



## **Mississippi House of Representatives Weekly Summary**

### **2013 Regular Legislative Session**

#### **End of Session Summary**

The 2013 Regular Session of the Mississippi Legislature was a whirlwind 90-day session. Deadlines were pushed up, and it proceeded at a much faster pace than last year's 125-day session. But despite the shorter session, the House ended the 2013 Legislative session on Thursday, April 4 - a full three days ahead of the scheduled April 7 deadline for Sine Die.

#### **Education**

The 2013 Legislative Session has been heralded by Governor Bryant as a "transformational" one, specifically concerning the passage of major education reform. As always, improving education remains the number one priority of the Mississippi Legislature, with more than 55.8 percent of the state's general fund budget devoted to educational pursuits (including 40.8 percent of the \$5.772 billion budget earmarked for K-12 education alone. These numbers are contingent upon the Legislature funding Medicaid for which they have reserved approximately \$840 million). Major strides were taken during the 2013 Session to improve Mississippi's educational standing.

The charter school debate garnered the most publicity again for the 2013 House Education Committee this session. Last year, a similar bill was introduced and did not make it out of committee during conference week. "The Mississippi Charter Schools Act of 2013," House Bill 369 (HB369), declares that a charter school is a non-profit, public school that is designed to foster innovation and increase community involvement in the education of community children. The bill establishes a new authorizing board comprised of seven members (three appointed by the Governor; three appointed by the Lieutenant Governor and one appointed by the Department of Education). HB369 allows for charter schools in all districts, giving local school boards in A-, B- and C-rated districts veto power. It caps the number of charter schools per year to 15. Under this bill, 75 percent of teachers would be required to be licensed or certified by the state. The "Mississippi Charter Schools Act of 2013" was adopted after great debate in both Chambers. The final conference report was adopted by House members with a bipartisan vote of 62-56.

Senate Bill 2347 (SB2347), commonly known as the "Third Grade Reading Gate," passed the House floor by a wide margin vote of 99-16. This bill aims to require children to be able to read on a third grade reading level before being promoted to the fourth grade, thus ending social promotion. Enactment of this measure ensures that children in grades K-3 will receive intense reading instruction, while being tested at every level. Additionally, K-3 teachers and administrators will receive special training on the most effective methods to improve literacy among our children.

Governor Phil Bryant's Education Works Program was passed in the form of Senate Bill 2658 (SB2658) by a vote of 114-0. This bill was commonly referred to throughout the session as the "omnibus bill"



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because it is comprised of so many different elements like: requiring high schools with graduation rates below 80 percent to submit plans on how they propose to increase graduation rates to the Mississippi Department of Education; offering 200 scholarships to high-performing students to become teachers in Mississippi for at least five years; and creating a pilot program in four Mississippi school districts to implement the performance-based compensation program for teachers. Other measures in the bill include:

- Directing \$6 million to Teach for America.
- Directing \$3 million to continue early childhood education efforts conducted by Mississippi Building Blocks.
- Directing \$300,000 to training for Dyslexia professionals.
- Directing \$22.6 million to the National Board Certified Teacher program.
- Directing \$250,000 to help high school students obtain work certifications.
- Directing \$1 million to dropout prevention and intervention efforts conducted by Jobs for Mississippi Graduates.

Legislators also passed Senate Bill 2188 (SB2188) which raises the requirements for students wishing to enter education programs at Mississippi universities. Students must have a 2.75 GPA on pre-major coursework and either score a 21 on the ACT or pass the Praxis Core Academic Skills for Educators assessment.

Additional educational bills passed this session include:

- House Bill 1530 (HB1530) requires students to be at school 63 percent of the day in order to be counted as attending.
- Senate Bill 2395 (SB2395), or the “Early Learning Act of 2013,” authorizes the Department of Education to implement a voluntary pre-K program on a phased-in basis beginning with the 2013-2014 school year.
- Senate Bill 2633 (SB2633) enacts the “Mississippi Student Religious Liberties Act of 2013.” This act will provide protection for children to express their religious views in school. This covers expression in class assignments, organization of religious groups and activities, and establishment of a public forum for student speakers at non-graduation and graduation events.

### **Medicaid**

Despite enacting historic education reforms and passing much other noteworthy legislation, the Legislature ended the Regular Session without reauthorizing Medicaid or appropriating the funds necessary to run the program after July 1. The existing Medicaid program serves nearly 700,000 of our state’s children, aged, blind and disabled citizens, nursing home patients, etc. The sticking point



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revolved around whether to expand Medicaid to include an additional 300,000 adults ("working poor"), which is optional for states under the Patient Protection and Affordable Care Act ("Obamacare"). Generally, House Democrats wanted a vote to expand Medicaid before the session ended, but House Republicans refused, contending that a debate or vote on expansion at this time would be both premature and imprudent unless and until more information is provided by the Federal government. For technical reasons relating to 3/5 super-majority vote requirements, and also to the fact that some members claim real or perceived ethical conflicts of interest, thereby affecting the total number of votes needed for passage, none of the four separate Medicaid bills brought to the floor passed the House. Neither party budged from its position, and as a result, Medicaid was neither expanded nor extended (or funded) during the Regular Session, and the existing program will terminate July 1 unless Governor Bryant calls the Legislature back into Special Session to further tackle the issue.

### **Second Amendment Rights**

Due to the tightening of Second Amendment rights in states around the nation, the leadership introduced and passed several bills focused on protecting those rights.

House Bill 485 (HB485) exempts the names and addresses of people who have concealed carry permits from being a matter of public record.

House Bill 2 (HB2) clarifies language affecting citizens licensed to carry concealed weapons in Mississippi. This law protects people who have a permit to carry a concealed weapon even if the weapon is holstered and thus not totally hidden.

House Bill 1139 (HB1139) allows hunters to use a weapon of choice for deer hunting on private land after November 30, 2014.

### **Budget**

The proposed FY 2014 General Fund budget demanded a lot of attention and nurturing as it was crafted throughout the 2013 Session. House and Senate members were able to reach an agreement on a General Fund budget of approximately \$5.772 billion. Because of the uncertainty of the Medicaid program, the numbers used to break down the 2014 General Fund budget do factor in the \$840 million set aside should the Legislature vote to fund the program.

Some key agencies receiving a funding increase include:

- K-12 Education--\$2.3 billion, up 2.12 percent, with the Mississippi Adequate Education Program (MAEP) component alone totaling \$2.062 billion, up by \$27 million, or 1.34 percent
- Universities--\$713.9 Million, up 6.59 percent
- Community and Junior Colleges--\$246.9 million, up 4 percent



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- Mental Health--\$237.4 million, up 5.84 percent
- Corrections--\$337.9 million, up 8.39 percent
- Human Services--\$144.7 million, up 11.52 percent
- Military, Police and Veterans' Affairs--\$91.4 million, up 1.65 percent
- Public Safety--\$72.8 million, up 5 percent

### **Pro-Business, Pro-Economic Growth**

Several bills were brought forward this session which supported Mississippi businesses, pro-economic growth and the tourism industry. Creating jobs and incentives for new companies remains a focus of the House and Senate legislative leadership. Many of the pro-business bills passed included tax exemptions for various industries.

House Bill 844 (HB844) exempts members of certain industrial manufacturers, farming entities and the fishing/shrimping industries from paying sales tax on electricity and fuel required to keep those industries running. These groups currently are taxed at 1.5 percent, which is a reduced rate from the standard six percent sales tax. This will cost the General Fund approximately \$6.9 million. Supporters of the bill say this tax break provides an incentive for new businesses seeking to move to Mississippi. Mississippi is one of 13 states utilizing this incentive. Opponents believe the state cannot afford to eliminate a vital tax to such a broad group of businesses when the state struggles to fund many of its programs.

Similarly, House Bill 591 (HB591) offers a sales tax exemption and an income tax credit to companies moving their headquarters to Mississippi. Such companies must create at least 20 jobs to qualify.

A measure to incentivize oil companies and drillers to expand operations in southwest Mississippi relative to the Tuscaloosa Marine Shale Project also passed in the form of House Bill 1698 (HB1698). Horizontally drilled wells, a rare and complicated form of drilling used for this project, require special knowledge and equipment to produce oil. This bill reduces the rate of severance tax to 1.3 percent for the first 30 months on oil and gas produced from these wells. Additionally, a county may, by resolution, enter into a road maintenance agreement with a taxpayer that is eligible for the reduced severance tax. Supporters believe this will be an economic boom for southwest Mississippi much like North Dakota has experienced where unemployment rates are at an all-time low, and sales tax revenues are at an all-time high. Opponents contend this work will be done at the taxpayers' expense in the name of economic development, and that incentives offered will take money away from the counties.

In the spirit of the pro-business atmosphere favored by legislative leadership, House members passed House Bill 722 (HB722) that revises the zoning of health care industry facilities under the Mississippi Health Care Industry Zone Act, which passed last year. HB722 authorizes the Mississippi Development



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Authority (MDA) to certify Health Care Industry Zones in areas where a health care industry facility is located within a five-mile radius of certain accredited colleges and universities. The targeted colleges and universities must train workers for jobs in health care or pharmaceutical fields of study.

Senate Bill 2462 (SB2462) extends the Mississippi Motion Picture Incentive Act to include computer or video game businesses that wish to locate in Mississippi. Enactment of this measure increases the amount of payroll to \$5 million, allowing this group to apply it toward the Mississippi Motion Picture Incentive Act Rebate.

### **Family Protection**

Once again this session, several bills were introduced and passed that focused on protecting children and families. House Bill 1009 (HB1009) prompted prolonged debate among House members. Enactment of this bill will give the Department of Human Services (DHS) the authority to contract certain services with outside vendors. Supporters of the bill believe it will recoup a portion of taxpayer money in uncollected child support (approximately \$1 billion). Opponents of the bill maintain that the bill, as written, would allow privatization of all functions of DHS, and that privatization in a limited fashion has not worked well. Opponents also believe that costs to provide privatized services will exceed current costs to taxpayers. Furthermore, opponents believe that the proper course would be to appropriately fund the DHS budget. Members adopted the conference report by a narrow vote of 62-56.

"Lenora's Law," Senate Bill 2732 (SB2732), amends the sex offender registry law. Upon release from prison, a sex offender must register his/her place of residence. This law requires offenders to wear a GPS tracking device upon release from prison to prevent evasion of the registry law. An amendment was added to prohibit sex offenders from living within 3,000 feet from a school.

House Bill 481 (HB481) revises the use of an ignition-interlock device for DUI offenders. Its aim is to strengthen laws against drunk driving. Should a person be convicted of a DUI, under this law, the judge has the option to require the person convicted to install an ignition-interlock device in their car for six months or suspend their license for 90 days. Usage of the device prevents a vehicle from starting if a person has alcohol on their breath.

This session was also marked with several member deaths. Representative David Gibbs from West Point, Representative Joe Gardner from Batesville and Representative Jessica Upshaw from Diamondhead all passed away during the session. Additionally, several Senators and staff members' family members passed away during the session. Representative Gibbs' seat was filled by his son, Karl Gibbs, who was sworn in on Sine Die, Thursday, April 4. The special elections for Representatives Gardner and Upshaw will be held in the next few weeks. Two additional members joined the House this session based on other members who retired at the end of the 2012 Legislative Session. Representative Bill Kinkade from



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Byhalia and Representative Brent Powell from Brandon joined the Mississippi House of Representatives earlier in the session.