Business and Election Proposals Supported by the Secretary of State

Every year the Secretary of State's Office holds study groups composed of Legislators and business leaders across the State to develop, promote and identify ways to make Mississippi's business laws the best in the country. By fostering new and innovative business reforms, our State is better poised for attracting economic development and creating jobs. Below are some of the proposals of the Business Reform Study Groups, supported by the Secretary of State’s Office during the 2012 Legislative Session.

Proposals Signed by the Governor:
- **Model Business Corporation Act (HB 789)**: Amends the Mississippi Business Corporation Act to adopt changes in the Model Business Act and makes it easier for corporations and shareholders to conduct business with each other in light of advances in electronic technology.
- **Public Improvement Districts (HB 1261)**: Conforms election procedures to those used in federal laws, provides stricter requirements for land valuation, and broadens disclosure requirements.
- **Mississippi Principal and Income Act (HB 732)**: Provides a fiduciary with the discretionary power to transfer principal to income, or income to principal, if the transfer is necessary to meet the fiduciary duty of impartiality. Clears up ambiguity regarding allocations to principal and income, and removes provisions which conflict with Mississippi’s Prudent Investor Act.

To read more about the legislation, visit the Policy and Research portion of the Secretary of State’s website at [http://sos.ms.gov/](http://sos.ms.gov/). To read the full text of the bills, you may visit the Mississippi Legislative website at [http://billstatus.ls.state.ms.us/](http://billstatus.ls.state.ms.us/).

Office of the Mississippi Secretary of State
Post Office Box 136
Jackson, Mississippi 39205
Phone: (601) 359-1350
Fax: (601) 359-1499
Mississippi Registered Agents Act (HB 1162): Combines all of the state’s business entity statutes to create one uniform body of law which will govern the Registered Agents process for all types of business entities.

Uniform Prudent Management of Institutional Funds Act (HB 1104): Provides statutory guidelines and greater flexibility for the management, investment, and expenditures of endowment funds held by charitable institutions. Allows a charitable institution to spend from the principal of an endowment if deemed prudent by the governing board.

Tax Forfeited Lands (HB 1117): Allows the Secretary of State to consider clean up costs, removal of debris and demolition of dilapidated structures in setting the purchase price for tax forfeited properties. This ability to adjust the purchase price will incentivize private investment in tax forfeited properties and place them back on county tax rolls.

Absentee Ballots for Enlisted Soldiers (SB 2552): Authorizes enlisted military and citizens temporarily living overseas who are absent from their counties on Election Day to electronically sign absentee ballots.

Election Contests (HB 993 & 994): These two proposals designate the Circuit Court as the only court where an initial petition for judicial review of an election contest can be filed and clarifies that the Supreme Court must send judges hearing election disputes to “the county in which the election dispute occurs.”

Absentee Ballot Processing (HB 995): Requires all Circuit Clerks to process absentee ballot applications and absentee ballots through the Statewide Election Management System.

Awaiting the Governor’s Signature:

Voter Identification Enabling Legislation (HB 921): This legislation would implement the voter identification requirement in the State, as required by the Constitutional initiative passed by a majority of voters.

Proposals which did not make it through the Legislature:

College Private Research Incentive Act (HB 1531): Encouraged private investment in Mississippi’s colleges by offering a tax credit to companies who entered into written research agreements with a Mississippi university. Died in the Senate.

Voter Assistance (HB 1315): Limited the number of absentee ballots and absentee ballot applications an individual can witness. Died in the
Senate.

- **Employee Pass Through Tax Credit (HB 1264):** Allows a business that qualifies for Mississippi’s job tax credit to pass up to $500 of their business credit to one of more employees of the business. Died in the Senate.

- **Headquarters Relocation Tax Credit (HB 972):** Proposed a tax credit worth up to 50% of actual relocation costs to a company relocating its regional or national headquarters to the State of Mississippi. Died in the Senate.

- **Corporate Expansion Relocation Tax Credit (HB 971):** Proposed a tax credit worth up to 50% of actual relocation costs to existing companies who expanded their labor forces in the State of Mississippi. The company would have had to qualify for the jobs tax credit provided in the Economic Development Reform Act and relocate employees to the State of Mississippi from outside the State. Died in the Senate.

- **Rural Water Association Continuing Training (HB 384):** Would have required at least two (2) members of each governing board of any public water system to attend a minimum of four (4) hours per individual of training every four (4) years. Died in the Senate.

- **Rural Water Association Protection Act (SB 2763):** Would have provided water and sewer systems the same certificated area protection as gas and electric utility companies. Would have required the Mississippi Public Service Commission (MPSC) to cancel a water or sewer system’s certificate of public convenience and necessity before a municipality or other entity exercises eminent domain over the system’s facilities. Also would have provided a mechanism for a water association to convert to a public water authority without losing protection of its certificated area. Died in the Senate.