

By: Senator(s) Barrett, Williams, Branning, England, Tate, McCaughn, Younger, Caughman, Seymour, Whaley, McLendon, Wiggins, Blount, Moran, Boyd, Hill, DeBar, Chism, Suber, Sparks

To: Accountability, Efficiency, Transparency

SENATE BILL NO. 2667

1 AN ACT TO AMEND SECTION 25-41-3, MISSISSIPPI CODE OF 1972, TO  
2 CLEARLY SUBJECT THE LEGISLATURE TO THE PROVISIONS OF THE OPEN  
3 MEETINGS LAW; TO AMEND SECTION 25-41-15, MISSISSIPPI CODE OF 1972,  
4 TO PROVIDE THE OPTION OF FIRST SEEKING REDRESS FOR A VIOLATION OF  
5 THE OPEN MEETINGS LAW IN CHANCERY COURT; TO AMEND SECTION  
6 25-61-15, MISSISSIPPI CODE OF 1972, TO INCREASE THE PENALTY FOR A  
7 VIOLATION OF THE PUBLIC RECORDS ACT FROM \$100.00 TO \$500.00; AND  
8 FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Section 25-41-3, Mississippi Code of 1972, is  
11 amended as follows:

12 25-41-3. For purposes of this chapter, the following words  
13 shall have the meaning ascribed herein, to wit:

14 (a) "Public body" means any executive or administrative  
15 board, commission, authority, council, department, agency, bureau  
16 or any other policymaking entity, or committee thereof, of the  
17 State of Mississippi, or any political subdivision or municipal  
18 corporation of the state, whether the entity be created by statute  
19 or executive order, which is supported wholly or in part by public  
20 funds or expends public funds, the Mississippi Legislature and any  
21 standing, interim or special committee \* \* \* thereof. The term



22 "public body" includes the governing board of a charter school  
23 authorized by the Mississippi Charter School Authorizer Board and  
24 the board of trustees of a community hospital as defined in  
25 Section 41-13-10. The term "public body" includes the Mississippi  
26 Lottery Corporation. There shall be exempted from the provisions  
27 of this chapter:

28 (i) The judiciary, including all jury  
29 deliberations;

30 (ii) Law enforcement officials;

31 (iii) The military;

32 (iv) The State Probation and Parole Board;

33 (v) The Workers' Compensation Commission;

34 (vi) Legislative subcommittees and legislative  
35 conference committees;

36 (vii) The arbitration council established in  
37 Section 69-3-19;

38 (viii) License revocation, suspension and  
39 disciplinary proceedings held by the Mississippi State Board of  
40 Dental Examiners; and

41 (ix) Hearings and meetings of the Board of Tax  
42 Appeals and of the hearing officers and the board of review of the  
43 Department of Revenue as provided in Section 27-77-15.

44 (b) "Meeting" means \* \* \* a quorum of members of a  
45 public body \* \* \* that may deliberate or act upon any matter over  
46 which the public body has supervision, control, jurisdiction or



47 advisory power, including an assemblage through the use of video  
48 or teleconference devices that conforms to Section 25-41-5.

49 **SECTION 2.** Section 25-41-15, Mississippi Code of 1972, is  
50 amended as follows:

51 25-41-15. (1) Any party may petition the chancery court of  
52 the county in which the public body is located to adjudicate an  
53 alleged violation of this chapter. In any such appeal the  
54 chancery court shall conduct a de novo review.

55 (2) The Mississippi Ethics Commission shall have \* \* \*  
56 concurrent authority to enforce the provisions of this chapter  
57 upon a complaint filed by any person. Upon receiving a complaint,  
58 the commission shall forward a copy of the complaint to the head  
59 of the public body involved. The public body shall have fourteen  
60 (14) days from receipt of the complaint to file a response with  
61 the commission. After receiving the response to the complaint or,  
62 if no response is received after fourteen (14) days, the  
63 commission, in its discretion, may dismiss the complaint or  
64 proceed by setting a hearing in accordance with rules and  
65 regulations promulgated by the Ethics Commission.

66 After a hearing, the Ethics Commission may order the public  
67 body to take whatever reasonable measures necessary, if any, to  
68 comply with this chapter. If the Ethics Commission finds that a  
69 member or members of a public body has willfully and knowingly  
70 violated the provisions of this chapter, the Ethics Commission may  
71 impose a civil penalty upon the individual members of the public



72 body found to be in violation of the provisions of this chapter in  
73 a sum not to exceed Five Hundred Dollars (\$500.00) for a first  
74 offense and One Thousand Dollars (\$1,000.00) for a second or  
75 subsequent offense, plus all reasonable expenses incurred by the  
76 person or persons in bringing the complaint to enforce this  
77 chapter.

78 Nothing in this chapter shall be construed to prohibit the  
79 Ethics Commission from mediating or otherwise resolving disputes  
80 arising under this chapter or from entering orders agreed to by  
81 the parties. In carrying out its responsibilities under this  
82 section, the Ethics Commission shall have all the powers and  
83 authority granted to it in Title 25, Chapter 4, Mississippi Code  
84 of 1972.

85 \* \* \*

86 **SECTION 3.** Section 25-61-15, Mississippi Code of 1972, is  
87 amended as follows:

88 25-61-15. Any person who shall deny to any person access to  
89 any public record which is not exempt from the provisions of this  
90 chapter or who charges an unreasonable fee for providing a public  
91 record may be liable civilly in his personal capacity in a sum not  
92 to exceed \* \* \* Five Hundred Dollars (\$500.00) per violation, plus  
93 all reasonable expenses incurred by such person bringing the  
94 proceeding.

95 **SECTION 4.** This act shall take effect and be in force from  
96 and after July 1, 2023.

