

How MAR's legislative priorities fared

Children First Act of 2009 on its way to governor

This year MAR supported legislation impacting quality education initiatives in our state. As a result the "Children First Act of 2009" (SB 2628) is on its way to the governor to be signed into law.

The bill targets underperforming school districts regarding: accountability, student achievement, leadership, teacher retention and recruitment, funding, community involvement and other areas related to school improvement. It establishes a process by which the state identifies troubled or failing school districts to provide them with needed leadership and management oversight. It allows the state to work with failing school districts for two years by implementing instructional strategies and professional development for teachers and administrators.

The legislation also seeks to provide transparency, since the surrounding community will be able to research how well respective school districts are performing. The bill requires school districts to develop and publish annual reports each year and publish reports in a general circulation newspaper in their county and on the school district's website.

Eminent domain veto sustained

The Senate failed to override Gov. Barbour's veto on HB 803. By a vote of 22 nays to 28 yeas (needing 34 to override) the motion to override the veto failed. Therefore, the veto was sustained, and HB 803 is dead.

Gov. Barbour has committed to address this issue perhaps in May when the legislature will likely return to handle budget issues. Barbour and MAR support strengthening eminent domain laws, but HB 803 did not contain language vital for future major economic development projects in our state. Barbour and MAR believe that an exemption for the Mississippi Major Economic Development Act (projects such as Nissan and Toyota) should be part of any eminent domain legislation. Mississippi REALTORS® believe in protecting private property rights, and we recognize and applaud the Mississippi Legislature's desire to protect property owners; however, MAR is concerned about any eminent domain legislation that could have a negative effect on future economic development projects.

Appraisal management companies oversight bill dead

MAR supported legislation that provided the Appraisal Board with oversight and regulation of appraisal management companies doing business in Mississippi. SB 2981 passed the Senate but was not brought up in the House Judiciary B Committee after members of the banking community voiced opposition. MAR will work with those who opposed the legislation this year in an effort to re introduce the legislation next year.

Homestead exemption extension for Katrina victims

Legislation extending the time houses, damaged by Hurricane Katrina in major disaster areas and currently under construction, will continue to be considered a home under the Homestead

Exemption Laws through December 31, 2009, has passed both chambers and has been signed by the governor.

Wind Pool premium mitigation credits for homeowners

A measure which requires the Wind Pool Association to allow premium discounts for homeowners building and repairing houses to high wind resistance standards is on its way to Gov. Barbour and is expected to be signed into law.

Contractors lien bill killed

For the second year, MAR succeeded in killing HB 882 which would have allowed a contractor to place a lien on improvements to real property if the subcontractor failed to pay the contractor.

House kills increase in homestead exemption and offsets for property taxes

Early in the session the Senate passed SB 2300. By electing not to take up the measure in the House Ways & Means Committee, the bill died for the session. The bill said that homestead exemption would increase from \$75,000 to \$100,000 for persons over 65 or totally disabled. The bill would have also helped offset increasing property taxes that have been driven up by rising valuations. The legislation stated that if because of an increase in the assessed valuation of a municipality, the existing ad valorem tax millage rate will generate more revenue in the next fiscal year than what is being collected in that current fiscal year, then the governing authorities (i.e. Boards of Supervisors) must reduce the ad valorem tax millage rate by the necessary amount to provide that the total receipts generated for the next fiscal year is the same as what is being collected for the existing fiscal year.

Health Insurance Exchange Program dies in House committee

For the second year, MAR supported legislation that would have created a Health Insurance Exchange Program allowing employees to purchase policies with pretax dollars and allow a policy to move with its owner to another business. Health insurance affordability and availability are top concerns for REALTORS®, most of whom are independent contractors. (SB2668) passed the full Senate but died in the House Ways & Means Committee for the second straight year.

Financial Literacy Task Force

MAR introduced legislation creating a task force to study how to improve financial literacy in the state. Unfortunately, the Senate lumped all bills creating task forces into one bill. This action significantly altered the composition and what we were hoping to accomplish with the task force. Therefore, MAR will reintroduce the legislation next year and make sure that is passed in its original form.

Meth lab disclosure

There were several pieces of legislation introduced again this year that would affect seller disclosure and remediation of properties that may have been used in the production of methamphetamines. All of these bills died.

Changes to the “Landlord Tenant Act” died in committee

HB 433 died in the Senate after concerns were raised with language that would have expanded the duty of a landlord to keep a tenancy “habitable.” The concern was that what is “habitable” can be a subject of dispute (and litigation) as you move from tenant to tenant and property to property. This bill would have opened that can of worms up far and wide.

State income tax credit for first-time homebuyers dead

While leaders in both the House and Senate support the concept of a state income tax credit for first time homebuyers, the state general fund budget situation as well as the \$8,000 tax credit passed by the federal government has caused this issue to be shelved for now with assurances of reconsideration in 2010. Such an incentive would help more Mississippians turn the dream of homeownership into a reality.

Property tax increase on affordable rental housing defeated

A number of bills that would have changed the valuation method of Section 42 Housing were defeated. The passage of this change would have significantly increased the amount ad valorem taxes owners of Section 42 Housing properties would have paid.

Tax incentives for green building

MAR supported establishing a tax incentive program providing tax credits or incentives when building to energy efficient and/or environmentally friendly standards and allow for tax incentives for the purchase of energy efficient appliances. Unfortunately, the legislation did not make it out of committee and is dead for the session.

Secretary of State initiatives

Limited Liability Companies (LLCs) and Corporations – SB 3060 is on its way to the governor for his signature. SB 3060 will expedite filing services be established for a reasonable additional fee. It will also allow the SOS to reduce fees when appropriate, such as allowing discounted fees for online filings. It will also make it easier for corporations that have been administratively dissolved to get reinstated with the Secretary of State’s Office. Finally, it will require LLCs to file annual reports with the Secretary of State’s Office, similar to the annual reports required of corporations.

Securities – HB 781 is on its way to the governor for his signature. This new act will become effective on July 1, 2010. This is the adoption of a new securities act, replacing our current outdated law. The new act will bring Mississippi in line with the most current state securities laws and with federal law. This act will enhance the enforcement powers for the Secretary to punish dishonest companies and salespeople. It will also ease regulatory burdens of multi-state companies that sell securities in our state.

S.A.F.E. Mortgage Licensing Act of 2009 to become law

MAR supported the Mississippi Department of Banking as they make necessary technical changes to the Mississippi Mortgage Act to comply with changes at the federal level. (SB2983).

The objective of this legislation was to create a system that residential mortgage originators would be required to act in the best interests of the consumer to the greatest extent possible and that the system facilitate the collection and distribution of consumer complaints to both state and federal regulators. The legislation has passed and is on its way to the governor.

Legislation eliminating binding arbitration defeated

Legislation that would have prohibited Mississippians from agreeing to arbitration (HB1122) as a means of settling disputes was defeated in the House of Representatives. MAR along with other business groups opposed this anti-business bill. Supporters of HB 1122 would have interfered with the right to freely contract and would have imposed their will on Mississippians – prohibiting our citizens from agreeing to resolve disputes without going to court. Thank you to all those who responded to the call to action on this legislation.

Possible \$40 million for state wind pool

The Mississippi House of Representatives passed HB 1697 adding an additional \$20 million to that State Wind Pool. The bill was transmitted to the Senate where an additional \$20 million was allocated. House and Senate negotiators will continue to deliberate this when they return in May to deal with other budgetary items. MAR will be there lobbying for its passage.