

By: Senator(s) Hill

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2302
(As Passed the Senate)

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 AND THE MISSISSIPPI
4 CAPITOL REGION UTILITY AUTHORITY USING ELECTRONIC MEANS; TO AMEND
5 SECTION 25-43-3.111, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR
6 RELATED PURPOSES.

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

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

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

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

18 (b) The specific legal authority authorizing the
19 promulgation of rules;



20 (c) A reference to all rules repealed, amended or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

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

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

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

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

33 (* * *3) Within three (3) days after its proper filing with
34 the Secretary of State for publication in the administrative
35 bulletin, the agency shall cause a copy of the notice of proposed
36 rule adoption to be provided to each person who has made a timely
37 request to the agency to be placed on the mailing list maintained
38 by the agency of persons who have requested notices of proposed
39 rule adoptions. An agency may mail the copy to the person and may
40 charge the person a reasonable fee for such service, which fee may
41 be in excess of the actual cost of providing the person with a
42 mailed copy. Alternatively, the agency may provide the copy via
43 the internet or by transmitting it to the person by electronic
44 means, including, but not limited to, facsimile transfer or e-mail



45 at no charge to the person, if the person consents to this form of
46 delivery.

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

49 25-43-3.111. (1) A rule adopted after July 1, 2005, is
50 invalid unless adopted in substantial compliance with the
51 provisions of Sections 25-43-3.102 through 25-43-3.110.

52 Inadvertent failure to mail a notice of proposed rule adoption to
53 any person as required by Section 25-43-3.103(2) or (3) does not
54 invalidate a rule.

55 (2) An action to contest the validity of a rule on the
56 grounds of its noncompliance with any provision of Sections
57 25-43-3.102 through 25-43-3.110 must be commenced within one (1)
58 year after the effective date of the rule.

59 **SECTION 3.** This act shall take effect and be in force from
60 and after July 1, 2024.

