SUMMARIES

This bill creates new Section 25-61-11.2 to exempt certain information technology records from the Mississippi Public Records Act of 1983. The following information technology (IT) records are exempt:

- IT infrastructure details, including network architecture, schematics and IT system designs;
- Source code;
- Detailed hardware and software inventories;
- Security plans;
- Vulnerability reports;
- Security risk assessment details;
- Security compliance reports;
- Authentication credentials;
- Security policies and processes;
- Security incident reports; and
- Any audit, assessment, compliance report, work papers or any combination of these that if disclosed could allow unauthorized access to the state's IT assets.

This bill amends Section 33-15-17 to authorize the president of the county board of supervisors to proclaim a local emergency. If a local emergency is proclaimed by the president, the governing body of the county shall review the need for continuing the local emergency at its first regular meeting following the proclamation or at a special meeting legally
called for such review. Thereafter, the governing body of the county shall review the need for continuing the local emergency at least every 30 days until the local emergency is terminated.

**SB 2781.** Effective 7/1/19. Signed 4/16/19.

This bill creates the "Fresh Start Act of 2019." It provides that, absent applicable state law, no person shall be disqualified from engaging in any occupation for which a license is required solely or in part because of a prior conviction, unless the conviction directly relates to the duties and responsibilities for the licensed occupation. The provisions of this section do not apply to the admission or reinstatement of any person to The Mississippi Bar as an attorney in good standing authorized to practice law.

The bill also requires the revision of certain licensing restrictions that are based on criminal records. Absent applicable state law, licensing authorities shall not have in their rules for qualifications for licensure any vague or generic terms, including, but not limited to, "moral turpitude," "any felony" and "good character." Absent applicable state law, licensing authorities may only consider criminal records that are specific and directly related to the duties and responsibilities for the licensed occupation when evaluating applicants. All licensing authorities shall meet these requirements within 120 days after the effective date of this act. The provisions of this section do not apply to the admission or reinstatement of any person to The Mississippi Bar as an attorney in good standing authorized to practice law.

The bill also allows an individual with a criminal record to petition at any time for a determination of whether his criminal record will disqualify him from obtaining a license.
The licensing authority shall inform the individual of his standing within 30 days of receiving the petition. The licensing authority may charge a fee to recoup its costs not to exceed $25.00 for each petition. The provisions of this section do not apply to the admission or reinstatement of any person to The Mississippi Bar as an attorney in good standing authorized to practice law.

Finally, the bill prohibits any licensing authority from suspending or revoking the license it has issued to any person who is:

- In default or delinquent in the payment of their student loans solely on the basis of such default or delinquency; or
- In default or delinquent in the satisfaction of the requirements of their work-conditional scholarship solely on the basis of such default or delinquency.

**HB 1204.** Effective 7/1/19. Signed 3/21/19.

This bill amends Section 25-61-5 under the Mississippi Public Records Act to provide that in any instance where a person has filed for a protective order for a competitive sealed proposal and the court has not ruled on the protective order within 90 days of filing, then the public body may proceed with awarding the contract without production of competitive sealed proposals and the contract may be protested after execution.

The bill also adds a July 1, 2021, repealer to Section 25-61-5.


This bill 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 personal information.

- In Section 1, the bill defines "personal information" and "public agency." "Personal information" means any list, record, register, registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter or volunteer of, or donor of financial or nonfinancial support to, any entity organized under Section 501(c) of the Internal Revenue Code. "Personal information" does not include information reportable to the Secretary of State pursuant to Section 79-11-503(1)(b). "Public agency" means any state or local governmental unit, however designated, including, but not limited to, this state; any department, agency, office, commission, board, division or other entity of this state; any political subdivision of this state, including, but not limited to, a county, city, township, village, school district, community college district or any other local governmental unit, agency, authority, council, board or commission; or any state or local court, tribunal or other judicial or quasi-judicial body.

- In Section 2, the bill provides that a public agency shall not:
  - Require entities organized under Section 501(c) to provide the public agency with personal information.
  - Release, publicize or otherwise disclose personal information without certain permission.
  - Request or require a current or prospective contractor with a public agency to provide the public agency with a list of entities organized under Section 501(c) to which it has provided financial or nonfinancial support.

- However, in Section 2, the bill does not prevent:
Any lawful warrant for personal information issued by a court of competent jurisdiction; or

A lawful request for discovery of personal information in litigation if certain conditions are met.

Section 3 provides that a person alleging a violation of the act may bring a civil action for appropriate injunctive relief. It also provides that a court, in rendering a judgment in an action brought under this section, shall award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

Section 4 provides that a person who knowingly violates the act is guilty of a misdemeanor punishable by imprisonment of not more than 90 days or a fine of not more than $1,000.00, or both.

Section 5 provides that the act shall not affect any reporting required under the campaign finance laws.

Section 6 amends Section 25-61-3 to exempt personal information pertaining to Section 501(c) organizations from the Mississippi Public Records Act.

SB 2827. Effective 1/1/20, except for Section 11, which shall take effect from and after 7/1/19, and Sections 12 and 13, which shall take effect from and after passage. Signed 4/18/19.

This bill authorizes compensation increases for county officials as follows:

- Increases the limit on compensation of chancery clerks and circuit clerks from fees to $94,500.00;
- Increases the compensation of county registrars of election by 5%;
- Increases the salaries of county tax assessors and collectors by 5%.
- Increases the salaries of county supervisors by 3%. Supervisors must approve their salary increases;
- Increases certain filing fees charged by chancery clerks for the recording of documents;
- Increases the fee paid to the circuit clerk for each day's attendance upon the circuit court term to $75.00;
- Increases the fees charged by sheriffs for service of process to $45.00;
- Increases the fees charged by marshals and constables;
- Increases the salaries of the county medical examiners, deputy medical examiners and deputy medical examiner investigators;
- Increases the fees paid by the county to a medical examiner or his deputy for filing certain investigation reports, and extends the date of repeal thereon;
- Authorizes the board of supervisors of any county to pay a monthly office allowance to the attorney employed by the board;
- Creates a county elected official's compensation and fees task force to study the structure, amounts and sources of the compensation received by, and the fees charged and collected by, the elected officials of the counties, and to make recommendations to address the compensation received by, and the fees charged and collected by, elected county officials on a long-term basis;
- Directs the task force to make a report of its findings and recommendations to the Legislature by December 1, 2019, provides for the members of the task force, provides for the
organization of the task force, authorizes the payment of per
diem and expenses for attending meetings of the task force,
provides that if the total amount of all fees received by the
office of the chancery clerk or by the office of the circuit
clerk in any year are insufficient to pay the expenses of the
office for that year, the clerk shall notify the board of
supervisors, provides that if the board makes a finding and
enters on its minutes the finding that the fees received by the
office of the clerk are insufficient to pay the expenses of the
office for that year, then the board of supervisors may
appropriate funds of the county to the office of the clerk as
necessary to supplement the payment of the expenses of the
office of the clerk.

SB 2928. Effective 7/1/19, and shall stand repealed
from and after 7/1/22. Signed 4/18/19.

This bill authorizes the Board of Trustees of the
Vicksburg-Warren School District and the Claiborne County Board
of Education to establish a partnership with the energy industry
located within the State of Mississippi, Warren County and the
Mississippi Development Authority for an Energy High School
Academy. The intent of the legislation is to provide an
opportunity for motivated students to participate in a
curriculum that will prepare them for a career of employment in
the energy industry in their home state.

The Board of Trustees of the Vicksburg-Warren School
District and the Claiborne County Board of Education are
authorized to make application to the Mississippi Development
Authority for the approval of entering into a Memorandum of
Understanding with a nuclear facility and Warren County and the
State of Mississippi for the establishment of a partnership for
the operation of an Energy High School Academy. The purpose of
the Energy High School Academy shall be to provide qualified students attending school in Warren and/or Claiborne County in the eighth through twelfth grade with career education, potential student internships and continuing education for careers in the energy industry. The Energy High School Academy shall be under the administrative direction of the Energy High School Academy Partnership Council (Partnership Council) consisting of one member from each of the following entities:

- The Chief Executive Officer of an enterprise engaged in the generation of nuclear energy located in Claiborne County, or his designee, who shall serve for four years;
- The Superintendent of the Vicksburg-Warren School District, who shall serve for four years;
- The Superintendent of the Claiborne County School District, who shall serve for four years;
- A designee of the Mississippi Development Authority, appointed by the Executive Director of MDA, and which may be the executive director, who shall serve three years;
- A member of the Board of Trustees of the Vicksburg-Warren School District, appointed by the Vicksburg Mayor and Board of Aldermen, who shall serve two years;
- A member of the Claiborne County Board of Education, appointed by the Claiborne County Board of Supervisors, who shall serve two years;
- A member of the Claiborne County Chamber of Commerce, appointed by the chairman of the board of directors, who may appoint himself or herself, and who shall serve one year; and
- A member of the Vicksburg Chamber of Commerce, appointed by the chairman of the board of directors, who may appoint himself or herself, and who shall serve one year.
The Energy High School Academy Partnership Council shall promulgate administrative rules and regulations to prescribe the criteria to be used in the establishment of the Energy High School Academy, which shall include student qualifications, application requirements and curriculum components.

The bill establishes in the State Treasury a fund to be known as the "Energy High School Academy Fund." The purpose of the fund is to provide necessary financial support to Vicksburg-Warren/Claiborne County School Districts and the Mississippi Development Authority for start-up costs and costs associated with implementing and operating the Energy Academy established under this section. The fund may consist of monies obtained from grants from any public or private source. The Mississippi Development Authority shall administer the fund pursuant to appropriation by the Legislature, and may apply for any grants from the federal government or private sources.

The Mississippi Development Authority shall prepare a three-year budget proposal for the operation of the Energy Academy which shall include staff and liaison salary estimates, equipment and facility costs and job demand estimates. This budget shall be submitted to the Governor, the Legislative Budget Office and the Partnership Council and updated annually.


This bill deletes the provisions of law that require certain expenses of the State Oil and Gas Board to be defrayed by appropriation from the State General Fund, which makes the board a special fund agency again as it was before the enactment of the Budget Transparency and Simplification Act in 2016.

The bill also authorizes the board to obtain funds from the Capital Expense Fund until July 1, 2021, for the emergency plugging of any oil or gas well in the state that has been
determined by the board to represent an imminent threat to the environment and that has been determined by the board to be an "orphan" well.

**SB 2697.** Effective 7/1/19. Signed 3/22/19.

This bill revises certain provisions under the Real Estate Appraiser Licensing and Certification Act. Specifically, the bill does the following:

- Creates new Section 73-34-16 to provide the qualifications for a trainee appraiser;
- Amends Section 73-34-3 to revise certain definitions regarding real estate appraisers;
- Amends Section 73-34-5 to require any person engaging in real estate appraisal activity to obtain one of the three real estate appraiser licenses;
- Amends Section 73-34-9 to revise the powers and duties of the Mississippi Real Estate Commission to include the Appraiser Qualifications Board in the provisions regarding defining the type of educational and appraisal experience that meets the necessary requirements;
- Requires that the commission implement certain requirements of the Appraiser Qualifications Board;
- Amends Section 73-34-17 to revise the qualifications necessary to be a licensed real estate appraiser;
- Amends Section 73-34-21 to revise the prerequisites to taking the examination for licensing as a licensed certified appraiser;
- Amends Section 73-34-33 to revise the prerequisites to renew a real estate appraiser's license by requiring a total of 28 hours of instruction and seminar courses;
• Amends Section 73-34-45 to require the board to establish and collect a national registry fee as required by the Appraisal Subcommittee pursuant to federal law.


This bill creates the "Landowners Protection Act." The bill regulates the liability of landowners when an invitee is injured on the landowner's property. For any premises-liability action brought under the laws of the State of Mississippi, no person who owns, leases, operates, maintains or manages commercial or other real property, and no director, officer, employee, agent or independent contractor acting on behalf of any such person, shall be civilly liable to any invitee who is injured on the property as the result of the willful, wanton or intentional tortious conduct of any third party, unless the injured party can prove by a preponderance of the evidence that:

• The conduct of the third party occurred on the property;

• The conduct of the person who owns, leases, operates, maintains or manages the property actively and affirmatively, with a degree of conscious decision-making, impelled the conduct of the third party; and

• The third party's conduct proximately caused the economic and noneconomic damages suffered by the injured party.

The bill also provides that an atmosphere of violence shall only be established by similar violent conduct:

• Which occurred three or more times within three years before the third-party act at issue;

• Which took place only on the commercial or other real property where the acts of the third party occurred; and
• Which are based upon three or more separate events or incidents that resulted in three or more arraignments of an individual for a felony involving an act of violence.

The bill also amends Section 85-5-7 to revise the definition of "fault" regarding joint and several liability. For any premises-liability action, alleging injury as a result of the willful, wanton or intentional tortious conduct of a third party on commercial or other real property in the State of Mississippi, "fault" shall include any tort which results from an act or omission committed with a specific wrongful intent. "Premises-liability action" is defined as a civil action based upon the duty owed to someone injured on a landowner's premises as a result of conditions or activities on the land.


This bill provides career and technical education grants through the State Board of Education and the State Workforce Investment Board (SWIB) to schools for each student who earns a qualifying industry certification. "Industry certification" means a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies, resulting in the award of a credential that is nationally recognized and must be at least one of the following:

• Within an industry that addresses a critical local, regional or statewide economic need;

• Linked to an occupation that is included in the State Department of Employment Security's occupations in high-demand list; or

• Linked to an occupation that is identified as emerging.
"Qualifying industry certification" means an industry certification that is linked to an occupation with wages of at least 70% of the average annual wage in this state unless the industry certification is stackable to another postsecondary or professional credential which is linked to an occupation which meets the wage criterion.

The grants may be used for qualifying industry certification examination fees, professional development for teachers in career and technical education programs under this section, student instructional support for programs that lead to qualifying industry certifications, or to increase access to qualifying industry certifications. Any grants awarded under this act may not be used to supplant funds provided for the basic operation of the career and technical education programs.


This bill defines the responsibility of the home school district and the sponsoring school district to provide education for students in juvenile detention facilities, requires local school districts to provide relevant records of detained students in accordance with State Board of Education policy, provides for a required summer course for such students focusing on mathematics and language arts and authorizes the State Department of Education to promulgate rules and regulations related to the education of children housed in a juvenile detention facility.

The local home school district shall be defined as the school district where the detainee was last enrolled. Detainees who have received a High School Equivalency diploma shall be provided remedial instruction in math and language arts, or other areas as determined by the sponsoring school district,
which may be computer-based instruction, as well as career-counseling opportunities.

The sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, shall be responsible for providing the instructional program and, when required by state and federal law, special education services, for the detainee while in detention during the sponsoring school district's academic calendar and a six-week summer enrichment program, the dates which are determined by the sponsoring school district. The enrichment program shall be facilitated by certified or classified district staff and shall be focused academically on mathematics and English language arts instruction, and may include other primary core subject areas, including character education. The six-week enrichment program shall not set aside any guidelines set forth by the Individuals with Disabilities Education Act. The summer enrichment program may be computer-based and have an abbreviated school day that shall not be less than four hours per day. After 48 hours of detention during the sponsoring school district's academic calendar and six-week enrichment program, the detainee shall receive the following services which may be computer-based:

- Diagnostic assessment of grade-level mastery of reading and math skills;
- Individualized instruction and practice to address any weaknesses identified in the assessment conducted under this section if the detainee is in the center for more than 48 hours during the sponsoring school district's academic calendar and six-week enrichment program; and
- Character education to improve behavior.
Any student identified under IDEA will utilize the student's current IEP in lieu of the IAP. It shall be the responsibility of the student's local home school district school to ensure that all related services identified on a student's IEP are provided in accordance with the student's IEP. It shall be the responsibility of the student's local home school district to collaborate with the sponsoring school district to ensure that all students, including students with disabilities, are appropriately included in general state and district-wide assessments, including assessments required by the Elementary and Secondary Education Act of 1965 (ESEA), as amended, and state law. Teachers in youth detention facilities serving IDEA-eligible students must be licensed with endorsements required by state and federal law, and related services personnel and paraprofessionals must meet state and federal qualifications for those personnel.

Student's records, including grades and attendance, shall be part of the student's transition and submitted to the receiving school district for review. Grades received from the Juvenile Detention Center (JDC) education program shall be incorporated into each student's academic performance grade.

The Mississippi Department of Education has the authority to promulgate rules and regulations related to the education of all children housed in a juvenile detention facility, to conduct inspections of the facility's educational services at least annually or more often as deemed necessary and shall provide the licensing agency with its determination of the facility's compliance with the education provisions. The licensing agency shall use the information in its determination of the facility's eligibility for licensure. The implementation of the provisions of this act shall not create accountability or accreditation requirements or standards upon the sponsoring school district or
the home district that are greater, more restrictive or more demanding than those requirements imposed upon local school districts in the provision of educational services to the general population of students.

**SB 2770.** Effective 7/1/19. Signed 4/16/19.
This bill revises the minimum teacher salary scale by increasing the minimum salary by $1,500.00. It also increases the minimum annual salary for teacher assistants to $14,000.00, and adds Holmes, Yazoo and Tallahatchie Counties to the $4,000.00 annual salary supplement incentive program for licensed teachers who have met the requirements and acquired a Master Teacher Certificate from the National Board for Professional Teaching Standards and who is employed in a public school district.

**HB 572.** Effective 7/1/19. Signed 3/15/19.
This bill amends Section 37-7-307 to allow teachers to take a personal leave of absence on the day before the first or last day of the school year and the day before a holiday in the event of the death of an immediate family member (parent, child, grandparent, sibling, stepparent, stepchild or stepsibling). The bill further provides that the three days granted do not have to be consecutive days, but can be used as needed at the teacher's discretion.

**HB 1182.** Effective 7/1/19. Signed 3/21/19.
This bill amends Section 37-11-57 to prohibit public school teachers, assistant teachers, principals, assistant principals or other school personnel from using corporal punishment on any student with a disability who has an individualized education plan (IEP) under the Individuals with Disabilities Education Act.
or a Section 504 plan under the Rehabilitation Act of 1973. No school personnel shall be granted immunity from liability for the use of corporal punishment on a student with a disability.


This bill creates the "Mississippi School Safety Act of 2019." This bill puts safeguards and procedures in place in public schools to ensure the overall safety and awareness of potential dangers and ominous threats for students and staff, including:

- Amending Section 37-11-5 to provide that active shooter drills, which would be required within the first 60 days of the new school year; and requiring district employees to attend annual training on Civil Response to Active Shooter Events;
- Amending Section 37-3-83 to require the Safety Grant Program administered by the State Department of Education to include a pilot program to implement a developmentally appropriate social and emotional curriculum for students in Grades K-5; and requiring school employees to complete a training or professional development course in mental health every two years;
- Amending Section 37-3-93 to require the Mississippi Office of Homeland Security to develop a curriculum to be used in training and certifying threat assessment officers, who would be tasked with conducting annual inspections and threat assessment of each public school in the state, and in turn developing an improvement plan for each school inspected and providing reports of such findings to local law enforcement agencies and the local school board within four weeks of completion;
- Amending Section 37-3-91 to expand student access to local mental health resources under the regional behavioral management program using a newly developed state standardized MOU between community mental health centers and facilities and school districts that provides referral protocols and training school personnel to conduct initial behavioral health screenings;

- Amending Section 37-3-82 to increase the minimum state funding of school resource officers by the State Department of Education under the Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program to $10,000.00 annually, which could be used to train school resource officers. Currently those monies, which are a 50/50 match with district funds, can only be used to employ additional officers or pay the salaries and benefits of those who have been employed to serve as school resource officers (SROs);

- Creating new Section 95-15-1 to authorize the State Department of Education to raise statewide awareness regarding the "See Something Say Something Act" and providing immunity from liability for good faith reporting of suspicious activity or behavior; and

- Amending Section 45-1-2 to direct the Department of Public Safety to establish the Mississippi Analysis and Information Center (MSAIC Fusion Center) in the Office of Homeland Security and employ a regional analyst whose job would be dedicated to statewide social media intelligence platform threats and disseminating school safety information.


Senate Bill 2030 establishes a default two-year residency requirement to run for certain public offices. This new law requires a candidate for any municipal, county or county
district office to be a resident of the municipality, county, county district or other territory that he or she seeks to represent in the office for two years immediately before the election day. The two-year residency requirement applies to elections held on and after January 1, 2020, with two exceptions. First, the two-year residency requirement will not apply to any municipality with fewer than 1,000 residents according to the latest federal decennial census. Second, the default two-year residency requirement is inapplicable if the qualifications for the elected office specify a different residency requirement.

This bill also establishes a specific residency requirement that will apply in elections held on and after January 1, 2020, for the offices of State Highway Commissioner, District Attorney and Commissioner of Agriculture and Commerce. A candidate for State Highway Commissioner or District Attorney must be a resident of the applicable state district for five years immediately before the election day. A candidate for Commissioner of Agriculture and Commerce must be a resident of the state for five years immediately before the election day.


This bill clarifies that persons who have been convicted of embezzlement of public funds are not eligible to hold public office. The amendments to Sections 23-15-299 and 23-15-359 make it clear that election officials must verify that potential candidates for public office have not been convicted of a disqualifying offense.

The bill also amends Section 37-9-13 to change the qualifications for appointment to the office of school district superintendent. A person is ineligible for appointment to this office if he or she has pled guilty to or been convicted of any
state or federal offense in which he or she unlawfully took, obtained or misappropriated funds received by or entrusted to the person by virtue of his or her public office or employment.

Finally, this bill amends Section 99-15-26 to prohibit the nonadjudication of offenses involving the unlawful use or taking of public funds by public officials and employees.

**SB 2744.** Effective 7/1/19. Signed 4/18/19.

This bill amends Sections 77-3-803 and 77-3-805 to revise the prohibition against caller identification spoofing to conform to federal law. A person shall not, in connection with any telecommunications service or interconnected VOIP service, knowingly and with the intent to defraud or cause harm to another person or to wrongfully obtain anything of value, cause any caller identification service to transmit misleading or inaccurate caller identification information to a subscriber. The bill also provides that a violation of the Caller ID Anti-Spoofing Act is a violation of the Mississippi Telephone Solicitation Act, which shall be in addition to any other remedies and penalties available under the law.

**SB 2821.** Effective 7/1/19. Signed 4/16/19.

This bill amends Sections 77-3-705 and 77-3-711 to expand the definition of "telephone solicitation" under the Mississippi Telephone Solicitation Act 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 also amends Section 77-3-725 to increase the civil penalties from $5,000.00 to $10,000.00 for each violation of the act. Finally, the bill amends Section 77-3-737 to remove the repealer on the Mississippi Telephone Solicitation Act.
HB 366. Effective on passage. Signed 1/30/19.

This bill is known as the "Mississippi Broadband Enabling Act." Specifically, the bill does the following:

- Authorizes, but does not require, electric cooperatives to establish, acquire, and wholly or partially own one or more broadband affiliates.

- Authorizes an electric cooperative to allow its affiliate or an unaffiliated broadband operator to own, lease, construct, maintain and operate a broadband system on the electric cooperative's electric delivery system and to provide broadband services to the public utilizing the electric cooperative's broadband system or other parts of its electric delivery system.

- Provides that an electric cooperative may determine which broadband operators, if any, may have access to its broadband system, and may provide exclusive access.

- Provides that an electric cooperative may charge an affiliate or an unaffiliated broadband operator for those parts of its electric delivery system that are used or may be reserved for broadband services. Any lease of facilities by an electric cooperative to a broadband affiliate that includes the use of the electric cooperative's poles shall specifically include pole attachment fees to be paid by the broadband affiliate to the electric cooperative equal to pole attachment fees charged by the electric cooperative to like unaffiliated, private entities.

- Prohibits an electric cooperative from (a) charging an affiliate an amount less than the electric cooperative charges an unaffiliated entity for the same item or class of items; or (b) paying an affiliate an amount more than the affiliate charges an unaffiliated entity for the same item or class of items.
- Prohibits an electric cooperative from using its electric energy revenues to subsidize any broadband system.
- Allows an electric cooperative to make capital investments in a broadband affiliate, make loans to an affiliate at fair market rate and enter loan guarantees for the benefit of an affiliate.
- Requires an electric cooperative, before utilizing this act, to have an economic feasibility study conducted and made available to its members, and the electric cooperative must adopt a plan that will provide service to its entire certificated area.
- Clarifies that it does not expand the regulatory authority of any state agency, instrumentality or political subdivision of the state.
- Prohibits an electric cooperative from allowing a broadband system to diminish the reliability of its electric delivery system.
- Prohibits an electric cooperative from requiring any person to purchase broadband services as a condition of receiving electric energy.
- Prohibits an electric cooperative from disconnecting or threatening to disconnect its electric service to any customer due to the customer's failure to pay for broadband services.
- Authorizes an electric cooperative to grant permission to an affiliate or other broadband operator to use the electric delivery system of the cooperative to provide broadband services, which shall not be considered an additional burden on the real property of the system and shall not require consent by anyone having an interest in the real property.
• Outlines a specific court petition process when the landowner of real property believes his property has been damaged by the provision of broadband services under this act.
• Provides that nothing in the act shall be construed to infringe upon nor otherwise encumber the property or property interests used by any investor-owned electric public utility to provide electric service to its customers.
• Requires every electric cooperative to conduct an annual audit of compliance with this act, which shall be made publicly available.
• Requires any electric cooperative electing to operate under the act to send notice by mail to its members of its elections for board of directors separately from any bill, and send notice by mail to its members of (a) application for candidacy to the board of directors, and (b) annual meetings at least 90 days before an election or annual meeting.
• Requires any electric cooperative electing to operate under this act to publish, by paid advertisement in a newspaper or newspapers of general circulation in the electric cooperative's certificated area, results of its elections to each member.
• Amends Sections 77-5-205 and 77-5-231, Mississippi Code of 1972, which are part of the Electric Power Association Law, to provide electric cooperatives with the authority to operate under this act.


This bill authorizes an income tax credit for certain charitable contributions, namely, gifts to endowed funds held by community foundations. These are foundations that are exempt from federal income taxation and recognized by the Mississippi Association of Grantmakers as meeting certain criteria,
including incorporation in and charitable service to the State of Mississippi. The tax credit is 25% of the amount of the contribution. The minimum amount of a contribution qualifying for the credit is $1,000.00, and the maximum annual amount of qualifying contributions per taxpayer is $200,000.00. The maximum aggregate amount of credits authorized under this bill is $500,000.00 per year.

Credits are awarded on a first-come, first-served basis, and any authorized but unused credits may be carried forward for five years. No credits will be authorized after January 1, 2024, but unused credits that were authorized before that date may be carried forward five years from 2023.

**SB 2598.** Effective 7/1/19. Signed 3/21/19.

This bill extends the deadline, from January 1, 2020, to July 1, 2021, for the Mississippi Development Authority to allocate income tax credits and insurance premium tax credits to taxpayers with qualified equity investments as defined in the Internal Revenue Code.

**SB 2867.** Effective 7/1/19. Signed 4/16/19.

Under current law, the Public Procurement Review Board is responsible for the approval of contracts for the construction and maintenance of state buildings and other facilities, as well as related contracts for architectural and engineering services. This bill grants authority to the Board of Trustees of State Institutions of Higher Learning to approve and administer these kinds of contracts for IHL facilities paid for with self-generated funds.

Another provision, to be repealed July 1, 2022, likewise grants the IHL board the authority to approve and administer contracts for IHL buildings and facilities funded wholly or
partially by state general obligation bonds at institutions designated annually by the IHL board as being capable of procuring and administering all such contracts. Before the disbursement of funds, an agreement for each project must be executed between the institution and the Department of Finance and Administration. This agreement may not be withheld by either party without a detailed written explanation of the reasons. The agreement is to stipulate the responsibilities of each party, applicable procurement regulations, documentation and reporting requirements, conditions prior to, and schedule of, disbursement of general obligation bond funds to the institution, and provisions concerning the handling of any remaining general obligation bonds at the completion of the project. The agreement may not include additional criteria that would serve to invalidate the designation of the institution as capable of procuring and administering the project, and the inclusion of any such criteria may be appealed to the Public Procurement Review Board.

**SB 2885.** Effective on passage. Signed 3/21/19.

The Growth and Prosperity Act authorizes exemptions from certain state taxes and local ad valorem taxes (except the school portion of the tax and any portion of the tax imposed to pay for police and fire protection) for approved business enterprises that are in a county that has been issued a certificate of public convenience and necessity designating the county as a growth and prosperity county. Any county which has an annualized unemployment rate that is at least 200% of the state's unemployment rate, or any county in which 30% or more of the population is at or below the federal poverty level, is eligible for a certificate of public convenience and necessity.
Under current law, an approved business enterprise is exempt from the applicable taxes for 10 years or until December 31, 2029, whichever occurs first. This bill authorizes the exemptions to last for 10 years or until December 31, 2033, whichever occurs first.

**HB 695.** Effective 7/1/19. Signed 3/15/19.
This bill extends to July 1, 2022, the repeal date on the provision of law that authorizes an income tax credit for any company that transfers or relocates its national or regional headquarters to the State of Mississippi from outside the state. The credit is for an amount equal to the actual relocation costs paid by the company.

**HB 991.** Effective 1/1/19. Signed 3/19/19.
This bill creates the Local Government Debt Collection Setoff Act.
The bill authorizes counties and municipalities (local governments) to submit debts owed to them to the Department of Revenue for collection through a setoff against the debtor's Mississippi income tax refund. A local government must use the Mississippi Association of Supervisors or the Mississippi Municipal League, as appropriate, as its member organization in utilizing the setoff procedure.

In order for the setoff procedure to be used, the amount of the debt must be at least $50.00, and the amount of the refund to which the debtor is entitled to receive must be at least $50.00. Different types of debts under $50.00 may be combined to satisfy the debt threshold if they are owed by the same debtor.

A local government may not submit a debt for collection until it has complied with certain notice provisions required in
the bill and the claim has been finally determined. A local
government, or its member organization on its behalf, must send
written notice to a debtor that the local government intends to
submit the debt owed by the debtor for collection by setoff.
The notice must explain the basis for the local government's
claim to the debt, that the local government intends to apply
the debtor's income tax refund against the debt, and that a
total collection assistance fee of 25% will be added to the debt
if it is submitted for setoff. The notice must also inform the
debtor that the debtor has the right to contest the matter by
filing a request for a hearing with the local government, state
the time limits and procedures for requesting a hearing and
state that the failure to request a hearing within the required
time will result in setoff of the debt. A debtor may contest
the setoff by filing a written request for a hearing with the
local government within 30 days after the notice is mailed to
the debtor. Any civil or criminal matter that has been
litigated in a court cannot be reconsidered in a hearing. A
decision made after the hearing will determine whether the debt
is owed. Appeals from decisions made at the hearing may be made
to the circuit court of the county in which the debtor resides.

When a debt is finally determined to be owed, the debt may
be submitted to the Department of Revenue for collection through
setoff against the debtor's income tax refund. If the
Department of Revenue determines that a debtor is entitled to a
refund of at least $50.00, the department will set off the debt
against the tax refund to which the debtor would otherwise be
entitled and refund any remaining balance to the debtor.

When there are multiple claims by two or more member
organizations submitting debts on behalf of local governments,
the claims have priority based on the date each member
organization filed the claim with the Department of Revenue.
When there are multiple claims among local governments whose debts are submitted by the same member organization, the claims have priority based on the date each local government requested the member organization to submit the debts on its behalf. Child support claims for setoff under Sections 27-7-501 through 27-7-519 have priority over claims for setoff authorized in the bill.

A 25% collection assessment fee will be imposed on each debt collected by setoff. The Department of Revenue will collect this fee as part of the debt and retain 5% for its administrative costs. The additional 20% will be remitted to the appropriate member organization as payment for collection services it renders.

The Department of Revenue may provide information regarding a taxpayer that is necessary to carry out the purposes of the bill. The information obtained by a local government or its member organization from the department will retain its confidentiality and can only be used by the local government or member organization in the pursuit of its collection of debts under the bill. Any employee or former employee of a local government or its member organization who unlawfully discloses the information for any other purpose will be subject to the same penalties specified by law for unauthorized disclosure of confidential information by an agent or employee of the Department of Revenue.

**HB 1613.** Effective 1/1/19. Signed 4/18/19.

This bill authorizes an income tax credit and an insurance premium tax credit for voluntary cash contributions made by certain taxpayers to eligible charitable organizations. The tax credit is available only to a taxpayer who is a business enterprise engaged in commercial, industrial or professional activities and operating as a corporation, limited liability
company, partnership or sole proprietorship. The amount of credit that may be utilized by a taxpayer in a taxable year cannot exceed 50% of the total income tax and/or insurance premium tax liability of the taxpayer for the taxable year. Any tax credit claimed but not used in any taxable year may be carried forward for five consecutive years from the close of the tax year in which the credits were earned.

An "eligible charitable organization" is an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and is:

- Licensed by or under contract or agreement with the Department of Child Protection Services and provides services for:
  - The prevention and diversion of children from custody with the Department of Child Protection Services,
  - The safety, care and well-being of children in custody with the Department of Child Protection Services, or
  - The express purpose of creating permanency for children through adoption; or
- Certified by the Department of Revenue as a job training, workforce development or educational services charitable organization and provides 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,
  - Children who have a chronic illness or physical, intellectual, developmental or emotional disability, or
Children eligible for free or reduced price meals programs under Section 37-11-7.

The bill also provides that:

- A contribution for which a credit is claimed under the bill may not be used as a deduction by the taxpayer for state income tax purposes.

- The aggregate amount of tax credits that may be allocated by the Department of Revenue during a calendar year cannot exceed $5,000,000.00, and not more than 50% of tax credits allocated during a calendar year may be allocated for contributions to eligible charitable organizations that are certified by the Department of Revenue as job training, workforce development or educational services charitable organizations and provide services as described above.

The bill also amends Section 27-7-22.39, which authorizes an income tax credit for individuals who make voluntary cash contributions to qualifying charitable organizations and qualifying foster care charitable organizations, to:

- Revise the definitions of the terms "qualifying charitable organization," "qualifying foster care charitable organization" and "services".

- Revise certain provisions regarding certifications that charitable organizations must file with the Department of Revenue.

- Increase to $3,000,000.00 the maximum aggregate amount of the income tax credits that may be awarded in a calendar year ($1,000,000.00 under prior law).

- Extend the repeal date on the section of law to January 1, 2021.

The bill further amends Section 27-7-22.32, which authorizes an income tax credit for expenses incurred for the
adoption of a child, to extend the reverter to January 1, 2021, on the provisions that:

- Provide that the maximum amount of the tax credit cannot exceed $5,000.00 for each child adopted.
- Authorize an income tax credit in the amount of $5,000.00 for each child adopted through the Mississippi Department of Child Protection Services.
- Provide for a carry-forward period of five years for adoption expenses claimed but not used in a taxable year.

**SB 2835.** Effective 7/1/21. Signed 4/16/19.

This bill creates the "Mississippi First Responders Health and Safety Act." It provides that when a first responder who has completed 10 or more years of service is unable to perform his or her regular duties by reason of cancer, the affected first responder or his beneficiaries shall be entitled to certain benefits granted by this act as an alternative to pursuing workers' compensation benefits. The costs of purchasing an insurance policy that provides for cancer coverage in compliance with this act, or the costs of providing such benefits through a self-funded system in compliance with this act, must be borne solely by the employer that employs the eligible first responder and may not be funded partially or wholly by individual first responders. Counties and municipalities may use proceeds from county and municipal taxes for the purposes of providing insurance in compliance with this act. The state, municipality, county or fire protection district shall, no later than January 1, 2022, show proof of insurance coverage that meets the requirements of this act to the Attorney General, or shall show satisfactory proof of the
ability to pay such compensation to ensure adequate coverage for all eligible first responders.

The Attorney General shall adopt such rules and regulations as are reasonable and necessary to implement the provisions of this act. The Attorney General shall also adopt rules to establish firefighter cancer prevention best practices as it relates to personal protective equipment, decontamination, fire suppression, apparatus and fire stations.

"Firefighter" is defined as any firefighter who has 10 or more years of service and is employed by the State of Mississippi, or any political subdivision thereof, on a full-time duty status. and any firefighter who has 10 or more years of service and is registered with the State of Mississippi, or a political subdivision thereof, on a volunteer firefighting status.

"Law enforcement officer" is defined as any officer who has been certified by the Mississippi Board on Law Enforcement Officer Standards and Training and has 10 or more years of service.

**SB 2864.** Effective 7/1/19. Signed 3/12/19.

This bill amends Section 83-23-109 under the Mississippi Insurance Guaranty Association Law to provide that a covered claim shall not include any claim that has been rejected by any other state guaranty fund based upon that state's statutory exclusions regarding the insured's net worth.

The bill also amends Section 83-23-115 to provide that a covered claim shall not include a claim filed after the deadline set by a court for the filing of claims against the liquidator or receiver of an insolvent insurer.

This bill revises the chapter of law governing the audit of financial statements of insurers to amend Section 83-5-102 to revise definitions of certain terms used in the sections of law requiring an audit of insurers and to define the term "internal audit function." The bill amends Section 83-5-119 to provide that the audit committee of an insurer shall be responsible for overseeing the insurer's internal audit function. The bill creates Section 83-5-120 to require insurers to establish an internal audit function providing independent, objective and reasonable assurance to the audit committee and insurer management regarding the insurer's governance, risk management and internal controls.


This bill requires insurance companies to file a Corporate Governance Annual Disclosure (CGAD) with the Commissioner of Insurance. The bill authorizes the Commissioner of Insurance to issue rules, regulations and orders as necessary to carry out the provisions of this act. The bill provides for the contents of corporate governance annual disclosures, provides that certain documents, materials or other CGAD-related information shall be confidential and shall not be subject to the Mississippi Public Records Act, authorizes the commissioner to retain third-party consultants and provides a penalty for failing to timely file the disclosure as required by this act.


This bill amends Section 83-9-5 to require accident and health insurance policies to include additional provisions that penalize late payment of claims by insurer to a health care provider or insured. To provide that errors, such as system errors, attributable to the insurer, do not change a clean claim
status. The bill increases from 1.5% to 3% per month the amount of interest the insurer must pay the health care provider or insured for claims paid after the due date to pay, with exemptions for Medicare Advantage plans or Medicare Advantage Prescription Drug plans. The bill provides that if it is determined that the insurer acted in bad faith as evidenced by a repeated or deliberate pattern of failing to pay benefits and/or claims when due, the person entitled to such benefits (health care provider or insured) shall be entitled to recover damages in an amount up to three times the amount of the benefits that remain unpaid until the claim is finally settled or adjudicated.


This bill is the Mississippi Terroristic Threats Law. It provides that the offense of making a terrorist threat occurs when a person makes a threat to commit a crime of violence or a threat to cause bodily injury to another person if the threat does in fact cause a reasonable expectation or reasonable fear of the imminent commission of an offense and if, in making the threat, the person intends to:

- Intimidate or coerce a civilian population or segment of a civilian population to cede to the person's demands; or
- Influence or affect, by intimidation or coercion, the policy or conduct of a unit of government, educational institution, business or segment of the civilian population to cede to the person's demands.

It is not a defense to a prosecution under this section that, at the time the defendant made the terrorist threat, the defendant did not have the intent or capability to actually commit the specified offense, nor is it a defense that the
threat was not made to a person who was a subject or intended victim of the threatened act.

A person convicted of the offense of making a terroristic threat is guilty of a felony punishable by imprisonment in the custody of the Mississippi Department of Corrections for not more than ten years.

**SB 2305.** Effective 7/1/19. Signed 4/16/19.

This bill increases the punishment for human trafficking of a minor or for procuring sexual servitude of a minor to be not less than 20 years nor more than life in prison.

**SB 2328.** Effective 7/1/19. Signed 4/16/19.

This bill corrects issues raised 40 years ago by the Mississippi Supreme Court in Brown v. Jaquith for felony cases in which the defendant is found not competent to be prosecuted. If the circuit court concludes that a person is incompetent and not restorable to competency sufficient to stand trial, the matter is referred to chancery court for a civil commitment. The order is in lieu of the affidavit normally used to institute civil commitment proceedings, and the District Attorney retains the right to later prosecute a case that was deferred due to the defendant's lack of competence if it later becomes triable.

Additional changes modernize the commitment process for questions of competency in a felony case.

- The bill requires training for examiners who perform the medical and mental examination of the defendant.
- A county court judge, in addition to a circuit court judge, can order a mental examination when a person is charged with a felony.
Before the release of the person who was committed, the Department of Mental Health must notify the District Attorney, and the District Attorney must notify the victims or family members who have requested notification under Section 99-43-35 (victims' bill of rights), as well as the sheriffs of the counties both where the offense occurred and where the committed person is being sent upon release.

The bill defines the term "appointed examiners" in order to streamline references to persons who have been appointed to conduct the necessary medical examination as set out in Section 41-21-67(2). This way the law does not repeat "physician, psychologist, nurse practitioner or physician assistant" multiple times throughout the chapter.

The bill also has general application to other civil commitment procedures, whether for mental illness or addiction to alcohol or other addictive substances. It mandates the creation of two guides for the public to aid in navigating those commitment processes.

For mental illness commitments:

- Language in Section 41-21-65(5) that authorized the chancellor to send a person back to his county of residence for commitment is removed.
- Filing costs are capped at $150.00.
- An option is added for the mental and physical examination to be conducted by nonphysicians if a licensed physician is not available within 48 hours of the issuance of a writ; this would not apply to the criminal defendant who is referred for civil commitment. The bill also adds psychiatric nurse practitioners to the list of nonphysicians who would be permitted to conduct examinations.
• Clarifies that costs incidental to court proceedings could not be included in the fees and assessments for filing the affidavit.

• Gives continuing jurisdiction to the court for one year; this allows a subsequent affidavit to be filed concerning the same respondent so the family does not have to start completely over or pay initial filing fees again.

For Drug and Alcohol Addiction Commitments, the bill:

• Provides that the commitment process for addiction is commenced by use of a standardized affidavit form instead of by petition. This brings drug and alcohol commitments in line with how mental health commitments are commenced.

• Clarifies that court clerks cannot require an affiant to hire an attorney to file the affidavit, which is in line with the civil commitment process.

• Adds language regarding the appointment of counsel for the person in need of treatment, to be in line with the civil commitment process.

• Adds a section to authorize outpatient treatment.

• Gives continuing jurisdiction to the court for one year; this allows a subsequent affidavit to be filed concerning the same respondent so the family does not have to start completely over or pay initial filing fees again.

Chapters 30 (emergency involuntary drug/alcohol commitment) and 31 (drug/alcohol commitment to private facility) of Title 41 are amended to bring them in line with the changes made to the addiction commitment laws.


Section 93-21-15 is amended to provide that all appeals of a temporary domestic abuse protection order issued by either a municipal or justice court are to be heard in chancery court,
which is the best court for these appeals as these cases involve family matters most of the time. Appeals from justice or municipal courts will be by trial de novo. Appeals from county court will be "on the record" appeals.

The ability to appeal an ex parte emergency order is eliminated; it makes no sense to appeal an emergency order. These are ten-day orders that are not based on evidence presented in the full hearing where both parties have an opportunity to present evidence, but are based on information the judge gets ex parte from the person requesting relief. These orders expire before an appeal can be entertained.

Appeal of the denial of a temporary domestic abuse protection order by justice or municipal court is also eliminated. The proper recourse for someone whose request for a temporary order was denied is to file a petition requesting a final order of protection from county or chancery court. The time that would be spent appealing the denial of a temporary protection order can be better spent on filing in the higher court for a final order.

These procedures track those provided in the Uniform Rules of Circuit and County Court.

The proposed language also navigates through the oddities of fees and costs. Under federal law, a victim of abuse cannot be charged up front with any costs related to getting a protection order.

The victim can, however, be charged fees and costs on the backend if the court finds that the victim is not really a victim of abuse. If an appellant is found to not be a victim of abuse, fees and costs can be charged.

The bill also establishes that the perfection of an appeal does not act as a supersedeas. These situations are often very
dangerous and the protection orders need to remain in place throughout the appeal.

Language in the bill clarifies that a judge cannot restrict a domestic abuse protection order to the boundaries of Mississippi or to a particular municipality or county. Domestic abuse protection orders issued by a Mississippi court are valid nationwide, and this state recognizes orders issued by other states under the doctrine of Full Faith and Credit.

The new appellate procedure will be in a new section to be codified as Section 93-21-15.1.

**SB 2576.** Effective 7/1/19. Signed 4/16/19.

Section 97-35-47 is amended to provide that making a false report of child abuse or neglect to the Department of Child Protection Services is a misdemeanor. Sections 43-21-257, 43-21-261 and 43-21-353 are amended to allow Child Protection Services to release to the appropriate prosecutor and law enforcement agency the identity of a reporter who knowingly reported a false allegation of child abuse or neglect. References to the Department of Child Protection Services are corrected throughout.

Child Protection Services is inundated with reports of abuse or neglect believed to be false, which can occur during divorce and child custody proceedings and has more recently been used to harass public officials. The department may report those calls they believe to be fraudulent to law enforcement and to share records necessary to assist law enforcement in investigation and prosecution of those who make false reports.

**SB 2679.** Effective 7/1/19. Signed 3/22/19.

Section 33-13-31 is amended to increase certain fines provided for a commanding officer's nonjudicial punishment under
the Mississippi Code of Military Justice; the fines remain subject to any applicable limitation under federal law.

**SB 2680.** Effective 7/1/19. Signed 3/22/19.

Section 33-13-159 is amended to clarify that the decision to grant a trial before a summary courts-martial is reserved to the special or general court-martial convening authority, respectively.

**SB 2716.** Effective on passage. Signed 3/22/19.

This bill amends sections in Title 89, Chapter 7, to clarify when a complaint for eviction is triable, when a warrant for eviction is to be issued, and when a stay of execution is or is not appropriate.

A warrant for removal is to be issued immediately upon request once a judgment of eviction is granted unless the rent and all accrued late fees and costs as of the date of judgment have been paid. The judge is authorized to grant a stay not to exceed three days for good cause unless it is shown that a stay is likely to result in material injury to the landlord's property.

**SB 2828.** Effective 1/1/20. Signed 4/16/19.

**Purposes of the Act:**
• Distinguish "guardian of the person" from "conservator of the estate."
• Clarify role of guardian/conservator in ward's life.
• Explain the basis for appointment of a guardian or conservator through improved and more specific medical evaluations.
• Encourage individualized planning and the use of least restrictive alternatives in order to allow wards the most autonomy possible while still protecting those unable to be fully self-determined.
• Require accountability measures between guardians or conservators and the courts.
• Inform the ward of procedural and substantive rights at hearings and ensure due process through protection of both the person and assets of the ward.
• Give courts sufficient information regarding the welfare and resources of a ward under guardianship/conservatorship through individualized plans, accountings, inventories and well-being reports tracked via Mississippi Electronic Courts (MEC).

Outline of the Act:
• General Provisions - Article I
• Guardianship of the Minor - Article II
• Guardianship of the Adult - Article III
• Conservatorship of the Estate for a Minor or Adult - Article IV
• Repeals current law on guardianship and conservatorship in Sections 11 through 19
• Conforming code sections are found in Sections 2 through 10
Overview of the Act:

- **Basis and Petition for Appointment of Guardian or Conservator**
  - Any person (including a chancellor, chancery clerk, relative or other interested person) interested in the welfare of a minor or adult may petition the court for appointment of a guardian or conservator.
  - For an adult, the petition must be based on the respondent's inability to receive and evaluate information or make or communicate decisions.
  - The petition must include the name and address of the attorney filing for the petitioner (if any) and the prescribed due process language; the petition must be served on the respondent at least seven days before the hearing along with the summons.

- **Notice of Hearing and Rights at Hearing**
  - For a minor: notice of the hearing must be given to the parent(s).
  - For an adult who does not join the petition, notice must be given to:
    - Persons claiming to be legal custodians of ward;
    - Living spouse, children, parents and siblings of ward; or if none found;
    - One adult relative of ward who resides in Mississippi and is within the 3rd degree of kinship; or if none found;
    - Another person or guardian ad litem appointed by the court to receive notice.
Notice of subsequent hearings must be given to the respondent, the guardian/conservator, and any other person the court requires.

At the hearing, the respondent may present evidence and subpoena documents and witnesses.

- **Appointment of Attorney**
  - If the respondent does not have an attorney, the court may appoint one.
  - A rule change to UCCR 6.01 is proposed to include: "Except where there are not assets or funds available, the court may decline appointment of an attorney. The duty of a fiduciary, to keep the court informed, remains the same with or without attorney representation."

- **Professional Evaluation (drafted in collaboration with Mississippi Medical Association)**
  - Court must find the need for appointment of a guardian or conservator by clear and convincing evidence. Proof must include written certificates made after personal examination of the respondent (unless respondent is missing, detained or unable to return to the USA) by:
    - At least two licensed physicians, or
    - One licensed physician and one licensed psychologist, nurse practitioner or physician's assistant. The nurse practitioner or physician's assistant cannot be in a collaborative or supervisory relationship with the certifying physician.
  - Personal examination may be face-to-face or via telemedicine with audio-visual connection to a licensed physician in Mississippi ("telemedicine" is defined in Section 83-9-351).
• Order of Appointment

- Order appointing guardian/conservator must include findings to support appointment. If full guardianship or conservatorship, must explain why a limited guardianship or conservatorship is not sufficient. If limited, the specific powers granted to the guardian or conservator must be detailed.
- Court order for guardian/conservator of an adult must give name and contact information of any person entitled to: notice of ward's rights, ward's change in residence, ward's death or condition, copy of the guardian/conservator plans per Sections 315 and 419, access to court records, court limitation on powers, and removal of guardian/conservator.
- Spouse and adult children of adult ward are entitled to notices under Section 309(4) or 411(5) unless the court finds it is not in the ward's best interest.

• Emergency Guardian/Conservator

- An interested person may petition for an emergency guardian/conservator and the court may appoint a guardian or conservator if it finds that the appointment is likely to prevent substantial and irreparable harm; no one else has authority or willingness to act in the circumstances; and there is reason to believe a guardian/conservator is necessary.
- Emergency guardian/conservator may serve no longer than 60 days, although a 60-day extension might be allowed; the powers of the emergency guardian/conservator must be specified in the order.
- There must be reasonable notice of date, time and place of hearing; however, if the court finds from affidavit or testimony that the respondent will likely be substantially and irreparably harmed, then the court can appoint an emergency
guardian/conservator without notice; within 48 hours after appointment of an emergency guardian/conservator, the court must give notice, and then must hold a hearing on the appointment within five days of the emergency appointment.

- Appointment of an emergency guardian/conservator is not a determination that a basis for a permanent protective arrangement exists; the court may remove an emergency guardian/conservator and require any type of report at any time.

- Bond; Oath; Financial Institutions; Alternative Arrangements (collaborated with Bankers Association)

  - Except for exempt financial institutions, the court must require a conservator's bond or require an alternative asset-protection arrangement. The court may fully or partially waive bond if: ward is a minor and parent has waived bond in will or testamentary instrument; or assets are deposited in FDIC-insured financial account subject to prior court approval for release and where depository institution receives a copy of the order and files acknowledgement of receipt; or the court finds bond or other arrangement is not necessary to protect ward's property (bond for professional nonbank conservator cannot be waived).

  - FDIC-insured institution authorized to do trust business in Mississippi is not required to give bond. Financial institution with funds on deposit that complies with this act is not liable absent knowledge that the representations made are incorrect.

  - Depository institution may charge a fee to service account.

  - Prescribed form for acknowledgment of receipt of funds set out in Section 416.

- Duties and Powers of Guardian/Conservator
A guardian/conservator and a fiduciary must make decisions it is believed the ward would make unless it would fail to preserve resources needed for the ward's well-being. The ward's directions, preferences, opinions, values and actions, to the extent known, must be considered.

If the guardian/conservator does not know preferences or believes the ward's decision would fail to preserve resources, the guardian/conservator must act in the ward's best interest.

Article IV, Section 414 lists conservator powers requiring court approval, and Section 421 lists conservator powers that do not require court approval.

- **Guardian/Conservator Plans**
  - Within 90 days after the initial appointment, a guardian/conservator must file a plan with the court, taking into account the ward's best interest and preferences, values and prior directions to the extent known.
  - Court must review plan and consider any objections and whether the plan is consistent with the guardian or conservator's duties in determining whether to approve the plan.
  - Court must not approve the plan until 30 days after the plan is filed. After the court approves the plan, the guardian/conservator must give a copy to the ward and others entitled to notice.

- **Inventory; records**
  - Within 90 days after appointment, conservator must file a detailed inventory and oath/affirmation that the inventory is believed to be complete and accurate.
Within 14 days after filing, the conservator must give notice of filing the inventory to the ward and any other person entitled to notice.

Conservator must keep records of actions and make those available for examination on request of ward, guardian, or other persons permitted by court.

**Conservator's Report and Accounting**

Conservator must file a report and a petition for the court to approve the report annually and upon resignation, removal or termination, unless the court directs otherwise.

The report must state or contain:

- an accounting that lists property included in the estate, receipts, disbursements and liabilities during the accounting period; list of services provided to the ward; a statement whether the conservator has deviated from the plan and, if so, how and why; a recommendation as to the need for continued conservatorship and any recommended changes in scope; anything of more than de minimis value that the conservator, anyone residing with the conservator, or the spouse, child, sibling or parent of the conservator has received from a vendor of goods or services to the ward; and any business relationships the conservator has with a person who was paid or benefitted from the ward's property.

- The court may establish procedures for monitoring reporting and annual review of each report.

**SB 2840.** Effective 7/1/19. Signed 4/16/19.

The Supreme Court's Commission on Children's Justice impaneled a legislative task force in 2018 to address issues and make recommendations. Representatives from the Department of Child Protection Services, the Supreme Court, local youth court
judges, the Office of the State Public Defender, a parent representative, prosecutors, and the Attorney General's Office constituted the task force. This bill is the outcome of the recommendations proposed by the task force and was supported by the Chief Justice.

- Youth court and Child Protection Services confidentiality was addressed:
  - By designating that the forensic interview of a child conducted by a Child Advocacy Center is defined as a record involving children and thus protected under the confidentiality laws; it also provides for those records to be accessible to chancery courts without further order if the forensic interview is ordered by the chancellor.
  - To authorize disclosure of records to guardian ad litem.
  - To authorize disclosure of records relevant to a matter before the youth court -- there may be exculpatory records that are relevant and should be made available for trial preparation.
  - To allow Child Protection Services to share confidential information about a child with certain people or entities (foster family, service providers, schools, etc.) to further the treatment plan of the child or family.
  - To authorize Child Protection Services to report fraudulent reports: Child Protection Services is inundated with reports of abuse or neglect believed to be false, which can occur during divorce and child custody proceedings and has more recently been used to harass public officials; the department may report those calls they believe fraudulent to law enforcement and to share records necessary to assist law enforcement in investigation.
To waive confidentiality and allow CPS to release information as to the cause and circumstances regarding a fatality or near fatality, including previous reports and investigations, services provided by the state and other actions on behalf of the child.

- Provisions charging guardian ad litem: amends present law by adding that the youth court judge shall by order direct the guardian ad litem and provide authority.

- The bill addresses when the use of controlled substances by a parent is grounds for loss of custody: the positive test of a parent or newborn for controlled substances is not dispositive grounds for removal of the child; the child must be endangered or the parent unable to provide proper care and supervision, and there is no reasonable alternative to loss of custody.

- Changes are made to improve youth court practice:
  - All hearings to be on the record.
  - Oral orders be reduced to writing within 48 hours.
  - Existing law provides that a review shall be had at least every 180 days; the bill allows a request by the child or parent for an earlier hearing subject to the discretion of the court to prevent frivolous requests.

- If a child abuse or neglect case arises in a county where the family does not reside, the youth court judge may transfer disposition to the county of residence.

- Child Death and Near-Death Reporting: Under existing law, a report of a child's death is made to the medical examiner who is to report the death to Child Protection Services. The bill creates a new category of mandatory reporters that requires all law enforcement, firefighters, medical personnel, coroners
and others to make a report of all child deaths and all child near-fatalitys directly to Child Protection Services so an investigation can be made into the circumstances.

- Other CPS-related amendments to improve practice:
  - Central Registry issues: existing law burdens the department with the responsibility to investigate to determine if sexual, felony physical abuse or neglect which is a threat to life is substantiated. There have been serious due process issues with the central registry, so this bill authorizes only convictions and adjudications of abuse or neglect to be added to the central registry.
  - The Mississippi Adoption Supplemental Benefits Law of 1979 is amended to expand the definition of "special circumstances" to include children older than two and a sibling group to be adopted together; this allows for their adoptive families to receive benefits under the act.
  - Medicaid benefits will continue for special needs children adopted through a state-supported adoption agency if the child was receiving the benefits immediately before the adoption.
  - Clarifies that Child Protection Services can provide financial support for nonrecurring adoption expense (attorney, filing fees, etc.).

- Changes were made throughout to change the name of the department from the Department of Human Services or the Department of Public Welfare to the Department of Child Protection Services. This necessitated the addition of immunity language for the Department of Human Services to the extent the Office of Youth Services makes a good-faith disclosure of central registry or other confidential information absent a
willful or malicious violation of the administrative procedures of the department.

- The Supporting and Strengthening Families Act (Section 93-31-1 et seq.) is amended to require that temporary powers of attorney under the act must be registered with the youth court, entered into the MYCIDS system, and administratively reviewed by the youth court after one year. The act is further amended to provide for revocation of a power of attorney granted under the act and to require agency acceptance of a power of attorney. The chancery clerk may not impose, charge or collect any fees for the filings. The sufficient acknowledgment clauses are updated to reflect the changes.

**HB 390.** Effective 7/1/19. Signed 3/21/19.

This bill authorizes active duty law enforcement officers as defined in Section 45-6-3 and qualified retired law enforcement officers as defined in 18 USC Section 926C(c) to serve as members of a church security program and be eligible for immunity under the Mississippi Church Protection Act.


This bill revises the elements for the crime of prostitution to provide that a person must be 18 years of age or older to commit the misdemeanor crime of prostitution. It also authorizes a law enforcement officer who encounters a minor engaging in the acts of prostitution to take the minor into
emergency protective custody within the requirements of the Youth Court Act. The Department of Child Protection Services (CPS) is added as a contact for law enforcement and investigation of such cases.

References to the Department of Human Services are changed to the Department of Child Protection Services (CPS).

The definition for "commercial sexual exploitation" is defined as any sexual act or crime of a sexual nature, which is committed against a child for financial or economic gain, to obtain a thing of value, for quid pro quo exchange of property or any other purpose. The bill also adds references to "commercial sexual exploitation and human trafficking of children" in the responsibilities of CPS to administer plans, provide counseling services, other support services and distributing services to foster children and the foster parents. The regulation of multidisciplinary teams to coordinate efforts to intervene with physically abused children now includes references to "commercial sexual exploitation and human trafficking of children" in the goals and expertise of the teams, adds the Statewide Human Trafficking Coordinator to the team, authorizes CPS to initiate creation of a team, and requires Child Protection Services to be included on a team when the department is not the initiator of the team.

The Department of Child Protection Services is added as an option to be contacted for mandatory reporting of child trafficking. An agency receiving reports under these provisions is required to begin an initial investigation into the suspected abuse or neglect. The Statewide Human Trafficking Coordinator and CPS are required to provide an annual report to the Speaker of the House, the Lieutenant Governor and the Chairperson of the House and Senate Judiciary Committees concerning services CPS provided to children.
The bill also revises the provisions which regulate mandatory reporting to include victims of commercial sexual exploitation and human trafficking in the list of abused children for reporting purposes and adds CPS in the list of agencies who may receive a report and investigate such report. Note that the definition of "abused child" in prior law included a trafficked child.

Definitions for youth court provisions are revised to add the phrases "commercial sexual exploitation," "abused child" and "commercial sexual exploitation."

The bill revises the provisions of law that list sex crimes against a minor to include procuring the sexual services of a minor and sexual battery of a vulnerable person who is a minor.

The bill requires the existing minimum training standards for local public safety and 911 communicators to include at least two hours of training related to receiving and managing calls regarding sexual exploitation of children and human trafficking.

The bill also:

- Requires the minimum educational and training standards for field and investigative law enforcement officers to include at least two hours of training related to handling complaints and victims of commercial sexual exploitation and human trafficking. This two-hour requirement is also included in the curriculum for schools providing basic and advanced courses for officer training.

- Revises the training standard for family protection workers and specialists by requiring the training to include at least two hours related to handling complaints and victims of commercial sexual exploitation and human trafficking.
- Reallocates monies from the fund to the Bureau of Investigation of the Department of Public Safety.
- Moves the office of the Statewide Human Trafficking Coordinator to the Mississippi Bureau of Investigation of the Department of Public Safety.
- Clarifies the duty of the Statewide Human Trafficking Coordinator to provide annual reports and perform other duties required by law to conform to the requirements of the bill.
- Revises the provisions concerning crimes against a vulnerable person to require the report of abuse against a minor to be made to the Department of Child Protection Services.


This bill requires the Supreme Court to give preference and conduct an expedited judicial review of an appeal of a final order of the chancery court relating to a certificate of need proceeding. It also requires the Supreme Court to render a final order regarding the appeal no later than 120 days from the date the final order by the chancery court is certified to the Supreme Court. The Supreme Court shall consider such appeals in an expeditious manner without regard to position on


This bill creates new code Section 85-7-432 to regulate private project construction bonds by authorizing any person who has performed work on a private project, but has not been paid within a certain time, to sue. It creates a right of action upon a private work payment bond for certain persons, and requires the persons protected by a payment bond to be listed. It provides a time period for commencing a suit on a performance bond, and requires any person supplying labor or materials for executing work on a private project construction to furnish the
contract and bonds within a certain period of time. The bill authorizes a trial judge hearing an action regarding such bonds to award attorney's fees.

**HB 904.** Effective on Passage. Signed 4/16/19.

This bill removes the residency requirements for judges in the Third Circuit Court District.

**HB 962.** Effective 7/1/19. Signed 3/15/19.

This bill clarifies the exceptions to the prohibition against covenants requiring payment of a fee upon the transfer of real property by requiring evidence by a deed restriction or covenant running with the land filed in the public land records.

**HB 1075.** Effective 7/1/19. Signed 3/21/19.

This bill expands the crimes against a vulnerable person by including the intentional infliction of severe mental anguish upon a vulnerable person as a separate felony.

**HB 1096.** Effective 7/1/19. Signed 3/22/19.

This bill revises the requirement to file a petition for grandparent visitation by requiring a showing of financial hardship for the parents before the court directs the grandparents to pay reasonable attorney's fees to the parent or parents.

**HB 1352.** Effective date 7/1/19 except that Section 32 is effective 10/15/19. Signed 4/16/19.

This bill:
- Updates the drug court statutes to allow for additional types of problem-solving courts. Internal references in the former drug court provisions have been changed from "drug court"
to "intervention courts." It also defines intervention court to include drug, mental health or veterans' court.

- Revises the monitoring authority of the State Intervention Courts Advisory Committee to include mental health courts, veterans' courts and other intervention courts. Representatives of the mental-health courts, veterans' affairs, criminal defense bar and prosecutors association are added as potential members.

- Adds to the required data-collection plan of an intervention court, "the total number of applications for screening by race, gender, offense and reason for nonacceptance."

- Creates a special clinical assessment for any person with two or more DUI convictions, and requires the court to determine whether the person would benefit from court-approved medication-assisted treatment as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; all intervention courts are required to make court-approved medication-assisted treatment an option for participants.

- Authorizes judges to waive all participant fees if the person is determined to be indigent.

- Requires screening for admission to intervention courts for any person, upon request of the person, if the person is eligible under the statutory requirements for participation.

- Removes the word "pilot" throughout the provisions that regulate the Rivers McGraw Mental Health Diversion Program, and changes internal references to add "mental health court."

- Conforms the provisions of law which regulate judges' salaries, youth court intake, court-ordered drug testing,
release following arrest, and criminal fines, by changing the internal references to "intervention court."

- Removes the requirement that a person's driver's license be suspended for a controlled substance violation that is unrelated to operating a motor vehicle. This section is the only one in the bill with an effective date of October 15, 2019.

- Eliminates the requirement to suspend a driver's license for failure to pay fines and fees.

- Authorizes the release of certain misdemeanants on their own recognizance.

- Expands time for initial payment of supervision fees to 60 days and prohibits denial of earned-discharge credits based solely on nonpayment of fees or fines if a hardship waiver has been granted.

- Provides for expunction of certain felony and misdemeanor conviction records if the person was found not guilty or a minor is found not delinquent.

- Opt out of the application of 21 USC Section 862a(a) 2019. The effect of opting out would not require the state to deny social security and assistance to needy families benefits to those who have committed drug-related crimes.

- Revises the expunction provisions by allowing expunction of one felony conviction. "One conviction" and "one felony expunction" are defined as all convictions that arose from a common nucleus of operative facts as determined in the discretion of the court. The following crimes are not eligible for expunction:
  - Crime of violence as provided in Section 97-3-2;
  - Arson, first degree as provided in Sections 97-17-1 (dwelling house, whether occupied or vacant) and 97-17-3
(state-supported school, church temple, synagogue or other place of worship);

- Trafficking in controlled substances as provided in Section 41-29-139;
- Third, fourth and subsequent offense DUI as provided in Section 63-11-30(c) and (4);
- Felon in possession of a firearm as provided in Section 97-35-5;
- Failure to register as a sex offender as provided in Section 45-33-33;
- Voyeurism as provided in Section 97-29-61;
- Witness intimidation as provided in Section 97-9-113;
- Abuse, neglect or exploitation of a vulnerable person as provided in Section 43-47-19; or
  - Embezzlement as provided in Sections 97-11-25 and 97-23-19.

**HB 1375.** Effective 7/1/19. Signed 4/16/19.

This bill revises the procedure that governs the administration of wills by:

- Clarifying the requirements and procedure for conducting and filing an inventory.
- Clarifying the procedure for filing a supplementary inventory.
- Clarifying the procedure for employing an appraiser when necessary.
- Clarifying the procedure for setting apart exempt property.
- Clarifying the procedure for setting apart one year's support for family.
- Clarifying the procedure for apportioning one year's allowance.
- Clarifying a fiduciary's powers to negotiate paper.
- Clarifying the procedure for filing an annual account of administration.
- Clarifying the procedure for filing a final account of administration.
- Removing requirement of filing or producing legal vouchers for final examination and decree of the court.
- To clarify distribution upon affidavit of a successor when an estate qualifies for the small estate exemption of $50,000.00.
- Providing for a statutory order of abatement for the shares of distributees of the property of a deceased.
- Repealing Sections 91-7-257, 91-7-139, 91-7-137, 91-7-279, 91-7-111, 91-7-115 and 91-7-113 to conform to the revisions.

**HB 1581.** Effective 7/1/19. Signed 3/15/19.

This bill clarifies that the definition of courtroom includes a judge's chamber, witness room and jury room, for purposes of concealed carry of firearms, but does not include: hallways, courtroom entrances, courthouse grounds, lobbies, corridors, or other areas within a courthouse that are generally open to the public for the transaction of business outside of an active judicial proceeding, the grassed areas, cultivated flower beds, sidewalks, parking lots, or other areas contained within the boundaries of the public land upon which the courthouse is located.

This bill creates the "Pay and Trade with Confidence and Electronic Device Tampering Act" to create the felony of possession with intent to defraud of a credit card skimmer. Unlawful use of a skimmer is criminalized under Section 87-45-3, but that section does not cover possession without the element of use.

A skimmer is a "scanning device" and includes a scanner, reader, skimmer or other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card.

"Credit card" means anything issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder, on a promise to pay in part or in full therefor at a future time, whether all or any part of the indebtedness is secured or unsecured. It includes a debit card, electronic benefit transfer card, stored value card, and includes the number that is assigned the card, instrument or device, even if the physical card, instrument or device is not used or presented.

A person who violates the new law commits a felony punishable by imprisonment not to exceed five years, a fine not to exceed $10,000.00, or both.


This bill revises Sections 97-21-33, 97-21-13, 97-21-15, 97-21-17 and 97-21-23 to apply the prohibition against counterfeiting to paper currency as well as to gold and silver coins and to revise the punishment for forgery of currency.
A person convicted of forgery of currency or treasury notes of the United States or of a foreign government, or who possesses counterfeited currency or a plate to counterfeit notes, bills, drafts, checks and other evidence of debt, is guilty of a felony. The punishment is as follows:

- When the amount of value involved is less than $5,000.00, by imprisonment for not more than five years, or a fine of not more than $10,000.00, or both;
- When the amount of value involved is $5,000.00 or more, but less than $25,000.00, by imprisonment for not more than 10 years, or a fine of not more than $10,000.00, or both;
- When the amount of value involved is $25,000.00 or more, by imprisonment not to exceed 20 years, or a fine of not more than $10,000.00, or both.

The total value of the forgery by the person from a single victim shall be aggregated in determining the gravity of the offense.

**SB 2532.** Effective 7/1/19. Signed 3/22/19.

The Sex Offender Registration Act is amended to require the employer of a person who is required to register as a sex offender to make a reasonable effort to notify the parents or guardians of children under the age of 18 who come in direct, private and unsupervised contact with that employee. The bill does not authorize the employment of a person for a position for which employment of a sex offender is prohibited by any law, and does not apply to an employer whose employees have only incidental contact with children because children may be present in the workplace without any formal agreement; casual or incidental contact does not trigger the duty to inform. This amendment is made to Section 45-33-59.
Section 45-33-32 is amended so that the notification requirements for volunteer organizations also apply to volunteers who are sex offenders and who have direct, private and unsupervised contact with minors under the age of 18.

Employers and volunteer organizations acting in good faith in making notification to parents or guardians, or who fail in good faith to make notification, are not liable in any civil or criminal action as a result of the notification or failure to notify.

Section 45-33-23 is amended to add a definition under the sex offender registration act in order to require homeless or transient residents to provide a specific description of where that offender habitually lives; for a homeless person to list "homeless" as an address is not sufficient.


This bill creates the crime of theft of consigned motor fuels by providing that it is unlawful to take, use, sell or dispose of consigned motor fuels without the consent of the consignor. It also provides a definition for consigned motor fuels, and requires a written agreement between consignors and consignees of motor fuels that title to the consigned motor fuel is vested in the consignor.

**HB 1465.** Effective 7/1/19. Signed 3/19/19.

This bill expands the provision of law regarding the requirements for enhanced penalties for simple assault and aggravated assault by adding "health care providers."


This bill removed the repealer on the code sections which create a lien on causes of action accruing to certain injured
persons for uncompensated traumatic burn care. Any person, firm, authority or corporation operating a qualifying hospital or qualifying practice providing traumatic burn care in this state shall have a lien for the reasonable charges for care, treatment or services of an injured person for uncompensated traumatic burn care, which lien shall be only upon any and all causes of action accruing to the person to whom the care was furnished or to the legal representative of the person on account of injuries that gave rise to the causes of action and that necessitated the care, treatment or services, subject and subordinate, however, to any attorney's lien or fees. The lien provided for in this subsection is only a lien against those causes of action and shall not be a lien against the injured person, the legal representative, or any other property or assets of those persons and shall not be evidence of the person's failure to pay a debt.


This bill authorizes team physicians for out-of-state athletic teams to provide medical treatment and evaluation for players and staff members of the team when participating in sporting events in Mississippi, without having to be licensed in Mississippi.

- To be exempt from Mississippi licensure, an out-of-state team physician must:
  - Be employed or formally designated as the team physician by an athletic team visiting Mississippi for a specific sporting event;
  - Limit the practice of medicine in Mississippi to medical treatment of the players, coaches and staff members of
the sports organization or entity that employs or has designated the physician; and

- Be licensed in the state in which the sports organization or entity is based or housed.

- Out-of-state team physicians also may treat players or staff members from the home team in Mississippi if the physician has specialized training or experience beyond that of the home team physician.

- The extent of the medical practice allowed for out-of-state team physicians is limited to the following aspects of the sporting event:
  - Pre-game warm-up and any postgame activities;
  - During the actual game or sporting event;
  - Travel to and from the sporting event within Mississippi; and
  - In-state lodging of the team and staff members.

- The practice of medicine outside of the circumstances authorized in the bill constitutes the illegal practice of medicine, subject to all fines and penalties for that crime.

**HB 698.** Effective on passage. Signed 4/16/19.

This bill creates a new code section to be codified as Section 31-5-39, which would require public entities planning a public-funded construction project to establish a cost estimate for the project on or before the date and time established to receive bids for any contract related to the project, which reflect amounts allocated for the project in totality and amounts allocated for construction alone. Under this bill funds can be allocated to a project at any time, including for purposes of awarding a contract to the lowest and best bidder;
however, the addition of funds is prohibited after the deadline for receipts of bids for use as a means of increasing leverage in negotiations.

The bill addresses the Mississippi Supreme Court ruling in Clarksdale v. Hemphill that interpreted Section 31-7-13(d)(iv) of the public purchase law to preclude public entity ability to allocate additional funds to a construction project subsequent to receipt of bids for the purpose of awarding a contract to the lowest and best bid received. The decision interpreted current statute regarding construction contract award negotiation authority as limiting the award of any construction contract to the funds allocated prior to receipt of bids.