

By: Representative Carpenter

To: Judiciary A

HOUSE BILL NO. 903

1 AN ACT TO AMEND SECTION 25-41-15, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A COURT MAY VOID ANY ACTION TAKEN BY A PUBLIC BODY  
3 IN VIOLATION OF THE OPEN MEETINGS LAW IF THE COURT DETERMINES THAT  
4 THE PUBLIC INTEREST SO REQUIRES; AND FOR RELATED PURPOSES.

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

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

8 25-41-15. (1) The Mississippi Ethics Commission shall have  
9 the authority to enforce the provisions of this chapter upon a  
10 complaint filed by any person. Upon receiving a complaint, the  
11 commission shall forward a copy of the complaint to the head of  
12 the public body involved. The public body shall have fourteen  
13 (14) days from receipt of the complaint to file a response with  
14 the commission. After receiving the response to the complaint or,  
15 if no response is received after fourteen (14) days, the  
16 commission, in its discretion, may dismiss the complaint or  
17 proceed by setting a hearing in accordance with rules and  
18 regulations promulgated by the Ethics Commission.



19           (2) After a hearing, the Ethics Commission may order the  
20 public body to take whatever reasonable measures necessary, if  
21 any, to comply with this chapter. If the Ethics Commission finds  
22 that a member or members of a public body has willfully and  
23 knowingly violated the provisions of this chapter, the Ethics  
24 Commission may impose a civil penalty upon the individual members  
25 of the public body found to be in violation of the provisions of  
26 this chapter in a sum not to exceed Five Hundred Dollars (\$500.00)  
27 for a first offense and One Thousand Dollars (\$1,000.00) for a  
28 second or subsequent offense, plus all reasonable expenses  
29 incurred by the person or persons in bringing the complaint to  
30 enforce this chapter.

31           (3) Nothing in this chapter shall be construed to prohibit  
32 the Ethics Commission from mediating or otherwise resolving  
33 disputes arising under this chapter or from entering orders agreed  
34 to by the parties. In carrying out its responsibilities under  
35 this section, the Ethics Commission shall have all the powers and  
36 authority granted to it in Title 25, Chapter 4, Mississippi Code  
37 of 1972.

38           (4) Any party may petition the chancery court of the county  
39 in which the public body is located to enforce or appeal any order  
40 of the Ethics Commission issued pursuant to this chapter. In any  
41 such appeal the chancery court shall conduct a de novo review.

42           (5) (a) Upon a finding by a preponderance of the evidence  
43 that a public body has violated any provisions of this chapter, a



44 court may void any action taken by a public body in violation of  
45 this chapter if the court determines that the public interest in  
46 voiding the action taken outweighs the public interest of  
47 sustaining the action itself.

48 (b) Any party aggrieved by the action taken by the  
49 public body in violation of this chapter may bring a suit for  
50 enforcement. Such suit shall be brought within six (6) months of  
51 the date of the violation, and in no event shall such suit be  
52 brought later than two (2) years after the date of the violation.

53 (c) The provisions of this subsection (5) shall not  
54 apply to an action taken in violation of this chapter if such  
55 action involved the issuance of bonds or other evidence of  
56 indebtedness of a public body if a public hearing, election or  
57 public sale has been held regarding the bonds or evidence of  
58 indebtedness.

59 **SECTION 2.** This act shall take effect and be in force from  
60 and after July 1, 2022.

