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*Secretary of State*

## 2019 Legislative Update

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

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## Table of Contents

### **Budget**

HB 1656: Appropriation; Marine Resources, Department of .....	4
HB 1667: Appropriations; additional for various state agencies for Fiscal Year 2019.....	4
SB 3054: Appropriation; Secretary of State*.....	4

### **Charities and Regulation and Enforcement**

HB 1205: Public agency; prohibit from requesting or releasing certain personal information from an entity organized under Section 501(c) of the Internal Revenue Code.....	5
HB 1477: Cemeteries; authorize counties and municipalities to expend funds to maintain abandoned nonprofit cemeteries* .....	5
SB 2598: Qualified equity investment tax credits; extend authority of Mississippi Development Authority to allocate.....	5
SB 2821: Mississippi Telephone Solicitation Act; revise to include text messages and solicitations for charitable contributions.....	5

### **Elections**

HB 654: County school board trustees; require runoff election if no candidate receives majority of votes cast.....	6
HB 904: Third Circuit Court District; remove residency requirements for judicial office.....	6
HB 914: Precinct boundaries; prohibit altering for certain time of.....	6
JR 202: Mississippi State Senate; revise composition of Senate Districts 13 and 22.....	6
SB 2030: Elections; impose residency requirement to run for certain offices.....	7
SB 2237: Public office; persons convicted of certain crimes are ineligible to qualify as a candidate for or be appointed to.....	7
SB 2916: Judicial offices; change qualifying deadline to March 1.....	8

### **Public Lands**

HB 807: Public lands; extend repealer on statute prohibiting corporations and nonresident aliens from purchasing*.....	9
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HB 1307: Land sold for nonpayment of ad valorem taxes; sale is voidable at option of owner if  
chancery clerk fails to send required notice.....9

SB 2681: Jackson State University; authorize to sell certain tax-forfeited parcels.....9

**Miscellaneous**

HB 980: Agencies; delete provision that contractual obligations of shall be considered as incurred in  
fiscal period to be paid.....10

HB 1204: Mississippi Public Records Act; authorize public bodies to continue to contract even  
though right to protest still available.....10

HB 1375: Wills; revise the procedures that regulate administration of\* .....10

SB 2046: Public Records Act; exempt certain information technology-related information from...10

SB 2133: Department of Employment Security; extend repealer on.....10

SCR 596: United States Constitutional Amendment Convention of the States under Article V;  
Apply for certain restraints on federal government.....11

## **Budget**

### **HB 1656: Appropriation; Marine Resources, Department of.**

House Bill 1656 serves to appropriate funds to the Department of Marine Resources. Section 5 of this bill sets forth the appropriation of \$11,000,000.00 from the State Treasury to the credit of the Tidelands Fund No. 3345200000 to the Department of Marine Resources for the purpose of defraying the expenses of the tidelands projects for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

### **SB 3054: Appropriation; Secretary of State.\***

Senate Bill 3054, Section 1, appropriates \$13,462,659.00 from the State General Fund to the support and maintenance of the Secretary of State for the fiscal year beginning July 1, 2019, and ending June 30, 2020. Section 8 provides that no more than \$500,000.00 of the funds appropriated in Section 1 shall be used for paying principal and interest on bond issues for county voting systems. Section 9 appropriates \$1,750,000.00 to the credit of the Land Records Maintenance Fund for the purpose of making distributions to local governments for taxes owed during the fiscal year. Section 10 appropriates \$1,500,000.00 to the credit of the Elections Support Fund for the purpose of acquiring, upgrading, maintaining, or repairing voting equipment, systems, and supplies, hiring temporary technical support, conducting elections using such voting equipment or systems and training election officials during the fiscal year. Section 11 allocates funds to the Public Trust Tidelands Fund and authorizes the transfer of funds by the Secretary of State to the Mississippi Department of Marine Resources in an amount not to exceed \$11,740,000.00.

## **Business Services, Charities, Securities, Regulation and Enforcement**

### **HB 1205: Public agency; prohibit from requesting or releasing certain personal information from an entity organized under Section 501(c) of the Internal Revenue Code.**

House Bill 1205 provides that a public agency shall not require any entity organized under Section 501(c) of the Internal Revenue Code to provide the public agency with certain personal information. Injunctive relief may be provided for violations of this act. Section 25-61-3, Mississippi Code of 1972, is amended to conform to the provisions of this act. Personal information does not include information reportable to the Secretary of State pursuant to Section 79-11-503(1)(b).

### **HB 1477: Cemeteries; authorize counties and municipalities to expend funds to maintain abandoned nonprofit cemeteries.\***

House Bill 1477 amends Sections 19-7-39 and 21-37-21, Mississippi Code of 1972, by authorizing counties and municipalities, in their discretion, to expend funds for the maintenance and repair of abandoned public and private nonprofit cemeteries.

### **SB 2598: Qualified equity investment tax credits; extend authority of Mississippi Development Authority to allocate.**

Senate Bill 2598 extends the date after which the Mississippi Development Authority shall not allocate income tax and insurance premium tax credit for taxpayers holding certain qualified equity investments until July 1, 2021. Section 1, subsection (6), states the Mississippi Development Authority shall file an annual report on all qualified low-income community investments with the Governor, the Clerk of the House of Representatives, the Secretary of the Senate, and the Secretary of State. The annual report shall include the following information: The North American Industry Classification System Code, the county, the dollars invested, the number of jobs assisted, and the number of jobs assisted with wages over one hundred percent of the federal poverty level for a family of four of each qualified low-income community investment.

### **SB 2821: Mississippi Telephone Solicitation Act; revise to include text messages and solicitations for charitable contributions.**

Senate Bill 2821 amends Sections 77-3-705 and 77-3-711 to expand the definition of "telephone solicitation" to include text message communications, solicitations of a charitable contribution, and solicitations of items of value regardless of whether a sales presentation is made. The bill amends Section 77-3-725 to increase the civil penalties from \$5,000.00 to \$10,000.00 for each violation of the act. The bill also amends Section 77-3-737 to remove the repealer on the Mississippi Telephone Solicitation Act.

## **Elections**

### **HB 654: County school board trustees; require runoff election if no candidate receives majority of votes cast.**

House Bill 654 amends Sections 37-5-9 and 37-7-711, Mississippi Code of 1972, to provide that in a contest for office of the Board of Education Trustees, the person in each respective supervisor's district who receives the majority of votes cast for the position sought shall be declared the winner. This bill also provides for a runoff between the two candidates receiving the highest number of votes in instances where neither candidate receives the majority of votes cast in the election. This runoff election shall occur three weeks after the first election.

### **HB 904: Third Circuit Court District; remove residency requirements for judicial office.**

House Bill 904 amends Section 9-7-14, Mississippi Code of 1972, to remove the residency requirements for judges in the Third Circuit Court District. This act applies to the regular judicial election to be held in November 2022 for the Third Circuit Court District, to any special election held before November 2022, and to any election that occurs thereafter for the Third Circuit Court District.

### **HB 914: Precinct boundaries; prohibit altering for certain time of.**

House Bill 914 amends Section 23-15-283, Mississippi Code of 1972, to prohibit changes to precinct boundaries until the legislature completes its redistricting plan for the House of Representatives and Senate districts. The board of supervisors shall notify the Office of the Secretary of State and provide the Office of the Secretary of State a legal description and a map of any boundary change of any voting precinct or voting place. Furthermore, the bill amends Sections 23-15-281 and 23-15-285 to make technical changes and brings forward Sections 21-8-7, 21-9-15 and 23-15-39, Mississippi Code of 1972, for the purpose of possible amendment. The board of supervisors shall notify the Office of the Secretary of State of any boundary change of each supervisor's district, sub-precinct and voting precinct, provide the office a legal description and a map of each supervisors district, sub-precinct and voting precinct, and shall indicate the voting place in each such district. Section 19-3-1, Mississippi Code of 1972, is amended to conform to the provisions of this act.

### **JR 202: Mississippi State Senate; revise composition of Senate Districts 13 and 22.**

Joint Resolution 202 amends Chapter 2234, Laws of 2012, to revise the composition of Mississippi State Senate Districts 13 and 22. Except as otherwise provided in the resolution, the Chairman and Vice Chairman of the Standing Joint Legislative Committee on Reapportionment shall file with the Secretary of State the Split Precinct Block List developed in conjunction with the plan contained in the joint resolution that details portions of the partial or split precincts that are contained within a district by census tract and block number. Additionally, the staff of the Standing Joint Legislative Committee on Reapportionment shall file with the Secretary of State the Split Precinct Block List

developed in conjunction with the amendments Districts 13 and 22 contained in this joint resolution that details the portions of the partial or split precincts, if any, contained within the districts by census tract and block number. Such documents duly filed with the Secretary of State are incorporated into and shall be construed to be an integral part of the joint resolution. If the districts described in the resolution do not carry out the purposes because of unintentional omission; duplications; overlapping areas; erroneous nomenclature; lack of adequate maps or descriptions of political subdivisions, wards or other divisions thereof, or of their boundary lines, then the Secretary of State, at the request of the Chair of the Senate Elections Committee shall, by order, correct such omissions, overlaps, erroneous nomenclature or other defects in the description of districts so as to accomplish the purposes and objectives of this resolution. This resolution also provides the standards by which the Secretary of State shall be guided. The copies of such orders shall be filed by the Secretary of State in his own office and in the offices of the affected commissioners of election and registrars. The Secretary of State may adopt reasonable rules regulating the procedure for applications for orders under this resolution in the manner of serving and filing any notice or copy of orders relating thereto.

**SB 2030: Elections; impose residency requirement to run for certain offices.**

Senate Bill 2030 provides that any candidate for a municipal, county or county district office shall be a resident of the municipality, county or county district that he or she seeks to represent for two years immediately preceding the Election Day. However, there is an exception for candidates from municipalities with populations of less than one thousand (1,000). The bill also amends Section 65-1-3 and 25-31-1, Mississippi Code of 1972, to provide that any candidate for the Offices of Transportation Commissioner and District Attorney shall be a resident of the state district that he or she seeks to represent for five years immediately preceding the election day. Section 69-1-1, Mississippi Code of 1972, is also amended to provide that any candidate for the Office of Commissioner of Agriculture and Commerce shall be a resident of the state for five years immediately preceding the election day.

**SB 2237: Public office; persons convicted of certain crimes are ineligible to qualify as a candidate for or be appointed to.**

Senate Bill 2237 clarifies that persons who have been convicted of embezzlement of public funds are not eligible to hold public office. This bill amends Sections 23-15-299 and 23-15-359, Mississippi Code of 1972, to provide that the appropriate election officials shall verify that persons who submit qualifying papers to run for public office have not been convicted of a disqualifying offense. The bill also amends Section 37-9-13, which provides the qualifications for appointment to the office of school district superintendent.

**SB 2916: Judicial offices; change qualifying deadline to March 1.**

Senate 2916 amends Section 23-15-977, Mississippi Code of 1972, to move the qualifying deadline for judicial offices from May to March. All candidates for judicial office shall file their intent to be a candidate with the proper officials and pay the proper assessment by no later than 5:00 p.m. on March 1 of the year in which the general election for the judicial office is held. If March 1 occurs on a Saturday, Sunday, or legal holiday, candidates shall file their intent to be a candidate and pay the proper assessment by 5:00 p.m. on the business day immediately following the Saturday, Sunday, or legal holiday.

## **Public Lands**

### **HB 807: Public lands; extend repealer on statute prohibiting corporations and nonresident aliens from purchasing.\***

House Bill 807 amends Section 29-1-75, Mississippi Code of 1972, to extend the date of the repealer to July 1, 2022, on the restrictions imposed on the purchase of public lands by certain corporations and nonresident aliens. Section 1, (2)(b) states that any other nonbanking corporation may purchase lands sold or forfeited to the state for delinquent taxes under any section of Chapter 1, Title 29, specifically relating to the sale of such tax-forfeited lands by the Secretary of State.

### **HB 1307: Land sold for nonpayment of ad valorem taxes; sale is voidable at option of owner if chancery clerk fails to send required notice.**

House Bill 1307 amends Section 24-45-27, Mississippi Code of 1972, to provide that the purchaser of land at any tax sale, or the holder of the legal title under him by descent or distribution, shall not have any right of action to challenge the validity of the tax sale.

### **SB 2681: Jackson State University; authorize to sell certain tax-forfeited parcels.**

Senate Bill 2681 authorizes Jackson State University, with the approval of the Board of Trustees of State Institutions of Higher Learning, to transfer, convey and dispose of certain tax-forfeited real property and any improvements thereon that are in the possession and control of the University in the city of Jackson, Mississippi, when the property has ceased to be used for educational purposes. The bill provides for a right of first refusal for the purchase of the property by adjacent homeowners and other homeowners residing on the same street or block or in the same neighborhood, and it provides that the properties that are not purchased by adjacent homeowners or other homeowners in the neighborhood shall be transferred and conveyed to a nonprofit Community Development Corporation (CDC) that serves as an entity for the revitalization of the community surrounding the University. The CDC to which the properties have been transferred may sell any portion or all of the properties, after first advertising notice of its intent to sell the properties, and the CDC shall transfer fifty percent of the net proceeds received from the sale of the properties to the Department of Finance and Administration for deposit into a special fund that is created in the state treasury to be known as the “Jackson State University Surplus Properties Fund”. Monies in the fund shall be expended only for purposes approved by the Board of Trustees of State Institutions of Higher Learning that are for the benefit of Jackson State University. Any properties that are not sold by December 31, 2019, shall revert to the possession and control of the University on January 1, 2020.

## **Miscellaneous**

### **HB 980: Agencies; delete provision that contractual obligations of shall be considered as incurred in fiscal period to be paid.**

House Bill 980 amends Section 27-104-25, Mississippi Code of 1972, to delete the provision that contractual obligations of state agencies shall be considered as incurred within the fiscal period in which they are to be paid, and are to be encumbered against funds to be available in that fiscal period. The Department of Finance and Administration must approve before state agencies may pay certain contractual obligations from a prior fiscal year.

### **HB 1204: Mississippi Public Records Act; authorize public bodies to continue to contract even though right to protest still available.**

House Bill 1204 amends Section 25-61-5, Mississippi Code of 1972, to revise the Mississippi Public Records Act to authorize public bodies to continue to execute a contract if a court has not ruled on a protective order within ninety days of filing. However, the contract may still be protested after execution. Section 25-61-9, Mississippi Code of 1972, is brought forward for the purpose of possible amendment.

### **HB 1375: Wills; revise the procedures that regulate administration of.\***

House Bill 1375 revises the procedures that regulate the administration of wills and estates. This bill enacts, amends, and repeals various sections of Title 91, Chapter 7 of the Mississippi Code of 1972, as it relates to an accounting, inventories, appraisers, certain fiduciary powers, abatement, and affidavit of successor.

### **SB 2046: Public Records Act; exempt certain information technology-related information from.**

Senate Bill 2046 creates new Section 25-61-11.2, Mississippi Code of 1972, to exempt certain information technology records from the Mississippi Public Records Act of 1983. The bill also amends Sections 9-5-169, 25-61-5, 25-59-19, 25-61-10 and 31-7-111, Mississippi Code of 1972, to conform to the provisions of this act.

### **SB 2133: Department of Employment Security; extend repealer on.**

Senate Bill 2133 reenacts various sections of the Mississippi Code of 1972, which affects the Department of Employment Security. Section 19, which reenacts Section 71-5-117, Mississippi Code of 1972, states that general rules may be adopted, amended or rescinded by the executive director only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten (10) days after filing with the Secretary of State and publication in one or more newspapers of general circulation in this state.

**SCR 596: United States Constitutional Amendment Convention of the States under Article V; Apply for certain restraints on federal government.**

Senate Concurrent Resolution 596 is an application to the United States Congress to call an amendment convention of the states pursuant to Article V of the United States Constitution. This application is a continuing application until the legislatures of at least two-thirds of the several states have made applications on the same subject, or until the Mississippi Legislature acts to withdraw this application. If an amendment convention is assembled, the Mississippi delegates are expressly limited to consider and support amendments that impose fiscal restraints on the federal government and limit the power and jurisdiction of the federal government. The delegates are expressly instructed to oppose term limits for members of Congress. Section 4 of this resolution requires the Secretary of State to facilitate the transmission of the application to the United States Senate and House of Representatives, the Mississippi Senate and House of Representatives, and the legislative houses of the several states.