MISSISSIPPI LEGISLATURE REGULAR SESSION 2011

By: Representative Snowden To: Judiciary A

HOUSE BILL NO. 1237

AN 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; 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 <u>member or members of a</u> public body has willfully and knowingly violated the provisions of this chapter, the Ethics Commission may impose a civil penalty upon the <u>individual members of the public body found to be in violation of the provisions of this chapter</u> in a sum not to exceed <u>Two Hundred Dollars ($200.00),</u> 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. This act shall take effect and be in force from and after July 1, 2011.