



Mississippi House of Representatives Weekly Summary

Summary of 2012 Legislative Regular Session

The 2012 Regular Session of the Mississippi Legislature brought many historic changes to the Magnolia State. For the first time since 1976, there would be a new Governor, Lieutenant Governor, and Speaker of the House, all taking office for the first time. And, for the first time since Reconstruction, Republicans would control not only the Governor's Mansion, but also both chambers of the Legislature as a result of the November 2011 general elections.

The Session brought many new faces to the Legislature. The House welcomed 32 freshman legislators (out of 122 members total), while the Senate welcomed 14 new members (of 52 members total). The new lawmakers jumped right in by authoring bills, presenting them in committee and on the floor, serving on committees and actively stepping into various important leadership roles. With a committed focus to transparency and accountability, the new House leadership featured a bipartisan makeup, including both Democratic as well as Republican committee chairs and vice-chairs. Although from time to time there were some partisan disagreements, as is natural and to be expected, much major legislation addressed during the Session received solid support from both sides of the aisle.

Attorney General Sunshine

Both chambers were focused on enhanced transparency this Session, and to making all areas of state government more accountable for their actions. The Attorney General Sunshine Act, House Bill (HB) 211, allows state agency heads to retain counsel other than the Attorney General and to hire their own outside attorneys and/or law firms to represent them in lawsuits under certain defined circumstances. The bill requires the disclosure of attorney retention contracts, and includes protections insuring that the attorney fees paid for representing the state in major litigation are both transparent and appropriate.

Family Protection

Several measures were enacted to help make Mississippi a safer place to raise a family. Legislators passed HB16, the Mississippi Child Protection Act of 2012, which requires health care workers, members of the clergy, educators, law enforcement agents, and child care providers to report alleged or suspected sexual abuse against children. Significantly, the bill requires retention of DNA evidence for use in potential criminal prosecution of sexual predators.

A new law also passed modifying our state's adoption laws, making it easier for Mississippians to adopt children, a high priority of lawmakers of both parties.



Mississippi House of Representatives Weekly Summary

Another family-friendly measure headed to the Governor's desk is Senate Bill (SB) 2494, an act to create the Broderick Rashad Danti Dixon Act. This bill revises the penalties for falsely reporting a crime and provides that the crime victim has the right to receive a copy of the initial incident report.

Abortion rights were addressed this session in a variety of bills. HB1390 requires all physicians performing abortions in clinics to be certified OBGYNs and to have admitting privileges at local hospitals. Supporters of the bill argued that any person performing an abortion should be a certified OBGYN and should have access to a local hospital in case a medical problem arises. Currently, there is only one abortion clinic in Mississippi, and that clinic is located in Jackson. Opponents countered that HB1390 wrongly singles out the one clinic in Mississippi and, in turn, potentially forces it to shut down if the clinic is unable to comply with the new law. Opponents worry there will be fewer options for women seeking abortions who cannot afford to go to other states to have the procedure, while proponents insist that the new law insures that any legal procedures actually performed in the Magnolia State would be subject to appropriate medical safeguards. The bill was signed into law by Governor Bryant on April 16, 2012.

Education

As always, improving Education remains the number one priority of the Mississippi Legislature, with more than 60% of the state's general fund budget devoted to educational pursuits (including 50% of the \$5.6 Billion budget earmarked for K-12 Education alone). Major strides were taken during the 2012 Session to improve Mississippi's educational standing, which unfortunately has hovered near the bottom of most state rankings for decades.

The charter school debate garnered the most publicity for the 2012 House Education Committee this Session. Going into the year, many lawmakers on both sides of the aisle seemed to agree that the chronically under-performing public education system in Mississippi needs a major face lift. However, not everyone agreed on the best method to use in revamping the system. Party lines did not necessarily dictate opinions on this issue as serious discussions commenced at the Capitol. Ultimately, through the mutual agreement of both the respective House and Senate Education Committee Chairmen, a decision was made to postpone any further action on charter schools during the 2012 Regular session.

In other education items, the School Start Date Act of 2012 (HB707) was signed into law on May 1, 2012. This new law requires schools to push back their start date to no later than the third Monday in August, beginning in 2014. Hopes of working in cooler temperatures and allowing families extended time to vacation helped prompt this new law, which received broad support in both chambers.



Mississippi House of Representatives Weekly Summary

In an effort to establish a clearer and more understandable rating system for Mississippi's school district ratings, the Legislature changed the grading system to A, B, C, D, and F. The simplified grading terminology will clarify district performance for parents. For example, a school district or school currently rated as merely "Successful" will be accorded a "C" grade. Previously rated "Star" districts will receive an "A," and "High Performing" districts and schools will rate a "B."

After years of talking about school consolidation, the Legislature took action by combining the administrative operations of the three struggling schools in Sunflower County and authorizing the appointment (as opposed to the election) of a school superintendent. The measure will save more than \$1 million by combining the administrations of the under-performing Drew, Sunflower and Indianola school districts. Under a separate measure, Bolivar County's school districts will be reduced from six to three. No schools will be consolidated under either measure; rather, the administrative functions of school districts will be combined.

Several other bills passed that focused on educational reform for dyslexic and vision-impaired students and students with Diabetic Alert Dogs.

Voter ID

After Amendment 27 passed (by 62 percent of Mississippi's electorate) in the November 2011 general election requiring photo voter identification at the polls, legislative leaders presented House Bill (HB) 921, or the Voter ID Law. HB921 sparked passion in both Republicans and Democrats. Under the new law, persons appearing to vote must present valid identification (ID) in any of the following forms: Mississippi Drivers' License, a photo ID card issued by an agency of the State; US Passport; an employee ID card bearing a photo; an accredited college, university or community college student ID bearing a photo; Mississippi license to carry a concealed weapon; travel ID card bearing a photo; military ID card; or Mississippi Voter ID card with a photo. Should any person wishing to vote not possess one of the required forms of ID, they nevertheless may apply to receive a free Voter ID card (provided free to them by the State). To apply for such a Voter ID card, a person will be required to show their Social Security card, Medicare card, Medicaid card or a verification of residence in the county of their residence. Voters may vote by affidavit if they present a valid ID within five days of voting. As Mississippi is a "covered jurisdiction" under the Federal Voting Rights Act, the Voter ID provisions will not become law unless ultimately approved by the U.S. Justice Department or by the Federal Courts.

Redistricting

During the 2012 Legislative session, as is the case every ten years following the Census, the Legislature is tasked with tackling the issue of reapportionment and redistricting. With population shifts occurring



Mississippi House of Representatives Weekly Summary

throughout the state, five new House districts were drawn in the redistricting plan passed by the Legislature: two in Desoto County and one each in Madison, Oktibbeha and Forrest Counties. All districts drawn are contiguous, compact, with a minimum of split precincts, and with no retrogression in minority voting strength. Under the newly adopted legislative plan, there are 42 majority/minority districts, with two new performing districts in Districts 16 and 45. A performing area refers to a district with a high black voting age population (BVAP). Additionally, this new plan reduces the split precincts statewide from 537 to 172. The adopted legislative plan for the House makes more counties whole and takes the number from only five whole counties under the benchmark plan (2002) to 13 whole counties under the new 2012 plan. As is the case with any electoral change, the redistricting plan enacted by the Mississippi Legislature must be approved by the U.S. Justice Department or the Federal courts before it will become effective.

Budget

The proposed FY 2013 General Fund budget demanded a lot of attention and nurturing as it carefully was developed throughout the 2012 Session. House and Senate members were able to reach an accord on a General Fund budget of approximately \$5.5 billion, and this agreement was reached “on time” for the first time in at least eight years.

After hard work by the chairman and committee members of both the House and the Senate Appropriations Committees, the new budget for FY ‘13, which takes effect July 1, 2012, will reflect a variety of changes. The Legislature has increased state spending by a total of only less than one half of one percent. Significantly, the Legislature also has set aside nearly \$200 million to use as reserves in next year’s budget, thereby providing some flexibility and the ability to avoid potentially crippling cuts next year. Some adjustments to the FY ‘13 budget include:

- Medicaid: will receive an additional \$58.7 million in appropriations for FY ‘13. This is a 7.6 percent increase over FY ‘12.
- K-12 Education: will receive nearly \$30 million in additional appropriations funds. This represents a 1.3 percent overall increase over FY ‘12.
- Mississippi Adequate Education Program (MAEP): will receive an additional \$19 million - a nearly one percent increase over FY ‘12.
- Community Colleges: will receive nearly \$4.2 million extra in appropriations for FY ‘13. This is a 1.8 percent increase over FY ‘12.



Mississippi House of Representatives Weekly Summary

Pro-Business, Pro-Economic Growth

Several bills were brought forward this session which supported Mississippi businesses and the pro-economic growth agenda of the House and Senate legislative leadership. Workers' Compensation revisions, the "Mississippi Health Care Industry Zone Act," Inventory Tax Reform, and the Mississippi Small Business Regulatory Flexibility Act, all passed both chambers.

Workers' Compensation reform was addressed throughout the session and ultimately passed both chambers in the form of a conference report on SB 2576. Provisions include restoration of "fair and impartial interpretation;" stronger measures related to drug and alcohol usage; clarification of an employee's choice of physician; and significant increases in benefits for surviving spouses and funeral costs. Proponents contend that the bill will "level the playing field" between employers and employees, while opponents argue that the bill will make it more difficult for employees injured on the job to recover benefits.

"Mississippi Health Care Industry Zone Act" provides certain tax incentives for qualified businesses located within certain hospitals or medical zones. The Mississippi Development Authority can designate areas in counties as a Health Care Industry Zone if they meet certain criteria. Special incentives encourage health-related businesses to relocate to these areas. In order to qualify for the incentives, a Health Care Industry Facility must create at least 25 full-time, permanent jobs.

The Inventory Tax Reform bill (SB 2934) increases the income tax credit authorized for the ad valorem tax paid on inventory starting in 2014. "Raw materials" and "works-in-process" are now qualified to be eligible for the inventory tax credit. The existing \$5,000 credit increases to \$10,000 in 2014, then \$15,000 in 2015. For the 2016 taxable year and each taxable year thereafter, the tax credit of the taxpayer shall be the lesser of the amount of the ad valorem taxes paid on inventory or the amount of the income tax liability. The Inventory Tax Reform measure is considered especially significant for those areas on the periphery of the state, because our sister states heretofore have enjoyed a significant tax advantage over Mississippi businesses.

Senate Bill 2398 (SB 2398) creates the Mississippi Small Business Regulatory Flexibility Act. This bill establishes a volunteer committee comprised of 12 people from associations of various businesses throughout the state. This committee is charged with reviewing regulations put out by various state agencies that affect small businesses. SB 2398 requires each agency to determine whether any proposed rules by the agency affect small business and prepare an economic impact statement. Enactment of this bill allows the committee to file a written petition with an agency to oppose all or part of a regulation that has a negative impact on small business.



Mississippi House of Representatives Weekly Summary

Immigration reform sparked lengthy debate among House members in committee meetings and on the House floor. HB 488, "The Mississippi Immigration Reform Law," originally passed the House floor by a bipartisan vote of 70-47. The bill aimed to strengthen enforcement provisions to discourage illegal immigration and to encourage legalization of immigrants. However, once the bill left the House to go to the Senate for discussion, it died in the Senate Judiciary B Committee.

This year, the House and Senate agreed to permit the amount of alcohol in beer to be raised from five percent to eight percent by weight. Senate Bill 2878 passed both chambers and was signed into law by Governor Bryant. The enactment of this bill will allow specialty/craft beers to be bought and sold in Mississippi, starting July 1, 2012. Of all the states, Mississippi currently permits the lowest alcohol by weight for beer.

The House ended the 2012 Legislative session on Thursday, May 3 - a full three days ahead of the scheduled May 6 deadline.