

By: Representatives Brown, Barnett (116th),  
Mayo, Reeves, Simpson, Ward, Whittington,  
Franks

To: Judiciary A

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 651

1 AN ACT TO CREATE THE "MISSISSIPPI ADMINISTRATIVE PROCEDURES  
2 LAW"; TO DEFINE CERTAIN TERMS AS USED IN THE ACT; TO PRESCRIBE THE  
3 ACT'S APPLICABILITY AND RELATION TO OTHER LAWS; TO PROVIDE FOR THE  
4 SUSPENSION OF THE ACT'S PROVISIONS WHEN NECESSARY TO AVOID LOSS OF  
5 FEDERAL FUNDS OR SERVICES; TO PRESCRIBE HOW RIGHTS UNDER THE ACT  
6 MAY BE WAIVED; TO PRESCRIBE THE MANNER OF SERVICE AND COMPUTATION  
7 OF TIME UNDER THE ACT; TO PROVIDE FOR THE PUBLICATION,  
8 COMPILATION, INDEXING AND PUBLIC INSPECTION OF AGENCY RULES AND  
9 ORDERS; TO ESTABLISH A RIGHT TO REQUEST AND PRESCRIBE THE  
10 PROCEDURE FOR REQUESTING DECLARATORY OPINIONS FROM STATE AGENCIES  
11 WITH REGARD TO THE APPLICABILITY AND EFFECT OF AGENCY RULES; TO  
12 REQUIRE EVERY AGENCY TO ADOPT CERTAIN RULES RELATING TO THE  
13 AGENCY'S ORGANIZATIONAL STRUCTURE; TO REQUIRE THE SECRETARY OF  
14 STATE TO ADOPT MODEL RULES OF PROCEDURE FOR USE BY STATE AGENCIES;  
15 TO PROVIDE FOR NOTICE OF PROPOSED RULES BEFORE THEIR ADOPTION; TO  
16 ALLOW PUBLIC PARTICIPATION IN THE RULE-MAKING PROCESS; TO PROVIDE  
17 FOR A PUBLIC RULE-MAKING DOCKET; TO REQUIRE SUBMISSION OF A  
18 REGULATORY ANALYSIS OF PROPOSED RULES IN CERTAIN SITUATIONS; TO  
19 PROVIDE FOR THE TIME AND MANNER OF RULE ADOPTION; TO EXEMPT  
20 CERTAIN RULES FROM PROCEDURES PROVIDED IN THE ACT; TO PRESCRIBE  
21 THE CONTENTS, STYLE AND FORM OF RULES; TO REQUIRE AGENCIES TO  
22 MAINTAIN A RULE-MAKING RECORD AND TO FILE RULES IN THE OFFICE OF  
23 THE SECRETARY OF STATE; TO PRESCRIBE THE METHOD FOR CONTESTING THE  
24 VALIDITY OF RULES; TO PROVIDE FOR THE EFFECTIVE DATE OF RULES; TO  
25 PROVIDE THAT THE ACT SHALL BE INAPPLICABLE TO CERTAIN CLASSES OF  
26 RULES; TO REQUIRE EACH AGENCY TO PERIODICALLY REVIEW ITS RULES; TO  
27 REPEAL SECTIONS 25-43-1, 25-43-3, 25-43-5, 25-43-6, 25-43-7,  
28 25-43-9, 25-43-11, 25-43-13, 25-43-15, 25-43-17 AND 25-43-19,  
29 MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI  
30 ADMINISTRATIVE PROCEDURES LAW, PROVIDE DEFINITIONS FOR TERMS USED  
31 IN SUCH LAW, PRESCRIBE PROCEDURES THAT MUST BE FOLLOWED BY  
32 AGENCIES IN THE ADOPTION, AMENDMENT AND REPEAL OF AGENCY RULES,  
33 REQUIRE THE FILING OF AN ECONOMIC IMPACT STATEMENT FOR THE  
34 ADOPTION OF A RULE, REQUIRE FILING AND NOTICE BEFORE SUCH RULES  
35 MAY BECOME EFFECTIVE, REQUIRE AGENCIES TO INDEX ALL EFFECTIVE  
36 RULES ADOPTED, PROVIDE THAT REVOCATION OR SUSPENSION OF ANY  
37 LICENSE SHALL NOT BE EFFECTIVE UNLESS NOTICE OF SUCH INTENDED  
38 ACTION IS GIVEN TO THE LICENSEE, AND REQUIRE AGENCIES TO ADOPT  
39 PROCEDURES TO ASSURE THAT OPPONENTS OF PROPOSED RULES HAVE THE  
40 OPPORTUNITY TO PRESENT THEIR VIEWS AND REVIEW ADVERSE RULINGS; AND  
41 FOR RELATED PURPOSES.

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

43 **ARTICLE I**

44 **GENERAL PROVISIONS**

45 **SECTION 1.** The following shall be codified as Section  
46 25-43-1.101, Mississippi Code of 1972:



47           25-43-1.101.   **Title; statement of purpose.**

48           (1) This chapter may be cited as the "Mississippi  
49 Administrative Procedures Law."

50           (2) This chapter is intended to provide a minimum procedural  
51 code for the operation of all state agencies when they take action  
52 affecting the rights and duties of the public. Nothing in this  
53 chapter shall be construed as invalidating any rule or regulation  
54 adopted before July 1, 2005, if such rule or regulation was  
55 properly adopted in accordance with the law as it existed at the  
56 time of adoption. Nothing in this chapter is meant to discourage  
57 agencies from adopting procedures providing greater protections to  
58 the public or conferring additional rights upon the public; and  
59 save for express provisions of this chapter to the contrary,  
60 nothing in this chapter is meant to abrogate in whole or in part  
61 any statute prescribing procedural duties for an agency which are  
62 greater than or in addition to those provided here. This chapter  
63 is meant to apply to all rule-making that is not specifically  
64 excluded from this chapter or some portion thereof by its express  
65 terms or by the express terms of another chapter.

66           The purposes of the Mississippi Administrative Procedures Law  
67 are: to provide legislative oversight of powers and duties  
68 delegated to administrative agencies; to increase public  
69 accountability of administrative agencies; to simplify government  
70 by assuring a uniform minimum procedure to which all agencies will  
71 be held in the conduct of their most important functions; to  
72 increase public access to governmental information; and to  
73 increase public participation in the formulation of administrative  
74 rules. In accomplishing its objectives, the intention of this  
75 chapter is to strike a fair balance between these purposes and the  
76 need for efficient, economical and effective government  
77 administration. This chapter is not meant to alter the  
78 substantive rights of any person or agency. Its impact is limited  
79 to procedural rights with the expectation that better substantive



80 results will be achieved in the everyday conduct of state  
81 government by improving the process by which those results are  
82 attained.

83 (3) From and after July 1, 2005, any reference to the  
84 Mississippi Administrative Procedure Act, the Mississippi  
85 Administrative Procedures Act, the Mississippi Administrative  
86 Procedure Law, or the Mississippi Administrative Procedures Law,  
87 being Section 25-43-1 et seq., Mississippi Code of 1972, shall be  
88 deemed to mean and refer to this chapter.

89 **SECTION 2.** The following shall be codified as Section  
90 25-43-1.102, Mississippi Code of 1972:

91 25-43-1.102. **Definitions.**

92 As used in this chapter, the following terms shall have the  
93 meanings ascribed to them in this section unless the context  
94 otherwise requires:

95 (a) "Agency" means a board, commission, department,  
96 officer or other administrative unit of this state, including the  
97 agency head, and one or more members of the agency head or agency  
98 employees directly or indirectly purporting to act on behalf or  
99 under the authority of the agency head. The term does not include  
100 the Legislature or any of its component units, the judiciary or  
101 any of its component units or the Governor. The term does not  
102 include a political subdivision of the state or any of the  
103 administrative units of a political subdivision. Furthermore, the  
104 Board of Trustees of State Institutions of Higher Learning, or any  
105 college or university thereunder, shall be exempt from the  
106 provisions of this chapter until July 1, 2005, at which time this  
107 exemption shall stand repealed. To the extent it purports to  
108 exercise authority subject to any provision of this chapter, an  
109 administrative unit otherwise qualifying as an "agency" must be  
110 treated as a separate agency even if the unit is located within or  
111 subordinate to another agency.



112 (b) "Agency head" or "head of the agency" means an  
113 individual or body of individuals in whom the ultimate legal  
114 authority of the agency is vested by any provision of law.

115 (c) "Agency proceeding" or "proceeding" means the  
116 process by which an agency considers:

117 (i) A declaratory opinion pursuant to Section  
118 25-43-2.103, or

119 (ii) A rule pursuant to Article III of this  
120 chapter.

121 (d) "Agency record" means the official rule-making  
122 record of an agency pursuant to Section 25-43-3.112.

123 (e) "Declaratory opinion" means an agency opinion  
124 rendered in accordance with the provisions of Section 25-43-2.103.

125 (f) "Order" means an agency action of particular  
126 applicability that determines the legal rights, duties,  
127 privileges, immunities or other legal interests of one or more  
128 specific persons. An order shall be in writing signed by a person  
129 with authority to render the order, or if more than one (1) person  
130 has such authority by at least that number of such persons as  
131 jointly have the authority to render the order, or by a person  
132 authorized to render the order on behalf of all such persons. The  
133 term does not include an executive order issued by the Governor  
134 pursuant to Section 25-43-1.104, an opinion issued by the Attorney  
135 General pursuant to Section 7-5-25, an opinion issued by the  
136 Ethics Commission pursuant to Section 25-4-17, or a declaratory  
137 opinion rendered in accordance with Section 25-43-2.103.

138 (g) "Person" means an individual, partnership,  
139 corporation, association, governmental subdivision or unit  
140 thereof, or public or private organization or entity of any  
141 character, and includes another agency.

142 (h) "Provision of law" or "law" means the whole or a  
143 part of the federal or state Constitution, or of any federal or  
144 state (i) statute, (ii) case law or common law, (iii) rule of



145 court, (iv) executive order, or (v) rule or order of an  
146 administrative agency.

147 (i) "Rule" means the whole or a part of an agency  
148 regulation or other statement of general applicability that  
149 implements, interprets or prescribes:

150 (i) Law or policy, or

151 (ii) The organization, procedure or practice  
152 requirements of an agency. The term includes the amendment,  
153 repeal or suspension of an existing rule. "Rule" does not  
154 include:

155 1. A regulation or statement concerning only  
156 the internal management of an agency which does not directly and  
157 substantially affect the procedural or substantive rights or  
158 duties of any segment of the public;

159 2. A regulation or statement that establishes  
160 criteria or guidelines to be used by the staff of an agency in  
161 performing audits, investigations or inspections, settling  
162 commercial disputes, negotiating commercial arrangements or in the  
163 defense, prosecution or settlement of cases, if disclosure of the  
164 criteria or guidelines would:

165 a. Enable law violators to avoid  
166 detection;

167 b. Facilitate disregard of requirements  
168 imposed by law; or

169 c. Give a clearly improper advantage to  
170 persons who are in an adverse position to the state;

171 3. A regulation or statement that only  
172 establishes specific prices to be charged for particular goods or  
173 services sold by an agency;

174 4. A regulation or statement concerning only  
175 the physical servicing, maintenance or care of agency owned or  
176 operated facilities or property;



177                   5. A regulation or statement relating only to  
178 the use of a particular facility or property owned, operated or  
179 maintained by the state or any of its subdivisions, if the  
180 substance of the regulation or statement is adequately indicated  
181 by means of signs or signals to persons who use the facility or  
182 property;

183                   6. A regulation or statement directly related  
184 only to inmates of a correctional or detention facility, students  
185 enrolled in an educational institution or patients admitted to a  
186 hospital, if adopted by that facility, institution or hospital;

187                   7. A form whose contents or substantive  
188 requirements are prescribed by rule or statute, and instructions  
189 for the execution or use of the form;

190                   8. An agency budget;

191                   9. A compact or agreement between an agency  
192 of this state and one or more agencies of another state or states;  
193 or

194                   10. An opinion of the Attorney General  
195 pursuant to Section 7-5-25, an opinion of the Ethics Commission  
196 pursuant to Section 25-4-17, or an Executive Order of the  
197 Governor.

198                   (j) "Rule-making" means the process for formulation and  
199 adoption of a rule.

200                   **SECTION 3.** The following shall be codified as Section  
201 25-43-1.103, Mississippi Code of 1972:

202                   25-43-1.103.   **Applicability and relation to other law.**

203                   (1) This chapter applies to all agencies and all proceedings  
204 not expressly exempted under this chapter.

205                   (2) This chapter creates only procedural rights and imposes  
206 only procedural duties. They are in addition to those created and  
207 imposed by other statutes.

208                   (3) Specific statutory provisions which govern agency  
209 proceedings and which are in conflict with any of the provisions



210 of this chapter shall continue to be applied to all proceedings of  
211 any such agency to the extent of such conflict only.

212 (4) The provisions of this chapter shall not be construed to  
213 amend, repeal or supersede the provisions of any other law; and,  
214 to the extent that the provisions of any other law conflict or are  
215 inconsistent with the provisions of this chapter, the provisions  
216 of such other law shall govern and control.

217 (5) An agency may grant procedural rights to persons in  
218 addition to those conferred by this chapter so long as rights  
219 conferred upon other persons by any provision of law are not  
220 substantially prejudiced.

221 **SECTION 4.** The following shall be codified as Section  
222 25-43-1.104, Mississippi Code of 1972:

223 25-43-1.104. **Suspension of chapter's provisions when**  
224 **necessary to avoid loss of federal funds or services.**

225 (1) To the extent necessary to avoid a denial of funds or  
226 services from the United States which would otherwise be available  
227 to the state, the Governor, by executive order, may suspend, in  
228 whole or in part, one or more provisions of this chapter. The  
229 Governor, by executive order, shall declare the termination of a  
230 suspension as soon as it is no longer necessary to prevent the  
231 loss of funds or services from the United States.

232 (2) If any provision of this chapter is suspended pursuant  
233 to this section, the Governor shall promptly report the suspension  
234 to the Legislature. The report may include recommendations  
235 concerning desirable legislation that may be necessary to conform  
236 this chapter to federal law, including the exemption, if  
237 appropriate, of a particular program from the provisions of this  
238 chapter.

239 **SECTION 5.** The following shall be codified as Section  
240 25-43-1.105, Mississippi Code of 1972:

241 25-43-1.105. **Waiver of rights.**



242 Except to the extent precluded by another provision of law, a  
243 person may waive any right conferred upon that person by this  
244 chapter, or by any rule made pursuant to this chapter.

245 **SECTION 6.** The following shall be codified as Section  
246 25-43-1.106, Mississippi Code of 1972:

247 25-43-1.106. **Filings with agency; service; computation of**  
248 **time.**

249 (1) (a) Whenever, under this act, a party or any person is  
250 permitted or required to file with an agency any pleading, motion  
251 or other document, filing must be made by delivery of the document  
252 to the agency, by mailing it to the agency or by transmitting it  
253 to the agency by electronic means, including, but not limited to,  
254 facsimile transfer or e-mail. Filing by electronic means is  
255 complete when the electronic equipment being used by the agency  
256 acknowledges receipt of the material. If the equipment used by  
257 the agency does not automatically acknowledge transmission,  
258 service is not complete until the filing party obtains an  
259 acknowledgment from the agency. Filing by mail is complete upon  
260 receipt by the agency.

261 (b) The agency may implement this section by agency  
262 rule.

263 (2) (a) Whenever service is required by this chapter, and  
264 whether the service is made by a party, an agency or a presiding  
265 officer, service of orders, notices, pleadings, motions and other  
266 documents upon a party shall be made by delivering a copy to the  
267 party, by transmitting it to the party by electronic means,  
268 including, but not limited to, facsimile transfer or e-mail, or by  
269 mailing it to the party at the party's last known address.  
270 Delivery of a copy means handing it to a party, leaving it at the  
271 office of a party with a person in charge thereof, or leaving it  
272 at the dwelling house or usual place of abode of the party with  
273 some person of suitable age and discretion then residing therein.  
274 Service by electronic means is complete when the electronic





275 equipment being used by the party being served acknowledges  
276 receipt of the material. If the equipment used by the party being  
277 served does not automatically acknowledge the transmission,  
278 service is not complete until the sending party obtains an  
279 acknowledgment from the recipient. Service by mail is complete  
280 upon mailing.

281 (b) Whenever service is required or permitted to be  
282 made upon a party who is represented by an attorney of record in  
283 the proceedings, the service shall be made upon such attorney.

284 (c) Whenever an agency issues an order or serves a  
285 notice or other document, the order or notice or other document  
286 shall be dated and shall be deemed to have been issued on the day  
287 it is served on the parties to the matter. If the order or notice  
288 or other document is to be served by mail, it shall be dated and  
289 shall be deemed to have been issued on the day it is mailed.

290 (3) (a) In computing any period of time prescribed or  
291 allowed by this Article I, by order of an agency, or by any  
292 applicable statute or agency rule, the day of the act, event or  
293 default from which the designated period of time begins to run  
294 shall not be included. The last day of the period so computed  
295 shall be included, unless it is a Saturday, a Sunday or a legal  
296 holiday, as defined by statute, or any other day when the agency's  
297 office is in fact closed, whether with or without legal authority,  
298 in which event the period runs until the end of the next day which  
299 is not a Saturday, a Sunday, a legal holiday or any other day when  
300 the agency's office is closed. When the period of time prescribed  
301 or allowed is less than seven (7) days, intermediate Saturdays,  
302 Sundays and legal holidays shall be excluded in the computation.  
303 In the event any legal holiday falls on a Sunday, the next  
304 following day shall be a legal holiday.

305 (b) Whenever a party has the right or is required to do  
306 some act or take some proceedings within a prescribed period after  
307 the service of a notice, order, pleading, motion or other paper



308 upon him and the notice or paper is served upon him by mail, three  
309 (3) days shall be added to the prescribed period.

310 **ARTICLE II**

311 **PUBLIC ACCESS TO AGENCY LAW AND POLICY**

312 **SECTION 7.** The following shall be codified as Section  
313 25-43-2.101, Mississippi Code of 1972:

314 25-43-2.101. **Publication, compilation, indexing and public**  
315 **inspection of rules.**

316 (1) Subject to the provisions of this chapter, the Secretary  
317 of State shall prescribe a uniform numbering system, form, style  
318 and transmitting format for all proposed and adopted rules caused  
319 to be published by him and, with prior approval of each respective  
320 agency involved, may edit rules for publication and codification  
321 without changing the meaning or effect of any rule.

322 (2) The Secretary of State shall cause an administrative  
323 bulletin to be published in a format and at such regular intervals  
324 as the Secretary of State shall prescribe by rule. Upon proper  
325 filing of proposed rules, the Secretary of State shall publish  
326 them in the administrative bulletin as expeditiously as possible.  
327 The administrative bulletin must contain:

328 (a) Notices of proposed rule adoption prepared so that  
329 the text of the proposed rule shows the text of any existing rule  
330 proposed to be changed and the change proposed;

331 (b) Any other notices and materials designated by law  
332 for publication therein; and

333 (c) An index to its contents by subject.

334 (3) The Secretary of State shall cause an administrative  
335 bulletin to be published in a format and at such regular intervals  
336 as the Secretary of State shall prescribe by rule. Upon proper  
337 filing of newly adopted rules, the Secretary of State shall  
338 publish them as expeditiously as possible. The administrative  
339 bulletin must contain:



340 (a) Newly filed adopted rules prepared so that the text  
341 shows the text of any existing rule being changed and the change  
342 being made;

343 (b) Any other notices and materials designated by law  
344 for publication therein; and

345 (c) An index to its contents by subject.

346 (4) The Secretary of State retains the authority to reject  
347 proposed and newly adopted rules not properly filed in accordance  
348 with the Secretary of State's rules prescribing the numbering  
349 system, form, style or transmitting format for such filings. The  
350 Secretary of State shall not be empowered to reject filings for  
351 reasons of the substance or content or any proposed or newly  
352 adopted rule. The Secretary of State shall notify the agency of  
353 its rejection of a proposed or newly adopted rule as expeditiously  
354 as possible and accompany such notification with a stated reason  
355 for the rejection. A rejected filing of a proposed or newly  
356 adopted rule does not constitute filing pursuant to Section  
357 25-43-3.101 et seq. of this chapter.

358 (5) (a) The Secretary of State shall cause an  
359 administrative code to be compiled, indexed by subject and  
360 published in a format prescribed by the Secretary of State by  
361 rule. All of the effective rules of each agency must be published  
362 and indexed in that publication. The Secretary of State shall  
363 also cause supplements to the administrative code to be published  
364 in a format and at such regular intervals as the Secretary of  
365 State shall prescribe by rule.

366 (b) The Joint Legislative Committee on Compilation,  
367 Revision and Publication of Legislation is hereby authorized to  
368 contract with a reputable and competent publishing company on such  
369 terms and conditions and at such prices as may be deemed proper to  
370 digest, compile, annotate, index and publish the state agency  
371 rules and regulations.



372 (6) (a) Copyrights of the Mississippi Administrative Code,  
373 including, but not limited to, cross references, tables of cases,  
374 notes of decisions, tables of contents, indices, source notes,  
375 authority notes, numerical lists and codification guides, other  
376 than the actual text of rules or regulations, shall be taken by  
377 and in the name of the publishers of said compilation. Such  
378 publishers shall thereafter promptly assign the same to the State  
379 of Mississippi and said copyright shall be owned by the state.

380 (b) Any information appearing on the same leaf with the  
381 text of any rule or regulation may be incidentally reproduced in  
382 connection with the reproduction of such rule or regulation, if  
383 such reproduction is for private use and not for resale.

384 (7) The Secretary of State may omit from the administrative  
385 bulletin or code any proposed or filed adopted rule, the  
386 publication in hard copy of which would be unduly cumbersome,  
387 expensive or otherwise inexpedient, if:

388 (a) Knowledge of the rule is likely to be important to  
389 only a small class of persons;

390 (b) On application to the issuing agency, the proposed  
391 or adopted rule in printed or processed form is made available at  
392 no more than its cost of reproduction; and

393 (c) The administrative bulletin or code contains a  
394 notice stating in detail the specific subject matter of the  
395 omitted proposed or adopted rule and how a copy of the omitted  
396 material may be obtained.

397 (8) The administrative bulletin and administrative code with  
398 supplements must be furnished to designated officials without  
399 charge and to all subscribers at a reasonable cost to be  
400 determined by the Secretary of State. Each agency shall also make  
401 available for public inspection and copying those portions of the  
402 administrative bulletin and administrative code containing all  
403 rules adopted or used by the agency in the discharge of its  
404 functions, and the index to those rules.



405           **SECTION 8.** The following shall be codified as Section  
406 25-43-2.102, Mississippi Code of 1972:

407           25-43-2.102.   **Public inspection and indexing of agency**  
408 **orders.**

409           (1) In addition to other requirements imposed by any  
410 provision of law, and subject to any confidentiality provisions  
411 established by law, each agency shall make all written final  
412 orders available for public inspection and copying and index them  
413 by name and subject.

414           (2) A written final order available for public inspection  
415 pursuant to subsection (1) may not be relied on as precedent by an  
416 agency to the detriment of any person until it has been made  
417 available for public inspection and indexed in the manner  
418 described in subsection (1) of this section. This provision is  
419 inapplicable to any person who has actual, timely knowledge of the  
420 order. The burden of proving that knowledge is on the agency.

421           **SECTION 9.** The following shall be codified as Section  
422 25-43-2.103, Mississippi Code of 1972:

423           25-43-2.103.   **Declaratory opinions.**

424           (1) Any person with a substantial interest in the subject  
425 matter may make a written request of an agency for a declaratory  
426 opinion as to the applicability to specified circumstances of a  
427 statute, rule or order within the primary jurisdiction of the  
428 agency. Such written request must clearly set forth the specific  
429 facts upon which an opinion is asked for and shall be limited to a  
430 single transaction or occurrence. An agency, through the agency  
431 head or its designee(s) by rule, shall issue a declaratory opinion  
432 in response to a written request for that opinion unless the  
433 agency determines that issuance of the opinion under the  
434 circumstances would be contrary to a rule adopted in accordance  
435 with subsection (2) of this section.

436           (2) Each agency shall issue rules that provide for: (a) the  
437 form, contents and filing of written requests for declaratory

438 opinions; (b) the procedural rights of persons in relation to the  
439 written requests; and (c) the disposition of the written requests.  
440 Those rules must describe the classes of circumstances in which  
441 the agency will not issue a declaratory opinion.

442 (3) Within forty-five (45) days after receipt of a written  
443 request for a declaratory opinion, an agency, in writing, shall:

444 (a) Issue an opinion declaring the applicability of the  
445 statute, rule or order in question to the specified circumstances;

446 (b) Agree to issue a declaratory opinion by a specified  
447 time but no later than ninety (90) days after receipt of the  
448 written request; or

449 (c) Decline to issue a declaratory opinion, stating the  
450 reasons for its action.

451 (4) A copy of all opinions issued in response to a written  
452 request for a declaratory opinion must be mailed promptly to the  
453 requesting person.

454 (5) (a) When any person receives a declaratory opinion from  
455 an agency and shall have stated all the facts to govern such  
456 opinion, the agency shall take no civil or criminal action against  
457 such person who, in good faith, follows the direction of such  
458 opinion and acts in accordance therewith unless a court of  
459 competent jurisdiction, after a full hearing, shall judicially  
460 declare that such opinion is manifestly wrong and without any  
461 substantial support. No declaratory opinion shall be given or  
462 considered if the opinion is requested after suit is filed or  
463 prosecution begun. Any declaratory opinion rendered pursuant to  
464 this chapter shall not be binding or effective for any third party  
465 or person other than the agency issuing the declaratory opinion  
466 and the person to whom the opinion is issued and shall not be used  
467 as precedent for any other transaction or occurrence beyond that  
468 set forth by the requesting person.

469 (b) The authority of persons to request and receive  
470 agency declaratory opinions in no way affects the ability of any



471 person authorized by Section 7-5-25 to request a legal opinion  
472 from the Attorney General.

473 (c) Subject to any confidentiality provisions  
474 established by law, each agency shall make all declaratory  
475 opinions available for public inspection and copying and shall  
476 index them by name and subject, unless information contained  
477 within such opinions is confidential by statute or exempt from  
478 public disclosure pursuant to another provision of law.

479 **SECTION 10.** The following shall be codified as Section  
480 25-43-2.104, Mississippi Code of 1972:

481 25-43-2.104. **Required rule-making.**

482 In addition to other rule-making requirements imposed by law,  
483 each agency shall:

484 (a) Adopt as a rule a description of the organization  
485 of the agency which states the general course and method of its  
486 operations and where and how the public may obtain information or  
487 make submissions or requests;

488 (b) Adopt rules of practice setting forth the nature  
489 and requirements of all formal and informal proceedings available  
490 to the public.

491 **SECTION 11.** The following shall be codified as Section  
492 25-43-2.105, Mississippi Code of 1972:

493 25-43-2.105. **Model rules of procedure.**

494 In accordance with the rule-making requirements of this  
495 chapter, the Secretary of State shall adopt model rules of  
496 procedure appropriate for use by as many agencies as possible.  
497 The model rules must deal with all general functions and duties  
498 performed in common by several agencies. Each agency may adopt as  
499 much of the model rules as is practicable under its circumstances.  
500 To the extent an agency adopts the model rules, it shall do so in  
501 accordance with the rule-making requirements of this chapter.

502 **ARTICLE III**

503 **RULE-MAKING**



504 **ADOPTION AND EFFECTIVENESS OF RULES**

505 **SECTION 12.** The following shall be codified as Section  
506 25-43-3.101, Mississippi Code of 1972:

507 25-43-3.101. **Advice on possible rules before notice of**  
508 **proposed rule adoption.**

509 (1) In addition to seeking information by other methods, an  
510 agency, before filing of a notice of proposed rule adoption under  
511 Section 25-43-3.103, may solicit comments from the public on a  
512 subject matter of possible rule-making under active consideration  
513 within the agency by causing notice to be filed with the Secretary  
514 of State for publication in the administrative bulletin of the  
515 subject matter and indicating where, when and how persons may  
516 comment.

517 (2) Each agency may also appoint committees of nonagency  
518 personnel or other members of the public to comment, before filing  
519 of a notice of proposed rule adoption under Section 25-43-3.103,  
520 on the subject matter of a possible rule-making under active  
521 consideration within the agency. The membership of those  
522 committees must be filed with the Secretary of State for  
523 publication in the administrative bulletin.

524 **SECTION 13.** The following shall be codified as Section  
525 25-43-3.102, Mississippi Code of 1972:

526 25-43-3.102. **Public rule-making docket.**

527 (1) Each agency shall maintain a current, public rule-making  
528 docket.

529 (2) The rule-making docket may, but need not, contain a  
530 listing of the subject matter of possible rules currently under  
531 active consideration within the agency for proposal under Section  
532 25-43-3.103 and the name and address of agency personnel with whom  
533 persons may communicate with respect to the matter.

534 (3) The rule-making docket must list each pending  
535 rule-making proceeding. A rule-making proceeding is pending from  
536 the time it is commenced, by proper filing with the Secretary of





537 State of a notice of proposed rule adoption, to the time it is  
538 terminated by the filing with the Secretary of State of a notice  
539 of termination or the rule becoming effective. For each pending  
540 rule-making proceeding, the docket must indicate:

541 (a) The subject matter of the proposed rule;

542 (b) A citation to all published notices relating to the  
543 proceeding;

544 (c) Where written submissions or written requests for  
545 an opportunity to make oral presentations on the proposed rule may  
546 be inspected;

547 (d) The time during which written submissions may be  
548 made;

549 (e) If applicable, where and when oral presentations  
550 may be made;

551 (f) Where any economic impact statement and written  
552 requests for the issuance of and other information concerning an  
553 economic impact statement of the proposed rule may be inspected;

554 (g) The current status of the proposed rule;

555 (h) The date of the rule's adoption; and

556 (i) When the rule will become effective.

557 **SECTION 14.** The following shall be codified as Section  
558 25-43-3.103, Mississippi Code of 1972:

559 25-43-3.103. **Notice of proposed rule adoption.**

560 (1) At least twenty-five (25) days before the adoption of a  
561 rule an agency shall cause notice of its contemplated action to be  
562 properly filed with the Secretary of State for publication in the  
563 administrative bulletin. The notice of proposed rule adoption  
564 must include:

565 (a) A short explanation of the purpose of the proposed  
566 rule and the agency's reasons for proposing the rule;

567 (b) The specific legal authority authorizing the  
568 promulgation of rules;



569 (c) A reference to all rules repealed, amended or  
570 suspended by the proposed rule;

571 (d) Subject to Section 25-43-2.101(5), the text of the  
572 proposed rule;

573 (e) Where, when and how persons may present their views  
574 on the proposed rule; and

575 (f) Where, when and how persons may demand an oral  
576 proceeding on the proposed rule if the notice does not already  
577 provide for one.

578 (2) Within three (3) days after its proper filing with the  
579 Secretary of State for publication in the administrative bulletin,  
580 the agency shall cause a copy of the notice of proposed rule  
581 adoption to be provided to each person who has made a timely  
582 request to the agency to be placed on the mailing list maintained  
583 by the agency of persons who have requested notices of proposed  
584 rule adoptions. An agency may mail the copy to the person and may  
585 charge the person a reasonable fee for such service, which fee may  
586 be in excess of the actual cost of providing the person with a  
587 mailed copy. Alternatively, the agency may provide the copy via  
588 the Internet or by transmitting it to the person by electronic  
589 means, including, but not limited to, facsimile transfer or e-mail  
590 at no charge to the person, if the person consents to this form of  
591 delivery.

592 **SECTION 15.** The following shall be codified as Section  
593 25-43-3.104, Mississippi Code of 1972:

594 25-43-3.104. **Public participation.**

595 (1) For at least twenty-five (25) days after proper filing  
596 with the Secretary of State of the notice of proposed rule  
597 adoption, an agency shall afford persons the opportunity to  
598 submit, in writing, argument, data and views on the proposed rule.

599 (2) (a) An agency, in its discretion, may schedule an oral  
600 proceeding on any proposed rule. However, an agency shall  
601 schedule an oral proceeding on a proposed rule if, within twenty



602 (20) days after the proper filing of the notice of proposed rule  
603 adoption, a written request for an oral proceeding is submitted by  
604 a political subdivision, an agency or ten (10) persons. At that  
605 proceeding, persons may present oral or written argument, data and  
606 views on the proposed rule.

607 (b) An oral proceeding on a proposed rule, if required,  
608 may not be held earlier than twenty (20) days after notice of its  
609 location and time is properly filed with the Secretary of State  
610 for publication in the administrative bulletin. Within three (3)  
611 days after its proper filing with the Secretary of State for  
612 publication in the administrative bulletin, the agency shall cause  
613 a copy of the notice of the location and time of the oral  
614 proceeding to be mailed to each person who has made a timely  
615 request to the agency to be placed on the mailing list maintained  
616 by the agency of persons who have requested notices of proposed  
617 rule adoptions.

618 (c) The agency, a member of the agency, or another  
619 presiding officer designated by the agency shall preside at a  
620 required oral proceeding on a proposed rule. Oral proceedings  
621 must be open to the public and may be recorded by stenographic or  
622 other means.

623 (d) An agency may issue rules for the conduct of oral  
624 rule-making proceedings or prepare reasonable guidelines or  
625 procedures for the conduct of any such proceedings. Those rules  
626 may include, but not be limited to, provisions calculated to  
627 prevent undue repetition in the oral proceedings.

628 **SECTION 16.** The following shall be codified as Section  
629 25-43-3.105, Mississippi Code of 1972:

630 25-43-3.105. **Economic impact statement, requirement and**  
631 **conditions.**

632 (1) Prior to giving the notice required in Section  
633 25-43-3.103, each agency proposing the adoption of a rule or  
634 significant amendment of an existing rule imposing a duty,



635 responsibility or requirement on any person shall consider the  
636 economic impact the rule will have on the citizens of our state  
637 and the benefits the rule will cause to accrue to those citizens.  
638 For purposes of this section, a "significant amendment" means any  
639 amendment to a rule for which the total aggregate cost to all  
640 persons required to comply with that rule exceeds One Hundred  
641 Thousand Dollars (\$100,000.00).

642 (2) Each agency shall prepare a written report providing an  
643 economic impact statement for the adoption of a rule or  
644 significant amendment to an existing rule imposing a duty,  
645 responsibility or requirement on any person, except as provided in  
646 subsection (7) of this section. The economic impact statement  
647 shall include the following:

648 (a) A description of the need for and the benefits  
649 which will likely accrue as the result of the proposed action;

650 (b) An estimate of the cost to the agency, and to any  
651 other state or local government entities, of implementing and  
652 enforcing the proposed action, including the estimated amount of  
653 paperwork, and any anticipated effect on state or local revenues;

654 (c) An estimate of the cost or economic benefit to all  
655 persons directly affected by the proposed action;

656 (d) An analysis of the impact of the proposed rule on  
657 small business;

658 (e) A comparison of the costs and benefits of the  
659 proposed rule to the probable costs and benefits of not adopting  
660 the proposed rule or significantly amending an existing rule;

661 (f) A determination of whether less costly methods or  
662 less intrusive methods exist for achieving the purpose of the  
663 proposed rule where reasonable alternative methods exist which are  
664 not precluded by law;

665 (g) A description of reasonable alternative methods,  
666 where applicable, for achieving the purpose of the proposed action



667 which were considered by the agency and a statement of reasons for  
668 rejecting those alternatives in favor of the proposed rule; and

669 (h) A detailed statement of the data and methodology  
670 used in making estimates required by this subsection.

671 (3) No rule or regulation shall be declared invalid based on  
672 a challenge to the economic impact statement for the rule unless  
673 the issue is raised in the agency proceeding. No person shall  
674 have standing to challenge a rule, based upon the economic impact  
675 statement or lack thereof, unless that person provided the agency  
676 with information sufficient to make the agency aware of specific  
677 concerns regarding the statement in an oral proceeding or in  
678 written comments regarding the rule. The grounds for invalidation  
679 of an agency action, based upon the economic impact statement, are  
680 limited to the agency's failure to adhere to the procedure for  
681 preparation of the economic impact statement as provided in this  
682 section, or the agency's failure to consider information submitted  
683 to the agency regarding specific concerns about the statement, if  
684 that failure substantially impairs the fairness of the rule-making  
685 proceeding.

686 (4) A concise summary of the economic impact statement must  
687 be properly filed with the Secretary of State for publication in  
688 the administrative bulletin and the period during which persons  
689 may make written submissions on the proposed rule shall not expire  
690 until at least twenty (20) days after the date of such proper  
691 filing.

692 (5) The properly filed summary of the economic impact  
693 statement must also indicate where persons may obtain copies of  
694 the full text of the economic impact statement and where, when and  
695 how persons may present their views on the proposed rule and  
696 demand an oral proceeding on the proposed rule if one is not  
697 already provided.

698 (6) If the agency has made a good faith effort to comply  
699 with the requirements of subsections (1) and (2) of this section,



700 the rule may not be invalidated on the ground that the contents of  
701 the economic impact statement are insufficient or inaccurate.

702 (7) This section does not apply to the adoption of:

703 (a) Any rule which is required by the federal  
704 government pursuant to a state/federal program delegation  
705 agreement or contract;

706 (b) Any rule which is expressly required by state law;  
707 and

708 (c) A temporary rule adopted pursuant to Section  
709 25-43-3.108.

710 **SECTION 17.** The following shall be codified as Section  
711 25-43-3.106, Mississippi Code of 1972:

712 25-43-3.106. **Time and manner of rule adoption.**

713 (1) An agency may not adopt a rule until the period for  
714 making written submissions and oral presentations has expired.

715 (2) Following the proper filing with the Secretary of State  
716 of the notice of proposed rule adoption, an agency shall adopt a  
717 rule pursuant to the rule-making proceeding or terminate the  
718 proceeding by proper filing with the Secretary of State of a  
719 notice to that effect for publication in the administrative  
720 bulletin.

721 (3) Before the adoption of a rule, an agency shall consider  
722 the written submissions, oral submissions or any memorandum  
723 summarizing oral submissions, and any economic impact statement,  
724 provided for by this Article III.

725 (4) Within the scope of its delegated authority, an agency  
726 may use its own experience, technical competence, specialized  
727 knowledge and judgment in the adoption of a rule.

728 **SECTION 18.** The following shall be codified as Section  
729 25-43-3.107, Mississippi Code of 1972:

730 25-43-3.107. **Variance between adopted rule and published**  
731 **notice of proposed rule adoption.**



732 (1) An agency shall not adopt a rule that differs from the  
733 rule proposed in the notice of proposed rule adoption on which the  
734 rule is based unless all of the following apply:

735 (a) The differences are within the scope of the matter  
736 announced in the notice of proposed rule adoption and are in  
737 character with the issues raised in that notice;

738 (b) The differences are a logical outgrowth of the  
739 contents of that notice of proposed rule adoption and the comments  
740 submitted in response thereto; and

741 (c) The notice of proposed rule adoption provided fair  
742 warning that the outcome of that rule-making proceeding could be  
743 the rule in question.

744 (2) In determining whether the notice of proposed rule  
745 adoption provided fair warning that the outcome of that  
746 rule-making proceeding could be the rule in question, an agency  
747 shall consider all of the following factors:

748 (a) The extent to which persons who will be affected by  
749 the rule should have understood that the rule-making proceeding on  
750 which it is based could affect their interests;

751 (b) The extent to which the subject matter of the rule  
752 or issues determined by the rule are different from the subject  
753 matter or issues contained in the notice of proposed rule  
754 adoption; and

755 (c) The extent to which the effects of the rule differ  
756 from the effects of the proposed rule contained in the notice of  
757 proposed rule adoption.

758 **SECTION 19.** The following shall be codified as Section  
759 25-43-3.108, Mississippi Code of 1972:

760 25-43-3.108. **Exemption from public rule-making procedures**  
761 **for temporary rules.**

762 If an agency finds that an imminent peril to the public  
763 health, safety or welfare requires adoption of a rule upon fewer  
764 than twenty-five (25) days' notice and states in writing its



765 reasons for that finding, it may proceed without prior notice of  
766 hearing or upon any abbreviated notice and hearing that it finds  
767 practicable to adopt an emergency rule. The rule may be effective  
768 for a period of not longer than one hundred twenty (120) days,  
769 renewable once for a period not exceeding ninety (90) days, but  
770 the adoption of an identical rule under subsection (1) of this  
771 section is not precluded.

772 **SECTION 20.** The following shall be codified as Section  
773 25-43-3.109, Mississippi Code of 1972:

774 25-43-3.109. **Contents, style and form of rule.**

775 (1) Each rule adopted by an agency must contain the text of  
776 the rule and:

777 (a) The date the agency adopted the rule;

778 (b) An indication of any change between the text of the  
779 proposed rule contained in the published notice of proposed rule  
780 adoption and the text of the rule as finally adopted, with the  
781 reasons for any substantive change;

782 (c) Any changes to the information contained in the  
783 notice of proposed rule adoption as required by subsection (a),  
784 (b) or (c) of Section 25-43-3.103;

785 (d) Any findings required by any provision of law as a  
786 prerequisite to adoption or effectiveness of the rule; and

787 (e) The effective date of the rule if other than that  
788 specified in Section 25-43-3.113(1).

789 (2) To the extent feasible, each rule should be written in  
790 clear and concise language understandable to persons who may be  
791 affected by it.

792 (3) An agency may incorporate, by reference in its rules and  
793 without publishing the incorporated matter in full, all or any  
794 part of a code, standard, rule or regulation that has been adopted  
795 by an agency of the United States or of this state, another state  
796 or by a nationally recognized organization or association, if  
797 incorporation of its text in agency rules would be unduly





798 cumbersome, expensive or otherwise inexpedient. The reference in  
799 the agency rules must fully identify the incorporated matter with  
800 an appropriate citation. An agency may incorporate by reference  
801 such matter in its rules only if the agency, organization or  
802 association originally issuing that matter makes copies of it  
803 readily available to the public. The rules must state if copies  
804 of the incorporated matter are available from the agency issuing  
805 the rule or where copies of the incorporated matter are available  
806 from the agency of the United States, this state, another state or  
807 the organization or association originally issuing that matter.

808 (4) In preparing its rules pursuant to this Article III,  
809 each agency shall follow the uniform numbering system, form and  
810 style prescribed by the Secretary of State.

811 **SECTION 21.** The following shall be codified as Section  
812 25-43-3.110, Mississippi Code of 1972:

813 25-43-3.110. **Agency rule-making record.**

814 (1) An agency shall maintain an official rule-making record  
815 for each rule it (a) proposes or (b) adopts. The agency has the  
816 exclusive authority to prepare and exclusive authority to certify  
817 the record or any part thereof, including, but not limited to, any  
818 transcript of the proceedings, and the agency's certificate shall  
819 be accepted by the court and by any other agency. The record must  
820 be available for public inspection.

821 (2) The agency rule-making record must contain:

822 (a) Copies of all notices of proposed rule-making or  
823 oral proceedings or other publications in the administrative  
824 bulletin with respect to the rule or the proceeding upon which the  
825 rule is based;

826 (b) Copies of any portions of the agency's public  
827 rule-making docket containing entries relating to the rule or the  
828 proceeding upon which the rule is based;

829 (c) All written requests, submissions and comments  
830 received by the agency and all other written materials considered



831 by the agency in connection with the formulation, proposal or  
832 adoption of the rule or the proceeding upon which the rule is  
833 based;

834 (d) Any official transcript of oral presentations made  
835 in the proceeding upon which the rule is based or, if not  
836 transcribed, any tape recording or stenographic record of those  
837 presentations, and any memorandum prepared by a presiding official  
838 summarizing the contents of those presentations. The word  
839 "transcript" includes a written transcript, a printed transcript,  
840 an audible audiotape or videotape that is indexed and annotated so  
841 that it is readily accessible and any other means that the agency  
842 may have by rule provided for the reliable and accessible  
843 preservation of the proceeding;

844 (e) A copy of any economic impact statement prepared  
845 for the proceeding upon which the rule is based; and

846 (f) A copy of the rule and related information set out  
847 in Section 25-43-3.109 as filed in the Office of the Secretary of  
848 State.

849 (3) The agency shall have authority to engage such persons  
850 and acquire such equipment as may be reasonably necessary to  
851 record and preserve in any technically and practicably feasible  
852 manner all matters and all proceedings had at any rule-making  
853 proceeding.

854 (4) Upon judicial review, the record required by this  
855 section constitutes the official agency rule-making record with  
856 respect to a rule. Except as otherwise required by a provision of  
857 law, the agency rule-making record need not constitute the  
858 exclusive basis for agency action on that rule or for judicial  
859 review thereof.

860 **SECTION 22.** The following shall be codified as Section  
861 25-43-3.111, Mississippi Code of 1972:

862 25-43-3.111. **Invalidity of rules not adopted according to**  
863 **article; time limitation.**



864 (1) A rule adopted after July 1, 2005, is invalid unless  
865 adopted in substantial compliance with the provisions of Sections  
866 25-43-3.102 through 25-43-3.110. Inadvertent failure to mail a  
867 notice of proposed rule adoption to any person as required by  
868 Section 25-43-3.103(2) does not invalidate a rule.

869 (2) An action to contest the validity of a rule on the  
870 grounds of its noncompliance with any provision of Sections  
871 25-43-3.102 through 25-43-3.110 must be commenced within one (1)  
872 year after the effective date of the rule.

873 **SECTION 23.** The following shall be codified as Section  
874 25-43-3.112, Mississippi Code of 1972:

875 25-43-3.112. **Filing of rules.**

876 An agency shall file in the Office of the Secretary of State  
877 each rule it adopts and all rules existing on July 1, 2005, that  
878 have not previously been filed. The filing must be done as soon  
879 after adoption of the rule as is practicable. At the time of  
880 filing, each rule adopted after July 1, 2005, must have included  
881 in or attached to it the material set out in Section 25-43-3.109.  
882 The Secretary of State shall affix to each rule and statement a  
883 certification of the date of filing and keep a permanent register  
884 open to public inspection of all filed rules and attached  
885 material. In filing a rule, each agency shall use a standard  
886 format prescribed by the Secretary of State.

887 **SECTION 24.** The following shall be codified as Section  
888 25-43-3.113, Mississippi Code of 1972:

889 25-43-3.113. **Effective date of rules.**

890 (1) Except to the extent subsection (2) or (3) of this  
891 section provides otherwise, each rule adopted after July 1, 2005,  
892 becomes effective thirty (30) days after its proper filing in the  
893 Office of the Secretary of State.

894 (2) (a) A rule becomes effective on a date later than that  
895 established by subsection (1) of this section if a later date is  
896 required by another statute or specified in the rule.



897 (b) A rule may become effective immediately upon its  
898 filing or on any subsequent date earlier than that established by  
899 subsection (1) of this section if the agency establishes such an  
900 effective date and finds that:

901 (i) It is required by Constitution, statute or  
902 court order;

903 (ii) The rule only confers a benefit or removes a  
904 restriction on the public or some segment thereof;

905 (iii) The rule only delays the effective date of  
906 another rule that is not yet effective; or

907 (iv) The earlier effective date is necessary  
908 because of imminent peril to the public health, safety or welfare.

909 (c) The finding and a brief statement of the reasons  
910 therefor required by paragraph (b) of this subsection must be made  
911 a part of the rule. In any action contesting the effective date  
912 of a rule made effective under paragraph (b) of this subsection,  
913 the burden is on the agency to justify its finding.

914 (d) A temporary rule may become effective immediately  
915 upon its filing or on any subsequent date earlier than that  
916 established by subsection (1) of this section.

917 (e) Each agency shall make a reasonable effort to make  
918 known to persons who may be affected by it a rule made effective  
919 before any date established by subsection (1) of this section.

920 (3) This section does not relieve an agency from compliance  
921 with any provision of law requiring that some or all of its rules  
922 be approved by other designated officials or bodies before they  
923 become effective.

924 **SECTION 25.** The following shall be codified as Section  
925 25-43-3.114, Mississippi Code of 1972:

926 25-43-3.114. **Review by agency.**

927 At least every five (5) years, each agency shall review all  
928 of its rules to determine whether any rule should be repealed,  
929 amended or a new rule adopted.



930           **SECTION 26.** Sections 25-43-1, 25-43-3, 25-43-5, 25-43-6,  
931 25-43-7, 25-43-9, 25-43-11, 25-43-13, 25-43-15, 25-43-17 and  
932 25-43-19, Mississippi Code of 1972, which create the Mississippi  
933 Administrative Procedures Law, provide definitions for terms used  
934 in such law, prescribe procedures that must be followed by  
935 agencies in the adoption, amendment and repeal of agency rules,  
936 require the filing of an economic impact statement for the  
937 adoption of a rule, require filing and notice before such rules  
938 may become effective, require agencies to index all effective  
939 rules adopted, provide that revocation or suspension of any  
940 license shall not be effective unless notice of such intended  
941 action is given to the licensee, and require agencies to adopt  
942 procedures to assure that opponents of proposed rules have the  
943 opportunity to present their views and review adverse rulings, are  
944 repealed.

945           **SECTION 27.** Every agency as defined in this act shall, no  
946 later than October 1, 2003, file with the Secretary of the Senate  
947 and the Clerk of the House a report which outlines any conflicts  
948 between this act and any other laws affecting the agency. This  
949 report shall include proposed legislation to bring the other laws  
950 into conformity with the requirements of this act. The Secretary  
951 of State shall, no later than December 1, 2003, file with the  
952 Secretary of the Senate and the Clerk of the House a list of  
953 sections which the Secretary of State believes conflict with this  
954 act. The Secretary of the Senate and the Clerk of the House shall  
955 maintain a list of agencies which have complied with this section.

956           **SECTION 28.** Section 27 of this act shall take effect and be  
957 in force from and after its passage. The remainder of this act  
958 shall take effect and be in force from and after July 1, 2005.

