

By: Representative Mayo

To: Judiciary A

HOUSE BILL NO. 1549

1 AN ACT TO AMEND SECTION 25-4-17, MISSISSIPPI CODE OF 1972, TO
2 DELETE THE DUTY OF THE MISSISSIPPI ETHICS COMMISSION TO REQUIRE A
3 PERSON SEEKING TO EXAMINE PUBLIC STATEMENTS OF ECONOMIC INTEREST
4 TO PROVIDE CERTAIN IDENTIFYING INFORMATION; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 25-4-17, Mississippi Code of 1972, is
8 amended as follows:

9 25-4-17. The commission shall, in addition to any other
10 duties prescribed by law:

11 (a) Prepare and publish a manual setting forth
12 recommended uniform methods of accounting and reporting for use by
13 persons required to file statements of economic interest pursuant
14 to the provisions of this chapter;

15 (b) Prescribe forms for statements of economic interest
16 required to be filed pursuant to this chapter and furnish such
17 forms to persons required to file such statements of economic
18 interest pursuant to this chapter;

19 (c) Accept and file any statements or information
20 voluntarily supplied by persons required to file statements of
21 economic interest under this chapter that exceeds the requirements
22 of this chapter;

23 (d) Develop and maintain a filing, coding and
24 cross-indexing system of statements of economic interest,
25 complaints, responses and other actions undertaken by the
26 commission pursuant to this chapter;

27 (e) Make statements of economic interest which are
28 required to be filed by this chapter available for public

29 inspection and copying during regular business hours and make
30 copying facilities available at a reasonable charge to defray the
31 cost of copying; * * *

32 (f) Preserve such statements of economic interest for a
33 period of seven (7) years from the date of their receipt;

34 (g) Establish such rules and regulations which shall
35 insure and maintain the confidentiality and integrity of the
36 commission, its proceedings, investigations and findings, it being
37 the intent of this chapter to promote high standards of competence
38 and conduct by the commission and its staff, and to insure that
39 all matters designated as confidential shall remain confidential;
40 provided, however, that nothing in this chapter shall be construed
41 to prohibit the commission, in its discretion, from releasing
42 information to the public relating to its findings, proceedings,
43 or investigations, or from holding open meetings on
44 nonconfidential matters;

45 (h) Study the body of Mississippi criminal law
46 pertaining to public officials and report its findings and
47 recommendations in summary form to the 1983 Regular Session of the
48 Legislature and each regular session of the Legislature thereafter
49 if appropriate;

50 (i) Have the authority, in its discretion, to issue
51 advisory opinions with regard to any of such standards of conduct
52 set forth in Article 3, Chapter 4, Title 25, Mississippi Code of
53 1972. When any public official requests in writing such an
54 advisory opinion and has stated all the facts to govern such
55 opinion, and the commission has prepared and delivered such
56 opinion with references thereto, there shall be no civil or
57 criminal liability accruing to or against any such public official
58 who, in good faith, follows the direction of such opinion and acts
59 in accordance therewith unless a court of competent jurisdiction,
60 after a full hearing, shall judicially declare that such opinion
61 is manifestly wrong and without any substantial support. No

62 opinion shall be given or considered if said opinion would be
63 given after judicial proceedings are commenced.

64 All advisory opinions issued pursuant to the provisions of
65 this paragraph shall be made public and shall be issued within
66 ninety (90) days of written request. The request for an advisory
67 opinion shall be confidential as to the identity of the individual
68 making the request. The commission shall, so far as practicable
69 and before making public, an advisory opinion issued under the
70 provisions of this paragraph, make such deletions and changes
71 thereto as may be necessary to ensure the anonymity of the public
72 official and any other person named in the opinion; and

73 (j) Within ninety (90) days, issue advisory opinions,
74 upon written request by any individual required to file a
75 statement of economic interest under the provisions of Section
76 25-4-25, pertaining to the content of the statement of economic
77 interest which such individual is required to file under the
78 provisions of Section 25-4-27. When such an advisory opinion is
79 issued pursuant to a complete and accurate request, then there
80 shall be no liability, civil or criminal, accruing to or against
81 the individual requesting such opinion who, in good faith, follows
82 the direction of the opinion and makes disclosure in accordance
83 therewith unless a court of competent jurisdiction, after a full
84 hearing, shall judicially declare that such opinion is manifestly
85 wrong and without substantial support. No opinion shall be given
86 or considered if such opinion is given after suit is filed or
87 prosecution begun. All requests for advisory opinions and all
88 advisory opinions issued pursuant to the provisions of this
89 paragraph shall be confidential and the commission shall not
90 publicly disclose any advisory opinion issued or the fact that an
91 advisory opinion has been requested or issued unless the
92 individual requesting the opinion gives his permission, in
93 writing, to the commission.

94 **SECTION 2.** This act shall take effect and be in force from
95 and after July 1, 2007.