



Mississippi House of Representatives Weekly Summary

2015 Regular Legislative Session

The 90 days of the 2015 Regular Session of the Mississippi Legislature passed quickly this year. With 2015 being the last session within this term, this year also marked an election year. The deadline to file was February 27. Sixteen House members and five Senate members chose not to run again. In addition to those not running for reelection, after redistricting, five new districts were drawn for the House, and one additional district was drawn for the Senate.

Conservative Budget, Bonding

When crafting the budget, legislators continued to focus their efforts on eliminating the dependency on one-time monies for recurring expenses. Since 2012, members have diligently worked to reduce this, and the proposed Fiscal Year (FY) General Fund 2016 budget reflects that. The FY 2016 General Fund budget demanded a lot of attention and nurturing as it was crafted throughout the 2015 Session. House and Senate members were able to reach an agreement on a General Fund budget of approximately \$6.3 billion.

Again, the education budget received another boost this year. Since 2011, the budgets for K-12, IHL and Community College have all received significant increases totaling close to \$250 million.

- K-12 Education--\$2.5 billion, up 4.31 percent from FY15, with the Mississippi Adequate Education Program (MAEP) component alone totaling \$2.2 billion, up by \$106 million, or 5 percent. From 2011 to 2015, up 7.62 percent.
- Universities--\$771 Million, up 3.11 percent from FY15. From 2011 to 2015, up 5.88 percent.
- Community and Junior Colleges--\$269 million, up 4.33 percent from FY15. From 2011 to 2015, up 15.46 percent.

To support the conservative budgeting efforts, members adopted Senate Bill 2389 (SB2389), an Article V vehicle to amend the United States Constitution to require Congress to adhere to a constitutional debt limit. The gross national debt is in excess of \$18 trillion and is expected to grow by another \$7 trillion by 2023. With ultimate enactment of the Balanced Budget Amendment, if Congress decides to raise the debt limit, its members would have to seek the approval of a majority of state legislatures. Three states have currently adopted this legislation. A total of 38 states must adopt this legislation for it to go into effect. After adoption, a Convention of States will convene, where they will then vote up or down on the Amendment. Each state gets one vote.



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Opponents worry this effort circumvents the legislative process bestowed to Congress. They believe that by voting for members of the United States Senate and House of Representatives to Washington D.C., the people are being represented. They also argue that Mississippi heavily depends on federal dollars. Enacting this measure could put those funds at risk. Another concern is that of when emergencies arise. Opponents fear that waiting for 50 states to convene could put our country in peril during such times.

House members also adopted a plan to issue \$250 million in general obligation bonds for various projects. In order to raise funds, bonds are often issued. Many people believe bonds are necessary to help fund large projects with the intent to repay the debts over time. Included in this plan:

- IHL: \$71.7 million
- Community and Junior Colleges: \$25 million
- Civil Right Museum and MS Museum of History: \$20 million
- Mississippi State Fairground Improvements: \$10 million
- Blair E. Batson Children's Hospital: \$6 million
- State Shipyard: \$20 million

The Transfer Bill, House Bill 434 (HB434), suspends the two percent set aside for the Rainy Day Fund until FY 2017, freeing up \$111.4 million to go to the General Fund to be appropriated for the coming fiscal year (FY16). For FY2017 and beyond, the decision whether to suspend the two percent set aside or not will be based on the status of the Rainy Day Fund. Suspending the two percent set aside would only be an option when the Rainy Day Fund is filled to the maximum amount. Lawmakers filled the Rainy Day Fund last year.

Education

Once again, legislators placed continued importance on reforming Mississippi's education system.

Early in the Session, House and Senate members adopted **House Concurrent Resolution (HCR) 9**. HCR9 is a legislative alternative to ballot Initiative 42. Initiative 42 received more than the required number of signatures necessary to be placed on the ballot in November. Supporters of each measure believe their effort will focus on educating children.

Supporters of HCR9 say this legislative alternative focuses on three factors: keeping the decision about school operations and funding in the hands of the voters, not a judge for whom the voters cannot vote; preserving the integrity of the Constitution by maintaining the separation of powers between the legislature and the judiciary; and focusing on educational outputs and accomplishments, instead upon



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funding as the yardstick by which it is measured. They believe Initiative 42 violates those factors and removes the voice of the people.

Opponents of HCR9 believe this alternative will confuse the public. They support Initiative 42 and believe its passage will allow a court to enforce full funding of the Mississippi Adequate Education Program (MAEP), which was last fully funded in 2008. They argue that the people who signed a petition supporting the initiative deserve the opportunity to vote on it alone, without a competing alternative.

HCR9 will appear on the ballot alongside Initiative 42 on November 3. Voters will have the choice to vote for Initiative 42, for the alternative measure presented by HCR9 or against any constitutional change at all.

Teacher Pay Raises. The Legislature funded the second year of the teacher pay raise bill that passed last year. The issue of a pay raise for assistant teachers was discussed at length during the Session. House members tried multiple times to insert such language into various bills. Despite House efforts, the Senate failed to agree with House terms, and the effort died this Session.

Among the bills passed by the Education Committee, Senate bill 2161 (SB2161) creates a **15-member commission** to study the Common Core National Education Standard. Members will be appointed by the Governor, Lt. Governor, Speaker and State Board of Education. Enactment of this measure also bans the Mississippi Department of Education from using the PARCC assessment in schools starting with the 2015-2016 school year. Furthermore, it prohibits data on students or their families to be reported to the Federal Government without consent of parents.

Districts of Innovation. Under this bill, a school board may apply for their district to be a part of this program. Being a part of a District of Innovation allows schools to have the flexibility to educate in alternative ways in hopes of boosting performance and achieving goals. The State Board of Education can approve up to five districts a year. Chosen districts shall be limited to five-year periods and must present their plans of action to the board.

House Bill 662 (HB662) authorizes school districts to sell school-issued computers to students upon their high school graduation for a nominal fee. The student would also have to show proof of acceptance into a Mississippi college or university. Currently, these computers are turned over to surplus property. Proponents for the legislation believe this is a way for school districts to receive revenue and help students as they transition into their next level of education.

Senate Bill 2258 (SB2258) addresses cheating on statewide tests. Enactment of this measure would bestow penalties to those teachers who certify that tests have been performed under certain



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procedures, when, in fact, they were aware a test had been incorrectly performed. If a teacher acts with willful intentions, they could face fines ranging from \$15,000 to up to three years in jail. Furthermore, if the principal determines a teacher has calculated a way to outsmart a test, it is his/her duty to report the teacher. Opponents believe this punishment is excessive and maintain that firing or revoking a teacher's license should suffice.

The "Special Needs Bill" establishes a pilot program giving the parents of children with special needs the ability to withdraw their children from public schools. They would be allotted up to \$6,500 to go toward school tuition, tutoring and other educational expenses. The program would be limited to 500 students each year. The first 250 slots would be filled on a first come, first serve basis. The second 250 spaces would be filled through a lottery.

Reassuring Public Safety, Transportation

Legislation was passed this year to ensure safety on our roads and in our communities.

Legislation passed this year that will directly affect the Mississippi Department of Corrections (MDOC). House Bill 602 (HB602) **creates the Mississippi Re-entry Council**, which would provide strategies to inmates to help reduce recidivism and would improve public safety as former inmates are being reintroduced into society.

House Bill 906 (HB906) would **eliminate the Regimented Inmate Discipline (RID) Programs**. The recidivism rate for this program over the last three years is 41.9 percent, which is higher than the recidivism rate of inmates not enrolled in RID. As a result, MDOC believes RID is not working. The agency is interested in finding and investing that money into more community-based programs that are evidence-based and that target the same nonviolent, low-risk offenders. The bill is designed to bring these offenders to lifestyles that encourage them to be productive citizens. However, supporters of the RID program believe it provides a working alternative to lock-up.

Last year, the Legislature approved funds for a new **Trooper school**. The last trooper school was funded in 2011. In March of this year, 48 troopers graduated from this program. Mississippi Highway Patrol officers and Mississippi Bureau of Narcotics (MBN) agents will also receive \$3.2 million for pay raises and pay scale adjustments, starting in 2016.

Enactment of House Bill 389 (HB389) would prohibit texting, emailing and accessing social networking sites while driving.



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House Bill 1630 sets aside \$162 million for the Mississippi Department of Transportation (MDOT) to apply toward road and bridge repair. An additional, \$20 million will be used to replace what the Legislature removed from the State Aid Road Program and to fund Local System Bridge Program (LSBP) program for repair of deficient bridges on state maintained highways.

House Bill 982 (HB982) removes the requirement of the vehicle inspection sticker.

Senate Bill 2380 (SB2380) permits drivers to have a copy of their insurance card electronically to present when proof of insurance is requested

Second Amendment Rights

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

Senate Bill 2394 (SB2394) reduces the general fee for obtaining a concealed carry license from \$100 to \$80, and also reduces the renewal fee to \$40. Active duty members of the Armed Forces and service-connected disabled veterans are exempt from payment of the license fee. Enactment of this measure also authorizes a concealed carry option, not requiring a permit, for carrying a firearm in a purse, bag, or fully enclosed case.

With the passage of Senate Bill 2619 (SB2619), members and veterans of the Armed Forces, including members of the National Guard, who have completed military combat training for pistols or other handguns, are exempt from taking the enhanced carry endorsement class. The bill also says that Mississippians owning "green tip" rifle ammunition will remain legal to possess regardless of the ATF's future actions. This measure further clarifies and strengthens Mississippi's preemption law providing that cities and counties cannot adopt ordinances in violation of state firearms law.

Focusing on Health and Wellness

Many pieces of legislation focused on the health and wellness of the state's citizens.

House Bill 583 (HB583) exempts hospitals from the certificate of need (CON) process for repair or rebuilding when they have been significantly damaged by a natural disaster and damages exceed one million dollars.

Statistics from the CDC were released last March stating that one in 68 children is on the Autism spectrum. House Bill 885 (HB885) requires the State and School Employees Health Insurance Plan to



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include coverage for treatment of autism spectrum disorders. HB885 directs insurance companies to pay for the screening, diagnosis and treatment of children, ages 2-8, with autism spectrum disorder. Employers with less than 100 employees will have the option of passing along the increased insurance premium cost (due to the inclusion of covering autism) on to the employees. Ratification of this measure will bring Mississippi in line with 38 other states and the District of Columbia that offer autism coverage through insurance companies.

House Bill 836 requires state agencies to enhance employment opportunities for people with disabilities.

Senate Bill 2441 (SB2441) establishes "Provider-Sponsored Health Plans." Enactment of this measure permits the Mississippi Insurance Department to allow hospitals to create health management organizations for the purpose of creating managed care companies.

House Bill 952 (HB952) prohibits higher co payments for patient-administered anti-cancer medications.

Pro-Business, Pro-Economic Growth and Transparency

Creating jobs and incentives for new companies remains a focus of the House and Senate leadership. Many of the pro-business bills passed included tax exemptions for various industries.

House Bill 33 authorizes a credit for taxpayers who employ honorably discharged veterans who served on active duty in the armed forces of the United States on or after September 11, 2001 and who have been unemployed for six consecutive months prior to being employed.

House bill 1134 (HB1134) approves the establishment of Catastrophe Savings Accounts and exempts contributions and distributions to them from income tax. Enactment of this measure will help homeowners afford increasing insurance premiums as a result of additional risks. Through these savings accounts, homeowners will be allowed to have higher deductibles on their policies. This will only be allowed in catastrophic instances.

House Bill 739 (HB739), the "Property Insurance Clarity Act," requires admitted homeowners insurance carriers in Mississippi to provide data to the public on premiums collected, the amount of losses incurred and the total number of policies in effect.

Senate Bill 2762 (SB2762) allows out-of-state utility companies to aid with disaster repair and forego completion of Mississippi income tax and Federal Insurance Contributions Act (FICA). Companies that stay in Mississippi less than 120 days assisting with disaster recovery would qualify for this exemption.



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Several bills were brought forward this session which fostered an atmosphere of transparency within state agencies.

House Bill 825 (HB825) revises the composition, exemptions, expenditures and methods for reviewing single source contracts of the personal Serve Contract Review Board (PSCRB) in efforts to prevent repeat instances in MDOC and all other agencies. This legislation provides three phases for this reform: appointment of new members to the board; addition of new contracts to the PSCRB's list to review that include exemptions, sole source and quarterly reports; and lowering of the threshold amount for contracts that require approval from \$100,000 to \$75,000.

Senate Bill 2804 (SB2804) exempts the entire agency of the MDOC from under the State Personnel Board (SPB) for one year. Before any changes can be made, the MDOC Commissioner must consult with the Attorney General's office. Supporters of the bill believe this effort will assist in the restructuring of the Central Office. Opponents argue that removing state agencies from under the SPB compromises accountability. They believe oversight is important.

Senate Bill 2407 (2407) removes the exemption of public hospitals from open meetings laws. The bill was crafted to provide a level of transparency for these public bodies, while continuing to provide the protections needed to ensure public hospitals are not put in a position of competitive disadvantage relative to private hospitals. This applies to all community hospitals. Items that must be made public and posted online include, but are not limited to: general financial information, meeting minutes, pension plan information. Some exceptions like employees' salaries, individual billing collection, applications for privileges, certificate of need (CON) applications and other strategic business decisions are subjects which may be discussed during executive session and not be subjected to open meetings requests.