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Secretary of State

2018 Legislative Update

*New laws impacting the
Mississippi Secretary of State's Office*

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Budget

HB 1606: Appropriation; Marine Resources, Department of.

House Bill 1606 serves to appropriate various amounts of money to the Department of Marine Resources. Section 5 of this bill sets forth the appropriation of \$10,000,000.00 from the State Treasury to the credit of the Tidelands Fund No. 3345200000 to the Department of Marine Resources to be used to cover expenses associated with tidelands projects during the July 1, 2018 to June 30, 2019 fiscal year.

HB 1617: Appropriations; additional for various state agencies for Fiscal Year 2018.

House Bill 1617, specifically Section 6, subsections (c), (f) and (g), appropriates money from the State General Fund to the Attorney General to provide for expenses of paying for outside legal assistance, expert witness fees, court fees, judgements and settlement agreements related to cases involving the Public Trust Tidelands. The effective dates contained in this bill vary by section; however, Section 6 is to be effective upon the passage of this act through June 30, 2019.

SB 2993: Appropriation; Secretary of State.

Senate Bill 2993, Section 1, appropriates \$13,398,769.00 to the Secretary of State from the State General Fund for the support and maintenance of the agency. Section 7 provides that no more than \$500,000.00 of the money appropriated in Section 1 shall be used for paying principal and interest on bond issues for county voting systems. Section 8 appropriates \$1,750,000.00 to the credit of the Land Records Maintenance Fund. Section 9 appropriates \$1,500,000.00 to the credit of the Elections Support Fund. Section 10 appropriates \$210,000.00 to provide matching funds for a statewide voting administration program, as authorized in Senate Bill 3003, 2017 Regular Session. Section 11 appropriates \$10,000,000.00 to the credit of the Public Trust Tidelands Fund. This bill is effective as of July 1, 2018. All appropriated funds are for the fiscal year beginning July 1, 2018 and concluding June 30, 2019.

Business Services, Charities, Securities, Regulation and Enforcement

HB 1338: MS Business Corporation Act; revise bank merger process to be consistent with and revise provisions regarding banks in Mississippi that offer open-end credit.

House Bill 1338 implements changes to the bank merger process so that the process may be consistent with the Mississippi Business Corporation Act. If two (2) state-chartered banks, any national bank and a state-chartered bank, or any state or federal savings and loan association and any state chartered bank wish to consolidate or merge into a single state-chartered bank, they may do so under charter of the existing state bank in accordance with Article 11, Chapter 4 of Title 79 Mississippi Code of 1972. Once the commissioner has received the requisite corporate approvals and the commissioner has approved the merger plan, provided that one of the parties is a state-chartered bank, any amendments to the charter of a state-chartered bank must be approved and filed in accordance with Section 81-3-15. This bill also authorizes banks chartered and domiciled in Mississippi who offer open-end credit to assess charges, including finance charges, at rates that should not exceed those which are imposed on Mississippi customers by out-of-state banks. Effective July 1, 2018.

SB 2277: Salvage certificate of title; vehicles with may not receive a clear title but may receive a branded title.

Sections 63-21-15 and 63-21-39, Mississippi Code of 1972 are amended to provide that a vehicle having been issued a salvage certificate may no longer be granted a clear title under certain conditions. The bill further provides that under specified circumstances, a branded title may be issued to a vehicle that has been issued a salvage title. Effective July 1, 2018.

SB 2310: Charitable solicitation; revise exemption for humane societies.

This bill revises the list of entities which are exempt from registration for solicitation as a charitable entity contained in section 79-11-505, Mississippi Code 1972. Under Senate Bill 2310, a humane society that receives no less than fifty percent (50%) of its annual funding from contracts with counties or municipalities for the care of stray animals is exempt from registering. Effective July 1, 2018.

SB 2484: Perpetual cemeteries; create offense of embezzlement, misapplication or conversion of trust funds.

This bill establishes the penalty associated with the crime of embezzlement as to perpetual care cemetery trust funds. If the amount embezzled, misapplied or converted is less than one thousand dollars (\$1,000), the offense is punishable by a fine of up to five hundred dollars (\$500) and incarceration in a county jail for a maximum of one (1) year. However, if the amount embezzled, misapplied or converted is greater than one thousand dollars (\$1,000), the offense is punishable by

incarceration for up to ten (10) years. Furthermore, each violation is considered to be a separate offense. Effective July 1, 2018.

SB 2526: Administrative Procedures Act; require certain occupational licensing boards to review their rules every three years.

The Administrative Procedures Act is amended to require any board supervised by the Occupational Licensing Review Commission to review all of its rules every three (3) years and determine if any rules need to be repealed, amended, or if any new rules should be adopted. After this review is completed, the board shall submit a report of the review to the Occupational Licensing Review Commission. This bill takes effect July 1, 2018.

HC 85: Gaming; request Executive Director of MGC, PEER and DMR and the Secretary of State to develop map for MS Coast eligible areas.

House Concurrent Resolution 85 establishes a group that will develop a map to set forth the geographic areas of the Mississippi Coast where gaming is permissible. In accordance with House Concurrent Resolution 85, this group is to be comprised of the Executive Director of the Mississippi Gaming Commission, the Executive Director of the Joint Legislative Committee on Performance Evaluations and Expenditure Review, the Executive Director of the Mississippi Department of Marine Resources, and the Secretary of State.

Elections

HB 803: Certified poll managers; revise number to be designated as.

House Bill 803 amends previous legislation regarding the designation of poll managers. Beginning January 1, 2020, county election commissioners are to designate one (1) poll manager per precinct, instead of two, who must complete an online training program in order to become a “certified poll manger.” Upon obtaining the title of “certified poll manger”, such an individual is to now be compensated twenty-five dollars (\$25) by the Secretary of State. This bill became effective upon its passage.

HB 804: Voter identifications; provide procedure for presenting in municipal elections.

An individual who casts an affidavit ballot during a municipal election because they are unable to present an acceptable form of identification must, within five (5) businesses days of the election, present to the municipal clerk’s office an acceptable form of photo ID, MS voter ID card, or file an affidavit for religious objections in order for their vote to be counted. This bill went into effect upon its passage.

HB 937: Election commissioners; revise staggered terms of.

Each county shall elect one (1) election commissioner from each of the five (5) Board of Supervisors’ districts. These election commissioners shall be required to attend a training seminar provided by the Secretary of State. Starting at the general election in 2020, the election commissioner from districts one, three, and five, shall serve a term of four years, while the election commissioners from districts two and four shall serve for a term of three years. In 2023, election commissioners in districts two and four shall be elected to four-year terms. This bill also increases the per diem for election commissioners to one hundred dollars (\$100) per day for the performance of their duties in elections or in revising the registration books or pollbooks. This bill is to take effect July 1, 2018.

HB 1521: City of Richland; revise purpose of food and beverages tax to be used for tourism, parks and recreation after direct vote by electorate.

Upon the passage of House Bill 1521 until July 1, 2022, the city of Richland, MS is authorized to impose up to a two percent (2%) tax on bars and restaurants for the purposes of funding promotion of tourism, parks, and recreation in the city; however, the tax may only be levied if a number of conditions are satisfied. First, all costs associated with the construction of the city’s multipurpose building must be paid off. Secondly, the city’s governing authorities must adopt a resolution stating they intend to levy the tax, the exact percentage rate of the proposed tax, the proposed effective date of the tax, and a date for an election to be held on the issue of the tax.

Finally, in order for the tax to be imposed, the results of the election on the matter must return at least sixty percent (60%) of qualified voters in favor of imposing the tax. This bill was effective upon passage.

SB 2138: Code of Judicial Conduct; immunity for members of a special campaign committee.

This bill grants immunity to members of any committee created under the authority of the Mississippi Code of Judicial Conduct, but this immunity is limited to civil suits which arise out of the performance of their official duties. The types of committees addressed in this bill specifically include special campaign committees who are tasked with issuing advisory opinions regarding ethical violations pertaining to judicial elections. This bill became effective upon its passage and was signed by the governor on April 11, 2018.

Public Lands

HB 593: Pearl River Basin Development District; provide that it shall be dissolved and DFA shall assume powers of.

House Bill 593 dissolves the Pearl River Basin Development District (the “district”) as of July 1, 2018 at which time the Department of Finance and Administration (DFA) will become the agent-in-fact for the district. After the DFA has used the remaining funds available to the district to settle all of its outstanding operating accounts, the remainder is to be deposited into the State General Fund. This bill authorizes DFA to transfer any real property to which the district currently holds or formerly held title to the county or municipality in which the real property lies. If a county chooses not to accept the transfer and it is determined that no municipality wants the property because it would be a surplus to its needs, the Secretary of State is authorized to institute proceedings to sell the surplus property. The Secretary of State may deduct the costs associated with finalizing the sale of the property, and the remaining proceeds from the sale of the property must be used to acquire additional property by the state through the Mississippi Department of Wildlife, Fisheries, and Parks. This bill was effective upon its passage and was signed March 15, 2018.

HB 767: Department of Mental Health; authorize to sell certain state-owned real property in Waveland, MS.

This bill makes no specific mention of the Secretary of State; however, it authorizes the sale and conveyance of state-owned property. Specifically, the bill authorizes the Department of Mental Health to sell the property where the Waveland group home was located before Hurricane Katrina. Further, it gives the Department of Corrections (DOC) the power to transfer property back to the City of Corinth and Alcorn County, which had previously allowed the DOC to use the property. The bill also clarifies what rights the Department of Human Services has to the timber located at the Columbia Training School. DHS had the right to harvest the timber up until six months after HB No 6 (2017) went into effect, after which time they no longer had any rights to the property. Finally, the bill allows DFA to transfer the Capers Avenue Property to the City of Jackson upon receiving a duly adopted resolution. Effective July 1, 2018.

HB 1041: Commission on Marine Resources; revise length of time for which permits for governmental entities are valid.

Permits issued by the Commission on Marine Resources to governmental entities shall be valid for ten (10) years. Effective July 1, 2018.

HB 1199: USM property; authorize DFA to sell or lease certain parcel in Lamar County.

House Bill 1199 authorizes the Department of Finance and Administration, acting in coordination with the Board of Trustees of State Institutions of Higher Learning, to sell or lease portions of state-owned real property and improvements on said property, which is under the control and in possession of the University of Southern Mississippi located in Lamar County, Mississippi. The property, if sold, should be sold at or above current market value which is to be determined by averaging two or more appraisals conducted by qualified appraisers. The University of Southern Mississippi, with IHL approval, is authorized to negotiate details regarding a lease if the property is to be leased. The only requisite characteristics of the lease agreement are that the term shall not exceed 40 years, and the lease cannot be cancelled by successor boards based on the binding successor doctrine. The net proceeds of any sale or lease shall be set aside in a special fund in the State Treasury and reserved for the benefit of the University of Southern Mississippi. This bill is effective as of July 1, 2018.

SB 2787: State land; remove application waiting period on forfeited tax land; clarify procedure for refunds on cancelled patents.

This bill removes the thirty (30) day waiting period previously imposed on certain applications for the purchase of state-forfeited tax land. Under this bill, an application for the purchase of such land does not have to remain on file with the Secretary of State for thirty (30) days before it can be approved or disapproved.

Additionally, if a question regarding failure of title arises it may only be resolved if a suit is filed in the county where the land is located and either the municipality or the Secretary of State, as the case may be, shall be named as a party to the suit. This bill became effective upon its passage and was signed on March 5, 2018.

SB 2893: Secretary of State; authorize to donate certain property in Jackson County, Mississippi, to the National Park Service.

Senate Bill 2893 authorizes the Secretary of State to donate a small, specified portion of submerged land in Jackson County, Mississippi, to the National Park Service. The area being donated is located in Davis Bayou as is provided by the legal description in the bill. This bill was effective upon its passage and was signed on March 15, 2018.

SB 2898: Delta State University property; authorize DFA to transfer to Coahoma County Community College.

Following the passage of this bill, the Department of Finance and Administration is authorized to act on behalf of Delta State University and the Board of Trustees of State Institutions of Higher Learning in order to transfer specified portions of real property to the Board of Trustees of Coahoma County Community College. The specific parcels are colloquially referred to as “Cutrer

Mansion lot,” “St. Elizabeth School lot,” and “St. Elizabeth Gymnasium lot.” Effective upon passage, this bill was signed by the governor March 5, 2018.

Miscellaneous

HB 158: Protective orders; prohibit unit prices within procurement contracts from being protected under.

House Bill 158 amends the Mississippi Public Records Act and clarifies that, in regard to all procurement contracts awarded by state agencies, the unit price contained therein as well as the overall price paid are not trade secrets or confidential; thus making the information available for examination and reproduction. Effective July 1, 2018.

HB 1096: Inactive boards, commissions, councils and committees; repeal certain.

House Bill 1096 abolishes inactive boards, commissions, councils, and committees. One such group which is disbanded by this legislation is the Mississippi Board of Vocational and Technical Education. This bill also repeals the act which established the Mississippi Bicentennial Celebration Commission and the Mississippi Bicentennial Fund. The twenty-four dollar (\$24.00) fee attached to license plates commemorating the Mississippi Bicentennial shall now be distributed to the Mississippi Department of Archives and History as opposed to the Mississippi Bicentennial Celebration Commission. Additionally, the act establishing the Mississippi Institute for Forest Inventory is hereby repealed. The authorization previously afforded to the Board of Water Commissioners to appoint an advisory committee is revoked by this bill. The Dancing Rabbit Creek Treaty Site Advisory Committee is now dissolved. Finally, this bill abolishes the advisory commission which was formerly tasked with advising the Board of Animal Health on matters related to Texas fever, splenic fever, and fever-carrying ticks. Effective July 1, 2018.

SB 2296: Group health insurance plan coverage for prescription drugs; authorize medication synchronization for beneficiaries.

This bill requires individual and group health insurance providers who also provide prescription drug coverage to allow patients to receive a partial supply of medication at a prorated amount. The purpose of doing so is to synchronize prescriptions, thus allowing patients the ability to refill all of their prescriptions at the same time. If medications are dispensed in this manner, the network pharmacy shall apply a prorated daily cost-sharing rate. This act is to become effective January 1, 2019.

SB 2466: State & School Employees Health Insurance; extend repealer on payment of premium.

Under SB 2466, the state shall pay one hundred percent (100%) of the cost of the health insurance plan and fifty percent (50%) of the cost of the cost of a life insurance plan for individuals employed full-time by the state. Section 12 extends the repealer until July 1, 2022. This bill is effective as of July 1, 2018.

SB 2779: Mississippi Department of Information Technology Services (MDITS); authorize to charge state agencies for certain services.

Senate Bill 2779 allows the Mississippi Department of Information Technology Services (MDITS) to charge other state agencies pass-through costs associated with telecommunications, data center services and other information technology services on an as-needed basis. This bill further allows the Department of Finance and Administration to charge other state agencies the application fee for Mississippi Management and Reporting Systems (MMRS) as well as other expenses if federal grants, special funds, or pass-through funds are involved. When funds are intended for statewide shared services related to telecommunication and information processing, such funds should be appropriated from the state general fund into the Mississippi Department of Information Technology Services Revolving Fund unless the legislature conveys otherwise. These funds are to be used to account for the actual costs associated with providing shared services to state agencies. This bill is to take effect July 1, 2018.