summary under Judiciary, Division A heading.

HB 336. Effective 7/1/17. Signed 3/13/17.

This bill provides that monies in the Mississippi Military Family Relief Fund may be used to provide assistance to families that experience a financial hardship as a result of a family member who is a member of the Mississippi National Guard regardless of whether the family member is a resident of Mississippi. The prior law required that the Mississippi National Guard member be a resident of Mississippi.

HB 422. See summary under Public Health and Welfare heading.

HB 465. See summary under Business and Financial Institutions heading.

HB 478. See summary under Public Health and Welfare heading.

HB 492. See summary under Public Health and Welfare heading.

HB 494. Effective 7/1/17. Signed 3/10/17.

This bill authorizes the State Department of Health to establish the Maternal Mortality Review Committee to review maternal deaths and establish strategies to prevent maternal deaths, and provides for the following regarding the committee:

- Assigns the committee to the State Department of Health for administrative purposes, and requires the department to designate staff to assist the committee.
- Requires the committee to submit a report annually to the House and Senate Public Health Committees, including the numbers, causes and relevant demographic information on maternal mortality deaths in Mississippi, and appropriate recommendations to the Legislature on how to most effectively direct state resources to decrease maternal mortality in Mississippi.
- Requires that data for the committee's review and reporting be provided to the committee by agencies, officials and health care providers having information necessary for the committee to carry out its duties.
- Requires physicians, hospitals and pharmacies to provide reasonable access to the committee to all relevant medical records associated with a case under review by the committee.

- Provides immunity to physicians, hospitals and pharmacies providing access to those records in good faith.

- Provides for confidentiality and prohibitions on disclosure or admissibility as evidence in any proceeding of all information, records and other data collected by the committee.

- Provides that all proceedings and activities of the committee, opinions of members of the committee formed as a result of those proceedings and activities, and records obtained, created or maintained by the committee are confidential and are not subject to the Mississippi Public Records Act.

- Authorizes the committee to compile reports of aggregated, nonindividually identifiable data on a routine basis for distribution in an effort to further study the causes and problems associated with maternal deaths.

HB 524. See summary under Public Property heading.

HB 525. See summary under Public Property heading.

HB 996. Effective 7/1/17. Signed 3/15/17.

This bill authorizes health care practitioners to issue a standing order to one or more individual pharmacies that authorize the pharmacy to dispense an opioid antagonist to certain persons without the person to whom the opioid antagonist is dispensed needing to have an individual prescription. It also provides that before a pharmacist may dispense an opioid antagonist under the authority of such a standing order, the pharmacist must complete a training program approved by the

State Board of Pharmacy on opioid antagonists. It also provided that the definition of the term "prescription" in the Pharmacy Practice Act includes standing orders authorized by the preceding provision.

HB 999. See summary under Accountability, Efficiency, Transparency heading.

HB 1026. Effective 7/1/17. Signed 4/18/17.

This bill creates the Mississippi National Guard State Active Duty Emergency Operations Fund as a special fund in the State Treasury. The special fund is created for the purpose of receiving monies appropriated or otherwise made available for deposit into the fund for maintaining annual general fund budget restrictions and enabling the Mississippi Military Department to respond to domestic events as directed by the Governor during declared states of emergency or in conjunction with approved emergency management assistance compacts. The Mississippi Military Department may expend monies in the special fund upon appropriation by the Legislature.

HB 1046. See summary under Education heading.

HB 1090. See summary under Medicaid heading.

HB 1330. Effective 7/1/17. Signed 4/5/17.

This bill abolishes certain boards and commissions that have become inactive, as follows:

- Amends Section 57-1-3, as amended by Senate Bill No. 2572, 2017 Regular Session, to abolish the Advisory Council to the Department of Economic and Community Development.
- Amends Sections 41-30-3, 45-23-9, 7-7-2, 49-31-17, 11-27-81 and 69-1-115 to conform to the amendments that repealed certain inactive boards and commissions in Senate Bill No. 2572, 2017 Regular Session.
- Repeals Sections 41-95-1 and 41-95-3, which create the Mississippi Health Policy Act of 1994.
- Repeals Section 49-31-43, which prescribes the duties for the Task Force on Recycling.
- Repeals Sections 61-4-1 through 61-4-5 and Sections 61-4-9 through 61-4-13, which create the Mississippi Wayport Authority.
- Repeals Section 27-31-43, which exempts from ad valorem taxation all real and personal property belonging to the United States that constitutes a part of the project or a facility related to the project in the Mississippi Wayport Authority Act.

HB 1333. Effective 7/1/17. Signed 3/13/17.

This bill provides that grants made to commercial service airports under the Mississippi Air Service Development Program Act may be made for purposes related to seasonal service. The Mississippi Development Authority will disburse grants at the rate of 100% at the end of the seasonal service. The bill defines "seasonal service" to mean any service flown which lasts less than 12 months and more than two months in length. Multiple seasons may be flown by a particular air carrier within a 12-month period with a gap in service between seasons of not less than two months.

BUSINESS AND FINANCIAL INSTITUTIONS

SB 2017. Effective 7/1/17. Signed 3/27/17.

SB 2017 reenacts and deletes the repealer on Sections 73-60-1, 73-60-3, 73-60-7, 73-60-23, 73-60-29 and 73-60-45, which provide for the licensure of home inspectors by the Mississippi Real Estate Commission.

SB 2423. Effective 7/1/17. Signed 3/20/17.

SB 2423 amends Section 75-72-412 to clarify the grounds for disciplining a broker-dealer or investment advisor for violations of the Mississippi Securities Act. If a security firm fails to supervise an employee for more than 12 months or fails to supervise multiple employees, then these failures will result in multiple violations, rather than a single violation.

Also, this bill amends Section 75-71-701 to clarify the applicability of the predecessor chapter to pending proceedings and existing rights. The predecessor chapter exclusively governs all actions or proceedings that are pending on January 1, 2010, or may be instituted on the basis of conduct occurring before January 1, 2010, but a private civil action may not be maintained to enforce any liability under the predecessor chapter, unless instituted within any period of limitation that applied when the cause of action accrued or within five years after January 1, 2010, whichever is earlier. This time limitation shall not apply to a civil enforcement action or an administrative enforcement action instituted by the administrator under Section 75-71-603 or Section 75-71-604.

SB 2425. Effective 7/1/17. Signed 3/20/17.

SB 2425 reenacts Sections 85-7-501 through 85-7-525, which create the "Commercial Real Estate Broker Lien Act," and deletes the repealer on those sections.

SB 2911. Effective 7/1/17. Signed 3/27/17.

SB 2911 creates new Section 75-71-413, under the Mississippi Securities Act, to provide additional post-registration requirements for broker-dealers and investment advisers to prevent the exploitation of vulnerable persons. A broker-dealer or an investment adviser that is required to file a report with the Department of Human Services pursuant to the Mississippi Vulnerable Persons Act must immediately forward a copy of that report to the Secretary of State, and may notify any third party reasonably associated with the customer of the suspected financial exploitation, or any other party permitted by state or federal laws or regulations, the rules of a self-regulatory organization or by customer agreement. Also, if a broker-dealer or investment adviser reasonably believes that a requested transaction may result in financial exploitation of its customer, then he may delay the transaction not to exceed 15 business days. If the transaction is delayed, the broker-dealer or investment advisor must notify within two business days the Secretary of State and all parties authorized to transact business on the account. Disclosures and notifications of transaction delays shall not be made to any third party who is suspected of financial exploitation or other abuse. A person who makes disclosures or delays transactions under this section shall be immune from any administrative or civil liability that

might otherwise arise from compliance with this section. A person who fails to comply with the disclosure and notification requirements in this section shall be subject to Section 43-47-7(1)(c) of the Mississippi Vulnerable Persons Act.

HB 453. See summary under Insurance heading.

HB 465. Effective 7/1/17. Signed 3/20/17.

HB 465 extends to July 1, 2021, the date of the repealer on the sections of law that create the State Board of Funeral Service and prescribe its powers and duties.

COUNTY AFFAIRS

SB 2013. Effective on passage. Signed 4/5/17.

SB 2013 amends Section 19-5-95 to allow the board of supervisors of any county having a population of 150,000 or more to appropriate out of the county treasury annually a sum not to exceed \$1,000.00 in aid of any fire department for services and protection by such fire department, and to appropriate out of the county treasury annually a sum not to exceed 3/4 mill on all taxable property within the county in aid of municipal fire departments in the county, or in aid of fire protection districts and volunteer fire departments within the county which meet the requirements set forth in Section 83-1-39(6). However, in no event shall the aggregate amount appropriated annually under this section exceed an amount equal to 3/4 mill on all taxable property within the county.

SB 2836. Effective 7/1/17. Signed 4/18/17.

SB 2836 amends Sections 31-7-103 and 31-7-119 to increase the minimum amount of an item or service, from \$1,000.00 to \$1,500.00, purchased by a county that would require a requisition, purchase order or receiving report. No requisition to purchase, purchase order or receiving report shall be required for the purchase of any item or services with an acquisition cost of \$1,500.00 or less in the aggregate.

HB 1149. Effective on passage. Signed 4/6/17.

HB 1149 amends Sections 19-5-21 and 19-5-22 to authorize county boards of supervisors to assess a late fee on delinquent monthly bills for garbage or rubbish collection or disposal. More specifically, an amount not to exceed \$1.00 or 10% per month, whichever is greater, on the current monthly bill may be assessed and collected on the balance of any delinquent monthly fees. The bill also amends Section 19-3-41 to clarify that the authority of boards of supervisors to contract with a private attorney or private collection agency to collect any type of delinquent fees includes delinquent collection fees associated with the disposal or collection of garbage, rubbish or solid waste.

DRUG POLICY

SB 2194. Effective 7/1/17. Signed 3/27/17.

This bill amends Section 41-29-113 to revise Schedule I of the Controlled Substances Act to include AH-7921, a drug with analgesic activity similar to morphine, and butyryl fentanyl and beta-hydroxythiofentanyl, which are synthetic opioids, because of the potential of these drugs for abuse, overdose, and death. Schedule I is also amended to clarify the chemical description of the synthetic cathinones, which are illegal street drugs.

Sections 41-29-115 and 41-29-117 are amended to exclude pentazocine, a Schedule IV drug, from listing on Schedules II and III. Section 41-29-119 is amended to revise Schedule IV to include Eluxadoline, a drug used to treat irritable bowel syndrome. The bill also amends Section 41-29-121 to include Brivaracetam in Schedule V; it is a drug used to treat epilepsy.

EDUCATION

SB 2273. Effective 7/1/17. Signed 4/13/17.

Cursive writing; direct State Board of Education to require in elementary education curriculum:

- Requires the State Board of Education to ensure instruction in cursive writing as a part of the basic elementary education curriculum standard.
- The standard shall include the requirement that public schools provide instruction in cursive reading and writing implemented across the curriculum.
- Students should create readable documents through legible cursive handwriting by the end of the Fifth Grade.
- Students must pass with proficiency a teacher-constructed test demonstrating competency in both reading and writing cursive.
- Shall begin in 2018-2019 school year.
- Exempts the Mississippi School for the Blind and the Mississippi School for the Deaf.

SB 2398. Effective 7/1/17. Signed 4/18/17.

Qualifications for school superintendents; revise.

- Superintendents will be required to have not less than six years of experience, to include at least three years as a school building principal.
- Shall come from a school with an A or B accountability rating.

- Or from a school that has increased its accountability by a letter grade during the time the principal was employed at the school or a school with comparable accountability rating in another state.

- The State Board of Education is required to issue regulations by January 1, 2018, for alternative qualifications to include minimum credentials, educational prerequisites and relevant practice experience that will qualify a person to serve as a superintendent.

- These provisions will be applicable to any superintendent selected after July 1, 2017, who has not previously served as a superintendent or assistant superintendent within the last five years.

SB 2431. Effective 7/1/17. Signed 4/18/17.

Failing school districts: authorize the State Board of Education to place into "Districts Transformation Status."

- Simply changing the term "Conservator" to "Interim Superintendent."

- Changing "Conservator Districts" to "Districts of Transformation."

- This is an effort to remove negative connotation associated with a takeover of a school district.

- The State Board of Education will be replacing "Conservators" with "Interim Superintendents" so that they can focus on Academic Instruction along with clearing any Accreditation violations.

- This bill would allow the Interim Superintendent to be in place until the district has achieved a district grade of "C" for five consecutive years before it can be returned to the locals.

- This bill is simply raising the expectations for districts that have been placed in the Districts of Transformation status.

- This bill will follow the already existing Conservator laws that are on the books but put more focus on instruction instead of clearing accreditation standards.

- The current law does not provide a specific timeline for release back to the community. This proposed legislation sets a timeline to be returned when the districts demonstrate five consecutive years of "C" or better or if the State Department of Education determines they are eligible to be returned sooner.

SB 2432. Effective 7/1/17. Signed 4/18/17.

Mississippi Occupational Diploma for students with disabilities and career tract program; suspend for new students.

- The Mississippi Occupational Diploma (MOD) is no longer recognized as a diploma by the federal government, institutions of higher learning, community and junior colleges or businesses as a standard diploma.

- The MOD for students with disabilities shall not be available to any student entering the 9th Grade in the 2017-2018 school year or thereafter pending State Board of Education approval of new diploma options.

- Students currently on the MOD track will have the option in 2017-2018 to change course to meet the requirements for a standard diploma that will increase access to postsecondary education and gainful employment OR continue on MOD track provided their parents sign a document acknowledging they understand the MOD is not accepted by business, community college, IHL or the military.

- Diploma options are being revised for all students and will include opportunities for the majority of students with disabilities to earn a standard diploma. These options are being revised as a part of the new ESSA law.

- New diploma options will be available to all entering ninth-graders beginning with the 2018-2019 school year.

SB 2461. Effective 7/1/17. Signed 4/18/17.

School district consolidation; require in Perry County.

- Creates an advisory council to be known as the Commission on Perry-Richton Consolidated School District Structure.

- Shall review current structure and make recommendations on the future actions of the provision and transition of services of the newly consolidated school district.

- The commission will be composed of seven members:

- ▶ The State Superintendent of Education.
- ▶ One member of the Perry County Board of Education.
- ▶ One member of the Board of Trustees of the Richton Public School District.

- ▶ The Superintendents of Perry County and Richton Public School Districts.

- ▶ One resident of the area which comprises the Richton School District to be appointed by the Board of Trustees of the Richton School District.

- ▶ One resident of the area which comprises the Perry County School District to be appointed by the Perry County School Board.

- First meeting shall be 30 days after passage and upon the call of the State Board of Education.

- The report shall be delivered to the Legislature, Governor, and State Board of Education before January 1, 2018.

SB 2463. Effective 7/1/17. Signed 4/18/17.

School district consolidation; require in Chickasaw County.

- Would administratively consolidate Chickasaw County School District and Houston Municipal School District effective July 1, 2021. Creates Interim School Board until the next statewide general election in November 2023 where the new school board is elected from single-member districts to four-year terms. Provides for Interim and Permanent School Superintendent.

HB 32. Effective on passage. Signed 1/17/17.

This bill amends Sections 37-9-13, 37-9-25, 37-5-61, 37-5-71 and 37-5-75 to clarify the manner of selecting superintendents of school districts in the event that a vacancy in the office of an elected superintendent occurs before January 1, 2019, date when all superintendents shall become appointed. The revisions to these sections provide that if a vacancy occurs in the office of an elected superintendent before January 1, 2019, then that office of superintendent shall immediately become appointed to be filled by the local school board for a contractual period not to exceed three years.

HB 263. Effective 7/1/17. Signed 3/20/17.

This bill amends Section 37-11-67 to clarify conduct that interferes with a student's education or substantially disrupts the operation of a school is considered being bullying behavior.

Additionally, Section 37-11-69 is amended to revise the provisions to be included in a school districts' anti-bullying policies, which consist of the following:

- Prohibitions against: bullying of a student; retaliation against any person provides information concerning an incident of bullying in good faith; and imposition of a disciplinary measure on a student who is found to be a victim of bullying and uses reasonable self-defense in response to the bullying;

- Establishing procedures for: providing parental notice of incidents of bullying within a reasonable amount of time after the incident; actions to be taken by students to obtain assistance and intervention; reporting incidents of bullying, investigations of reported incidents of bullying and determining whether the reported incident of bullying occurred; and reporting bullying on the school district Internet website;

- Providing counseling options for student victims or witnesses to bullying or who engages in bullying; and

- Requiring that discipline for bullying of a student with disabilities comply with applicable requirements under federal law and the Individuals with Disabilities Education Act.

Lastly, Sections 37-3-101 and 37-3-103 are amended to require each school district to adopt a policy on student suicide prevention developed to address procedures relating to suicide prevention, intervention and postvention. The State Department of Education is required to establish a model policy in consultation with the Mississippi Department of Mental Health for use by school districts in developing their suicide prevention policy. Beginning with the 2017-2018 school year, each school district will be required by the State Department of Education to conduct in-service training on suicide prevention education for all school district employees.

HB 347. Effective 7/1/17. Signed 3/13/17.

This bill provides for the repeal of Section 37-167-1, which established the New Start School Program for schools that were chronically underperforming and/or failing.

HB 537. Effective 7/1/17. Signed 3/20/17.

This bill amends Section 37-151-5 to revise the definition of the term "year of teaching experience" to include persons with nine months of actual teaching in the public or private elementary or secondary schools or at postsecondary institutions accredited by the Southern Association of Colleges and Schools (SACS) or equivalent regional accrediting body for degree-granting postsecondary institutions.

HB 1046. Effective 7/1/17. Signed 4/13/17.

This bill amends Sections 37-173-1, 37-173-3, 37-173-7 and 37-173-9 to expand the eligibility for the Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program to include students in Grade 1 through Grade 12. The program, which was originally enacted in 2012, initially only provided scholarship assistance for students with a diagnosis of dyslexia through Grade 6.

The bill also amends Section 37-173-15 to require school districts to adopt a policy ensuring the screening of students in the appropriate grades using a dyslexia screener approved by the State Board of Education.

HB 1413. Effective 7/1/17. Signed 3/20/17.

This bill amends Section 37-9-71 to clarify the difference between disciplinary actions imposed upon students resulting in a suspension of 10 or more days or expulsion from school by providing students the right to a due process hearing at which they may be represented by legal counsel, present evidence and cross-examine school district witnesses, as well as being provided the right to appeal the disciplinary action of the school facility administrator to the local school board. Additionally, the bill establishes substantial evidence as the burden of proof to be satisfied in all disciplinary proceedings.

ELECTIONS

SB 2689. Effective 1/1/18. Signed 4/11/17.

This bill creates a new provision of law that prohibits the personal use of campaign contributions by public officeholders and candidates for public office. Contributions in a candidate's or officeholder's campaign account before January 1, 2018, are exempt from this new provision of law.

Generally, "personal use" is any expenditure unrelated to running for or performing the duties of public office or that would be treated as gross income by federal tax law. Personal use does not include donations to political organizations, political action committees or other candidates.

Expenditures for the following are specifically prohibited:

- Mortgage, rent, utilities or residential items for residential property where a homestead exemption is claimed;
- Mortgage, rent or utilities for nonresidential property that exceeds fair market value of the property usage;
- Funeral, cremation or burial expenses;
- Clothing, except for items of de minimis value;
- Automobiles, except for automobile rental or other automobile expenses related to running for or performing the duties of public office;
- Tuition payments, except for payments related to training campaign staff or to the officeholder's duties;
- Salary payments to candidates' family members who do not work for the campaign;
- Nondocumented loans;

- Travel expenses that are unrelated to running for public office, performing the duties of public office, attending certain conferences or attending a state or national party convention;

- Payment of any fines, fees or penalties.

Expenditures for the following are permitted:

- Ordinary and necessary expenses related to running for or performing the duties of public office;

- Office space and equipment;

- Donations to charitable organizations or sponsorships;

- Special-occasion gifts or donations to nonfamily members;

- Meal and beverage expenses related to running for, performing the duties of, or maintaining a position within a publicly elected body;

- Reasonable rental or accommodation expenses incurred during a legislative session or while the officeholder is required to be at the Capitol or other location outside his/her county of residence;

- Communication access expenses;

- Membership costs for chambers of commerce and civic organizations;

- Legal fees and costs related to running for or performing the duties of public office.

The new provision of law specifies how a candidate or officeholder must handle unused campaign funds. These funds must be:

- Maintained in the campaign account;

- Donated to a political organization, political action committee or other candidate;

- Transferred to a new political action committee or ballot question advocate;
- Donated to a tax-exempt charitable organization;
- Donated to the State of Mississippi; or
- Returned to donors.

A violation of the campaign finance law is a misdemeanor punishable by a \$1,000.00 fine and a state assessment equal to the amount of misappropriated funds. The state assessment will be deposited into the Public Employees' Retirement System.

The Mississippi Ethics Commission is tasked with issuing advisory opinions regarding the requirements in the new provision of law. Officeholders and candidates must submit written requests for advisory opinions. Although the Commission's advisory opinion will be made public, the requesting individual's identity will remain confidential.

Section 23-15-803 is amended to reduce the time within which a political committee must file a statement of organization with the Secretary of State. These statements must be received by the Secretary of State within 48 hours. The Mississippi Ethics Commission is authorized to impose a penalty of up to \$5,000.00 against political committees that do not comply with this section.

Section 23-15-805 is amended to allow candidates to file campaign finance reports directly with the Secretary of State. A candidate may fax, e-mail, postal mail or hand-deliver the report.

Section 23-15-807 is amended to provide that unopposed candidates are not required to file pre-election reports but must file all other reports. Also, this section now requires that an expenditure to a credit card issuer, financial institution or business allowing payments and money transfers to be made over the Internet must detail the amount of the funds passing to each person, business entity or organization receiving funds from the expenditure.

Sections 23-15-811, 23-15-813 and 23-15-817 are amended to authorize the Mississippi Ethics Commission to take certain action to enforce provisions of the campaign finance laws.

HB 467. Effective 7/1/17. Signed 4/18/17.

This bill amends various sections throughout the Mississippi Election Code.

- Section 23-15-5 is amended as follows:
 - ▶ Requires that monies held in the Elections Support Fund be held in a separate fund.
 - ▶ Allows the monies to be used to employ personnel to conduct an election.
 - ▶ Expands the use of the fund from upgrading, maintaining or equipping the Statewide Elections Management System (SEMS) to also include acquiring, upgrading or maintaining any other election-related site or system or providing technical training to election officials.
- Sections 23-15-11, 23-15-13, 23-15-37, 23-15-47, 23-15-125, 23-15-299, 23-15-309, 23-15-398, 23-15-853 and 23-15-857 are amended to provide that when deadlines fall on a Sunday or legal holiday, the submission of certain documents will be accepted on the business day that immediately follows that Sunday or legal holiday.

- Section 23-15-39 is amended as follows:

- ▶ Requires the county registrar to mail a person his or her voter registration card to the mailing address that is provided on the voter registration application.

- ▶ Allows a county election commissioner or other county official to update municipal boundary information in SEMS if the county election commissioner or other county official has completed an annual training seminar sponsored by the Secretary of State (SOS) that pertains to the implementation of new boundary lines in SEMS and received certification for the training.

- Section 23-15-47 is amended as follows:

- ▶ Revises the application verification process from contacting the applicant by telephone, personal contact, or any other method approved by the SOS to matching the applicant's Mississippi driver's license number through the Mississippi Department of Public Safety or by matching the applicant's social security number through the American Association of Motor Vehicle Administrators.

- ▶ Revises the timeline for a county registrar to complete action on an application from within 25 days to within 14 days.

- Section 23-15-153 is amended as follows:

- ▶ Removes the ability of the election commissioners to erase the names of all people who are erroneously on the books. Only those voters who have requested to be purged from the voter roll may be purged from the voter roll by the election commissioners.

- Section 23-15-169.7 is amended as follows:
 - ▶ Allows monies from the "Help Mississippi Vote Fund" to be used as compensation for any certified poll manager under Section 23-15-239.
- Section 23-15-171 is amended as follows:
 - ▶ Changes the time for holding municipal primary elections from the first Tuesday in May before the general municipal election to the first Tuesday in April before the general municipal election.
 - ▶ Changes the time for holding the second municipal primary election from two weeks after the first primary to three weeks after the first primary.
 - ▶ Provides the procedure for holding a second primary election in the event no candidate receives a majority in the first primary election.
- Section 23-15-211 is amended as follows:
 - ▶ Provides that the SOS shall serve as Secretary of the State Board of Election Commissioners and shall maintain minutes of all meetings and accept service of process on behalf of the committee.
 - ▶ Provides the duties of the State Board of Election Commissioners.
 - ▶ Provides that an election commissioner shall be certified by the SOS only after attending the annual elections seminar and satisfactorily completing the skills assessment provided for in Section 23-15-213.
- Section 23-15-213 is amended as follows:
 - ▶ Establishes staggered terms for election commissioners.

- ▶ Requires satisfactory completion of a skills assessment before an election commissioner is allowed to take the oath of office.

- Section 23-15-221 is amended as follows:

- ▶ Allows the city council or board of aldermen or other governing authority of a municipality to adopt an ordinance to enter into an agreement with the county election commissioners to authorize the county election commissioners to conduct municipal elections and other functions that are currently performed by the municipal election commissioners.

- ▶ Provides that if the municipality is located in more than one county, the municipality will choose the county that it wants to conduct its elections.

- ▶ Provides the duties of those county election commissioners who conduct municipal elections in the place of municipal election commissioners.

- ▶ Provides the responsibilities of municipal election commissioners if no ordinance is adopted.

- Section 23-15-223 is amended as follows:

- ▶ Provides that the circuit clerk shall be the registrar unless the State Board of Election Commissioners determines him or her to be an improper person. The clerk will be given notice and a hearing if such determination is made.

- ▶ Eliminates the requirement for a computer training refresher course for election officials, so the course will only be required for all newly appointed registrars.

- Section 23-15-239 is amended as follows:

- ▶ Provides that the poll manager training will be not less than four hours and not more than eight hours unless a poll manager completes the online training course offered by the SOS,

in which case, the poll manager would then only be required to complete two hours of in-person poll manager training.

- ▶ Deletes the language regarding counties with a population of 250,000 to 275,000 and with a population of 275,000 for the purposes of per diem that election commissioners can receive and adds the language "or more" after 225,000 residents.

- ▶ Creates "certified poll managers" and provides that not more than two poll managers per precinct are selected by the election officials to undergo online training provided by the SOS.

- ◆ Beginning with every election held after January 1, 2018, at least one certified poll manager will be assigned to each polling place during each general election.

- ◆ These certified poll managers will be paid \$25.00 from the Help Mississippi Vote Fund for completing the course until 2020, at which time the \$25.00 compensation repeals.

- Section 23-15-251 is amended as follows:

- ▶ Provides that the ballot boxes can be delivered to the voting place by the poll manager that has been designated to deliver the ballot boxes on the day before the election or before 6:00 a.m. on the morning of the election. Currently, the ballot boxes must be delivered "on the day previous to the election."

- Section 23-15-255 is amended as follows:

- ▶ Requires the poll managers of each precinct to publicly post the following information at the precinct polling place on the day of any election:

- ◆ A list of voters in each polling place who have already cast an absentee ballot.

♦ The acceptable forms of photo identification that may be presented in the polling place.

- Section 23-15-271 is amended as follows:

- ▶ Requires a county or municipal executive committee to complete training within 60 days of an election, and if the training is not completed, the election integrity assurance committee is required to either conduct the training itself or contract on behalf of the executive committee with the respective election commission or circuit clerk to conduct the election.

♦ Previously the integrity committee was authorized to run the election if training was not completed, but lacked authority to contract with election officials to administer the election.

- Section 23-15-281 is amended as follows:

- ▶ Requires the board of supervisors to ensure the legal description and map of each supervisors district is available in the circuit clerk's office for public inspection.

- ▶ Moved language over from Section 23-15-259 to this section that provided for agreements between the board of supervisors and the state, county, municipal or school authority to use its property as polling places.

- ▶ Provides that, by May 1, 2019, polling places must be accessible to all voters, structurally sound, capable of providing air-conditioning and heating, and compliant with the ADA.

- Section 23-15-283 is amended as follows:

- ▶ Requires the persons who change the boundaries in SEMS to attend training conducted by the SOS first.

▶ Requires the board of supervisors to designate the person who will be responsible for making all boundary changes and attending the required training.

• Section 23-15-299 is amended as follows:

▶ Prohibits a candidate from qualifying with a political party if that political party does not have an organized county executive committee.

◆ Prohibits a circuit clerk from accepting assessments from nonlegislative offices if the circuit clerk does not have the contact information for the secretary of the county executive committee.

▶ Requires the written statement of the candidate to include the candidate's e-mail address if he or she has one.

▶ Requires the county executive committee to offer a hearing to aggrieved persons who the committee determines are not qualified to be a candidate for office.

• Section 23-15-309 is amended as follows:

▶ Prohibits a candidate from qualifying with a political party if that political party does not have an organized municipal executive committee.

◆ Prohibits a municipal clerk from accepting assessments from nonlegislative offices if the municipal clerk does not have the contact information for the secretary of the municipal executive committee.

▶ Requires the written statement of the candidate to include the candidate's e-mail address if he or she has one.

▶ Requires the municipal executive committee to offer a hearing to aggrieved persons who the committee determines are not qualified to be a candidate for office.

- Section 23-15-333 is amended as follows:
 - ▶ Details the order in which the titles for the various offices shall be listed on the ballots in primary elections.
 - ▶ Requires an unopposed candidate's name to be listed on the primary election ballot unless all of the primary races that appear on the ballot are uncontested, in which case the election shall be dispensed with and the appropriate executive committee will declare each candidate as the party nominee.
- Section 23-15-359 is amended as follows:
 - ▶ Requires the county election commission to offer a hearing to aggrieved persons who the commission determines are not qualified to be a candidate for office.
- Section 23-15-361 is amended as follows:
 - ▶ Requires the municipal election commission to offer a hearing to aggrieved persons who the commission determines are not qualified to be a candidate for office.
- Section 23-15-367 is amended as follows:
 - ▶ Provides the order for the titles of the various offices.
- Section 23-15-391 is amended as follows:
 - ▶ Authorizes the governing authorities of each municipality to use OMR equipment or DRE voting equipment.
 - ▶ Deletes references to voting machines (lever machines) and electronic voting equipment (punch card machines).
 - ▶ Restricts the use of paper ballots to special, municipal and runoff elections.

- Section 23-15-511 is amended as follows:
 - ▶ Changes the number of sample ballots that must be provided to each precinct and posted in each polling place on election day from two to one.
- Section 23-15-513 is amended as follows:
 - ▶ Separates the number of ballots to be printed for primary elections and general elections.
 - ◆ For primary elections, as conducted by each respective party executive committee, reduced the number of paper ballots to be printed from 75% (x2) of the number of eligible voters to not less than 125% of the highest number of votes cast in a comparable primary election conducted by the same political party in the preceding 10 years.
 - ◆ Creates new language pertaining to general elections and reduces the number of paper ballots to be printed from 75% to 60% of eligible voters.
- Section 23-15-515 is amended as follows:
 - ▶ Provides that the municipal clerk shall be the custodian of the OMR equipment acquired by the municipality, and shall be charged with the proper storage, maintenance and repair of the OMR equipment.
- Section 23-15-517 is amended as follows:
 - ▶ Requires the election officials to arrive at the polling place one hour before the polls open instead of 30 minutes before the polls open.
 - ▶ Requires the separate bundling of all spoiled ballots and placement of all paper ballots in the ballot box sealed to return to the officials in charge of the election.

- Section 23-15-519 is amended as follows:
 - ▶ Requires a tamper-evident seal to seal all ballot boxes and defines "tamper-evident" as a seal that has been designed in such a way to allow someone to easily detect any tampering.
 - ▶ Requires poll managers or officials in charge of the election, depending on who has the election materials, to keep seal logs to document each time a tamper-evident seal on a ballot box is opened or changed.
 - ▶ Provides that failure to strictly comply with the provisions regarding the seal log will not result in a presumption of fraud.
- Section 23-15-521 is amended as follows:
 - ▶ Includes the language "or their designees" which will allow election commissioners to contract with others to perform the logic and accuracy testing of the voting machines before the ballots are counted.
- Section 23-15-523 is amended as follows:
 - ▶ Prohibits the spouse of a candidate from being appointed to the resolution board.
 - ▶ Provides the procedures to be followed when preparing a duplicate scannable ballot and deletes the alternative of marking over the voter's mark with a detectable marking device.
 - ▶ Modified the training requirements for resolution board members from eight hours to two hours not less than five days before the election, at least once during the 12 months immediately preceding the election.

- Section 23-15-531.1 is amended as follows:
 - ▶ Authorizes the board of supervisors of each county and the governing authorities of each municipality to purchase or rent DRE units that meet certain requirements and may use such system in all or part of the precincts within its boundaries.
- Section 23-15-531.4 is amended as follows:
 - ▶ Provides that the circuit clerk shall be charged with the proper storage, maintenance and repair of its county's DRE units.
 - ▶ Provides that the municipal clerk shall be the custodian of the DRE unit acquired by the municipality, and shall be charged with the proper storage, maintenance and repair of the DRE unit.
 - ▶ Provides that the custodian shall provide compensation for the safe storage and care of the DRE units and related equipment if the same are stored and secured by a person or entity other than the circuit or municipal clerk.
- Section 23-15-531.5 is amended as follows:
 - ▶ Deletes the provision that pertained to separate write-in ballots.
 - ▶ Requires the officials in charge of the election to create a database for each DRE unit.
- Section 23-15-531.6 is amended as follows:
 - ▶ Provides that, for all elections other than primary and general elections, if the officials in charge of the election choose to use DRE units, at least 1/3 of all DRE units available to the county or municipality shall be used in the election.

- ▶ Requires election commissioners or their designees to test each DRE unit for logic and accuracy and requires public notice of the test to be given.

- ▶ Requires election commissioners or their designees to test all memory cards and encoders.

- ▶ Requires only one sample ballot instead of two.

- Section 23-15-541 is amended as follows:

- ▶ Clarifies that polls shall remain open until the last person who is in line at 7:00 p.m. has voted.

- ▶ Requires poll managers to designate two of their number as receiving and returning manager one hour before the polls open.

- ▶ Clarifies procedures for poll managers to identify voters, locate their names in the pollbook and have voters sign the receipt book.

- ▶ Clarifies the procedure for marking a voter as "VOTED" in the pollbook.

- ▶ Revises the language for curbside voting:

- ◆ Provides that when a disabled voter is voting curbside, all able-bodied individuals must exit the car while the disabled voter votes.

- ◆ Provides that all normal voting procedures, such as marking the pollbook, apply when conducting curbside voting for disabled individuals.

- ▶ Clarifies that a minimum of three poll managers must be present inside the precinct at all times voting is conducted. If three cannot be present, then all voting in the precinct shall be stopped until the managers are present.

- ▶ Provides that nothing shall prevent a voter from requesting voter assistance as provided in Section 23-15-549.

- Section 23-15-547 is amended as follows:
 - ▶ Provides for the capture of electronic signatures instead of signatures in a paper receipt book.
 - ▶ Requires that a paper copy of the electronic signatures be made and sealed in the ballot box after closing the ballot box.
- Section 23-15-553 is amended as follows:
 - ▶ Provides for the following if any voter spoils a ballot:
 - ◆ The word "SPOILED" shall be written across the face of the ballot and each ballot shall be deposited into the sealed ballot box.
 - ◆ When the polls have closed, those ballots marked as "SPOILED" shall be bundled together and placed in a separate strong envelope provided for spoiled ballots.
 - ◆ The envelope containing all spoiled ballots shall be sealed in the ballot box once the poll managers have completed the closing procedures and returned the materials to the officials in charge of the election.
- Section 23-15-573 is amended as follows:
 - ▶ Clarifies the ability to vote by affidavit in the event a voter forgets his or her ID.
 - ◆ Provides that if an affidavit voter is so voting because he or she forgot ID, then the poll manager shall write "NO ID" across the voter's name in the pollbook.
 - ◆ Provides the ways that an affidavit voter who failed to present ID can have his or her vote counted.
 - ▶ Clarifies that a present and previous physical and mailing address of the voter and telephone numbers where the

voter may be contacted shall be printed on the affidavit ballot envelope.

- ▶ Provides that the officials in charge of the election shall process the affidavit ballots through SEMS.

- ◆ Provides that the officials in charge of the election shall account for all affidavit ballots cast and categorize the affidavit ballots cast by reason and record the total number counted and not counted.

- Section 23-15-575 is amended as follows:

- ▶ Regulates voting in primary elections by providing for the following:

- ◆ No person shall vote or attempt to vote in the primary election of one party when he or she has voted on the same date in the primary election of another party.

- ◆ No person shall vote or attempt to vote in the second primary election of one party when he or she has voted in the first primary election of another party.

- Section 23-15-577 is amended as follows:

- ▶ Provides candidates shall have the right to have a credentialed poll watcher at the polling places during the election.

- ◆ Defines a credentialed poll watcher as a poll watcher of good conduct and behavior, authorized in writing to act as the representative of a candidate on the ballot or political party that has a candidate on the ballot.

- ▶ Provides that candidates and credentialed poll watchers shall have a suitable position from which they can clearly see and hear the manner in which the election is held.

- ▶ Authorizes candidates and credentialed poll watchers to bring their own pollbooks, either in electronic form or print

form, to the polling place during each general and special election.

- ▶ Outlines the activities that candidates and credentialed poll watchers are not allowed to do because those activities would interfere with the election process.

- Section 23-15-597 is amended as follows:

- ▶ Revises the time that an executive committee is required to meet after each primary election from "on the first or second day after each primary election" to "no later than one week from the day following each primary election."

- Section 23-15-601 is amended as follows:

- ▶ Revises the time for the poll managers to deliver a statement of the whole number of votes given for each person and for what office to the election commissioners from the "second day after the election" to "on the night of the election."

- ▶ Clarifies that county elections resulting in a tie may be determined by the toss of a coin or by lot fairly and publicly drawn.

- Sections 23-15-605 and 23-15-607 are amended as follows:

- ▶ Provides that, in the case of a tie vote, each candidate shall individually draw one of two sealed containers from an opaque bag.

- ▶ Provides that the containers shall consist of a straw of conspicuous length, and the candidate drawing the container with the longer of the two straws shall be declared the winner.

- Section 23-15-611 is amended as follows:

- ▶ Changes from within five days to within six days the time that election commissioners shall deliver to each person receiving the highest number of votes a certificate of election.

- ▶ Conforms language to allow a tie to be decided by a toss of a coin or by lot fairly and publicly drawn.

- ▶ Changes from within five days to within six days the time that municipal election commissioners shall submit a statement to the SOS certifying the name of the elected person.

- Section 23-15-843 is amended as follows:

- ▶ Provides that a special election will not be necessary if a vacancy in the Office of Attorney General occurs in a general election year.

- ◆ Currently, the Governor must call for a special election if a vacancy occurs in the office of the district attorney more than 90 days before the general election.

- Section 23-15-851 is amended as follows:

- ▶ Extends the notice required for the election to fill a vacancy in either house of the Legislature from 40 days to 60 days.

- ◆ Extends the qualifying deadline for that election from 30 days to 50 days.

- ▶ Provides that a special election will not be necessary if the vacancy occurs in the calendar year of a general election.

- Section 23-15-853 is amended as follows:

- ▶ Revises the date candidates must qualify for office for special elections to fill Congressional vacancies, from not less than 45 days to not less than 50 days before the date of the special election.

- Section 23-15-857 is amended as follows:

- ▶ Revises the date for a municipal special election to fill vacancies that ends in no candidate receiving a majority

vote from being held two weeks after the first election to three weeks after the first election.

- ◆ If the election ends in a tie, the tie may be broken by a toss of the coin or by lot fairly and publicly drawn.

- Section 23-15-873 is amended as follows:

- ▶ Provides that any violation of this section, which deals with unlawful inducements, shall constitute a violation of Section 97-13-37 and shall be referred to the district attorney for prosecution.

- Section 23-15-875 is amended as follows:

- ▶ Removes language related to the claims against the integrity of a candidate, specifically regarding prohibitions on making such allegations, whether true or untrue, within five days preceding an election.

- Section 23-15-897 is amended as follows:

- ▶ Provides definitions for the terms "campaign materials," "publish," and "printed materials" and prohibits a candidate, political committee or other person from publishing, or knowingly cause to be published, any campaign materials unless it contains certain identifying information.

- ▶ Provides that the publication of campaign materials through an electronic platform shall be deemed to comply with the requirements of this section if the home page of the candidate or political committee provides the information required in this section, and each electronic publication provides a link to that home page.

- Section 23-15-911 is amended as follows:

- ▶ Provides methods for serving notice to the opposing candidate if a candidate decides to examine the ballot box and its contents.

- ▶ Notice shall be given by delivering a copy personally to each candidate, or by performing two of the following:

- ♦ By leaving a copy at each candidate's usual place of residence with a family member, who shall be no less than 16 years of age and who resides in the candidate's residence;

- ♦ By e-mail or other electronic means, with receipt deemed upon transmission; or

- ♦ By mailing a copy of the notice by registered or certified mail that is addressed to each opposing candidate at such candidate's residence with receipt deemed upon mailing.

- ▶ If service of notice cannot be made to any opposing candidate, then notice may be posted on the door of each candidate's usual place of abode. If any candidate's usual place of residence is a multifamily dwelling, a copy of the notice must be mailed to the candidate or candidates by United States first-class mail, postage prepaid, return receipt requested thereon.

- ▶ Proof of service of notice upon any opposing candidate shall be made to the circuit clerk within three days before a full examination of the ballot box may be conducted.

- Section 23-15-994 is created to:

- ▶ Provide that the elections for the office of Judge of the Court of Appeals shall be as prescribed in Section 9-4-1 et seq.

- Section 23-15-1059 is amended as follows:
 - ▶ Requires the Chair or Secretary of the State Executive Committee of a political party to annually update its registration, including the names of all organizations officially sanctioned by the political party. The filing shall be made to the SOS office.
- Section 23-15-545 is amended as follows:
 - ▶ Clarifies how the poll manager is to mark the pollbook upon the return of a marked paper ballot.
 - ▶ Provides that when a DRE unit is used in the polling place, the word "VOTED" shall be marked by at least one poll manager in the pollbook.
- Section 23-15-549 is amended as follows:
 - ▶ Provides that voter assistance shall not be given by a candidate whose name is on the ballot, or by a spouse, parent, sibling or child of a candidate whose name is on the ballot, or by a poll watcher who is observing the polling place on election day unless the voter is related within the first degree.
- Section 23-15-631 is amended as follows:
 - ▶ Provides that a candidate whose name is on the ballot, or the spouse, parent or child of a candidate whose name is on the ballot, shall not be an attesting witness for any absentee ballot upon which the candidate's name appears unless the absentee voter is related to the candidate within the first degree.
- Sections 23-15-111, 23-15-119, 23-15-127, 23-15-129, 23-15-133, 23-15-137 and 23-15-160, which provide for the preparation, revision and maintenance of registration books and pollbooks, are repealed.

- Section 23-15-167, which provides for the funding to purchase computer hardware or software for the Centralized Statewide Voter System, is repealed.

- Section 23-15-169.6, which created a task force to study voting systems that comply with the Help America Vote Act of 2002 and their suitability for use in elections in Mississippi, is repealed.

- Section 23-15-212, which created a study committee to conduct a study to determine how registrars, election commissioners, executive committee members and poll workers can be better trained in the conduct of elections, is repealed.

- Section 23-15-269, which provides the penalties for an election commissioner, or any other officer or person acting as such, or performing election duty, who willfully refuses or knowingly fails to perform any duty required of him or her by the election laws, is repealed.

- Sections 23-15-393, 23-15-401, 23-15-403, 23-15-405, 23-15-407, 23-15-409, 23-15-411, 23-15-413, 23-15-415, 23-15-417, 23-15-419, 23-15-421, 23-15-423, 23-15-425, 23-15-427, 23-15-429, 23-15-431, 23-15-433, 23-15-435, 23-15-437, 23-15-439, 23-15-441, 23-15-443, 23-15-445, 23-15-447, 23-15-449 and 23-15-451, which provide for the use of voting machines in elections, are repealed.

- Sections 23-15-461, 23-15-463, 23-15-465, 23-15-467, 23-15-469, 23-15-471, 23-15-473, 23-15-475, 23-15-477, 23-15-479, 23-15-481, 23-15-483, 23-15-485 and 23-15-501, which provide for the use of electronic voting systems, are repealed.

- Section 23-15-509, which provides when and where OMR equipment may be used, is repealed.

- Section 23-15-531.7, which provides for the demonstration of DRE units, is repealed.

- Section 23-15-531.8, which provides for the storage and security of DRE units, is repealed.

- Section 23-15-531.11, which provides for the coding of challenged ballots on DRE units, is repealed.

- Section 23-15-559, which provides the times for holding primary and general elections for municipalities that operate under a special or private charter, is repealed.

- Section 23-15-841, which provides for the holding of a primary election in special elections for county and county district seats, is repealed.

- Section 23-15-893, which provides the penalty for being intoxicated in or about a polling place during an election, is repealed.

- Section 23-15-899, which provides for identifying information to be posted on campaign materials, is repealed.

- Section 97-13-18, which prohibits foreign nationals from making contributions or expenditures to or on behalf of political parties or candidates, is repealed.

ENERGY

SB 2165. Effective 7/1/17. Signed 3/9/17.

SB 2165 reenacts Sections 77-3-701 through 77-3-737, which create the Mississippi Telephone Solicitation Act, and extends the repealer on those sections until July 1, 2021.

HB 883. Effective on passage. Signed 3/10/17.

HB 883 authorizes a rate-regulated natural gas public utility with certificated service area in Mississippi to undertake economic development activities, whether directly or indirectly, including activities such as providing capital, or investment in or acquisition and development of business or industrial sites and the necessary infrastructure or services needed to attract new or existing businesses or industry, to create or maintain employment opportunities, or otherwise to positively impact or in some manner promote the sale of natural gas within its certificated service area.

ETHICS

SB 2514. Effective on passage. Signed 3/28/17.

This bill establishes the Mississippi Advisory Council on Faith-Based Initiatives within the Governor's office. The council is created to encourage opportunities for faith-based and secular community-based organizations to work cooperatively with government entities in order to deliver services more effectively to the citizens and neighborhoods most in need.

By December 1 of each year, the council is to prepare a written report for the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives containing a summary of activities and recommendations of the council.

FINANCE

SB 2311. Effective on passage. Signed 3/20/17.

In 2014 the Achieving a Better Life Experience Act (ABLE Act) was signed into law by the President of the United States.

The ABLE Act amends the federal tax code to allow tax-free savings accounts to help finance disability-related needs. The accounts are similar to Section 529 college savings accounts.

Under previous law, people with disabilities who saved more than \$2,000.00 failed to qualify or risked the loss of their Supplemental Security Income (SSI), Medicaid and other benefits. Funds deposited in ABLE accounts must be used exclusively for disability-related expenses.

Disability-related expenses include expenditures made for the benefit of a disabled individual for education; housing; transportation; employment training and support; assistive technology and personal support services; health, prevention, and wellness; financial management and administrative services; legal fees; expenses for oversight and monitoring; funeral and burial expenses; and any other expenses approved under federal regulations.

Persons eligible to receive benefits under the ABLE Act are persons who become disabled before age 26 and receive Social Security Disability Insurance (SSDI) or SSI, or file a disability certification under Internal Revenue Service rules.

This bill authorizes ABLE accounts in this state and mirrors the federal law regarding eligibility and eligible expenses.

The bill creates a nine-member board to administer the Mississippi ABLE Act. The State Treasurer, the Executive Director of the Department of Rehabilitation Services and the Executive Director of the Department of Mental Health are ex

officio members. Six members are appointed by the Governor. The Mississippi Achieving a Better Life Experience (ABLE) Trust Fund is created by this bill. The trust fund consists of money from any source that is held in trust until distributed. Money in the fund is not the property of the state and cannot be commingled with state funds. Money in the fund can be utilized for administration of the program. The owner of an account retains ownership of amounts in his or her account. The board is tasked with establishing an investment plan for money in the trust fund.

The property and income of the ABLE Trust Fund is exempt from all taxation by the state or its political subdivisions. Contributions to a Mississippi Able program account are deductible from Mississippi taxable income up to the maximum annual amount established by Congress. Nonqualified withdrawals are included in the gross income of the recipient.

Participation in an ABLE program by a resident does not affect an individual's eligibility for any state assistance program.

SB 2402. Effective 7/1/17. Signed 4/13/17.

Current law provides procedures whereby governmental entities may enter into contracts for energy efficiency services. The purpose of this bill is to make sure that the projects entered into under these contracts have savings that are documented and credible.

This bill authorizes the Division of Energy to assemble a list of prequalified energy services providers for energy savings performance contract projects. The division must use objective criteria in the selection process. The division must either accept or reject an application for prequalification from an energy services provider within 60 days after receipt. If

the division fails to act within 60 days from the date of receiving an application, the application shall automatically be accepted and the energy services provider shall be added to the prequalified list.

The bill authorizes governmental entities to enter into multiple phases of a performance contract provided the area where the scope of work takes place was included in the original request for proposals or request for qualification, the original terms and conditions are satisfied, and the contract term for each phase does not exceed 20 years.

Under this bill, the maximum lease-purchase term cannot exceed the lesser of 20 years or the average useful life of the energy conservation measures have been completed and accepted by the governmental unit.

Under current law, if an entity decides to enter into a contract for energy efficiency service the entity must notify the MDA Division of Energy and the final contract must be approved by the division. This bill removes the requirement that the contract must be approved by the Division of Energy.

The bill provides that by March 1 and September 1 of each year the entity that enters into a performance contract or a shared savings contract must report to the Division of Energy its energy usage by meter in dollars and consumption by fuel type for the previous six-month period. Current law requires annual reporting only if the entity received financial assistance through the energy efficiency lease program. If an energy services provider fails to meet the reporting requirements on a project they are involved in twice, the provider will be removed from the prequalification list.

The bill provides that this section will be repealed from and after July 1, 2019.

SB 2437. Effective 7/1/17. Signed 3/13/17.

Under current law, all taxing entities in the state are required to file an annual report with the State Auditor providing the amount of tax revenue received by the entities during the prior fiscal year. The reports are not audited reports. This bill provides that the reports be filed with the Department of Revenue rather than the State Auditor.

SB 2445. Effective 7/1/17. Signed 4/5/17.

The Department of Revenue (DOR) has the authority to garnish the bank accounts of taxpayers who have active warrants issued against them for taxes owed to the state. Under the current procedure it is difficult to locate a taxpayer's bank account and the process is time-consuming and expensive for both financial institutions and DOR. Under current law, DOR sends paper levies to financial institutions where they believe that a taxpayer who owes an established tax debt to the state has an account. The financial institution must respond to the levies that are sent to them even when the taxpayer is not a customer of the institution.

This bill authorizes DOR to establish a data match program with the financial institutions in the state. The program will allow the financial institutions and DOR to electronically share and exchange information to identify the financial accounts of persons who owe the state an established tax debt. The system will be similar to the data match system mandated by federal law for the collection of delinquent child support obligations. The data match system authorized by this bill should significantly reduce the burden on financial institutions and do so at no additional cost. The bill does not provide any additional enforcement authority for DOR, but should help DOR be more

efficient by automating numerous manual processes. DOR is responsible for developing the interface to communicate with systems already in place at financial institutions. The bill authorizes DOR to develop a system whereby the levy is delivered to financial institutions electronically, financial institutions respond to the levy electronically, and financial institutions transfer funds to DOR electronically.

SB 2448. Effective on passage. Signed 3/13/17.

Current law authorizes cities and counties in this state to join together with other cities and counties to form regional economic development alliances (REDA). Current law allows the formation of such alliances with political subdivisions in another state.

This bill allows local government units in this state, in addition to cities and counties, to join in regional economic development alliances. The definition of the term "local government units" is expanded to include, in addition to cities and counties, utility districts, school districts, community colleges, institutions of higher learning, municipal or regional airport authorities, port authorities and any other political subdivision of the state.

SB 2474. Effective 7/1/17. Signed 3/13/17.

This bill extends from October 1, 2017, until October 1, 2022, the repeal date on the provisions of law that:

- Provide for the issuance of bonds by the Mississippi Business Finance Corporation to finance economic development projects in order to induce the location or expansion of certain businesses in this state (this act is commonly called the RED Act); and

- Provide for a credit against state income taxes for debt service paid by companies under financing agreements entered into with the Mississippi Business Finance Corporation under the above provision.

SB 2911. See summary under Business and Financial Institutions heading.

SB 3021. Effective 7/1/17. Signed 4/6/17.

Under current law, ships, offshore drilling equipment, dry docks, boats and barges, except for watercraft used in connection with gaming operations, are exempt from ad valorem tax while in the possession of the manufacturer, builder or converter for a period of 12 months after the completion of the construction or conversion. This bill provides that the 12-month limitation does not apply to:

- Vessels used for the exploration for, or production of, oil, gas and other minerals offshore outside the boundaries of this state; or

- Vessels that were used for the exploration for, or production of, oil, gas and other minerals that are converted to a new service for use outside the boundaries of this state.

In order for a vessel to be exempt for a period of more than 12 months, the vessel must:

- Be operating or operable, generating or capable of generating its own power or connected to some other power source, and not removed from the service or use for which manufactured or to which converted; and

- The manufacturer, builder, converter or other entity possessing the vessel must be in compliance with any lease or other agreement with any applicable port authority or other entity regarding the vessel and in compliance with all applicable tax laws of this state and applicable federal tax laws.

The bill provides that a vessel exempt from taxation under this bill may not be exempt for a period of more than three years unless the board of supervisors of the county and/or governing authorities of the municipality, as the case may be, in which the vessel would otherwise be taxable adopts a resolution or ordinance authorizing the extension of the exemption and setting a maximum period for the exemption.

The bill exempts sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and/or equipment to be used therein, and sales of processing machinery and equipment which is permanently attached to the ground or to a permanent foundation which is not by its nature intended to be housed in a building structure, no later than three months after initial startup or expansion of a certain permanent enterprise engaged in the conversion of natural sand into proppants used in oil and gas exploration and development with at least 95% of the proppants used in the production of oil and/or gas from horizontally drilled wells and/or horizontally drilled recompletion wells. The bill also exempts from sales taxation sales of electricity, current, power, steam, coal, natural gas, liquefied petroleum gas or other fuel to a permanent enterprise that is eligible for the exemption upon completion of the expansion upon which the exemption is based if the expansion:

- Creates at least 85 full-time jobs in this state with an average annual wage of at least \$60,000.00; and
- Has at least \$80,000,000.00 in new investment at the existing facility.

SB 3033. Effective 7/1/17. Signed 3/27/17.

The bill creates the Mississippi Site Development Grant program that is to be administered by the Mississippi Development Authority for the purpose of providing grants to municipalities, counties and local economic development organizations to assist in paying costs associated with improving the marketability of publicly owned industrial property for industrial economic development purposes. The bill creates the Mississippi Site Development Grant Fund to be administered by the Mississippi Development Authority and authorizes the issuance of state general obligation bonds in the amount of \$2,000,000.00 to provide funds for the grant fund.

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

The bill authorizes the issuance of state general obligation bonds in the amount of \$10,000,000.00 for the ACE Fund.

The bill increases by \$7,000,000.00 the amount of general obligation bonds that may be issued under the Mississippi Business Investment Act and authorizes those funds to be utilized to make grants or loans to counties and municipalities through an equipment and public facilities grant and loan fund to aid in infrastructure-related improvements, the purchase of equipment and in the purchase, construction or repair and renovation of facilities.

The bill increases by \$1,000,000.00 the amount of general obligation bonds that may be issued under the Mississippi Major Economic Impact Act for projects designed to enhance facilities that are at risk for closure pursuant to the Base Realignment and Closure Act of 1991 or other applicable federal law.

The total amount of bonds authorized to be issued by this bill is \$65,000,000.00.

HB 309. See summary under Public Health and Welfare heading.

HB 447. See summary under Insurance heading.

HB 488. See summary under Public Health and Welfare heading.

HB 572. See summary under Public Property heading.

HB 686. Effective 1/1/17. Signed 3/13/17.

This bill authorizes a taxpayer to:

- Request a revision of an income tax return at any time within three years from the due date, or if an extension of time to file was granted, three years from the date the return was filed. If the return is not filed by the time authorized by the extension, then the three years begins to run from the final day of the extension period.

- Request a revision of the sales tax assessed against him or her, or paid by him or her, within 36 months from the date of the assessment or from the date the return was filed.

HB 694. Effective 7/1/17. Signed 4/18/17.

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

- Aunt Joyce's Kids
- Home of Grace
- Cure Sickle Cell Foundation
- Memphis Grizzlies Basketball Team
- Natchez-Adams School District
- Saint Patrick Catholic School
- Wildlife Refuges
- Quality Deer Management Association
- Mississippi Aquarium
- Chris McDill Grey Matters Scholarship Fund

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

- A person who is a veteran of the United States Armed Forces and rated as having service-connected disability by the

United States Department of Veterans Affairs, but is not rated as having 100% permanent service-connected disability.

- A person who is a recipient of the Combat Infantryman Badge.

- A person who served in combat in the United States Armed Forces.

The bill:

- Reauthorizes the issuance of the Lions of Mississippi distinctive motor vehicle license tag. It also provides that the tags may be issued to supporters as well as members of the Lions of Mississippi and that a portion of fees paid for the tag will be distributed to the White Cane Foundation.

- Revises the distribution of the fees for the distinctive motor vehicle license tag issued to members of the Mississippi Association of Realtors to provide that a portion of the fees will be distributed to the Mississippi REALTOR® Disaster Relief Fund.

- Revises the distribution of the fees for the distinctive motor vehicle license tag issued to supporters of Alpha Phi Alpha Fraternity to provide that a portion of the fees will be distributed to Mississippi Alpha Network Education and Leadership Foundation, Inc.

- Revises the section of law that authorizes the issuance of the "One Coast" distinctive motor vehicle license tag to provide that the Mississippi Gulf Coast Regional Convention and Visitors Bureau will be the entity to work with the Department of Revenue on the design of the tag and that the "One Coast" logo will be featured prominently on the tag. It also provides that a portion of the fees for the tag will be paid to the Tourism Fund in the Gulf Coast Community Foundation.

- Reauthorizes the distinctive motor vehicle license tag for cystic fibrosis awareness.

- Reauthorizes the distinctive motor vehicle license tag for supporters of East Central Attendance Center in Jackson County.

- Reauthorizes the distinctive motor vehicle license tag for supporters of the Pass Christian School District.

- Limits the issuance of the distinctive motor vehicle license tag for the Blue Knights® International Law Enforcement Motorcycle Club, Inc., to members of that club.

- Extends the period of time that the requirements for issuance of the distinctive motor vehicle license tag for supporters of Rotary International may be met.

- Extends the period of time that the requirements for issuance of the distinctive motor vehicle license tags displaying the emblem of public community colleges or junior colleges in this state may be met.

- Reauthorizes the distinctive motor vehicle license tag for supporters of the Booneville School District.

- Reauthorizes the distinctive motor vehicle license tag commemorating the City of Marks as the home of "The Mule Train."

- Increases the fee charged for the issuance of distinctive motor vehicle license tags to supporters of the Mississippi Nurses Foundation.

- Increases the fee charged for the issuance of distinctive motor vehicle license tags to supporters of the Blair E. Batson Hospital For Children.

- Reauthorizes the distinctive motor vehicle license tag for supporters of the Homebuilders Association of Mississippi and revises the distribution of the fees for the tags to provide

that a portion of the fees will be distributed to the Mississippi Association of Habitat for Humanity Affiliates, Inc.

- Amends the section of law that authorizes the issuance of distinctive motor vehicle license tags to supporters of the Sons of Confederate Veterans to also authorize the issuance of distinctive motorcycle license tags.

- Amends the sections of law that authorize the issuance of special license plates for antique automobiles, motorcycles and pickup trucks to allow a person to select a combination of letters of the alphabet and numbers to appear on such a plate.

HB 710. Effective 7/1/17. Signed 3/13/17.

This bill extends the authority of the Mississippi Development Authority to allocate qualified equity investment tax credits to January 1, 2020.

HB 918. Effective 7/1/17. Signed 3/10/17.

This bill increases from \$400.00 to \$600.00 the maximum compensation a licensee may pay per bingo session to a person involved in the holding, operating or conducting of any licensed games under the Charitable Bingo Law, unless otherwise provided for by the Mississippi Gaming Commission. These persons may include the bingo supervisor or alternate supervisor, callers, runners and cashiers.

HB 919. See summary under Public Property heading.

HB 926. Effective 7/1/17. Signed 3/28/17.

This bill authorizes the University of Mississippi Medical Center (UMMC), subject to the approval of the Board of Trustees of State Institutions of Higher Learning, to enter into joint-purchasing arrangements, joint ventures, joint-operating agreements, or similar arrangements with community hospitals or other public or private health-related organizations, or with for-profit or nonprofit corporations or other organizations, to establish arrangements for UMMC to participate in financial integration and/or clinical integration or clinically integrated networks with a joint venture, with community hospitals or other public or private health-related organizations, or with other for-profit or nonprofit corporations or other organizations, or through a joint-operating agreement, and to provide for contracts of employment or contracts for services and ownership of property on terms that will protect the public interest.

The bill provides that any physician or other health care practitioner employed by UMMC under an arrangement with a public or private health-related organization is a covered "employee" under the Tort Claims Act.

In addition, the bill exempts UMMC and any health sciences school operated or provided by UMMC (the schools of medicine, dentistry, nursing, pharmacy and any other health care-related educational program) from the public purchasing laws for purchases of commodities that are used for clinical purposes and are:

- Intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease, and

- Medical devices, biological, drugs and radiation emitting devices as defined by the United States Food and Drug Administration.

HB 1125. Effective on passage. Signed 3/20/17.

This bill requires the Department of Finance and Administration (DFA) to contract with a nonprofit corporation established for the primary purpose of the support, improvement, administration and operation of the Mississippi Arts and Entertainment Center for a period not to exceed 50 years. Any real property purchased or received by donation for the Mississippi Arts and Entertainment Center shall be titled to the State of Mississippi for the benefit and use of DFA.

The bill provides that the lease or contractual arrangement between DFA and the operating nonprofit corporation shall, along with the possessory and leasehold interests and/or real and personal property of the corporation, be exempt from all ad valorem taxation, including, but not limited to, school, city and county ad valorem taxes, for the term specified in the lease or contractual arrangement. The lease or contract requires the nonprofit corporation to pay for any and all utility costs incurred by the Center, which exempts the construction of the Center from the energy performance requirements for major facility projects.

HB 1301. Effective 7/1/17. Signed 3/13/17.

This bill makes several technical amendments to the Public Employees' Retirement System (PERS), the Highway Safety Patrol Retirement System (HSPRS) and the Supplemental Legislative Retirement Plan (SLRP) as follows:

- Simplifies the language regarding the purchase of certain service credit in PERS and HSPRS by removing language that specifies the increments in which the payment for that credit must be made.

- Clarifies to whom the actuarial equivalent of any remaining payments under Option 4B of PERS and HSPRS will be paid in the event of the death of the retired member and the last designated beneficiary.

- ▶ If the beneficiary dies before the selected time period is up, any remaining benefits would revert to the account of the member/retiree and be paid to his or her successors, not to the estate of the beneficiary.

- Provides that if a person who has received a refund from PERS or SLRP reenters state service or is reelected on or after July 1, 2007, and repays all or a part of the amount previously received as a refund, the amounts that are repaid and the creditable service related thereto will not be used in any benefit calculation until the member has remained a contributor to the system for eight years after the member's reentry into state service.

- From and after July 1, 2018, exempts the Executive Director of PERS and the Chief Investment Officer of PERS from the Governor's salary cap, which prohibits any public officer, public employee, or executive head of any state agency in the executive branch of government from being paid a salary or compensation greater than 150% of the statutory salary for the Governor.

HB 1321. Effective on passage. Signed 3/13/17.

This bill authorizes any city in this state having a population of not less than 1,500 according to the latest federal census and located within three miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of beer or light wine, to hold an election for the purpose of determining whether to authorize the sale and the receipt, storage and transportation for the purpose of sale of beer and light wine. Prior law limited this authority to cities having a population of not less than 2,500 according to the latest federal census.

HB 1322. Effective 7/1/17. Signed 3/15/17.

This bill authorizes a manufacturer of light wine or beer that is a small craft brewery to sell at retail limited quantities of light wine or beer produced at its brewery for consumption on or off the premises of the brewery if the sales are made on the premises of the brewery and the light wine or beer products offered for sale are also made available for sale to wholesalers. The bill defines a "small craft brewery" to mean a person having a permit to manufacture or brew light wine or beer in this state and who manufactures or brews not more than 60,000 barrels of light wine or beer at all breweries that

such person or its affiliates, subsidiary or parent company owns or controls or with whom such person contracts with for the manufacture of light wine or beer. Contract-brewed beer manufactured by a person having a permit to manufacture or brew light wine or beer will be included in the 60,000 barrel limitation.

The bill provides that a small craft brewery may sell at retail not more than 10% of the light wine or beer produced annually at its brewery or not more than 1,500 barrels of light wine or beer produced at the brewery annually, whichever is the lesser amount. Contract-brewed beer will not be included in the amount of beer produced annually at the brewery. The light wine or beer must be sold at a price approximating retail prices generally charged for identical beverages in the county where the brewery is located. A small craft brewery cannot make retail sales of more than 576 ounces, in the aggregate, of light wine or beer to any one individual for consumption off the premises of the brewery within a twenty-four-hour period. In addition, a small craft brewery cannot make retail sales of contract-brewed beer and also cannot mail or ship light wine or beer to a consumer.

The bill provides that if a small craft brewery is acquired by an entity that manufactures light wine or beer that does not fall within the definition of the term "small craft brewery," the entity that acquired the small craft brewery may continue to operate the brewery as a small craft brewery for as long as the acquired facility meets the definition of the term "small craft brewery." If a small craft brewery acquires an entity that manufactures light wine or beer that does not fall within the definition of the term "small craft brewery," the small craft brewery that acquired the entity may continue to operate as a small craft brewery for as long as the brewery meets the

definition of the term "small craft brewery." In these situations the small craft brewery may continue to sell at retail brands the small craft brewery produces on its premises at all locations at which it was selling the brands at retail at the time of the acquisition; however, the small craft brewery may not sell at retail brands produced by the entity that acquired it or by the entity that it acquired, as the case may be.

The bill authorizes a brewpub to sell light wine or beer manufactured by it for consumption off the premises of the brewpub if the light wine or beer so sold is contained in a growler. A growler is a sealed container that holds not more than 128 ounces of light wine or beer. A growler must have a label on it stating what it contains.

The bill provides that light wine or beer sold or provided for tasting or sampling on the premises of a small craft brewery is subject to the same excise taxes as other light wine or beer acquired for sale or distribution in this state.

HB 1340. Effective 7/1/17. Signed 4/12/17.

Current law provides that when determining the true value of land used for agricultural purposes the value may not vary up or down from the previous year by more than 10%. This bill provides that for the year 2019 and thereafter, the true value of the land may not vary up or down from the previous year by more than 4%.

The bill provides that in arriving at the true value of ground leases on real property leased by the Mississippi State Port at Gulfport, the tax assessor must use the appraisal procedure set forth in land appraisal manuals of the Department of Revenue. The procedure must prescribe that the appraisal will be made according to actual net ground rent attributable to

the leased premises, capitalized at a market value capitalization rate prescribed by the Department of Revenue that reflects the prevailing cost of capital of commercial real estate in the geographical market in which the Mississippi State Port at Gulfport is located. The bill defines the following terms for the purpose of this provision:

- "Ground leases" means those leases of land where the Mississippi State Port at Gulfport is the landlord and a person or business entity is the tenant.

- "Ground rent" means the rent paid to the Mississippi State Port at Gulfport in a set amount for a specific length of tenancy where the amount of rent may be adjusted from time to time based upon market indices, such as the Consumer Price Index. Ground rent does not include percentage rent and rent based on improvements or any other type of rental payment.

- "Percentage rent" means the rent paid to the Mississippi State Port at Gulfport that is calculated based upon revenue generated by the tenant by virtue of the ground lease.

- "Rent based on improvements" means the rent paid to the Mississippi State Port at Gulfport that is calculated based upon investments in improvements to the leased premises made by tenant.

HB 1585. Effective 7/1/17. Signed 3/22/17.

Under prior law, the board of directors of a flood and drainage control district formed under the Urban Flood and Drainage Control Law could only levy a special tax on all taxable property in the district for annual expenses of operations of the district and for carrying out the purposes of the district.

This bill provides that if the board of directors of such a district undertakes a flood and drainage control improvement project that the board determines will benefit only a portion of the district:

- The board of directors may levy a special improvement assessment that applies only to property in the district that is directly or indirectly benefited by the project to provide funds for the payment of costs related to the flood and drainage control improvement project, including the payment of costs related to the principal and interest on any bonds issued under the Urban Flood and Drainage Control Law for the project and any related expenses; and

- The board of directors may levy a special improvement maintenance assessment that applies only to property in the district that is directly or indirectly benefited by the project to provide funds for the operation, maintenance and preservation of the project.

Before levying an assessment, the board of directors must make a determination that the necessary approvals and authorizations are in place and that project-related activities are ready to commence.

HB 1594. Effective on passage. Signed 3/22/17.

This bill provides that:

- The land and property of Mississippi State University is not subject to state, county or municipal taxation, and

- Buildings and improvements that are or may be erected on any land belonging to the university that has been or may be leased to private entities for the purpose of affording affordable board to the students attending the institution is not subject to taxation.

HB 1601. Effective 1/1/17. Signed 3/22/17.

This bill authorizes a taxpayer who has never owned or purchased a single-family residence to establish a first-time home buyer savings account. Money in such an account may be used by the account holder for the down payment and allowable closing costs for the purchase of a single-family residence in this state.

Amounts contributed to a first-time home buyer savings account and all interest or other income earned attributable to an account and monies or funds withdrawn or distributed from the account for the payment of eligible costs will be excluded from the taxpayer's Mississippi gross income. The maximum amount contributed to an account that may be excluded from gross income in a tax year is \$2,500.00 for taxpayers who file an individual return and \$5,000.00 for married couples who are joint account holders and file a joint return.

If monies or funds are withdrawn from a first-time home buyer savings account for a purpose other than the payment of eligible costs, then the amount withdrawn will be added to gross income. In addition, a penalty will be imposed in the amount of 10% of the exempted income. The penalty does not apply to funds withdrawn from an account that were:

- Withdrawn by reason of the beneficiary's death or disability,
- A disbursement of assets of the account pursuant to a proceeding under the United States Bankruptcy Code, or
- Transferred into another first-time home buyer savings account for the benefit of another qualified beneficiary.

STATE GENERAL OBLIGATION BONDS

AUTHORIZED TO BE ISSUED DURING THE 2017 REGULAR SESSION

S.B. 3033

• Mississippi Site Development	
Grant Fund	\$ 2,000,000.00
• State Shipyard	\$ 45,000,000.00
• ACE Fund	\$ 10,000,000.00
• Mississippi Business Investment Act	
(Equipment and Public Facility	
Grant and Loan Fund)	\$ 7,000,000.00
• Mississippi Major Economic Impact Act	
(Projects to avoid closure of	
military bases)	\$ <u>1,000,000.00</u>
TOTAL	\$ 65,000,000.00

FORESTRY

SB 2835. Effective on passage. Signed 3/9/17.

This bill repeals the Forest Harvest Act, which required leaving pine and hardwood seed trees when harvesting for commercial purposes.

HIGHWAYS AND TRANSPORTATION

SB 2571. Effective 7/1/17. Signed 3/9/17.

This bill authorizes the management entity of the Mississippi Delta National Heritage Area, upon direction of the Board of Directors of the Mississippi Delta National Heritage Area and in conjunction with the Mississippi Department of Transportation, to erect appropriate signs and markers along public streets, roads, highways and interstates within the Mississippi Delta National Heritage Area. The funding for the signs and markers and the erection of the signs and markers must be made from any funds available to the Board of Directors of the Mississippi Delta National Heritage Area or from any gifts, grants or donations received by the board of directors for the purpose of providing the signs and markers.

SB 2724. Effective 7/1/17. Signed 4/5/17.

Current law requires that when a passenger motor vehicle is operated in forward motion on public roads, every operator, front-seat passenger and every child under the age of seven who is not required to be protected by the use of a child passenger restraint device or a belt-positioning booster seat system must wear a properly fastened seat belt system.

This bill expands the seat belt requirement to every passenger except a child who is required to be protected by the use of a child passenger restraint device or a belt-positioning booster seat system.

HB 383. Effective 7/1/17. Signed 3/20/17.

This bill requires the Commissioner of Public Safety to adopt rules providing for a waiver of the skills test for a commercial driver's license to applicants with military commercial motor vehicle experience as specified in 49 CFR, Part 383.77. Previously, the commissioner was authorized, but not required, to provide for such waiver.

HB 865. See summary under Agriculture heading.

HB 891. Effective 7/1/17. Signed 3/29/17.

This bill authorizes the Mississippi Transportation Commission to adopt rules allowing for the erection of welcome, recognition and acknowledgement signs that are adjacent to state highways within an unincorporated area of a county. The local jurisdiction will be required to purchase and pay the cost of maintaining such signs and the signs must conform to any requirements adopted by the commission.

The bill also authorizes the Mississippi Transportation Commission to allow for the erection of signs for member institutions of the Mississippi Association of Independent Colleges and Universities that are similar to signs erected for public state institutions of higher learning. The institution will be required to purchase and pay the cost of maintaining such signs.

HB 907. Effective on various dates. Signed 4/17/17.

This bill gives several segments of highways special designations as follows:

- The segment of Old U.S. Highway 45 in Alcorn, Prentiss and Lee Counties, beginning at the Mississippi-Tennessee state line and extending southerly to its intersection with U.S. Interstate Highway 22 is designated as "Rockabilly Way."

- The segment of Mississippi Highway 589 in Lamar County beginning at the Covington/Lamar county line and extending to the intersection of Mississippi Highway 589 and Mississippi Highway 42 is designated as the "Police Chief Willie James Preston Memorial Highway."

- The bridge on Mississippi Highway 302 in DeSoto County that spans Interstate Highway 55 is designated as the "Senator George E. Guerieri, Sr., Memorial Bridge."

- The segment of Mississippi Highway 35 within the corporate limits of the City of Batesville from its intersection with Brewer Road to the point at which it intersects with Interstate 55 is designated as the "Leonard Morris Memorial Highway."

- The segment of U.S. Highway 82 in Leflore County from the point of its intersection with Berclair Road to the point of its intersection with Valley of Scholars Boulevard is designated as the "B.B. King Memorial Highway."

- The segment of Mississippi Highway 8 beginning at the western corporate limits of the Town of Pace and extending for two miles west of the corporate limits of the Town of Pace is designated as the "Juniper Yates 'JY' Trice Memorial Highway."

- The segment of U.S. Interstate Highway 55 in Pike County beginning at exit 20A located in Summit and extending southerly to exit 13 located in Fernwood is designated as the "Bo Diddley Memorial Highway."

- The segment of Interstate 220 in Hinds County beginning at the intersection of Interstate 220 and Interstate 20 and extending northerly to Clinton Boulevard is designated as the "Senator Alice Varnado Harden Memorial Highway."

- The segment of Interstate 220 in Hinds County beginning at its intersection with Clinton Boulevard and extending northerly to Medgar Evers Boulevard is designated as the "Senator Henry J. Kirksey Memorial Highway."

The bill requires the Department of Public Safety to develop a program of study on how persons should properly respond when stopped by law enforcement officers and the constitutional rights afforded to those stopped. The program will be included in the state driver education and training program in secondary schools and in any driver's education program offered by an accredited nonpublic school.

The bill also provides that the Division of State Aid Road Construction is empowered to administer a project utilizing available federal and state funds to reconstruct a certain bridge on Highway 407 in Attala County.

HB 1015. Effective 7/1/17. Signed 3/13/17.

This bill designates the interchange at the intersection of Mississippi Highway 63 and Mississippi Highway 26 in George County, Mississippi, as the "State Representative Percy L. Maples Memorial Interchange."

HB 1088. Effective 7/1/17. Signed 4/18/17.

This bill gives several segments of highways special designations as follows:

- The segment of U.S. Highway 82 in Lowndes County beginning at its intersection with U.S. Highway 45 South and extending westerly to the Lowndes-Oktibbeha county line is designated as the "Dayton Egger Memorial Highway."
- The bridge that spans the West Tallahala Creek on Highway 18 in Smith County is designated as the "Howard L. (Boney) Cooley Memorial Bridge."
- The segment of Mississippi Highway 25 in Tishomingo County that is within the municipal limits of the City of Iuka is designated as the "Sergeant Jason Vaughn Memorial Highway."
- The segment of Mississippi Highway 513 in Clarke County beginning at the northern limit of the Town of Stonewall and extending southerly to its intersection with Mississippi Highway 145 is designated as the "Marine Corporal Dustin Lee Memorial Highway."
- The segment of Mississippi 15 in Jasper County beginning at the southern city limits of Bay Springs and extending southerly to its intersection with County Road 12 is designated as the "Johnny Thomas Thornton Memorial Highway."
- The segment of U.S. Highway 98 in Pike County beginning at the western city limits of Summit and extending westerly to the Pike County line is designated as the "Casey Lynne Casanova Memorial Highway."
- The bridge on Coley Road Extended/West Barnes Crossing Road that spans Interstate 22 in Lee County is designated as the "Clyde Whitaker Memorial Bridge."

INSURANCE

SB 2298. Effective on passage, except Sections 11 through 21 of this act shall take effect and be in force from and after January 1, 2018. Signed 3/6/17.

SB 2298 revises laws regulating holding companies and credit for reinsurance, and requires insurance companies to conduct risk and solvency assessments. Specifically, the bill does the following:

- Amends Section 83-6-21 to provide that no domestic insurer shall pay an extraordinary dividend until the Commissioner of Insurance has received notice of the declaration and has not disapproved the payment;
- Amends Section 83-6-24 to require the filing of a preacquisition notification with the Commissioner of Insurance;
- Creates a new section to regulate acquisitions involving insurers not otherwise covered;
- Amends Section 83-6-27 to revise the authority of the commissioner to conduct a financial examination of registered insurers or affiliates;
- Creates a new section to authorize the Commissioner of Insurance to participate in a supervisory college with other insurance regulators in order to assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management and governance processes, and as part of the examination of individual insurers;
- Creates a new section to authorize the Commissioner of Insurance to act as the group-wide supervisor for any internationally active insurance group;

- Amends Sections 83-19-151 and 83-19-157, under the Credit for Reinsurance Act, to require more comprehensive regulation of reinsurance agreements;

- Creates the "Own Risk and Solvency Assessment Act" to require insurers to conduct an own risk and solvency assessment and file with the commissioner an ORSA Summary Report;

- Provides exemptions to the Own Risk and Solvency Assessment Act, and requires certain contents of the ORSA Summary Report; and

- Provides sanctions for failing to timely file an ORSA Summary Report.

SB 2479. Effective 7/1/17. Signed 3/1/17.

SB 2479 reenacts Sections 63-16-1 through 63-16-15, which create the Public Safety Verification and Enforcement Act, and extends the repealer on those sections until July 1, 2022.

SB 2888. Effective 7/1/17. Signed 3/7/17.

SB 2888 provides that whenever the proceeds of a life insurance policy, or an annuity contract issued by a life insurance company, become payable and the insurer makes payment, the payment shall fully discharge the insurer from all claims under the policy or contract unless, before payment is made, the insurer has received at its home office written notice by some other person that the other person claims to be entitled to the payment.

HB 447. Effective 7/1/17. Signed 3/13/17.

HB 447 allows the placement of insurance with a surplus lines insurer without regard to the availability of authorized insurance. The bill also requires the producer to provide the insured with an informational notice that addresses the following:

- The insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight;
- In the event of an insolvency of the surplus lines insurer, losses shall not be paid by the Mississippi Insurance Guaranty Association;
- The coverage has been procured through a duly licensed nonadmitted insurance producer; and
- Any other information the commissioner believes should be disclosed to the insured.

HB 453. Effective 7/1/17. Signed 3/10/17.

HB 453 extends the date of the repealer until July 1, 2020, on the law which requires an insurer paying an automobile insurance claim to add the business repairing the automobile and the lienholder as payees on the check.

HB 469. Effective 7/1/17. Signed 3/13/17.

HB 469 authorizes the board of supervisors of any county to dissolve, redefine and reconfigure fire protection districts to ensure the most appropriate and efficient fire protection coverage for the county's citizens. The board of supervisors may not abolish, dissolve or terminate any district while the district has any outstanding indebtedness of any kind or character, unless arrangements are made for the assumption of any outstanding indebtedness by the subsequent district or by the county.

HB 957. Effective 7/1/17. Signed 3/10/17.

HB 957 authorizes the Commissioner of Insurance to waive any license requirement for an insurance adjuster's license if the applicant has a certification from an entity approved by the commissioner that provides adjuster education and training, and has met the standards as set forth by the commissioner regarding pre-licensing coursework and examination.

JUDICIARY, DIVISION A

SB 2327. Effective 7/1/17. Signed 3/8/17.

Technical amendments are made to the Mississippi Entity Conversion and Domestication Act by this bill.

Section 79-37-111 is amended to allow directors, in addition to officers, to sign filings made with the Secretary of State, and to allow the Secretary to determine formatting of filings. This amendment will correspond to the filing treatment of other business entities.

Section 79-37-114 is amended to increase the time for filing corrections from 60 to 120 days.

Section 79-37-116 is amended to place venue for appeals following a refusal to file by the Secretary of State in the Chancery Court of the First Judicial District of Hinds County. This conforms to venue for similar filings refusals by the Secretary.

Section 79-37-401 is amended to clarify actions regarding conversion of entity type when a foreign entity is also domesticating in Mississippi and to exclude charitable nonprofit corporations from the list of entities allowed to convert under the act.

Sections 79-37-405 and 79-37-505 are amended to eliminate optional paper filings.

SB 2342. Effective on passage. Signed 3/20/17.

This bill amends the Termination of Parental Rights chapter. It clarifies that Section 93-15-107 only applies to involuntary termination of parental rights; voluntary termination is governed by another section. It also requires that a necessary party must have been properly served for the court to conduct a hearing or render final judgment, and that the court may waive the requirement of appointment of a guardian ad litem if the parent whose rights are being terminated has executed a written voluntary release.

Section 93-15-111 is amended to provide that any interested person, or any agency, institution or person with custody of a child may commence involuntary termination if the court does not accept the parent's written voluntary release.

Section 93-15-113 is amended to clarify that the court may exclude the child from a termination hearing if that is in the child's best interest.

Section 93-15-119 is amended to include as a ground for termination of parental rights that a parent has committed against the other parent a criminal sexual act; a criminal conviction of the unlawful sexual act is not required. The bill also requires the court to inquire as to the military status of an absent parent before conducting an evidentiary hearing.

Section 93-15-121 is amended to include human trafficking of a child as a ground for termination.

Internal references, statutory references, and references to the Department of Child Protection Services are also corrected.

SB 2350. Effective 7/1/17. Signed 3/20/17.

The Mississippi Business Corporation Act is amended by this bill. Section 79-4-7.30 is amended to eliminate the maximum 10-year period on voting trust agreements and allows for the voting trust agreement to set an individualized period of time.

Section 79-4-14.21 did not allow for administratively dissolved corporations to continue business solely for the purpose of wrapping-up business. All other entity types in Mississippi are statutorily allowed to wrap-up the entity's business after administrative dissolution. This bill adds a provision to allow for winding-up after a corporation has been administratively dissolved.

SB 2610. See summary under Public Health and Welfare heading.

SB 2620. Effective 7/1/17. Signed 3/20/17.

This bill revises the Mississippi Code of Military Justice.

Section 33-13-151 is amended to provide that summary courts-martial consist of one commissioned officer in the grade of major or above who must be a military judge or judge advocate licensed to practice law in Mississippi. Section 33-13-159 is amended to provide that the decision to grant a request for trial before a special or general court-martial is reserved to the general court-martial convening authority, and the maximum sentence which may be imposed by a summary court-martial for a single offense is revised.

The bill amends Section 33-13-179 to clarify the convening authority for a summary court-martial, and Section 33-13-183 is amended to provide that a military judge or a summary court officer must preside over sessions of the court-martial to which he or she has been detailed.

The fine that may be imposed by a military court for contempt is increased to \$800.00 by amending Section 33-13-325.

SB 2673. Effective 4/1/17. Signed 4/12/17.

The Guardian Ad Litem Transparency and Oversight Panel is created to address and investigate the appointment of guardians ad litem as required by statute or ordered by a court, determine the frequency of such appointments, and compile an analysis of the costs to the various counties and to parties. The Chairman of the Senate Judiciary Committee, Subdivision A, will be the chair. The other members are the chairs of the conferences of chancery judges, county court judges, and youth court judges, the Chairs of the House Judiciary A and B Committees and Senate Judiciary B Committee, the Chair of the Senate Investigate State Offices Joint Committee, the Chair of the House Youth and Family Affairs Committee, the Director of the Mississippi Judicial College, two attorneys who are regularly appointed as guardians ad litem to be appointed by the Chief Justice and a youth court prosecutor appointed by the Chief Justice.

The panel repeals on December 31, 2020, and is to report its findings and recommendations to the Legislature by December 1 of each year of its existence.

Chancery clerks are required to report to the Administrative Office of Courts the following information in a contested chancery case in which a guardian ad litem is appointed if the guardian ad litem fees exceed \$1,000.00: a copy of any invoice for guardian ad litem fees, a copy of any

order directing payment of guardian ad litem fees, and a copy of any petition seeking recovery of guardian ad litem fees, as well as any orders concerning payment of guardian ad litem fees, including, but not limited to, orders of contempt.

The report is due by the last day of the month following the entry of an order approving any payment to the guardian ad litem. As the bill becomes effective April 1st, the first reports will be due by May 31, 2017.

SB 2680. Effective 7/1/17. Signed 4/13/17.

Fictive kin and relative placement. This bill amends Section 43-15-13 to clarify that relative care is a legal placement option for abused and neglected children, including temporary or emergency placement with a relative or fictive kin pending youth court action on the case. The bill further provides that the court may waive foster care training for an appropriate relative placement. A relative exempted from foster care training, however, is not eligible for board payments, foster care payments, kinship care payments, therapeutic care payments, or any other monthly payments from the department to assist in the care of the child.

Section 43-21-105 is amended to create definitions in the youth court act for the terms "fictive kin," "durable legal relative guardianship" and "reasonable efforts." Fictive kin is defined as a person who is not related to the child but who has a familial-like and ongoing relationship to the child.

Section 43-21-609 is amended to clarify that giving custody to a relative and waiving any requirement for the relative to participate in foster parent training is within the discretion of the court; the alternative of durable legal relative guardianship is created for a licensed relative foster parent or licensed fictive kin foster parent who has exercised physical

custody of the child and the Department of Child Protection Services had legal custody or exercised supervision of the child for at least six months before the grant of durable legal relative guardianship. In order to establish durable legal relative guardianship, the youth court must find the following:

(a) That both reunification and adoption have been determined to be inappropriate;

(b) That the relative guardian or fictive kin guardian shows full commitment to the care, shelter, education, nurture, and reasonable medical care of the child; and

(c) That the youth court consulted with any child 12 years of age or older before granting durable legal relative guardianship.

The requirements of Section 43-21-613 as to disposition review hearings do not apply to a hearing concerning durable legal relative guardianship. However, the Department of Child Protection Services must conduct an annual review and recertification of the durable legal relative guardianship to determine whether it remains in the best interest of the child. If a material change in circumstances occurs adverse to the best interest of the child, the parent, relative guardian, fictive kin guardian, or Department of Child Protection Services may petition the court to review the durable legal relative guardianship.

Divorce. Spousal domestic abuse as a fault ground for divorce under habitual cruel and inhuman treatment is included under Section 93-5-1. Spousal domestic abuse may be established through the reliable testimony of a single credible witness, who may be the injured party, and includes, but is not limited to, proof that the injured party's spouse attempted to cause, or purposely, knowingly or recklessly caused bodily injury to the injured party, or that the injured party's spouse attempted by

physical menace to put the injured party in fear of imminent serious bodily harm; or proof that the injured party's spouse engaged in a pattern of behavior against the injured party of threats or intimidation, emotional or verbal abuse, forced isolation, sexual extortion or sexual abuse, or stalking or aggravated stalking as defined in Section 97-3-107, if the pattern of behavior rises above the level of unkindness or rudeness or incompatibility or want of affection.

Foreign adoption. Section 93-17-303, dealing with chancery proceedings for registration of certain foreign adoptions, is amended to clarify the legislative intent that adoptive parents may proceed pro se by using the statutory forms for pleadings and judgments.

SB 2685. Sections 3 and 4 effective on passage and the remainder of the sections effective 10/1/17.

Signed 4/18/17.

Section 63-11-30 is amended:

- To require secure, online access to nonadjudication records for judges, clerks and prosecutors; and
- To conform to federal law for holders of commercial driver's licenses and commercial learning permits to prevent the prohibited "masking" of DUI offenses by CDL holders.

Also, before a defendant enters a plea of guilty to a DUI offense, law enforcement must submit certification to the prosecutor that the defendant's driving record, the confidential registry and National Crime Information Center have been searched for all prior convictions, nonadjudications, pretrial diversions and arrests for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's

ability to operate a motor vehicle. The results of the search must be included in the certification.

The bill also extends the existence of the DUI Information-Exchange Improvement Advisory Committee for one year, adds new members, and requires an additional annual report from the committee. An additional duty is imposed on the committee to review the Uniform Traffic Ticket for compliance with DUI law and recommend changes to the ticket format to the Commissioner of Public Safety.

The due date of the report to be made by the Mandatory Statewide Offense-Reporting System Task Force, originally created in the 2016 Regular Session, is also extended for one year.

SB 2709. Effective 7/1/17. Signed 3/20/17.

This bill amends Section 11-46-18 to authorize the ex officio members of the tort claims board to designate another person to attend the board's meetings, and further provides that if any member of the board appoints a designee to attend meetings of the board, the chairman of the board must be informed in writing of the name and contact information of the designee. The designee is able to take all action which the ex officio member would be authorized to take under the Tort Claims Act.

The ex officio members are: the Director of the Department of Environmental Quality, the Commissioner of Insurance, the Director of the Department of Finance and Administration, the Attorney General, the Commissioner of Public Safety, and the State Treasurer.

SB 2710. Effective on passage. Signed 3/27/17.

This bill prohibits any state agency, department, political subdivision of the state, county, municipality, university, college, community college or junior college, or any agent, employee or officer thereof, from adopting or implementing a policy, order or ordinance that limits or prohibits any person from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any person or grants to any person the right to lawful presence or status within the state, a county or municipality, or the campus of a university, college, community college or junior college in violation of state or federal law. Any policy, order or ordinance adopted in violation of the act is declared to be invalid and void from the date of its adoption or enactment.

HB 263. See summary under Education heading.

HB 638. Effective on passage. Signed 4/5/17.

This bill revised the manner in which the death penalty is inflicted by providing alternative options for execution if any are found unconstitutional. The options are: by an injection of a lethal quantity of substances that are administered intravenously; by nitrogen hypoxia, if execution by lethal injection is found unconstitutional; by electrocution, if nitrogen hypoxia is found unconstitutional; by firing squad, if any other described method is found unconstitutional.

The Commissioner of Corrections has the authority and discretion to select and obtain the substances and the means necessary to carry out an execution, and may adopt and promulgate rules and regulations as the commissioner deems necessary to administer and implement the provisions of this section.

HB 645. Effective 7/1/17. Signed 3/24/17.

This bill includes law enforcement officers, firefighters and emergency medical personnel in the class of victims where offenses are subject to enhanced penalties for any felony or misdemeanor. The bill also clarifies that the provisions of this act do protect freedom of speech and the freedom to peaceably assemble. It further provides that nothing in Sections 99-19-301 through 99-19-307 shall abridge freedom of speech or the freedom to peaceably assemble as protected in Article III, Sections 11 and 13 of the Mississippi Constitution of 1890, and the First Amendment of the United States Constitution.

HB 652. Section 3 effective on passage and remainder of sections effective 7/1/17. Signed 3/27/17.

This bill amends Sections 43-21-301 and 43-21-303 by restricting probable cause that a youth court, law enforcement officer or the Mississippi Department of Child Protection Services (MDCPS) may use when removing a child from a home when the removal is based solely upon marijuana use of a child's parent. Specifically, a finding of probable cause to take a child in custody shall not be based solely upon a positive drug test of a child's parent for marijuana; however, a finding of probable cause may be based upon an evidence-based finding of

harm to the child or a parent's inability to provide for the care and supervision of the child due to a parent's use of marijuana.

The bill also creates a new code section that addresses emergency placement of children situations. "Emergency placement" is defined as those limited instances when the MDCPS places a child in the home of private individuals, including neighbors or friends, as a result of a sudden unavailability of the child's primary caretaker. During an emergency placement of a child, the bill authorizes the MDCPS to request that a criminal justice agency perform a federal name-based criminal history records check of each adult residing in the home where a child is placed due to an emergency placement.

The new code section further provides that after the adult residents' records are checked, the records may be provided to the Mississippi Criminal Information Center (MCIC) of the Department of Public Safety. Upon receipt of the name-based criminal history records check results, the center then provides a complete set of each adult resident's fingerprints to the MCIC central repository for the immediate submission to the Federal Bureau of Investigation (FBI). The submission must occur within 14 calendar days from the date the name-based search was conducted. If any adult fails to provide fingerprints as well as written permission to perform a federal criminal history records check when requested, the child is to be removed from the home immediately.

Finally, this new code section addresses when an emergency placement of a child in a home is denied under certain circumstances. More specifically, if a placement is denied based on a name-based criminal history records check, the resident that caused the denial may, within 14 calendar days, submit to MDCPS a complete set of his or her fingerprints with written permission to forward the fingerprints to the MCIC criminal history records repository for submission to the FBI.

HB 669. Effective on passage. Signed 3/20/17.

This bill authorizes any licensed physician, not just a retired physician, who voluntarily serves as "Doctor of the Day" for the Mississippi Legislature to have immunity from liability for any civil action arising out of any medical care or treatment provided while rendering that service.

HB 812. Effective 7/1/17. Signed 3/13/17.

This bill requires the Mississippi Bureau of Narcotics to establish and maintain a searchable public website which includes certain information regarding property that is seized by a law enforcement agency. The bill requires the website to be designed in a manner that allows the information to be uploaded to the website, and requires the website to be created and functional no more than 12 months after the Legislature appropriates sufficient funds for such purpose.

Upon seizure of any property by a law enforcement agency pursuant to Section 41-29-153, the seizing law enforcement agency shall provide the required applicable information to the district attorney of the county in which the property was seized within 30 days of such seizure. Within 30 days of receipt of notice of intent to forfeit or the filing of a petition for

forfeiture in a court of competent jurisdiction, the district attorney shall upload the information required by this section to the bureau's website. The commander of a multijurisdictional taskforce is authorized to appoint one agency to report its seizures to the district attorney of the county in which the property was seized.

Failure to substantially comply with the requirements of this bill shall disqualify the seizing law enforcement agency from applying for or receiving federal or state grants. The seizing law enforcement agency is required to request the district attorney of the county in which the property is seized or the Mississippi Bureau of Narcotics to prosecute cases involving seized property within 30 days of a seizure.

The bill also clarifies the procedure for obtaining a seizure warrant and requires the seizing law enforcement agency to obtain a seizure warrant from a circuit or county judge having jurisdiction within 72 hours of any seizure. If the seizing law enforcement agency fails to obtain a seizure warrant within 72 hours, the agency shall notify the person from whom the property was seized that it will not be forfeited and shall provide written instructions advising the person how to retrieve the seized property.

HB 849. Effective 7/1/17. Signed 4/12/17.

The Revised Uniform Fiduciary Access to Digital Assets Act (Revised UFADAA) is an overlay statute designed to work in conjunction with a state's existing laws on probate, guardianship, trusts, and powers of attorney. A person's digital property and electronic communications are referred to as "digital assets" and the companies that store those assets on their servers are called "custodians." Access to digital assets is usually governed by a terms-of-service agreement rather than

by property law. This creates problems when Internet users die or otherwise lose the ability to manage their own digital assets. A fiduciary is a trusted person with the legal authority to manage another's property, and the duty to act in that person's best interest. Revised UFADAA addresses four common types of fiduciaries:

(a) Executors or administrators of deceased persons' estates;

(b) Court-appointed guardians or conservators of protected persons' estates;

(c) Agents appointed under powers of attorney; and

(d) Trustees.

Revised UFADAA gives Internet users the power to plan for the management and disposition of their digital assets in a similar way as they can make plans for their tangible property.

In case of conflicting instructions, the act provides a three-tiered system of priorities:

(a) If the custodian provides an online tool, separate from the general terms of service, that allows the user to name another person to have access to the user's digital assets or to direct the custodian to delete the user's digital assets, Revised UFADAA makes the user's online instructions legally enforceable.

(b) If the custodian does not provide an online planning option, or if the user declines to use the online tool provided, the user may give legally enforceable directions for the disposition of digital assets in a will, trust, power of attorney, or other written record.

(c) If the user has not provided any direction, either online or in a traditional estate plan, the terms of service for the user's account will determine whether a fiduciary may access the user's digital assets. If the terms of

service do not address fiduciary access, the default rules of Revised UFADAA will apply.

Revised UFADAA's default rules attempt to balance the user's privacy interest with the fiduciary's need for access by making a distinction between the "content of electronic communications," the "catalogue of electronic communications," and other types of digital assets. The content of electronic communications includes the subject line and body of a user's e-mail messages, text messages, and other messages between private parties. A fiduciary may never access the content of electronic communications without the user's consent. When necessary, a fiduciary may have a right to access a catalogue of the user's electronic communications - essentially a list of communications showing the addresses of the sender and recipient, and the date and time the message was sent. For example, the executor of a decedent's estate may need to access a catalogue of the decedent's communications in order to compile an inventory of estate assets. If the executor finds that the decedent received a monthly e-mail message from a particular bank or credit card company, the executor can contact that company directly and request a statement of the decedent's account.

Other types of digital assets are not communications, but intangible personal property. For example, an agent under a power of attorney who has authority to access the principal's business files will have access under Revised UFADAA to any files stored in "the cloud" as well as those stored in file cabinets. Similarly, an executor distributing funds from the decedent's bank account will also have access to the decedent's virtual currency account (e.g. bitcoin).

Under Revised UFADAA Section 15, fiduciaries for digital assets are subject to the same fiduciary duties that normally

apply to tangible assets. Thus, for example, an executor may not publish the decedent's confidential communications or impersonate the decedent by sending e-mail from the decedent's account. A fiduciary's management of digital assets may also be limited by other law. For example, a fiduciary may not copy or distribute digital files in violation of copyright law, and may not exceed the user's authority under the account's terms of service. In order to gain access to digital assets, Revised UFADAA requires a fiduciary to send a request to the custodian, accompanied by a certified copy of the document granting fiduciary authority, such as a letter of appointment, court order, or certification of trust. Custodians of digital assets that receive an apparently valid request for access are immune from any liability for acts done in good faith compliance.

HB 967. Effective 7/1/17, except for Section 12, which allows for application for licensure as a fantasy contest operator at any time, is effective on passage. Signed 3/13/17.

This bill revises the Fantasy Contest Act as follows:

- Revises definitions to define the terms cash prize, commission, executive director, highly experienced player, operator and sporting event;
- Provides that a fantasy contest operator must comply with the provisions of this section if the operator's total player roster for all fantasy contests consists of 100 or more members of the general public;
- Provides a list of restrictions on the number of entries submitted by a single player for any contest;
- Requires certain identification of highly experienced players;

- Provides that an operator shall not offer contests based on the performance of participants in collegiate, high school or youth sports events;
- Specifies that advertisements for contests and prizes offered by an operator shall not target prohibited participants, minors, or self-excluded persons;
- Requires that representations or implications about average winnings from contests shall not be unfair or misleading;
- Provides that operators shall prohibit the use of third-party scripts or scripting programs for any contest and ensure that measures are in place to deter, detect and, to the extent reasonably possible, prevent cheating, including collusion, and the use of cheating devices, including use of software programs that submit entry fees or adjust the athletes selected by a player;
- Requires operators to obtain a license from the Mississippi Gaming Commission and provides specific application requirements;
- Specifies that each applicant for licensure as a fantasy contest operator shall pay an application fee of \$5,000.00 and that the license is valid for three years;
- Provides that a person, firm, corporation, association, agent or employee violating the Fantasy Contest Act shall be subject to a civil penalty of not more than \$1,000.00 for each separate violation not to exceed \$50,000.00, which shall accrue to the state as an administrative remedy as established in Section 97-33-315;
- Details the Executive Director of the Mississippi Gaming Commission's requirements regarding conducting investigations and limiting, conditioning, suspending or revoking a license;

- Requires that for the privilege of conducting fantasy sports contests in Mississippi, licensees shall pay to the Department of Revenue a fee equivalent to 8% of the operator's net Mississippi revenue; and
- Provides that application for licensure as a fantasy contest operator may be made at any time.

HB 1089. Effective on passage. Signed 4/11/17.

This bill authorizes mental health diversion pilot programs in the Second, Third, Eighth, Twelfth, Seventeenth and Twentieth Circuit Court Districts (Hancock, Harrison, Stone, Benton, Calhoun, Chickasaw, Lafayette, Marshall, Tippah, Union, Leake, Neshoba, Newton, Scott, Forrest, Perry, DeSoto, Panola, Tallahatchie, Tate, Yalobusha, Madison and Rankin Counties). It specifies the purpose and goals of mental health diversion pilot programs and establishes minimum standards for mental health intervention services. It also lists mental health intervention services to be provided to a participant and provides the eligibility criteria and conditions for participants. The Administrative Office of Courts is designated with oversight of the pilot programs.

The bill also authorizes mental health diversion pilot programs to receive funds and assess reasonable fees. The bill provides civil immunity for certain acts of the director and the professional and administrative staff if those acts are performed in good faith.

The bill also authorizes expungement for any person who successfully completes all requirements imposed by the mental health diversion pilot program. New code Section 99-3-45 was created to require that certain notices be given to a person under the age of 21 who is arrested and released.

HB 1213. Effective 7/1/17. Signed 4/12/17.

This bill amends Section 43-21-121 to authorize the youth court to utilize a trained Court-Appointed Special Advocate (CASA) volunteer in abuse and neglect cases and specifies the process of appointment for a CASA volunteer as well as the duties of and expectations for the volunteer. Section 43-21-261 is amended to authorize the youth court to disclose certain records to a CASA volunteer. It also allows the attorney for a parent, guardian or custodian to obtain redacted copies of records that will be considered by the youth court in a hearing. The attorney is obligated to maintain confidentiality of the records. Sections 43-15-13 and 43-21-309 are amended to conform to the CASA provisions.

The bill also creates a community-based placement pilot program for at-risk children in Hinds, Rankin, Madison, Warren, Yazoo, Copiah, DeSoto, Hancock and Coahoma Counties in order to plan for early intervention with at-risk children in those counties. It also enacts standards for community-based homes and provides standards for determination of eligibility of children for placement under the pilot programs, authorizes reasonable reimbursement for expenses of placements to the community-based homes, authorizes funding for the pilot programs, and provides for supervision of and reporting by the pilot programs.

HB 1356. Effective on passage. Signed 4/6/17.

This bill authorizes the court to issue a criminal sexual assault protection order prohibiting an offender convicted of rape or sexual assault from any contact with the victim, without regard to the relationship between the victim and offender. The court may include in a criminal sexual assault protection order any relief available under Section 93-21-15. The bill requires

that the term of a criminal sexual assault protection order be for a time period determined by the court, but all orders shall, at a minimum, remain in effect for two years after the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole. Upon issuance of a criminal sexual assault protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within 24 hours of issuance, with no exceptions for weekends or holidays, and a copy must be provided to both the victim and offender.

The criminal sexual assault protection orders are to be issued on a standardized form developed by the Office of the Attorney General.

The bill creates a misdemeanor when a person knowingly violates any condition of a criminal sexual assault protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not more than six months, or both. Any sentence imposed for the violation of a criminal sexual assault protection order shall run consecutively to any other sentences imposed on the offender. The court shall also be empowered to extend the criminal sexual assault protection order for a period of one year for each violation. The incarceration of a person at the time of the violation is not a bar to prosecution under this section.

HB 1367. Effective 7/1/17. Signed 3/24/17.

This bill provides various protections to witnesses. The definition of testimony is broadened to include oral or written statements provided under oath to law enforcement during a felony criminal investigation. The crime of rendering criminal assistance was expanded to include threatening or harassing a witness in an effort to prevent the person from testifying. The crime of hindering prosecution was expanded to include interference with criminal investigations and preventing discovery of facts. The crime of witness intimidation was amended to include threatening or harassing a witness or person reasonably expected to be a witness. The crime of witness tampering now includes solicitation of another to provide a false version of events. The crime of juror bribery will also include an attempt to bribe. The crime of juror intimidation has been revised to include harassment. The crime of tampering with physical evidence has been expanded to include threatening a person to not provide the evidence. The maximum term of imprisonment for obstruction of justice was increased. The bill amended the capital murder provision to include murder of a witness, potential witness or confidential informant.

HB 1426. Effective 7/1/17. Signed 4/18/17.

This bill creates a substantive right for defendants to obtain bankruptcy trust discovery within 30 days after an asbestos action is filed. Asbestos plaintiffs are required to disclose certain information within 30 days after an asbestos action is filed, or by August 1, 2017, whichever is later. The bill lists the information that is required to be disclosed. The plaintiff has a continuing duty to supplement the information and materials required and the supplementation shall be made no later than 30 days after the plaintiff supplements an

existing asbestos trust claim, receives additional information or materials related to an asbestos trust claim, or files an additional asbestos trust claim. The court may dismiss the asbestos action if the plaintiff fails to comply with this section.

An asbestos action may not be set for trial until at least 180 days after the requirements of the bill are met.

If the court determines that the cost of submitting an asbestos trust claim exceeds the plaintiff's reasonably anticipated recovery, the court shall stay the asbestos action until the plaintiff files with the court and provides all parties with a verified statement of the plaintiff's history of exposure, usage, or other connection to asbestos covered by that asbestos trust.

A defendant in an asbestos action may seek discovery from an asbestos trust. The plaintiff may not claim privilege or confidentiality to bar discovery and shall provide consent at the time of asbestos trust identification, including, but not limited to, authorization for release of trust materials or other expression of permission that may be required by the asbestos trust to release information and materials sought by a defendant.

If the plaintiff files an asbestos trust claim after the plaintiff obtains a judgment in an asbestos action, and that asbestos trust was in existence at the time the plaintiff obtained the judgment, the trial court, on motion by a defendant or judgment debtor seeking sanctions or other relief, has jurisdiction to reopen the judgment in the asbestos action and adjust the judgment and order any relief to the parties that the court considers just and proper.

JUDICIARY, DIVISION B

SB 2305. Effective 7/1/17. Signed 3/20/17.

This bill amends Section 63-3-809 to include rural mail carriers in the "Move Over" law. Upon approaching a stationary vehicle that is operated by a United States rural mail carrier for the purpose of delivering United States mail and that is properly marked with white flashing strobe or amber and red lights, other drivers, proceeding with due caution, are required to yield the right-of-way by making a lane change into a lane not adjacent to the stationary vehicle, if possible, or to reduce the speed of the vehicle, maintaining a safe speed for road conditions and being prepared to stop, if changing lanes would be impossible or unsafe. The bill also conforms the penalties for failure to move over for both rural mail carriers and sanitation vehicles.

SB 2628. Effective 7/1/17. Signed 3/20/17.

Section 9-13-32 is amended to provide that an attorney of record or another interested entity in a court, including justice court, that does not provide an official court reporter, may record or have recorded a court proceeding for impeachment purposes only. The expenses of recording the proceeding by mechanical or stenographic means are to be borne by the party or parties represented by the entity or attorney of record. An interested entity includes, but is not limited to, the victim of a crime or a property owner on whose property a crime has been committed.

HB 1032. See summary under Public Health and Welfare heading.

MEDICAID

SB 2138. Effective 7/1/17. Signed 3/6/17.

This bill designates the Chairman of the Senate Medicaid Committee as a member of the Medicaid Advisory Committee.

HB 1090. Effective on various dates. Signed 4/12/17.

This bill creates the Medicaid and Human Services Transparency and Fraud Prevention Act, which provides for the following:

- Requires the Division of Medicaid to submit a final Advanced Planning Document to the Centers for Medicare and Medicaid Services (CMS) for the purpose of applying for the OMB A87 exception to support the integration of eligibility systems between the division and any applicable Department of Human Services program where an integrated system of eligibility will serve the state's interest in developing shared eligibility services across health and human services programs, while at the same time promoting and enhancing the state's efforts of ensuring maximum program integrity across each agency.

- Requires the Division of Medicaid and the Department of Human Services to establish and use a computerized income, asset, residence and identity eligibility verification service in order to verify eligibility, eliminate the duplication of assistance, and deter waste, fraud, and abuse within each respective assistance program administered by the division and the department.

- ▶ The division and the department may issue a Request for Proposals (RFP) from multiple third-party vendors for the purposes of identifying fraud in the programs administered by the division and the department.

▶ After evaluating the proposals submitted, the division or the department shall enter into a competitively bid contract with a third-party vendor for the purposes of using and accessing an eligibility verification service by which to verify the income, assets, residence, identity, and other information to prevent fraud, misrepresentation, and inadequate documentation when determining an applicant's eligibility for assistance before the distribution of benefits, periodically between eligibility redeterminations, and during eligibility redeterminations and reviews.

▶ The division and the department may use more than one eligibility verification service and/or third-party vendor, if doing so is more cost-efficient.

▶ The division and the department may renegotiate an existing contract with a current vendor if doing so is more cost-efficient than issuing a Request for Proposals (RFP) from multiple third-party vendors.

◆ If the division or the department determines that it is not more cost-efficient to renegotiate an existing contract with a current vendor, the division or the department must issue a Request for Proposals (RFP) from multiple third-party vendors.

◆ The division and the department may also enter into a competitively bid contract with a third-party vendor to provide information to facilitate reviews of recipient eligibility conducted by the division and the department.

▶ When the division or the department enters into a competitively bid contract with a third-party vendor or renegotiates an existing contract with a current vendor for the purposes of carrying out the eligibility verification service, the vendor, in partnership with the division or the department,

will be required by contract to establish annualized savings realized from implementation of the eligibility verification service.

- ◆ It is the intent of the Legislature that savings exceed the total yearly cost for implementing the eligibility verification service.

- ▶ To avoid any conflict of interest, when the division or the department enters into a competitively bid contract with a third-party vendor or renegotiates an existing contract with a current vendor, that primary vendor may not currently or will not be allowed to bid on or be awarded a state contract to run enrollment services.

- ▶ The payment structure for the contracted third-party vendor will be based on a per-applicant rate.

- ▶ The division and the department are required to have the eligibility verification service implemented and operational not later than July 1, 2019.

- Requires the division and the department to enter or have entered into a competitively bid contract with a third-party vendor for the purposes of identifying waste, abuse and fraud in the programs administered by the division and the department, focusing on detecting and preventing abuse and fraud by providers of services in those programs, and recovering improper payments made to providers of services in those programs.

- Requires the division and the department to verify eligibility for assistance before awarding assistance by using the enhanced eligibility verification service, and also to conduct enhanced eligibility verification periodically between eligibility redeterminations and during eligibility redeterminations when there is a risk of changes in income, assets, residency or other relevant factors and the division or

the department has determined that the benefits of enhanced eligibility verification outweigh the cost.

- States the intent of the Legislature that any recipient who has moved out of state will be terminated from the rolls of eligible recipients within three months of the division or the department being made aware of their change of residency.

- Provides that before awarding assistance, applicants for benefits must complete a computerized identity authentication process that will confirm the applicant owns the identity presented in the application. The division and the department are required to continue to review the recipient's identity ownership periodically to verify and protect the identity of the recipient.

- Provides that if a discrepancy results from an applicant or recipient's identity information and one or more of the databases or information tools authorized under the bill, the division or the department must review the respective applicant or recipient's case using the following procedures:

- ▶ If the information discovered does not result in the division or the department finding a discrepancy or change in an applicant's or recipient's circumstances that may affect eligibility, the division or the department will take no further action.

- ▶ If the information discovered results in the division or the department finding a discrepancy or change in a recipient's circumstances that may affect eligibility, the division or the department will promptly redetermine eligibility after receiving that information within 10 business days, or the minimum required by federal law.

▶ If the information discovered results in the division or the department finding a discrepancy or change in an applicant's or recipient's circumstances that may affect eligibility, the applicant or recipient will be given an opportunity to explain the discrepancy.

▶ Unless prohibited by federal law, the division or the department will provide written notice, within 10 business days, or the minimum required by federal law to the applicant or recipient, which will describe in sufficient detail the circumstances of the discrepancy or change, the manner in which the applicant or recipient may respond, and the consequences of failing to take action.

▶ The applicant or recipient will have 10 business days, or the minimum required by federal law, to respond in an attempt to resolve the discrepancy or change. After receiving the explanation, the division or the department may request additional documentation if it determines that there is risk of fraud, misrepresentation, or inadequate documentation.

▶ Unless prohibited by federal law, if the applicant or recipient does not respond to the notice, the division or the department will, within 10 business days or the minimum required by federal law, deny or discontinue assistance for failure to cooperate, in which case the division or the department will provide notice of intent to deny or discontinue assistance. Eligibility for assistance will not be established or reestablished until the discrepancy or change has been resolved.

▶ If an applicant or recipient responds to the notice and disagrees with the findings of the match between his or her identity information and one or more databases or authorized information tools, the division or the department will review the matter.

- ◆ If the division or the department finds that there has been an error, the division or the department will take immediate action to correct it and no further action shall be taken.

- ◆ If, after a review, the division or the department determines that there is no error, the division or the department will determine the effect on the applicant's or recipient's case and take appropriate action.

- ◆ Written notice of the respective department's action must be given to the applicant or recipient.

- ▶ If the applicant or recipient agrees with the findings of the match between the applicant's or recipient's identity information and one or more databases or authorized information tools, the division or the department will determine the effect on the applicant or recipient's case and take appropriate action.

- ◆ Written notice of the division's or the department's action must be given to the applicant or recipient.

- ◆ The division or the department may not discontinue assistance upon finding a discrepancy or change in circumstances between an individual's identity information and one or more databases or authorized information tools until the applicant or recipient has been given notice of the discrepancy and the opportunity to respond.

- Authorizes the executive director of the division or the department to review the agency conference record of a hearing to determine that the local or state decision was correct.

- ▶ The executive director will prepare a decision summarizing the issue and the basis for the decision.

- ▶ In cases in which the executive director finds that the facts in the record are inadequate or that incorrect policy

has been applied, he or she will direct the county to get the facts or use correct policy and change the decision, reinstate the payment, or correct the amount of payment retroactively to the date of erroneous action.

- Requires the division or the department, after reviewing changes or discrepancies that may affect program eligibility, to refer, within 45 business days, suspected cases of fraud, misrepresentation, or inadequate documentation to appropriate agencies, divisions, or departments for review of eligibility discrepancies in other public programs.

- ▶ In cases where fraud affecting program eligibility is substantiated, the division or the department or other appropriate agencies are required to garnish wages or state income tax refunds until the state recovers an amount equal to the amount of benefits that were fraudulently received.

- Requires the division and the department, 30 business days before entering into a competitively bid contract for the eligibility verification service, to provide a written report to the Governor and certain legislative committee chairmen detailing the data sources proposed to be used by the third-party vendor for eligibility and redeterminations, the relevancy of the information from the data sources, the frequency of how often each data source will be accessed, and an explanation of why other data sources that are readily available are not being used.

- Requires the division and the department, six months after the implementation of the eligibility verification service and quarterly thereafter, to provide a written report to the Governor and certain legislative committee chairmen detailing the effectiveness and general findings of the eligibility verification service, including the number of cases reviewed,

the number of case closures, the number of referrals for criminal prosecution, recovery of improper payments, collection of civil penalties, and the savings that have resulted from the service.

- Requires the division and the department to electronically release to the public data that includes, but is not limited to, the following: the provider's name and office locations; a provider's National Provider Identifier (NPI); the type of service provided by Healthcare Common Procedure Coding System (HCPCS) code; and whether the service was performed in a facility or office setting. This public data also will include the number of services, average submitted charges, average allowed amount, average Medicaid payment, and a count of unique beneficiaries treated.

- Provides for the following restrictions on the administration of the Supplemental Nutrition Assistance Program (SNAP) by the Department of Human Services:

- ▶ The department is prohibited from seeking, applying for, accepting or renewing any waiver of work requirements for recipients of SNAP benefits, except during a formal state or federal declaration of a natural disaster.

- ▶ The department is prohibited from using financial resource limit standards for the SNAP program that exceed the standards specified in federal law.

- ▶ The department is prohibited from granting categorical eligibility for SNAP benefits for any noncash, in-kind or other benefit unless expressly required by federal law.

- ▶ The department is prohibited from applying gross income standards for SNAP benefits higher than the standards specified in federal law, and is prohibited from granting

categorical eligibility exempting households from those gross income standards requirements for any noncash, in-kind or other benefit unless expressly required by federal law.

- Requires the Division of Medicaid and the Department of Human Services to share eligibility information with each other within 30 business days when an enrollee has been disenrolled for any financial or nonfinancial reason that may result in the enrollee's disqualification for benefits with the other department, and shall include the rationale for the action.

- Provides that for the purposes of determining the maximum aid payment under the Temporary Assistance for Needy Families (TANF) program, the number of persons in a household will not be increased for any child born into a household that has received aid under TANF continuously for the 10 months before the birth of the child.

- Provides for the following requirements on the administration of the TANF program by the Department of Human Services:

- ▶ The department may only grant benefits when an approved applicant has signed a written agreement clearly enumerating continued eligibility requirements, circumstances in which sanctions may be imposed, and any potential penalties for noncompliance.

- ▶ The department will require all enrollees to be compliant with all program requirements, including work requirements, before granting benefits.

- ▶ The department will institute a three-month, full-household sanction for the first instance of noncompliance with any TANF requirement, unless expressly prohibited by federal law.

▶ The department will terminate benefits for the second instance of noncompliance with any TANF requirement, unless expressly prohibited by federal law.

▶ The department will deny benefits to any adult member of a household where another adult member of the household has been found to have committed benefits fraud.

• Provides for the following requirements on the administration of the SNAP program by the Department of Human Services:

▶ The department will set disqualification periods for all instances of noncompliance with any SNAP requirement, unless expressly prohibited by federal law.

▶ The department will institute a three-month, full-household disqualification period for the first instance of noncompliance, unless expressly prohibited by federal law.

▶ The department will institute a six-month, full-household disqualification period for the second instance of noncompliance, unless expressly prohibited by federal law.

▶ The department will institute a permanent disqualification period for the third instance of noncompliance, unless expressly prohibited by federal law.

◆ If a recipient is subject to a disqualification period under this provision, the department will institute a six-month disqualification period for the recipient's entire household, unless expressly prohibited by federal law.

▶ Unless expressly prohibited by federal law, recipients will be subject to disqualification for failure to perform actions required by other federal, state, or local means-tested public assistance programs.

- Requires the Department of Human Services to post on its website and make available on an annual basis to certain legislative committee chairmen a report of SNAP and TANF benefit spending, including the following information:

- ▶ The dollar amount and number of transactions of SNAP benefits that are accessed or spent out-of-state.

- ▶ The dollar amount and number of transactions of TANF benefits that are accessed or spent out-of-state.

- ▶ The dollar amount, number of transactions, and times of transactions of SNAP benefits that are accessed or spent in-state, unless expressly prohibited by federal law.

- ▶ The dollar amount, number of transactions, and time of transactions of TANF benefits that are accessed or spent in-state.

- Requires the Division of Medicaid and the Department of Human Services to provide on an annual basis to certain legislative committee chairmen a report of characteristics of recipients of Medicaid, SNAP and TANF benefits, including the following information:

- ▶ The length of enrollment, disaggregated by program and eligibility group.

- ▶ The share of recipients concurrently enrolled in one or more additional means-tested programs.

- ▶ The number of means-tested programs recipients are concurrently enrolled in.

- ▶ The demographics and characteristics of recipients.

- ▶ The dollar amount spent on advertising and marketing for TANF, SNAP, Medicaid, and other means-tested programs, including both state and federal funds.

- Provides for the following regarding the use of electronic benefits transfer (EBT) cards for programs of the Department of Human Services:

- ▶ The department is authorized to establish a pilot program in which a photograph of the recipient is included on any EBT card issued by the department to the recipient, unless the recipient declines to have the photograph included.

- ▶ Funds available on EBT cards are prohibited from being used for certain purchases, and EBT transactions are prohibited from being used at certain locations.

- ◆ Upon enrollment, the department will provide new applicants an itemized list of prohibited purchases and make such a list available on the department's website.

- ◆ If a recipient is found to have violated the purchasing prohibitions, the department will issue a warning in writing to the recipient. The recipient will be subject to disqualification of benefits for up to three months following the first offense and a permanent termination of benefits following the second offense, unless expressly prohibited by federal law.

- ◆ The department will prohibit establishments listed as prohibited locations from operating ATMs that accept EBT cards. Businesses found in violation of this provision will be subject to appropriate licensing sanctions.

- ▶ The department will send all recipients that have requested four replacement EBT cards within a twelve-month-period a letter informing them that another request will require participation in a face-to-face interview with a fraud investigator and eligibility expert.

♦ Upon a recipient's request of a fifth replacement card within any twelve-month-period, and any subsequent request thereafter, the department will schedule an interview, within 30 business days, with a fraud investigator and eligibility expert before another new card is issued.

♦ Unless expressly prohibited by federal law, if a recipient fails to appear at an interview scheduled under the preceding provision, the department will terminate the recipient's benefits within 10 business days, or the minimum required by federal law.

HB 1092. Effective 7/1/17. Signed 4/6/17.

This bill revises the qualifications for the Executive Director of the Division of Medicaid as follows:

- Deletes the requirement that the person hold a bachelor's degree in business administration or hospital administration with at least ten years' experience in management-level administration of Medicaid programs, and replaces it with the requirement that the person hold a bachelor's degree with at least three years' experience in management-level administration of, or policy development for, Medicaid programs.

- Provides that no one who has been a member of the Mississippi Legislature during the previous three years may be executive director.

MUNICIPALITIES

SB 2263. See summary under Accountability, Efficiency, Transparency heading.

SB 2519. Effective 7/1/17. Signed 3/20/17.

This bill amends Section 21-19-15 to allow municipalities to enforce ordinances regulating or restricting parking on public streets if adequate signage is posted where parking will be regulated or restricted.

HB 51. Effective 7/1/17. Signed 3/20/17.

This bill amends Section 21-19-15 to provide that governing authorities of municipalities are authorized to regulate or restrict parking as long as signage adequately describes the parking regulation or restriction. This bill removes the requirement that signage be posted within 250 feet of the portion of the street or roadway where parking is regulated or restricted.

Next, the bill amends Section 21-15-41 to clarify the provision of law that prohibits any person from serving in an interim or hold-over capacity for longer than 180 days after the expiration of the term to which he or she was appointed. More specifically, if the position is not filled within 180 days after the expiration of the position's term or within 180 days after the date of appointment, if an interim appointment, the hold-over service or interim appointment shall terminate and no municipal funds thereafter shall be used to compensate the person serving in the position. The revisions of this section are intended to apply retroactively to all appointees serving in a hold-over or interim capacity on July 1, 2017, and for those

appointees, the 180-day limitation period shall begin to run on July 1, 2017.

Finally, the bill amends Section 21-23-7 to authorize municipal judges to hold court outside the boundaries of a municipality but not more than within a one-mile radius of a municipality for any purpose, as long as court is held in a public building designated by municipal governing authorities for that purpose.

PORTS AND MARINE RESOURCES

SB 2664. Effective on passage. Signed 3/27/17.

SB 2664 amends Section 49-15-30 to provide that, if the domicile state of a nonresident applicant for a Mississippi commercial fishing license has mandatory licensing requirements, then the nonresident must meet those requirements before receiving a Mississippi nonresident commercial fishing license.

SB 2683. Effective on passage. Signed 3/27/17.

SB 2683 amends Section 49-15-64.1 to revise the boundaries of the waters closed to shrimping during shrimp season.

PUBLIC HEALTH AND WELFARE

SB 2006. Effective 7/1/17. Signed 3/27/17.

This bill authorizes the Department of Health to adopt regulations to specify the information to be provided in the written report furnished to patients receiving mammogram services under the federal Mammography Quality Standards Act, 42 USC Section 263b. Any information that the department requires to be provided in the report shall be evidence-based, consistent with accepted medical standards, and not inconsistent with the federal Mammography Quality Standards Act or regulations promulgated under that act.

SB 2214. Effective 7/1/17. Signed 3/27/17.

This bill makes technical amendments to the Acupuncture Practitioner Act:

- Provides that an acupuncture practitioner may perform acupuncture on a patient only if the patient was evaluated by a physician, as appropriate, for the condition being treated within six months before the date that acupuncture is performed;
- Requires the practitioner to obtain a written statement signed by the patient on a form prescribed by the State Board of Medical licensure stating that the patient has been evaluated by a physician within the prescribed time;
- Authorizes a practitioner to perform acupuncture on a patient for certain conditions without an evaluation from a physician:

- ▶ Smoking addiction;
- ▶ Weight loss; or

► Substance abuse, to the extent permitted by regulations adopted by the State Board of Medical Licensure, with advice from the Mississippi Council of Advisors in Acupuncture.

- Repeals provision for physician referral to and supervision of acupuncture practitioners.
- Repeals the automatic repealer of the Acupuncture Practice Act.

SB 2289. Effective 7/1/17. Signed 3/20/17.

This bill reenacts and extends the automatic repealer on the sections which create the State Board of Health, establish the position of Executive Officer of the State Department of Health and establish the State Department of Health and prescribe its powers and duties.

SB 2372. Effective on passage. Signed 3/27/17.

This bill authorizes the State Department of Health to issue up to five new hospice licenses to certain applicants during a certain period of time and extends the date of the repealer on the moratorium on the issuance of new hospice licenses.

The department shall process applications for new hospice licenses filed during the period from and including the effective date of this section through and until July 1, 2017, and shall issue no more than five new hospice licenses so long as the related applicant can show good cause for the issuance of the hospice license(s) for which application is made (including specifically, without limitation, the capability and capacity to provide unique or otherwise unavailable services related to serving patients under 18 years of age in the service area to

which such application relates). If the applicant at the time of filing holds one or more hospice licenses, the applicant must be in good standing with the department regarding those licenses. Not more than two of the new hospice licenses issued shall be issued to the same applicant.

The provisions prohibiting the processing of any new applications for hospice licensure shall not be applicable to an application for license reinstatement by a hospice whose license was temporarily suspended as a result of a federal audit by the U.S. Department of Health and Human Services, Office of Inspector General (HHS-OIG), and the audit has been concluded without any penalty imposed by the federal agency.

SB 2610. Effective on passage. Signed 3/20/17.

Known as "Harper Grace's Law," this bill makes technical amendments to Section 41-29-136 to more narrowly define the properties of a cannabidiol preparation that is exempted from control under Schedule I of the Mississippi Uniform Controlled Substances Act. Cannabidiol must be formulated under appropriate federal and state regulatory approvals and registrations for use in clinical trials and other research. Authorized entities may enter into public-private partnerships to facilitate research. The bill has a sunset provision of July 1, 2021.

SB 2828. Effective 7/1/17. Signed 3/20/17.

This bill enacts the EMS Personnel Licensure Interstate Compact to facilitate the movement of EMS personnel across state boundaries in the performance of their EMS duties and provides that the provisions of the compact shall be implemented by the State Department of Health as licensing entity.

Section 1. Recognizes and authorizes Mississippi to enter into: Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

Section 2. Definitions: Includes "certified" as licensed. Mississippi uses the terminology of "certified."

Section 3. Sets minimum standards. Use of the National Registry of Emergency Medical Technicians exam at the EMT and Paramedic levels; investigate complaints; FBI compliant, with biometric data and fingerprint-based background checks.

The FBI compliant, biometric data, fingerprint-based background checks within five years of the activation of the Compact is the only new standard Mississippi is not already currently meeting.

Cost ranges \$35.00-\$50.00; sometimes is paid by employer or individual.

Sections 4 and 5. Establishes a "privilege" to practice in other Compact states if licensed in a Compact state and procedures.

Section 6. Makes clear that the existing Emergency Management Assistance Compact that governs EMTs when there is a disaster declaration still takes precedence.

Section 7. Applies to military and military spouses who have EMT certification.

Section 8. If an EMT's license is suspended in their home state, it shall be suspended in all Compact states simultaneously, unless EMT gets written authorization from another state.

Section 9. Spells out home state's authority over EMTs: applies to those with privilege to practice so Mississippi can fully investigate an EMT from another state and take appropriate action.

Section 10. Sets up mechanics of Interstate Commission that will govern Compact. Each state gets one seat.

Sections 11 and 12. Sets up Coordinated Database for all member states' EMTs, (private funders are paying for this).

Section 13. Makes clear that each state's executive, legislative and judicial branches retain full authority over governance and enforcement.

Section 14. Sets out how states enter and leave Compact through the Legislature.

HB 309. Effective 7/1/17. Signed 3/13/17.

This bill enacts into law the Physical Therapy Licensure Compact and provides that the State of Mississippi enters the compact with other states that join in the compact. The compact will come into effect when it has been enacted into law in ten states.

- The purpose of the compact is to facilitate the interstate practice of physical therapy with the goal of improving public access to physical therapy services by providing for the mutual recognition of the licenses of other states that are members of the compact.

- Under the compact, a physical therapist or physical therapist assistant who is licensed in one state that is a member of the compact (the "home state") is authorized to practice physical therapy or work as a physical therapist assistant in another state that is a member of the compact (the "remote state") under a "compact privilege."

- A licensee providing physical therapy in a remote state under the compact privilege is required to function within the laws and regulations of the remote state and is subject to that state's regulatory authority. A remote state has the authority

to take adverse actions against a licensee's compact privilege in the state, but a home state has the exclusive power to impose adverse action against a license issued by the home state.

- The compact creates the Physical Therapy Compact Commission to enforce the provisions and rules of the compact, and to provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse actions, and investigative information on all licensed individuals in member states.

HB 422. Effective 7/1/17. Signed 3/10/17.

This bill authorizes the Office of Mississippi Physician Workforce of the University of Mississippi Medical Center (UMMC) to assist in the creation and/or support of Accreditation Council for Graduate Medical Education (ACGME) accredited GME training programs in the state for other needed residencies in addition to family medicine residencies, while maintaining a strong and continued priority focus on family medicine.

This support may include the awarding of state financial assistance as available, for the creation or support of family medicine residencies and other GME programs approved by the Mississippi Physician Workforce Advisory Board.

The bill deletes the requirement that financial support of up to \$3,000,000.00 awarded by UMMC to a hospital or entity to establish and operate an ACGME accredited residency be distributed over a three-year period.

HB 456. Effective 7/1/17. Signed 3/10/17.

This bill extends to July 1, 2020, the date of the repealer on the statute that creates the Infant Mortality Reduction Collaborative.

HB 457. Effective 7/1/17. Signed 3/20/17.

This bill deletes the repealer on the provisions of law that (a) allow a personal care home resident to continue residing in the personal care home even if a licensing agency determines that skilled nursing services are appropriate for the resident; (b) provide for rules restricting the handling of a personal care home resident's personal deposits by the director of the personal care home; and (c) provide for rules requiring personal care homes to maintain records relating to health condition, medicine dispensed and administered, and any reaction to that medicine.

HB 460. Effective 7/1/17. Signed 3/10/17.

This bill extends to July 1, 2020, the date of the repealer on the statute prescribing medical examiner and pathologist fees for death investigations and autopsies.

HB 464. Effective 7/1/17. Signed 3/23/17.

This bill extends to July 1, 2021, the date of the repealer on the sections of law that create the State Board of Cosmetology and prescribe its powers and duties.

In addition, the bill revises certain provisions of the cosmetology laws as follows:

- Clarifies that the requirement that each license contain a headshot of the license holder applies to practitioner and instructor licenses.

- Changes references to "accredited" schools of cosmetology and barber schools to "licensed" schools.

- Revises the licensure requirements for cosmetology instructors to require 1,000 hours of instructor training (currently 750 hours); six semester hours in board-approved college courses (currently 12 hours); and have one year of active practical experience as a cosmetologist (currently two years) or alternatively, have completed 1,000 hours in instructor training (currently 2,000 hours).

- Revises the licensure requirements for esthetics instructors to require 1,000 hours of instructor training (currently 600 hours); six semester hours in board-approved college courses (currently 12 hours); and have one year of active practical experience as esthetician (currently two years).

- Revises the licensure requirements for manicurist instructors to require 1,000 hours of instructor training (currently 600 hours); six semester hours in board-approved college courses (currently 12 hours); and have one year of active practical experience as manicurist (currently two years).

- Revises the admission requirements to schools of cosmetology to students who have not less than a 10th grade education or a high school diploma or its equivalency.

HB 478. Effective 7/1/17. Signed 3/13/17.

This bill provides for the licensure of post-acute residential brain injury rehabilitation facilities by the State Department of Health.

- "Post-acute residential brain injury rehabilitation facility" is defined as a facility containing no more than 12 beds providing medically directed long-term but nonacute rehabilitation to patients who have acquired brain injury, which is located at least 25 miles from the nearest acute care rehabilitation hospital and at least five miles from the boundaries of any municipality having a population of 10,000 or more, according to the most recent federal decennial census, at the time that facility is established.

- As a condition of licensure, post-acute residential brain injury rehabilitation facilities are prohibited from participating in the Medicaid Program.

HB 488. Effective 7/1/17. Signed 3/20/17.

This bill enacts into law the Nurse Licensure Compact and provides that the State of Mississippi enters the compact with any other states joining in the compact. The provisions of the bill and the compact will not take effect until a substantially similar act is enacted by at least 26 states or on December 31, 2018, whichever occurs first. The prior Nurse Licensure Compact, which became effective in 2001, will be superseded by this compact and repealed by this bill.

- The general purposes of the compact are to provide for the mutual recognition of party state licenses; facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions; promote compliance with the laws governing the practice of nursing in

each jurisdiction; and provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

- Under the compact, a nurse who holds a multistate license issued by one state that is a member of the compact (the "home state") is authorized to practice nursing in all other states that are members of the compact ("remote states") under a "multistate licensure privilege." A nurse may hold a multistate license, issued by the home state, in only one party state at a time.

- A nurse practicing in a party state must comply with the practice laws of the state in which the client is located at the time service is provided. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the laws of the party state in which the client is located at the time service is provided.

- All party states are authorized to take adverse action against a nurse's multistate licensure privilege to practice within that party state, but only the home state has the power to take adverse action against a nurse's license issued by the home state.

- All party states must participate in a coordinated licensure information system of all licensed nurses, which will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

- The compact creates the Interstate Commission of Nurse Licensure Compact Administrators to administer the provisions of the compact. Each party state is required to enforce the compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent.

HB 492. Effective 7/1/17. Signed 3/15/17.

This bill revises various provisions of the Long-Term Care Facilities Ombudsman Act to conform to new federal regulations for the Long-Term Care Ombudsman Program, as follows:

- Defines "representatives of the Office of the State Long-Term Care Facilities Ombudsman" as the district or local employees or volunteers selected by an area agency on aging who are then trained and designated as such by the State Ombudsman.

- ▶ Provides that the State Ombudsman will establish minimum qualifications and recertification requirements for representatives of the Office of the State Long-Term Care Facilities Ombudsman.

- ▶ Provides that persons selected by area agencies on aging who have satisfactorily completed the training arranged by the State Ombudsman will be designated as representatives of the Office of the State Long-Term Care Facilities Ombudsman by the State Ombudsman.

- Establishes a position of legal assistance developer within the Council on Aging who is a member in good standing with The Mississippi Bar who will assist the State Ombudsman in carrying out the duties to protect the health, safety, rights and welfare of residents and provide adequate administrative and legal representation on behalf of residents of long-term care facilities in a manner free of conflict of interest.

- Provides that the duties of the Office of the State Long-Term Care Facilities Ombudsman include representing the interests of residents before governmental agencies, and the testing and designation of the representatives of the Office of the State Long-Term Care Facilities Ombudsman.

- Provides that the duties of the community ombudsman include ensuring that residents have regular and timely access

to the services of the State Ombudsman Program without inappropriate disclosure of resident-identifying information, and representing residents before governmental agencies.

- Prohibits persons from discriminating, retaliating or engaging in willful interference against any resident, immediate family, resident representative or an employee of a long-term care facility due to making a complaint or giving information in good faith to the State Ombudsman Program, and provides that any person convicted of violating this prohibition is guilty of a misdemeanor.

- Excludes the State Ombudsman Program from the abuse reporting requirements in Sections 43-47-7 and 43-47-37 of the Vulnerable Persons Act without appropriate resident informed consent or a court order.

HB 494. See summary under Appropriations heading.

HB 926. See summary under Finance heading.

HB 1032. Effective 7/1/17. Signed 3/13/17.

This bill requires all licensed health care providers who are defined as "practitioners" under Section 73-21-73(cc) and who prescribe drugs to register with the Prescription Monitoring Program of the State Board of Pharmacy.

PUBLIC PROPERTY

SB 2359. See summary under Agriculture heading.

SB 2564. Effective 7/1/17. Signed 3/27/17.

This bill renames the Mississippi Department of Environmental Quality Building on Amite Street as the "Patrick Alan Nunnelee Building." A distinctive plaque that states Congressman Nunnelee's background, accomplishments and service to the state will be prepared and placed inside the building. Additionally, signage with the building's official name will be erected on the northern outdoor facade.

HB 6. Effective 7/1/17. Signed 3/27/17.

This bill transfers a total of 610 acres of the Columbia Training School property to the Columbia-Marion County Airport Authority (204 acres) and the Marion County Economic Development Authority (410 acres), respectively, which must only be used to make improvements to the Marion County Airport and to construct an adjacent industrial park or other aviation-related facility. The result of the transfer would leave 1,213 acres in the state's possession. The state would retain all mineral rights in the property and the Department of Finance and Administration (DFA) is provided the authority to correct any discrepancies in the property descriptions of the portions of land to be transferred. Additionally, the state would assume no liability or financial responsibility for any environmental defects on the property. The Department of Human Services (DHS) would be given six months to harvest and sell any timber on the property before the start of development projects by any entity who acquires the property. The funds derived from these projects would be

deposited to the State Treasury specifically for DHS, and thereafter any timber remaining on the transferred property after the six months would become the possession of the state. The revenue generated from the harvest and sale of the remaining timber shall be deposited into the State Treasury. Easement of ingress and egress would be granted to DHS to access the property retained by the state.

HB 524. Effective on passage. Signed 3/13/17.

This bill amends Sections 29-5-2, 29-5-81 and 29-5-161 by clarifying and updating the inventory of state real properties over which the Department of Finance and Administration (DFA) has authority, general supervision and oversight to include the following properties: parking garage of the Woolfolk State Office Building; Mississippi Museum Complex, the Gulf, Mobile and Ohio Train Depot (GM&O Depot); former Naval Reserve Center; properties located at 515 East Amite Street, 620 North Street, 660 North Street, 700 North State Street in the City of Jackson, Mississippi; Robert E. Lee Office Building and Parking Garage; former Central High Building; all state-owned or leased buildings situated on seat of government property; National Aeronautics and Space Administration (NASA) Shared Services Center and Lockheed Martin Building at Stennis Space Center; Mississippi Sports Hall of Fame; Mississippi Crafts Center; Mississippi Children's Museum; and Mississippi Arts and Entertainment Center.

HB 525. Effective 7/1/17. Signed 3/20/17.

This bill amends Section 31-11-3 to require the Department of Finance and Administration (DFA) Bureau of Building, Grounds and Real Property Management to annually collect data on renovation and repair expenditures for state institutions of higher learning, the state community colleges and junior colleges, the Department of Mental Health, the Department of Corrections and the Department of Wildlife, Fisheries and Parks, and which must be reported to the Legislative Budget Office, the Chairman of the House Public Property Committee and the Chairman of the Senate Public Property Committee before September 1 of each year. Items exempted from the expenditure report include: amounts expended for janitorial, landscaping or administrative support; amounts expended by the department on behalf of state agencies, departments and institutions through the DFA-administered contracts. However, expenditures from both state and nonstate sources, as well as amounts transferred to the DFA for the support of contracts, must be included in the expenditure report.

HB 572. Effective 7/1/17. Signed 4/6/17.

This bill authorizes the Department of Finance and Administration to sell and convey all or any portion of certain state-owned real property, and any improvements thereon, located in the City of Jackson, Hinds County, Mississippi, consisting of approximately 27-1/2 acres located north of the City of Byram, west of the Interstate 55 - Elton Road Interchange. The real property shall be sold for not less than the current fair market value as determined by the average of two appraisals by qualified appraisers, one of whom shall be selected by the Department of Finance and Administration, and both of whom shall be certified

and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board. Any proceeds from the sale of the land and any improvements on the land shall be deposited into the State Land Acquisition Fund. In addition to the state retaining all mineral rights in the land, DFA may correct any discrepancies in the legal description of the property provided in this section.

HB 919. Effective on passage. Signed 3/21/17.

This bill authorizes Delta State University, with the approval of the Board of Trustees of State Institutions of Higher Learning, to enter into a lease agreement for part of the real property under the jurisdiction of the university currently improved with a 9-hole golf course property known as Derrall Foreman Golf Course with an entity, or entities, selected in an RFP process conducted by 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. The new lease development shall consist of mixed-use development improvements, which may contain: a multipurpose conference center; hotel, lodging or other commercial accommodation; residential houses/apartment homes; surface parking; landscaping and green space buffers; executive par-three golf course; and walking/fitness trail.

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 Delta State University. The property leased under the authority of this bill shall revert to Delta 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.

RULES

SB 2564. See summary under Public Property heading.

HB 976. Effective on passage. Signed 3/1/17.

This bill designates March 29th of each year as Vietnam Veterans Day in Mississippi.

TOURISM

SB 2345. Effective 7/1/17. Signed 3/27/17.

Under current law, it is unlawful for any advertisement of alcoholic beverages to originate in any municipality, county or judicial district which has not voted to legalize the sale of alcoholic beverages. This prohibits a newspaper published in a dry county that has circulation in a wet county from running advertisements for alcoholic beverages. This bill removes the prohibition on the origination of advertisements in areas that have not legalized alcoholic beverages.

SB 2612. Effective 7/1/17. Signed 4/18/17.

Current law authorizes the governing authorities of certain municipalities to form "leisure and recreation districts." The patrons of holders of on-premises retailer's permits, native wine retailer's permits, temporary retailer's permits, caterer's permits, merchant permits, event venue retailer's permits and temporary theater permits that are located in a leisure and recreation district may remove containers of alcoholic beverages from the licensed premises and possess and consume the alcoholic beverage within the boundaries of the leisure and recreation district.

This bill adds the Cities of Natchez, Laurel, Clinton, Cleveland, Vicksburg, Ridgeland, Brandon, Flowood and Clarksdale to the list of cities whose governing authorities may form leisure and recreation districts.

Under current law, the governing authorities of the City of Jackson are authorized to create leisure and recreation districts within a certain described area located around Duling Avenue (also known as the Fondren Area). This bill also allows the governing authorities of Jackson to create leisure and

recreation districts in a certain described area that is known as the District in Eastover.

The bill authorizes the Board of Supervisors of Madison County to form leisure and recreation districts in:

- The area that once constituted the boundaries of the former municipality of Livingston; and/or
- The Town of Lost Rabbit, Phase IV, as described in the records of the Chancery Clerk of Madison County.

This bill authorizes the Board of Supervisors of Lee County and Rankin County to form leisure and recreation districts within their respective counties that are outside the corporate limits of any municipality.

WILDLIFE, FISHERIES AND PARKS

SB 2271. Effective 7/1/17. Signed 4/13/17.

This bill provides that the requirement that a person must have an appropriate license in order to lawfully hunt or fish in this state may be waived for any resident or nonresident who is an honorably discharged veteran with a combat-related disability and who will be participating in a special hunt, fishing trip or other outdoor recreational event that is available only to such persons as determined by the entity sponsoring the event. The Commission on Wildlife, Fisheries and Parks is authorized to establish criteria or procedures for an organization to be recognized as a sanctioned entity that provides unique outdoor recreational opportunities for wounded or disabled veterans. Any events sponsored by a recognized organization, and the persons participating in such event, shall be entitled to the waiver without further action on the part of the commission or the sponsoring organization.

HB 455. Effective 7/1/17. Signed 4/18/17.

This bill amends Section 49-7-31.5 to delete the repealer on the provision of law that governs the hunting, trapping and taking of nuisance animals. Further, the bill deletes the language governing the taking and transporting of wild hogs from Section 49-7-31.5 because such language is also contained in Section 49-7-140.