

By: Representative Watson

To: Judiciary A

HOUSE BILL NO. 993

1 AN ACT TO AMEND SECTION 25-43-2.101, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT THE SECRETARY OF STATE, INSTEAD OF THE JOINT
3 LEGISLATIVE CODE COMMITTEE, MAY CONTRACT WITH A PUBLISHING COMPANY
4 TO COMPILE, ANNOTATE, INDEX AND PUBLISH THE STATE AGENCY RULES AND
5 REGULATIONS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-43-2.101, Mississippi Code of 1972, is
8 amended as follows:

9 25-43-2.101. **Publication, compilation, indexing and public**
10 **inspection of rules.**

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

17 (2) The Secretary of State shall cause an administrative
18 bulletin to be published in a format and at such regular intervals
19 as the Secretary of State shall prescribe by rule. Upon proper
20 filing of proposed rules, the Secretary of State shall publish
21 them in the administrative bulletin as expeditiously as possible.
22 The administrative bulletin must contain:

23 (a) Notices of proposed rule adoption prepared so that
24 the text of the proposed rule shows the text of any existing rule
25 proposed to be changed and the change proposed;

26 (b) Any other notices and materials designated by law
27 for publication therein; and

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

29 (3) The Secretary of State shall cause an administrative
30 bulletin to be published in a format and at such regular intervals
31 as the Secretary of State shall prescribe by rule. Upon proper
32 filing of newly adopted rules, the Secretary of State shall
33 publish them as expeditiously as possible. The administrative
34 bulletin must contain:

35 (a) Newly filed adopted rules prepared so that the text
36 shows the text of any existing rule being changed and the change
37 being made;

38 (b) Any other notices and materials designated by law
39 for publication therein; and

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

41 (4) The Secretary of State retains the authority to reject
42 proposed and newly adopted rules not properly filed in accordance
43 with the Secretary of State's rules prescribing the numbering
44 system, form, style or transmitting format for such filings. The
45 Secretary of State shall not be empowered to reject filings for
46 reasons of the substance or content or any proposed or newly
47 adopted rule. The Secretary of State shall notify the agency of
48 its rejection of a proposed or newly adopted rule as expeditiously
49 as possible and accompany such notification with a stated reason
50 for the rejection. A rejected filing of a proposed or newly
51 adopted rule does not constitute filing pursuant to Section
52 25-43-3.101 et seq. * * *.

53 (5) (a) The Secretary of State shall cause an
54 administrative code to be compiled, indexed by subject and
55 published in a format prescribed by the Secretary of State by
56 rule. All of the effective rules of each agency must be published
57 and indexed in that publication. The Secretary of State shall
58 also cause supplements to the administrative code to be published
59 in a format and at such regular intervals as the Secretary of
60 State shall prescribe by rule.

61 (b) The Secretary of State may contract with a
62 reputable and competent publishing company on such terms and
63 conditions and at such prices as may be deemed proper to digest,
64 compile, annotate, index and publish the state agency rules and
65 regulations.

66 (6) (a) Copyrights of the Mississippi Administrative Code,
67 including, but not limited to, cross references, tables of cases,
68 notes of decisions, tables of contents, indices, source notes,
69 authority notes, numerical lists and codification guides, other
70 than the actual text of rules or regulations, shall be taken by
71 and in the name of the publishers of the compilation. Such
72 publishers shall thereafter promptly assign the same to the State
73 of Mississippi and said copyright shall be owned by the state.

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

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

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

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

87 (c) The administrative bulletin or code contains a
88 notice stating in detail the specific subject matter of the
89 omitted proposed or adopted rule and how a copy of the omitted
90 material may be obtained.

91 (8) The administrative bulletin and administrative code with
92 supplements must be furnished to designated officials without
93 charge and to all subscribers at a reasonable cost to be

94 determined by the Secretary of State. Each agency shall also make
95 available for public inspection and copying those portions of the
96 administrative bulletin and administrative code containing all
97 rules adopted or used by the agency in the discharge of its
98 functions, and the index to those rules.

99 **SECTION 2.** This act shall take effect and be in force from
100 and after July 1, 2005.