

MISSISSIPPI LEGISLATURE

<u>Regular Session (Year)</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>
HOUSE BILLS				
Introduced	1531	1806	1752	1701
Passed by House	336	369	307	331
Passed by Senate	212	212	194	190
Approved	184	171	185	169
HOUSE CONCURRENT RESOLUTIONS				
Introduced	62	85	100	105
Adopted by House	41	51	68	79
Adopted by Senate	37	48	64	77
Adopted by Both Houses	37	48	64	77
SENATE BILLS				
Introduced	1092	1053	1124	1088
Passed by Senate	237	277	214	229
Passed by House	161	185	176	169
Approved	138	153	166	155
SENATE CONCURRENT RESOLUTIONS				
Introduced	39	88	167	158
Adopted by Senate	27	71	147	137
Adopted by House	26	61	141	136
Adopted by Both Houses	26	61	141	136
BILLS THAT PASSED BOTH HOUSES	386	397	370	359
BILLS THAT BECAME LAW	331	353	353	329
VETOED BILLS				
House Bills	0	4	2	2
Senate Bills	1	4	1	2

PARTIAL VETOES

House Bills	1	2	0	0
Senate Bills	1	0	0	0

VETOES OVERRIDDEN

House Bills	0	1	0	0
Senate Bills	0	0	0	0

BILLS THAT BECAME LAW W/OUT SIGNATURE

House Bills	7	18	0	5
Senate Bills	2	11	2	0

* As of April 23, 2021

SUMMARY OF MAJOR LEGISLATION

2021 Regular Session

**Prepared by
Mississippi House of Representatives
Legislative Services Office
April 2021**

INDEX

<u>COMMITTEE</u>	<u>PAGE</u>
Accountability, Efficiency, Transparency	
H. B. 100-----	-1
H. B. 136-----	-1
H. B. 357-----	-1
H. B. 1213-----	-1
H. B. 1312-----	-2
S. B. 2098-----	-3
S. B. 2536-----	-3
S. B. 2809-----	-3
S. B. 2816-----	-4
S. B. 2824-----	-4
Agriculture	
H. B. 312-----	-6
S. B. 2076-----	-6
Apportionment and Elections	
H. B. 1048-----	-8
Appropriations	
H. B. 69-----	-9
H. B. 106-----	-9
H. B. 109-----	-9
H. B. 1177-----	-11
H. B. 1284-----	-12
S. B. 2062-----	-12
S. B. 2221-----	-13
S. B. 2474-----	-15
S. B. 2834-----	-15
Banking and Financial Services	
H. B. 488-----	-17
H. B. 953-----	-17
H. B. 1075-----	-20
S. B. 2204-----	-20
S. B. 2626-----	-21
Conservation and Water Resources	
H. B. 949-----	-23
Corrections	
H. B. 747-----	-27
H. B. 928-----	-28
S. B. 2795-----	-29
County Affairs	

H. B. 104	-----	32
S. B. 2024	-----	32
S. B. 2189	-----	33
S. B. 2261	-----	33
S. B. 2630	-----	33
S. B. 2643	-----	34

Drug Policy

H. B. 1034	-----	35
S. B. 2119	-----	35

Education

H. B. 135	-----	38
H. B. 487	-----	39
H. B. 504	-----	39
H. B. 633	-----	39
H. B. 754	-----	41
H. B. 852	-----	42
H. B. 1047	-----	42
H. B. 1123	-----	43
H. B. 1179	-----	43
S. B. 2149	-----	46
S. B. 2267	-----	46

Energy

H. B. 632	-----	47
S. B. 2373	-----	47
S. B. 2648	-----	47
S. B. 2649	-----	48

Insurance

S. B. 2332	-----	52
S. B. 2336	-----	52
S. B. 2603	-----	52
S. B. 2623	-----	53

Interstate Cooperation

H. B. 1062	-----	54
------------	-------	----

Judiciary A

H. B. 72	-----	55
H. B. 277	-----	55
H. B. 352	-----	55
H. B. 354	-----	55
H. B. 429	-----	56
H. B. 631	-----	56
H. B. 695	-----	57
H. B. 746	-----	57
S. B. 2253	-----	58

S. B. 2324-----	58
S. B. 2621-----	58
S. B. 2624-----	59
S. B. 2638-----	60

Judiciary B

H. B. 70-----	61
H. B. 87-----	61
H. B. 119-----	62
H. B. 196-----	62
H. B. 286-----	63
H. B. 356-----	64
H. B. 551-----	64
H. B. 974-----	65
H. B. 1323-----	67
S. B. 2121-----	67
S. B. 2282-----	69
S. B. 2434-----	69
S. B. 2552-----	69
S. B. 2569-----	69

Marine Resources

H. B. 594-----	74
H. B. 1211-----	74

Medicaid

S. B. 2799-----	77
-----------------	----

Military Affairs

H. B. 189-----	84
H. B. 761-----	84
S. B. 2165-----	85
S. B. 2293-----	86
S. B. 2294-----	86

Municipalities

H. B. 359-----	87
S. B. 2189-----	88
S. B. 2261-----	88
S. B. 2605-----	90

Ports, Harbors and Airports

S. B. 2392-----	92
-----------------	----

Public Health and Human Services

H. B. 72-----	93
H. B. 73-----	93
H. B. 95-----	93
H. B. 160-----	93
H. B. 200-----	94

H. B. 208	-----	95
H. B. 294	-----	95
H. B. 1302	-----	95
S. B. 2021	-----	99
S. B. 2419	-----	99
S. B. 2420	-----	100
S. B. 2746	-----	100
S. B. 2750	-----	101
S. B. 2751	-----	101
S. B. 2759	-----	102
Public Property		
H. B. 8	-----	103
H. B. 9	-----	103
H. B. 1018	-----	104
S. B. 2075	-----	104
S. B. 2651	-----	104
Public Utilities		
H. B. 74	-----	105
S. B. 2798	-----	105
Rules		
H. B. 1	-----	108
H. B. 1326	-----	108
Tourism		
S. B. 2606	-----	111
Transportation		
H. B. 341	-----	114
H. B. 424	-----	114
H. B. 550	-----	115
H. B. 576	-----	115
H. B. 628	-----	116
H. B. 872	-----	117
H. B. 887	-----	117
H. B. 995	-----	117
H. B. 1195	-----	117
H. B. 1245	-----	119
S. B. 2481	-----	120
S. B. 2598	-----	120
S. B. 2785	-----	121
S. B. 2788	-----	122
S. B. 2825	-----	122
Universities and Colleges		
H. B. 82	-----	124
S. B. 2313	-----	124

Ways and Means

H. B. 374	-----	127
H. B. 425	-----	128
H. B. 499	-----	129
H. B. 500	-----	129
H. B. 508	-----	129
H. B. 509	-----	129
H. B. 510	-----	129
H. B. 511	-----	129
H. B. 512	-----	130
H. B. 516	-----	130
H. B. 519	-----	130
H. B. 520	-----	130
H. B. 572	-----	131
H. B. 628	-----	131
H. B. 667	-----	131
H. B. 886	-----	131
H. B. 945	-----	132
H. B. 955	-----	132
H. B. 1091	-----	138
H. B. 1095	-----	140
H. B. 1135	-----	140
H. B. 1137	-----	142
H. B. 1139	-----	142
H. B. 1197	-----	143
H. B. 1230	-----	145
H. B. 1288	-----	145
H. B. 1296	-----	146
H. B. 1356	-----	148
H. B. 1420	-----	148
H. B. 1446	-----	148
S. B. 2293	-----	149
S. B. 2435	-----	149
S. B. 2807	-----	150
S. B. 2832	-----	151
S. B. 2839	-----	151
S. B. 2850	-----	152
S. B. 2872	-----	152
S. B. 2874	-----	152
S. B. 2895	-----	153
S. B. 2971	-----	153

Wildlife, Fisheries and Parks

H. B. 382	-----	176
-----------	-------	-----

Workforce Development

H. B. 1263	-----	177
S. B. 2124	-----	181

S. B. 2521	-----	183
S. B. 2827	-----	184

ACCOUNTABILITY, EFFICIENCY, TRANSPARENCY

HB 100. Effective 7/1/21. Signed 3/17/21.

This bill extends the date of the repealer on Section 77-3-721, which requires all user fees and charges collected under the Mississippi Telephone Solicitation Act to be deposited into the State General Fund, from July 1, 2021, to July 1, 2024.

HB 136. Effective 7/1/21. Signed 4/6/21.

This bill provides that any public officer or employee handling or having the custody of public funds, by virtue of his or her office or employment, shall give an individual bond or be covered by a blanket bond. The amount of such bonds shall not be less than \$25,000 for each public officer or employee, unless a specific amount is otherwise required by law. These provisions shall not apply to any public officer or employee whose activity of handling or having custody of public funds is incidental to his or her employment or job duties, as defined by the regulations of the State Auditor's office. All individual bonds and blanket bonds shall follow the form and content as provided in Section 25-1-15.

HB 357. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 31-7-124 to increase from \$75,000 to \$100,000 the amount of bond that is required for county purchase clerks.

HB 1213. Effective 7/1/21. Signed 3/18/21.

This bill amends Section 25-9-127 to require each state agency that is granted an exemption from the State Personnel Board rules, regulations and procedures to submit a copy of its annual report to the State Personnel Board, PEER committee and Legislative Budget Office in addition to the Lieutenant

Governor, Speaker of the House of Representatives and members of the Senate and House Accountability, Efficiency and Transparency Committees. Such report must be submitted by July 1 of each year and shall include quantifiable measures showing that the exemption from the State Personnel Board rules and regulations has helped the agency perform more efficiently or effectively, or both.

HB 1312. Effective on passage. Signed 4/9/21.

This bill reenacts Sections 73-7-1 through 73-7-37, which create the State Board of Cosmetology and prescribe its duties and powers.

The bill also amends reenacted section 73-7-2 to amend the definitions of "cosmetology" and "esthetics" to remove persons whose practice is limited to only performing makeup artistry, threading or applying or removing eyelash extensions; however, a person may perform a combination of not more than three such practices and still be exempt from this chapter.

The bill also amends reenacted Section 73-7-12 to delete the duplicate repealer on the statute requiring the State Board of Cosmetology to conduct student examinations instead of contracting with a testing service.

The bill also amends reenacted section 73-7-31 to exempt from the Cosmetology Licensure Law persons whose practice is limited to only performing makeup artistry, threading or applying or removing eyelash extensions; however, a person may perform a combination of makeup artistry, threading or applying or removing eyelash extensions and still be exempt from licensing.

The bill also amends Section 73-7-63 to extend the date of the repealer on those reenacted sections to July 1, 2024.

The bill also amends Section 73-5-41 to exempt persons whose practice is limited to only makeup artistry, threading or applying or removing eyelash extensions from licensing under the State Board of Barber Examiners.

SB 2098. Effective 7/1/21. Signed 3/11/21.

This bill reenacts Sections 73-11-41 through 73-11-73, which create the State Board of Funeral Service and prescribe its powers and duties. It also amends reenacted Section 73-11-33 to extend the repeal date on those sections until July 1, 2025.

SB 2536. Effective 7/1/21. Signed 3/11/21.

This bill requires any public school, public institution of higher learning or institution of higher learning that is a member of the NCAA, NAIA, MHSAA or NJCAA to designate its athletic teams or sports according to biological sex. The bill also prohibits athletic teams or sports designated for females to be open to students of the male sex. The bill also prohibits a government entity, any licensing or accrediting organization, or any athletic association or organization from entertaining a complaint, opening an investigation, or taking any adverse action against a school or institution of higher learning for maintaining separate athletic teams for students of the female sex. The bill also provides a private cause of action for any student who is deprived of an athletic opportunity or who suffers from any direct or indirect harm as a result of a violation of the act.

SB 2809. Effective 7/1/21. Signed 3/11/21.

This bill reenacts and amends Section 25-61-5 to extend the repealer until July 1, 2024, on the provision of the Mississippi Public Records Act requiring public access to records and a

written explanation when public records cannot be produced within a specified time.

SB 2816. Effective 7/1/21. Signed 4/9/21.

This bill amends Section 27-3-51 to authorize the Commissioner of Revenue to increase the salary of Department of Revenue appraisers who successfully complete any part of the Mississippi Education and Certification Program and receive certification, in the same amount authorized by Section 27-3-52 for completion of the same certification level by county tax assessors or their deputies or assistants.

SB 2824. Effective 7/1/21. Signed 4/5/21.

This bill creates the "Line-item Appropriation Transparency Act." It provides that a state agency may not provide a recipient entity state money from pass-through funding, which means a line-item appropriation by the Legislature to a state agency that is itemized on a separate line in a budget and that is intended to be passed through the state agency to one or more local government entities, private organizations, including not-for-profit organizations, or persons in the form of a loan or grant, unless:

- The state agency enters into a written agreement with the recipient entity; and

- The written agreement requires the recipient entity to provide to the state agency the following:

- ▶ On or before December 31 of each year, a written description and an itemized report detailing the expenditure of the state money, or the intended expenditure of any state money that has not been spent; and

- ▶ A final written itemized report when all the state money is spent.

- The state agency shall timely notify the recipient entity of its obligation to provide the written reports, and the state agency is responsible for obtaining the written descriptions and itemized reports from the recipient entity. The state agency is further responsible for providing such documents to the Lieutenant Governor, Speaker of the House of Representatives, Chairman of the House and Senate Appropriations Committee, and the Governor.

- A state agency is not required to comply with the reporting requirement if the pass-through funding is issued:

- ▶ Under a competitive award process;
- ▶ In accordance with a formula enacted in statute;
- ▶ In accordance with a state program under parameters in statute or rule that guides the distribution of the pass-through funding;

- ▶ Under the authority of the Mississippi Accountability and Adequate Education Program Act of 1997; or

- ▶ In accordance with an appropriations act of the Legislature that specifically provides an exemption from the provisions of this section.

AGRICULTURE

HB 312. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 69-7-101 by abolishing the Mississippi Central Market Board, which was originally located at the Old Farmers Market property, located at the corner of Woodrow Wilson Avenue and West Street in Jackson, Mississippi, and transferring all of the powers, duties, property, personnel, contractual rights and obligations and unexpended funds to the Mississippi Department of Agriculture and Commerce. The bill also renames the Mississippi Central Market Board as the Mississippi Farmers Market, to be located at 929 High Street in Jackson, Mississippi.

Additionally, the bill amends Sections 69-7-109, 69-7-113, 69-7-115 and 69-7-121 to reflect the transfer of powers and duties, record-keeping functions, acquisition of facilities and control over the Central Market Fund from the Mississippi Central Market Board to the Mississippi Department of Agriculture and Commerce.

Lastly the bill repeals the following statutory provisions: Section 69-7-103, which determines members of the board and terms of office; Section 69-7-105, which outlines the meetings of the board and compensation of members; Section 69-7-107, which establishes the headquarters and organization of the board; Section 69-7-111, which determines the bond, duties, and compensation of the state market manager; Section 69-7-117, which authorizes the management and disposition of property; and Section 69-7-119, which mandates limitations on powers of the board.

SB 2076. Effective 7/1/21. Signed 3/17/21.

This bill repealed Section 69-5-33 to remove the repealer on reenacted Section 69-5-1 et seq., which abolished the

Mississippi Fair Commission and transferred its powers and duties to the Mississippi Department of Agriculture. The bill also amended Section 69-5-1 to revise the Mississippi Fair Advisory Council by adding the Dean and Director of Alcorn State University School of Agriculture and Applied Sciences as an additional member to the council.

APPORTIONMENT AND ELECTIONS

HB 1048. Effective 7/1/21. Signed 3/24/21.

This bill amends Section 23-15-299 to revise the qualifying deadline from March 1 to February 1 for Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, State Highway Commissioner, State Public Service Commissioner, District Attorney, State Senator, State Representative, Sheriff, Chancery Clerk, Circuit Clerk, Tax Assessor, Tax Collector, County Attorney, Board of Supervisors, County Surveyor, County Coroner, Justice Court Judge and Constable.

The bill also amends Section 23-15-213 to revise the qualifying deadline for election commissioners from the first Monday in June to February 1.

The bill also amends Section 23-15-977 to revise the qualifying deadline from March 1 to February 1 for Supreme Court Justice, Court of Appeals Judge, Circuit Judge, Chancellor, County Judge and Family Court Judge.

APPROPRIATIONS

HB 69. Effective on passage. Signed 1/28/21.

This bill revises the term "nonstate service" for purposes of the State Personnel System to include employees, excluding administrative employees, of the State Veterans Affairs Board who are employed at veterans homes in the state.

HB 106. Effective on passage. Signed 3/22/21.

This bill revises the fiscal year 2021 appropriation bills of several agencies to make certain technical or clarifying amendments. In addition, the bill creates a special fund in the State Treasury to be known as the State Fire Academy Workforce Program Fund, which will consist of monies received by the State Fire Academy for workforce programs and be expended by the State Fire Academy upon appropriation by the Legislature. Finally, the bill exempts the State Fire Academy Workforce Program Fund from the provision requiring that the State Fire Academy be funded by appropriations from the General Fund.

HB 109. Effective on passage. Signed 4/19/21.

This bill deletes some temporary provisions of several budget statutes and deletes some temporary language authorizing funds in the Capital Expense Fund to be used for the emergency plugging of orphaned wells identified by the Oil And Gas Board.

In addition, the bill does the following:

- Creates in the State Treasury a special fund to be designated as the MDA Site Development Grant Program Fund, which will be used by the Mississippi Development Authority to make grants to assist eligible entities under the Mississippi Site Development Grant Program.
- Directs the State Fiscal Officer to transfer the full balance in the Mississippi Development Authority Job Training

Grant Fund into the Capital Expense Fund, and repeals the Mississippi Development Authority Job Training Grant Fund.

- Directs the State Fiscal Officer to transfer the full balance in the State Public School Education Technology Fund into the Capital Expense Fund.

- Creates in the State Treasury a special fund to be designated as the DEQ Water, Land and Air Contamination Projects Fund, which will be used by the Department Of Environmental Quality for the purpose of assessment, remediation, operation and maintenance, cost-sharing, oversight and administration of water, land and air contamination projects within the state, and directs the State Fiscal Officer to transfer a certain sum from the Attorney General Contingent Fund into the special fund.

- Creates in the State Treasury a special fund to be designated as the Coronavirus State Fiscal Recovery Fund, which will consist of all funds received by or on behalf of the State of Mississippi through the Coronavirus State Fiscal Recovery Fund of the American Rescue Plan Act Of 2021, and provides that monies in the fund shall only be spent upon appropriation by the Legislature and shall only be used as provided in the Coronavirus State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

- Creates in the State Treasury a special fund to be designated as the Coronavirus Local Fiscal Recovery Fund, which will consist of all funds received by or on behalf of the State of Mississippi through the Coronavirus Local Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for distribution to nonentitlement units of local government (cities and towns) under the Act. The bill further provides that the fund will be administered by the Department of Finance And Administration, which will distribute the funds to nonentitlement units of local

government in accordance with the Coronavirus Local Fiscal Recovery Fund of the American Rescue Plan Act of 2021, and provides that the funds shall only be used as provided in the Coronavirus Local Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

- Creates a special fund in the State Treasury to be known as the Ross Barnett Reservoir Dredging Fund, which will consist of monies deposited into the fund by the Board of Directors of the Pearl River Valley Water Supply District from the lease payments, fees and other funds received by the district during the fiscal year.

HB 1177. Effective on passage. Signed 3/17/21.

This bill revises the section of law that provides for the distribution of copies of the general laws, journals and local and private laws of each session of the Legislature to various state and local public entities and officers by the Office of the Secretary of State, as follows:

- Provides that the Secretary of State will not provide copies of the general laws, journals and local and private laws for legislative committee meeting rooms in the New Capitol unless specifically requested in writing by the Clerk of the House or the Secretary of the Senate for the committee rooms of their respective house;
- Provides that any other recipient of the general laws and journals listed in this section may waive the receipt of the general laws, journals or both by written request to the Secretary of State;
- Deletes the authority for the Legislative Services Offices of the House and Senate to receive additional copies of the general laws, journals and local and private laws; and

- Provides that copies of the general laws, journals and local and private laws will be provided to the Legislative Peer Committee.

In addition, the bill authorizes the Secretary of State to insert into the Mississippi Constitution proposed changes, alterations or amendments proposed to the constitution by initiative of the people or legislative alternative in the same way that the Secretary of State inserts into the constitution proposed changes, alterations or amendments proposed to the constitution that are passed by the Legislature.

HB 1284. Effective 7/1/21. Signed 3/17/21.

This bill revises certain provisions regarding the Department of Revenue License Tag Acquisition Fund as follows:

- Provides that of the motor vehicle registration and tag fees received by the Department of Revenue, the portion of the receipts equal to the cost of license tags, decals and associated freight costs will be deposited into the License Tag Acquisition Fund.

- Provides that monies in the fund may be used by the department for the purpose of paying the costs incurred for purchasing license tags and decals and associated freight costs.

- Provides that all unexpended amounts remaining in the fund above the sum of \$500,000 at the end of each fiscal year will lapse into the State General Fund.

- Deletes the requirement that license tag acquisitions by the department be funded by appropriation of the Legislature from the State General Fund.

SB 2062. Effective 7/1/21. Signed 4/16/21.

This bill authorizes counties and municipalities to receive funding under the Rural Fire Truck Acquisition Assistance

Program for an additional fire truck at not more than \$90,000 per truck. The board of supervisors of the county must submit its application for the funds to the Department of Insurance.

SB 2221. Section 6 is effective on passage, the rest of the bill is effective on 7/1/21. Signed 3/10/21.

(1) This bill establishes the Mississippi Dementia Care Program as a pilot program within the Department of Human Services, subject to the appropriation of federal funds for that purpose.

- The purpose of the program is to provide respite care services to informal caregivers of and those experiencing the symptoms of Alzheimer's disease or a related dementia.

- The State Department of Mental Health, the State Department of Health and the University of Mississippi Medical Center must cooperate with and provide assistance to the Department of Human Services in the establishment and operation of the program and in seeking to obtain federal funds for the program.

- The program will be operated for a period of three consecutive years, beginning on July 1, 2022, and is to serve not more than 60 enrollees.

- To receive assistance from the program, the family unit must be assessed according to the guidelines developed by the department to determine the need for respite care services, which must determine, at a minimum, that:

- ▶ The family unit is unable to pay for respite care without jeopardizing other basic needs; and

- ▶ The homebound person with Alzheimer's disease or related dementia for whom the family unit is caring is 60 years of age or older, requires assistance to remain in the home, and,

without this assistance, would need to move to an assisted living facility or a nursing facility.

- The executive director of the department is required to submit a report on the program to the Legislature on or before January 1, 2023, and on or before January 1 of each year thereafter until the end of the pilot program period.

(2) In addition, the bill provides that the Department of Human Services will establish a grant program, subject to the appropriation of federal funds for that purpose, to provide annual grant funding to the regional food banks for the purchase, transportation, storage and distribution of food in Mississippi.

- The term "regional food banks" is defined as the three Feeding America partner food banks that serve Mississippi, including Feeding the Gulf Coast, Mid-South Food Bank and Mississippi Food Network.

- Grants made under the program may be used only for the purchase of food or agricultural commodities for repackaging or processing, or both, of food for distribution to emergency food providers serving Mississippi and program participants residing in Mississippi.

- The department will allocate money to regional food banks based on population, food insecurity rates, and county service areas.

- The regional food banks are prohibited from charging any person who is eligible under the program for food or encourage any eligible person to contribute money in order to receive food under the program.

(3) Finally, Section 6 of the bill authorizes community foundations holding federal CARES Act funds that were appropriated by Section 2, Chapter 104, Laws of 2020, as amended

by Section 1, Chapter 118, Laws of 2020, to make grants to food pantries, regardless of whether the funds were designated for food pantries or nonprofit entities, or to transfer funds to another community foundation to make grants to food pantries.

SB 2474. Effective on passage. Signed 4/9/21.

This bill authorize grants, contracts, pass-through funds, project fees or charges for services between the State Department of Health and other state agencies or entities for the operation of the state's medical marijuana program established by Initiative 65.

In addition, the bill clarifies certain provisions necessary for the implementation, operation and/or enforcement of the state's medical marijuana program relating to expenditures by the Department of Health without an appropriation, escalating personnel positions in the department, and exemption from information technology laws and regulations.

The bill provides that if at any time after the effective date of the bill, the Mississippi Supreme Court issues a final opinion that strikes down or otherwise holds invalid in its entirety Initiative 65, then the amendments and new provisions contained in the bill will stand repealed on the date that the opinion is issued by the Supreme Court.

SB 2834. Effective 7/1/21. Signed 4/16/21.

This bill creates the Mississippi Historic Site Preservation Fund as a special fund in the State Treasury, which will be used by the Department of Archives and History to make grants to tax-exempt nonprofit organizations to match federal and other matching funds.

- The grants must be used solely for the fee simple purchase of, or purchase of protective interests in any Native

American archeology site; any endangered Mississippi battlefield property; and/or any endangered Mississippi Civil Rights Movement historic site.

- To be eligible for a grant, a site must be individually listed in the National Register of Historic Places, identified as nationally significant in a National Park Service Special Resource Study, or listed in the Report on the Nation's Civil War Battlefields by the Civil War Sites Advisory Commission, National Park Service, as amended, and those sites must be specified by the Legislature in the annual appropriation to the department.

- Organizations seeking grant funding from the fund are required to provide at least \$1.00 in matching funds for each dollar received from the fund for the proposed project. The term "matching funds" includes both cash and the value of any contribution due to a bargain sale or the donation of land or interest in the land made by the landowner as part of the proposed project. No state funds may be included in determining the amount of the match.

- Grants from the fund may not exceed 50% of the appraised value of the land or permanent protective interest in the land.

- Grants from the fund may be awarded for prospective purchases or for acquisitions on which the applicant has closed.

- Any eligible organization making an acquisition of land or interest in the land must grant to the department or other holder a perpetual easement placing restrictions on the use or development of the land.

- The department may enter into cooperative agreements with entities in the public and private sectors to carry out the provisions of this bill.

BANKING AND FINANCIAL SERVICES

HB 488. Effective 7/1/21. Signed 3/17/21.

This bill authorizes public libraries to accept credit cards, debit cards and other forms of electronic payment for various fees and other accounts receivable. Any fees or charges associated with the use of electronic payments are assessed to the user of the electronic payment as an additional charge for processing the payment, so that the user will pay the full cost of using the electronic payment.

HB 953. Effective 7/1/21. Signed 3/29/21.

This bill regulates the deposit and management of association funds by managing agents of homeowners' associations by requiring a managing agent who accepts or receives funds belonging to a homeowners association to deposit those funds into a trust fund account maintained by the managing agent in a bank or savings association, if those funds are not placed into an escrow account with a bank or savings association or into an account under the control of the association.

The bill further requires that all funds deposited by the managing agent in the trust fund account must be kept in a financial institution and insured by the Federal Deposit Insurance Corporation (FDIC), and maintained there until disbursed in accordance with written instructions from the association entitled to the funds. A managing agent is further required to maintain a separate record of the receipt and disposition of all funds, including any interest earned on the funds. Current commingled funds (as of July 1, 2021), must be separated into separate accounts by September 1, 2021.

Also, the bill provides that at the written request of the board of the homeowners association, the funds the managing agent accepts or receives on behalf of the association may be

deposited into a checking or interest-bearing account in a bank or savings association provided all of the following requirements are met:

- The account is in the name of the managing agent as trustee for the association or in the name of the association;
- All of the funds in the account are covered by insurance provided by the FDIC;
- The funds in the account are kept separate, distinct, and apart from the funds belonging to the managing agent or to any other person for whom the managing agent holds funds in trust;
- The managing agent discloses to the board the nature of the account, how interest will be calculated and paid, whether service charges will be paid to the depository and by whom, and any notice requirements or penalties for withdrawal of funds from the account;
- Interest earned on funds in the account does not inure directly or indirectly to the benefit of the managing agent or the managing agent's employees; and
- Transfers of greater than \$10,000 of an association's total combined reserve and operating account deposits are only authorized from the account with prior written approval from the board of the homeowners association.

In addition, the bill defines terms such as, "association," "managing agent" and "remote communication" as follows:

- "Association" means a homeowners association duly organized as a nonprofit corporation organized under the Mississippi Nonprofit Corporation Act, which is exempt from taxation under the federal Income Tax Code.
- "Managing agent" means any person who, for compensation or in expectation of compensation, exercises control over the assets of a homeowners association. "Managing agent" does not

include a regulated financial institution operating within the normal course of its regulated business practice.

- "Remote communication" means communication via electronic communication, conference telephone, videoconference, the Internet, or other means by which persons not physically present in the same location may communicate with each other on a substantially concurrent basis.

The bill further requires the managing agent to provide the homeowners' association with the following financial information relating to the funds of the association before every regular meeting and at any other time upon request of the association:

- Current reconciliation of the association's operating accounts;
- Current reconciliation of the association's reserve accounts;
- Current year's actual operating revenues and expenses compared to the current year's budget;
- Latest account statements prepared by the financial institutions where the association has its operating and reserve accounts;
- Receipts and disbursements statement for the association's operating and reserve accounts; and
- Check register, monthly general ledger, and delinquent assessment receivable reports.

The bill also authorizes the board to hold any special or regularly scheduled meeting, or any special or regularly scheduled member meeting, by electronic transmission or other means of remote communication, or by a combination thereof, unless prohibited by the governing documents of the homeowners association.

Finally, the bill requires homeowners' associations to maintain fidelity bond coverage for its directors, employees and officers in an amount that is equal to or more than the combined amount of the reserves of the association and total assessments for highest balance during the previous year unless the governing documents of the homeowners' association require greater coverage amounts. The association's fidelity bond coverage must also include computer fraud and funds transfer fraud, which is not required to include cyber coverage. If the association uses a managing agent or management company, the association's fidelity bond coverage must additionally include dishonest acts by that person or entity and its employees. However, the bond requirement does not apply if a majority of the members of the association vote not to have it.

HB 1075. Effective 7/1/21. Signed 3/17/21.

This bill reenacts the Mississippi Credit Availability Act, and extends the date of the repealer from July 1, 2022, to July 1, 2026.

Additionally, the bill reenacts and removes the repealer of July 1, 2022, on Section 75-67-403, which defines certain terms used under the Mississippi Title Pledge Act.

Finally, the bill reenacts and removes the repealer of July 1, 2022, on Section 75-67-505, which establishes licensing requirements for check cashers under the Mississippi Check Cashers Act.

SB 2204. Effective 7/1/21. Signed 3/17/21.

This bill requires the email address of registered agents to be provided in the following filings under the Mississippi Registered Agents Act and the Revised Limited Liability Company Act:

- Appointment of a registered agent;
- Listing of a commercial registered agent;
- Statement of change of a noncommercial registered agent that changes its name or its current address with respect to a represented entity;
- Statement of change of a commercial registered agent that changes its name, current address, or its type or jurisdiction of organization; and
- Annual reports of domestic limited liability companies and foreign limited liability companies authorized to transact business in the State of Mississippi.

SB 2626. Effective on passage. Signed 3/17/21.

This bill authorizes corporations to hold annual or special shareholder meetings by electronic transmission or other means of remote communication, or a combination thereof, under the Mississippi Business Corporation Act, unless prohibited by the corporation's bylaws.

The bill further defines "remote communication" for purposes of the Mississippi Business Corporation Act to mean communication via electronic communication, conference telephone, videoconference, the Internet, or such other means by which persons not physically present in the same location may communicate with each other on a substantially concurrent basis.

WARNING: Summary document not found for Committee of the Whole

CONSERVATION AND WATER RESOURCES

HB 949. Effective on passage. Signed 3/10/21.

This bill prohibits solid waste management plans from including any proposed new municipal solid waste landfill if the new landfill is located within a certain county having two or more existing permitted municipal solid waste landfills, and such new landfill will be located within a five-mile radius of an existing municipal solid waste landfill, unless a referendum election has been conducted and approved.

Additionally, the bill prohibits a facility permit grant or loan from being issued by any agency of the state for any new municipal solid waste landfill if the new landfill is located within a certain county having two or more existing permitted municipal solid waste landfills and such new landfill will be located within a five-mile radius of an existing municipal solid waste landfill, unless a referendum has been conducted and approved.

Finally, the bill creates new Section 17-17-237 to provide for the referendum process, as follows:

- Upon presentation and filing of a proper petition signed by at least 20% or 1,500, whichever number is lesser, of the qualified electors of the county, the board of supervisors must call an election at which the qualified electors of the county will vote on the question of whether or not the new municipal solid waste landfill proposed to be sited within the county will be eligible for consideration by the board of supervisors for inclusion in the solid waste management plan of the county.
- The board of supervisors may require the proponent of or applicant for the new municipal solid waste landfill to pay the costs of the election.

- The election will be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, and the date must not be more than 60 days from the date of the filing of the petition.

- Notice of the election must be given by publishing the notice once each week for at least three consecutive weeks in a newspaper published in the county or, if no newspaper is published in the county, by publication in a newspaper in an adjoining county and having a general circulation in the county involved in the election. The election must be held not earlier than 15 days from the first publication of the notice.

- The election must be held and conducted as far as may be possible in the same manner as is provided by law for the holding of general elections.

- The ballots used in the election will contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR new municipal solid waste landfill in _____ County ()", "I vote AGAINST new municipal solid waste landfill in _____ County ()" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check mark(ü) opposite the words of their choice.

- The election commissioners will canvass and determine the results of the election, and certify the results to the board of supervisors which will adopt and include in its minutes an order declaring the results.

- If 60% of the qualified electors participating in the election votes in favor of the proposition, inclusion of the proposed new municipal solid waste landfill in a solid waste management plan and permitting of such landfill may be

approved provided that all other requirements of law are satisfied as to the landfill.

- No further election may be held in such county for a period of two years from the date of the prior election, and then only upon the filing of a petition requesting the same signed by at least 20% or 1,500, whichever number is the lesser, of the qualified electors of the county, will an election be held.

WARNING: Summary document not found for Constitution

CORRECTIONS

HB 747. Effective on passage. Signed 4/9/21.

This bill creates a new code section that authorizes the Sheriff of Rankin County to establish a Pilot Work Release Program. If an individual has been sentenced for a crime of violence, then he or she shall not be eligible for the program. The pilot program is limited to 25 participants at a time. The sheriff is required to make a report to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) and the Corrections and Criminal Justice Oversight Task Force before January 15, 2022, and in six-month intervals thereafter.

The report provided by the sheriff to PEER and the task force must contain the following data:

- Total number of participants at the beginning and end of each month by race, gender and offenses charged;
- Total number of participants who began the program in each month and total number of participants who completed the program in each month by race, gender and offenses charged;
- Total number of participants who left the program in each month and reason for leaving by race, gender and offenses charged;
- Total number of participants arrested for a new crime and who were convicted of a new crime while in the program in each month by race, gender and offenses charged;
- Total number of participants who completed the program and were convicted of a new crime within three years of completing the program;
- Total amount earned by participants and how the earnings were distributed in each month; and

- Results of any initial risk and needs assessments conducted on each participant by race, gender and offenses charged as well as any other data requested by the task force.

Those who have been sentenced to confinement in jail or who have been sentenced for a felony conviction but are confined in a jail may request assignment to the work release program; however, admission is in the discretion of the sheriff. The sheriff is responsible for adopting and publishing rules and regulations for the program.

If an employer hires an offender in the program, the offender must be paid at least federal minimum wage. Wages earned shall be kept in an account through a local financial institution, and a copy of the offender's check stub must be provided to the sheriff. Although the offender will have access to his or her account to purchase incidental expenses, he or she may be required to pay up to 25% of wages earned for the following purposes:

- To pay child support for the offender's dependents; and
- To pay any fines, restitution or costs as ordered by the court.

HB 928. Effective 7/1/21. Signed 4/9/21.

This bill amends Section 47-5-26 to require the Commissioner of the Department of Corrections to designate from his four deputy commissioners an Executive Deputy Commissioner of Corrections. The bill also amends Section 47-5-8 to prescribe the duties of the Executive Deputy Commissioner of Corrections who shall serve as the Commissioner of Corrections in the absence of the Commissioner of Corrections. The Executive Deputy Commissioner shall be directly responsible to the Commissioner of Corrections. Duties, including supervising other deputy commissioners, of the Executive Deputy Commissioner

shall be prescribed by the Commissioner of Corrections. The salary for the Executive Deputy Commissioner shall not exceed the salary of the Commissioner of Corrections.

The bill also amends Section 47-7-5 to require members of the State Parole Board to receive compensation or per diem in addition to their salaries. Previously, the members were prohibited from receiving such compensation or per diem. Finally, Section 97-37-5 is amended to expand authorization for certificates of rehabilitation for individuals convicted of felony crimes under laws of this state, federal law, in state military court or under laws of other states.

SB 2795. Effective 7/1/21. Signed 4/22/21.

This bill creates the "Mississippi Earned Parole Eligibility Act," which reforms parole statutes. The act provides parole eligibility for new categories of offenses to include offenders sentenced for robbery with a deadly weapon, drive-by shooting, or carjacking. Such offenders would become eligible for parole after serving 60% or 25 years of the sentence(s) imposed, whichever is less. Other offenders eligible for parole consideration for offenses committed after June 30, 1995, include the following:

- Nonviolent offenders not otherwise excluded are eligible after serving 25% or 10 years, whichever is less.
- Violent crimes not otherwise excluded are eligible after serving 50% or 20 years, whichever is less.
- Nonviolent and nonhabitual drug offenders are eligible after serving 25% or 10 years, whichever is less.
- An offender who has not committed a crime of violence under Section 97-3-2 and has served 25% or more of his sentence may be paroled by the State Parole Board if authorized by the trial court.

The bill provides that the following offenders, under certain circumstances, are ineligible for parole:

- Habitual offenders;
- Sex offenders;
- Capital murderers or murderers;
- Human traffickers and drug traffickers;
- Offenders sentenced for committing any offense that specifically prohibits parole;
- Offenders sentenced to life imprisonment under the provisions of Section 99-19-101;
- Offenders sentenced to life imprisonment without eligibility for parole under Section 99-19-101.

Additionally, the bill provides that if an offender is convicted of a drug or driving under the influence felony, then he or she must complete a drug and alcohol rehabilitation program prior to parole, or the offender must complete such program as condition of parole. The bill also requires the Corrections and Criminal Justice Oversight Task Force to send annual reports, on or before December 1, to the Governor and Legislature concerning juvenile and habitual offender parole reform as well as implementation of the Mississippi Earned Parole Eligibility Act.

The bill also provides that case plans shall only be required for parole-eligible inmates. Previously, all inmates received such plans. The case plans shall be for parole-eligible inmates admitted to the custody of the Department of Corrections on or after July 1, 2021, and the plans must be completed within 90 days of admission. For those parole-eligible inmates admitted to the custody of the Department of Corrections before July 1, 2021, the case plans must be completed by January 1, 2022. If the department is unable to adequately provide

completion of case plans by the offenders, then the department must contract with regional jail facilities that offer certain programming so that the case plans can be fulfilled by parole-eligible inmates.

The bill also revises the minimum percentage of a sentence that an inmate must serve before being released by the Department of Corrections. For sentences imposed by the court, offenders must serve the following percentages of their sentences:

- 25% or 10 years, whichever is less, for nonviolent crimes;
- 50% or 20 years, whichever is less, for crimes of violence, except for robbery with a deadly weapon, drive-by shooting or carjacking; and
- 60% or 25 years, whichever is less, for robbery with a deadly weapon, drive-by shooting or carjacking.

Finally, the bill addresses certain compensation for the State Parole Board as well as how hearings are conducted before the board. Specifically, the bill removes the prohibition against members of the State Parole Board from receiving compensation or per diem in addition to their salaries. Additionally, the bill provides any victim or designated family member the opportunity to be heard by the parole board before the board makes a decision regarding release of an offender on parole. The bill also provides that the following offenders shall not be released on parole without a hearing before the parole board:

- Offenders convicted of sex offenses as defined under Section 45-33-23(h) or a crime of violence, or both; and
- Offenders eligible for geriatric parole.

COUNTY AFFAIRS

HB 104. Effective on passage. Signed 4/9/21.

This bill amends Section 19-3-49 to revise the annual salary that is paid by the Board of Supervisors of Hancock County to the attorney hired to appear and prosecute cases requiring the services of a county prosecuting attorney. Specifically, the board of supervisors may pay such hired attorney an amount not to exceed 50% of the annual salary of the full-time district attorney of the county.

Previously, the board of supervisors paid the hired attorney \$45,000 per year. The revision of the salary is due to the following factors:

- The recent increase in the population of Hancock County;
- The per capita rate of proceedings handled by the hired attorney exceeds the typical rate of other counties; and
- The responsibilities of the county prosecuting attorney increased when the county created a county court in 2018, which exacerbated the county prosecuting attorney's case load.

SB 2024. Effective 7/1/21. Signed 4/9/21.

This bill amends Section 27-105-305 by changing the two-year notice requirement to a minimum four-year notice requirement to allow the board of supervisors the discretion to determine the interval of time by which notice of bidding requirements must be given to all financial institutions in its county. The bill requires that a board of supervisors take into consideration all material aspects of a bidding proposal submitted by a financial institution.

The bill also amends Section 31-7-13 by revising bidding requirements for agencies and governing authorities by prohibiting the use of reverse auctions for term contracts.

Lastly, the bill creates a new code section to require the clerk of the board of supervisors of a county or county administrator to enter the recommended year-end adjusting accounting entries into the county's accounting system. It also requires the board of supervisors to publish the reason that any recommended entry was not entered upon its minutes if the county clerk or county administrator declines to make the entry.

SB 2189. Effective 7/1/21. Signed 3/18/21.

This bill amends Section 25-15-103 to authorize any county or municipality to offer any Medicare-eligible employee supplemental compensation if the employee chooses to secure Medicare coverage in lieu of participating in a county or municipal medical or health insurance program. The supplemental compensation is limited to an amount not to exceed the county's or municipality's cost for the employee to participate in the county or municipal medical or health insurance program. The provisions of this bill do not apply to coverage by Medicaid. Before the supplemental compensation may be provided, the employee shall provide verifiable proof that he or she has secured coverage under Medicare. Receipt of purchase for the Medicare coverage shall be provided on an annual basis to the employer.

SB 2261. See summary under Municipalities.

SB 2630. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 19-7-31 to authorize county law libraries to use certain collected funds for electronic and technological purposes, including, but not limited to, online subscription services and electronic records, such as Westlaw.

SB 2643. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 27-43-3, which pertains to the notice procedure for unpaid ad valorem taxes, to allow a constable to serve notice of a tax sale with prior approval by the county board of supervisors. The bill also increases from \$35 to \$45 the fee that shall be allowed to the sheriff or constable for service of a tax notice.

DRUG POLICY

HB 1034. Effective 7/1/21. Signed 3/17/21.

This bill adds isotonitazene, flualprazolam, flubromazepam, flubromazolam and clonazolam to Schedule I of controlled substances because these drugs have no legitimate medical use and have high potency with great potential to cause harm.

Additionally, the bill revises the chemical name of thiafentanil to methyl 4-(2-methoxy-N-phenylacetamido)-1-(2-(thiophen-2-yl)ethyl)piperidine-4-carboxylate).

Finally, the bill adds brexanolone and solriamfetol as Schedule IV of controlled substances because the U.S. Food and Drug Administration recently approved these drugs for medical use.

SB 2119. Effective 1/1/22. Signed 3/17/21.

This bill creates a new section of law to authorize licensed pharmacists or an employee of the pharmacy under the direct supervision and control of a licensed pharmacist, to sell products that contain certain quantities of pseudoephedrine or ephedrine without requiring a prescription, and provides the following provisions:

- A registered pharmacy is authorized to sell to a person, without a prescription, products containing not more than 3.6 grams per day, and not more than 7.2 grams in a thirty-day period, of pseudoephedrine and ephedrine. Any pseudoephedrine or ephedrine dispensed pursuant to a prescription, though, is exempt and will not count toward a person's limit on the products.

- All pseudoephedrine and ephedrine products must be stored by placing the products behind a counter in an area within the pharmacy where the public is not permitted.

- Before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine, the pharmacy must:

- ▶ Ensure that any purchaser is at least 18 years old by requiring the purchaser to provide a valid, unsuspended driver's license or nondriver identification card issued by the State of Mississippi or another state, a United States Uniformed Services Privilege and Identification Card, or a United States or foreign passport.

- ▶ Require the purchaser to sign a written or electronic log attesting to the validity of the information provided for each transaction; and

- ▶ Electronically submit the following required information to the National Precursor Log Exchange (NPLEx) system, which is administered by the National Association of Drug Diversion Investigators:

- ♦ Information from the identification card, and the type of and government entity issuing the identification card used;

- ♦ Name, date of birth and current address of the purchaser;

- ♦ Date and time of the sale;

- ♦ Name of the compound, mixture, or preparation being sold; and

- ♦ Total amount, in grams or milligrams, of pseudoephedrine or ephedrine being sold.

- The National Association of Drug Diversion Investigators must provide real-time access to the NPLEx information through the NPLEx online portal to law enforcement in the state.

- In addition to submitting information to the NPLEEx system, pharmacists must keep an electronic log of each purchase, as well as maintain a written log or an alternative electronic recordkeeping mechanism in the event of a mechanical or electronic failure of the required electronic tracking system until such time as the pharmacy is able to comply with the electronic sales-tracking requirement.

- A violation of these provisions is a misdemeanor punishable by a fine not to exceed \$1,000 for a first offense, and is further punishable by a fine not to exceed \$10,000 for a second or subsequent offense.

- A pharmacist who conducts an employee training program that is approved by the Mississippi Board of Pharmacy will not be penalized for an employee's violation of the bill.

- A person who resides in a state that requires a prescription for the purchase of pseudoephedrine or ephedrine, or who presents identification from a state that requires a prescription for the purchase of pseudoephedrine or ephedrine, may purchase those products only upon presentation of a valid prescription for the pseudoephedrine or ephedrine.

In addition, this new section of law will repeal on January 1, 2024.

EDUCATION

HB 135. Effective 7/1/21. Signed 3/17/21.

This bill reenacts and extends the repealer by three years to July 1, 2024, on Sections 37-159-1, 37-159-5, 37-159-7, 37-159-9, 37-159-11, 37-159-13 and 37-159-17, which are the provisions that collectively create the Mississippi Critical Teacher Shortage Act of 1998, which is designed to incentivize teachers to teach in those areas of the state designated by the State Board of Education as critical teacher shortage areas. The incentives include:

- Relocation Expenses Reimbursement up to \$1,000;
- Interviewing Expenses Reimbursement, for mileage and other actual expenses incurred at the state rate;
- Teacher Recruitment and Retention Grant which provides scholarships up to four years to persons working towards a Master of Education degree or an Educational Specialist degree in an approved teacher education program at a state institution of higher learning;
- Home Loan Program, up to \$6,000 for teachers who purchase a home and reside in the county where they are employed to teach;
- Rental Housing Construction Pilot Program, which was specific to West Tallahatchie School District to provide financial assistance to a developer for the construction of rental units with priority being given first to teachers, then to licensed school district employees and finally to other employees of the school district; and
- Critical Teacher Shortage Fund, established a special fund in the treasury into which monies for the financial incentives under the program are deposited and administered by the State Department of Education.

HB 487. Effective on passage. Signed 3/17/21.

This bill repeals three provisions of antiquated law pertaining to the support of local public libraries by county boards of supervisors and the composition of the county library commissions.

HB 504. Effective on passage. Signed 3/29/21.

This bill clarifies the composition of the Commission on School Accreditation to reflect that the membership is now reflective of the current four congressional districts, with three members from each district. The membership will remain at 15. However, the three members who would have been appointed from the fifth congressional district, will now be appointed from the state at-large. The bill also reflects the inclusion of an administrator with expertise in special education representing exceptional schools and students.

HB 633. Effective 7/1/21. Signed 3/24/21.

This bill creates the "Mississippi Computer Science and Cyber Education Equality Act," and directs the Mississippi Department of Education to implement K-12 computer science curriculum based on the 2018 Mississippi College and Career-Readiness Standards for computer science, and the areas of instruction to include: computational thinking; problem-solving; programming; cyber security; data science; robotics; artificial intelligence and machine learning; and the computer science and cyber-related content.

The bill requires the Mississippi Department of Education to work with the Center for Cyber Education at Mississippi State University to identify and develop K-12 computer science curriculum and delivery options.

The bill phases in the implementation of the computer science curriculum for public and charter schools beginning with the:

- 2022-2023 school year, requiring all public middle schools to provide foundation computer science and 50% of public elementary schools to offer one hour of computer science instruction; while charter schools with middle and high school grades are required to offer a course in computer science and charter elementary schools are required to offer instruction in computer science.

- 2023-2024 school year, local school districts are required that at least 50% of its high schools offer a course in computer science, while requiring all elementary schools in the district to offer a minimum of one hour of instruction in exploratory computer science each week.

- 2024-2025 school year, local school districts are required that all schools in its school system offer instruction in computer science.

The Mississippi Department of Education is required to review course offerings submitted by school districts to ensure the utilization of high-quality online computer science courses to the school needs.

Subject to funds being appropriated for such purpose, the Mississippi Department of Education is required to annual training for teachers, counselors and administrators in order to phase in the K-12 computer science curriculum, with preference given to those districts with fewest trained teachers in computer science.

The Mississippi Department of Education is required to submit a report to the Legislature and Governor by January 1,

2022, that consists of a strategic plan for statewide computer science education initiatives.

The Institutions of Higher Learning Board is required to work with its member institutions to identify preservice teacher preparation programs to allow for certification in computer science.

The bill also extends the repealer on the statutory provision requiring every school district to adopt a policy to implement abstinence-only or abstinence-plus education into its curriculum, to July 1, 2024.

HB 754. Effective 7/1/21. Signed 4/9/21.

This bill creates a new code Section 37-173-16 to require local school districts to make an initial determination of whether a student diagnosed with dyslexia meets the eligibility criteria under the Individuals with Disabilities Education Act (IDEA) to have an Individualized Education Program (IEP) developed and to receive service, and if the diagnosis does not meet the eligibility requirements for an IEP, the district must proceed to determine a student's eligibility for a 504 Plan. Additionally school districts are required to develop interventions and strategies to address the needs of students with a dyslexia diagnosis consistent with their IEP or 504 Plan and a 3-Tier Instructional Model.

School districts would be required by the State Department of Education to conduct four hours of in-service training in dyslexia and related disorder awareness education every three years for licensed educator and paraprofessionals on dyslexia and related disorders, using training content developed by the Mississippi Department of Education. The minimum content required from the training must consist of Standard 1 and Standard 2 of the International Dyslexia Association's

"Knowledge and Practice Standards for Teachers of Reading" 2018 Edition. The training must be provided by an individual who holds a State Department of Education License No. 203 in Dyslexia Therapy and a national certificate as a Certified Academic Language Therapist, which may be delivered through live in-person instruction, online course instruction or through a prerecorded video presentation.

The bill amends Section 37-173-9 to reflect the deletion of the language that has now been codified as the new Section 37-173-16.

HB 852. Effective 7/1/21. Signed 3/29/21.

This bill provides a salary increase for teachers in the amount of \$1,000. However, for teachers with a Class A license certification, the salary increase is \$1,110 for years 0, 1 and 2 of their teaching career, which brings the base starting salary for such individuals to \$37,000. Additionally, an increase of \$1,000 was also provided to teacher's assistants.

HB 1047. Effective 7/1/21. Signed 3/29/21.

This bill removes the cap on the number of National Board Certified Nurses and Speech-Language Pathologists and Audiologists who are CALT certified, who are eligible to receive the annual \$6,000 salary supplement. Currently nurses are capped at 35 and speech-language pathologists are capped at 20.

Additionally, the bill adds licensed athletic trainers who are employed by a local school district or the State Board of Education and has acquired board certification for the athletic trainer from the Board of Certification, Inc., as to the list of professions eligible for the annual \$6,000 salary supplement, and caps it at 20.

HB 1123. Effective 7/1/21. Signed 3/29/21.

This bill amends the Early Learning Collaborative Act of 2013 to require an "evidence-based curriculum" that demonstrates significant effect on improving outcomes with statistical data.

Mississippi Department of Education is required to provide technical assistance to collaboratives to improve PreK programs, which may include classroom-embedded support for teachers and teacher assistants.

The bill revises the criteria used to determine funding from PreK programs to include:

- Individualized professional development plans for all teachers and teacher assistants supplemented by classroom-embedded support.
- An evidence-based curriculum aligned comprehensive early learning standards.
- Family engagement opportunities.

The bill requires the Mississippi Department of Education to submit a program operation and outcomes report annually, and a rigorous evaluation of short-term and long-term program effectiveness every three years to the Legislature and Governor. PEER is required to review the three-year report and the intervening annual reports for purposes of submitting an independent summary of findings to the Legislature.

HB 1179. Effective 7/1/21. Signed 4/16/21.

This bill creates the "William F. Winter and Jack Reed, Sr., Teacher Loan Repayment Program," as a single forgivable teacher loan program, administered by the Postsecondary Education Financial Assistance Board, rather than having several programs with competing interests.

Subject to the availability of funds, eligible applicants must demonstrate that he or she have:

- Graduated from a baccalaureate degree-granting state institution of higher learning that is regionally accredited and approved by the State Board of Education.

- Signed a contract as a full-time first-year teacher in a Mississippi public school district.

- Obtained a standard five-year license. Persons with emergency licenses are ineligible.

- Outstanding qualifying undergraduate educational loans obtained by the applicant for undergraduate educational expenses.

The bill will award scholarship loans to initial recipients on a first-come, first-served basis, of all eligible applicants, which shall be limited to only 150 individuals receiving scholarship funds. In the second and subsequent years of an applicant's continued eligibility, priority consideration shall first be given to renewal applicants. In any given year only 150 new applicants shall be eligible to receive funds under the program. For first-time, first-year teachers, priority will be given to those persons teaching in public school districts designated by the State Board of Education in critical teacher shortage areas.

- The award amounts are designed to increase by \$1,000 each year for three years of service as a licensed teacher and varies in amount dependent upon whether or not a recipient is teaching in a critical teacher shortage area.

- For recipients teaching in noncritical teacher shortage areas, the awards range \$1,500 to a maximum of \$3,500 in the third year of teacher service.

- For recipients teaching in critical teacher shortage areas, the awards range \$4,000 to a maximum of \$6,000 in the third year of teacher service.

The awards are granted on a year-to-year basis, after the expiration of the one-year teaching contract for which the award was granted, to the recipient's lender or loan service provider.

The bill prohibits eligibility for participation in the William F. Winter and Jack Reed, Sr., Teacher Loan Repayment Program by anyone who has received funds from the existing teacher forgivable loan programs or who are in default on any federal, state or local or commercial qualifying education loan.

The bill requires the Postsecondary Education Financial Assistance Board to track recipients of an award under this program through their fifth teaching year in a public school, unless the recipient leaves teaching in a public school at an earlier date.

The bill establishes the "William F. Winter and Jack Reed, Sr., Loan Repayment Program Fund," as a special fund in the State Treasury, to be funded by legislative appropriations and any other funds made available for purposes of implementing and funding the awards issued under the loan repayment program.

- The bill repeals the following:
Section 37-106-35, which creates the Assistant Teacher Forgivable Loan Program.
- Section 37-106-37, which creates the Teacher Education Scholars Forgivable Loan Program.
- Section 37-106-57, which creates the William F. Winter Teacher Forgivable Loan Program.
- Section 37-106-77, which creates the Mississippi Teaching Fellows Forgivable Loan Program.
- Section 37-106-79, which creates the Teacher Education Alternate Route Certification Program.

SB 2149. Effective 7/1/21. Signed 3/18/21.

This bill amends Section 37-151-103 to require that the State Department of Education hold school districts harmless when it calculates the average daily attendance for the 2020-2021 scholastic year. The bill also provides that for the purpose of determining the school district's average daily attendance for the 2020-2021 school year, the Department of Education shall use each school district's average daily attendance for the 2019-2020 school year if it is greater than the school's average daily attendance for the 2020-2021 school year.

SB 2267. Effective 7/1/21. Signed 4/16/21.

This bill amends Section 37-3-2 to provide that the Department of Education shall grant a standard license within a period of 21 days from the date of a completed application to teachers if they possess a valid standard license from another state. The bill also provides that for all license types with a current valid expiration date of June 30, 2021, the department shall grant a one-year extension to June 30, 2022. It also provides that beginning July 1, 2022, and thereafter, applicants for licensure renewal shall meet all requirements in effect on the date that the complete application is received.

ENERGY

HB 632. Effective on passage. Signed 3/17/21.

This bill creates the "All Fuels Act of 2021." The bill prohibits any political subdivision of this state from adopting an ordinance, resolution, regulation, code or policy that prohibits, or has the effect of prohibiting the expansion, utilization connection or reconnection of a service based upon the type or source of energy to be delivered to an individual customer.

SB 2373. Effective 7/1/21. Signed 3/22/21.

This bill provides that a refiner, supplier, wholesaler or retailer is not liable for damages caused by the use of incompatible motor fuel dispensed at a retail site if all of the following apply:

- The incompatible fuel meets the standards promulgated by the Commissioner of Agriculture and Commerce;
- The incompatible fuel is selected by a person other than the retailer, and the retailer includes an employee or agent of the retailer; and
- The incompatible fuel is dispensed from a motor fuel dispenser that correctly labels the type of fuel dispensed.

For the purposes of this act, a motor fuel is incompatible with a motor according to the manufacturer of the motor.

SB 2648. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 53-11-3 to provide that the State Oil And Gas Board, instead of the Mississippi Commission On Environmental Quality, shall have jurisdiction and authority to enforce the provisions of the Mississippi Geologic Sequestration of Carbon Dioxide Act relating to the geologic sequestration of carbon dioxide streams and subsequent withdrawal of stored

carbon dioxide streams. Further, the board, instead of the Mississippi Commission on Environmental Quality, shall serve as the permitting agency for Class VI underground injection control wells, and is authorized to promulgate such rules and regulations as are necessary for the development and administration of the Class VI underground injection control well program consistent with federal statutes, rules and regulations pertaining to geologic sequestration of carbon dioxide streams and assessment of fees for the development and administration of the Class VI underground injection control well program. Underground formations or strata used for the geologic sequestration of carbon dioxide that are not included in the term "reservoir" shall also be subject to the jurisdiction of the board.

SB 2649. Effective 7/1/21. Signed 4/14/21.

This bill reenacts and amends Section 31-7-14 to extend the repeal date until July 1, 2025, on the use of public contracts for energy efficiency equipment or services.

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INSURANCE

SB 2332. Effective 7/1/21. Signed 3/17/21.

This bill reenacts and amends Section 83-1-191 to extend the repeal date until July 1, 2025, on the development and implementation of the Comprehensive Hurricane Damage Mitigation Program.

SB 2336. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 25-15-409 to extend the date until January 1, 2024, by which the state, municipality, county or fire protection district must show proof of insurance coverage that meets the requirements of the Mississippi First Responders Health and Safety Act. The bill also changes the effective date of the Mississippi First Responders Health and Safety Act to July 1, 2023.

SB 2603. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 83-11-551 to authorize an insurer to direct an auction firm or automotive dismantler to release a vehicle to the vehicle's owner or lienholder when the insurer does not take ownership of the vehicle. Upon receiving a release statement from an insurer, the auction firm or the automotive dismantler must send notice to the owner and any lienholder of the vehicle informing the owner or lienholder that the vehicle is available for pick up. The notice shall include an invoice for any outstanding charges owed to the auction firm or the automotive dismantler. The notice shall inform the owner and any lienholder that the owner or lienholder has 30 days from the date of the notice to pick up the vehicle. Notice must be sent by certified mail to the last-known address or by another commercially available delivery service providing proof of delivery.

If the owner or lienholder of the vehicle does not pick up the vehicle within 30 days, the vehicle shall be considered abandoned, the vehicle's certificate of title is deemed to be assigned to the auction firm or the automotive dismantler, and the auction firm or automotive dismantler, without surrendering the certificate of title, may request that the Department of Revenue issue a lien-free salvage certificate of title or a parts-only certificate of title for the vehicle. The request shall be accompanied by a copy of the notice and proof of delivery sent to the owner and any lienholder. Notwithstanding any outstanding liens against the vehicle, the department shall issue a lien-free salvage certificate of title or a parts-only certificate of title for the vehicle to the auction firm in possession of the vehicle.

SB 2623. Effective 7/1/21. Signed 4/16/21.

This bill reenacts Sections 63-16-1, 63-16-3, 63-16-5, 63-16-7, 63-16-11 and 63-16-13, which create the Public Safety Verification and Enforcement Act, and amends Section 63-16-15 to extend the date of the repealer until July 1, 2025, on those sections.

INTERSTATE COOPERATION

HB 1062. Effective 7/1/21. Signed 3/17/21.

This bill, known as the "Sunshine Protection Act," provides that the State of Mississippi will observe daylight saving time as the standard time for the state year-round, if Congress amends federal statutory provision of 15 USC 260a, to authorize states to observe daylight saving time year-round.

JUDICIARY A

HB 72. See summary under Public Health and Human Services.

HB 277. Effective 7/1/21. Signed 3/18/21.

This bill defines and creates a list of documents that are to be considered "photo identification" or "valid identification" for use as legal documentation as part of all transactions as proof of identity. The bill includes the phrase "tribal identification card" in the list and defines it. It creates the crime of counterfeiting, fraud or misrepresentation in relation to a tribal identification card and provides penalties for such. It also amends the firearms, lottery, hunting, fishing, scrap sales and marriage license provisions of law to include the phrase "tribal identification card" as a form of identification.

HB 352. Effective 7/1/21. Signed 3/17/21.

This bill requires all applicants and renewals for a Mississippi home inspector license to undergo a fingerprint-based criminal history record check of the Mississippi Central Criminal Database and the Federal Bureau of Investigation criminal history database. It also allows the Real Estate Commission to deny or revoke an application or renewal for a home inspector license based on a background check "that could call into question public trust."

The bill exempts any and all state or national criminal history records information obtained by the commission that is not already a matter of public record from the Mississippi Public Records Act of 1983.

HB 354. Effective 7/1/21. Signed 3/17/21.

This bill authorizes a municipal judge to order a defendant who has violated municipal ordinances related to real property,

to remedy violations within a reasonable time period as set by the judge, and at the discretion of the judge, allow the municipality to remedy the violation through the use of its own employees or its contractors. After the municipality remedies the violation, the municipality may petition the court to assess documented cleanup costs to the defendant. If following a hearing on the petition, the judge determines the violations were not remedied by the defendant within the time required by the court, that the municipality remedied the violation itself after such time period expired and that the costs incurred by the municipality were reasonable, the court may assess the costs to the defendant as a judgement, which may be enrolled in the office of the circuit clerk.

HB 429. Effective 7/1/21. Signed 3/17/21.

This bill authorizes all persons 18 years of age or older to have the capacity to enter into binding contractual relationships for the purpose of investing in mutual funds, stocks, bonds and any other publicly traded equities.

HB 631. Effective 7/1/21. Signed 4/19/21.

This bill adds "official vehicle" to the items that may be authorized by a municipality or county while in the performance of private security services in off-duty hours. The bill clarifies that the acts and omissions of an officer in discharge of private security employment shall be deemed to be the acts and omissions of the person or entity that hires them for private off-duty services. The bill also requires the person or entity for whom the officer is providing off-duty services to provide insurance that holds harmless and fully indemnify, for any expense or loss, including attorney's fees and any damage to the official vehicle, which results from any action taken

against the employing jurisdiction; and name the employing jurisdiction as a named insured on its general liability and automobile liability policies for at least the amount of recovery provided for in Section 11-46-15 for any damage to the official vehicle. If the person or entity, and the person's or entity's insurer, fails or refuses to endorse, indemnify and hold harmless the employing jurisdiction, the employing jurisdiction is prohibited from approving the use of the official vehicle of the employing jurisdiction for private security services.

HB 695. Effective 7/1/21. Signed 3/16/21.

This bill amends Section 93-21-107 by removing the matching funds requirement for the State Domestic Violence Fund.

HB 746. Effective 7/1/21. Signed 3/16/21.

This bill revises the definitions for the Mississippi Motor Vehicle Commission Law by adding the terms and meanings of: "Dealer," "Pre-delivery preparation obligations," "Warranty work," "Repair order," "Qualified repair" and "Qualified repair order." The bill also requires that time allowances for the diagnosis and performance of warranty work be reasonable and adequate for such work to be performed using the actual time required by a qualified technician of ordinary skill to perform such work.

The bill also provides the obligations of manufacturers, distributors and motor vehicle dealers, establishes rates for parts and labor and provides a rebuttal and protest provision. The rebuttal provision allows the dealer to file a protest with the commission within 60 days of receiving the manufacturer's written rejection when the dealer and the manufacturer do not agree on the parts mark-up or labor rate.

SB 2253. Effective 7/1/21. Signed 3/18/21.

This bill amends Section 45-9-101 to authorize the Department of Public Safety to provide licensees the option of including a concealed carry weapons permit as a notation on a driver's license or identification card. Under the bill, a concealed carry weapons permit and driver's license would have the same expiration date and renewal process.

SB 2324. Effective 7/1/21. Signed 3/17/21.

This bill reenacts Sections 75-24-351 through 75-24-357, which prohibit bad faith assertions of patent infringement. It also reenacts and amends Section 75-24-359 to extend the date of repeal on the reenacted provisions to July 1, 2025.

SB 2621. Effective 7/1/21. Signed 4/16/21.

This bill establishes a task force to study Mississippi's laws regarding the awarding and calculating of child support, alimony and other related matters in domestic law. The task force will develop recommendations for proposed legislation and rule changes to the Legislature and Mississippi Supreme Court on the matters studied. It will submit a report to the Legislature and the Supreme Court on or before December 1, 2021.

The task force is comprised of 14 members and shall review:

- The models used by states to determine the base child support amount due, including the "Income Shares Model," the "Percentage of Income Model" and the "Melson Formula," which incorporate a self-support reserve for the obligor and take into consideration the health care expenses of the children;
- Special provisions for child care expenses, formulas for shared custody, split custody and extraordinary visitation, and deductions for the support of previous and subsequent children;
- The current trends of law regarding "No-Fault Divorce";

- The current trends in the imposition and cost of fees for guardian ad litem and related issues on guardians;
- Senate Bill No. 2220, 2021 Regular Session; and
- Any other matters related to the above issues or related to domestic law.

SB 2624. Effective 7/1/21. Vetoed 4/22/21.

This bill amends Section 73-35-23 to require the Mississippi Real Estate Commission to establish a pilot program allowing administrative hearings on certain licensing matters under its jurisdiction. The licensee or any other person charged with a violation must request, in writing, for the matter to be heard by an administrative hearing officer. Administrative hearing officers must be staff attorneys employed by the Attorney General's office, but must not currently hold a license issued by the commission. The administrative hearing officers shall have the same powers and authority in conducting hearings and rendering decisions as granted to the commission. Hearings before an administrative hearing officer shall be held in the City of Jackson, Mississippi, at a place, time and manner agreed upon by the commission and the hearing officer. The clear and convincing standard of proof shall be used to examine factors during all hearings. Any right of appeal available to a licensee or applicant for a license shall be preserved as if the matter had been heard and decided by the commission. These provisions shall stand repealed on July 1, 2024.

The bill also amends Section 73-35-25 to provide that an appeal taken by a defendant from an adverse ruling or order of the Mississippi Real Estate Commission shall act as a supersedeas. However, the commission may file a motion within 10 days of the date of filing the notice of appeal and request the court to lift the supersedeas upon the commission's showing,

by clear and convincing evidence, that immediate and irreparable harm will or may occur if the licensee or person aggrieved were to continue operating as a licensee.

SB 2638. Effective 7/1/21. Signed 4/9/21.

This bill amends Section 89-3-1 to provide a recording procedure for electronic documents in counties that do not have electronic capability. A tangible copy of an electronic document may be recorded if the tangible copy has been certified to be a true and correct copy of the electronic document.

The certificate must be transmitted and recorded with the tangible copy. The certificate must:

- Contain an original signature of a licensed attorney or custodian of the electronic document that is verified upon oath or affirmation;
- Identify the jurisdiction in which the certification is performed;
- Contain the title of the notarial officer;
- Indicate the date of expiration, if any, of the notarial officer's commission; and
- Include an official seal of the notary public affixed to the certificate.

Last, the bill provides a model certificate form.

JUDICIARY B

HB 70. Effective 7/1/21. Signed 3/24/21.

This bill provides for the confidentiality of autopsy media records. It limits the release of autopsy media records to those persons specifically named in the bill. In all cases, the viewing, copying, listening to and/or other handling of autopsy media records must be under the direct supervision of the custodian of the record or his or her designee.

The autopsy media records may be released to a surviving relative, or the surviving relative's designee; a local governmental entity, or a state or federal agency, in furtherance of its official duties and pursuant to a written request; a coroner or a medical examiner, and his or her designee, or a medical physician, and his or her designee; or a court, upon a showing of good cause.

The bill does not prohibit a court in a criminal or administrative proceeding upon good cause shown from restricting or otherwise controlling the disclosure of an autopsy, crime scene, or similar photograph or video or audio recordings in the manner prescribed in this bill.

HB 87. Effective 7/1/21. Signed 4/6/21.

This bill requires the Director of the Fraud Investigation Unit within the State Department of Human Services, and each investigator within the unit to be law enforcement officers, part-time law enforcement officers, or law enforcement trainees as defined in Section 45-6-3(c) through (e), Mississippi Code of 1972.

The bill also prescribes additional duties for the unit which include, but not be limited to, reporting any suspected criminal violations discovered in the course of an investigation by the Fraud Investigation Unit involving statutes not within

the programmatic purview of the Department of Human Services such as human trafficking, domestic violence, child abuse or other crimes against persons to the Director of the Mississippi Bureau of Investigation. Additionally, investigators of the Fraud Investigation Unit shall cooperate in any investigation arising from a report to the Mississippi Bureau of Investigation and in any task force which currently exists or which may be created in the future by the Mississippi Bureau of Investigation.

HB 119. Effective 7/1/21. Signed 4/9/21.

This bill extends the date of repeal for Harper Grace's Law to July 1, 2024. Harper Grace's Law authorizes the use and distribution of CBD solution to be dispensed by the Department of Pharmacy Services at the University of Mississippi Medical Center under certain conditions.

HB 196. Effective 7/1/21. Signed 4/14/21.

This bill creates the "Dignity for Incarcerated Women Act" which prohibits the use of restraints on pregnant and postpartum inmates, requires sufficient food and dietary supplements for pregnant inmates and prescribes the elevation of the bed in which the pregnant inmate sleeps. The Department of Corrections and/or a correctional facility employee is prohibited from using restraints on a pregnant inmate after being notified of the pregnancy, when the inmate is diagnosed pregnant or while the inmate is in labor. This prohibition lasts for the duration of the pregnancy, and for 30 days following the inmate's delivery. Restraints are only allowed if the correctional facility employee has a reasonable belief that the inmate will harm herself, the fetus, or any other person, or pose a substantial flight risk; and documents such reasons in a written report to

the warden within 72 hours of the use of restraints. The prohibited restraints are listed in the bill.

The bill also limits invasive body cavity searches to a certified healthcare professional, unless the inmate is believed to be carrying contraband. If the correctional facility employee performs a body cavity search due to suspicion of contraband, the employee shall submit a written report to the warden of the facility within 72 hours following the invasive search.

Following the delivery of a newborn, by an inmate, the bill requires the Department of Corrections to allow the newborn to remain with the mother for 72 hours unless the medical provider has a reasonable belief that remaining with the mother poses a health or safety risk to the newborn. During that time, the Department of Corrections shall make available the necessary nutritional and hygiene products, including diapers, to care for the newborn. The Department of Corrections is required, to the extent possible, to place inmates who are parents of minor children within 250 miles of their permanent address of record.

HB 286. Effective 7/1/21. Signed 3/17/21.

This bill authorizes cemetery owners to disinter dead human remains for reinterment or for transportation from the cemetery pursuant to written instructions of the next of kin, or pursuant to a final order of the chancery court in the county in which the cemetery is located, or in order to correct an error made in the original interment of the remains upon notice. The bill defines "next of kin."

The bill also provides immunity from liability for owners of cemeteries and funeral establishments and their employees, officers and directors for claims arising from the disinterment

and reinterment or delivery of dead human remains made in accordance with this act.

HB 356. Effective 7/1/21. Signed 4/16/21.

This bill expands immunity for good faith reports of child abuse to those participating in an investigation, evaluation or judicial proceeding resulting from a child abuse report. It also provides immunity to a child advocacy center or a member of the multidisciplinary team while acting within the scope of official team duties if the center or member, in good faith, refers a report of alleged child abuse for investigation, conducts an investigation, makes an investigative judgment or disposition, or releases or uses information for the purpose of protecting a child. The limitation of civil liability does not apply if a child advocacy center or multidisciplinary team member is not acting in good faith. The limitation of liability provided by the bill only applies when the child advocacy center or the member is acting on behalf of or within the scope of duties for the multidisciplinary team as described in this section.

HB 551. Effective 7/1/21. Signed 3/24/21.

This bill creates the "Empowering Reentry Through Licensing Act" which authorizes the Department of Public Safety to provide a 6-month provisional driver's license issued to eligible persons who have been released from incarceration. It also prohibits eligibility for the license if the person was convicted of vehicular homicide, or a third or subsequent violation of any other law that prohibits operating a vehicle while intoxicated or under the influence of alcohol or drugs; or the person's driver's license has been suspended, revoked or

cancelled pursuant to a report of conviction received pursuant to Article III of the Driver License Compact.

The bill also requires the Mississippi Department of Corrections to identify eligible inmates to apply for a provisional driver's license.

HB 974. Effective 7/1/21. Signed 3/25/21.

This bill revises the qualifications of the Commissioner of the Department of Public Safety by requiring at a minimum, a bachelor's degree from an accredited college or university.

The bill also:

- Expands the Commissioner's powers;
- Requires the establishment of the Mississippi Office of Homeland Security;
- Transfers the Office of Capitol Police from the Department of Finance and Administration to the Department of Public Safety;
- Authorizes the Commissioner to administer oaths;
- Revises the definition of the term "Law Enforcement Officer" to include the Commissioner of Public Safety and other Department of Public Safety employees;
- Revises the definition of the term "part-time Law Enforcement Officer" to include any part-time employee of the Department of Public Safety designated by the Commissioner;
- Provides that the investigative services provided on a contractual basis to the Mississippi Bureau of Investigation shall be designed to support law enforcement efforts of state agencies;
- Revises the approval requirements of contractual arrangements with the Mississippi Bureau of Investigation and

provides jurisdiction to investigate all incidents of officer-involved shootings in the state;

- Provides that the investigative services provided on a contractual basis to the Bureau of Narcotics shall be designed to support law enforcement efforts of state agencies;

- Revises the approval requirements of contractual arrangements with the Mississippi Bureau of Narcotics;

- Exempts from public procurement review board approval contracts entered into by the Department of Public Safety for service on specialized equipment and software used by the office of forensics laboratories and contracts for anatomical pathology services;

- Removes the requirement of certain persons to approve the appointment or discharge of the State Medical Examiner;

- Authorizes the State Medical Examiner to use medical examiner investigators;

- Deletes the automatic repealer on the provision of law that authorizes fees for medical examiners;

- Removes the requirement that the Deputy State Medical Examiners be licensed in Mississippi to practice medicine;

- Revises the qualifications of certain positions within the Department of Public Safety;

- Provides that prior sworn law enforcement officers may have a period of training that is less than 80 days;

- Enacts the "Mississippi Unmanned Aircraft Systems Protection Act of 2021";

- Prosecutes unauthorized flying operations of unmanned aircraft systems over correctional facilities and critical infrastructure sites and provides penalties for violations of this act; and

- Repeals Section 29-5-77, which provides jurisdiction to the Department of Finance and Administration to enforce the laws of Mississippi within the capitol complex.

HB 1323. Effective 7/1/21. Signed 3/24/21.

This bill expands the authority of any public body to enter into executive session by adding to the list of reasons for entering executive session. It authorizes a public body to enter into executive session for investigative discussions, investigative strategies, probative strategies related to identifiable instances of human trafficking or commercial sexual exploitation, and discussions involving locations of shelters or safe-houses for victims of human trafficking or commercial sexual exploitation. It also authorizes executive sessions for transaction of business of committees, subcommittees or boards that would require discussion of any identifiable information of victims of human trafficking or children under 18 years old who are victims of commercial sexual exploitation.

SB 2121. Effective 7/1/21. Signed 4/16/21.

This bill creates a new section of law to criminalize the disclosure of intimate visual material if the person depicted has not consented. A person commits the offense by:

- Disclosing visual material of another person's intimate parts exposed or engaged in sexual conduct, without the effective consent of the person depicted and with intent to harm the depicted person;

- Knowing or having reason to believe that the material disclosed was obtained or created with the reasonable expectation of privacy;

- Causing harm; and

- Revealing the identity of the person depicted.

It is also an offense under the act to threaten disclosure of intimate material in order to obtain a benefit. Further, a person violates the act if, knowing the character and content of the visual material, the person promotes the visual material on an internet website or forum for publication that is owned or operated by the person.

It is not a defense to prosecution that the depicted person created or consented to the creation of the visual material or sent the visual material to the offender.

The bill, though, does provide several affirmative defenses. It is an affirmative defense if the disclosure of visual material is made in a public or commercial setting with the voluntary exposure of the depicted person. Further, it is an affirmative defense to prosecution if the disclosure is made in the course of:

- Lawful and common practices of law enforcement or medical treatment;
- Reporting unlawful activity; or
- A legal proceeding if the disclosure is permitted or required by law.

Also, the bill exempts Internet service providers from liability where the content is provided by another person or entity. Further, it includes a long-arm provision which provides that criminal liability attaches to acts from within the state and actions outside of the state that involve persons inside the state.

Last, the bill criminalizes violations of the act. A first offense is a misdemeanor punishable by imprisonment not exceeding six months or a fine not to exceed \$1,000, or both. A second or subsequent offense is a felony punishable by imprisonment not exceeding one year or a fine not to exceed

\$2,000, or both. If the offense is committed for financial profit it is a felony punishable by imprisonment not exceeding one year or a fine not to exceed \$2,000, or both.

SB 2282. Effective 7/1/21. Law without Governor's signature 3/18/21.

This bill amends Section 43-21-605 to raise the age that a child can be committed to the state training school from 10 years old to 12 years old.

SB 2434. Effective 7/1/21. Signed 4/9/21.

This bill amended Section 2 of House Bill No. 974, 2021 Regular Session, to authorize the Department of Public Safety to enter into a contract with any county for the county to take custody of misdemeanor offenders arrested by the Office of Capitol Police. See summary under Judiciary, Division B, for House Bill No. 974, which transferred the Office of Capitol Police from the Department of Finance and Administration to the Department of Public Safety.

SB 2552. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 99-15-107 to provide that a person charged with a crime of fraud or embezzlement committed in a public office pursuant to Section 97-7-11 or 97-11-31 is ineligible for the pretrial intervention program. A person is ineligible for the program if the charged offense amounted to or exceeded \$10,000.

SB 2569. Effective 7/1/21. Signed 4/9/21.

This bill creates a new section of law to criminalize the selling, transferring, marketing, manufacturing or giving away of human or synthetic urine with the intent to defraud or cause

deceitful results in a drug or alcohol screening test. It is unlawful for a person to:

- Sell, give away, distribute, manufacture or market human or synthetic urine in this state or transport it into this state to defraud or cause deceitful results in a drug or alcohol screening test;

- Attempt to defeat or interfere with the results of a drug or alcohol screening test by substituting synthetic urine or substituting or spiking a human urine sample or by advertising urine sample substitution or human urine spiking devices or measures;

- Possess adulterants with intent to use such a substance to adulterate a human urine sample or other human bodily fluid sample with intent to defraud or cause deceitful results in a drug or alcohol screening test; or

- Sell or market an adulterant to adulterate a human urine sample or other human bodily fluid sample for the purpose of defrauding or causing deceitful results in a drug or alcohol screening test.

Also, the bill creates a rebuttable presumption of intent if a heating element or instructions to thwart a urine test accompanies the sale of the urine.

Last, the bill describes the penalties for violations of the act. A first offense is a misdemeanor subject to a fine of \$1,000, imprisonment in the county jail not to exceed six months, or both. A second offense is a misdemeanor subject to a fine not to exceed \$2,000, imprisonment in the county jail not to exceed one year, or both. Finally, a third or subsequent offense is a felony subject to a fine not to exceed \$5,000, imprisonment not to exceed three years, or both.

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MARINE RESOURCES

HB 594. Effective 7/1/21. Signed 4/16/21.

This bill amends Section 49-27-5 to amend the Coastal Wetlands Protection Act to define "ordinary high water mark" to mean a mark on the shore determined by the department staff, established by fluctuations in water level and indicated by physical and biological characteristics including, but not limited to, water stains, changes in the character of the soil, scour lines, presence of debris lines, changes in plant communities and other appropriate means that consider the characteristics of the surrounding area. Additionally, the determination of the ordinary high water mark shall not be made by the department staff during high tide where the above referenced characteristics are not observable. The ordinary high water mark is not the same as mean high water and shall not be used for determination of the boundary between private property and public trust tidelands or for any purpose other than regulated activity as defined in this section.

The changes to this section also revise the definition of "coastal wetlands" to mean all publicly owned lands subject to the ebb and flow of the tide, which are below the ordinary high water mark, all publicly owned accretions above the ordinary high water mark and all publicly owned submerged water bottoms below the ordinary high water mark and includes the flora and fauna on the wetlands and in the wetlands.

HB 1211. Effective 7/1/21. Signed 3/25/21.

This bill amends Section 49-15-401 to provide that the Department of Marine Resources shall enforce the rules and regulations, administrative code and other statutes within the jurisdiction of the Department of Marine Resources.

The bill also amends Section 49-15-403 to revise the administrative hearing process for violations within the jurisdiction of the Department of Marine Resources. Additionally, before the changes in the bill, the executive director would make recommendations to the Commission on Marine Resources regarding complaints and the imposition of fines, but during the 2020 Regular Session, the Commission on Marine Resources was reconstituted as the Mississippi Advisory Committee on Marine Resources. The bill clarifies the executive director's authority, who now has the ability to review and/or dismiss a complaint, impose a fine and make the final decision regarding the penalty, if any, to be issued, without the approval of the Commission on Marine Resources. Additionally, the bill provides that the alleged violator shall be afforded the opportunity to present evidence and written or oral commands at the executive director's conference and may be represented by counsel at his or her own expense.

The bill also amends Section 49-15-405 to provide that, if the alleged violator requests a formal hearing, the executive director shall designate a representative of the Attorney General's office, the hearing officer, to preside over the hearing and make a recommendation of his or her findings of fact and whether a violation occurred. The recommendation of the hearing officer shall be forwarded to the executive director who shall make a final decision regarding whether a violation has occurred and the appropriate penalty, if any.

Section 49-15-407 is amended in the bill to provide that an alleged violator's failure to present evidence shall constitute a waiver of the right to a hearing, and any penalties assessed by the executive director, instead of the Mississippi Advisory Commission on Marine Resources, shall be due and payable as provided in Section 49-15-415.

The bill amends Section 49-15-409 to provide that the Department of Marine Resources, instead of the Mississippi Advisory Commission on Marine Resources, shall have jurisdiction over all persons and property necessary to administer and enforce the administrative hearing procedures for the department.

The bill also amends Section 49-15-411 to provide that any individual aggrieved by a final decision of the executive director of the Department of Marine Resources, instead of the Mississippi Advisory Commission on Marine Resources, shall be entitled to judicial review.

Sections 49-15-413, 49-15-415, 49-15-323 and 49-15-63 are amended to conform.

MEDICAID

SB 2799. Effective 7/1/21. Law without Governor's signature 4/20/21.

(1) This bill makes various amendments to the section of law that provides for reimbursement for care and services under the Medicaid program, as follows:

- Revises the provision for reimbursement for fees for physician services that are covered only by Medicaid.
- Authorizes certified registered nurse practitioners, physician assistants and clinical nurse specialists to prescribe or order home health services and plans of care, sign home health plans of care, certify and recertify eligibility for home health services and conduct the required initial face-to-face visit with the recipient of the services.
- Requires the Division of Medicaid to increase the amount of the reimbursement rate for diagnostic and preventative dental services for each of the fiscal years 2022, 2023 and 2024 by 5% above the amount of the reimbursement rate for the previous fiscal year, as an incentive to increase the number of dentists who actively provide Medicaid services.
- Revises the provision for reimbursement for clinic services and specifically includes services provided by ambulatory surgical centers and dialysis center services.
- Deletes the provision directing the Division of Medicaid to increase payments for adult day care facilities based on acuity of individual patients.
- Authorizes the Division of Medicaid to establish a Medicare Upper Payment Limits (UPL) program for emergency ambulance transportation providers and to assess those providers for the purpose of financing the state portion of the program,

and provides that the division will make additional reimbursement to those providers.

- Requires the Division of Medicaid, in consultation with the hospital industry, to develop alternative models for distribution of medical claims and supplemental payments for hospital services.

- Requires the Division of Medicaid to recognize federally qualified health centers (FQHCs), rural health clinics (RHCs) and community mental health centers (CMHCs) as both an originating and distant site provider for the purposes of telehealth reimbursement. In addition, the division is required to reimburse FQHCs, RHCs and CMHCs for both distant site and originating site services when those services are appropriately provided by the same organization.

- Authorizes the Division of Medicaid to reimburse for services provided by licensed freestanding psychiatric hospitals to Medicaid recipients over the age of 21.

- Revises the provisions for reimbursement for pediatric skilled nursing services and nonemergency transportation services.

- Authorizes, instead of requiring, the Division of Medicaid to establish copayments and coinsurance for any Medicaid service.

- Authorizes the Division of Medicaid to use enhanced reimbursements, Upper Payment Limits (UPL) programs and supplemental payments to pay enhanced reimbursement fees for trauma care services.

- Requires the Division of Medicaid and the State Department of Health to coordinate and notify OB-GYN providers that the Vaccines for Children program is available to providers free of charge.

- Deletes the provision that requires the Division of Medicaid to reduce the rate of reimbursement to certain providers for services by 5% of the allowed amount for that service.

- Prohibits the Division of Medicaid from increasing, decreasing or otherwise changing from the levels in effect on July 1, 2021, the limitations on the quantity or frequency of use of, or the fees or charges for, any of the care or services available to recipients under this section, or the payments or rates of reimbursement to providers rendering care or services authorized under this section to recipients, without an amendment to the section by the Legislature.

- Requires that any reduction to services or reimbursement rates made to reduce costs to the Medicaid program be accompanied by a reduction, to the fullest allowable amount, to the profit margin and administrative fee portions of capitated payments to managed care organizations.

- Deletes certain enrollment limitations and provisions relating to managed care programs implemented by the Division of Medicaid.

- Prohibits managed care organizations (MCOs) from implementing a prior authorization and utilization review program for medical services, transportation services and prescription drugs that is more stringent than the prior authorization processes used by the Division of Medicaid in its administration of the Medicaid program.

- Requires MCOs to use a clear set of level of care guidelines in the determination of medical necessity and in all utilization management practices that are consistent with widely accepted professional standards of care, and prohibits MCOs from using any additional criteria that would result in denial of

care that would be determined appropriate and, therefore, medically necessary under those levels of care guidelines.

- Provides that the recipients eligible for enrollment in a Medicaid managed care program may include only those categories of recipients eligible for participation in the Medicaid managed care program as of January 1, 2021, the Children's Health Insurance Program (CHIP), and the CMS-approved Section 1115 demonstration waivers in operation as of January 1, 2021.

- Deletes the provision that established the Commission on Expanding Medicaid Managed Care.

- Requires MCOs to disclose to the Chairmen of the Senate and House Medicaid Committees the administrative expenses for the prior year, and the number of employees located in Mississippi who are dedicated to the Medicaid and CHIP lines of business as of June 30 of each year.

- Authorizes annual program reviews or audits of the Division of Medicaid and MCOs by the State Auditor, the PEER Committee, the Department of Insurance and/or independent third parties.

- Requires the MCOs to develop and implement a uniform credentialing process for providers not later than December 1, 2021.

- ▶ Under that uniform credentialing process, a provider who meets the criteria for credentialing will be credentialed with all of those MCOs and no such provider will have to be separately credentialed by any individual MCO in order to receive reimbursement from the MCO.

- Provides that if the MCOs have not implemented a uniform credentialing process by December 1, 2021, the Division of Medicaid must develop and implement, not later than July 1,

2022, a single, consolidated credentialing process by which all providers will be credentialed.

▶ Under the division's single, consolidated credentialing process, no MCO may require its providers to be separately credentialed by the MCO in order to receive reimbursement from the MCO, but those MCOs must recognize the credentialing of the providers by the division's credentialing process.

- Provides that the Division of Medicaid will provide for a uniform provider credentialing application that must be used in the credentialing process that is established by the MCOs or the division.

- If the MCO or the Division of Medicaid, as applicable, has not approved or denied the provider credentialing application within 60 days of receipt of the completed application that includes all required information necessary for credentialing, then the MCO or division, upon receipt of a written request from the applicant and within five business days of its receipt, must issue a temporary provider credential/enrollment to the applicant if the applicant has a valid Mississippi professional or occupational license to provide the health care services to which the credential/enrollment would apply.

▶ The temporary credential/enrollment will be effective upon issuance and will remain in effect until the provider's credentialing/enrollment application is approved or denied by the MCO or the division.

▶ The MCO or the division must render a final decision regarding credentialing/enrollment of the provider within 60 days from the date that the temporary provider credential/enrollment is issued to the applicant.

▶ If the MCO or the division does not render a final decision regarding credentialing/enrollment of the provider within 60 days, the provider will be deemed to be credentialed by and enrolled with all of the MCOs and eligible to receive reimbursement from the MCOs.

- Requires each MCO to provide to each provider for whom the MCO has denied coverage of a procedure that was ordered or requested by the provider for or on behalf of a patient, a letter in electronic format that provides a detailed explanation of the reasons for the denial of coverage of the procedure and the name and the credentials of the person who denied the coverage.

- Provides that after an MCO has denied coverage for a claim submitted by a provider, the MCO must issue to the provider within 60 days a final ruling of denial of the claim that allows the provider to have a state fair hearing and/or agency appeal with the Division of Medicaid.

▶ If an MCO does not issue a final ruling of denial within 60 days as required, the provider's claim will be deemed to be automatically approved and the MCO must pay the amount of the claim to the provider.

- Provides that after an MCO has issued a final ruling of denial of a claim submitted by a provider, the Division of Medicaid is required to conduct a state fair hearing and/or agency appeal on the matter of the disputed claim between the MCO and the provider within 60 days, and is required to render a decision on the matter within 30 days after the date of the hearing and/or appeal.

- States the intention of the Legislature that the Division of Medicaid evaluate the feasibility of using a single vendor to administer pharmacy benefits and dental benefits provided under

a managed care program established by the division; that MCOs implement innovative programs to improve the health and well-being of members diagnosed with prediabetes and diabetes; and that MCOs work with providers of Medicaid services to improve the utilization of long-acting reversible contraceptives (LARCs).

- Authorizes the Division of Medicaid to make not more than one emergency extension of the contracts with MCOs that are in effect on the effective date of this act, with the maximum period of any such extension being one year.

- Extends the date of the repealer on the section of law that provides for reimbursement for care and services under the Medicaid program to July 1, 2024.

(2) In addition, the bill makes several amendments to the section of law providing for assessments on certain health care providers for funding the Medicaid program, as follows:

- Provides that nursing facilities operated by the University of Mississippi Medical Center are not exempt from the assessment.

- Deletes or revises certain technical provisions relating to the assessment and collection of the hospital assessment, and deletes the July 1, 2024, repealer on the hospital assessment provisions.

- Clarifies the procedure for the assessment and collection of the hospital assessment for the nonfederal share necessary for the Medicare Upper Payment Limits (UPL) program and the Disproportionate Share Hospital (DSH) program.

(3) Finally, the bill deletes the restriction on post-acute residential brain injury rehabilitation facilities' participation in the Medicaid program.

MILITARY AFFAIRS

HB 189. Effective 7/1/21. Signed 3/17/21.

This bill authorizes the Mississippi State Veterans Affairs Board to move the Mississippi Persian Gulf War Memorial to another appropriate location and make necessary expenditures therefor from the Mississippi Persian Gulf War Memorial Fund.

HB 761. Effective on passage. Signed 4/16/21.

This bill revises the powers and duties of the State Veterans Affairs Board related to operating the State Veterans Homes. The bill authorizes the board to:

- To expend, upon appropriation by the Legislature, any revenue generated by the State Veterans Homes in support of the State Veterans Homes;
- To enter into loan or scholarship agreements with employees or students to provide educational assistance where such student or employee agrees to work for a stipulated period of time for the board. Under such an agreement, an employee will agree to commit to up to three years but no less than one year, to be determined by the employment position and the amount of student debt; provided, however, no State General Fund monies will be used for such purposes and the majority of funds for such purposes will be provided through programs established by the Mississippi Department of Health, the United States Department of Health and Human Services, and the United States Department of Veterans Affairs; and
- To sell or otherwise dispose of any chattel property of the State Veterans Affairs Board used in operation of the State Veterans Homes where such disposition is consistent with the homes' purposes or where the property is deemed by the board or its designee to be surplus or otherwise unneeded. The State

Veterans Affairs Board will develop and submit an annual report to the Legislature on any such sale or disposition and will ensure that the proceeds will be used to defray the operation of the State Veterans Homes.

SB 2165. Effective 7/1/21. Signed 3/17/21.

This bill revises certain qualifications and requirements for county veteran service officers as follows:

- County veteran service officers must be honorably discharged or honorably released veterans in which the Armed Forces of the United States have been, are or shall be committed for action.

- Requires that county veteran service officers attend one of the annual training programs provided for such officers by the Mississippi State Veterans' Affairs Board.

- Deletes the requirement that the training programs developed by the Mississippi State Veterans' Affairs Board include a period of instruction which shall be not more than three days for veteran service officers receiving initial certification, and not more than two days for veteran service officers being recertified.

- Provides that county veteran service officers must have certification and be accredited according to 38 CFR Section 14.629 administered by the Mississippi State Veterans Affairs Board.

- Provides that county veteran service officers must follow the rules and regulations set out by the Mississippi State Veterans Affairs Board.

- Requires counties to provide office space and communications connectivity for county veteran service officers.

SB 2293. Effective 7/1/21. Signed 3/17/21.

This bill provides that any claim or action under the provisions of the consumer protection laws filed on behalf of a veteran for a fee must include certain acknowledgments that the Mississippi State Veterans Affairs Board offers the same or similar service free of charge.

SB 2294. Effective 7/1/21. Signed 4/5/21.

This bill revises the documentation that a veteran may present when requesting the "Vet" designation on a driver's license, to include the veteran's DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22. The bill authorizes a veteran to present the documentation in person at the Department of Public Safety Driver's License Station.

The bill also provides that a person commits fraud if he willfully and knowingly, with intent to deceive, falsely uses a form DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22, for the purpose of fraudulently obtaining a veterans driver's license or any other state or federal government benefit available only to honorably discharged veterans.

MUNICIPALITIES

HB 359. Effective on passage. Law without Governor's signature 4/18/21.

This bill creates a new code section that authorizes a municipality with a population of 150,000 or more to institute a program to address certain disputed or delinquent water and sewer customer accounts. In order for the program to be instituted, the municipality must adopt rules and procedures for the program and by July 1, 2021, such rules and procedures must be approved by the mayor, the municipal public works director, and the executive director of the Mississippi Public Utilities Staff in order for the program to take effect.

The rules and procedures must, at a minimum, include an itemized summary of the amount and number of customer accounts that are disputed or delinquent. For such accounts, the municipality's authority to compromise doubtful claims may only occur in the following instances:

- Instances of error on the part of the municipality such as equipment failure, process failure or billing failure;
- Instances of error on the part of the municipality due to unforeseen circumstances such as damage, extreme weather-related events, declared disasters or emergencies or mandatory evacuations, but only to the extent that a customer did not receive the benefit of the water or sewer services; and
- Instances where a customer does not have the ability to pay or the amount of the customer's overdue balance is adjudged uncollectible. In these instances, the municipality may use an installment payment agreement to allow the customer more time to pay a prescribed portion of the outstanding balance. When a municipality utilizes the installment plan, it may use accounting procedures to move the remaining balance as an

uncollectible debt to a special municipal accounting category of uncollectible or inactive accounts as prescribed in the rules of the program if the customer fulfills all terms of the installment plan. In no event shall the accounting adjustments result in forgiveness of uncollectible debt.

The bill further provides that if any utility participates in the program, then by January 1, 2022, the utility must provide a report concerning the program to the Governor, Lieutenant Governor, Speaker of the House of Representatives and the Mississippi Public Utilities Staff. The report must include detailed information such as revenue collection, the number of overdue accounts, number of accounts deemed uncollectible as well as other pertinent information.

Finally, the bill authorizes the Executive Director of the Mississippi Public Utilities Staff to enter into professional services contracts to ensure the program is a success. The contracts shall be reimbursed by the municipally-owned utility in an amount not to exceed \$200,000 over the duration of the program.

SB 2189. See summary under County Affairs.

SB 2261. Effective 7/1/21. Signed 4/16/21.

This bill amends Sections 19-5-105 and 21-19-11 to authorize municipalities and counties to assess penalties against negligent owners of perpetual care cemeteries that are deemed to be a "menace to the public health, safety and welfare of the community." The bill defines a perpetual care cemetery that is not being properly maintained, and it allows for the release of accrued interest or principal for reimbursement to a county or municipality of cleanup costs.

The process by which a municipality or a county may assess penalties upon negligent owners of perpetual care cemeteries is as follows:

- The property owner is provided with notice and an opportunity to be heard, after which the municipality or county may adjudicate the property to be properly maintained;
- If the owner fails to do so, then the municipality or county may clean up the property;
- Any municipality or county performing maintenance on such property may apply with the Secretary of State for reimbursement of cleanup costs;
- If the Secretary of State is satisfied that the notice and hearing requirements have been met and that the application for reimbursement does not impair the ability of the perpetual care cemetery trust to care and maintain the cemetery, then the Secretary of State may order the trustee to release accrued interest to reimburse the municipality or county;
- If the accrued interest is insufficient to reimburse the county for cleanup costs, then the Secretary of State may order the trustee to release principal from the perpetual care cemetery trust;
- Only up to 15% of principal of the trust fund may be released to reimburse the municipality or county for the actual costs of cleanup performed by the governing authority;
- Use of this provision is limited to once every four years.

This bill also amends Section 41-43-57 to authorize any municipality or county to make application to the Secretary of State for an order directing the trustee to release either trust interest or trust principal for reimbursement to the municipality or county for actual costs of cleanup.

SB 2605. Effective on passage. Signed 3/17/21.

This bill creates new code sections that authorize the governing authorities of any municipality to allow the operation of golf carts and low-speed vehicles on certain public roads and streets within the municipality. The bill also does the following:

- Defines "golf cart" and "low-speed vehicle";
- Prohibits the operation of golf carts and low-speed vehicles on state highways or federal highways that are not interstate highways under most circumstances;
- Requires individuals operating such a vehicle to have a valid driver's license or temporary driver's permit and proof of financial responsibility;
- Requires certain municipal registration of golf carts and low-speed vehicles for a reasonable fee;
- Provides that the registration fee be retained by the municipal clerk and deposited into the municipal general fund;
- Requires that the owner display a decal provided by the county or municipal tax collector on the left rear fender of the vehicle; and
- Requires the municipality to provide the registrant with a map of the areas where golf carts or low-speed vehicles may be operated at the time of registration.

WARNING: Summary document not found for Performance Based Budgeting

PORTS, HARBORS AND AIRPORTS

SB 2392. Effective 7/1/21. Signed 3/24/21.

This bill amends Section 59-11-3 to provide that members of the county port and harbor commission shall hold their appointments until their successor has been appointed and installed as a commissioner after taking the oath of office.

PUBLIC HEALTH AND HUMAN SERVICES

HB 72. Effective 7/1/21. Signed 3/17/21.

This bill includes dentists in the statute that provides immunity from liability for certain health care providers who provide charitable health services or provide health services without charge while assisting with emergency management or operations in an emergency.

HB 73. Effective 7/1/21. Signed 3/10/21.

This bill reenacts the sections of law that create the State Board of Chiropractic Examiners and prescribe its powers and duties, and extends the date of the repealer on those sections to July 1, 2026.

HB 95. Effective on passage. Law without Governor's signature 4/17/21.

This bill increases maximum amount of the fee that the State Board of Nursing Home Administrators may charge for initial licenses and biennial renewal of licenses from \$500 to \$550; authorizes the board to conduct criminal history record checks on applicants for licensure; and exempts from continuing education requirements for license renewal members of the Legislature who serve on the Public Health and/or Medicaid Committee. In addition, the bill deletes the repealer on the licensure requirements for nursing home administrators.

HB 160. Effective on passage. Signed 3/25/21.

This bill reenacts the sections of law that create the State Board of Health, establish the position of Executive Officer of the State Department of Health, and establish and prescribe the powers and duties of the department, and extends the date of the repealer on those sections to July 1, 2024.

In addition, the bill amends the health care certificate of need law to delete the moratorium on the authority of the State Department of Health to issue certificates of need for the construction, addition or conversion of child/adolescent psychiatric or child/adolescent chemical dependency beds in hospitals participating in the Medicaid program, and to delete certain restrictions on Medicaid reimbursement for such beds. In issuing any new certificate of need for those beds, the department must give preference to beds that will be located in an area of the state that does not have such beds located in it, and to a location more than 65 miles from existing beds.

Finally, the bill provides that, on or before December 1, 2021, each existing health care facility with child/adolescent psychiatric or child/adolescent chemical dependency beds must file with the State Department of Health, the State Department of Mental Health and the Coordinator of Mental Health Accessibility a description of their plan to help their patients remain in noninstitutional settings when practical.

HB 200. Effective 7/1/21. Signed 3/10/21.

This bill deletes the requirement that qualifying patients for remote patient monitoring services (which is the delivery of home health services using telecommunications technology to enhance the delivery of home health care) must have had two or more hospitalizations in the last twelve months, and deletes the requirement that a prior authorization request form must be submitted to request telemonitoring services.

In addition, the bill provides that a remote patient monitoring prior authorization request form may be required for approval of telemonitoring services, and if so required, must include certain specified information.

HB 208. Effective 7/1/21. Signed 3/10/21.

This bill reenacts the sections of law that provide for the licensure of psychologists, and extends the date of the repealer on those sections to July 1, 2025. In addition, the bill removes the one-year supervised post-doctoral experience requirement for licensure as a psychologist.

HB 294. Effective on passage. Signed 3/22/21.

This bill deletes the repealer on the section of law that authorizes medical directors of hospices to prescribe controlled substances for patients of the hospice for terminal disease pain without having an in-person face-to-face visit with a patient before issuing a prescription.

In addition, the bill authorizes the State Department of Health to issue up to two new pediatric palliative care hospice licenses before July 1, 2021, with at least one of the new hospice licenses being issued to an applicant that is located within the Second United States Congressional District.

Finally, the bill extends the date of the repealer on the moratorium on the issuance of new hospice licenses to July 1, 2027.

HB 1302. Effective 7/1/21. Signed 3/17/21.

This bill revises the practice of optometry as follows:

(1) Provides that an optometrist who has sufficient education and professional competence, as defined by the State Board of Optometry, is authorized to examine, diagnose, manage and treat conditions and diseases of the eye and eyelid, including the following:

- The administration and prescribing of pharmaceutical agents rational to the diagnosis and treatment of conditions or diseases of the eye or eyelid, but excluding administration

that requires intraocular injection or intraocular implantation;

- The performance of primary eye care procedures not otherwise excluded from the practice of optometry that are rational to the treatment of conditions or diseases of the eye or eyelid;

- The performance and ordering of procedures and laboratory tests rational to the diagnosis of conditions or diseases of the eye and eyelid, but excluding those requiring biopsy of any part of the globe or intraocular aspiration or penetration;

- The use of local anesthesia in conjunction with the primary care treatment of an eyelid lesion if the optometrist has met the certification requirements of the Board of Optometry for the administration of pharmaceutical agents in the performance of primary eye care procedures; and

- The use of local anesthesia by injection in performing the following procedures:

- ▶ Needle drainage of an eyelid abscess, hematoma, bulla and seroma;

- ▶ Excision of a single epidermal lesion without characteristics of malignancy, no larger than five millimeters in size and no deeper than the dermal layer of the skin;

- ▶ Incision and curettage of a nonrecurrent chalazion;

- ▶ Simple repair of an eyelid laceration no larger than two and one-half centimeters and no deeper than the orbicularis muscle and not involving the eyelid margin or lacrimal drainage structures; or

► Removal of foreign bodies in the eyelid not involving lid margin, lacrimal drainage structures, and extending no deeper than the orbicularis muscle.

(2) Prohibits optometrists from performing reconstructive surgical procedure on the eyelid or performing cataract surgery or any other intraocular surgical procedure that is not specifically allowed by the statute that defines the practice of optometry.

(3) Provides that optometrists practicing under the authority of the statute that defines the practice of optometry will be held to the same standard of care as that of other physicians providing similar services.

(4) Deletes the specific pharmaceutical agents that therapeutically certified optometrists may use in their practice and instead provides that they may use pharmaceutical medications that are rational and appropriate for the examination, diagnosis, management or treatment of visual defects, abnormal conditions or diseases of the eye and/or eyelids as authorized by the statute that defines the practice of optometry, excluding any medication that must be injected or implanted into the eye or orbit, dermal fillers and substances injected for cosmetic purposes, and any drug or substance listed in Schedule I of the Uniform Controlled Substances Law.

(5) Authorizes the State Health Officer, in a public health emergency, to authorize therapeutically certified optometrists to administer inoculations for systemic health reasons.

(6) Deletes the prohibition on the performing of invasive surgery including laser surgery, and authorizes optometrists to perform YAG laser posterior capsulotomy procedures if they have

been certified by the Board of Optometry to perform optometric laser procedures.

(7) Prescribes the requirements for optometrists licensed in Mississippi to be credentialed to perform authorized ophthalmic YAG laser posterior capsulotomy procedures, which include the following:

- Satisfactory completion of a course of instruction as approved by the Board of Optometry;
- Satisfactory completion of a written test approved by the board on aspects pertaining to authorized ophthalmic YAG laser posterior capsulotomy procedures;
- Passing a clinical skills assessment approved by the board; and
- Participating in eight additional hours of working under a preceptor who is either an ophthalmologist or licensed credentialed optometrist. The preceptor must be licensed to perform the ophthalmic YAG laser posterior capsulotomy procedures, and the training must occur within the state in which the preceptor is licensed to perform those procedures.

(8) Prescribes the requirements for optometrists licensed in another state who apply for licensure by endorsement in Mississippi to be credentialed to perform authorized ophthalmic YAG laser posterior capsulotomy procedures, which include the following:

- Holding an active license in good standing by another state; and
- Being credentialed by that state to perform ophthalmic YAG laser posterior capsulotomy procedures; and

- The requirements in the state of licensure for performing ophthalmic YAG laser posterior capsulotomy procedures meet or exceed the requirements in this bill; or
- The applicant has satisfactory outcome data from prior ophthalmic YAG laser posterior capsulotomy procedures.

(9) Requires optometrists to report to the Board of Optometry the outcome of every authorized ophthalmic surgery procedure performed in such form as required by the board.

SB 2021. Effective on passage. Signed 2/8/21.

This bill revises several provisions relating to the Coordinator of Mental Health Accessibility as follows:

- Provides that the coordinator will be housed at the Department of Finance and Administration instead of the Department of Mental Health.
- Provides that all expenses of the coordinator will be paid out of funds appropriated to Department of Finance and Administration.
- Authorizes the coordinator to hire staff subject to the approval of the executive director of the department instead of the State Board of Mental Health.
- Exempts personal service contracts entered into by the coordinator and approved by the department through June 30, 2022, from the rules and regulations of the Personal Service Contract Review Board.

SB 2419. Effective 7/1/21. Signed 3/24/21.

This bill extends to July 1, 2025, the date of repeal on the provision of law that provides for the fees paid by the county to a medical examiner or deputy for the filing of certain investigation reports.

SB 2420. Effective 7/1/21. Signed 3/25/21.

This bill authorizes the Board of Examiners for Social Workers and Marriage and Family Therapists to issue a temporary license by examination of credentials to applicants who have been licensed or certified for at least one year as a social worker or marriage and family therapist in another state, have passed the applicable national examination, and paid the licensure fee.

The practice setting for the temporary licensee is limited to a nonprofit health or family counseling facility, and the applicant may practice under the temporary license until a regular license is granted for a period not to exceed 365 days.

In addition, the bill requires insurers to provide reimbursement to providers based upon the temporary license held by the applicant while the regular license process is completed, and authorizes the insurance company to bill for any reimbursement paid to the provider if the application is denied.

SB 2746. Effective 7/1/21. Signed 3/18/21.

This bill, which is to be known as "Hudson's Law", requires health care providers who render prenatal care, postnatal care or genetic counseling to provide educational information prepared or made available by the State Department of Health to new or expectant parents who receive a positive test result for a chromosomal disorder regarding their child.

The bill defines "chromosomal disorder" as trisomy 13 (otherwise known as Patau syndrome); trisomy 18 (otherwise known as Edwards syndrome); or trisomy 21 (otherwise known as Down syndrome).

SB 2750. Effective 7/1/21. Signed 3/29/21.

This bill revises the definition of "written guideline or protocol" in the Pharmacy Practice Act to provide that a pharmacist to whom a practitioner who has delegated the authority to conduct specific prescribing functions must have a specific protocol agreement between the practitioner and the pharmacist that is signed and filed, and deletes the requirement that the pharmacist have a protocol agreement on each patient.

SB 2751. Effective 7/1/21. Signed 3/25/21.

This bill revises several provisions of the massage therapy practice law as follows:

- Requires the State Board of Massage Therapy to set up guidelines for the registration of establishments where massage services are performed and maintain a current registry of their location, owner contact information, local business permit information and names of licensees who perform massage services at their establishments.
- Requires the board to share documents, materials or other information, including confidential and privileged information, received or maintained by the board with other state or federal agencies and with a national disciplinary database recognized by the board or as required by law, provided that the recipient agrees to maintain the confidentiality and privileged status of the information.
- Requires the board to report final disciplinary action taken against a licensee to other state or federal regulatory agencies and to a national disciplinary database recognized by the board or as required by law.
- Deletes provisions that require all of the instruction and training received by applicants for licensure from massage therapy schools to be supervised in-class instruction.

- Reduces the minimum number of hours of massage therapy instruction required for licensure from 600 to 550 hours, and the minimum number of hours of student clinic from 100 to 50 hours.

- Extends the date of the repealer on the massage therapy practice law to July 1, 2025.

SB 2759. Effective on passage. Signed 3/24/21.

This bill increases the monthly benefit under the Temporary Assistance for Needy Families (TANF) program for the first family member in the dependent child's budget from \$110 per month to \$200 per month.

In addition, the bill requires the Department of Human Services to provide reports to the Chairman of the House and Senate Public Health Committees on the history, status, outcomes and effectiveness of providing TANF applicants information and referral to programs that provide information about birth control, prenatal health care, abstinence education, marriage education, family preservation and fatherhood.

PUBLIC PROPERTY

HB 8. Effective on passage. Signed 3/18/21.

This bill clarifies the usage of space at the Le Meridian property developed adjacent to the UMMC on Lakeland Drive. The bill as passed in 2014 required that the property be a mixed-use development with residential and commercial office space, and defined the minimum lease space requirements for each. The bill amends the space requirement by removing the following:

- The stipulations that the property shall consist of mixed-use development projects.
- The requirement that it consists of 10,000 sq. ft. of street-level office space. (The property has not met this leasing requirement. The property management office is the only office in the entire development.)
- The approximate number of residential units.

HB 9. Effective 7/1/21. Signed 3/17/21.

This bill renames the firing range at the Mississippi Law Enforcement Officers' Training Academy in Pearl, Mississippi, as the "Lieutenant Colonel Pat Cronin Firing Range," in honor of the retired Lt. Colonel and MLEOTA Director, who retired after more than 30-plus years as a patrolman and as an instructor at the academy. Lt. Colonel Cronin:

- Became an instructor to the academy in 1985.
- Since 1985 has trained approximately over 3,000 law enforcement officers annually until May 2017.
- Excelled and advanced in rank from Master Sergeant, Lieutenant (Pistol Range Officer) and Captain.
- Named Director and promoted to the rank of Lieutenant Colonel of MLEOTA in 2006.

- Retired from the patrol in 2007 while maintaining a leadership role as director of the academy.
- National Rifle Association Competitions (11 National and 13 World Titles in Competitive Shooting).

HB 1018. Effective 7/1/21. Signed 3/17/21.

This bill renames the Mississippi Department of Public Safety's Gulf Coast Regional Forensics Laboratory, located at 16743 Mississippi Highway 67 in Biloxi, Harrison County, Mississippi, as the "Gary T. Hargrove Memorial Forensics Laboratory." DFA and DPS are directed to prepare a distinctive plaque, which states the background, accomplishments and service to the state of Mr. Gary T. Hargrove, for placement within the building, as well as erecting proper signage for the outdoor facade of the building, indicating its official name.

SB 2075. Effective 7/1/21. Signed 3/17/21.

This bill directs the Department of Wildlife, Fisheries and Parks to change the name of the Natchez State Park to the "Bob M. Dearing Natchez State Park." Any reference in any laws of the State of Mississippi to the Natchez State Park shall be deemed to mean the Bob M. Dearing Natchez State Park.

SB 2651. Effective 7/1/21. Signed 3/17/21.

This bill modifies language concerning the revolving fund of the Department of Finance and Administration's Office of Surplus Property's State Plan of Operation. Section 31-9-13 was amended to clarify current policy and procedure in order to allow Mississippi to continue to participate in the Federal Surplus Personal Property Donation Program for the benefit of state agencies and subdivisions of government.

PUBLIC UTILITIES

HB 74. Effective 7/1/21. Signed 3/17/21.

This bill reenacts the code sections that regulate 911 and E911 emergency telecommunications services and require the collection of service charges. The bill extends the date of the repealer on those reenacted sections to July 1, 2024.

SB 2798. Effective on passage. Signed 4/22/21.

This bill provides for certain participation of rate-regulated electric utilities in the expansion of broadband services in the State of Mississippi. Specifically, the bill does the following:

- Amends Section 77-3-2 to declare the policy of the State of Mississippi to support expansion of existing and emerging technologies to foster reliable and resilient service and customer access to enhanced services;
- Amends Section 77-3-3 to include definitions of "broadband service provider," "broadband operator" and "electric delivery system";
- Amends Section 77-3-44 to:
 - ▶ Include fiber-optic infrastructure as an economic development activity;
 - ▶ Allow rate-regulated electric utilities to give permission to broadband providers to use its electric delivery system to provide broadband services (to the extent a rate-regulated electric public utility grants permission to any broadband service provider to use any part of the utility's electric delivery system, it must grant such permission on a nonexclusive basis);

▶ Allow certain entities to construct fiber-optic infrastructure on public utilities' existing rights-of-way; and

▶ Regulate easements.

- Further amends Section 77-3-44 to provide that all costs paid by a rate-regulated public utility to acquire right-of-way shall be considered cost of service and recovered through rates, and all revenue collected by a rate-regulated public utility from third-party use of public utility right-of-way shall be credited back to customers in a comparable manner. The Public Service Commission shall establish a mechanism whereby electric service customers receive an annual credit, adjusted annually, for any wholesale revenues derived from fiber-optic infrastructure.

*WARNING: Summary document not found for Revenue and Expenditure
General Bills*

RULES

HB 1. Effective on passage. Signed 1/11/21.

This bill provides that the official flag of the State of Mississippi is the design recommended by the Commission to Redesign the Mississippi State Flag and approved by the people in the statewide election held November 3, 2020. In addition, the bill provides a description of the design of the state flag and a statement of what the artwork and colors of the design represent.

HB 1326. Effective on passage. Signed 3/17/21.

This bill revises provisions of the Compact for a Balanced Budget regarding membership of delegates to the Article V convention for proposing constitutional amendments who will decide issues on behalf of this member state and extension of termination date of the compact as follows:

- Increases the number of delegates that each member state is entitled to have as the state's representative at the convention from one delegate to three delegates.
- Provides that the three delegates of a member state will be the Governor, Speaker of the House and President of the Senate of the member state who are in office at the time of the convention or their designees, and provides that a majority vote of this delegation will decide any issue at the convention on behalf of the member state.
- Extends the termination date of the compact from seven years after the first state passes legislation enacting the compact to April 12, 2031.

WARNING: Summary document not found for State Library

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TOURISM

SB 2606. Effective 7/1/21. Signed 3/22/21.

This bill creates the "Mississippi Native Spirit Law" and provides for the following:

- Defines:

- ▶ "Native Spirit" to mean any beverage, produced in Mississippi for sale, manufactured primarily by the distillation of fermented grain, starch, molasses or sugar produced in Mississippi, including dilutions and mixtures of these beverages. In order to be classified as "native spirit", at least 51% of the finished product by volume must have been obtained from distillation of fermented grain, starch, molasses or sugar grown and produced in Mississippi.

- ▶ "Native distillery" to mean any place or establishment within this state where native spirit is produced, in whole or in part, for sale.

- Authorizes the production and sale of native spirits in Mississippi.

- Authorizes native distilleries to make sales to the Department of Revenue (DOR) or to consumers at the location of the native distillery or its immediate vicinity.

- Authorizes native distilleries to make sales to any producer, manufacturer, wholesaler, retailer or consumer located outside Mississippi who is authorized by law to make such purchases.

- For native spirits sold by the DOR to retailers, a native distillery may hold the spirits for onsite pickup instead of shipping them to the DOR warehouse, at the option of the retailer and pursuant to any rules promulgated by the DOR.

- Levies an annual privilege license tax upon the production of native spirits of \$10 for each 1,000 gallons produced by the distillery.

- Levies an excise tax upon each case of native spirits sold, but excludes native spirits exported and sold outside Mississippi and native spirits sold to the DOR.

- Revises the definition of "alcoholic beverage" under the Local Option Alcoholic Beverage Control Law to include native spirits.

- Authorizes the manufacture, sale, distribution, and possession of native spirits in any location within any county, except in those counties where it is prohibited by law.

- Creates a new class of manufacturer's permit as the native spirit producer's permit, which authorizes a permit holder to produce, bottle, store and sell native spirits. There is an annual privilege license tax for the permit of \$300 per 1,000 gallons produced.

- Includes native spirits in permissible items listed under the package retailer's permit, on-premises retailer's permit, temporary retailer's permit, event venue retailer's permit, and temporary theatre permit.

- Authorizes a native spirit retailer's permit. The permit authorizes a permit holder to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native distillery. When selling to consumers for on-premises consumption, a holder of a native spirit retailer's permit may add to the native spirit alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage

components does not exceed 20% of the mixed beverage. There is a \$50 annual privilege license tax for the permit.

TRANSPORTATION

HB 341. Effective 7/1/21. Signed 3/17/21.

This bill provides that the deployment, implementation or use of a motor carrier safety improvement by or as required by a motor carrier or its related entity, including by contract, shall not be considered when evaluating an individual's status as an employee or independent contractor, or as a jointly employed employee, under any state law. The term "motor carrier safety improvement" is defined as any device, equipment, software, technology, procedure, training, policy, program or operational practice intended and primarily used to improve or facilitate compliance with traffic safety or motor carrier safety laws, safety of a motor vehicle, safety of the operator of a motor vehicle, or safety of third-party users of highways of this state.

HB 424. Effective 7/1/21. Signed 4/14/21.

This bill designates the following memorial highway segments and memorial bridges:

- The segment of Mississippi Highway 44 located in Marion County, Mississippi, beginning at its intersection with Mississippi Highway 13 and extending westerly to the Pearl River Bridge is designated and shall be known as the "T.L. Wallace Memorial Highway."

- The segment of Mississippi Highway 603 located in Hancock County, Mississippi, beginning at its intersection with Mississippi Highway 43 and extending northerly to its intersection with Rocky-Hill Dedeaux Road is designated and shall be known as the "Lieutenant Deputy Michael Anthony Boutte, Sr., Memorial Highway."

- The segment of Mississippi Highway 63 located in Jackson County, Mississippi, beginning at a point one-half mile south of its intersection with Polktown Road and extending northerly to a point one-half mile north of its intersection with Polktown Road is designated and shall be known as the "Deputy U.S. Marshal Josie Lamar Wells Memorial Highway."

- The bridge on Mississippi Highway 609 located in Jackson County, Mississippi, known as the Old Fort Bayou Bridge, is designated and shall be known as the "Mark M. Seymour, Sr., Memorial Bridge."

- The segment of Mississippi Highway 35 located in Smith County, Mississippi, beginning fifteen hundredths of a mile north of its intersection with Cottonwood Drive and extending southerly to a point one-half mile south of its intersection with Cottonwood Drive, is designated and shall be known as the "Senator Billy H. Thames Memorial Highway."

HB 550. Effective on passage. Signed 4/5/21.

This bill deletes all references to an intermediate driver's license. The bill further authorizes a regular license holder under the age of 18 to drive unsupervised at any time directly to or from an educational or extracurricular activity, in addition to traveling unsupervised directly to or from work at any time. At all other times for the first six months as a regular license holder, the holder under the age of 18 must be supervised by a parent, guardian or other person aged 21 or older who holds a valid driver's license under this article and who is actually occupying the seat beside the driver.

HB 576. Effective 7/1/21. Signed 3/18/21.

This bill provides that bridges must be deficient as determined by the national bridge inspection standards to be

eligible under the Local System Bridge Replacement and Rehabilitation Program. The bill revises the definition of "deficient bridge" and creates the definitions of "Local system bridge" and "bridge" related to the Local System Bridge Replacement and Rehabilitation Program. Further, the bill revises the allocation formula for the Local System Bridge Replacement and Rehabilitation Fund to provide that funds deposited into that fund after July 1, 2021, shall be allocated to counties as follows:

- One-half on the proportion that the total number of local system bridges in the county bears to the total number of local system bridges in all counties of the state; and

- One-half on the proportion that the total square footage of deck area of all local system bridges in the county bears to the total square footage of deck area of all local system bridges in all counties of the state.

HB 628. Effective 7/1/21. Signed 3/24/21.

This bill revises the law on tax on carriers of property and on buses to add a gross weight category from 80,001 pounds to 84,000 pounds for carriers of property and specifies privilege tax rates for the new weight category which shall be limited to transport of products as provided for harvest permits. The bill provides that such license tag shall be a "HP" license tag with weight allowance printed on the cab card only. The bill increases the additional annual highway privilege tax on vehicles with a gross weight exceeding ten thousand pounds to \$1,875 for each current or later year model vehicle based upon a licensed weight of 84,000 pounds. The bill provides that any person making application for the license tag under this section is required to sign an affidavit attesting to facts indicating the applicability of this section. Proof of

purchase of valid harvest permit for the vehicle must be presented at time of purchase of the license tag.

HB 872. Effective 7/1/21. Signed 3/17/21.

This bill designates the segment of United States Highway 61 located in Jefferson County, Mississippi, beginning at the Town of Fayette and extending northerly for one mile as the "Highway Patrol Lieutenant Troy Morris Memorial Highway."

HB 887. Effective 7/1/21. Signed 4/5/21.

This bill designates the segment of United States Highway 82 located in Webster County, Mississippi, beginning with its intersection with the Webster-Montgomery County Line and extending easterly to its intersection with Grady Road as the "Corporal William Justin Cooper Memorial Highway."

HB 995. Effective 7/1/21. Signed 3/17/21.

This bill designates the segment of Interstate Highway 269 located in Marshall County, Mississippi, beginning at the Tennessee state line and extending southerly to its intersection with Mississippi Highway 302 as the "Representative Tommy Woods Memorial Highway."

HB 1195. Effective 7/1/21. Signed 3/17/21.

This bill regulates electric bicycles as follows:

- Provides that, except as specifically provided otherwise, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the rider of a bicycle. An electric bicycle is a vehicle to the same extent as a bicycle.
- Provides that an electric bicycle or a person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver's licenses,

registration, certificates of title, off-road vehicles, dirt bikes, all-terrain vehicles and license plates. An electric bicycle is not a motor vehicle.

- Provides that on and after January 1, 2022, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.

- Provides that a person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification required is replaced after modification.

- Provides that an electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission.

- Provides that an electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

- Provides that an electric bicycle may be ridden in places where bicycles are permitted, including but not limited to, streets, highways, roadways, bicycle lanes, and bicycle or multi-use paths.

- Provides that following notice and a public hearing, a municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path, if it finds that such a restriction is

needed for safety reasons or compliance with other laws or legal obligations.

- Provides that a municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that path.

- Provides that a municipality, local authority or state agency having jurisdiction over such a trail may regulate the use of any electric bicycle on a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials.

- Provides that no person under the age of 16 may operate a class 3 electric bicycle, but that a person under the age of 16 may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

- Provides that all class 3 electric bicycles must be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

HB 1245. Effective 7/1/21. Signed 4/9/21.

This bill provides that beginning on July 1, 2021, the department shall maintain grass mowing of rights-of-way for any state highways located within the municipal limits of any municipality in the state with a population of 10,000 or less according to the latest federal decennial census that desires that the department perform grass mowing services, provided that it is in accordance with the department's annual mowing schedule and that the department shall not be required to maintain grass mowing for areas that are subject to a beautification permit or agreement.

SB 2481. Effective on passage. Signed 3/17/21.

This bill amends Section 9, Chapter 450, Laws of 2020 (House Bill No. 1279, 2020 Regular Session), which designated a segment of Mississippi Highway 42 in Greene County, Mississippi, as a memorial highway, to revise the name as the "Deputy U.S. Marshal Jake Green and Greene County Deputy Lawrence Dunnam Memorial Highway, EOW April 1, 1921."

The bill also designates the following new memorial highways:

- A segment of Mississippi Highway 389 in Chickasaw County, Mississippi, as the "Jimmy Porter Memorial Highway";
- A segment of U.S. Highway 49 in Forrest County, Mississippi, as the "Clyde Kennard Memorial Highway";
- A segment of Mississippi Highway 489 in Newton County, Mississippi, as the "Jason Boyd Memorial Highway"; and
- A segment of U.S. Highway 82 in Leflore County, Mississippi, as the "Deputy Melvin P. 'Buster' Brown, Jr., Memorial Highway."

The Mississippi Department of Transportation is directed to erect and maintain appropriate signs along and approaching these segments of highway.

SB 2598. Effective on passage. Signed 4/16/21.

This bill revises certain licensing procedures within the Department of Public Safety. It amends Section 45-9-101 to allow the department to waive the residency requirement for a concealed-carry license for spouses of active military personnel stationed in Mississippi.

Further, the bill amends Section 63-11-25 to require a petition appealing the forfeiture, suspension or denial of issuance of a license to be served on the commissioner of the department. This obligation is in addition to the requirement

in current law that the petition be served on the Attorney General.

The bill also creates two new code sections. The first new code section requires the commissioner to establish an alternative state identification card that does not require proof of domicile for persons who do not have a domicile to list. The ID card, though, will otherwise not conflict with the requirements of the federal Real ID Act of 2005. The second new code section creates the Electric Vehicle Infrastructure Fund as a special fund in the State Treasury for deposit of any federal monies that are made available for the establishment of electric vehicle infrastructure in the state.

Last, the bill deletes the intermediate driver's license. The restrictions for the previous intermediate licenses were amended and will apply to regular licenses until a person reaches the age of 18. Under the current restrictions, a person under 18 will be allowed to drive unsupervised from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:30 p.m. Friday and Saturday and any time for a person traveling directly to or from work or other educational or extracurricular activity. The COVID-19 language that was added in the 2020 session to benefit applicants who could not timely apply for a license due to the agency shutdown was carried forward and will still apply to applicants for licenses.

SB 2785. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 63-1-7 to exempt, from the requirements of driver's examination and licensure, active or reserve duty members of the U.S. Armed Forces, together with their spouses and dependent children at least 16 years old, who have in their immediate possession a valid driver's license issued in their home state.

SB 2788. Effective 7/1/21. Signed 3/17/21.

Under current law, the Mississippi Highway Safety Patrol may not set up radar on highways within municipalities with a population above 15,000 according to the latest federal census. This bill removes that prohibition, replacing it with a requirement that municipal law enforcement immediately notify the Highway Patrol of any road blockages or emergencies occurring on any federally designated limited-access highways lying within the corporate limits.

SB 2825. Section 21 effective 7/1/23; remaining sections effective 7/1/21. Signed 4/22/21.

This bill reforms various aspects of state highway laws. It transfers, on July 1, 2021, law enforcement personnel and law enforcement duties related to the Mississippi Motor Carrier Regulatory Law of 1938 from the Mississippi Transportation Commission and Department of Transportation to the Commercial Transportation Enforcement Division within the Department of Public Safety. It creates the DPS Motor Carrier Enforcement Fund as a special fund in the State Treasury to defray expenses for officers' salaries and other costs of enforcement. Many sections of the Motor Carrier Regulatory Law (Title 77, Chapter 7, Mississippi Code of 1972) are amended to implement this agency transfer, as is Section 45-3-21. In addition, the bill amends Section 65-1-46 to transfer the Appeals Board of the Transportation Commission to the Commercial Transportation Enforcement Division of DPS.

The bill amends Section 19-11-27 to exempt, from July 1, 2021, through June 30, 2023, projects receiving monies from the Emergency Road and Bridge Repair Fund from limitations on certain expenditures for the last year of the term of a county board of supervisors. It also transfers \$89,000,000 of highway

infrastructure program funds received by the state under the federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to the ERBR Fund.

Effective July 1, 2023, the maximum gross vehicle weight tolerance for a vehicle operating under a harvest permit is increased from 84,000 pounds to 88,000 pounds, which is an increase from 5% to 10% of the authorized 80,000 pounds. Sections 63-5-33 and 27-19-89 are amended for this purpose, and Section 27-19-89 is also amended in conformity to adjust the penalties for harvest permit holders for weight limit violations.

In order to advise the Legislature on policy and make best practices recommendations to harvest permit holders and receiving facilities for the purpose of deterring overweight hauling and protecting the state's infrastructure system, the bill establishes the Harvest Permit Transportation Stewardship Council. The council will be composed of the Lieutenant Governor and Speaker of the House, the Chairs of the Senate Highways and Transportation Committee and House Transportation Committee, the heads of certain relevant state agencies and private associations, or the designees of any of the above, as well as two at-large members, one appointed by the Lieutenant Governor and the other by the Speaker of the House. The council is to be dissolved on July 1, 2023.

UNIVERSITIES AND COLLEGES

HB 82. Effective 7/1/21. Signed 4/9/21.

This bill amends Section 31-11-3 by authorizing the Department of Finance and Administration to transfer up to \$1,000,000 of available bond funds to each community college requesting to be exempt from department control and supervision relating to the repair, renovation and improvement of existing facilities owned by the community colleges. The nature of capitol improvements include: utility infrastructure projects; heating and air conditioning systems; and the replacement of furniture and equipment.

SB 2313. Effective 7/1/21. Signed 4/16/21.

This bill, cited as the "Mississippi Intercollegiate Athletics Compensation Rights Act," authorizes student-athletes at community colleges and universities to earn compensation for their name, image and likeness. Specifically, the bill provides that student-athletes shall not earn compensation in exchange for their athletic ability or participation in intercollegiate athletics. The bill also ensures that student-athletes shall not be deemed to be employees of their educational institution.

The bill provides that a postsecondary educational institution shall not uphold a contract that prevents a student-athlete from earning compensation from his name, image or likeness. It also prohibits athletic associations with authority over intercollegiate athletic programs from preventing a student-athlete from earning compensation from his name, image or likeness. The bill also prohibits athletic associations with authority over intercollegiate athletic programs from blocking or preventing educational institutions from participating in athletics as a result of a student-athlete receiving compensation for the use of the student-athlete's name, image or

likeness. Finally, it prohibits these athletic associations from restricting or preventing student-athletes from obtaining professional representation in relation to name, image or likeness.

The bill prohibits student-athletes from receiving or entering into a contract for compensation for the use of his or her name, image or likeness in a way that also uses any registered or licensed marks, logos, verbiage or designs of a postsecondary institution, unless the institution has provided the student-athlete with written permission. Additionally, it also prohibits student-athletes from entering into a likeness agreement that relates to the promotion of gambling, marijuana, sports betting, tobacco, alcohol or other products that may be considered inconsistent with their educational institution's values.

The bill provides that a student-athlete's financial aid must not be revoked if he is compensated pursuant to the act. The bill requires student-athletes to disclose a likeness compensation contract to the education institution. The bill also prohibits an educational institution, booster, third-party licensee, or individual or entity from providing compensation to a current or prospective student-athlete as an inducement for him to enroll in a specific institution. The bill provides that no postsecondary educational institution shall be subject to a claim for damages for unfair trade or competition or tortious interference related to its adoption or enforcement of a contract or rule in compliance with this act.

The bill creates new code Section 93-19-17 to provide that persons 18 years of age shall have the capacity to enter into binding contracts affecting the use of their name, image, or likeness while participating in intercollegiate sports. The bill also amends Section 73-42-3 to include compensation for the

use of a student-athlete's name, image or likeness in the definition of "endorsement contract" and "agency contract."

WAYS AND MEANS

HB 374. Effective 7/1/21. Signed 4/16/21.

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

- Mississippi Theatre Association, Inc.
- 82 Strong
- Indianola Academy
- Humphreys County High School
- Sigma Gamma Rho Sorority
- Desert of Mississippi Shriners and Daughters AEAONMS,
PHA
- Children's Tumor Foundation
- Wildlife Mississippi
- Cedarhill Animal Sanctuary
- South Pike School District
- Picayune Maroon Tide Touchdown Club
- Mississippi Wildlife Federation
- Foundation for Moral Law

The bill also:

- Authorizes the issuance of a distinctive motor vehicle license tag bearing the word "judiciary" to any owner of a motor vehicle who is a serving or retired judge of the federal or state court system in this state;

- Authorizes the issuance of a distinctive motor vehicle license tag to persons who are honorably discharged veterans who served in the United States Armed Forces in Operation Desert Storm or Operation Desert Shield;

- Increases the number of distinctive motor vehicle license tags that may be issued to a person identifying the person as a Purple Heart Medal recipient;
- Authorizes the issuance of distinctive motorcycle license tags to persons who are veterans of the Armed Forces of the United States and rated as having 100% permanent service-connected disability and provides that a motorcycle owned by such a person, or by the spouse of such a deceased person, will be exempt from ad valorem and privilege taxes;
- Designates the Mississippi state flag as the flag to be featured on the distinctive motor vehicle license tag issued for the benefit of the Mississippi Department of Archives and History for the operation and maintenance of the Mississippi Museum of History and the Mississippi Civil Rights Museum; and
- Reauthorizes the issuance of distinctive motor vehicle license tags to supporters of the Grammy® Museum Mississippi.

HB 425. Effective 7/1/21. Signed 4/6/21.

This bill amends Section 27-35-143 to provide that if a tax assessor has knowledge of certain circumstances or occurrences that may affect an assessment of property for ad valorem tax purposes, the tax assessor shall make an application on behalf of the party interested with the board of supervisors to change, cancel or decrease the assessment, regardless of whether the party interested has made such an application. If the assessor fails to make the application, the party interested may make an application with the board of supervisors not later than the last Monday in August after the assessment roll containing the assessment has been finally approved by the Department of Revenue, and the board of supervisors may change, cancel or decrease the assessment.

HB 499. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 57-105-1 to extend the authority of the Mississippi Development Authority to allocate qualified equity investment tax credits to July 1, 2024.

HB 500. Effective on passage. Signed 3/25/21.

This bill amends Section 43-33-729 to remove the reverter on the authority of the Mississippi Home Corporation to issue bonds and notes annually in an aggregate principal amount not to exceed \$350,000,000.

HB 508. Effective on passage. Signed 3/16/21.

This bill provides that a person employed as a sworn law enforcement officer by the Department of Revenue who retires under the Public Employees' Retirement System may retain one sidearm which was issued to the law enforcement officer by the department.

HB 509. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 71-5-506 to allow an individual to have state income tax deducted and withheld from the individual's payment of unemployment compensation.

HB 510. Effective 7/1/21. Signed 3/16/21.

This bill amends Section 63-21-17 to limit the period for which the Department Of Revenue is required to retain motor vehicle certificates of title to fifteen years from the date of issuance.

HB 511. Effective on passage. Signed 3/25/21.

This bill amends Section 45-49-3 to change the period for issuance of an amusement ride operating permit decal from twelve months to a calendar year.

HB 512. Effective on passage. Signed 3/17/21.

This bill amends Section 67-1-31, which provides for powers and duties of the agents and inspectors of the Alcoholic Beverage Control Division of the Department of Revenue, to delete the provision that provides that nothing in this section will be construed as granting the agents and inspectors general police powers.

HB 516. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 27-3-51 to provide that when an appraiser employed by the Department of Revenue attends and successfully completes any part of the Mississippi Education and Certification Program and receives a certification, the Commissioner of Revenue may increase the salary of the appraiser in the amount authorized for completion of the same certification level by a county tax assessor and his deputies or assistants.

HB 519. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 27-19-31 to remove the requirement for apportioned vehicles to have license decals specifying the month and year of expiration attached to the license tag.

HB 520. Effective on passage. Signed 4/16/21.

This bill amends Section 27-67-35, which creates special funds in the State Treasury to be used to provide funds to assist municipalities in paying costs associated with road and bridge improvements and water and sewer infrastructure improvements and to assist counties in paying costs associated with road and bridge improvements, to provide that a municipality or county may use such funds as a pledge to pay all or a portion of debt service on debt issued by a municipality or county for such purposes.

HB 572. Effective 7/1/21. Signed 4/16/21.

This bill revises the definition of "qualified resort area" under the Local Option Alcoholic Beverage Control Law by adding several specified locations in the state and changing the description of three previously authorized qualified resort areas. The bill also exempts certain buildings and one of the new qualified resort areas added in the bill from restrictions on the sale or storage of alcoholic beverages within certain distances from churches, schools, kindergartens and funeral homes.

HB 628. See summary under Transportation.

HB 667. Effective 7/1/21. Signed 3/25/21.

This bill amends Section 67-1-83 to make discretionary the provision requiring the Department of Revenue to immediately revoke the permit of any permittee who violates the section's prohibitions on alcoholic beverage sales to certain persons or at certain times.

HB 886. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 45-9-101 to exempt law enforcement officers who are employed with a law enforcement agency of a municipality, county or state at the time of application for a concealed firearm license from license fees and renewal fees. It also provides that the Commissioner of Public Safety will promulgate rules and regulations to provide licenses to law enforcement officers as defined in Section 45-6-3 who choose to obtain a license under Section 45-9-101, which will include a distinction that the officer is an "active duty" law enforcement officer and an endorsement that the officer is authorized to carry a firearm in the locations listed in Section 45-9-101(13).

HB 945. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 67-3-7 to revise the number of qualified electors of a county required for a petition to have an election to prohibit or authorize the transportation, storage, sale, distribution, receipt or manufacture of beer, wine and light spirit product in a county. The bill provides that a petition must have 20% or 1,500, whichever number is the lesser, of the duly qualified electors of a county. The prior law required that a petition contain 20% of the duly qualified electors of a county.

The bill amends Section 67-3-9 to revise the number of qualified electors of a municipality required for a petition to have an election to prohibit or authorize the sale, receipt, storage and transportation for the purpose of sale of beer, light spirit product and light wine in certain municipalities. The bill provides that a petition must have 20% or 1,500, whichever number is the lesser, of the duly qualified electors of a municipality. The prior law required that a petition contain 20% of the duly qualified electors of a municipality.

HB 955. Effective 7/1/21. Signed 3/18/21.

This bill establishes a procedure for the disposition of abandoned manufactured or mobile homes and associated personal property. Some aspects of the procedure are:

- A community owner or landowner, his agent or attorney, may initiate a proceeding by filing a complaint under oath for the disposition of an abandoned manufactured or mobile home and associated personal property, setting forth:

- ▶ A statement that the abandoned manufactured or mobile home is abandoned, including the address and county where it is abandoned and the date when it was vacated by the owner in

a manner that the community owner or landowner believes led to an abandonment.

- ▶ A description of the abandoned manufactured or mobile home, including all reasonably available information as to the year, make, model number and serial number.

- ▶ A copy of the notice of abandonment sent by the community owner or landowner to the owner at the owner's last known address, on a date at least 30 days after the date of abandonment and at least 30 days before the commencement of the proceeding, and any response thereto.

- ▶ The value of the abandoned manufactured or mobile home.

- ▶ A statement as to whether or not the abandoned manufactured home or mobile home is believed to be uninhabitable and, if so, the statement of the person making such determination and the bid of the person establishing the cost of demolition and removal, which may be one and the same person.

- ▶ An inventory of any personal property within or adjacent to the abandoned manufactured or mobile home and a statement of value.

- ▶ A statement as to the current, delinquent or other status of the personal property taxes on the home.

- ▶ A statement as to known or presumed owner of the abandoned manufactured or mobile home and the last known address of the owner.

- ▶ A statement as to the known or presumed liens and lienholders of the abandoned manufactured or mobile home and associated personal property and the amount of such liens.

- ▶ A statement as to whether the property owner has knowledge of any other person having or asserting a lien or claim upon the abandoned manufactured or mobile home.

▶ A statement that, in addition to the manufactured or mobile home being abandoned, the owner is in breach of a lease, lease-purchase or agreement with the community owner or landowner of the lot on which the manufactured or mobile home is situated and setting out the damages incurred by the community owner or landowner, including any credit for a security or other deposit by the owner.

▶ A statement requesting that a commissioner be appointed for the public sale of the abandoned manufactured or mobile home and designating the proposed commissioner by name, address and phone number.

▶ A statement identifying all necessary parties who shall be made defendants and served with process in the time and manner required by law.

▶ Such other statements as may be appropriate under the circumstances.

- Upon finding that the manufactured or mobile home and associated personal property that are the subject of the complaint are in fact abandoned and have not been claimed and the indebtedness of the community owner or landowner has not been paid in full, the court will enter an order adjudicating whether or not the manufactured or mobile home is uninhabitable, approving the inventory, approving the sale by the sheriff of the abandoned manufactured or mobile home and the associated personal property as reflected on the inventory and setting a date, time and place for the sale, with the advertisement, determination of liens and financial responsibility for the sale to be the responsibility of the commissioner appointed by the court.

- An interested party may stop a threatened sale of a manufactured or mobile home by paying the amount due to the

community owner or landowner on the amount actually past due rather than any amount accelerated, along with all accrued costs, attorneys' fees, commissioners' fees, sheriffs' fees, such taxes due and not paid, with proper interest and penalties thereon.

- The commissioner will advertise a notice of sale by publication and posting. The notice of sale will be published one time a week for three weeks prior to the sale in a newspaper published in the county where the manufactured or mobile home is located, or, if no such paper is published in the county, in some paper having a general circulation therein. The commissioner will also post the notice of sale at the courthouse of the county where the abandoned manufactured or mobile home is located and also mail a copy of the notice of sale by United States mail postage prepaid to the last known address of the owner as shown in the complaint if the owner has not appeared as a party to the proceeding.

- The sale will be made at the place, on the date and during the time set by the court. The sheriff will conduct the sale and will charge a reasonable fee for conducting the sale. The abandoned manufactured or mobile home and associated personal property will be sold for cash to the highest bidder. The highest bid accepted by the sheriff at the sale will be paid to the commissioner. The sheriff will execute and deliver a bill of sale to the purchaser. If there is no bidder at the sale, the sheriff's fees will be paid by the community owner or landowner with such costs to be assessed as costs of court, upon filing of proof of payment in the proceeding. If there is no bid, the community owner or landowner may seek a new sale order providing for another sale of the manufactured or mobile home and associated personal property.

- Upon the commissioner filing a report with the court attaching a copy of the sheriff's report of the sale and a list of the actual or proposed disbursements from the accepted bid, the court may enter a final order approving the sale and the disbursement of the proceeds from the accepted bid and include such other provisions as deemed appropriate by the court. The court may enter any other order finally disposing of the proceeding, including an order of dismissal.

- The purchaser will submit a copy of the Bill of Sale and the Final Order to the Department of Revenue along with such forms as may be prescribed by it for the issuance of a new title to the purchaser.

The bill defines several terms, some of which are:

- "Abandoned" means that no person is occupying the manufactured home or mobile home at the present, nor has any person occupied it for the past 60 days, nor has the owner or any representative of the owner informed the community owner or landowner of a reason that the manufactured home or mobile home is not occupied.

- "Abandoned manufactured or mobile home" means a manufactured home or mobile home that has been abandoned for at least 60 consecutive days, located on property owned by another community owner or landowner.

- "Commissioner" means a resident of the county where the abandoned manufactured or mobile home is located who, by a sale order issued by a court in a proceeding, shall act pursuant to the sale order, including, but not limited to, advertising the sale, receiving funds paid at any sale ordered by the court of the abandoned manufactured or mobile home and associated personal property, and making all disbursements arising out of the sale with the sale being conducted by the sheriff. The

commissioner need not be a disinterested third party and may be counsel or a representative of the community owner or landowner and shall not be disqualified, nor shall the acts of such person be invalid because of the relationship of such person to the community owner or landowner.

- "Community" means a contiguous residential real estate development operated by a community owner as one development consisting of six or more lots for lease to the public where at least one of such lots is vacant and may be subject to a lease, lease-purchase or other agreement with the owner of a manufactured or mobile home who may locate such owner's manufactured or mobile home on the lot.

- "Community owner" means a person other than the owner of the manufactured or mobile home who owns fee simple or ground leasehold interest in residential real property developed and operated as a community on which an abandoned manufactured or mobile home and any associated personal property is located pursuant to a lease, lease-purchase or other agreement.

- "Complaint" means the pleading filed by the community owner or landowner in the proceeding seeking a judicial sale of an abandoned manufactured or mobile home and associated personal property.

- "Final order" means the final order entered by a court in a proceeding adjudicating the disposition of an abandoned manufactured or mobile home and associated personal property, that confirms the sale of the abandoned manufactured or mobile home and associated personal property or makes other adjudications as deemed appropriate by the court.

- "Notice of abandonment" means a written notice by the community owner or landowner to the owner notifying the owner at least 30 days after the date of abandonment that the

manufactured or mobile home and any associated personal property in or adjacent to the abandoned manufactured home or mobile home should be immediately removed or be subject to a judicial finding of abandonment which may lead to a sale of the abandoned manufactured or mobile home and all associated personal property.

- "Owner" of a manufactured home or mobile home means the person holding legal title to the manufactured home or mobile home.

- "Uninhabitable" means an abandoned manufactured or mobile home where, in the opinion of an independent third party who is an appraiser, contractor or other person familiar with cost of repair of manufactured or mobile homes, the cost to repair the home to a condition where it is habitable for human occupation as a residence considering the health, safety and general welfare of the occupant, is more than the cost of demolition and removal of the abandoned manufactured or mobile home.

HB 1091. Effective 7/1/21. Signed 4/16/21.

This bill amends various sections of the laws regulating the sale of light wine, light spirit product and beer. The bill:

- Revises the definition of the term "light spirit product" to increase the maximum alcohol content to 6%.

- Defines the term "microbrewery" to mean a person having a permit to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than 3,000 barrels of light wine, light spirit product or beer at its permitted location.

- Revises the amount of light wine, light spirit product and beer produced at a small craft brewery that the brewery may

sell at retail, to provide that a small craft brewery cannot sell at retail more than 25% (10% under prior law) of the light wine, light spirit product or beer produced annually at its brewery or more than 2,500 barrels (1,500 barrels under prior law) of light wine, light spirit product or beer produced at the brewery annually, whichever is the lesser amount. It also provides that a small craft brewery cannot make retail sales of more than 670 ounces (576 ounces under prior law), in the aggregate, of light wine, light spirit product or beer to any one individual for consumption off the premises of the brewery within a twenty-four-hour period.

- Provides that a microbrewery cannot sell at retail more than 80% of light wine, light spirit product or beer produced annually at its brewery, and that the light wine, light spirit product or beer must be sold at a price approximating prices generally charged for identical beverages in the county where the microbrewery is located.

- Increases the maximum alcohol content to 6% for light spirit product that may be lawfully manufactured, distributed and sold.

The bill revises the definition of the term "retailer" to include small craft breweries and microbreweries for purposes of the laws that relate to license taxes and excise taxes on light wine, light spirit product and beer. It also imposes an annual privilege license tax of \$1,000 on holders of small craft brewery permits and holders of microbrewery permits, and an excise tax of 42.68¢ per gallon on light wine, light spirit product and beer provided by a microbrewery.

The bill authorizes small craft breweries and microbreweries to obtain on-premises retailer's permits under the Local Option Alcoholic Beverage Control Law. It also

revises the definition of the term "distilled spirits" under the Local Option Alcoholic Beverage Control Law to increase the minimum alcohol content to 6%.

HB 1095. Effective 7/1/21. Signed 4/16/21.

This bill authorizes the Commissioner of Revenue to develop procedures for the receipt and consideration of offers to compromise and settle finally determined tax liabilities that are doubtful claims. A doubtful claim is one for which a notice of tax lien has been enrolled in the Uniform State Tax Lien registry for a finally determined tax liability and for the collection of which the ordinary process of law has been ineffectual. The Commissioner of Revenue, upon the advice of the Attorney General, may enter into an agreement with a taxpayer under which a finally determined tax liability that is a doubtful claim is settled and compromised. The settlement agreement will be binding and a taxpayer's liabilities for taxes, interest and penalties will be fully and finally compromised. If the Commissioner of Revenue later determines that the taxpayer misrepresented, whether intentionally or not, the financial condition of the taxpayer or any property belonging to the taxpayer or other person liable for the tax, all compromised liabilities may be reestablished without regard to any statute of limitations that otherwise may be applicable.

HB 1135. Effective 7/1/21. Signed 4/14/21.

This bill creates and authorizes the issuance of a delivery service permit under the Local Option Alcoholic Beverage Control Law. The holder of a delivery service permit, among other things, may:

- Contract with the holder of a package retailer's permit or an on-premises retailer's permit, or the holder of a beer,

light wine and light spirit product retail permit for the purpose of intrastate delivery of alcoholic beverages or beer, light wine and light spirit product, as authorized to be sold under the respective permits;

- Deliver alcoholic beverages or beer, light wine and light spirit product without a delivery contract, if the permittee holds a package retailer's permit or an on-premises retailer's permit, or a beer, light wine and light spirit product retail permit;

- Use its own employees or independent contractors who are at least 21 years of age to deliver alcoholic beverages, beer, light wine or light spirit product, provided all delivery agents are trained and certified consistent with the training program submitted by the permit holder to the Alcoholic Beverage Control Division of the Department of Revenue as required by the bill;

- Facilitate orders by telephone, Internet or other electronic means for the sale and delivery of alcoholic beverages, beer, light wine or light spirit product; and

- Deliver only sealed containers of alcoholic beverages, beer, light wine or light spirit product to an individual in Mississippi.

The holder of a delivery service permit may not deliver any alcoholic beverage, beer, light wine or light spirit product:

- To any person located within a jurisdiction that is dry for that product;

- In a jurisdiction during times prohibited for lawful sale in that jurisdiction; or

- More than 30 miles from the retailer's licensed premises.

The annual privilege license tax for a delivery service permit is \$500.

HB 1137. Effective 7/1/21. Signed 3/18/21.

This bill amends Section 27-35-50 to revise certain provisions regarding use of an income capitalization approach as a criteria for the calculation of true value for land used for agricultural purposes. It provides that for the year 2022 and thereafter, the moving average of the income capitalization rate for such land, except land devoted to the production of timber, will be as follows: for the year 2022, four years; for the year 2023, five years; for the year 2024, six years; for the year 2025, seven years; for the year 2026, eight years; for the year 2027, nine years; and for the year 2028 and thereafter, ten years.

The bill provides that government payments and crop insurance indemnities will not be included in determining the true value of land used for agricultural purposes, and a charge for management of each crop equal to 25% of the sum of a crop's estimated variable cost, machinery ownership cost, and general farm overhead cost, will be deducted in determining the true value of the land. It also provides that the fact that land is leased for hunting or fishing purposes will not preclude the land from being deemed to be used for agricultural purposes and that income derived from a hunting or fishing lease may be used in combination with other relevant criteria to determine the true value of the land.

HB 1139. Sections 1, 2 and 3 effective on passage and Section 4 effective 7/1/21. Signed 4/20/21.

This bill deletes the requirement that certain taxpayers pay their June tax liability on or before June 25 as follows:

- Amends Section 27-7-309 to delete the provision that requires employers with an average monthly withholding tax liability of at least \$50,000 for the preceding calendar year to

pay, on or before June 25, at least 75% of their estimated June withholding tax liability for the current taxable year or at least 75% of their June withholding tax liability for the preceding taxable year.

- Amends Section 27-65-33 to delete the provision that requires taxpayers who are required to collect sales tax and who have an average monthly sales tax liability of at least \$50,000 for the preceding calendar year to pay, on or before June 25, at least 75% of their estimated June sales tax liability for the current calendar year or at least 75% of their June sales tax liability for the preceding calendar year.

- Amends Section 27-67-17 to delete the provision that requires taxpayers who are required to collect use tax and who have an average monthly use tax liability of at least \$50,000 for the preceding calendar year to pay, on or before June 25, at least 75% of their estimated June use tax liability for the current calendar year or at least 75% of their June use tax liability for the preceding calendar year.

The bill also amends Section 27-65-75 to revise the counties eligible for a diversion of a portion of the state sales tax revenue collected on business activities within a redevelopment project area developed under a redevelopment plan adopted under the Tax Increment Financing Act if the county has issued bonds under the Tax Increment Financing Act to finance all or a portion of a redevelopment project in the redevelopment project area, any debt service for the indebtedness incurred is outstanding, and a development with a value of \$10,000,000 or more is, or will be, located in the redevelopment area.

HB 1197. Effective 7/1/21. Signed 4/16/21.

This bill amends Section 31-7-13.1 to revise the dual-phase design-build method of construction contracting as follows:

- Removes the requirement for two phases of design-build construction contracting.
- Provides that design-build construction contracting may be used for residential buildings, residential mixed-use developments, parking garages and other prescriptive type facilities.
- Provides that the design-build method of construction contracting may only be used when the Department of Finance and Administration or a governing authority has determined that it satisfies the public interest better than traditional design-bid or when the Legislature has specifically required or authorized the use of this method in the legislation authorizing a project.
- Provides that instead of the dual-phase procedure for awarding a contract, for each proposed design-build project, either a fixed firm price or guaranteed maximum price contract must be adopted.
- Revises what must be included in a scope of work statement.
- Provides that on the same date that a notice inviting proposals for a design-build construction project is submitted to a newspaper for publication, the agency or governing authority involved will post the notice on the Mississippi Procurement Portal or mail written notice to, or provide electronic notification to, the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice.
- Provides that proposals that include criteria other than cost only will be evaluated by an evaluation committee established by the procuring entity. The evaluation committee will be composed of not less than three people, at least one of

which will be an architect or engineer licensed and registered in Mississippi. Selection criteria of the evaluation committee will be limited to the following:

- ▶ The bidder's knowledge and experience in executing projects of similar size and complexity;
- ▶ The experience and qualifications of the proposed office and construction management personnel;
- ▶ The experience and qualifications of the subcontractors proposed;
- ▶ The experience and qualifications of the architect or engineer and consultants;
- ▶ Schedule control; and
- ▶ Cost factors.

Cost as an evaluation factor will be given the highest criteria weighting and at least 35% out of the 100% total weight of all the other evaluation factors.

- Provides that an agency or governing authority may not award a stipulated fee to an offeror for preparation costs to submit a response to the request for proposals.

HB 1230. Effective 7/1/21. Signed 3/17/21.

This bill allows businesses located on any federal Indian reservation located within the geographical boundary of Mississippi to be eligible for Mississippi Development Authority discretionary programs through the ACE Fund, the Mississippi Industry Incentive Financing Revolving Fund and the Mississippi Existing Industry Productivity Loan Fund.

HB 1288. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 67-1-51 to authorize the issuance of a charter vessel operator's permit under the Local Option Alcoholic Beverage Control Law. A permit holder may sell

alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel operator for consumption during such tours and cruises on the premises of the charter vessel operator described in the permit. For the purposes of the permit, a "charter vessel operator" is a common carrier that (a) is certified to carry at least 49 passengers, (b) operates only in the waters within the State of Mississippi, which lie south of Interstate-10 in the three most southern counties in the State of Mississippi, and lie adjacent to the State of Mississippi south of the three most southern counties in the State of Mississippi, extending not further than one mile south of such counties, and (c) provides vessel services for tours and cruises in such waters.

The annual privilege license tax for a charter vessel operator's permit is \$100.

HB 1296. Effective 1/1/21. Signed 4/16/21.

This bill amends Section 27-7-22.31, which authorizes an income tax credit for costs and expenses incurred for the rehabilitation of certain historic structures to:

- Remove the provision that excludes single-family dwellings from the definition of the term "eligible property."
- Remove the option, in lieu of the ten-year carryforward of an excess tax credit, of a refund paid over a two-year period in the amount of 75% of the excess credit.
- Allow the option, in lieu of claiming the tax credit, of a rebate of 75% of the amount that would be eligible to claim as a credit. A rebate request will be submitted to the Department of Archives and History. The Department of Archives and History will provide the taxpayer with a voucher for the approved

amount. Within twelve months of the issuance of the voucher by the Department of Archives and History, the taxpayer may submit the voucher to the Department of Revenue to receive payment.

- Provide that the Department of Archives and History will not issue certificates evidencing the eligible rebate or tax credit which will result in rebates or credits being awarded in excess of \$12,000,000 in any one calendar year for projects with total qualified rehabilitation costs and expenses of \$1,750,000 or more. The Department of Archives and History also will not issue certificates evidencing the eligible rebate or tax credit which will result in rebates or credits being awarded in excess of \$12,000,000 in any one calendar year for projects with total qualified rehabilitation costs and expenses of less than \$1,750,000. If claiming a tax credit instead of a rebate, a taxpayer will claim the credit on the income tax return for the tax year for which the credit is certified.

- Provide that the date of a rebate or tax credit will be certified in the following order:

- ▶ The rebate or credit will be certified based on the date of project completion.

- ▶ If the eligible rebate or credit exceeds the available limit in the year in which the project is completed, the rebate or credit will be certified based on the date the certification is issued by the Department of Archives and History. The department will issue the certification in the first calendar year in which the requested rebate or credit would not exceed the calendar year limit.

- Provide that the aggregate amount of tax rebates or credits that may be awarded under this section will not exceed \$180,000,000.

- Revise the provisions under which a taxpayer eligible for a rebate or tax credit may claim the rebate or credit in phases.
- Revise the provisions under which a rebate or tax credit received by a taxpayer is subject to recapture.

HB 1356. Effective 7/1/21. Signed 4/6/21.

This bill amends Section 27-7-17 to provide that for the state income tax deduction authorized for depreciation, in the case of new or used aircraft, equipment, engines, or other parts and tools used for aviation, allowance for bonus depreciation conforms with the federal bonus depreciation rates and reasonable allowance for depreciation is no less than 100%.

HB 1420. Effective 1/1/21. Signed 3/29/21.

This bill amends Section 27-31-1 to exempt from ad valorem taxation all property, real or personal, that is owned, operated and managed by a not-for-profit corporation qualified under Section 501(c)(3) of the Internal Revenue Code, and used to provide, free of charge, (a) a practice facility for a public school district swim team, and (b) a facility for another not-for-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code to conduct water safety and lifeguard training programs. The exemption does not apply to real or personal property owned by a country club, tennis club with a pool, or any club requiring stock ownership for membership.

HB 1446. Effective 3/27/20. Signed 4/14/21.

This bill amends Section 57-121-7 to allow a state income tax for otherwise deductible expenses if:

- The payment(s) for such deductible expenses are made with the grant or loan program of the Paycheck Protection Program as authorized under the Coronavirus Aid, Relief, and Economic

Security (CARES) Act and the Consolidated Appropriations Act of 2021, the COVID-19 Economic Injury Disaster Loan Program, the 2020 COVID-19 Mississippi Business Assistance Act, and/or the Rental Assistance Grant Program, and

- Such deductible expenses shall be allowed as deductions for federal income tax purposes.

SB 2293. See summary under Military Affairs.

SB 2435. Effective 7/1/21. Signed 4/16/21.

This bill amends Section 67-1-51 to allow the holder of a distillery retailer's permit under the Local Option Alcoholic Beverage Control Law to sell alcoholic beverages to consumers for on-premises consumption. The permittee may add other beverages, alcoholic or not, to the product manufactured at the distillery described in the permit, so long as the total volume of other beverage components containing alcohol does not exceed 20%. Hours of on-premises sales are to be the same as those authorized for on-premises permittees in the city or county in which the distillery retailer is located.

The bill amends Section 67-1-41 to authorize the Department of Revenue to promulgate rules facilitating a retailer's on-site pickup of alcoholic beverages sold by the department or as authorized by the department, so that those alcoholic beverages may be delivered to the retailer at the manufacturer's location instead of via shipment from the department's warehouse. It also amends Section 67-5-11 to allow distillery retailers to hold, for onsite pickup, spirits sold to retailers through the department, instead of shipping them to the department warehouse.

In addition, the bill amends Section 27-71-5 to create two privilege license tax tiers for the Class 1 manufacturer's

permit, which applies to distillers and rectifiers, based on annual production volume. The annual tax for a permittee with an annual production volume of 5,000 gallons or more remains at \$4,500, but it drops to \$2,800 for a permittee whose annual production volume is under 5,000 gallons. The bill also removes the provision that provided, if a person approved for a Class 1 manufacturer's permit produces a product with at least 51% of the finished product by volume being obtained from alcoholic fermentation of grapes, fruits, berries, honey and/or vegetables grown and produced in Mississippi, and produces all of the products by using not more than one still having a maximum capacity of 150 liters, the annual privilege license tax for such a permit shall be \$10 per 10,000 gallons or part thereof produced.

SB 2807. Effective on passage. Signed 4/16/21.

House Bill No. 1087, 2020 Regular Session, which abolished prohibition statewide for purposes of possession of alcoholic beverages, also deleted a provision from Section 67-1-7 that prohibited the manufacture, sale and distribution of alcoholic beverages in counties except in municipalities, qualified resort areas or clubs (with the exception of caterer's permit holders as provided in Section 67-1-51). This bill amends Section 67-1-7 to restore that deleted provision. Any permit issued by the Department of Revenue between July 1, 2020, and the day before the effective date of this bill will remain eligible for renewal, even if issued for a location not in a municipality, qualified resort area or club.

SB 2832. Effective 7/1/21. Signed 4/9/21.

This bill amends Section 27-7-22.36 to extend the repeal date of the upholstered household furniture manufacturing job income tax credit from January 1, 2022, to January 1, 2026.

SB 2839. Effective 7/1/21. Signed 4/16/21.

This bill makes several changes to the Strengthening Mississippi Academic Research Through (SMART) Business Act. It amends Section 37-148-3 to add and revise certain definitions, as well as Section 37-148-5 to distinguish between two different programs under the SMART Business Act: the SMART Business Rebate, which promotes research partnerships between colleges and investors, and the SMART Business Accelerate Initiative, which promotes the development of state-owned intellectual property.

The amendments to Section 37-148-5 go on to list the terms of implementation for these two programs. The SMART Business Rebate follows the former SMART Business Act standards, but the maximum total amount of rebates that may be issued by the state in any fiscal year is reduced from \$5,000,000 to \$3,500,000. The SMART Business Accelerate Initiative allows for a disbursement of up to \$150,000 to cover the qualified validation expenses of an applicant performing research validation under a research agreement. The total amount of these disbursements in any one fiscal year may not exceed \$1,500,000. The bill sets out the required content of the application to the Board of Trustees of State Institutions of Higher Learning, as well as a 60-day time frame for the board to review and decide on the application.

The bill amends Section 37-148-9 to provide that, for each SMART Business Accelerate Initiative disbursement certificate issued in a given year, the report filed by IHL with the

Governor and the Legislature must include, but not necessarily be limited to, the name of the applicant, a description of the research validation and the amount of the disbursement.

The bill provides for the repeal of the SMART Business Act on July 1, 2026.

SB 2850. Effective 7/1/21. Signed 4/9/21.

This bill amends Section 63-21-15 to allow application for a certificate of title to a vehicle lacking proper documentation, if the vehicle is at least 30 years old and the applicant submits a certificate of ownership signed under penalty of perjury on a form prescribed by the Department of Revenue.

SB 2872. Effective 7/1/21. Signed 4/16/21.

This bill amends Section 67-1-16 to remove the requirement that an election be held before the land in the Reservoir area of Rankin County, described in Section 67-1-5(o)(iii)8, may be designated a qualified resort area.

SB 2874. Effective on passage. Signed 4/22/21.

This bill requires that all residential contractors, in order to obtain a building permit, possess a sales tax permit from the Department of Revenue issued under Section 27-65-27. For purposes of this requirement, a residential contractor is a person or entity contracting or offering to contract with an owner or possessor of residential real estate to construct a residence or appurtenant structure thereon, or to repair or renovate any portion of a residence or appurtenant structure thereon, regardless of the cost of the project, and regardless of whether all or part of the cost is expected to be paid as a benefit of a property and casualty insurance policy. A residential contractor is not a person building, repairing or

renovating his or her own personal residence. This requirement does not apply to a residential contractor with a permanent place of business in Mississippi or licensed under Section 31-3-1 et seq.

The bill also requires that all commercial contractors, in order to obtain a building permit, possess a sales tax permit from the Department of Revenue issued under Section 27-65-27. For purposes of this requirement, a commercial contractor is a person or entity contracting or offering to contract with an owner or possessor of commercial real estate to construct a building thereon, or to repair or renovate any portion of a building thereon, regardless of the cost of the project, and regardless of whether all or part of the cost is expected to be paid as a benefit of a property and casualty insurance policy. This requirement does not apply to a commercial contractor with a permanent place of business in Mississippi or licensed under Section 31-3-1 et seq.

SB 2895. Effective on passage. Signed 4/16/21.

This bill authorizes county boards of supervisors to exempt from ad valorem taxation all property of a renewable energy project with a capital investment from private sources of not less than \$100,000,000. The exemption may be for an amount not to exceed 50% of the total assessed value of the project. A qualifying project is a facility, placed in operation after the effective date of the bill, generating energy through the use of a renewable energy source such as wind, water, biomass or solar.

SB 2971. Effective on passage. Signed 4/22/21.

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

- Institutions of Higher Learning Bond Authorizations

▶ \$86,375,000 for the 2021 IHL Capital Improvements Fund as follows:

NAME	PROJECT	AMOUNT ALLOCATED
Alcorn State University.....		\$ 5,675,000.00
	Phase I of repair and renovation of and upgrades and improvements to campus dormitories.....	\$ 5,675,000.00
Delta State University.....		\$ 10,800,000.00
	Renovation and expansion of and upgrades, improvements and additions to the Robert E. Smith School of Nursing Building and related facilities.....	\$ 7,800,000.00
	Repair, renovation and upgrading of campus buildings and facilities.....	\$ 3,000,000.00
Jackson State University.....		\$ 6,500,000.00
	Phase III of repair, renovation and upgrading of campus buildings, facilities, and infrastructure.....	\$ 6,000,000.00
	Preplanning for construction, furnishing and equipping of a new dining facility and related facilities.....	\$ 500,000.00

Mississippi State University.....	\$	15,000,000.00
Phase I of construction,		
furnishing and equipping		
of a new building and		
related facilities to		
house the College of		
Architecture, Art		
and Design.....		
	\$	15,000,000.00
Mississippi State University/Division of		
Agriculture, Forestry and Veterinary Medicine...	\$	8,000,000.00
Repair and renovation of		
and upgrades and		
improvements to Dorman Hall		
and related facilities.....		
	\$	8,000,000.00
Mississippi University for Women.....	\$	2,750,000.00
Repair, renovation		
and upgrading of		
campus buildings		
and facilities.....		
	\$	2,750,000.00
Mississippi Valley State University.....	\$	500,000.00
Preplanning for repair,		
renovation, furnishing		
and equipping of the		
Charles Lackey		
Recreation Center.....		
	\$	500,000.00
University of Mississippi.....	\$	12,000,000.00
Construction, furnishing		
and equipping of a new		
mechanical and power		
plant building and related		
facilities.....		
	\$	12,000,000.00
University of Mississippi Medical Center.....	\$	8,000,000.00

Repair, renovation, and upgrading of campus buildings and facilities.....	\$ 8,000,000.00	
University of Southern Mississippi.....	\$	10,750,000.00
Repair and renovation of Hickman Hall and related facilities.....	\$ 10,000,000.00	
Preplanning and construction, furnishing and equipping of a new science research facility...	\$ 750,000.00	
University of Southern Mississippi/Gulf Coast Campuses.....	\$	5,800,000.00
Construction, furnishing and equipping of Executive Education and Conference Center and related facilities on the Gulf Park Campus.....	\$ 4,800,000.00	
Repair, renovation, life safety, and ADA code upgrades, furnishing and equipping of campus buildings and facilities at the Gulf Coast Research Laboratory, Halstead Campus.....	\$ 1,000,000.00	
IHL Education and Research Center.....	\$	600,000.00
Planning, repair, renovation,		

life safety and ADA code
 upgrades of buildings,
 facilities and infrastructure,
 including the Paul B. Johnson
 Tower, Edsel E. Thrash
 Universities Center and
 the Mississippi Public
 Broadcasting Building.....\$ 600,000.00

- Community and Junior College Bond Authorizations

- ▶ \$35,000,000 for the 2021 Community and Junior
 Colleges Capital Improvements Fund as follows:

Coahoma.....	\$ 1,601,497.00
Copiah-Lincoln.....	1,914,389.00
East Central.....	1,788,372.00
East Mississippi.....	2,070,016.00
Hinds.....	3,858,858.00
Holmes.....	2,670,171.00
Itawamba.....	2,436,346.00
Jones.....	2,354,904.00
Meridian.....	1,932,245.00
Mississippi Delta.....	1,801,892.00
Mississippi Gulf Coast.....	3,410,539.00
Northeast Mississippi.....	2,052,257.00
Northwest Mississippi.....	2,937,492.00
Pearl River.....	2,456,481.00
Southwest Mississippi.....	1,714,541.00

- State Agency Bond Authorizations

- ▶ \$5,250,000 for the 2021 State Agencies Capital
 Improvements Fund as follows:

Department of Mental Health.....\$ 5,250,000.00

Phase II of repair

and replacement of plumbing systems at the Mississippi State Hospital.....	\$	750,000.00
Phase II of repair and restoration of, or replacement of windows, waterproofing, repointing, sealing and repainting of buildings at the Mississippi State Hospital.....	\$	750,000.00
Phase II of repair and renovations for ADA compliance for buildings and facilities at Ellisville State School....	\$	750,000.00
Planning, repair and renovation, furnishing and equipping of the Beechwood Building at Hudspeth Regional Center.....	\$	1,500,000.00
Phase II of repair and renovation, furnishing and equipping of cottages at Hudspeth Regional Center.....	\$	750,000.00
Planning, repair and replacement of roofing at campus buildings and facilities at South Mississippi Regional Center.....	\$	750,000.00

- Other Bond Authorizations

- ▶ Increases by \$3,000,000 the amount of bonds that may be issued to assist the Chickasaw Inkana Foundation in paying the costs associated with the construction, furnishing and equipping of the Chickasaw Heritage Center in Tupelo.

- ▶ \$5,000,000 for the Mississippi Community Heritage Preservation Grant Fund.

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

- ▶ \$20,000,000 for the ACE Fund.

- ▶ Increases by \$10,000,000 the amount of bonds authorized to be issued under the Mississippi Business Investment Act with the proceeds of the bonds used to make grants or loans to municipalities through an equipment and public facilities grant and loan fund to aid in infrastructure-related improvements, the purchase of equipment and in the purchase, construction or repair and renovation of public facilities.

- ▶ Increases by \$7,000,000 the amount of bonds that may be issued under the Economic Development Highway Act, and authorizes the issuance of an additional \$1,000,000 in bonds, the proceeds of which shall be used to provide funding for a high economic benefit project as defined in Section 65-4-5(1)(c)(v).

- ▶ Increases by \$36,000,000 the amount of bonds that may be issued for the Mississippi Industry Incentive Financing Revolving Fund.

- ▶ \$300,000 to assist Lawrence County in paying costs associated with repairs and improvements to the N.A. Sandifer Road Bridge.

▶ \$2,000,000 to assist Marshall County in paying costs associated with building a full-time emergency response center, including ambulance service, a fire station and a sheriff's department substation, to serve the growing area in and around the Chickasaw Trail Industrial Park.

▶ Increases by \$2,000,000 the amount of bonds that may be issued to assist in paying costs associated with the repair, renovation and other improvements to buildings and related facilities in the City of Batesville to house the Concourse Workforce Training Center.

▶ \$500,000 to assist the Pearl and Leaf Rivers Rails-to-Trails Recreational District with trail overlay or bridge repairs on the Longleaf Trace between Hattiesburg and Prentiss.

▶ Increases by \$1,000,000 the amount of bonds that may be issued to assist the East Metropolitan Corridor Commission in paying the costs associated with land acquisition and implementation of the East Metro Corridor project in Rankin County.

▶ \$1,300,000 to assist Yazoo County in paying costs associated with repairs and improvements to the U.S. Highway 49 Frontage Road.

▶ \$2,000,000 to assist the City of Ridgeland in paying the costs associated with the preconstruction, design, engineering, land acquisition, right-of-way acquisition, construction and development of the Commerce Park Connector project from Lake Harbour Drive to Highland Colony Parkway.

▶ \$750,000 to assist the Yellow Creek State Inland Port in paying costs associated with the construction of a medical clinic.

▶ \$650,000 to assist Prentiss County in paying costs associated with the replacement of Bridges 114 and 115 on County Road 4050 and Bridge 147 on County Road 5250.

▶ \$500,000 to assist the City of West Point in paying costs associated with the paving of city streets.

▶ Increases by \$1,000,000 the amount of bonds that may be issued to assist Lowndes County in paying costs associated with the extension of Manufacturers Drive.

▶ \$500,000 to assist Neshoba County in paying costs associated with repairs and improvements to the County Road 210 bridge.

▶ \$1,000,000 to assist Oktibbeha County in paying costs associated with repairs, resurfacing, upgrades and improvements to Oktoc Road.

▶ \$2,500,000 to assist in paying costs associated with construction and development of and upgrades and improvements to property, roadways, infrastructure, facilities and structures at LeFleur's Bluff State Park in the City of Jackson for the purpose of enhancing and developing the entrance to the Mississippi Children's Museum and the Mississippi Museum of Natural Science, and areas and amenities related to the museums.

▶ \$500,000 to assist the City of Indianola in paying costs associated with repairs, resurfacing, upgrades and improvements to streets and roads.

▶ \$1,000,000 to assist Alcorn County in paying costs associated with repair and renovation of and replacement of roofing for the Alcorn County Courthouse.

▶ \$250,000 to provide funds to the Jacinto Foundation, Inc., to pay costs associated with capital improvements, repairing, renovating, restoring, rehabilitating,

preserving, furnishing and/or equipping the Jacinto Courthouse and related facilities in Alcorn County.

▶ \$250,000 to assist in paying costs associated with repair and renovation of and upgrades and improvements to East Corinth Elementary School to provide enhanced career technical training to Corinth students in advanced technology skills.

▶ \$700,000 to assist Tishomingo County in paying costs associated with repairs, upgrades, resurfacing and improvements to County Road 961.

▶ \$850,000 to assist George County in paying costs associated with construction, reconstruction, repairs, resurfacing, upgrades and improvements to Evanston Road at and near the main entrance to the George County Industrial Park.

▶ \$1,000,000 to assist the Town of Bruce in paying costs associated with expansion of and repairs, upgrades and improvements to the town's sewer system, sewage lagoon and related infrastructure and facilities.

▶ \$100,000 to assist the Town of Vardaman in paying costs associated with repairs, resurfacing, upgrades and improvements to town streets.

▶ \$200,000 to assist the Town of Calhoun City in paying costs associated with repairs, resurfacing, upgrades and improvements to town streets.

▶ \$500,000 to assist the City of Jackson in paying costs associated with various improvements at the Pete Brown Golf Course.

▶ \$150,000 to assist in paying costs associated with repair, renovation, furnishing and equipping of the Tougaloo Senior Center.

▶ \$4,400,000 to assist the Pascagoula Redevelopment Authority with the Flagship District Projects.

▶ \$5,000,000 to assist in paying costs associated with right-of-way acquisition, utility relocation, design and construction necessary to add a center turning lane and upgrade the roadway on State Highway 4 from Interstate 55 to the campus of Northwest Mississippi Community College.

▶ \$500,000 to assist Forrest County in paying the costs associated with the repair and/or replacement of the bridge on Temple Road over Reese Creek and the repair and/or replacement of the bridge on Brooklyn-Janice Road over Chaney Branch Creek.

▶ \$250,000 to assist in paying costs associated with site preparation and construction of the West Lauderdale Athletic Complex in Lauderdale County.

▶ \$250,000 to assist in paying costs associated with repair, renovation, furnishing and equipping of and upgrades and improvements to the Jackson Public School District's Career Development Center.

▶ \$1,000,000 to assist Wilkinson County in paying costs associated with replacement of the Jackson Point Road Bridge.

▶ \$1,500,000 to pay costs associated with construction, furnishing, and equipping of and relocation of the Jackson State University School of Public Health to the main campus of the university.

▶ \$450,000 to assist Union County in paying costs associated with repair and/or replacement of a bridge on County Road 81.

▶ \$100,000 to assist the City of Jackson in paying costs associated with construction, repair, renovation, replacement and improvement of facilities and infrastructure at Livingston Park.

▶ \$1,000,000 to assist the City of Brookhaven in paying costs associated with reconstruction, repairs, resurfacing, upgrades and improvements to Brookway Boulevard.

▶ \$2,000,000 to assist Lafayette County in paying the costs associated with the extension of West Oxford Loop.

▶ \$250,000 to assist the City of Oxford in paying costs associated with construction and development of Oxford Square Park and related facilities.

▶ \$250,000 to assist the City of Horn Lake in paying costs associated with acquisition and installation of a pressure filtration system on the wellhead providing water for the system providing water service to the Twin Lakes Subdivision area.

▶ \$1,000,000 to assist the City of D'Iberville in paying costs associated with repairs, resurfacing, upgrades and improvements to Mallet Road.

▶ \$120,000 to assist in paying costs associated with acquisition of a fire truck for the 3 Mile Corner Volunteer Fire Department in Kemper County.

▶ \$150,000 to assist in paying costs associated with construction, repair, renovation, replacement and improvement of facilities, equipment, grounds and infrastructure at Lake Hico Park and Northgate Park in Hinds County (with no more than \$100,000 being used for Northgate Park, and no more than \$50,000 being used for Lake Hico Park).

▶ \$500,000 to assist Clay County in paying costs associated with the overlay of North Beasley Road and South Beasley Road.

▶ \$300,000 to assist Monroe County in paying costs associated with repairs, upgrades and improvements to Chapel Grove Road and Bishop Road.

▶ \$2,000,000 to assist Hinds County in paying costs associated with construction and development of the Hinds Parkway project.

▶ \$500,000 to assist the Town of Flora in paying costs associated with improvements to the town's water system and sewer system infrastructure.

▶ \$5,000,000 to assist Madison County in paying costs associated with making improvements to Bozeman Road, beginning at its intersection with Mississippi Highway 463 and proceeding north.

▶ \$1,000,000 to assist the City of Clinton in paying costs associated with repairs, resurfacing and other improvements and upgrades to Arrow Drive and Northside Drive.

▶ \$1,000,000 for the Mississippi Ports Improvements Fund.

▶ \$1,500,000 to assist DeSoto County in paying costs associated with five-laning the portion of Getwell Road from Lester to Pleasant Hill Road.

▶ \$250,000 to assist the ASU Foundation, Inc., in paying costs associated with repairing, renovating, restoring, rehabilitating, preserving, upgrading, improving, furnishing and/or equipping the Historic Oakland Memorial Chapel, Belles Lettres Hall, the Old President's Home, and the Historic Oakland Memorial Cemetery in Claiborne County.

▶ \$750,000 to assist the City of Hazlehurst in paying costs associated with construction of a community center/emergency storm shelter and related facilities.

▶ \$300,000 to assist the City of Louisville in paying the costs associated with constructing a road and other transportation infrastructure that will provide and improve access to land owned by the city designated for an economic

development project on or near the location of Winston Plywood & Veneer.

▶ \$400,000 to assist the Town of Eupora in paying costs associated with repairs, resurfacing, upgrades and improvements to streets and roads.

▶ \$100,000 to assist the Town of French Camp in paying costs associated with repairs and other improvements to the town's sewer system, sewer lagoon and related infrastructure.

▶ \$225,000 to assist Choctaw County in paying costs associated with repairs, resurfacing, upgrades and improvements to Reform/Sturgis Road.

▶ \$300,000 to assist Webster County and Choctaw County in paying costs associated with repairs, resurfacing, upgrades and improvements to Chester - Tomnolen Road.

▶ \$1,000,000 to assist Grenada County in paying costs associated with preplanning, construction and development of Business/Industrial Park Road.

▶ \$450,000 to assist Pontotoc County in paying costs associated with repair and renovation of and upgrades and improvements to the Pontotoc County Courthouse.

▶ \$150,000 to assist Pontotoc County in paying costs associated with repair, renovation, furnishing and equipping of and upgrades and improvements to the W.A. Grist Building.

▶ \$100,000 to assist Pontotoc County in paying costs associated with repair and renovation of and upgrades and improvements to the Chancery Court Building and Youth Court facility.

▶ \$750,000 to assist the City of Shelby in paying costs associated with repairs, resurfacing, upgrades and improvements to Martin Luther King, Jr., Drive.

▶ \$1,000,000 to assist Adams County in paying the costs related to the completion of the Belwood Levee.

▶ \$1,000,000 to assist Hancock County in paying costs associated with repair, renovation, upgrades, improvements and additions to the Hancock County Fairgrounds.

▶ \$400,000 to assist the Town of Hickory Flat in paying costs associated with repairs, resurfacing, upgrades and improvements to town streets and roads.

▶ \$500,000 to assist Marshall County in paying costs associated with the replacement of the Bethlehem Waterford Bridge over the Tippah River.

▶ \$1,000,000 to assist the City of Hattiesburg in paying costs associated with improvements in infrastructure in the Midtown area of the city, including, but not limited to, roads, bridges, water, sewer, drainage, sidewalks, stormwater detention, land acquisition, utility relocation and lighting.

▶ \$500,000 to assist Noxubee County in paying costs associated with construction, furnishing and equipping of a county emergency operations center and related facilities.

▶ \$150,000 to assist the City of Morton in paying costs associated with repairs, resurfacing, upgrades and improvements to streets and roads around Morton High School and surrounding areas.

▶ \$750,000 to assist Scenic Rivers Development Alliance in paying costs associated with the acquisition of approximately 150 acres of land from the United States Department of Agriculture and located in Franklin County, and related road and other infrastructure improvements, including the repayment of debt incurred by Scenic Rivers Development Alliance for such purposes before the effective date of this bill.

▶ \$500,000 to assist Pike County in paying costs associated with repair and renovation of and upgrades and improvements to the Pike County Courthouse Complex buildings and related facilities.

▶ \$500,000 to assist the City of Columbia in paying costs associated with repairs, resurfacing, upgrades and improvements to streets and roads and other infrastructure improvements to and near the Marion County Courthouse Square.

▶ \$250,000 to assist in paying costs associated with repair, renovation and replacement of Walter Payton Field and related facilities at Columbia High School in the City of Columbia.

▶ \$1,000,000 to assist the City of Baldwin in paying costs associated with repair and renovation and upgrades and improvements to the city's municipal buildings and related facilities.

▶ \$500,000 to assist Tate County in paying costs associated with construction and development of infrastructure improvements and recreational trails at Chromcraft Lake.

▶ \$500,000 to assist Attala County in paying costs associated with repair and renovation of and upgrades and improvements to the Attala County Courthouse.

▶ \$1,000,000 to assist the City of Kosciusko in paying costs associated with repairs, upgrades and improvements to Hugh Ellard Park.

▶ \$250,000 to assist in paying costs associated with the administration, development and operation of the Kosciusko School District Pre-Kindergarten Program.

▶ \$450,000 to assist Leake County in paying costs associated with repairs, resurfacing, upgrades and improvements to Hooper Mill Creek Road.

▶ \$500,000 to assist Tunica County in paying costs associated with repair and renovation of and upgrades and improvements to Battle Arena.

▶ \$1,000,000 to assist in paying costs associated with repair and renovation of and upgrades and improvements to Itawamba County School District buildings and facilities.

▶ \$300,000 to assist Itawamba County in paying costs associated with constructing, furnishing and equipping of a county 911 center.

▶ \$100,000 to assist the City of Fulton in paying costs associated with expansion of the city's natural gas system and related infrastructure.

▶ \$1,500,000 to assist in paying costs associated with construction, furnishing and equipping of a technology education center for the Long Beach School District.

▶ \$100,000 to assist in paying costs associated with construction of a new firehouse for the Kossuth Volunteer Fire Department in Alcorn County.

▶ \$2,000,000 to assist the City of Gautier in paying costs associated with construction of an amphitheater and a songwriters' museum.

▶ \$200,000 to assist the City of Laurel in paying costs associated with construction and development of a park and walking trail.

▶ \$100,000 to assist the Town of D'Lo in paying costs associated with construction of a fire station.

▶ \$750,000 to assist Tate County in paying costs associated with parking lot reconstruction for the Tate County Courthouse.

▶ \$100,000 to assist the City of Senatobia in paying costs associated with lighting repairs at the Interstate 55/Mississippi Highway 740 interchange.

▶ \$300,000 to assist Tate County in paying costs associated with resurfacing Tate - Panola Road.

▶ \$2,000,000 to assist the Mississippi Department of Transportation in paying costs associated with the construction of additional lanes for U.S. Highway 51 north of Mississippi Highway 740 in Tate County.

▶ \$500,000 to assist the Greenwood Cemetery Association in paying costs associated with repairs to Greenwood Cemetery in the City of Jackson.

▶ \$500,000 to assist the Warren County Port Commission in paying costs associated with upgrades and improvements to the Port of Vicksburg.

▶ \$1,000,000 to assist an enterprise in paying costs associated with the construction and equipping of one or more indoor hydroponic facilities.

▶ \$1,000,000 to assist the City of Philadelphia in paying costs associated with maintenance, repairs, upgrades and improvements to the levee system protecting the Philadelphia Utilities wastewater treatment plant and related facilities.

▶ \$250,000 to assist with construction of a bridge extending from the intersection of the extension of Ware Street and relocated St. Augustine Street to Pearson Road in the City of Pearl.

▶ \$500,000 to assist the Town of Carrollton in paying costs associated with construction of stormwater drainage culverts and other infrastructure improvements for the purpose of improving drainage and reducing the risk of flooding.

▶ \$150,000 to assist Montgomery County in paying costs associated with the overlay of Fisher Road from U.S. Highway 51 to Willette Lane.

▶ \$1,000,000 to assist the City of Winona in paying costs associated with overlaying roads and streets.

▶ \$100,000 to assist the Town of Duncan in paying costs associated with site grading, playground improvements and acquisition of playground equipment for the town's community park.

▶ \$250,000 to assist Walthall County in paying the costs associated with the renovation of the Walthall County Courthouse.

▶ \$500,000 to assist the Town of Tylertown in paying costs associated with repair, renovation, restoration, furnishing and equipping of and upgrades and improvements to the former Walthall Hotel building and related facilities.

▶ \$150,000 to assist the City of Charleston in paying costs associated with constructing, furnishing and equipping the City of Charleston Shade Street Health Complex.

▶ \$150,000 to assist Tallahatchie County in paying costs associated with the acquisition of a solid waste collection transfer station.

▶ \$125,000 to assist the Town of Oakland in paying costs associated with repairs, resurfacing, upgrades and improvements to streets and roads.

▶ \$1,500,000 to assist the City of Starkville in paying costs associated with the extension of Stark Road and Hospital Road.

▶ \$200,000 to assist the Town of Sebastopol in paying costs associated with renovation of and upgrades and

improvements to a building that will be the town's multipurpose community center.

- ▶ \$100,000 to assist the City of Union in paying costs associated with the acquisition of two motor vehicles and equipment for such motor vehicles, tasers and other safety equipment for the city's police department.

- ▶ \$300,000 to assist the Town of Seminary in paying costs associated with construction and expansion of and upgrades and improvements to the town's water system infrastructure and/or sewer system infrastructure.

- ▶ \$300,000 to assist the City of Brandon in paying costs associated with repair, renovation and upgrades of and improvements to its city hall building and related facilities and construction of additional parking and related facilities.

- ▶ \$500,000 to assist Tippah County in paying costs associated with the purchase of equipment at the Tippah County Hospital.

- ▶ \$100,000 to assist the City of Ripley in paying costs associated with the purchase of equipment for the city's fire department.

- ▶ \$250,000 to assist the Town of Artesia in paying costs associated with construction of and other improvements to storm water structures and facilities for the purposes of improving drainage and reducing the risk for flooding.

- ▶ \$250,000 to assist in paying costs associated with a study regarding the location for the construction of a sports stadium in downtown Jackson.

- ▶ \$100,000 to assist the Town of Plantersville in paying costs associated with infrastructure improvements and park improvements.

▶ \$1,000,000 to assist the Mississippi's Toughest Kids Foundation in paying the costs associated with design, preplanning, construction, furnishing and equipping of buildings and related facilities, together with design, preplanning, construction and development of infrastructure, at Camp Kamassa in Copiah County.

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

▶ \$2,870,000 for the Water Pollution Control Revolving Fund.

- Miscellaneous

▶ Amends Section 1, Chapter 492, Laws of 2020, to revise the purposes for which proceeds of state general obligation bonds authorized to be issued for the IHL Education and Research Center may be used.

▶ Amends Section 15, Chapter 492, Laws of 2020, to specify legislative intent that all bond funds dedicated for the Chickasaw Heritage Center project up to \$16,000,000 be matched by the Chickasaw Inkana Foundation, and that all funds authorized and disbursed by the state be spent equally with funds matched by the Chickasaw Inkana Foundation.

▶ Amends Section 39-5-145 to revise the purposes for which monies deposited into the Mississippi Community Heritage Preservation Grant Fund may be used.

▶ Amends Section 57-1-221 to provide that the Mississippi Development Authority shall allocate and disburse \$3,000,000 from the Mississippi Industry Incentive Financing Revolving Fund as a grant to Delta Health System for capital costs related to hospital systems expansion.

▶ Amends Section 57-119-9, which directs the MDA to establish criteria for reviewing and accepting applications for assistance from the Gulf Coast Restoration Fund, to exempt from these criteria the project described in paragraph (m) of Section 18, Chapter 106, Laws of 2020, to assist George County with a rail connection project, in order for that project to receive the funds allocated under Chapter 106.

▶ Provides that, for purposes of determining eligibility for any incentive reviewed by the Department of Revenue for eligibility, the applicant may employ a qualified accountant, instead of the Department of Review, to perform a third-party audit.

▶ Amends Section 27-7-22.41 to: (a) allow an ad valorem tax credit, not to exceed 50% of the taxpayer's total ad valorem tax liability, for voluntary cash contributions to an eligible charitable organization; to increase by \$6,000,000, beginning in calendar year 2022, the aggregate amount of tax credits that may be allocated during a calendar year; (b) provide that, beginning in calendar year 2022, of the amount of tax credits that may be allocated for contributions to educational services charitable organizations, 15% will be available solely for allocation for contributions to those organizations providing services to children who have a chronic illness or physical, intellectual, developmental or emotional disability, but that any such credits not allocated before April 1 may be allocated for contributions to those organizations providing services to children in a foster care placement program established by the Department of Child Protection Services, children placed under the Safe Families for Children model, or children at significant risk of entering a foster care placement program established by the Department of Child

Protection Services; and (c) provide that, for calendar year 2022, of the additional amount of tax credits authorized for allocation for contributions to educational services charitable organizations, \$2,000,000 will be available solely for allocation for contributions to Magnolia Speech School, but that any such credits not allocated before April 1, 2022, may be allocated for contributions to other qualifying educational services charitable organizations.

► Amends Section 41, Chapter 492, Laws of 2020, to revise the purposes for which proceeds of state general obligation bonds authorized to be issued for the Town of Wesson Old School Visitor Center may be used.

WILDLIFE, FISHERIES AND PARKS

HB 382. Effective on passage. Signed 4/9/21.

This bill authorizes the Commission on Wildlife, Fisheries and Parks to require chronic wasting disease (CWD) testing of a sample of white-tailed deer that have been harvested or are dying from causes other than being harvested by hunting within any enclosure.

Additionally, the bill prohibits the commission from declaring surrounding or adjoining properties that are within a five mile radius of an enclosure where CWD is detected, a CWD Management Zone, until chronic wasting disease is positively detected within such radius on these surrounding or adjoining properties.

The bill also imposes certain fines for first and subsequent violations for failure to submit samples under the rules and regulations promulgated by the commission. A first violation of such regulations shall be punishable by a fine of \$500. Each second or subsequent violation shall be punishable by a fine of \$1,000.

Finally, the bill repealed Section 49-7-58.5, which required the CWD testing of white-tail deer harvested within any enclosure, and imposed Class II and Class I violation penalties for first and subsequent violations.

WORKFORCE DEVELOPMENT

HB 1263. Effective 7/1/21. Signed 3/25/21.

This bill creates Section 73-50-2, the Universal Recognition of Occupational Licenses Act. The bill provides that Mississippi Occupational Licensing Boards shall issue a license to an applicant who establishes residence in this state if:

- The applicant holds a current and valid license in good standing in another state in an occupation with a similar scope of practice and has held this license from another state for at least one year;
- There were minimum education requirements and, if applicable, work experience, examination and clinical supervision requirements in effect, and the other state verifies that the applicant met those requirements in order to be licensed in that state;
- The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the applicant does not have a disqualifying criminal record as determined by the occupational licensing board in Mississippi under Mississippi law;
- The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state;
- The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime; and
- The applicant pays all applicable fees in Mississippi.

Furthermore, under Section 73-50-2, the occupational licensing board shall issue a license to an applicant in the discipline applied for and at the same practice level, as determined by the occupational licensing board, to a person who establishes residence in this state based on work experience in another state, if all the following apply:

- The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice, as determined by the occupational licensing board;

- The applicant worked for at least three years in the lawful occupation;

- The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the applicant does not have a disqualifying criminal record as determined by the occupational licensing board in Mississippi under Mississippi law;

- The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state;

- The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime; and

- The applicant pays all applicable fees in Mississippi.

The bill also provides that an occupational licensing board may require an out-of-state applicant to pass a jurisprudential exam related to specific state laws in Mississippi that regulate

that occupation if the issuance of such a license in Mississippi requires the in-state applicant to pass the exam.

Furthermore, a license issued under the Universal Recognition of Occupational Licenses Act is only valid in Mississippi and does not make the person eligible to be part of an interstate compact, and such person is subject to the laws regulating that person's practice in this state as well as the occupational licensing board's jurisdiction.

The bill provides the ways that residency may be established in order to receive a license, including proof of a state-issued identification card or one of the following: a current Mississippi utility bill, current ownership or lease of a residence in Mississippi, documentation of Mississippi employment or the promise of Mississippi employment, or any verifiable documentation demonstrating Mississippi residency.

Under Section 73-50-2, occupational licensing boards shall issue or deny a license to an applicant within 120 days of receiving the application.

However, if the application requires longer than two weeks to process, the occupational licensing board shall issue a temporary permit, which shall last for 365 days, within 30 days of receiving the application if the applicant submits an affidavit, under the penalties of perjury, that he or she satisfies all of the requirements to receive a Mississippi license and pays all applicable fees.

The process for an applicant to appeal to a court of general jurisdiction an occupational licensing board's denial of license, determination of the occupation, determination of the similarity of the scope of practice of the license issued, or other determinations under this section is outlined in the bill.

The bill requires an occupational licensing board to prominently print the following on all license applications, any

communication denying a license, and on the board's website:
"Pursuant to the provisions of the Universal Recognition of
Occupational Licenses Act, Mississippi shall recognize
occupational licenses obtained from other states."

An occupational licensing board shall also:

- Prepare and place on the board's website an annual report detailing the number of applications submitted to the licensing board under this section during a calendar year and the actions taken by the board on the applications;

- Adopt rules necessary to implement this section by January 1, 2022; and

- Make all reasonable efforts to issue a license to an applicant for a license under this section.

Lastly, nothing in this section shall be construed to:

- Prohibit an applicant for licensure from proceeding under the existing licensure requirements established by an occupational licensing board in Mississippi;

- Prevent Mississippi from entering into a licensing compact or reciprocity agreement with another state, foreign province or foreign country; or

- Apply to the practice of law, the criteria for licensing under an interstate compact, an occupational licensing board's ability to require an applicant to submit fingerprints, the practice of medicine by physicians, the provisions of the Military Family Freedom Act, or an occupation regulated under Section 73-1-1 et seq. to the extent there is a conflict with a law granting licensure reciprocity under Section 73-1-1 et seq.

Sections 37-3-2, 73-1-21, 73-2-11, 73-4-23, 73-5-21, 73-6-13, 73-7-23, 73-9-24, 73-10-15, 73-11-51, 73-13-35, 73-14-25, 73-15-19, 73-15-21, 73-17-11, 73-19-25, 73-21-87, 73-23-51, 73-23-53, 73-24-21, 73-25-21, 73-27-5, 73-29-19,

73-30-15, 73-31-14, 73-31-15, 73-33-9, 73-34-51, 73-35-7, 73-35-13, 73-36-31, 73-38-23, 73-39-71, 73-53-13, 73-54-23, 73-60-25, 73-63-39, 73-65-7, 73-67-25, 73-69-11, 73-71-21, 73-73-11 and 73-75-15 are amended to conform to Section 73-50-2.

SB 2124. Effective 7/1/21. Signed 3/17/21.

This bill amends Section 71-5-11 to revise the definitions of "Unemployment" and "Wages".

- The definition of "unemployment" is amended to exclude individuals receiving voluntary payments from employers, from whatever source, and for whatever reason, that are in lieu of the worker's regular wages. However, individuals receiving voluntary payments of less than their set full weekly wage, as well as individuals who do not work a specified number of hours each week resulting in inconsistent weekly wages, and who are receiving voluntary payments for partial wage substitution, may be considered "unemployed," but would be required to report the gross amount of the voluntary payments to be treated as wages so the appropriate deductions to the weekly benefit amount can be made.

- ▶ Furthermore, the amendment to the definition of "unemployment" deletes the word "at" and inserts the word "with" to emphasize that registration might not occur "at" an employment office, but rather, could occur by other means "with" an employment office, adding flexibility for applying for unemployment.

- ▶ An administrative leave provision is also added in the definition of "unemployment." Currently no administrative leave provisions exist in the Mississippi Employment Security Law for government or private sector employees. So, this amendment disqualifies any employee who has been placed on official, fully paid administrative leave, from receiving

unemployment insurance benefits. The administrative leave would have to be designated by the employer, and be for a specific time period with no permanent job separation apparent. Individuals who are partially compensated while on official administrative leave would remain eligible for unemployment insurance benefits and would be required to report all compensation received as part of their official administrative leave.

► The definition of "Wages" is amended to include voluntary payments from employers, from whatever source, and for whatever reason, that are in lieu of the worker's regular wages.

The bill also amends Section 71-5-365 to allow the Mississippi Department of Employment Security (MDES) Executive Director to designate an MDES employee who can determine if an employer report is incorrect or sufficient, make an assessment on best information available, assess the contributions due, or assess a penalty as needed for noncompliant employers.

The bill also amends Section 71-5-363 to provide for interest abatement. MDES has encountered several situations in which employers' debts have reached enormous amounts, partially due to unpaid interest. Currently, interest on overpayments and contributions accrues at the rate of 1% and must be collected in full. This amendment gives the agency the discretion of abating interest in part or in full (as it does with penalties) in order to negotiate settlements on some of these enormous debts. The language "subject only to federal laws and regulations" was also added to this section in case federal law is later enacted that would conflict with this change.

The bill also amends Section 71-5-389. This change would recognize that the U.S. Treasury is statutorily added to all instances citing the state counterpart, "the Department of Revenue," which will serve as notice to Mississippians that

their state and/or federal income tax refund may be used to offset debt owed to a claimant agency. So far, DOR has been the only entity designated in Section 71-5-389 that could do this, although MDES has intercepted federal income tax returns for a few years. The words "if applicable" were added after the words "U.S. Treasury" to clarify that since U.S. Treasury is a federal entity, the directives in this statute would only apply as long as they are applicable under federal law.

The bill also amends Section 71-5-355 to clarify the fact that if a business commits SUTA dumping, which is manipulating unemployment tax rates to pay less tax, the business will have a minimum increase in its tax rate of two percent. This penalty has always been the case, but MDES gets inquiries from employers about this issue, so the amendment helps to clarify any misunderstanding.

SB 2521. Effective on passage. Signed 3/17/21.

Under the Mississippi Advantage Jobs Act before the passage of this bill, a "new direct job" for purposes of incentive payments was defined as "full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state before the date of approval by the Mississippi Development Authority (MDA) of the application of the qualified business or industry pursuant to the provisions of this chapter."

This bill amends Section 57-62-5 to include, solely with respect to a farm equipment manufacturer that located its North American headquarters to Mississippi between January 1, 2018, and December 31, 2020, an alternative event before which the employment must not have existed in Mississippi. Under this alternative, a position may be considered a "new direct job" if

it did not exist in this state before a specific date determined by the MDA that falls on or after the date the MDA first issued to the farm equipment manufacturer one or more written commitments or offers of any incentives in connection with the new headquarters project and related facilities expected to result in the creation of the new job.

SB 2827. Effective on passage. Signed 4/5/21.

This bill amends Section 31-7-13.2 to revise the construction management at-risk method of project delivery. The bill provides that, for the purposes of a qualifications-based selection procedure, a contract for construction management at-risk services shall be treated the same as a contract for architectural, engineering and land-surveying services. It provides that the construction manager selected by an agency or governing authority to provide construction management at-risk services shall solicit bids for construction on the project as provided in the Public Purchasing Law. It provides that the construction manager may prequalify vendors and contractors with certain qualifications before soliciting any bids or entering into any contracts. Finally, it provides that, except as otherwise provided in Section 25-61-9, a bidder's confidential and proprietary information shall not be disclosed to anyone outside of the agency, governing authority or construction manager without the bidder's prior written consent.

*WARNING: Summary document not found for Youth and Family
Affairs*

