



2013 Legislative Session:

The 2013 Regular Legislative Session has concluded and it has been another successful year for the Mississippi REALTORS®. Many thanks go out to the 2013 MAR Legislative Committee and the Committee's Leadership of Chairwoman, Janice Shows and Vice Chair, Andrea Cummins.

I am happy to report that SB 2171, Legislation limiting Licensee Liability for Square Footage Representations, passed the House and Senate this session (*at the time of publication the legislation was awaiting Governor Bryant's Signature*). This is a great piece of legislation that should benefit all REALTORS®. We will be distributing a more detailed report about SB 2171 to all members in the coming days so that you will have a full understanding about these new protections that are offered to a licensee when reporting square footage.

I am also pleased to report that Governor Bryant has signed into law Senate Bill 2698. This legislation transferred the duties of the Mississippi Home Inspector Board to the Mississippi Real Estate Commission. This legislation was necessary to ensure that Home Inspectors in Mississippi continue to be properly licensed and regulated in the State. We all know the vital role that Home Inspectors play in the real estate transaction process and it was necessary to take this step to protect the general public and the REALTOR® during the home buying process.

Another significant victory that affects not only REALTORS®, but all Mississippians, is the passage of Charter School Legislation (HB 369). As a REALTOR®, your goal is to put families in their perfect home. Of all the local neighborhood amenities that can influence a buyer's decision to purchase a home, proximity to good quality schools is one of the most influential. House Bill 369 will give more families an opportunity to get a quality education in their community. Here are some important facts about Charter Schools and the law that takes effect July 1 of this year:

- Charter Schools are nonprofit educational organizations that are public schools and cannot charge tuition
- Charter Schools must accept all students who apply, unless there is not enough room, in which case they draw names, giving all students an equal chance
- Charter schools may open, or existing schools could convert to charter status, in all school districts. However, school boards in districts rated A, B, or C may veto the approval of an application for a charter school that would be located in their district.

- Funding follows the child to a charter public school in much the same way as funding follows the child to a regular public school.

Below are other Legislative Priorities and Bills important to Mississippi REALTORS® that have either been signed into law by Governor Bryant or are awaiting his signature:

HB 719 - Revised Various Provisions of The MS Individual On-Site Wastewater Disposal

System Law : The purpose of the MS Individual On-Site Wastewater Disposal System Law is to allow the installation, use and maintenance of individual on-site wastewater disposal systems in a manner that will not jeopardize public health and welfare or the environment. The main point of contention in the bill was the two acre exemption currently in the law. The Department of Health wanted to remove the exemption so that all wastewater systems would have to be inspected regardless of the size of the property but efforts to keep the exemption in the bill were successful.

HB 591 - Headquarters Relocation Tax Credit: Revises the number of jobs (20) necessary to qualify for a headquarters sales tax exemption and income tax credit.

SB 2609 - Adopting Recent Amendments to Uniform Commercial Code: Amended Article 9 of the Uniform Commercial Code; provides legislation standardizing and simplifying procedures for secured transactions in personal property; provides greater guidance regarding the name of an individual required on a UCC financing statement; and conforms Mississippi's law to existing uniform law already enacted in a majority of other states.

HB 826 - Strengthening Mississippi Academic Research Through Business Act (“SMART Business Act”): This legislation will encourage private businesses to invest in Mississippi universities. The bill offers a rebate equal to 25% of the contracted research costs to any business entering into a written agreement with a Mississippi university for research and development.

HB 892 – MS Department of Revenue Statute of Limitations on Audits: The Mississippi Legislature passed House Bill 892, which has a retroactive effective date of January 1, 2013. The bill replaces Mississippi's open ended audit practice with a procedure that is more in line with nearly every other state's practice. This change applies to Mississippi income, franchise and sales/use tax audits. The new law provides for a three-year statute of limitations and an additional one year period for the Mississippi Department of Revenue (MSDOR) to make an assessment on audit. In addition, the MSDOR and a taxpayer may extend the time period for the audit by mutual agreement prior to the expiration of the additional one year period.

HB 1233 – Amending the SAFE ACT: This legislation provides that a violation of the owner financing exemption from the MS SAFE Mortgage Act will not affect the title of the purchaser/borrower under the terms of the mortgage loan.