

By: Senator(s) Hill

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2043

1 AN ACT TO AMEND SECTION 25-43-3.103, MISSISSIPPI CODE OF  
2 1972, TO REQUIRE THAT SPECIFIC NOTICE OF PROPOSED RULE ADOPTION BE  
3 GIVEN TO THE LEGISLATURE BY STATE AGENCIES USING ELECTRONIC MEANS;  
4 TO AMEND SECTION 25-43-3.111, MISSISSIPPI CODE OF 1972, TO  
5 CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-43-3.103, Mississippi Code of 1972, is  
8 amended as follows:

9 25-43-3.103. (1) At least twenty-five (25) days before the  
10 adoption of a rule an agency shall cause notice of its  
11 contemplated action to be properly filed with the Secretary of  
12 State for publication in the administrative bulletin. The notice  
13 of proposed rule adoption must include:

14 (a) A short explanation of the purpose of the proposed  
15 rule and the agency's reasons for proposing the rule;

16 (b) The specific legal authority authorizing the  
17 promulgation of rules;

18 (c) A reference to all rules repealed, amended or  
19 suspended by the proposed rule;



20 (d) Subject to Section 25-43-2.101(5), the text of the  
21 proposed rule;

22 (e) Where, when and how persons may present their views  
23 on the proposed rule; and

24 (f) Where, when and how persons may demand an oral  
25 proceeding on the proposed rule if the notice does not already  
26 provide for one.

27 (2) A copy of the notice contemplated by subsection (1) of  
28 this section must be emailed to all members of the Legislature at  
29 no charge no later than the next business day after the notice is  
30 filed with the Secretary of State.

31 ( \* \* \*3) Within three (3) days after its proper filing with  
32 the Secretary of State for publication in the administrative  
33 bulletin, the agency shall cause a copy of the notice of proposed  
34 rule adoption to be provided to each person who has made a timely  
35 request to the agency to be placed on the mailing list maintained  
36 by the agency of persons who have requested notices of proposed  
37 rule adoptions. An agency may mail the copy to the person and may  
38 charge the person a reasonable fee for such service, which fee may  
39 be in excess of the actual cost of providing the person with a  
40 mailed copy. Alternatively, the agency may provide the copy via  
41 the Internet or by transmitting it to the person by electronic  
42 means, including, but not limited to, facsimile transfer or e-mail  
43 at no charge to the person, if the person consents to this form of  
44 delivery.



45           **SECTION 2.** Section 25-43-3.111, Mississippi Code of 1972, is  
46 amended as follows:

47           25-43-3.111. (1) A rule adopted after July 1, 2005, is  
48 invalid unless adopted in substantial compliance with the  
49 provisions of Sections 25-43-3.102 through 25-43-3.110.  
50 Inadvertent failure to mail a notice of proposed rule adoption to  
51 any person as required by Section 25-43-3.103(2) or (3) does not  
52 invalidate a rule.

53           (2) An action to contest the validity of a rule on the  
54 grounds of its noncompliance with any provision of Sections  
55 25-43-3.102 through 25-43-3.110 must be commenced within one (1)  
56 year after the effective date of the rule.

57           **SECTION 3.** This act shall take effect and be in force from  
58 and after July 1, 2023.

