

**Adopted
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1412

BY: Representative Blackmon

1 **AMEND** by inserting the following new Section 2 after line 117
2 and renumbering the succeeding section:

3 "**SECTION 2.** Section 25-43-2.101, Mississippi Code of 1972,
4 is amended as follows:

5 25-43-2.101. **Publication, compilation, indexing and public**
6 **inspection of rules.**

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

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

19 (a) Notices of proposed rule adoption prepared so that
20 the text of the proposed rule shows the text of any existing rule
21 proposed to be changed and the change proposed;

22 (b) Any other notices and materials designated by law
23 for publication therein; and

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

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

31 (a) Newly filed adopted rules prepared so that the text
32 shows the text of any existing rule being changed and the change
33 being made;

34 (b) Any other notices and materials designated by law
35 for publication therein; and

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

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

49 (5) (a) The Secretary of State shall cause an
50 administrative code to be compiled, indexed by subject and
51 published in a format prescribed by the Secretary of State by
52 rule. All of the effective rules of each agency must be published
53 and indexed in that publication. The Secretary of State shall

54 also cause supplements to the administrative code to be published
55 in a format and at such regular intervals as the Secretary of
56 State shall prescribe by rule.

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

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

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

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

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

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

83 (c) The administrative bulletin or code contains a
84 notice stating in detail the specific subject matter of the

85 omitted proposed or adopted rule and how a copy of the omitted
86 material may be obtained.

87 (8) The administrative bulletin and administrative code with
88 supplements must be furnished to designated officials without
89 charge and to all subscribers at a reasonable cost to be
90 determined by the Secretary of State. Each agency shall also make
91 available for public inspection and copying those portions of the
92 administrative bulletin and administrative code containing all
93 rules adopted or used by the agency in the discharge of its
94 functions, and the index to those rules."

95 **AMEND FURTHER** the title by inserting the following language
96 after the semicolon on line 5:

97 "TO AMEND SECTION 25-43-2.101, MISSISSIPPI CODE OF 1972, TO
98 PROVIDE THAT THE SECRETARY OF STATE, INSTEAD OF THE JOINT
99 LEGISLATIVE CODE COMMITTEE, MAY CONTRACT WITH A PUBLISHING COMPANY
100 TO COMPILE, ANNOTATE, INDEX AND PUBLISH THE STATE AGENCY RULES AND
101 REGULATIONS;"