

By: Senator(s) Baria, Flowers, Blount,
Yancey

To: Ethics; Judiciary,
Division B

SENATE BILL NO. 2373

1 AN ACT TO BE KNOWN AS THE "MEETINGS ACCOUNTABILITY ACT"; TO
2 AMEND SECTION 25-41-15, MISSISSIPPI CODE OF 1972, TO REVISE THE
3 PENALTY THAT MAY BE IMPOSED FOR VIOLATIONS OF THE OPEN MEETINGS
4 ACT; TO AMEND SECTION 25-61-15, MISSISSIPPI CODE OF 1972, TO
5 REVISE THE PENALTY THAT MAY BE IMPOSED UNDER THE PUBLIC RECORDS
6 ACT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 25-41-15, Mississippi Code of 1972, is
9 amended as follows:

10 25-41-15. The Mississippi Ethics Commission shall have the
11 authority to enforce the provisions of this chapter upon a
12 complaint filed by any person. Upon receiving a complaint, the
13 Ethics Commission shall forward a copy of the complaint to the
14 head of the public body involved. The public body shall have
15 fourteen (14) days from receipt of the complaint to file a
16 response with the commission. After receiving the response to the
17 complaint or, if no response is received after fourteen (14) days,
18 the commission, in its discretion, may dismiss the complaint or
19 proceed by setting a hearing in accordance with rules and
20 regulations promulgated by the * * * commission.

21 The chancery courts shall have concurrent authority to
22 enforce the provisions of this chapter upon a complaint filed by
23 any person and shall have the authority to issue injunctions and
24 writs of mandamus to accomplish that purpose. Complaints filed
25 with the Ethics Commission pursuant to this section may not be
26 removed to chancery court, although orders of the Ethics
27 Commission may be appealed as provided in this section.



28 * * * The Ethics Commission or chancery court may order the
29 public body to take whatever reasonable measures necessary, if
30 any, to comply with this chapter. If the Ethics Commission or
31 chancery court finds that a public body has violated the
32 provisions of this chapter, the Ethics Commission or chancery
33 court may nullify and void any action taken by the public body in
34 connection with the violation.

35 If the Ethics Commission or chancery court finds that members
36 of a public body have * * * violated the provisions of this
37 chapter, the Ethics Commission or chancery court shall impose a
38 civil fine upon the individual members of the public body found to
39 have violated this chapter in a sum not less than Five Hundred
40 Dollars (\$500.00) and not more than One Thousand Dollars
41 (\$1,000.00) per person for each violation, plus all reasonable
42 expenses incurred by the person or persons in bringing the
43 complaint to enforce this chapter, which expenses shall be
44 assessed to the person found to have violated this chapter. Such
45 expenses shall be awarded where the person bringing the complaint
46 has prevailed on a majority of the claims asserted and where there
47 are no special circumstances making the award unjust, and may
48 include a reasonable attorney's fee.

49 Any fine imposed under this section shall be paid into the
50 general fund of the public body violating this chapter.

51 Nothing in this chapter shall be construed to prohibit the
52 Ethics Commission from mediating or otherwise resolving disputes
53 arising under this chapter or from entering orders agreed to by
54 the parties. In carrying out its responsibilities under this
55 section, the Ethics Commission shall have all the powers and
56 authority granted to it in Title 25, Chapter 4, Mississippi Code
57 of 1972.

58 Any party may petition the chancery court of the county in
59 which the public body is located to enforce or appeal any order of
60 the Ethics Commission issued pursuant to this chapter. In any



61 such appeal the chancery court shall conduct a de novo review.
62 The provisions of this section concerning the assessment of
63 expenses and attorney's fees shall apply to an enforcement action
64 and any appeal.

65 **SECTION 2.** Section 25-61-15, Mississippi Code of 1972, is
66 amended as follows:

67 25-61-15. Any person who shall wrongfully deny to any person
68 access to any public record which is not exempt from the
69 provisions of this chapter shall be liable civilly in a sum not to
70 exceed One Hundred Dollars (\$100.00) per violation, plus all
71 reasonable expenses incurred by such person bringing the
72 proceeding, plus a reasonable attorney's fee.

73 **SECTION 3.** This act shall take effect and be in force from
74 and after July 1, 2010.

