

By: Senator(s) Hill

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2557

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18 (c) A reference to all rules repealed, amended or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;



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

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

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

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

(* * *3) Within three (3) days after its proper filing with the Secretary of State for publication in the administrative bulletin, the agency shall cause a copy of the notice of proposed rule adoption to be provided to each person who has made a timely request to the agency to be placed on the mailing list maintained by the agency of persons who have requested notices of proposed rule adoptions. An agency may mail the copy to the person and may charge the person a reasonable fee for such service, which fee may be in excess of the actual cost of providing the person with a mailed copy. Alternatively, the agency may provide the copy via the internet or by transmitting it to the person by electronic means, including, but not limited to, facsimile transfer or e-mail at no charge to the person, if the person consents to this form of 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 25-43-3.103(3)
52 does not 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, 2025.

