

7/24/11 9:59am

Chapter No. 310
11/SS01/R589SG
JW / AS / SG

SENATE BILL NO. 2289

Originated in Senate *Juanito Espino* Secretary

SENATE BILL NO. 2289

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

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

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

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

After a hearing, the Ethics Commission may order the public body to take whatever reasonable measures necessary, if any, to comply with this chapter. If the Ethics Commission finds that a member or members of a public body has willfully and knowingly violated the provisions of this chapter, the Ethics Commission may impose a civil penalty upon the individual members of the public body found to be in violation of the provision of this chapter in a sum not to exceed Five Hundred Dollars (\$500.00) for a first

offense and One Thousand Dollars (\$1,000.00) for a second or subsequent offense, plus all reasonable expenses incurred by the person or persons in bringing the complaint to enforce this chapter.

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

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

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

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

SECTION 3. This act shall take effect and be in force from and after July 1, 2011.

PASSED BY THE SENATE
January 20, 2011

PASSED BY THE HOUSE OF REPRESENTATIVES
February 17, 2011



PRESIDENT OF THE SENATE



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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