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MEMORANDUM

TO: ALL SENATORS

FROM: LEGISLATIVE SERVICES

DATE: April 24, 2018

Enclosed is a summary of major bills which were enacted during the 2018 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

2018 REGULAR SESSION

**Prepared by
Senate Legislative Services Office**

April 24, 2018

STATISTICS OF THE 2018 REGULAR SESSION
(As of 4/18/18)

	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Bills Passed Both Houses	359	338	403	385
Bills That Became Law	329	305	376	347
Senate Bills Introduced	1088	1068	969	931
S.B. Passed by Senate	229	219	250	237
S.B. Passed by House	169	154	185	181
S.B. Died in Conference	11	9	13	14
S.B. Vetoed	2	2	1	4
S.B. Partially Vetoed	0	2	0	0
S.B. Vetoes Overridden	0	0	0	0
S.B. Approved by Governor	155	135	169	153
S.B. Became Law Without Governor's Signature	0	2	0	0
S.C.R. Introduced	158	191	190	173
S.C.R. Adopted by Senate	137	165	171	153
S.C.R. Adopted by House	136	158	169	151
S.R. Introduced	9	2	11	8
S.R. Adopted	7	1	10	8
House Bills Introduced	1701	1786	1789	1689
H.B. Passed by House	331	325	372	368
H.B. Passed by Senate	190	184	218	204
H.B. Died in Conference	11	9	6	6
H.B. Approved by Governor	169	164	207	190
H.B. Became Law Without Governor's Signature	5	4	0	4
H.B. Vetoed	2	2	3	1
H.B. Partially Vetoed	0	1	0	0
H.B. Vetoes Overridden	0	0	0	0
H.C.R. Introduced	105	116	131	123
H.C.R. Adopted by House	79	73	100	92
H.C.R. Adopted by Senate	77	68	98	92
Nominations Received	76	106	85	78
Nominations Approved	74	101	79	73

VETOED BILLS

The following general bills from the 2018 Regular Session have been vetoed by Governor Bryant as of April 13, 2018:

SB 2460. Vetoed 3/26/18.

AN ACT TO AMEND SECTIONS 43-21-353 AND 43-47-7, MISSISSIPPI CODE OF 1972, TO REQUIRE PERSONS WHO MAKE REPORTS TO THE DEPARTMENT OF CHILD PROTECTION SERVICES AND THE DEPARTMENT OF HUMAN SERVICES ABOUT THE SUSPECTED NEGLECT OR ABUSE OF A CHILD OR THE SUSPECTED ABUSE, NEGLECT OR EXPLOITATION OF A VULNERABLE PERSON TO PROVIDE THEIR NAME, ADDRESS AND TELEPHONE NUMBER TO THE DEPARTMENT; TO PROVIDE THAT THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON WHO MADE THE REPORT SHALL BE REDACTED FROM ALL RECORDS IN CONNECTION WITH THE CASE AFTER THE CASE IS CLOSED; TO PROVIDE THAT IN CASES OF REPORTS OF CHILD ABUSE OR NEGLECT TO THE DEPARTMENT OF CHILD PROTECTION SERVICES, IF THE DEPARTMENT DETERMINES THAT A PARENT OR OTHER PERSON RESPONSIBLE FOR THE CARE OR WELFARE OF AN ABUSED OR NEGLECTED CHILD MAINTAINS ACTIVE DUTY STATUS WITHIN THE MILITARY, THEN THE DEPARTMENT SHALL NOTIFY THE APPLICABLE MILITARY INSTALLATION FAMILY ADVOCACY PROGRAM THAT THERE IS AN ALLEGATION OF ABUSE OR NEGLECT THAT RELATES TO THAT CHILD; AND FOR RELATED PURPOSES.

SB 2841. Vetoed 4/13/18.

AN ACT TO AMEND SECTION 63-1-71, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT A PERSON'S LICENSE BE SUSPENDED FOR A CONTROLLED SUBSTANCE VIOLATION THAT IS UNRELATED TO OPERATING A MOTOR VEHICLE; TO AMEND SECTION 9-23-13, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL DRUG COURTS TO MAKE AVAILABLE THE OPTION FOR PARTICIPANTS IN A DRUG COURT PROGRAM TO USE MEDICATION-ASSISTED TREATMENT WHILE PARTICIPATING IN A DRUG COURT PROGRAM; TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN OFFENDER SHALL MAKE HIS OR HER INITIAL PAYMENT FOR SUPERVISION FEES WITHIN 90 DAYS RATHER THAN 30 DAYS OF BEING RELEASED; TO PROVIDE CERTAIN CRITERIA FOR A DETERMINATION OF INDIGENCE FOR AN OFFENDER WHO IS UNABLE TO PAY FIELD SUPERVISION FEES AND TO EXTEND THE DATE OF REPEAL ON THIS SECTION; TO AMEND SECTION 47-7-40, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN OFFENDER SHALL NOT BE DENIED EARNED-DISCHARGE CREDITS SOLELY BASED ON NONPAYMENT OF FEES OR FINES IF A DETERMINATION OF INDIGENCE IS MADE; AND FOR RELATED PURPOSES.

HB 1476. Allow Governor's Veto to Stand 3/15/18.

AN ACT TO AMEND SECTION 73-35-7, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS TO BE GRANTED A REAL ESTATE BROKERS LICENSE; AND FOR RELATED PURPOSES.

HB 1687. Vetoed 4/13/18.

AN ACT TO RESTORE THE RIGHT OF SUFFRAGE TO PATRICK JOSEPH FICK OF HARRISON COUNTY, MISSISSIPPI.

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ACCOUNTABILITY, EFFICIENCY, TRANSPARENCY

SB 2034. See summary under County Affairs heading.

SB 2213. See summary under Highways and Transportation heading.

SB 2467. Effective 7/1/18. Signed 4/13/18.

SB 2467 does the following:

- Extends the repealer until July 1, 2019, on the law which requires a fee to be collected on all premiums for insurance written by a surplus lines insurance producer.

- Diverts monies derived from the nonadmitted policy fee for one year. \$1.5 Million shall be deposited into the Capital Expense Fund and \$4.5 Million shall be deposited into the Rural Fire Truck Acquisition Assistance Program.

- Authorizes an additional 12th Round for the purchase of one fire truck at not more than \$90,000.00.

- Allows any county to apply for one fire truck under the 12th Round at not more than \$90,000.00, provided that the county agrees to forego any previous fire truck for which the county has not previously applied, and that the county has received approval from the Rural Fire Truck Acquisition Assistance Program Committee to apply for and receive a truck under Round 12.

SB 2485. Effective 7/1/18. Signed 3/7/18.

SB 2485 amends Section 49-17-29 to revise the public hearing requirement for solid waste management permits issued by the Mississippi Environmental Quality Permit Board. Current law requires public hearings to be held on all permits associated with a municipal landfill, even if there is no public interest. This bill will give the Permit Board the discretion of whether or not to hold a public hearing before issuing the supporting air and water permits for the landfill. The board will continue to publish a notice in the local newspaper requesting comments and input from the public on support permits. Also, this bill gives the Executive Director of the Department of Environmental Quality the authority to issue supporting air and water permits, if the Permit Board authorizes him to make that decision. The bill only applies to secondary permits related to air and water discharges for municipal solid waste landfills. It does not apply to the primary permit for the landfill.

SB 2526. Effective 7/1/18. Signed 4/12/18.

SB 2526 amends Section 25-43-3.114 under the Administrative Procedures Act to provide that, at least every three years, each board subject to supervision by the Occupational Licensing Review Commission shall review all of its rules to determine whether any rule should be repealed, amended or a new rule adopted, and shall submit a report of the review to the Occupational Licensing Review Commission.

SB 2570. Effective 7/1/18. Signed 3/19/18.

SB 2570 prohibits a local governmental entity from enacting an ordinance that regulates the use of, or imposes a fee, charge or tax on, auxiliary containers. "Auxiliary container" means a bag, cup, bottle or other packaging, whether reusable or single-use, that meets both of the following requirements:

(a) Is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated or multilayer substrates; and

(b) Is designed for transporting, consuming or protecting merchandise, food or beverages from or at a food service, including manufacturing, distribution or further processing, retail facility.

This bill does not prohibit or restrict any of the following:

(a) A curbside recycling program.

(b) A designated residential or commercial recycling location.

(c) A commercial recycling program.

SB 2614. Effective 7/1/18. Signed 4/11/18.

SB 2614 amends Section 41-13-29 to provide that an appointee to a board of trustees for community hospitals may not own an interest in, or be an officer or employee of, a company or business that provides goods or services in direct competition with the community hospital, nor may the appointee's spouse own an interest in, or be an officer of, such company or business.

The bill also provides that, for any community hospital system owned, maintained and operated by any county bordering on the Gulf of Mexico and the State of Alabama, the board of trustees shall have two advisors who shall be the chiefs of staff at those hospitals which are a part of the hospital system.

SB 2644. See summary under Veterans and Military Affairs heading.

SB 2674. Effective on passage. Signed 3/5/18.

SB 2674 authorizes local governing authorities to charge a fee, or to require a fee to be paid to a third-party service provider, for an electronic bid submission. The amount of the fee shall not exceed \$50.00 per bid.

SB 2674 authorizes local governing authorities using the reverse auction method of procurement to charge the winning bidder a fee, or to require the winning bidder to pay a fee to a third-party service provider, for participation in a reverse auction. The amount of the fee shall not exceed 4% of the winning bid amount.

HB 158. Effective 7/1/18. Signed 3/15/18.

HB 158 amends Section 25-61-9 of the Mississippi Public Records Act to provide that unit prices contained within procurement contracts shall not be deemed to be trade secrets or confidential commercial or financial information and shall be available for examination, copying or reproduction.

HB 593. Effective on passage. Signed 3/15/18.

HB 593 provides that the Pearl River Basin Development District will be dissolved on July 1, 2018, and provides for the following to implement and complete the dissolution:

- Provides that the Department of Finance and Administration will be the agent-in-fact for the district for all purposes and have all of the authority that was formerly granted to the district.
- Authorizes the department to settle any outstanding operating accounts of the district.
- Provides that the department will have the use of all funds that were formerly available to the district and the net proceeds from the sale of any property of the district in order to fulfill the district's outstanding financial obligations.
- Authorizes the department to engage on a contract basis the services of any former employee or contract employee of the district to the extent that it would be beneficial to the administration of dissolution of the district and the performance of the department's obligations under this act.
- Authorizes the department to dispose of any personal property or equipment of the district and to settle any existing lease or leases of the district.
- Authorizes the department to transfer any real property of the district to the county or municipality in which the property lies, provided that the county or municipality agrees, as consideration for the property being received, to accept the transfer and any duties and obligations appurtenant to the property.
- Provides that any equipment associated with real property of the district that is transferred will also be transferred to the county or municipality that accepts the property.

- Provides that if a county and the municipalities in the county choose not to accept the transfer of any real property owned by the district, the county may make a finding that the property would be surplus to the needs of the county, and the Secretary of State may institute proceedings to sell the surplus property.

- Provides that the liability of a county for any financial obligations or indebtedness to the district occurring or accruing before the dissolution of the district will continue in existence after the district is dissolved and is payable by the county to the department.

- Provides that the Lower Pearl River Restoration Project will continue as per existing agreements.

- Provides that the obligations of the district under the agreements for the Lower Pearl River Restoration Project may be assumed by the Department of Environmental Quality or other entity as the designated state entity for the continuing obligation of maintenance of the water control structures as set forth in the original agreements.

- Provides that the State Auditor will perform or have performed a final close-out audit of the accounts of the district.

- Repeals on July 1, 2018, the sections of law that create the Pearl River Basin Development District and prescribe its powers and duties.

HB 1041. See summary under Ports and Marine Resources heading.

HB 1047. See summary under County Affairs heading.

HB 1096. Effective 7/1/18. Signed 3/19/18.

HB 1096 abolishes certain boards and commissions that have become inactive, as follows:

- Repeals Section 37-31-209, which establishes an advisory council for the Mississippi Board of Vocational and Technical Education and provides the duties of the council.

- Repeals Section 39-31-1, which establishes the Mississippi Bicentennial Celebration Commission.

- Repeals Section 27-7-107, which provides that each resident individual taxpayer who files a Mississippi income tax return and who will receive a tax refund from the Department of Revenue may designate that a contribution be made to the "Mississippi Bicentennial Celebration Fund."

- Amends Sections 27-19-56.344 and 27-19-56.437 to conform to the repeal of the Mississippi Bicentennial Celebration Commission and to provide that \$24.00 of each additional fee collected on distinctive license tags that commemorate the bicentennial of the establishment of the State of Mississippi shall be distributed to the Mississippi Department of Archives and History instead of the Mississippi Bicentennial Celebration Commission.

- Repeals Sections 49-19-401, 49-19-403, 49-19-405 and 49-19-408, which establish the Mississippi Institute for Forest Inventory.

- Amends Sections 49-19-1, 49-19-3 and 49-19-407 to conform to the repeal of the Mississippi Institute for Forest Inventory.

- Repeals Section 51-5-15, which authorizes the Board of Water Commissioners to appoint an advisory committee to advise it, to make recommendations for the regulation and control of water well drillers, and to assist in examining applicants and provides for the members of the advisory committee.

- Amends Section 7-7-2 to conform to the repeal of Section 51-5-15.

- Repeals Section 39-5-43, which establishes the Dancing Rabbit Creek Treaty Site Advisory Committee and provides the members and duties of the committee.

- Amends Section 37-3-87 to abolish the advisory committee for the student vision screening program.

- Repeals Section 69-15-303, which establishes the advisory commission to the Board of Animal Health and the assistant executive officer thereof in all matters pertaining to the eradication of the Texas fever and splenic fever and fever-carrying tick.

- Amends Section 69-15-301 to conform to the repeal of the advisory commission to the Board of Animal Health created in Section 69-15-303.

HB 1114. See summary under Municipalities heading.

HB 1288. Effective 7/1/18. Signed 3/21/18.

HB 1288 clarifies that persons convicted of misdemeanor crimes shall be required to pay laboratory analysis fees in cases in which the Forensics Laboratory provides services.

HB 1479. Effective 7/1/18. Signed 3/15/18.

HB 1479 reenacts Sections 83-39-3, 83-39-7 and 83-39-13, which provide for professional bail agent licensure, and amends Section 4, Chapter 446, Laws of 2016, to delete the repealer on those statutes that provide for professional bail agent licensure.

AGRICULTURE

SB 2418. Effective 7/1/18. Signed 3/27/18.

This bill amends Section 63-5-33(3) to change the allowable tolerance for vehicles depending on whether they are operating with a harvest permit. Vehicles operating without a harvest permit loading at a point of origin with scales available for weighing the vehicle are not eligible for any tolerance over the gross weight limit of 80,000 pounds. The bill increases the allowable tolerance for tandem or axle weight from 5% to 10% for vehicles operating under a harvest permit. The 10% tolerance only applies from the point of loading to the point of unloading up to a 100-mile radius except when certain products are transported for processing in the state. But no tolerance is allowed if specifically prohibited by the local government or the Mississippi Transportation Commission.

Under existing law in Section 63-5-33(4), vehicles hauling nondivisible or containerized prepackaged products to be loaded or unloaded at a state port are allowed to have a gross weight of up to 40,000 pounds on any tandem and an allowable tolerance above the gross weight, tandem or axle weight. This bill amends Section 63-5-33(4) to increase the allowable tolerance from 5% to 10% for these vehicles.

Finally, the bill extends the repeal date to July 1, 2022, on the authority of county and municipal governments to designate approved travel routes for harvest permit holders and for timber deed grantees.

SB 2457. Effective 7/1/18. Signed 3/5/18.

Senate Bill 2457 requires the statement reporting the net tons of soil and plant amendments distributed in the state to be filed with the Mississippi Department of Agriculture and Commerce annually rather than quarterly.

SB 2918. Effective on passage. Signed 3/5/18.

This bill removes the repeal date from Sections 69-53-1 through 69-53-7, which provide for the state's agritourism laws. Under these laws, persons offering agritourism activities owe a certain duty of care to participants, have limited liability and must register annually with the Mississippi Department of Agriculture and Commerce.

SB 2924. Effective on passage. Signed 3/5/18.

This bill creates a new section of law authorizing the Mississippi Department of Agriculture and Commerce to enter into an agreement with the United States Food and Drug Administration (FDA) to implement the Produce Safety Rule Program of the Food Safety Modernization Act. This program establishes standards that are intended to prevent or remediate the adulteration of raw agricultural commodities on farms.

The department will develop, administer and enforce a state Produce Safety Program. The department will promulgate rules and regulations for the state program with requirements that are at least equal to those imposed under the federal produce safety rule. Upon an administrative hearing held in accordance with Section 69-1-18, persons who violate these regulations may be subject to a civil penalty of up to \$5,000.00 per violation.

SB 2936. Effective 7/1/18. Signed 3/5/18.

This bill removes the repeal date on the authority of the Mississippi Department of Agriculture and Commerce to allow members of the Future Farmers of America, the 4-H Club, the Junior Livestock Association, the Mississippi Cattlemen's Association and the United States Pony Club, Inc., to hold up to three animal or livestock shows or sales annually for free in certain livestock facilities.

HB 1122. Effective on passage. Signed 3/16/18.

This bill imposes certain restrictions on local governing entities by placing a prohibition on their authority to regulate certain agricultural operation activities. The bill amends Section 17-1-1 to add new terms to the definition section by including "agricultural operation," "forestry activity" and "traditional farm practices."

Additionally, the bill amends Section 17-1-3 to provide preemptive authority of regulations promulgated by the Mississippi Department of Environmental Quality, the Mississippi Department of Agriculture and Commerce and the Mississippi Forestry Commission pertaining to local land-use regulations related to certain activities over those adopted by the municipality or county.

Lastly, the bill amends Section 17-1-21 to prohibit the governing authority of any municipality or of any county from adopting or imposing any ordinance, regulation, rule or policy that prohibits or restricts agricultural operation, forestry activity or traditional farm practices on agricultural land or land that is otherwise unclassified if the land is used for an agricultural operation, forestry activity or traditional farm practices. The governing authority of any municipality or of any county may enact or impose ordinances, regulations, rules or

policies that prohibit or restrict such practices if the land is under Federal Aviation Administration Part 77 restrictions or if the activity, building, structure or improvement creates obstruction to navigable airspace. The implications of the law, upon its effective date, does not impact ordinances or regulations adopted by local governing authorities which are already in effect, nor does it impede a local governing authority's ability to reclassify effected properties.

HB 1333. Effective on passage. Signed 3/16/18.

This bill creates the 15-member Mississippi Honey Producers Advisory Council to review the laws and regulations governing the production of honey in Mississippi in order to determine if those laws and regulations address the concerns of the industry or if those laws and regulations need revision. The council is made up of 10 members of the Executive Board of the Mississippi Beekeepers Association, two staff members from the Mississippi Department of Agriculture and Commerce, two staff members from the Mississippi State Department of Health and one staff member from the Mississippi State University Extension Service.

Members are required to be notified in writing of all meetings at least 15 days before the date on which a meeting is to be held, and shall serve without compensation or reimbursement for travel expenses. Meetings must be conducted at either the Mississippi Department of Agriculture and Commerce or the Mississippi State Department of Health, depending on meeting space availability. A majority of the members of the advisory council shall constitute a quorum.

No later than November 30, 2018, the council shall report its findings and recommendation in writing to the Chairmen of the Senate and House Agriculture Committees.

APPROPRIATIONS

SB 2463. See summary under Public Health and Welfare heading.

SB 2480. See summary under Public Health and Welfare heading.

SB 2675. Effective on passage. Signed 4/13/18.

This bill provides that the Mississippi Department of Child Protection Services shall be a subagency within the Mississippi Department of Human Services and to provide that the Commissioner of the Department of Child Protection Services shall maintain operational control over the functions of the Department of Child Protection Services. The purpose of this amendment is to clarify the administrative structure for federal funding purposes.

The PEER Committee shall review the programs or program of the Mississippi Department of Child Protection Services, beginning with fiscal year 2017 and each year thereafter. PEER shall submit this review to the Chair of the Senate Public Health and Welfare Committee, the Chair of the Senate Appropriations Committee, the Chair of the House Public Health and Human Services Committee, the Chair of the House Appropriations Committee, the Lieutenant Governor, the Speaker of the House of Representatives, and the Governor by December 1 of each year. The review shall consist of the following:

(a) A review of the effectiveness of any program of the department for which appropriated outcome measures have been established;

- (b) Caseloads for social workers for each county or another appropriate geographic area;
- (c) Turnover rates of social worker staff by county or other geographic area;
- (d) Sources and uses of department funding; and
- (e) Any other matters that the PEER Committee considers to be pertinent to the performance of agency programs.

SB 2779. Effective 7/1/18. Signed 4/12/18.

This bill authorizes the Mississippi Department of Information Technology Services (MDITS) to charge state agencies pass-through costs for telecommunications, data center services and/or other information technology services to the agencies using those services on an as-needed basis. Also authorizes the Department of Finance and Administration to charge state agencies for Mississippi Management and Reporting Systems (MMRS) statewide application charges and utility charges if federal grants, special funds or pass-through funds are involved. Also clarifies certain restrictions on the Mississippi Department of Information Technology Services being funded from the State General Fund.

From and after July 1, 2018, the expenses of the Mississippi Department of Information Technology Services shall be defrayed by appropriation from the State General Fund. In addition, in order to receive the maximum use and benefit from information technology services, expenses for the provision of statewide shared services that facilitate cost-effective information processing and telecommunication solutions shall be defrayed by pass-through funding and shall be deposited into the Mississippi Department of Information Technology Services Revolving Fund unless otherwise specified by the Legislature. These funds shall only be utilized to pay the actual costs

incurred by the Mississippi Department of Information Technology Services for providing these shared services to state agencies. Furthermore, state agencies shall work in full cooperation with the Board of the Mississippi Department of Information Technology Services to identify computer equipment or services to minimize duplication, reduce costs, and improve the efficiency of providing common technology services across agency boundaries.

SB 2787. See summary under Public Property heading.

SB 2855. Effective 7/1/18. Signed 4/12/18.

This bill exempts the unfunded liability for employee retirement funds from the requirement that county, municipal and state budget estimates shall not be exceeded. The term "budgeted expenditures" for purposes of personal liability of members of the local governing authorities shall not include any unfunded liability for municipal employee retirement or pension funds. Nothing in this bill shall diminish any responsibility of the members of the local governing authorities to fund any employee retirement or pension plans, or any liability as a result of any failure to fund such plans as otherwise required by law.

SB 2895. See summary under Public Property heading.

HB 325. See summary under Insurance heading.

HB 593. See summary under Accountability, Efficiency, Transparency heading.

HB 803. See summary under Elections heading.

HB 1040. See summary under Judiciary, Division B heading.

HB 1196. See summary under Insurance heading.

BUSINESS AND FINANCIAL INSTITUTIONS

SB 2668. Effective 7/1/18. Signed 3/27/18.

SB 2668 provides the order of priority by which a financial institution must grant access to a safe-deposit box upon the death of the lessee. The bill also provides that a person seeking access to a safe-deposit box must provide to a financial institution certain documentation. Finally, the bill provides liability protections to financial institutions in certain instances.

Persons entitled to access in absence of probate or administration. At any time after 180 days from the death of a sole lessee or the last surviving co-lessee of a safe-deposit box, a financial institution must grant access in the following order of priority:

(a) The personal representative named in the lessee's will if an estate has not been opened.

(b) A successor of the deceased safe-deposit box lessee, without necessity of administration, if an estate has not been opened.

Documentation required. A person seeking access to the safe-deposit box must provide the financial institution with the following:

(a) Reasonable proof of the lessee's death;

(b) Reasonable proof of the identity of the person seeking access; and

(c) An affidavit containing the following information:

(i) The name of the person leasing the safe-deposit box and the date of the lessee's death;

(ii) The county in which the lessee was domiciled at the time of the lessee's death;

(iii) A statement that no application or petition for the appointment of a personal representative has been granted or is pending in any jurisdiction;

(iv) A statement that the value of the entire estate of the decedent, wherever located, excluding all liens and encumbrances thereon, does not exceed \$50,000.00; and

(v) A statement under penalty of perjury that the affiant is qualified under this bill to obtain access to the safe-deposit box leased by the individual and the facts establishing the qualification.

Interim access. A person shall be given access to a safe-deposit box before expiration of the required one-hundred-eighty-day period only to remove any will or burial instructions contained therein. The person must first meet all the requirements and conditions concerning the persons required to be present and a full inventory of the contents of the safe-deposit box; but no other contents of the safe-deposit box may be removed until the one-hundred-eighty-day requirement has been satisfied. The person given interim access to the safe-deposit box must immediately deliver all wills found and removed from the safe-deposit box to the clerk of the chancery court of the county in which the decedent was domiciled at the time of the decedent's death; failure to do so shall subject the person to criminal liability under Section 97-9-77.

The financial institution may make a complete copy of any document removed and delivered and place that copy, together with a copy of the inventory and supporting documentation noted with the date of delivery, in the safe-deposit box to remain there pending removal of the contents of the box as provided by this section or other law.

Reliance on affidavit. A financial institution that acts in reliance upon an affidavit without knowledge that the representations contained therein are incorrect is not liable to any person for so acting. A financial institution that does not have actual knowledge that the facts contained in the affidavit are incorrect may assume without inquiry the existence of the facts contained in the affidavit.

A financial institution shall not be held liable for any costs, expenses, damages or attorney's fees arising from a grant of access to, or delivery of, the contents held in a safe-deposit box when the access or delivery is under the provisions of this section.

SB 2929. Effective 7/1/18. Signed 3/26/18.

SB 2929 provides a framework within which guaranteed asset protection waivers are defined and may be offered within this state. This bill does not apply to:

(a) An insurance policy offered by an insurer under the insurance laws of this state; or

(b) A debt cancellation or debt suspension contract being offered by any national or state-chartered bank or federal or state-chartered credit union in compliance with 12 CFR Part 37, or 12 CFR Part 721, or any other federal law.

This bill provides that guaranteed asset protection waivers are not insurance and are exempt from the insurance laws of this state. Persons marketing, selling or offering to sell guaranteed asset protection waivers to borrowers who comply with this bill are exempt from insurance licensing and insurance regulation requirements of this state.

The bill also provides requirements for offering gap waivers, provides requirements for contractual liability and other insurance policies that insure a gap waiver, and provides disclosure and cancellation requirements.

The Commissioner of Insurance is authorized to enforce the provisions of this bill and to protect guaranteed asset protection waiver holders in this state.

HB 792. Effective 7/1/18. Signed 3/8/18.

HB 792 excludes certain debt settlement providers from the Mississippi Debt Management Services Act. The bill excludes for-profit debt settlement providers who do not receive or hold consumer funds, who receive no fee until a settlement is approved by the consumer and who are regulated by the Federal Trade Commission.

HB 811. Effective 7/1/18. Signed 3/19/18.

HB 811 reenacts the Mississippi Credit Availability Act, the section of law that defines certain terms under the Mississippi Title Pledge Act and the section of law that establishes licensing requirements for check cashers under the Mississippi Check Cashers Act, and extends until July 1, 2022, the date of the repealer on those reenacted sections.

HB 1338. Effective 7/1/18. Signed 3/15/18.

HB 1338 revises provisions regarding the bank merger process to make them consistent with the Mississippi Business Corporation Act.

- After receipt of the required corporate approvals and approval of the merger plan by the Commissioner of Banking and Consumer Finance, amendments to charters of any state-chartered

bank that is a party to a merger plan will be approved and filed with the other state officials.

- When a national bank, state or federal savings and loan association, or state or federal savings bank applies for conversion into a state-chartered bank, notice of the meeting at which the vote will be taken, which specifies the purpose, must be given as required by the bylaws, or in absence of such bylaw, by sending notice to each shareholder of record by registered mail at least ten days before the meeting.

The bill further authorizes Mississippi chartered or domiciled banks offering open-end credit to assess finance charges and other charges at rates not more than the rates imposed by out-of-state banks on Mississippi customers.

- "Open-end credit account" is defined as an arrangement between a creditor and a customer in which:
 - ▶ The creditor permits the customer to obtain credit advances on a pre-authorized basis;
 - ▶ The creditor reasonably contemplates repeated transactions;
 - ▶ The creditor assesses interest on the outstanding unpaid balance of the customer's account; or
 - ▶ The amount of credit that may be extended to the customer, up to any limit set by the creditor, is made available to the extent that any unpaid balance is repaid.

- The purpose of revising these provisions is to provide parity among Mississippi chartered or domiciled banks extending open-end credit in the state and to promote retention of existing financial services within the state by encouraging Mississippi chartered or domiciled banks to continue their open-end credit operations in Mississippi, rather than relocating to other states with interest rates, fees and credit

terms that may not be available under Mississippi law and exporting such interest rates, fees and credit terms back to Mississippi under the most favored lender doctrine of federal law.

- Mississippi chartered or domiciled banks that seek to use the provisions of this bill must provide:

- ▶ The rates and fees to be charged;
- ▶ The state where the rates and fees are permissible;

and

- ▶ The identity of one or more of the financial institutions.

- Mississippi chartered or domiciled banks offering open-end credit may assess certain fees and charges, such as finance charges, credit service charges and fees and charges that are material to the determination of the interest rate in connection with open-end accounts, at rates and amounts that are equal to or are less than the amounts that financial institutions domiciled in other states are permitted to impose and collect when extending credit to Mississippi customers as a result of the most favored lender doctrine of federal law.

- Mississippi chartered or domiciled banks may impose from one or more open-end credit accounts offered by financial institutions in other states in connection with a single open-end credit account:

- ▶ Interest;
- ▶ Finance charges;
- ▶ Credit service charges; or
- ▶ Other fees and charges.

CORRECTIONS

SB 2225. Effective 7/1/18. Signed 3/7/18.

Senate Bill 2225 extends the repeal date for one year on the Mississippi Department of Corrections' authority to establish an intensive and comprehensive alcohol and drug treatment program at the Bolivar County Regional Correctional Facility.

SB 2646. Effective 7/1/18. Signed 3/7/18.

This bill extends the repeal date for two years on the authority of the Mississippi Department of Corrections, the State Parole Board and the Governor to take actions that will either reduce the number of nonviolent incarcerated offenders or expand the capacity for housing offenders. This authority may only be used when the total number of state inmates which can be safely and reasonably in state correctional facilities and other facilities authorized to house offenders reaches a certain threshold.

SB 2647. Effective 6/30/18. Signed 3/7/18.

This bill extends the repeal date to June 30, 2020, on the circuit and county courts' authority to place nonviolent offenders in an intensive supervision program. This program is more commonly known as "house arrest."

SB 2654. Effective 7/1/18. Signed 3/7/18.

This bill extends the repeal date on the State Parole Board for two years.

SB 2655. Effective 6/30/18. Signed 3/7/18.

Senate Bill 2655 extends the repeal date for two years on the Mississippi Department of Corrections Community Services Division's authority to collect supervision fees from offenders on probation, parole, earned-release supervision, post-release supervision and earned probation.

HB 877. Effective 7/1/18. Signed 3/21/18.

This bill amends Section 47-5-731 to extend the date of repeal to July 1, 2022, on the Prison Overcrowding Emergency Powers Act.

HB 878. Effective 6/30/18. Signed 3/21/18.

This bill extends the date of the repealer on the authority of the Mississippi Department of Corrections to collect monthly fees from offenders who are on probation, parole, earned-release supervision, post-release supervision, earned probation or any other field supervision and to deposit those fees into the Community Service Revolving Fund.

HB 879. Effective 6/30/18. Signed 3/21/18.

This bill amends Section 47-5-1015 to extend the date of repeal to June 30, 2022, on the authority of the Department of Corrections to supervise offenders through the intensive supervision program and electronic home detention.

HB 883. Effective 7/1/18. Signed 3/21/18.

This bill amends Section 47-5-940 to extend the date of repeal to July 3, 2022, on the alcohol and drug treatment program conducted at the Bolivar County Regional Facility.

HB 892. Effective 7/1/18. Signed 3/21/18.

This bill amends Section 47-7-5 to extend the date of repeal to July 1, 2022, on the State Parole Board.

COUNTY AFFAIRS

SB 2034. Effective on passage. Signed 3/8/18.

SB 2034 allows surplus equipment to be transferred to any other department of county government without the necessity of reimbursement to the road and bridge fund upon a determination by the board of supervisors that: (a) equipment of the county road department has ceased to be used for purposes of the road department; and (b) such equipment has been owned by the road department for at least three years; and (c) such equipment may be of use or benefit to another department of county government; and (d) the transfer of the equipment to another department of county government would promote the best interest of county government; and (e) upon the unanimous approval of the board of supervisors.

SB 2043. See summary under Veterans and Military Affairs heading.

HB 1047. Effective 7/1/18. Signed 3/16/18.

HB 1047 amends Section 19-25-13 to increase from \$400.00 to \$1,000.00 the annual clothing allowance that the board of supervisors of any county may appropriate for each plainclothes investigator who is employed by the sheriff's department of the county. Additionally, the bill increases to \$1,000.00 the annual clothing allowance that the board of supervisors of a particular county may appropriate to the administrator of the county jail.

DRUG POLICY

SB 2892. Effective on passage. Signed 3/21/18.

This bill implements the suggested annual revisions to the Uniform Controlled Substances Law recommended by the Mississippi Department of Health based on changes to federal law by the federal Drug Enforcement Administration. Schedule I is also amended to exclude cannabidiol from control if it is contained in an FDA-approved drug or is obtained under Section 41-29-136 (Harper Grace's Law).

Section 41-29-113, is amended to add two substances to Schedule I:

Furanyl Fentanyl, a synthetic opioid analgesic with a similar pharmacological profile to fentanyl and other opioid receptor agonists; and

U-47700, chemically known as 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, a synthetic opioid that also has a high potential for abuse.

Section 41-29-115 is amended to add two substances to Schedule II:

Dronabinol oral solution, chemically known as [(-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC)], which has been approved by the FDA for the treatment of anorexia, nausea and vomiting; and

Thiafentanil,
4-(methoxycarbonyl)-4-(N-phenmethoxyacetamido)-1-[2-(thienyl)ethyl]piperidine, a potent opioid. It is indicated for use in the immobilization of nondomestic, nonfood-producing minor species hoofstock.

EDUCATION

SB 2763. Effective 7/1/18. Signed 3/27/18.

This bill provides that the provider of services under the Mississippi Virtual Public School Program shall be chosen by the district using a list of vendors approved through the Mississippi online course application process. Once the State Department of Education appropriation and the local school district budgeted funds for Mississippi Virtual Public School have been expended and students choose to enroll in online courses, the costs of the online courses may be the responsibility of the students' parents or guardians.

ELECTIONS

HB 392. Effective 7/1/18. Signed 3/8/18.

This bill amends Section 21-3-7 to provide an exception to the requirement that a municipality increase its board of aldermen from five to seven after reaching a certain population. Specifically, this bill provides that a municipality having a population according to the 2010 federal decennial census that is less than 10,000 and whose population according to the 2020 federal decennial census is 10,000 or more, the municipality may elect to continue with five aldermen and not increase to seven aldermen.

The bill further provides that in order for a municipality to continue with five alderman rather than increasing to seven alderman, the board of aldermen must adopt a resolution expressing the intent to continue with five aldermen. However, before the resolution is adopted, the board of aldermen must publish the proposed resolution in a municipal newspaper, and if 10% or 1,500, whichever is less, of the qualified electors of the municipality file a written petition protesting the proposed resolution to not increase the number of aldermen from five to seven, then an election on the question of whether to maintain the number of aldermen at five or to increase the number to seven shall be called.

Finally, the bill provides that if a majority of electors who voted in the election vote to maintain five aldermen, then the number shall remain at five and shall not be increased except by special election called for such purpose. However, if

a majority of the electors who voted in the election voted in favor of increasing the number to seven aldermen, then the number of aldermen shall be increased to seven and once increased, the number shall not be decreased except by act of the Legislature.

ENERGY

SB 2295. Effective 7/1/18. Signed 3/19/18.

SB 2295 amends Section 77-1-43 to clarify the method of enforcement of certain laws, rules, regulations, orders, decisions and determinations of the commission. The commission may, by order after notice and hearing, institute enforcement proceedings or, at the request of the commission by order after notice and hearing, the Attorney General, or district attorney in his district, shall institute such proceedings in the name of the commission. The bill also amends Section 77-3-5 to clarify the exclusive jurisdiction of the commission. Such exclusive original jurisdiction extends, but is not limited to: the establishment of retail rates; challenges, including customer complaints, to the amount of a retail rate or customer bill or whether such rate is just and reasonable; and challenges to the validity or accuracy of rates charged by a public utility, or to the accuracy or reliability of information submitted to the Public Service Commission by a public utility or other person in support of or in opposition to a proposed or approved rate, regardless of the legal theory upon which any such challenge is made.

Finally, the bill extends the repealer until July 1, 2020, on Sections 77-1-1 through 77-1-49, which create the Public Service Commission and prescribe its powers and duties, and on Section 77-1-55, which authorizes the commission and the Public Utilities Staff to hire attorneys and consultants for certain proceedings.

HB 297. Effective on passage. Signed 3/16/18.

HB 297 revises the Public Utilities Act to include the term "customer deposit" in the definition of the term "rate" for purposes of the act.

HB 813. Effective 7/1/18. Signed 3/19/18.

HB 813 amends sections of the Mississippi Underground Storage Tank Act of 1988 to:

- Revise the definition of the term "active site" to include certain other underground storage tanks.
- Increase the cap on the maximum amount for the annual tank regulatory fee assessed by the Mississippi Commission on Environmental Quality. The fee is set by the commission and cannot exceed \$200.00 per tank.

The bill creates the Underground Storage Tank (UST) Advisory Council to consult with the Mississippi Commission on Environmental Quality on all matters relating to the underground storage tank program. The UST Advisory Council will conduct an independent study of the development and administration costs of the program and an annual review of administering the program. The council will recommend an equitable fee system for the program that is based on the type and quantity of underground storage tanks. The council will be comprised of the following five members:

- The President of the Mississippi Petroleum Marketers and Convenience Store Association (MPMCSA) or his or her designee;
- A member of the MPMCSA appointed by the Board of Directors of the MPMCSA for a term of four years;

- A representative appointed by the President of the Mississippi Engineering Society, experienced in the assessment and remediation of petroleum contamination, for a term of four years;

- A representative appointed by the Governor of any company doing business in Mississippi in the installation, closure and/or testing of underground storage tanks; and

- A representative appointed by the Lieutenant Governor of any company doing business in Mississippi in the installation, closure and/or testing of underground storage tanks.

The council members appointed by the Governor and Lieutenant Governor will serve terms that are concurrent with the term of the appointing official.

HB 890. Effective 7/1/18. Signed 3/19/18.

HB 890 reenacts Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331, 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-359 and 19-5-361, which regulate 911 and e911 emergency telecommunications services and require the collection of service charges.

The bill amends Section 19-5-371 to include Sections 19-5-353 and 19-5-357 in the statute providing for the repeal of certain statutes relating to 911 and e911 services, and to extend the date of the repealer on those sections and the reenacted sections to July 1, 2021.

HB 1350. Effective on passage. Signed 3/19/18.

HB 1350 amends Sections 27-25-503 and 27-25-703 to extend the repealer on those provisions of law that reduce the severance tax on oil and natural gas produced from horizontally drilled wells or horizontally drilled recompletion wells from which production commences before July 1, 2023. For the purposes of the bill:

- "Horizontally drilled well" means a well in which the deviation of the borehole is at least 80° from vertical so that the borehole penetrates a productive formation in a manner parallel to the formation and in which there is at least 1,000 feet of lateral penetration through productive reservoirs.

- "Horizontally drilled recompletion well" means an existing well in which the deviation of the borehole is at least 80° from vertical so that the borehole penetrates a productive formation in a manner parallel to the formation and in which there is at least 1,000 feet of lateral penetration through productive reservoirs.

The provisions for which the repealer is extended reduce the rate of the severance tax to 1.3% of the value of the oil or gas at the point of production for a period of 30 months beginning on the date of first sale of production or until payout of the well cost is achieved, whichever first occurs. Payout of such a well will occur the first day of the next month after gross revenues, less royalties and severance taxes, equal to the cost to drill, complete and operate the well. The operator of a well must apply by letter to the State Oil and Gas Board for the reduced severance tax rate and must provide the board with the status of payout on a semiannual basis of any horizontally drilled well or horizontally drilled recompletion well by signed affidavit executed by a company representative.

The provisions of law providing for the reduced rate of tax shall be repealed from and after July 1, 2023. However, a well from which production commences before July 1, 2023, shall be taxed at the reduced rate provided before the repeal date. The tax collected from the production of a horizontally drilled well or horizontally drilled recompletion well shall be apportioned to the county in which the oil or gas is produced.

FINANCE

SB 2051. Effective 7/1/18. Signed 3/27/18.

This bill adds bonds issued, assumed or guaranteed by the Country of Israel to the types of investments that the State Treasurer may make utilizing excess general and special funds with the following restrictions:

- The instruments must be denominated in United States currency;
- The bonds must be of investment grade as rated by at least one nationally recognized statistical rating agency; and
- Investments in the bonds at any one time cannot exceed \$20,000,000.00.

SB 2097. Effective 1/1/18. Signed 3/16/18.

Under current law all personal property in transit in this state is exempt from ad valorem taxation if it is:

- Moving in interstate commerce through the state;
- Consigned to a free port warehouse for storage in transit to a final destination outside the state; or
- Manufactured in this state and stored by the manufacturer in a licensed free port warehouse for temporary storage pending transit to a final destination outside the state.

The bill exempts an additional category of personal property consigned to a free port warehouse from ad valorem taxation. The bill exempts from ad valorem taxation personal property consigned or transferred to a licensed free port warehouse for storage pending transit to not more than one other location in this state for production or processing into a component or part that is then transported to a final destination outside of the state.

SB 2194. See summary under Universities and Colleges heading.

SB 2209. Effective 7/1/18. Signed 4/11/18.

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

- Blue Mountain College;
- Order of the Eastern Star in Hinds County;
- American Federation of Teachers;
- Vitiligo Beautified Foundation, Inc.;
- Ballet Mississippi;
- Mississippi Metropolitan Ballet;
- Firefly Outreach;
- Sam M. Brinkley High School in Jackson;
- Ole Miss Student Veterans of America;
- Noxubee High School Tigers;
- Kosciusko School District; and
- The conservation of wildlife.

The bill authorizes the issuance of distinctive motor vehicle license tags to members of The Maurice F. Lucas, Sr., Grand Chapter of The Eastern Star, Prince Hall Affiliated.

A distinctive motor vehicle license tag is authorized for recipients of the Combat Action Ribbon.

A distinctive motor vehicle license tag is authorized for the Department of Defense Medal for the Defense of Freedom. The bill exempts Medal for the Defense of Freedom tag from the requirement that a certain number of tags must be purchased in order for it to be issued.

The bill authorizes the owner of an antique motorcycle to display an authentic historical license plate of the same year of issuance as the model year of the antique motorcycle. An applicant under this provision must pay a one-time, nonrefundable license tag fee of \$25.00. The license plate must be furnished by the applicant and presented for authentication to the Department of Revenue by the county tax collector. If the department determines that the license plate is an authentic historical license plate of the same year of issuance as the model year of the antique motorcycle and the plate is in satisfactory condition, the plate is returned to the county tax collector who notifies the applicant that permission has been granted to display the license plate on the antique motorcycle. If the department finds that the tag is unsatisfactory, the tag is returned to the tax collector and returned to the applicant.

The bill reauthorizes the issuance of the following distinctive motor vehicle license tags:

- For supporters of the Coastal Conservation Commission;
- For supporters of the oil and gas industry;
- For supporters of the Choctaw County Chargers; and
- With the word "Adoption" on it.

The requirement that 300 tags must be presold before the tag is issued must be met before July 1, 2021, in order for these reauthorized distinctive motor vehicle license tags to be issued.

The bill imposes an additional \$2.00 fee for any distinctive motor vehicle license tag regardless of whether the tag was authorized before or after July 1, 2018. The proceeds of this additional fee are required to be deposited into the Mississippi Burn Care Fund.

The bill provides that the surviving spouse of a deceased veteran who was rated as having 100% permanent service-connected disability is entitled to be issued a disabled veteran license tag for as long as the spouse remains unmarried, regardless of whether the deceased veteran applied for or was issued such a tag.

The bill revises the distribution of the fees generated from the purchase of the distinctive motor vehicle license tag for members of Alpha Kappa Alpha Sorority.

The bill authorizes distinctive motor vehicle license tags identifying a person as a recipient of the Bronze Star to bear the international symbol of access adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation if the applicant for the tag is eligible to receive a regular handicapped tag.

The bill revises the distribution of the fees for issuance of special breast cancer awareness license tags. Previously, the fee was split between two chapters of the Susan G. Komen Breast Cancer Foundation. This bill provides that the fee for the tag is disbursed to the Susan G. Komen Breast Cancer Foundation to support statewide programs in Mississippi.

The bill revises the distribution of the fees collected from the distribution of the distinctive motor vehicle license tags issued for supporters of Laurel High School.

The bill repeals code sections which:

- Authorize the issuance of distinctive motor vehicle license tags to various organizations;
- Were adopted prior to the 2012 Regular Session and were not amended in the 2012 Regular Session or sessions thereafter; and
- Have never met the requirements to be issued.

SB 2218. See summary under Universities and Colleges heading.

SB 2277. Effective 7/1/18. Signed 3/15/18.

According to Department of Revenue rules, a "salvage vehicle" is a motor vehicle that is a total loss as a result of collision, fire, flood, accident, hail damage, trespass, unrecovered theft, or other occurrence. Excluded are motor vehicles which are ten years old or older with a value \$1,500.00 or less, or a motor vehicle with damage which will require the replacement or repair of five or fewer minor component parts. A salvage vehicle is issued a salvage certificate of title.

Current law provides that an owner may apply for a clear or branded title for a motor vehicle with a salvage certificate of title that has been restored to operating condition if certain requirements are met. If a clear title is issued for the vehicle, there is no indication on the title of the damage that caused the vehicle to be issued a salvage certificate of title or that a salvage certificate of title was issued for the vehicle.

This bill provides that if a vehicle with a salvage certificate of title has been restored to an operating condition, it can only be issued a branded title. The branded title will give a limited description of what caused the issuance of a salvage certificate of title.

SB 2292. Effective on passage. Signed 3/16/18.

This bill authorizes the Department of Finance and Administration to incur debt, including notes or other evidences of indebtedness, for the purpose of paying the costs of implementing and administering the projects outlined in the comprehensive plan for the Capitol Complex Improvement District. The notes or instruments of indebtedness may be secured by the sales tax revenue required to be deposited into the Capitol Complex Improvement District Project Fund by Section 27-65-75. All notes or certificates of indebtedness must mature over a period not to exceed five years. The maximum amount of debt that the Department of Finance and Administration may incur under this provision cannot exceed \$7,000,000.00.

SB 2312. Effective 7/1/18. Signed 4/12/18.

This bill exempts from sales taxation any admissions charged at events, activities or entertainments:

- Which are open to the public and held in or on parks, lands or buildings which are publicly owned, leased, used and/or controlled by a municipality, or any agency of the municipality;
- Which are created and sponsored by the municipality, or an agency of the municipality; and
- The proceeds of which do not inure to the benefit of any individual or individuals.

A municipality may suspend the exemption and require the tax be levied and collected in the municipality by:

- Adopting a resolution requiring the levy and collection of the tax; and
- Providing the Department of Revenue with a certified copy of the resolution at least 30 days prior to the effective date of the resolution.

If a municipality repeals the levy and collection of the tax it must provide the Department of Revenue with a certified copy of the ordinance at least 30 days prior to the effective date of the ordinance.

SB 2479. Effective 7/1/18. Signed 3/27/18.

Under current law, \$100,000,000.00 must be invested in the projects before counties or municipalities may enter into a fee-in-lieu of ad valorem taxes agreement for:

- Projects by any new enterprise enumerated in Section 27-31-101; and
- Projects by a qualified business that meet minimum criteria established by MDA.

This bill reduces the amount that must be invested in those projects to be eligible to enter into a fee-in-lieu agreement to \$60,000,000.00.

Additionally, the bill authorizes counties and municipalities to enter into fee-in-lieu agreements:

- Involving projects totaling over \$60,000,000.00 by an existing enterprise listed in Section 27-31-101 that has been doing business in the county or municipality for 24 months; and
- With a private company (as such term is defined in Section 57-61-5) having a minimum capital investment of \$100,000,000.00 from any source or combination of sources, provided that a majority of the capital investment is from private sources, when such project is located within a geographic area for which a Presidential Disaster Declaration was issued on or after January 1, 2014. The minimum capital investment requirements for such a project applies to any project for which initial capital investment for the project was made on or after July 1, 2014.

SB 2578. Effective on passage, except Section 3 effective on 1/1/18. Signed 4/12/18.

Under current law, if the county tax collector collects ad valorem taxes due for prior years, the taxpayer must pay the amount of the ad valorem taxes due plus a penalty of 10% of the taxes due and interest at 6% per annum. This bill exempts late payments from the penalty and interest requirement under certain circumstances.

The bill provides that if property is found to have escaped taxation due to a county board of supervisors having granted any ad valorem tax exemption authorized under Sections 27-31-101 through 27-31-117 and then inadvertently allowing the exemption to extend beyond the period authorized by law for the exemption, the taxpayer may pay the ad valorem taxes without any penalty or interest which otherwise would have been levied on the property had it not been inadvertently exempted from ad valorem taxation by the county board of supervisors. The bill provides that this provision is effective on passage and that the language will revert back to the language in current law from and after July 1, 2020.

The bill revises homestead exemption for persons 65 years of age or older. The bill provides that a qualified homeowner claiming a homestead exemption allowed for a person who is 65 years of age or older or totally disabled shall be allowed an additional exemption from all ad valorem taxes on an amount equal to the difference between the assessed value of the homestead property on January 1, 2018, or January 1 of the first year for which the qualified homeowner claims an exemption on the property, and any increase in the assessed value of the homestead property resulting from an update in valuation of the homestead property that is completed during the time the qualified homeowner owns the property. The bill provides that

if a subsequent update in valuation of the homestead property that is completed during the time the qualified homeowner owns the property results in the assessed value of the homestead property being less than the assessed value of the property on January 1, 2018, or January 1 of the first year for which the qualified homeowner claims homestead exemption for the property, then the exemption authorized under this bill shall be on an amount equal to the difference between such lower assessed value and any increase in the assessed value of the homestead property resulting from a subsequent update in valuation of the homestead property that is completed during the time the qualified homeowner owns the property. This provision takes effect on January 1, 2018.

SB 2898. See summary under Public Property heading.

SB 2912. Effective 7/1/18. Signed 3/5/18.

This bill extends, through fiscal year 2021, the provision of law that imposes certain assessments on providers under the Mississippi Medicaid Law.

SB 2998. Effective 7/1/18. Signed 3/19/18.

This bill exempts from sales taxation sales of rotary-wing aircraft (helicopters) if the aircraft are exported from this state within 48 hours and first used in another state.

Current law has a similar exemption for sales of semitrailers, trailers, boats, travel trailers, motorcycles and all-terrain cycles.

SB 3031. Effective on passage. Signed 3/19/18.

This bill provides that the lands and property of Alcorn State University are not subject to state, county or municipal taxation. The bill also provides that the 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 are not subject to taxation.

HB 235. Effective 7/1/18. Signed 3/15/18.

This bill authorizes tax collectors who issue licenses under the local privilege tax law to use an electronic signature when signing licenses, and also authorizes them to issue duplicates of licenses in the form of an electronic document or paper copy.

- The officer issuing the license must countersign the license in writing, or alternatively, by electronic or digital signature or a handwritten signature saved on a computer when issuing a license.

- Licenses issued by collectors must be executed in duplicate, which may be in the form of a paper copy or electronic document, with the original being delivered to the licensee by the officer and the duplicate being attached or electronically linked to or otherwise maintained with the application for the license and preserved by the officer as a public record.

The bill also authorizes the county auditor or the governing body of a municipality to store unused blank licenses electronically.

- The county auditor or the governing body of a municipality must issue duplicates of privilege license blanks, which may be in the form of a paper copy or electronic document, and the original and paper copy or electronic duplicate must have identical serial numbers and be alike in all respects except that they must be marked "original" and "duplicate." If a paper duplicate is used, the original license and duplicate must be of different colors.

- The proper officer must store unused blank licenses for three years, and may store them electronically, and they may be destroyed or disposed of at the expiration of the three-year period.

HB 393. Effective on passage. Signed 3/15/18.

This bill revises the powers and duties of the State Inland Port Authority by making the following changes:

- Makes a technical amendment to provide that the word "board" as used in the State Inland Port Law means the Mississippi Development Authority.

- Authorizes the State Inland Port Authority to borrow money and to enter into a joint agreement with a county or municipality to issue revenue bonds, and to provide that all leases executed by the authority may be exempt from ad valorem taxes if so stipulated in the lease.

- Authorizes the Mississippi Development Authority to give preference in employment where practical to residents of the State of Mississippi and to qualified residents of the city and county in which the port or harbor is located.

- Provides that the Mississippi Development Authority or State Inland Port Authority shall make contracts or purchases in accordance with state purchasing laws. However, where the rentals provided in the lease will be sufficient to fully repay the cost of the particular facility or where the monetary consideration for a deed is sufficient to fully repay the cost of land acquired for industrial operations described in the deed, contracts for construction, repairs, maintenance and operation of the facility or for the sale of the land may be negotiated and consummated without the necessity of advertising and obtaining competitive bids therefor.

- Provides that the proceeds of the bonds may be used for any activities associated with carrying out the powers of the Mississippi Development Authority regarding State Inland Ports. Before this amendment, the bonds were to be used for the construction of buildings and related facilities and the acquisition of equipment for inland ports.

HB 693. Effective 7/1/18. Signed 4/11/18.

This bill revises provisions relating to appeals by political subdivisions of decisions of county boards of supervisors and municipal authorities as to the assessment of ad valorem taxes. The bill provides that only the county attorney, the district attorney, or the Attorney General may appeal such a decision if the state, county or municipality is aggrieved by the decision.

HB 827. Effective 1/1/19. Signed 3/19/18.

This bill deals with the manner in which ownership of a manufactured or mobile home (manufactured home) is to be legally recorded as real property and as personal property. The bill authorizes the present system to remain in place for those homeowners, lenders, title insurers and retailers who prefer to use the current procedures in place today. It creates a new process that will be preferred and followed by other homeowners, lenders, title insurers and retailers.

Manufactured homes are generally personal property and are titled similar to motor vehicles by certificate of title; however, under certain circumstances a manufactured home may be so permanently affixed to the land that the law treats it like a site-built house as an improvement to real estate. Whether a manufactured home is personal property or real estate is very important to the homeowner, lender and title insurer. This bill contains specific provisions as to when a manufactured home is considered real estate for both ad valorem tax and bankruptcy law purposes. These provisions respond to questions raised by some lenders and title insurers as to whether a manufactured home should be considered real estate or personal property. This will assist lenders in perfecting security interests. It will also allow title insurers to rely upon a more specific procedure for addressing issues concerning the ways in which manufactured homes may be real property or personal property.

This bill authorizes the homeowner to elect to:

- Declare at the time of registration that the manufactured home is to be classified as real estate for ad valorem tax purposes only as authorized under current law, or
- To permanently retire the title to the manufactured home by filing an affidavit of affixation.

If the homeowner elects to permanently retire the title to the manufactured home, the manufactured home becomes a part of the real estate for all purposes until an affidavit of severance or affidavit of destruction is filed of record. If the homeowner files an affidavit of severance, the manufactured home is retitled and treated as personal property. Attorneys or title companies closing these transactions will examine the liens reflected on the certificate of title (for personal property) and in the land records (for real property) to insure priority of liens.

HB 887. See summary under Insurance heading.

HB 1217. Effective 7/1/18. Signed 4/12/18.

Under current law, any municipality in this state with a population of 25,000 or more according to the latest federal decennial census, may exempt from municipal ad valorem taxes, excluding ad valorem taxes for school district purposes, for a period of not more than seven years, any privately owned new structures and any new renovations of and improvements to existing structures lying within a designated business improvement district, urban renewal district or redevelopment district, as determined by the municipality, but only in the event the structures have been constructed, renovated or improved pursuant to the requirements of an approved project of the municipality for the development of the business improvement district, urban renewal district or redevelopment district. This bill lowers the population requirement to 20,000.

The bill authorizes the governing authorities of municipalities to grant exemptions from ad valorem taxation, except ad valorem taxation for school district purposes, for improvement to or renovation of municipally designated residential renewal districts, for a period of not more than 10 years from the date of the completion of the improvement to or renovation of the designated residential renewal district for which the exemption is granted.

The bill authorizes the governing authorities of any municipality to grant exemptions from ad valorem taxation, except ad valorem taxation for school district purposes, for improvement to or renovation of municipally designated residential renovation districts, for a period of not more than 10 years from the date of the completion of the improvement to or renovation of the designated residential renovation district for which the exemption is granted.

HB 1350. See summary under Energy heading.

HB 1355. Effective 7/1/18. Signed 3/15/18.

This bill defines the term "investment quality" with regard to bonds deposited with the State Treasurer as security for state funds deposited with financial institutions that are public funds depositories. The bill defines "investment quality" to mean that, at worst, the obligor of the bonds has adequate capacity to meet its financial commitments even if adverse economic conditions or changing circumstances are likely to lead to weakened capacity to do so.

HB 1359. Effective 1/1/18. Signed 3/26/18.

This bill revises the definition of gross income under the state income tax law to exclude from gross income amounts paid by an agricultural disaster program as compensation to an agricultural producer, cattle farmer or cattle rancher who has suffered a loss as the result of a disaster or emergency, including, but not limited to, the following United States Department of Agriculture programs:

- Livestock Forage Disaster Program;
- Livestock Indemnity Program;
- Emergency Assistance for Livestock, Honey Bees and Farm-Raised Fish Program;
- Emergency Conservation Program;
- Noninsured Crop Disaster Assistance Program;
- Pasture, Rangeland, Forage Pilot Insurance Program;
- Annual Forage Pilot Program;
- Livestock Risk Protection Insurance Program; and
- Livestock Gross Margin Insurance Plan.

HB 1488. Effective 7/1/18. Signed 3/21/18.

This bill authorizes the issuance of state general obligation bonds in the amount of \$20,000,000.00 to provide funds for various Mississippi Development Authority programs as follows:

- \$11,000,000.00 for the Ace Fund.
- Increases by \$4,000,000.00 the amount of bonds that may be issued under the Mississippi Business Investment Act and authorizes those funds to be utilized to make grants or loans to counties and municipalities through an equipment and public facilities grant and loan fund to aid in infrastructure-related

improvements, the purchase of equipment and in the purchase, construction or repair and renovation of facilities.

- Increases by \$3,000,000.00 the amount of bonds that may be issued under the Mississippi Major Economic Impact Act for projects designed to enhance facilities that are at risk for closure pursuant to the Base Closure and Realignment Act of 1991 or other applicable federal law. It also extends the reverter on the provisions that authorize the State Bond Commission to negotiate the sale of bonds issued under the Mississippi Major Economic Impact Act.

- \$2,000,000.00 for the Mississippi Site Development Grant Fund. It also provides that a portion of the proceeds of the bonds issued for this fund may be used to reimburse the Mississippi Development Authority for the costs of administering the fund.

HB 1557. Effective 7/1/18. Signed 4/13/18.

The Mississippi Small Business Investment Act authorizes an insurance premium tax credit for insurance companies that invest capital in Mississippi small business investment companies for investment in qualified businesses. Generally, qualified businesses under the act are businesses that are headquartered in Mississippi with at least 80% of its employees in Mississippi that have not more than 100 employees at the time of the investment and are not a franchise. There are also limitations on the type of businesses that a qualified business may engage in. Under current law, the aggregate amount of investment tax credits that may be allocated to all participating investors is \$50,000,000.00. An investor who receives an allocation of the credit earns the credit at the time the investment is made and may claim the credit at 20% of the amount of the credit per

taxable year beginning with the 2015 taxable year and ending in the 2019 taxable year. The entire amount has been allocated.

This bill increases the aggregate amount of credits that may be allocated to participating investors under the act by an additional \$45,000,000.00. Investors that are allocated the credit authorized by this bill may claim the credit over a six-year period as follows:

- For five taxable years at 16.66% of the amount of the credit per taxable year beginning with the 2021 taxable year and ending in the 2025 taxable year; and
- For taxable year 2026 at 16.7% of the amount of the credit.

HB 1566. Effective 1/1/18. Signed 4/12/18.

This bill authorizes an income tax credit for voluntary cash contributions to a qualifying charitable organization in an amount not to exceed:

- \$400.00 in any taxable year for a single individual or a head of household.
- \$800.00 in any taxable year for a married couple filing a joint return.

A "qualifying charitable organization" is a charitable organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code or is a designated community action agency that receives community services block grant program monies pursuant to 42 USC 9901. The organization must spend at least 50% of its budget on services to residents of this state who receive temporary assistance for needy families benefits or low-income residents of this state and their households or to children who have a chronic illness or physical, intellectual, developmental or

emotional disability who are residents of this state. The bill also provides that a 501(c)(3) organization that meets all the other requirements for a "qualifying charitable organization" except that it does not spend 50% of its overall budget on residents of this state may qualify as a qualifying charitable organization if it spends 50% of its Mississippi budget on residents of this state and spends 100% of its voluntary cash contributions in this state.

The bill authorizes a separate income tax credit for voluntary cash contributions to a qualifying foster care charitable organization in an amount not to exceed:

- \$500.00 in any taxable year for a single individual or a head of household.
- \$1,000.00 in any taxable year for a married couple filing a joint return.

A "qualifying foster care charitable organization" is a qualifying charitable organization that each operating year provides services to at least 100 qualified individuals in this state and spends at least 50% of its budget on services to qualified individuals in this state. The bill also provides that a 501(c)(3) organization that meets all the other requirements for a "qualifying foster care charitable organization" except that it does not spend 50% of its overall budget on residents of this state may qualify as a qualifying charitable foster care organization if it spends 50% of its Mississippi budget on qualified individuals and spends 100% of its voluntary cash contributions in this state. A "qualified individual" is a child in a foster care placement program established by the Department of Child Protection Services.

Excess credits may be carried forward for five consecutive years.

The bill provides that the tax credits for voluntary cash contributions to qualifying charitable organizations and qualifying foster care charitable organizations that may be awarded in any calendar year cannot exceed \$1,000,000.00. The credits are repealed effective January 1, 2020.

The bill increases the income tax credit for adoption expenses from \$2,500.00 for each dependent child legally adopted to \$5,000.00 for each child legally adopted. An income tax credit is also allowed in the amount of \$5,000.00 for each child legally adopted through the Mississippi Department of Child Protection Services. A taxpayer may only claim one of these credits for each child adopted. The carry forward under current law for the adoption expense credit is three years. The carry forward is increased to five years for the adoption care credit and is five years for the credit for an adoption through the Mississippi Department of Child Protection Services. The adoption care credits authorized by this bill are repealed effective January 1, 2020.

HB 1649. Effective 7/1/18. Signed 4/13/18.

This bill:

- Authorizes the issuance of state general obligation bonds in the amount of \$82,317,500.00 for the 2018 IHL Capital Improvements Fund to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishings and/or equipping facilities for public facilities as follows:

NAME	PROJECT	AMOUNT ALLOCATED
Alcorn State University		\$ 6,000,000.00
	Construction, reconstruction, repair, rehabilitation and	

renovation of and upgrades and improvements to the water plant and related infrastructure and facilities.....	\$ 1,500,000.00	
Completion of construction, furnishing, and equipping of a technology classroom building.....	\$ 4,500,000.00	
Alcorn State University/Division of Agriculture	\$	720,000.00
Critical repair, renovation, furnishing and equipping of campus buildings, facilities and infrastructure.....	\$ 720,000.00	
Delta State University	\$	5,000,000.00
Repair and replacement of roofing and exterior restoration of the Walter Sillers Coliseum.....	\$ 2,500,000.00	
Critical repair, renovation, ADA improvements, furnishing and equipping of campus buildings, facilities and infrastructure.....	\$ 2,500,000.00	
Jackson State University	\$	8,500,000.00
Repair, renovation, furnishing and equipping of the Stewart Hall Dormitory.....	\$ 5,400,000.00	

Critical repair, renovation,
furnishing and equipping
of campus buildings,
facilities and
infrastructure.....\$ 3,100,000.00

Mississippi State University..... \$ 10,000,000.00

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

Mississippi State University/Division of
Agriculture, Forestry and Veterinary Medicine ... \$ 4,172,500.00

Construction, furnishing
and equipping of a new
building and related
facilities to house the
Blackjack Forest and
Wildlife Research Facility...\$ 4,172,500.00

Mississippi University for Women..... \$ 5,675,000.00

Critical repair, renovation,
furnishing and equipping
of campus buildings,
facilities and
infrastructure.....\$ 5,675,000.00

Mississippi Valley State University..... \$ 6,000,000.00

Planning and Phase I of
repair, renovation,
furnishing and equipping
of facilities for the
Departments of English
and Foreign Languages,

Mass Communications,
 University College and
 International Programs.....\$ 5,000,000.00
 Critical repair, renovation,
 furnishing and equipping
 of campus buildings,
 facilities and
 infrastructure.....\$ 1,000,000.00
 University of Mississippi..... \$ 15,000,000.00
 Matching funds for
 construction, furnishing
 and equipping of
 a new STEM facility.....\$ 15,000,000.00
 University of Mississippi Medical Center..... \$ 12,000,000.00
 Matching funds for site
 development, planning,
 design, construction, repair,
 renovation, furnishing,
 equipping, additions
 to and expansion of
 Blair E. Batson Children's
 Hospital and related
 facilities at the
 University of Mississippi
 Medical Center.....\$ 12,000,000.00
 University of Southern Mississippi..... \$ 7,000,000.00
 Repair, renovation,
 furnishing and
 equipping of and expansion
 of and additions and
 improvements to campus
 buildings, facilities

and infrastructure.....\$ 7,000,000.00

University of Southern Mississippi/Gulf
 Park Campus \$ 1,500,000.00

Construction, furnishing
 and equipping of
 a new building and
 related facilities for a
 student resource center.....\$ 1,500,000.00

IHL Education and Research Center \$ 750,000.00

Critical repair, renovation,
 replacement and improvements
 to campus buildings,
 facilities and
 infrastructure.....\$ 750,000.00

- Authorizes the issuance of state general obligation bonds in the amount of \$36,000,000.00 for the 2018 State Agencies Capital Improvements Fund to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishings and/or equipping facilities for public facilities as follows:

Department of Corrections \$ 6,000,000.00

Planning, critical repair and
 renovation of and code upgrades
 and improvements to department
 buildings, facilities and
 infrastructure.....\$ 3,000,000.00

Planning, repair
 and replacement of roofing
 for department buildings
 and facilities under
 the care and control

of the department.....\$ 3,000,000.00
Department of Finance and Administration..... \$ 9,500,000.00
Continuation of planning
repair and restoration
of the New Capitol.....\$ 4,250,000.00
Completion of repair,
renovation, furnishing and
equipping, including relocation
costs, of the
Robert G. Clark Building
and related facilities
in Jackson, Mississippi.....\$ 2,750,000.00
Planning, construction,
furnishing and equipping
of an emergency air response
station for the central
Mississippi region.....\$ 2,500,000.00
Department of Mental Health..... \$ 5,850,000.00
Planning, repair
and replacement of the heating,
ventilating and air-conditioning
systems (HVAC) at the Mississippi
State Hospital.....\$ 950,000.00
Planning, repair
and upgrades to buildings
and facilities for the provision
of forensic services at the
Mississippi State Hospital..\$ 1,000,000.00
Planning, construction,
reconstruction, repair,
rehabilitation and renovation
of and upgrades and

improvements to wastewater treatment infrastructure and related facilities at Boswell Regional Center.....\$	350,000.00
Planning, repair and replacement of the heating, ventilating and air-conditioning systems (HVAC) at the Central Mississippi Residential Center.....\$	250,000.00
Planning, repair and replacement of roofing for buildings and facilities at Ellisville State School..\$	800,000.00
Planning and construction of fire sprinkler systems at Hudspeth Regional Center....\$	300,000.00
Planning, repair and replacement of infrastructure at North Mississippi Regional Center.....\$	600,000.00
Planning, repair and replacement of generators at South Mississippi Regional Center.....\$	600,000.00
Planning, repair and replacement of roofing for buildings and facilities at North Mississippi State Hospital.....\$	400,000.00
Planning, repair	

and replacement of roofing
 and mechanical systems
 and equipment for
 buildings and facilities
 at South Mississippi
 State Hospital.....\$ 600,000.00
 Department of Public Safety..... \$ 3,400,000.00
 Phase II of construction,
 furnishing and equipping of
 a headquarters replacement
 building and related
 facilities adjacent
 to the State Crime
 Laboratory in Rankin County,
 Mississippi.....\$ 3,000,000.00
 Planning, repair
 and replacement of roofing
 of the Brookhaven Highway
 Patrol Substation.....\$ 400,000.00
 Department of Wildlife, Fisheries and Parks..... \$ 4,000,000.00
 Planning, repair,
 rehabilitation and upgrades
 of high hazard dams,
 spillways and other
 structures and facilities...\$ 4,000,000.00
 Mississippi Military Department..... \$ 5,000,000.00
 Matching funds for
 planning, construction,
 repair, renovation,
 replacement, furnishing
 and equipping of
 readiness centers.....\$ 5,000,000.00

Mississippi School for Math and Science
on the campus of the Mississippi
University for Women..... \$ 250,000.00
Preplanning of repair and
renovation of dormitories...\$ 250,000.00
State Fire Academy..... \$ 1,000,000.00
Construction, furnishing
and equipping of a fire
station, dormitory and
related infrastructure
and facilities at the
Mississippi State Fire
Academy in Rankin
County, Mississippi.....\$ 1,000,000.00
Mississippi School of the Arts..... \$ 1,000,000.00
Repair, renovation,
furnishing and equipping
of campus buildings,
facilities and
infrastructure.....\$ 1,000,000.00

- Authorizes the issuance of state general obligation bonds in the amount of \$9,000,000.00 for the 2018 Department of Finance and Administration Statewide Critical Repair and Renovation Fund to pay the costs of site and infrastructure improvements, general repairs and renovations, weatherization, roofing, environmental mitigation, mechanical, electrical and structural repairs required for state-owned facilities, other facilities under the care and control of the Mississippi Department of Corrections, universities and community and junior colleges, repairs, renovations and improvements necessary for compliance with the Americans with Disabilities Act or other

codes, purchase and installation of necessary furniture and equipment, acquisition of property required for parking, and continuation and completion of previously authorized projects.

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

Coahoma	\$ 1,172,879.00
Copiah-Lincoln	1,363,078.00
East Central	1,277,197.00
East Mississippi	1,559,454.00
Hinds	2,787,652.00
Holmes	1,866,900.00
Itawamba	1,793,612.00
Jones	1,747,411.00
Meridian	1,414,074.00
Mississippi Delta	1,273,054.00
Mississippi Gulf Coast	2,428,714.00
Northeast Mississippi	1,430,610.00
Northwest Mississippi	2,107,700.00
Pearl River	1,604,329.00
Southwest Mississippi	1,173,336.00

- Authorizes the issuance of state general obligation bonds in the amount of \$45,000,000.00 to pay the costs incurred in making capital improvements at the state shipyard in Jackson County as are considered to be a part of the five-year plan to modernize the 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.

- Authorizes the issuance of state general obligation bonds in the amount of \$5,000,000.00 for the Small Municipalities and Limited Population Counties Fund.

- Authorizes the issuance of state general obligation bonds in the amount of \$50,000,000.00 for the Local System Bridge Replacement and Rehabilitation Fund.

- Increases by \$3,000,000.00 the amount of state general obligation bonds that may be issued for the Local Governments and Rural Water Systems Improvements Revolving Loan Fund.

- Authorizes the issuance of state general obligation bonds in the amount of \$5,000,000.00 for the Water Pollution Control Revolving Fund.

- Amends Section 1, Chapter 511, Laws of 2016, to revise the purposes for which proceeds of bonds authorized to be issued for Jackson State University may be used. The bill provides that some of the bond proceeds may be used to pay for repair, renovation, furnishing and equipping of the Stewart Hall Dormitory.

- Amends Section 28, Chapter 511, Laws of 2016, to revise the purposes for which the proceeds of bonds authorized to be issued for the City of Saltillo may be used. The bill provides that the bond proceeds may be used to pay costs associated with installation of intersection lighting at the intersection of Highway 45 and Highway 145 in Saltillo.

- Amends Section 8, Chapter 580, Laws of 2007, to revise the purposes for which the proceeds of bonds authorized to be issued for the John C. Robinson Mississippi Aviation Museum Fund may be used. The bill provides that the bond proceeds may be used to pay the costs of construction, repair, renovation, furnishing and equipping of a building leased from the City of Gulfport for the John C. Robinson Mississippi Aviation Museum in Gulfport.

- Amends Section 63, Chapter 511, Laws of 2016, to revise the purposes for which the proceeds of bonds authorized to be issued for a bypass in Philadelphia may be used. The bill provides that the bond proceeds may be used to pay costs associated with the completion of the four-lane of Mississippi Highway 19 South at the south Philadelphia City boundary intersection at Holland Avenue and extending south along said Mississippi Highway 19 South to the intersection of BIA Road 241 (also known as Tucker Road), including, but not limited to, all necessary acquisition, preconstruction and construction activities.

- Amends Section 37, Chapter 472, Laws of 2015, to clarify certain provisions regarding bonds authorized to be issued for improvements at Mt. Olive Park in Bolton. The bill provides that certain bond proceeds may be used to assist Mount Olive Recreational Development Corporation in paying the costs of making improvements at the park.

- Amends a section of the Economic Development Highway Act to provide that with regard to a high economic benefit project as defined in Section 65-4-5(1)(c)(xiii) for which the Mississippi Development Authority approved and allocated monies in the Economic Development Highway Fund before January 1, 2016, for constructing or improving a highway or highway segment

related to the high economic benefit project, the Mississippi Development Authority may reallocate such monies from the original highway or highway segment purpose and allocate the funds for constructing or improving another highway or highway segment provided that such highway or highway segment is located within three miles of the high economic benefit project for which the Mississippi Development Authority originally allocated and approved the monies.

- Amends Section 6, Chapter 472, Laws of 2015, to provide that excess proceeds of bonds issued for the purpose of assisting the City of Taylorsville in paying the costs of improvements to the Fellowship Water Supply and improvements to the Georgia Pacific Chip Mill Access Road may be utilized by the city to pay the costs of road projects in the city.

**STATE GENERAL OBLIGATION BONDS
 AUTHORIZED TO BE ISSUED DURING THE 2018 REGULAR SESSION**

HOUSE BILL NO. 1488

ACE Fund.....	\$ 11,000,000.00
Mississippi Business Investment Act for the Development Infrastructure Grant Program (DIP).....	\$ 4,000,000.00
Mississippi Major Economic Impact Act for Base Realignment and Closure Act (BRAC).....	\$ 3,000,000.00
Mississippi Site Development Grant Fund.....	\$ <u>2,000,000.00</u>
H.B. 1488 TOTAL.....	\$ 20,000,000.00

HOUSE BILL NO. 1649

INSTITUTIONS OF HIGHER LEARNING

Alcorn State University.....	\$ 6,000,000.00
Alcorn State University/Division of Agriculture.....	\$ 720,000.00
Delta State University.....	\$ 5,000,000.00
Jackson State University	\$ 8,500,000.00
Mississippi State University.....	\$ 10,000,000.00
Mississippi State University/Division of Agriculture, Forestry and Veterinary Medicine..	\$ 4,172,500.00
Mississippi University for Women.....	\$ 5,675,000.00
Mississippi Valley State University.....	\$ 6,000,000.00
University of Mississippi.....	\$ 15,000,000.00
University of Mississippi Medical Center.....	\$ 12,000,000.00
University of Southern Mississippi.....	\$ 7,000,000.00

University of Southern Mississippi/
Gulf Park Campus.....\$ 1,500,000.00

IHL Education and Research Center.....\$ 750,000.00

IHL TOTAL.....\$ 82,317,500.00

STATE AGENCIES

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

Department of Finance and Administration.....\$ 9,500,000.00

Department of Mental Health.....\$ 5,850,000.00

Department of Public Safety.....\$ 3,400,000.00

Department of Wildlife, Fisheries and Parks.....\$ 4,000,000.00

Mississippi Military Department.....\$ 5,000,000.00

Mississippi School for Math and
Science on the campus of the
Mississippi University for Women.....\$ 250,000.00

State Fire Academy.....\$ 1,000,000.00

Mississippi School of the Arts.....\$ 1,000,000.00

Department of Finance and Administration for
Critical Repair and Renovation.....\$ 9,000,000.00

STATE AGENCIES TOTAL.....\$ 45,000,000.00

COMMUNITY COLLEGES

Coahoma \$ 1,172,879.00

Copiah-Lincoln 1,363,078.00

East Central 1,277,197.00

East Mississippi 1,559,454.00

Hinds 2,787,652.00

Holmes 1,866,900.00

Itawamba	1,793,612.00
Jones	1,747,411.00
Meridian	1,414,074.00
Mississippi Delta	1,273,054.00
Mississippi Gulf Coast	2,428,714.00
Northeast Mississippi	1,430,610.00
Northwest Mississippi	2,107,700.00
Pearl River	1,604,329.00
Southwest Mississippi	<u>1,173,336.00</u>
COMMUNITY COLLEGES TOTAL	\$ 25,000,000.00
State Shipyard in Jackson County.....	\$ 45,000,000.00
Small Municipalities and Limited Population Counties Fund.....	\$ 5,000,000.00
Local System Bridge Replacement and Rehabilitation Fund.....	\$ 50,000,000.00
Local Governments and Rural Water Systems Improvements Revolving Loan Fund.....	\$ 3,000,000.00
Water Pollution Control Revolving Fund	<u>\$ 5,000,000.00</u>
HB 1649 TOTAL.....	\$260,317,500.00
GRAND TOTAL (HB 1488 AND HB 1649)	\$280,317,500.00

FORESTRY

SB 2919. Effective 7/1/18. Signed 3/16/18.

Senate Bill No. 2919 amends Section 49-19-3(j) to extend the repeal date for four years. This law allows the State Forestry Commission, upon the State Forester's recommendation, to appoint six Mississippi Forestry Commission Law Enforcement Officers. The law enforcement duties and authority of these officers is limited to woods arson.

HIGHWAYS AND TRANSPORTATION

SB 2213. Effective on passage. Signed 3/8/18.

This bill transfers the powers and duties of the Public Service Commission under the Mississippi Motor Carrier Regulatory Law of 1938 to the Transportation Commission.

SB 2458. Effective 7/1/18. Signed 4/11/18.

This bill designates the following as memorial highways:

- That portion of Mississippi Highway 1 in Washington County, Mississippi, that extends one mile north and one mile south of the intersection of Mississippi Highway 1 and James Crossing Road is designated and shall be known as "Sonny Merideth Memorial Highway.

- A portion of U.S. Highway 82 in Leflore County, Mississippi, as designated by the Mississippi Department of Transportation, shall be known as the "YANKY 72 Memorial Highway" in honor of the Marines and the Navy Corpsman who were killed in the crash of a KC-130 aircraft on July 10, 2017.

The Mississippi Department of Transportation is required to erect and maintain a memorial marker provided by the Marine Corps League Department of Mississippi at a location adjacent to Highway 82 that is nearest the location of the crash.

- That portion of Mississippi Highway 1 within Grenada County, Mississippi, beginning at the intersection of U.S. Highway 51 and Papermill Road and extending northerly to its intersection with Mississippi Highway 7 is designated and shall be known as "Agent Lee Tartt Memorial Highway."

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

SB 2621. Effective 7/1/18. Signed 3/5/18.

This bill makes it clear that whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning the person must stop not only for the approach of a train but also for the approach of other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment.

SB 2629. Effective 7/1/18. Signed 3/5/18.

This bill revises the definition of the term "autocycle" under the Uniform Highway Traffic Regulation Law. Under the bill "autocycle" is defined as a three-wheel motorcycle with a steering wheel, nonstraddle seating, rollover protection and seat belts.

HB 80. Effective 7/1/18. Signed 3/15/18.

This bill prohibits motor vehicles from continually traveling in the outermost left lane of a highway that allows for two or more lanes to travel in the same direction, except under the following conditions:

- Overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- The right lane(s) of a roadway is closed to traffic while under construction or repair;
- The right lane(s) of the roadway is in disrepair or in an otherwise impassable or unsafe condition; or
- A vehicle is preparing to exit the roadway on the left.

A vehicle cannot be driven continuously in the outermost left lane of a multi-lane roadway whenever it impedes the flow of other traffic.

A violation of these provisions is punishable by a fine of not less than \$5.00 nor more than \$50.00.

HB 756. Effective 7/1/18. Signed 3/15/18.

This bill designates Mississippi Highway 15 North in Union County, Mississippi, beginning at the New Albany, Mississippi, city limits and running north to the Union County line, as the "John David Pennebaker Memorial Highway."

HB 1150. Effective 7/1/18. Due from Governor 4/12/18.

This bill designates United States Highway 27 in Copiah County, beginning at its intersection with United States Highway 51 and extending southeasterly to its intersection with Old Highway 27 #2, as "Larry Grantham Memorial Highway."

The bill designates Highway 63 in Wayne County, beginning at its intersection with Red Brown Drive and extending southerly for one mile, as "William Cleo Pitts Memorial Highway."

The bill designates a bridge on Adams Street in the City of Fulton in Itawamba County that spans Interstate 22 as "Leland Taylor Memorial Bridge."

The bill designates an overpass bridge on Mississippi Highway 309 in Marshall County that spans Interstate 269 as "Jim Tuttle Memorial Overpass."

The bill designates United States Highway 82 in Washington County as "Delta Rhythm & Bayous Highway."

The bill designates Mississippi Highway 15 in Newton County, Mississippi, beginning at its intersection of Savell Road and extending north to its intersection with Stratton Road, as the "Raymond Comans Memorial Highway."

The bill designates Mississippi Highway 15 in Oktibbeha County, Mississippi, beginning at its intersection of County Line Road and extending north to its intersection with Hatcher Road, as the "Nicky Lewis Memorial Highway."

HB 1153. Effective 7/1/18. Signed 3/8/18.

This bill designates Mississippi Highway 24 in Wilkinson County, Mississippi, beginning at its intersection with U.S. Highway 61 in Woodville, Mississippi, and extending east to the Amite County line in Centreville, Mississippi, as the "Anne Moody Memorial Highway."

HB 1208. Effective 7/1/18. Signed 3/16/18.

This bill designates United States Highway 49 in Simpson County, Mississippi, as the "Mississippi World War II Veterans Memorial Highway."

The bill designates United States Highway 82 within the State of Mississippi as the "Blues and Heritage Highway."

HB 1343. Effective 1/1/19. Signed 4/12/18.

This bill defines the term "platoon" for the purposes of certain motor vehicle laws. "Platoon" is defined as a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without electronic coordination. The bill exempts vehicle operators in a platoon from provisions of law requiring certain distances to be maintained between traveling vehicles as long as the platoon is operating on a limited access divided highway with more than one lane in each direction and the platoon consists of not more than two motor vehicles. The bill requires plans for the operation of a platoon to be filed with the Mississippi

Department of Transportation, and provides that the plans are to be accepted or rejected by the Mississippi Department of Transportation and Mississippi Department of Public Safety within 30 days of filing. If approved, the platoon may be operated within five working days after plan approval.

INSURANCE

SB 2296. Effective 1/1/19. Signed 3/5/18.

SB 2296 provides that all individual and group health insurance contracts providing prescription drug coverage in the state shall apply a prorated daily cost-sharing rate for a partial supply to allow beneficiaries to synchronize their medications on the same day each month, if the prescriber or pharmacist determines the fill or refill to be in the best interest of the patient and the patient requests or agrees to a partial supply for the purpose of synchronizing the patient's medications. The bill also provides that this medication synchronization authority shall be fully applicable to any managed health care delivery entities, including the State and School Employees' Life and Health Insurance Plan and the Mississippi Medicaid Program.

SB 2311. Effective 7/1/18. Signed 3/5/18.

SB 2311 amends Sections 83-11-1, 83-11-7, 83-5-28, 71-3-77 and 83-11-101 to provide that a notice of nonrenewal is not required when a replacement policy form is issued by the same insurer or when an insured is transferred to a licensed affiliate of the insurer, so long as the transfer or replacement results in the same or substantially similar coverage. The bill also provides that documents signed by the insured remain valid and enforceable, and are applicable to the replacement policy form, the coverage transferred to a licensed affiliate insurer, or both. Finally, the bill requires a transferring insurer to provide notice of the policy transfer to the Mississippi Insurance Department and to the policyholder.

SB 2465. Effective 7/1/18. Signed 3/5/18.

SB 2465 amends Section 83-75-1 to require insurance companies, beginning on July 1, 2019, to provide an insurance premium discount for homeowners who build a new home within the state that better resists tornado or other catastrophic windstorm events. In addition, insurance companies may also offer additional adjustments in deductible, other credit rate differentials, or a combination thereof, collectively referred to as adjustments.

SB 2466. Effective 7/1/18. Signed 3/5/18.

SB 2466 extends the repealer until July 1, 2022, on Section 25-15-15, which provides for the payment of premiums for the State and School Employees' Life and Health Insurance Plan.

SB 2527. Effective 7/1/18. Signed 3/26/18.

SB 2527 prohibits civil liability against a person or entity for furnishing information concerning insurance fraud to any law enforcement, investigatory, prosecutorial or regulatory agent, insurer, or statutory residual market plan.

This bill does not grant immunity to claims against persons making false statements in bad faith when furnishing information concerning suspected or completed insurance fraud. Any civil action brought against a person for filing a report or furnishing other information concerning insurance fraud shall be dismissed unless the party bringing the action has pleaded specifically that the person filing the report or furnishing the information did so in bad faith, and has pleaded specifically facts that support a claim of bad faith.

SB 2929. See summary under Business and Financial Institutions heading.

HB 325. Effective on passage. Signed 4/13/18.

HB 325 changes the penalties for the crime of failure to have proof of motor vehicle liability insurance from a \$500.00 fine to a \$100.00 fine plus state assessments of \$200.00 for a first offense, \$300.00 for a second offense and \$400.00 for a third and any subsequent offenses.

The bill also changes the penalty for failure to have motor vehicle liability insurance as determined by the insurance verification system from a civil violation to a criminal violation. The bill gives a judge the authority to determine whether a defendant is indigent and, if the judge finds him indigent, the judge may reinstate his license subject to compliance with a payment plan to pay the fine.

The bill retains the same amount of money going to the municipality or county, and the same amount of money going to the Uninsured Motorist Identification Fund as the law provided for under the civil violation.

The bill provides that monies in the Uninsured Motorist Identification Fund in excess of those required to pay for the verification system shall be distributed as follows:

- 1/2 to the Mississippi Trauma Care Systems Fund (no change);
- 1/2 to a special fund to fund a Highway Patrol Trooper School (new provision).

HB 326. Effective 7/1/18. Signed 3/5/18.

HB 326 amends Section 19-3-41 to allow a county board of supervisors to expend funds necessary to maintain and repair, and to purchase liability insurance, tags and decals for, any personal property acquired through the Firefighter Property Program.

HB 887. Effective 7/1/18. Signed 3/19/18.

HB 887 amends Section 83-1-191 to extend the repealer until July 1, 2021, on the Comprehensive Hurricane Damage Mitigation Program within the Mississippi Insurance Department.

HB 1196. Effective on passage. Signed 3/19/18.

JUDICIARY, DIVISION A

SB 2044. Effective on passage. Signed 3/19/18.

Section 9-1-105 is amended to expand the authority of the Chief Justice of the Mississippi Supreme Court to appoint special judges. Under this bill, special judges may be appointed to serve in county courts in an emergency or to address overcrowded county court dockets in the same way that special judges can be appointed to serve in circuit and chancery courts. It also provides that it is within the discretion of the Chief Justice to determine the type of caseload to be handled by any special judge he appoints.

SB 2138. Effective on passage. Signed 4/11/18.

Section 9-19-29 is amended to provide that the members of any special committee created under the authority of the Mississippi Code of Judicial Conduct have immunity from civil suit for any conduct arising out of the performance of their official duties. Special committees are formed in judicial election years to issue advisory opinions as to alleged ethical violations in campaigns for judicial office. Committee members serve without pay.

SB 2197. Effective 7/1/18. Signed 4/12/18.

This bill grants immunity to a person who seeks assistance for a medical emergency due to consumption of alcohol if the person:

- Did not illegally provide alcohol to the person with the medical emergency;
- Cooperated with emergency medical assistance and law enforcement personnel and provided all information requested by the officer; and
- Remained at the scene until emergency medical assistance arrived.

SB 2310. Effective 7/1/18. Signed 3/16/18.

Generally, an entity that solicits donations is required to register as a charitable organization before soliciting donations. Section 79-11-505 exempts certain organizations from that requirement. For example, any humane society that receives funding from contracts with counties or municipalities for the care and keeping of stray animals has not been required to register as a charitable organization. This bill amends the exemption to require that not less than 50% of the humane society's annual funding must come from local government contracts for the humane society to be exempt from the requirement to register before soliciting donations.

SB 2459. See summary under Veterans and Military Affairs.

SB 2473. Effective 7/1/18. Signed 4/12/18.

Title 89, Chapters 7 and 8 (The Landlord and Tenant Act and Residential Landlord and Tenant Act) are amended by this bill to require that a tenant be removed from the premises when the tenant holds over without the landlord's permission, defaults on the rent payment, or otherwise breaches the lease.

It also allows notice of default to a holdover or defaulting tenant via email or text message if so specified in the written lease agreement between the parties; notice of an eviction action is still governed by court rules. Hearings for eviction due to the nonpayment of rent are not to be continued beyond 45 days.

Section 89-7-29 is amended to require removal of a tenant for nonpayment of rent and any late fees. Section 89-7-45 is amended to require that late fees accrued under the rental agreement must also be paid before the issuance of a warrant will be stayed; a tenant can no longer give security instead of paying the rent due.

Section 89-7-49 is amended to remove the discretion of the justice court judge to put the landlord in possession of the premises when a tenant fails to pay rent. The definition of "rent" is expanded to include any late fees that a defaulting tenant is required to pay under the rental agreement.

The notice required to be given when a rental agreement is breached is decreased from 30 days to 14 days.

SB 2508. Effective 7/1/18. Signed 3/19/18.

This bill amends Section 1-3-41 to clarify that the term "personal property" when used in any statute, includes cash, deposit accounts, and promissory notes.

SB 2527. See summary under Insurance heading.

SB 2663. Effective 7/1/20. Signed 4/13/18.

- Prescribes standards for vendors providing drug-testing services for court-ordered drug monitoring of offenders convicted of driving under the influence of drugs (new Section 63-11-31.1);

- Allows vendors to access the Interlock Device Fund to pay for court-ordered drug testing of DUI offenders;

- Commissioner of Public Safety to set regulations for the program and vendors;

- Forensics Lab will provide a list of approved vendors to the Judicial College to be distributed to all courts;

- Amends Interlock Device Fund to conform;

- Amends Sections 63-11-5 and 63-11-23 to clarify that implied consent for testing applies equally to driving under the influence of drugs as to driving under the influence of alcohol; tests of blood and urine are included in implied consent along with tests of breath; and

- All vendors are required to report to the court in a consistent format.

SB 2668. See summary under Business and Financial Institutions heading.

SB 2805. Effective 7/1/18. Signed 3/19/18.

This bill creates several new sections of law to prohibit pyramid promotional schemes and to regulate recruiting literature and information of bona fide inventory repurchase programs.

"Pyramid promotional scheme" is defined as any plan or operation by which a person gives consideration for the opportunity to receive compensation that is derived primarily from the introduction of other persons into the plan or operation rather than from the sale and consumption of goods, services, or intangible property by a participant or other persons introduced into the plan or operation, even if the number of people who may participate is limited either expressly or by the application of conditions affecting the eligibility of a person to receive compensation under the plan or operation, or if a person actually obtains any goods, services, or intangible property in addition to the right to receive compensation.

The new law is codified as Sections 75-24-71 through 75-24-77; Sections 75-24-51, 75-24-53 and 75-24-59 are amended to conform.

SB 2892. See summary under Drug Policy heading.

SB 2934. Effective 7/1/18. Signed 4/13/18.

This bill amends Section 97-41-19 to revise the offense of and punishment for dog fighting; it also clarifies the definition of dog-fighting paraphernalia and criminalizes the possession of dog-fighting paraphernalia.

Sponsoring dog fighting and possession of dog-fighting paraphernalia is a felony. The punishment for a first offense is a fine of not less than \$1,000.00 nor more than \$5,000.00 or imprisonment for not less than one year nor more than five years, or both.

A second or subsequent offense is punishable by a fine of not less than \$5,000.00 nor more than \$10,000.00 or imprisonment for not less than three years nor more than ten years, or both.

Provisions of law concerning the seizure and forfeiture of both dogs and paraphernalia used in the commission of the offense are clarified.

HB 158. See summary under Accountability, Efficiency, Transparency heading.

HB 387. Effective 7/1/18. Signed 3/26/18.

- Provides that incarceration will not automatically follow the nonpayment of fines, restitution, or court costs.
- Sets forth a standard for the determination of indigence as it affects nonpayment of fines, fees and restitution.
- Provides that the aggregate total of the period of incarceration imposed for a supervision-period violation plus the term of the sentence originally imposed may not exceed the maximum term of imprisonment authorized for the offense.
- Provides that an inmate who is otherwise ineligible for parole shall be eligible for parole if not convicted of

committing a crime of violence, drug trafficking or as a habitual offender, if the inmate has served at least 25% of the sentence imposed.

- Requires the Joint Legislative Committee on Performance Evaluation and Expenditure Review to conduct a one-time census of jail populations throughout the state.

- Creates the Mississippi Sentencing Disparity Task Force and appoints the members to the task force.

- Provides that the number of prior revocations is to be considered for purposes of revocation sentencing rather than the number of alleged technical violations.

HB 801. Effective 7/1/18. Signed 3/8/18.

This bill authorizes children to be placed in the home of a relative in emergency placement because of sudden unavailability of their primary caregiver. It also increases to 15 days the maximum time to submit fingerprints of adults residing in the placement home to the Mississippi Criminal Information Center or Federal Bureau of Investigation and the maximum time for a person to submit fingerprints after being denied placement of a child in his home.

HB 900. Effective 7/1/18. Signed 3/16/18.

This bill amends Section 63-33-1 to delete the repealer on the statute prohibiting texting and using social networking sites on a hand-held mobile telephone or other electronic device while operating a motor vehicle.

HB 904. Effective 7/1/18. Signed 3/15/18.

This bill reenacts Sections 75-24-351 through 75-24-357 which prohibit bad faith assertions of patent infringement and establish remedies for prevailing plaintiffs in civil actions instituted under those statutes. It also creates new Section 75-24-359 to codify and extend the date for sunset of those reenacted sections. The repeal clause for the reenacted sections which prohibit bad faith assertions of patent infringement is extended to July 1, 2021.

HB 949. Effective on passage. Signed 3/19/18.

This bill repeals all provisions of law that created and regulated the Mississippi Judicial Advisory Study Committee, its duties, employees and responsibilities.

HB 1091. Effective 7/1/18. Signed 3/8/18.

This bill clarifies that a wrongful death action can be brought outside of an estate.

HB 1202. Effective 7/1/18. Signed 4/13/18.

This bill creates the "Kaelin Kersh Act." It requires each operator of an emergency vehicle that is authorized to be marked with blinking, rotating or oscillating lights to use the blinking, rotating or oscillating lights when operating the emergency vehicle at a speed in excess of 30 miles per hour over the posted speed limit.

HB 1239. Effective 7/1/18. Signed 4/13/18.

This bill revises the process for appeals to the circuit court from a judgment or decision of the board of supervisors or the governing authority of a municipality. Appeal is on the record.

It requires that a written notice of appeal to the circuit court must be filed with the circuit clerk within 10 days from the date at which session of the board of supervisors or the governing authority of the municipality rendered the judgment or decision; the issue of an appeal being rendered moot after filing because the decision is ultimately vetoed or reversed was not addressed as that is probably not solvable.

HB 1306. Effective 7/1/18. Signed 4/13/18.

This bill provides that a provision in a construction agreement that requires dispute resolution outside the state or restricts the parties' choice of law is void if the contract affects land located in Mississippi and at least one of the parties is a Mississippi resident or an entity domiciled in the state.

JUDICIARY, DIVISION B

SB 2484. Effective 7/1/18. Signed 3/7/18.

Section 41-43-53 is amended to clarify the criminal penalty for embezzlement or theft of perpetual-care cemetery trust funds, and that each violation is a separate offense.

If the amount embezzled, misapplied or converted is less than \$1,000.00, the offense is a misdemeanor and punishment will be a fine of not more than \$500.00 and confinement in the county jail for not more than one year; if the amount embezzled, misapplied or converted is \$1,000.00 or more, the offense is a felony and the punishment will be imprisonment in the custody of the Mississippi Department of Corrections for not more than 10 years.

SB 2568. Effective on passage. Signed 3/26/18.

Section 45-47-1, known as "Katie's Law," is amended to provide that, unless there is a pending qualifying warrant or capias for an arrest or felony conviction that would require the sample to remain in the DNA data bank, an arrestee's DNA sample may be destroyed and the record deleted from the database upon motion of either party or the court under the following circumstances: (a) the charge for which the sample was taken is dismissed; (b) the defendant is acquitted at trial or convicted of a lesser offense that does not trigger DNA-sample requirements; (c) no charge was filed within the statute of limitations; or (d) no conviction has occurred, at least three years have passed since the date of arrest, and there is no active prosecution.

The bill also authorizes an additional county court judge for the County Court of Lee County.

SB 2754. Effective 7/1/2018. Signed 3/26/18.

This bill criminalizes the use and possession of "zappers." A "zapper," or sales-suppression device, is a software program that can be carried on a memory stick or other flash memory data storage device, on a removable optical disc, or that can be accessed through an Internet link or other means to delete or alter records of sales, allowing the individual or entity to evade payment of sales and income taxes.

The bill provides that it is unlawful to knowingly create, design, manufacture, sell, purchase, lease, install, update, repair, service, transfer, use, possess or otherwise make available automated sales-suppression devices or other devices or programs that can be used to falsify or manipulate cash registers and other forms of point-of-sale systems and records.

A person convicted under this act is guilty of a felony and subject to a fine of not more than \$100,000.00 and imprisonment for not more than 15 years.

HB 668. Effective 7/1/18. Signed 3/8/18.

This bill repeals Sections 97-35-29, 97-35-31, 97-35-33 and 97-35-35 which provide for the definition, arrest and penalties for persons defined as "tramps." It also repeals Sections 97-35-37, 97-35-39, 97-35-41, 97-35-43, 99-29-1, 99-29-3, 99-29-5, 99-29-7, 99-29-9, 99-29-11 and 99-29-13 which provide for vagrancy penalties and proceedings.

HB 1040. Effective 7/1/18. Signed 4/12/18.

This bill requires all law enforcement agencies to implement an incident-based reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) of the Uniform Crime Reporting Program of the Federal Bureau of Investigation. This bill also authorizes the Mississippi Performance Evaluation and Expenditure Review (PEER) Committee to conduct random review of the records of any agency or clerks employed by chiefs of police, sheriffs, district attorneys, courts, court clerks, judges, parole and probation officers, wardens or other persons in charge of Mississippi correctional institutions to determine whether the agencies and clerks are fulfilling their duties in a timely manner. The PEER Committee, based on its findings, if any, shall recommend measures to ensure that the duties are more effectively carried out in a timely manner.

MEDICAID

SB 2836. Effective 7/1/18. Due 4/?/18.

This bill is the Medicaid "technical" bill which extends the automatic repealer on the section authorizing reimbursement for types of health care services (43-13-117) from July 1, 2018, until July 1, 2021, and authorizing the health care provider assessment (43-13-145) from July 1, 2018, until July 1, 2024. The bill makes the following programmatic amendments to the reimbursement section:

- The division may give rural hospitals that have 50 or fewer licensed beds the option to not be reimbursed for outpatient hospital services using the APC methodology, but reimbursement for outpatient hospital services provided by those hospitals shall be based on 101% of the rate established under Medicare for outpatient hospital services. Those hospitals choosing to not be reimbursed under the APC methodology shall remain under cost-based reimbursement for a two-year period.
- Reduces the annual number of home leave days for patients in nursing facilities and intermediate care facilities to 42 days.
- Deletes physician 12-visit limitation.
- The division shall reimburse physicians with a designation of family medicine, general internal medicine, pediatric medicine, obstetrics and gynecology, and any subspecialty recognized by the Division of Medicaid as providing primary care services under applicable codes at a rate not less than 100% of the rate established under Medicare.
- Deletes the annual limits on home health services visits.
- Deletes the restriction on the reimbursement rate for emergency medical transportation services.

- Eliminates the five prescriptions per month limit on reimbursement for drugs.
- Gives the division more flexibility with regard to the pharmacy program.
- The division may allow certain drugs, implantable drug system devices, and medical supplies, with limited distribution or limited access for beneficiaries and administered in an appropriate clinical setting, to be reimbursed as either a medical claim or pharmacy claim, as determined by the division.
- Directs the division to allow physician-administered drugs to be billed and reimbursed as either a medical claim or pharmacy point-of-sale to allow greater access to care.
- It is the intent of the Legislature that the division and any managed care entity described in subsection (H) of this section encourage the use of Alpha-Hydroxyprogesterone Caproate (17P) to prevent recurrent preterm birth.
- Provides that the coverage of dental and orthodontic services will be determined by the division.
- Reduces home leave reimbursable days for ID recipients to 63 days.
- Provides that certain services provided by a psychiatrist may be reimbursed at up to 100% of the Medicare rate.
- Authorizes same physician reimbursement in clinic setting.
- Authorizes alternative fee-for-service Upper Payment Limits model for certain hospitals.
- Federally qualified health centers shall be reimbursed by the Medicaid prospective payment system as approved by the Centers for Medicare and Medicaid Services.
- Deletes health management program for obstetrical care.

- Deletes adult foster care pilot program.
- Authorizes instead of require that targeted case management services for high-cost beneficiaries be developed for all services covered by this section.
- Treatment services for persons diagnosed with an opioid dependency or other highly addictive substance use disorder will be covered under Medicaid.
- The division shall allow beneficiaries between the ages of 10 and 18 years to receive vaccines through a pharmacy venue.
- The PEER Committee shall conduct a performance evaluation of the nonemergency transportation program to evaluate the administration of the program and the providers of transportation services to determine the most cost-effective ways of providing nonemergency transportation services to the patients served under the program. The performance evaluation shall be completed and provided to the members of the Senate Medicaid Committee and the House Medicaid Committee not later than January 1, 2019, and every two years thereafter.
- Under present law, the division is authorized to reduce the rate of reimbursement to providers for any service provided under this section by 5% of the allowed amount for that service with numerous exceptions. The Medical Care Advisory Committee shall develop a study and advise the division with respect to determining the effect of any across-the-board 5% reduction in the rate of reimbursement to providers, and compare provider reimbursement rates to those applicable in other states in order to establish a fair and equitable provider reimbursement structure that encourages participation in the Medicaid program, and make a report thereon with any legislative recommendations to the Chairmen of the Senate and House Medicaid Committees prior to January 1, 2019.

- If current or projected expenditures of the division are reasonably anticipated to exceed the amount of funds appropriated to the division for any fiscal year, the Governor, after consultation with the executive director, shall take all appropriate measures to reduce unnecessary costs, which may include, but are not limited to:

- ▶ Reducing or discontinuing any or all services that are deemed to be optional under Title XIX of the Social Security Act;

- ▶ Reducing reimbursement rates for any or all service types as provided in subsection (B);

- ▶ Increasing provider assessments pursuant to Section 43-13-145(4)(a)(ii) and (iii);

- ▶ Reducing contracts; or

- ▶ Any additional cost-containment measures deemed appropriate by the Governor.

- Keeps the requirement that managed care companies, which oversee the care for roughly 70% of beneficiaries, reimburse at the same rate as the Legislature-set Medicaid rates.

- Managed care alternative payment authority.

- Establishes a Commission on Expanding Medicaid managed care to develop recommendations to the Governor and the Legislature relative to authorizing the division to expand Medicaid managed care contracts to include additional categories of Medicaid-eligible beneficiaries, and to study the feasibility of developing an alternative managed care payment model for medically complex children.

The members of the commission shall be as follows:

(a) The Chairmen of the Senate Medicaid Committee and the Senate Appropriations Committee and a member of the Senate appointed by the Lieutenant Governor;

(b) The Chairmen of the House Medicaid Committee and the House Appropriations Committee and a member of the House of Representatives appointed by the Speaker of the House;

(c) The Executive Director of the Division of Medicaid, Office of the Governor;

(d) The Commissioner of the Mississippi Department of Insurance;

(e) A representative of a hospital that operates in Mississippi, appointed by the Speaker of the House;

(f) A licensed physician appointed by the Lieutenant Governor;

(g) A licensed pharmacist appointed by the Governor;

(h) A licensed mental health professional or alcohol and drug counselor appointed by the Governor;

(i) Representatives of each of the current managed care organizations operated in the state appointed by the Governor; and

(j) A representative of the long-term care industry appointed by the Governor.

The commission shall meet upon the call of the Governor, and shall evaluate the effectiveness and future of the Medicaid managed care program. Specifically the commission shall make recommendations for future managed care program modifications. The commission shall develop and report its findings and any recommendations for proposed legislation to the Governor and the Legislature on or before December 1, 2018.

- No health maintenance organization, coordinated care organization, provider-sponsored health plan, or other organization paid for services on a capitated basis by the division under any managed care program or coordinated care program implemented by the division under this section shall require its providers to be credentialed by the organization in order to receive reimbursement from the organization, but those organizations shall recognize the credentialing of the providers by the division.

MUNICIPALITIES

HB 380. Effective on passage. Signed 3/8/18.

This bill creates a new code section that authorizes the governing authorities of a municipality to enter into a certain interlocal agreement with a rural water association that is operating within the corporate limits of the municipality. The purpose of the interlocal agreement is to require a rural water association to terminate the water service of any of its customers who are 30 days or more delinquent in the payment of charges for sewer services provided by the municipality.

At a minimum, the interlocal agreement:

- Shall require the municipality to notify the rural water association of any customer of the association:

- ▶ Who has sewer service provided by the municipality;and

- ▶ Who is 30 days or more delinquent in the payment of sewer charges.

The notification shall be by a method that is agreeable to the municipality and the association;

- Shall provide that upon receipt of the delinquency notification, the association shall terminate the water service of the customer who is delinquent in his or her payment;

- Shall provide that upon payment of any fees connected with the delinquency and the termination of water service, the association shall restart the water service of the customer; and

- Shall require the municipality to save and hold harmless the association against any and all claims based on the disconnection of water or sewer service and any other damages resulting from any action taken by the association under the agreement.

Additionally, the bill provides that once an interlocal agreement is entered into by a municipality and a rural water association, the association may terminate the water service of any customer who is delinquent in the payment of sewer charges to a municipality pursuant to the terms of the interlocal agreement.

Finally, the bill amends Section 21-27-23, which pertains to certain general powers of municipalities by including the general authority to enter into an interlocal agreement as provided under this bill.

HB 1114. Effective 7/1/18. Signed 3/16/18.

This bill amends Section 21-19-11 to authorize the governing authorities of any municipality with a population that exceeds 25,000 to provide an alternative method of determining whether property located in the municipality is a menace to the public health, safety and welfare of the community. This alternative method may be utilized by the governing authorities when the fee or cost to clean property or a parcel of land that is one acre or less does not exceed \$250.00, excluding administrative costs. The bill provides that the administrative costs shall not exceed \$50.00.

Next, the bill provides that the governing authorities of a municipality may authorize one or more of its employees to determine if property is a menace. Once a determination is made by the authorized employee(s), the determination must be placed in the recorded minutes of the governing authorities and notice of the municipal employee's or employees' determination shall be provided to the property owner by:

- Mailing the notice via United States mail seven days before the property is to be cleaned and the notice must be mailed to the address of the property that has been deemed a menace as well as to the address where the ad valorem tax notice for the property is sent by the office charged with collecting ad valorem taxes; and

- Posting a notice at city hall or another place in the municipality where such notices are posted for at least seven days before the property is to be cleaned.

The content of the notice shall include language that informs the property owner that the appropriate municipal employee(s) has determined that the property is a menace and is in need of cleaning and that the municipality may enter the property for cleaning. In addition, the bill authorizes a municipality to reenter property for a period of one year after the initial cleaning without any further hearing or action as long as notice is posted for at least seven days on the subject property and at city hall or another place in the municipality where such notices are generally posted before the property is reentered for cleaning.

Once the designated municipal employee(s) deems property a menace and the property owner is provided notice, the governing authorities, if the owner does not do so himself or herself, shall clean the property by utilizing municipal employees or by contract. Cleaning may consist of the following:

- Cutting grass and weeds,
- Filling cisterns,
- Removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property and other debris; and
- Draining cesspools and standing water from the property.

The bill further provides that the cost of cleaning property may become a civil debt against the property, and/or at the option of the governing authorities of the municipality, may become an assessment against the property. For any subsequent cleaning within the one-year period after the initial cleaning, provided adequate notice is given, a municipality may reenter the property to maintain cleanliness without further notice or hearing no more than six times in any 12-month period in order to remove the following:

- Abandoned or dilapidated buildings and slabs;
- Dilapidated fences; and
- Outside toilets.

The municipality may reenter the property no more than 12 times in any 24-month period to maintain the property by doing the following:

- Cutting grass and weeds; and
- Removing rubbish, personal property and other debris on the land.

Overall, the expense of cleaning menaced property shall not exceed an aggregate amount of \$1,000.00 per year.

The bill also provides that the decision of the municipal employee(s) who deems property a menace may be appealed.

Specifically, if an appeal is made, it shall:

- Be made to the governing authorities of a municipality;
- Be made in writing;
- State the basis for the appeal; and
- Be filed with the city clerk no later than seven days from the latest date of notice.

Finally, the bill amends Sections 21-15-41, 21-3-5 and 21-8-23 to provide that no person shall serve in an interim or hold-over capacity for longer than 90 days if the position is to be filled by appointment of the governing body or mayor of a municipality with the advice and consent of the council or aldermen. Previously, the maximum interim or hold-over period was 180 days.

PUBLIC HEALTH AND WELFARE

SB 2091. Effective 7/1/18. Signed 3/7/18.

This bill authorizes an emergency medical technician or other emergency personnel to transport a police dog injured in the line of duty to a veterinary clinic or hospital emergency department. An EMT, EMT-A, EMR or Paramedic may transport a police dog injured in the line of duty to a veterinary clinic, hospital emergency department or similar facility if there are no persons requiring medical attention or transport at that time. For the purposes of this act, "police dog" means a dog owned or used by a law enforcement department or agency in the course of the department or agency's work, including a search and rescue dog, service dog, accelerant detection canine, or other dog that is in use by a county, municipal, or state law enforcement agency.

SB 2463. Effective on passage. Signed 3/19/18.

This bill provides that the University of Mississippi Medical Center as the lead agency, together with the State Department of Health, the Division of Medicaid and the Mississippi Health Information Network, shall cooperate with each other in preparing a comprehensive report on the state of rare diseases in Mississippi, including the incidence of rare diseases in the state, the status of the rare disease community, and treatment and services provided to persons with rare diseases in the state. The State Department of Health, the Division of Medicaid and the MS-HIN shall provide to UMMC and each other all claims data and patient encounter data relating to the diagnosis and treatment of rare diseases and all related research and documentation relating to rare diseases, which

shall be compiled, examined and analyzed in the report. The report shall be presented to the Chairs of the House Public Health and Human Services Committee, Senate Public Health and Welfare Committee, and the House and Senate Medicaid Committees not later than December 1, 2019.

SB 2480. Effective 7/1/18. Signed 3/7/18.

This bill extends the automatic repealer on the practice of psychology licensure law to 2022. The bill makes the following technical amendments to the licensure law:

- Clarifies qualifications and appointments of members of the Mississippi Board of Psychology;
- Clarifies the required quorum of board members necessary to conduct business;
- Clarifies the time period for license renewal and continuing education requirements;
- Prescribes certain qualifications for licensure as a psychologist;
- Provides for licensure by reciprocity;
- Prescribes certain grounds for license disciplinary action;
- Any board member whose term has expired may continue to holdover and serve with all rights and responsibilities until the new appointment occurs;
- Has performed psychological services outside of the area of his or her training, experience or competence.

SB 2495. Effective 7/1/18. Signed 3/7/18.

This bill extends the automatic repealer on the Medical Radiation Technology Registration Law to July 1, 2023.

SB 2675. Effective on passage. Signed 4/13/18.

This bill provides that the Mississippi Department of Child Protection Services shall be a subagency within the Mississippi Department of Human Services and to provide that the Commissioner of the Department of Child Protection Services shall maintain operational control over the functions of the Department of Child Protection Services. The purpose of this amendment is to clarify the administrative structure for federal funding purposes. The PEER Committee shall review the programs or program of the Mississippi Department of Child Protection Services, beginning with fiscal year 2017 and each year thereafter. PEER shall submit this review to the Chair of the Senate Public Health and Welfare Committee, the Chair of the Senate Appropriations Committee, the Chair of the House Public Health and Human Services Committee, the Chair of the House Appropriations Committee, the Lieutenant Governor, the Speaker of the House of Representatives, and the Governor by December 1 of each year. The review shall consist of the following:

(a) A review of the effectiveness of any program of the department for which appropriated outcome measures have been established;

(b) Caseloads for social workers for each county or another appropriate geographic area;

(c) Turnover rates of social worker staff by county or other geographic area;

(d) Sources and uses of department funding; and

(e) Any other matters that the PEER Committee considers to be pertinent to the performance of agency programs.

SB 2779. Effective 7/1/18. Signed 4/12/18.

This bill authorizes the Mississippi Department of Information Technology Services (MDITS) to charge state agencies pass-through costs for telecommunications, data center services and/or other information technology services to the agencies using those services on an as-needed basis; also authorizes the Department of Finance and Administration to charge state agencies for Mississippi Management and Reporting Systems (MMRS) statewide application charges and utility charges if federal grants, special funds or pass-through funds are involved. Clarifies certain restrictions on the Mississippi Department of Information Technology Services being funded from the State General Fund. From and after July 1, 2018, the expenses of the Mississippi Department of Information Technology Services shall be defrayed by appropriation from the State General Fund. In addition, in order to receive the maximum use and benefit from information technology and services, expenses for the provision of statewide shared services that facilitate cost-effective information processing and telecommunication solutions shall be defrayed by pass-through funding and shall be deposited into the Mississippi Department of Information Technology Services Revolving Fund unless otherwise specified by the Legislature. These funds shall only be utilized to pay the actual costs incurred by the Mississippi Department of Information Technology Services for providing these shared services to state agencies. Furthermore, state agencies shall work in full cooperation with the Board of the Mississippi Department of Information Technology Services to identify computer equipment or services to minimize duplication, reduce costs, and improve the efficiency of providing common technology services across agency boundaries.

SB 2855. Effective 7/1/18. Signed 4/12/18.

This bill exempts the unfunded liability for employee retirement funds from the requirement that county, municipal and state budget estimates shall not be exceeded. The term "budgeted expenditures" for purposes of personal liability of members of the local governing authorities under this section shall not include any unfunded liability for municipal employee retirement or pension funds. Nothing in this bill shall diminish any responsibility of the members of the local governing authorities to fund any employee retirement or pension plans, or any liability as a result of any failure to fund such plans as otherwise required by law.

HB 331. Effective 7/1/18. Signed 3/9/18.

This bill reenacts and extends the date of the repealer on the Mississippi Individual On-Site Wastewater Disposal Law to July 1, 2023. In addition, the bill makes the following changes to the law:

- Clarifies language regarding the location or protection of a private water supply in order for an individual on-site wastewater disposal system to be considered acceptable.
- Provides that the certification of installers, pumpers and professional evaluators and the registration of manufacturers and the payment of the certification or registration fees shall be once every three years instead of annually.

HB 559. Effective on passage. Signed 3/15/18.

This bill authorizes the Department of Finance and Administration to enter into an agreement to lease no more than seven acres of state-owned real property in the City of Jackson, Hinds County, Mississippi, to a nonprofit entity for the purpose of creating a pediatric skilled nursing, palliative care and respite facility for the severely disabled, and for the use of associated administrative office space for an initial term of no more than 40 years and one additional ten-year renewal period at the discretion of the Department of Finance and Administration. The property to be leased is currently undeveloped property to the south of Eastover Drive, west of Ridgewood Road, north of Lakeland Drive and east of I-55, located in the City of Jackson, Hinds County, Mississippi. The property shall revert back to the state at the conclusion of the lease or expiration of any lease renewals.

The leased property shall consist of a patient care facility which, at a minimum, will contain: approximately 30,000 square feet of patient care and related support space; 30 patient care beds; surface parking; and landscaping and green space buffers. DFA shall review and approve all plans prior to site development or construction to ensure that proposed development: is harmonious with current use of adjacent property by state agencies and institutions; is appropriately interfaced with state-owned streets and infrastructure, poses no conflict to future development of other adjacent state-owned property; and maintains adequate landscape buffer with adjacent private property. DFA shall prepare the lease which must be approved by the Public Procurement Review Board, with any proceeds derived from the lease to be deposited into the state land acquisition fund.

Lastly, the bill permits the Governor to designate the Executive Director of DFA, or his or her designee, to attend the meetings of the board of the nonprofit organization which will own and operate the facility, as an ex officio member with no jurisdiction or vote on any matter within the jurisdiction of the board.

HB 708. Effective 7/1/18. Signed 3/19/18.

This bill amends the licensure law for licensed professional counselors as follows:

- Authorizes provisional licensed professional counselors to practice in the state under the supervision of a board-qualified supervisor. To be licensed as a provisional licensed professional counselor, an applicant must meet the following requirements:

- ▶ Be at least 21 years of age.
- ▶ Be a citizen of the United States, or have an immigration document to verify legal alien work status in the United States.
- ▶ Pay a nonrefundable licensing fee of \$50.00.
- ▶ Have a minimum acceptable graduate semester hour or acceptable quarter-hour master's degree as determined by the State Board of Examiners for Licensed Professional Counselors, primarily in counseling or a related counseling field from a regionally or nationally accredited college or university program in counselor education or a related counseling program subject to board approval.
- ▶ Pass the examination approved by the board.
- ▶ Undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database.

- Provides that a provisional licensed professional counselor license requires the licensee to confine his or her practice to a board-approved site and accrue counseling experience under the supervision of a board-qualified supervisor.

- Provides that a provisional licensed professional counselor license will be renewable for not more than four years, with a nonrefundable license fee of \$50.00 per year, and authorizes licensees to appeal to the board for an extension of the renewal period.

- Requires provisional licensed professional counselors to complete the same number of hours of continuing education for license renewal as required for licensed professional counselors.

- Revises licensure requirements for licensed professional counselors to provide that the applicant for licensure must:

- ▶ Submit a nonrefundable full application licensing fee of \$50.00.

- ▶ Be a citizen of the United States, or have an immigration document to verify legal alien work status in the United States.

- ▶ Have a minimum acceptable graduate semester hour or acceptable quarter-hour master's degree as determined by the State Board of Examiners for Licensed Professional Counselors primarily in counseling or a related counseling field from a regionally or nationally accredited college or university program in counselor education or a related counseling program subject to board approval.

- ▶ Have had postgraduate supervised experience in professional counseling acceptable to the board.

▶ Undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database.]

• Authorizes the board to assess and levy upon a licensee, practitioner or applicant for licensure the costs incurred or expended by the board in the investigation and prosecution of any licensure or disciplinary action.

• Removes the exemption from the application of the licensure law for:

▶ Counselors in postsecondary institutions when they are practicing within the scope of their employment.

▶ Professionals employed by regionally or nationally accredited postsecondary institutions as counselor educators when they are practicing counseling within the scope of their employment.

▶ Social workers holding a master's degree in social work from a school accredited by the Council on Social Work Education and who do counseling in the normal course of the practice of their own profession.

HB 709. Effective 7/1/18. Signed 3/8/18.

This bill creates the Prescription Drugs Consumer Affordable Alternative Payment Options Act, which provides the following:

- Authorizes pharmacists to provide additional information to patients to allow them an opportunity to consider affordable alternative payment options when acquiring their prescription medication.

- Provides that any provision of any contract or agreement contrary to the provisions of this act will be void.

- Provides that compliance with this act does not constitute a violation of any contract or provision of any agreement to which the pharmacist or pharmacy is a party.

- Prohibits the State Board of Pharmacy, pharmacy benefit managers and any third parties from penalizing a pharmacist for acting or failing to act under this act, and provides that pharmacists and their agents and employees are not liable for any act or failure to act under this act.

HB 876. Effective 7/1/18. Signed 3/8/18.

This bill extends to July 1, 2021, the date of the repealer on the Child Death Review Panel.

HB 880. Effective 7/1/18. Signed 3/8/18.

This bill extends to July 1, 2021, the date of the repealer on the licensure requirements for nursing home administrators.

HB 905. Effective 7/1/18. Signed 3/8/18.

This bill reenacts and extends the date of the repealer on the Mississippi Professional Massage Therapy Act to July 1, 2021.

HB 911. Effective 7/1/18. Signed 3/26/18.

This bill authorizes the Department of Human Services to conduct background investigations on (a) persons who are in a position with access to Federal Tax Information, (b) persons who are otherwise required by federal law or regulations to undergo a background investigation, and (c) contractors and subcontractors as well as employees and volunteers.

The background investigations are conducted for determination of good moral character and to ensure that no person placed in any position for which the department may conduct background checks has a felony conviction that would prevent employment or access to Federal Tax Information according to department policy.

HB 944. Effective 7/1/18. Signed 3/8/18.

This bill includes veterans diagnosed with post traumatic stress disorder in the qualifying list of disabilities and impairments for which an individual may be provided the use of a support animal.

The bill defines "support animal," "post traumatic stress disorder" and "traumatic event" as follows:

- "Support animal" is defined as an animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability, and the work done or task performed must be directly related to the individual's disability.

- "Post traumatic stress disorder" or "PTSD" is defined as an anxiety disorder that occurs following the experience of a frightening, distressing or traumatic event or from witnessing a traumatic event.

- "Traumatic event" is defined as a life-threatening event such as military combat, natural disaster, terrorist incident, serious accident or violent personal assault of a physical or sexual nature that occurred while an individual was on active duty or deployment as a member of the United States Armed Services.

HB 988. Effective 7/1/18. Signed 3/19/18.

This bill (a) reenacts the sections of law that provide definitions for the social worker licensure law, create the Board of Examiners for Social Workers and Marriage and Family Therapists, set out the powers of the board, and prescribe the licensure requirements for social workers, and the sections of law that provide for the licensure and regulation of marriage and family therapists, and (b) repeals the automatic repealer on those reenacted sections.

HB 1182. Effective 7/1/18. Signed 3/19/18.

This bill amends several sections of law governing emergency medical technicians to change references from emergency medical technician-intermediate to emergency medical technician-advanced.

HB 1510. Effective on passage. Signed 3/19/18.

This bill prohibits abortion except in cases of a medical emergency or in the case of a severe fetal abnormality. It also requires a physician to first make a determination of the probable gestational age of the unborn human being and document the gestational age in the maternal patient's chart and, if required, in a report to be filed with the Mississippi State Department of Health.

PUBLIC PROPERTY

SB 2787. Effective on passage. Signed 3/5/18.

Senate Bill 2787 changes the procedure for the sale and disposal of state-forfeited tax land. First, Section 29-1-37 is amended to remove the requirement that certain applications for the purchase of state-forfeited tax land must remain on file with the Secretary of State for 30 days before they may be acted upon and finally approved or disapproved. Section 29-1-85 is amended to exclude land forfeited to the state for the nonpayment of ad valorem taxes from the procedure for refunds on cancelled patents. Finally, the amendments to Section 29-1-87 require cases regarding the failure of title be filed in the county where the land is located. Additionally, the Secretary of State or municipality, whichever is applicable, must be named as a party in the case.

SB 2893. Effective on passage. Signed 3/15/18.

Senate Bill 2893 authorizes the Secretary of State to donate to the National Park Service approximately 1.40 acres of submerged lands that are located in Jackson County, Mississippi.

SB 2895. Effective on passage. Signed 3/27/18.

This bill allows the University of Mississippi Medical Center to rearrange or disinter human remains reposing in the potter's field that is located on the medical center's property. Where applicable, the remains may be reinterred in a different location on the medical center's property. The University of Mississippi Medical Center must advertise its intent to take any of these actions in a newspaper of the county once a week for three consecutive weeks.

SB 2898. Effective on passage. Signed 3/5/18.

Senate Bill 2898 authorizes the Department of Finance and Administration, acting on behalf of the Board of Trustees of State Institutions of Higher Learning and Delta State University, to donate certain real property to the Board of Trustees of Coahoma Community College. This transfer includes the properties more commonly known as the "Cutrer Mansion," the "St. Elizabeth School" and the "St. Elizabeth Gymnasium." The Board of Trustees of Coahoma County Community College must ensure that the property is used for the purposes of providing higher education, workforce training, and/or other continuing education opportunities to the public. If the property is not used for these purposes, is abandoned or is put up for sale, it reverts back to the Department of Finance and Administration.

HB 155. See summary under Rules heading.

HB 736. Effective 7/1/18. Signed 4/13/18.

This bill amends Section 31-11-27 to require each state institution of higher learning, community and junior college to include a current conditions and rating report of all roofs in their capital needs assessments required by the Department of Finance and Administration. The bill provides that each roof of buildings not planned for demolition shall be visually inspected by institution or agency facilities' staff, a licensed architect or engineer or by thermal imaging inspection every three years. DFA is required to submit a detailed report to the Public Property Committees of the House and Senate on or before September 1 of each year. The report is required to contain prioritized lists of projects ranked on the basis of need consistent with the primary goal of preserving existing capital

assets where possible and replacing existing capital assets where necessary.

Lastly, the bill requires any request for new construction to identify the total amount of nonstate funds available to support the construction project and any proposed funding source for future operating, repair and renovation costs.

HB 766. Effective on passage. Signed 3/19/18.

This bill authorizing the Mississippi Department of Finance and Administration, acting on behalf of the Mississippi Fair Commission, to acquire certain real properties and the improvements thereon in the method as determined in the best interest of the State of Mississippi, located in the corporate limits of the City of Jackson, Hinds County, Mississippi, for the use and benefit of the Mississippi Fair Commission, which such properties are more particularly known as the "Regency Hotel Tract" located at or near 400 Greymont Avenue; the "Patel Tract" located on Greymont Avenue; and the "Dennerly's Restaurant" located at or near 330 Greymont Avenue.

The properties shall not be purchased for an amount greater than the current fair market value as determined by the average of two appraisals by qualified appraisers and DFA is authorized to correct any discrepancies in the legal descriptions of the properties. The state shall acquire all interest in the mineral rights in the properties, which shall be retained by the state in any subsequent agreement to sell or lease the properties once acquired.

HB 767. Effective 7/1/18. Signed 4/13/18.

This bill provides for the sale, transfer or conveyance of several state-owned properties.

Section 1 authorizes the Department of Mental Health to sell property located in Waveland, known as the former Waveland group home property, which was demolished after Hurricane Katrina and was never reconstructed or used again. The monies derived from the sale of the property will be deposited in the State Treasury for the use and benefit of the South Mississippi Regional Center.

Section 2 authorizes the Department of Finance and Administration acting on behalf of the Mississippi Department of Corrections to transfer property it has no longer use of back to the City of Corinth and Alcorn County, which originally conveyed this property to the state for use by MDOC.

Section 3 clarifies language relating to property transferred under House Bill No. 6, 2017 Regular Session, at Columbia Training School as it relates to the right of the Department of Human Services to the timber of the land transferred. DHS was given six months after the effective date of House Bill No. 6 to harvest and sell the timber or forfeit any future rights to the property. DHS did a clear cut of the property within the specified period, but were under the impression that they had timber rights and access to the property in perpetuity, which was not the case. This section clarifies that DHS has no further interest in the transferred property by virtue of forfeiture of those rights and any future or easement rights pertaining thereto.

Section 4 clarifies the means by which DFA can dispose of the Capers Avenue Property, which such authority was originally provided in Senate Bill No. 2582, 2014 Regular Session. The original bill provided DFA with the authority to sell or auction

the property if it cannot be sold after reasonable attempts to do so. The clarification provided to this section gives DFA the ability to transfer the property to the City of Jackson upon receipt of a duly adopted resolution, which has been spread upon the minutes from the Mayor and Council of the City of Jackson, requesting the property.

HB 807. Effective 7/1/18. Signed 3/15/18.

This bill amends Section 37-7-477 to exempt the requirement for automatic reverters in transactions relating to the conveyance of school property when the United States is the acquiring entity of such property. The bill clarifies the process by which school boards are required to follow when disposing of school property no longer needed for school purposes. Before the amendment provided in this section, the school district could not dispose of any real property without retaining a right of reverter or reentry in the property, provided some condition was not met or failed, to be maintained, or no longer used for the purpose of conveyance.

HB 1199. Effective 7/1/18. Signed 3/15/18.

This bill authorizes the Department of Finance and Administration, in consultation with the Board of Trustees of State Institutions of Higher Learning, to sell and convey or lease all or portions of a parcel of certain state-owned real property and any improvements thereon under the possession and control of the University of Southern Mississippi, located in Lamar County, Mississippi.

If sold, the property and any improvements thereon shall be sold for not less than the current fair market value as determined by the averaging of at least two appraisals by qualified appraisers. If the property is leased, USM, with the approval of the IHL Board, is authorized to negotiate all aspects of any lease and any terms and ancillary agreements to ensure a fair and equitable return to the state. Any lease shall not exceed a term of 40 years and shall not be cancelled by successor boards based on the binding successor doctrine.

In addition to being able to correct any discrepancies in the legal description of the property, DFA is permitted to recover its costs associated with the transaction from the proceeds of the sale or lease of the real property, and the net proceeds of the sale or lease shall be deposited into a special fund in the State Treasury to be expended only for the benefit of the University of Southern Mississippi.

TOURISM

SB 2588. Effective 7/1/18. Signed 3/7/18.

Current law authorizes named municipalities and counties to form leisure and recreation districts which allow the patron of an alcoholic beverage permittee within such a district to remove an open glass, cup or other container of alcoholic beverage from the licensed premises where purchased and possess and consume the alcoholic beverage outside of the licensed premises if the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage.

Instead of naming municipalities and counties, this bill amends the leisure and recreation district law to provide that any municipality that has voted in favor of coming out from under the dry law or is located in a county that has voted in favor of coming out from under the dry law may form leisure and recreation districts, and any county that has voted in favor of coming out from under the dry law may form leisure and recreation districts outside the corporate limits of any municipality in the county.

SB 2618. Effective 7/1/18. Signed 4/12/18.

This bill provides that the Department of Revenue may not approve an area as a qualified resort area under the Local Option Alcoholic Beverage Control Law after July 1, 2018, if any portion of the proposed area is located within two miles of a convent or monastery that is located in a county traversed by Interstate 55 and U.S. Highway 98. A convent or monastery may waive such distance restrictions in favor of allowing approval by the department of an area as a qualified resort area.

The bill revises the definition of the term "qualified resort area" under the Local Option Alcoholic Beverage Control Law as follows:

- This bill revises the description of an existing qualified resort area in Rankin County by expanding the resort area to land that is located within the Reservoir Community District, zoned commercial, west of Old Fannin Road, south of Spillway Road and extending to the boundary of the corporate limits of the City of Flowood, Mississippi. The bill authorizes the Board of Supervisors of Rankin County, with respect to land in the resort area that is not owned by the Pearl River Valley Water Supply District, to specify the hours of operation of facilities that offer alcoholic beverages for sale, 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 designate the areas in which facilities that offer alcoholic beverages for sale may be located.

- Current law includes within the definition of the term any facility and related property that consists of at least 8,000 square feet being heated and cooled, for a fee is used to host events, is located on property on or near a bayou or other watercourse and is used for the purpose of culinary arts courses, and/or outdoor recreation and leadership courses. This bill removes the requirement that the property must be located on property on or near a bayou or other watercourse.

- The bill includes within the definition of the term land that is planned for mixed-use development and consists of at least 200 contiguous acres with one or more planned residential developments collectively planned to include at least 200 residential units when completed and which land is located in a

county that has voted to come out from under the dry law, outside the corporate limits of any municipality in the county and adjacent to or in close proximity to a golf course located in a municipality in the county, and within one mile of a state institution of higher learning.

Current law prohibits the Alcoholic Beverage Control Division of the Department of Revenue from issuing a package retailer's or on-premises retailer's permit for the sale or consumption of alcoholic beverages in or on the campus of any public school, community or junior college, college or university. This bill defines the term "campus" to mean property owned by a public school district, community or junior college, college or university in this state where educational courses are taught, school functions are held, tests and examinations are administered or academic course credits are awarded; however, the term does not include any "restaurant" or "hotel" that is located on property owned by a community or junior college, college or university in this state, and is operated by a third party who receives all revenue generated from food and alcoholic beverage sales. This allows the issuance of on-premises retailer's permits to restaurants or hotels as described in the definition that are located on property owned by a community or junior college, college or university.

HB 192. Effective 7/1/18. Signed 3/19/18.

This bill authorizes the transport of bottles or containers of legally purchased alcoholic beverages through dry counties if the bottles or containers are unopened and are being transported on state or federal highways.

The bill authorizes the transport of legally purchased light wine or beer in unopened containers through dry counties if it is being transported on a state or federal highway. However, this provision does not apply to a retailer unless the retailer has purchased the light wine or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light wine or beer.

HB 415. Effective 7/1/18. Signed 3/19/18.

This bill revises the definition of the term "qualified resort area" under the Local Option Alcoholic Beverage Control Law to include the clubhouse and associated 18-hole golf course in a municipality traversed by Interstate Highway 55 and U.S. Highway 51 that has voted in favor of coming out from under the dry law.

HB 840. Effective 7/1/18. Signed 3/19/18.

This bill amends a section of the Local Option Alcoholic Beverage Control Law to provide that if an on-premises retailer's permit is applied for by a common carrier operating solely in the water, the common carrier must, along with all other qualifications for a permit:

- Be certified to carry at least 150 passengers and/or provide overnight accommodations for at least 50 passengers, and
- Operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

HB 995. Sections 1 and 3 effective on passage and remainder effective 7/1/18. Signed 4/13/18.

This bill authorizes the issuance of a distillery retailer's permit under the Local Option Alcoholic Beverage Control Law. The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. The permit authorizes the holder to sell at retail alcoholic beverages by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. A permit holder may only sell products manufactured by the manufacturer at the distillery described in the permit. A permit holder cannot sell at retail more than 10% of the alcoholic beverages produced annually at its distillery or make retail sales of more than 2.25 liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale are the same as those hours for package

retailers under the Local Option Alcoholic Beverage Control Law. A permit holder is not required to purchase the alcoholic beverages authorized to be sold by the permit from the Department of Revenue's liquor distribution warehouse; however, if the permit holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the permit holder must pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue.

The bill provides that in addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

The annual privilege license tax for a distillery retailer's permit is \$450.00.

Current law authorizes the issuance of a temporary wine only charitable auction permit which authorizes a charitable organization to sell wine for the limited purpose of raising funds for the organization during a live or silent auction conducted by the organization that meets certain requirements. This bill revises this permit by changing the name of the permit and authorizing any alcoholic beverage to be sold at such live or silent auctions.

UNIVERSITIES AND COLLEGES

SB 2047. Effective 7/1/18. Signed 3/5/18.

This bill amends Section 41-41-17 to clarify that unemancipated minors may participate in research involving human subjects if that research is conducted in accordance with federal law on the protection of human subjects. This federal law is set forth in 45 CFR Part 46.

SB 2193. Effective on passage. Signed 3/19/18.

This bill authorizes the Postsecondary Education Financial Assistance Board to administer the Nissan Scholarship Program.

SB 2194. Effective 7/1/18. Signed 3/16/18.

Senate Bill 2194 amends Section 27-7-701 to include public community and junior colleges in the definition of the term "claimant agency." This amendment will allow public community and junior colleges to collect certain debts through setoff against a debtor's income tax refund. This section is also amended to allow any claimant agency to use this procedure to collect debts that are owed to it by individuals for educational purposes.

SB 2218. Effective 7/1/18. Signed 3/16/18.

This bill authorizes the board of trustees of a community or junior college to enter into loans for up to 25 years. Previously, these loans could not exceed 15 years.

SB 2220. Effective 7/1/18. Signed 3/27/18.

Senate Bill 2220 establishes an additional method for counties to transfer certain tax revenues to their respective community/junior college districts. The county board of supervisors, by resolution, may designate the tax collector as the official responsible for depositing tax revenues into the community/junior college district's public depository. Revenues from taxes levied for the general support and maintenance of the community/junior college district must be transmitted by the tax collector by the twentieth day of each month.

HB 721. Effective 7/1/18. Signed 3/15/18.

This bill amends Sections 73-15-25 and 75-60-4 to transfer the responsibility of establishing the standards of accreditation and recovering fees related to accreditation activities for schools of practical nursing from the Mississippi Community College Board to the Mississippi Board of Nursing.

Beginning on July 1, 2019, the State Department of Education will be required to contract with the Mississippi Board of Nursing to promulgate uniform standards for the accreditation of schools of practical nursing and issue certificates of accreditation in accordance with the adopted standards. The bill removes the authority of the Mississippi Community College Board to recover costs associated with the accreditation of practical nursing programs.

VETERANS AND MILITARY AFFAIRS

SB 2043. Effective 7/1/18. Signed 3/5/18.

SB 2043 amends Section 35-3-21 to remove the language which prohibits county veteran service officers from holding any other elective or appointive positions. Under current law, county veteran service officers may be employed, in the discretion of the boards of supervisors, either full time or part time.

SB 2459. Effective 7/1/18. Signed 3/8/2018.

SB 2459 amends Section 33-1-19 to provide reemployment protections to reserve servicemen or veterans when performing duties or receiving training with Armed Forces of other states.

SB 2644. Effective on passage. Signed 3/16/18.

SB 2644 amends Section 35-1-3 to provide that the Executive Director and Deputy Director of the State Veterans Affairs Board shall be a currently serving member or honorably discharged or released veteran of any active or reserve component branch of the United States Armed Forces.