

# **2011 LEGISLATION**

## **2011 Regular Session**

*Includes legislation affecting the  
Mississippi Library Commission and/or Mississippi libraries*



*Compiled by the Mississippi Library Commission  
June 2011*

---

**SUMMARY OF 2011 LEGISLATION**  
**(2011 Regular Session)**

---

---

**2011 LEGISLATIVE BILLS**  
**(Regular Session)**

---

---

**2011 Regular Session****HB 1496**

---

Appropriates funds to the Mississippi Library Commission for FY 2012, effective July 1, 2011.

Appropriation by funding source: State general funds	\$11,556,153
State Education Enhancement Funds	\$ 493,847
Special Funds (primarily federal LSTA)	\$ 2,264,118
TOTAL APPROPRIATION	\$14,314,118

Provides Lump Sum Authority

Retains authorized positions: 52 Permanent: Full-time

Section 3, Lines 62-65

*Funds to be distributed to eligible public library systems under the Personnel Incentive Grant Program shall be paid quarterly in advance on or before September 30, December 31, March 31, and June 30.*

Section 8, Lines 115-118

*Of funds appropriated, no less than \$1,000,000 shall be expended for MAGNOLIA, unless there are budget cuts at which time amount can be reduced by a pro rata share.*

Section 9, Lines 119-125

*Of funds appropriated, \$3,546,512 is provided for health insurance for full-time library staff members in each public library in Mississippi.*

---

**2011 Regular Session****HC 115**

---

Commends and congratulates P. Carson Culver [Youth Services Librarian, M.R. Dye Public Library, Horn Lake, First Regional Library] on receiving the 2011 Mississippi Humanities Council Partner Award.

---

**2011 Regular Session****HC 141**

---

Commends and congratulates Robert Forbes [Librarian, Burnsville Public Library, Northeast Regional Library] on receiving the American Library Association Marshall Cavendish Excellence in Library Programming Award.

---

**2010 Regular Session****HR 20**

---

Commends and congratulates Susan Alsbury [Librarian, Wesson Public Library, Copiah-Jefferson Regional Library System] for her many accomplishments and on her retirement.

---

**2011 Regular Session****HR 137**

---

Commends the meritorious and dedicated service of Jean Ramage [Business Manager, Mid Mississippi Regional Library System] upon her retirement.

---

**2011 Regular Session****SB 2289**

---

Allows for monetary penalties for violations of the Open Meetings Law. If the Ethics Commission or chancery court find members of a public body [administrative board of library trustees] knowingly or recklessly violate the Open Meetings Law, a civil fine of up to \$1000 may be levied against each individual member of said body. In addition, members of the public body may be assessed all expenses incurred by person bringing the complaint. No public funds may be used to satisfy any imposed fines.

---

**2011 Regular Session****SB 2444**

---

Amends the Mississippi Nonprofit Corporation Act including Certificates of Existence, expanded definitions, written notices, electronic communications, information required in articles of incorporation, size of charitable corporation board of directors, limits on corporation director liability, and suspension/revocation of tax exempt status. Adds new chapter (79-11-405) requiring nonprofit corporations to notify Secretary of State within 30 days of determination of tax exempt status.

---

**2011 Regular Session****SB 2554**

---

Expands the Mississippi Accountability and Transparency Act of 2008 requirements for state agency data contributions to a searchable, statewide website of expenditures of all agencies including grants.

---

**2011 Regular Session****SB 2596**

---

Increases fines (\$50/day to maximum of \$1000) assessed for public official's failure to file a required statement of economic interest each year.

---

**2011 Regular Session****SB 2710**

---

Abolishes the Council for Education Technology, an advisory group established to provide vision/direction/coordination for the use of education technology in Mississippi's schools, colleges/universities and libraries.

---

**2011 Regular Session****SC 650**

---

Recognizes and commends Jackson/Hinds Library System on occasion of twenty-fifth anniversary.

---

**HB 1496**

**2011 Legislative Bills**

---

By: Representatives Brown, Straughter,  
Arinder, Coleman (29th), Frierson, Jennings

To: Appropriations

HOUSE BILL NO. 1496  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
2 MAINTENANCE OF THE MISSISSIPPI LIBRARY COMMISSION FOR THE FISCAL  
3 YEAR 2012.

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

5 **SECTION 1.** The following sum, or so much thereof as may be  
6 necessary, is hereby appropriated out of any money in the State  
7 General Fund not otherwise appropriated, for the support and  
8 maintenance of the Mississippi Library Commission and for carrying  
9 out the provisions of Section 39-3-107, Mississippi Code of 1972,  
10 for the fiscal year beginning July 1, 2011, and ending  
11 June 30, 2012.....\$ 11,556,153.00.

12 **SECTION 2.** The following sum, or so much thereof as may be  
13 necessary, is hereby appropriated out of any money in the special  
14 fund in the State Treasury to the credit of the Mississippi  
15 Library Commission which is comprised of special source funds  
16 collected by or otherwise available to the commission, for the  
17 purpose of defraying the expenses of the commission for the fiscal  
18 year beginning July 1, 2011, and ending June 30, 2012.....  
19 .....\$ 2,757,965.00.

20 **SECTION 3.** Of the funds appropriated under the provisions of  
21 this act, the following positions are authorized:

22 AUTHORIZED POSITIONS:

23	Permanent:	Full Time.....	52
24		Part Time.....	0
25	Time-Limited:	Full Time.....	0
26		Part Time.....	0



27           With the funds herein appropriated, it is the intention of  
28 the Legislature that it shall be the agency's responsibility to  
29 make certain that funds required to be appropriated for "Personal  
30 Services" for Fiscal Year 2013 do not exceed Fiscal Year 2012  
31 funds appropriated for that purpose, unless programs or positions  
32 are added to the agency's Fiscal Year 2012 budget by the  
33 Mississippi Legislature. Based on data provided by the  
34 Legislative Budget Office, the State Personnel Board shall  
35 determine and publish the projected annual cost to fully fund all  
36 appropriated positions in compliance with the provisions of this  
37 act. It shall be the responsibility of the agency head to ensure  
38 that no single personnel action increases this projected annual  
39 cost and/or the Fiscal Year 2012 appropriations for "Personal  
40 Services" when annualized, with the exception of escalated funds.  
41 If, at the time the agency takes any action to change "Personal  
42 Services," the State Personnel Board determines that the agency  
43 has taken an action which would cause the agency to exceed this  
44 projected annual cost or the Fiscal Year 2012 "Personal Services"  
45 appropriated level, when annualized, then only those actions which  
46 reduce the projected annual cost and/or the appropriation  
47 requirement will be processed by the State Personnel Board until  
48 such time as the requirements of this provision are met.

49           Any transfers or escalations shall be made in accordance with  
50 the terms, conditions and procedures established by law or  
51 allowable under the terms set forth within this act. The State  
52 Personnel Board shall not escalate positions without written  
53 approval from the Department of Finance and Administration. The  
54 Department of Finance and Administration shall not provide written  
55 approval to escalate any funds for salaries and/or positions  
56 without proof of availability of new or additional funds above the  
57 appropriated level.

58           No general funds authorized to be expended herein shall be  
59 used to replace federal funds and/or other special funds which are



60 being used for salaries authorized under the provisions of this  
61 act and which are withdrawn and no longer available.

62 Funds to be distributed to eligible public library systems  
63 under the Personnel Incentive Grants Program shall be paid  
64 quarterly in advance on or before September 30, December 31, March  
65 31 and June 30.

66 **SECTION 4.** It is the intention of the Legislature that the  
67 Mississippi Library Commission shall maintain complete accounting  
68 and personnel records related to the expenditure of all funds  
69 appropriated under this act and that such records shall be in the  
70 same format and level of detail as maintained for Fiscal Year  
71 2011. It is further the intention of the Legislature that the  
72 agency's budget request for Fiscal Year 2013 shall be submitted to  
73 the Joint Legislative Budget Committee in a format and level of  
74 detail comparable to the format and level of detail provided  
75 during the Fiscal Year 2012 budget request process.

76 **SECTION 5.** Of the funds appropriated under the provisions of  
77 Section 2, Four Hundred Ninety-three Thousand Eight Hundred  
78 Forty-seven Dollars (\$493,847.00) shall be derived from the  
79 Education Enhancement Fund deposited pursuant to Sections 27-65-75  
80 and 27-67-31, Mississippi Code of 1972.

81 **SECTION 6.** In compliance with the "Mississippi Performance  
82 Budget and Strategic Planning Act of 1994," it is the intent of  
83 the Legislature that the funds provided herein shall be utilized  
84 in the most efficient and effective manner possible to achieve the  
85 intended mission of this agency. Based on the funding authorized,  
86 this agency shall make every effort to attain the targeted  
87 performance measures provided below:

	FY2012
<u>Performance Measures</u>	<u>Target</u>
Administrative Services	
Average Cost of Administering per	
Grant (\$)	310.00



93	Executive Director's Office	
94	Public Libraries Visited (Actions)	50
95	Library Aid	
96	Grants Provided (Grants)	200
97	MAGNOLIA Database Searches (Queries)	6,000,000
98	Network Services	
99	Cost per Hour for Technical	
100	Consulting (\$)	55.00
101	Public Services	
102	Attendees Satisfaction Rating	
103	of Continuing Education	
104	Program (% of Approval)	96.00

105 A reporting of the degree to which the performance targets  
106 set above have been or are being achieved shall be provided in the  
107 agency's budget request submitted to the Joint Legislative Budget  
108 Committee for Fiscal Year 2013.

109 **SECTION 7.** It is the intention of the Legislature that the  
110 Mississippi Library Commission shall have the authority to  
111 escalate its budget and expend funds from any source not to exceed  
112 Three Million Dollars (\$3,000,000.00) in accordance with rules and  
113 regulations of the Department of Finance and Administration in a  
114 manner consistent with the escalation of federal funds.

115 **SECTION 8.** It is the intention of the Legislature that no  
116 less than One Million Dollars (\$1,000,000.00) shall be expended  
117 for the Magnolia Database, unless there are budget cuts at which  
118 time this amount would be reduced by a pro rata share.

119 **SECTION 9.** Of the funds appropriated herein, Three Million  
120 Four Hundred Ninety-six Thousand Five Hundred Twelve Dollars  
121 (\$3,496,512.00) is provided for the cost of health insurance for  
122 all full-time library staff members in each public library in  
123 Mississippi.

124 **SECTION 10.** It is the intention of the Legislature that  
125 whenever two (2) or more bids are received by this agency for the



126 purchase of commodities or equipment, and whenever all things  
127 stated in such received bids are equal with respect to price,  
128 quality and service, the Mississippi Industries for the Blind  
129 shall be given preference. A similar preference shall be given to  
130 the Mississippi Industries for the Blind whenever purchases are  
131 made without competitive bids.

132 **SECTION 11.** It is the intention of the Legislature that the  
133 agency shall compile cell phone usage records of any cellular  
134 phone (wireless communication device) that is assigned, issued or  
135 made available to any officer or employee in accordance with  
136 Section 25-53-191, Mississippi Code of 1972, and these records  
137 shall be made publicly available at the expense of the agency.

138 **SECTION 12.** It is legislative intent to ensure beneficial  
139 information reaches as many Mississippians as possible. Further,  
140 it is legislative intent that the expenditure of public funds for  
141 this purpose be accomplished in an efficient and effective manner.

142 Therefore, state agencies as standard procedure will observe  
143 the following criteria:

144 (a) Develop goals and desired result for a campaign.

145 (b) Evaluate effectiveness through respected  
146 advertising standards, including market reach and cost  
147 effectiveness.

148 (c) Seek public service announcements, which would be  
149 aired by media without cost.

150 (d) Itemize and justify professional assistance and  
151 related expenses for creative and production costs outside of the  
152 actual media expenditures.

153 (e) Utilize Mississippi-owned media companies when  
154 feasible.

155 **SECTION 13.** No former employee who is receiving State of  
156 Mississippi retirement benefits shall be hired under contract for  
157 an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year  
158 without prior approval by an agency's proper governing board or



159 authority. Upon approval of such contracts, a written report  
160 shall be submitted detailing the cost and need of such contract  
161 services to the Chairmen and members of the Senate and House  
162 Appropriations Committees.

163         **SECTION 14.** The money herein appropriated shall be paid by  
164 the State Treasurer out of any money in the State Treasury to the  
165 credit of the proper fund or funds as set forth in this act, upon  
166 warrants issued by the State Fiscal Officer; and the State Fiscal  
167 Officer shall issue his warrants upon requisitions signed by the  
168 proper person, officer or officers, in the manner provided by law.

169         **SECTION 15.** This act shall take effect and be in force from  
170 and after July 1, 2011.



---

**HC 115**

**2011 Legislative Bills**

---

By: Representatives Mayo, Hamilton (6th),  
Jennings, Mayhall

To: Rules

## HOUSE CONCURRENT RESOLUTION NO. 115

1 A CONCURRENT RESOLUTION COMMENDING AND CONGRATULATING MS. P.  
2 CARSON CULVER ON BEING SELECTED TO RECEIVE THE MISSISSIPPI  
3 HUMANITIES COUNCIL HUMANITIES PARTNER AWARD FOR 2011.

4 WHEREAS, Ms. P. Carson Culver, a library youth specialist in  
5 Horn Lake, Mississippi, and her employer, the M.R. Dye Public  
6 Library, recently were honored with the presentation by the  
7 Mississippi Humanities Council of the 2011 Mississippi Humanities  
8 Council Partner Award, a prestigious award given annually to an  
9 individual or organization that has received a grant from the  
10 Humanities Council and involved community groups, businesses and  
11 churches in the development and implementation of the program  
12 covered by that grant; and

13 WHEREAS, in the fall of 2010, Ms. Culver coordinated the M.R.  
14 Dye Public Library's implementation of the Humanities Council  
15 Luciernagas Family Reading Program, a Spanish-English literacy  
16 initiative aimed at encouraging increased interest in reading  
17 among Hispanic parents and their children ages 6-10; and

18 WHEREAS, Luciernagas, which means "Fireflies," a symbol of  
19 Hispanic culture and ancestry, uses the family unit to instill a  
20 love of reading, promote an interest in the public library, and  
21 most importantly, encourage families to read books written in  
22 either English or Spanish and discuss together what they have  
23 read, thereby helping foster a lifelong love of learning through  
24 reading in Mississippi's Spanish-speaking population; and

25 WHEREAS, partnering with seven groups in her community, Ms.  
26 Culver succeeded in organizing what has become recognized as the



27 most successful, largest and most enthusiastic Luciernagas program  
28 ever sponsored by the Mississippi Humanities Council; and

29 WHEREAS, with an enrollment of 27 families, versus the norm  
30 of 12, along with several other families on a waiting list and  
31 more than 100 people regularly participating in the free  
32 seven-week literacy outreach program, Ms. Culver's tireless  
33 efforts are credited with bringing about the spectacular success  
34 of Luciernagas in the Horn Lake branch of the First Regional  
35 Library; and

36 WHEREAS, although Luciernagas usually is not sponsored at the  
37 same location two years in a row, due to the overwhelming response  
38 to the program and the large number of interested families who  
39 were unable to participate in 2010, the Mississippi Humanities  
40 Council has made an exception to its customary practice with plans  
41 to return Luciernagas to the M.R. Dye Public Library in September  
42 2011; and

43 WHEREAS, Ms. Culver, a graduate of both the Librarianship 101  
44 and 201 seminars offered by the Mississippi Library Commission,  
45 stays current in her profession by regularly participating in  
46 educational opportunities presented by the commission and annually  
47 participating in workshops at the Children's Book Festival in  
48 Hattiesburg; and

49 WHEREAS, in addition to her outstanding work with the  
50 library, Ms. Culver is active in the Horn Lake community and has  
51 volunteered many hours of service through various organizations  
52 such as Toys for Tots, Keep Horn Lake Beautiful, the Horn Lake  
53 Chamber of Commerce and the local Desoto County Schools; and

54 WHEREAS, in 2008, based upon her nomination by the Community  
55 Foundation of Northwest Mississippi, Ms. Culver was selected to  
56 receive the President's Volunteer Service Award by the President's  
57 Council on Service and Civic Participation, an honor commemorated  
58 by the presentation of a personalized certificate signed by



59 President George W. Bush and a Gold Level pin from the President's  
60 Council to Ms. Culver; and

61 WHEREAS, it is most appropriate to bring special recognition  
62 to a remarkable individual such as Ms. P. Carson Culver who,  
63 through her professional calling as well as untold hours of  
64 volunteer service in local organizations, has dedicated her life  
65 to enriching the individual lives of others and bettering her  
66 community as a whole:

67 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
68 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING  
69 THEREIN, That we do hereby commend and congratulate Ms. P. Carson  
70 Culver on being selected by the Mississippi Humanities Council to  
71 receive the Mississippi Humanities Council Partner Award for 2011  
72 and extend best wishes for continued success in all of her future  
73 professional and personal endeavors.

74 BE IT FURTHER RESOLVED, That copies of this resolution be  
75 furnished to Ms. P. Carson Culver, the M.R. Dye Public Library and  
76 to the members of the Capitol Press Corps.



---

**HC 141**

**2011 Legislative Bills**

---

By: Representative Carpenter

To: Rules

## HOUSE CONCURRENT RESOLUTION NO. 141

1 A CONCURRENT RESOLUTION COMMENDING LIBRARIAN ROBERT FORBES  
2 AND THE BURNSVILLE PUBLIC LIBRARY FOR RECEIVING THE MARSHALL  
3 CAVENDISH EXCELLENCE IN LIBRARY PROGRAMMING AWARD BY THE AMERICAN  
4 LIBRARY ASSOCIATION.

5 WHEREAS, due to the efforts and leadership of Librarian  
6 Robert "Bob" Forbes, the Burnsville Public Library, a branch of  
7 the Northeast Regional Library System, has been awarded the  
8 Marshall Cavendish Excellence in Library Programming Award by the  
9 American Library Association; and

10 WHEREAS, this annual award includes a financial contribution  
11 of \$2,000.00, and it recognizes a school or public library that  
12 demonstrates excellence in library programming by providing  
13 programs which have community impact and respond to community  
14 needs; and

15 WHEREAS, the Burnsville Library received the award for two  
16 programs that target elementary and pre-adolescent children--"A  
17 Learning Opportunity: Flight Technology" (ALOFT) and "Stop  
18 Abductions Forever" (SAFE); and

19 WHEREAS, created by Librarian Bob Forbes, the ALOFT program  
20 is a model aircraft construction class that is offered after  
21 school at the library, in which children receive complimentary  
22 membership in the Academy of Model Aeronautics, construct model  
23 aircraft from kits provided by the library and learn the mechanics  
24 of flight, concluding with the opportunity for the children to  
25 participate in test flying his or her airplane in a fly-in  
26 sponsored by local model builders clubs; and

27 WHEREAS, again created by Mr. Forbes, the SAFE program  
28 consists of interactive video, instruction and role-playing



29 activities that teach elementary and pre-teen children how to  
30 avoid unsafe situations that may result in a child's abduction;  
31 and

32 WHEREAS, the creativity and dedication exhibited by Bob  
33 Forbes should serve as an example to all of how one individual can  
34 have a significant impact on a community and on the youth of that  
35 community, who are its future; and

36 WHEREAS, this summer, in recognition of his outstanding  
37 contribution to his community and its children, Mr. Forbes will  
38 accept the Marshall Cavendish Excellence in Library Programming  
39 Award on behalf of the Burnsville Public Library at the American  
40 Library Association's annual conference in New Orleans, Louisiana;  
41 and

42 WHEREAS, it is the policy of this Legislature to recognize  
43 and commend such outstanding individuals as Bob Forbes, who has  
44 brought honor to himself, Burnsville Public Library, the community  
45 and the State of Mississippi:

46 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
47 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING  
48 THEREIN, That we do hereby commend and congratulate Librarian  
49 Robert Forbes on his great success as the leader of the Burnsville  
50 Public Library, and for that library receiving the Marshall  
51 Cavendish Excellence in Library Programming Award.

52 BE IT FURTHER RESOLVED, That copies of this resolution be  
53 furnished to Robert Forbes, the Burnsville Public Library, the  
54 Northeast Regional Library System, and to the members of the  
55 Capitol Press Corps.



---

**HR 20**

**2011 Legislative Bills**

---

By: Representative Currie

To: Rules

HOUSE RESOLUTION NO. 20

1 A RESOLUTION COMMENDING SUSAN ALSBURY FOR HER MANY  
2 ACCOMPLISHMENTS AND CONGRATULATING HER UPON HER RETIREMENT FROM  
3 THE TOWN OF WESSON'S LIBRARY.

4 WHEREAS, Susan Alsbury is a citizen of Copiah County,  
5 Mississippi, who has devoted 15 years of dedicated service as  
6 librarian at the Wesson, Mississippi, Library; and

7 WHEREAS, she has been a wonderful asset to the library and  
8 has done an outstanding job serving as librarian; and

9 WHEREAS, as an active member of the Wesson Friends of the  
10 Library, she has been instrumental in promoting literacy and  
11 outreach programs for Copiah County children; and

12 WHEREAS, under Susan Alsbury's astute leadership, the Wesson  
13 Library has grown and seen success; and

14 WHEREAS, she has executed her duties as librarian in a  
15 respectable, honorable and able manner; and

16 WHEREAS, in addition to her service to the library, she is  
17 also very active within the community by volunteering her time and  
18 talents for various clubs and organizations; and

19 WHEREAS, on January 30, 2011, the Copiah County Board of  
20 Supervisors will officially recognize her loyal, tireless years of  
21 service to the Wesson Library and her contributions to the  
22 community at large; and

23 WHEREAS, it is the policy of the House of Representatives to  
24 recognize and commend citizens of this state who devote countless  
25 hours of service to their community by volunteering their time and  
26 working hard in their jobs within those communities:



27           NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
28 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, That we do hereby  
29 commend and congratulate Susan Alsbury upon her retirement after  
30 15 years of service to the Town of Wesson's Library.

31           BE IT FURTHER RESOLVED, That copies of this resolution be  
32 furnished to Susan Alsbury and to the members of the Capitol Press  
33 Corps.



---

**HR 137**

**2011 Legislative Bills**

---

By: Representative Stevens

To: Rules

## HOUSE RESOLUTION NO. 137

1 A RESOLUTION COMMENDING THE MERITORIOUS AND DEDICATED SERVICE  
2 OF MRS. JEAN RAMAGE AND CONGRATULATING HER UPON THE OCCASION OF  
3 HER RETIREMENT FROM MID-MISSISSIPPI REGIONAL LIBRARY SYSTEM.

4 WHEREAS, after more than four decades of remarkable and  
5 unprecedented service provided to the many families, educators and  
6 students of Attala County, Mrs. Jean Ramage, perhaps the foremost  
7 authority on the history of the Attala County Library and the  
8 Mid-Mississippi Regional Library System, has announced her plans  
9 to retire; and

10 WHEREAS, having begun her career with the library system as a  
11 teenager some 45 years ago, Mrs. Ramage will relinquish her role  
12 as a mainstay and librarian for the Mid-Mississippi Regional  
13 Library System to assume a more personal role in the enjoyment of  
14 her lighter years of life with her family and friends; and

15 WHEREAS, from the moment she walked through the door as a  
16 bright-eyed and eager 18-year-old library clerk at the Attala  
17 County Library, Ramage has had a positive impact in the  
18 development of the Mid-Mississippi Regional Library System as  
19 evidenced by her promotional attainment over the years from  
20 library clerk to assistant librarian, and later holding the posts  
21 of tech clerk, secretary, administrative assistant and finally,  
22 business manager; and

23 WHEREAS, complimentary of her dedication, resilience and  
24 adaptability to transitions in location and leadership, Mrs. Jean  
25 worked under six directors in her first ten years with the library  
26 system, before being paired and working with Director Richard  
27 Greene for the past 35 years, and was the only current staff



28 member who worked in the old Goodman Street Library before moving  
29 across town to the current library location on South Huntington  
30 Street in 1968; and

31 WHEREAS, since its inception the Mid-Mississippi Regional  
32 Library System has grown from two libraries in two counties to 13  
33 libraries in five counties, including Attala, Holmes, Leake,  
34 Montgomery and Winston, due in much part to the zealous  
35 contributory efforts of individuals of Mrs. Ramage's impressive  
36 caliber; and

37 WHEREAS, Mrs. Ramage admits an inherent love of numbers, as  
38 she expressed, "My favorite job was always the bookkeeping, but  
39 the best part of my job has been getting to know so many wonderful  
40 people."; and

41 WHEREAS, throughout her tenure with the library system, she  
42 has experienced some of the major changes over the years,  
43 primarily in the evolution of keyboarding that first started on  
44 the old Royal manual typewriters, which led progressively to the  
45 use of electric typewriters, memory typewriters, and finally  
46 computers; and

47 WHEREAS, Mrs. Jean has been supported throughout her  
48 distinguished career and accomplishments, associated with and  
49 acquired during her service, by her husband, Buddy; sons, Jamie  
50 and Les; daughter-in-law, Melinda; four grandchildren; and  
51 parents, Mr. and Mrs. Tommy Sanders, of Kosciusko; and

52 WHEREAS, it is the policy of the House of Representatives to  
53 commend the hard work and unselfish dedication of such a giving  
54 and congenial individual as Mrs. Ramage, whose service should be  
55 richly rewarded with a happy and long retirement:

56 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
57 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, That we do hereby  
58 commend the meritorious and dedicated service of Mrs. Jean Ramage,  
59 congratulate her upon the occasion of her retirement from  
60 Mid-Mississippi Regional Library System, and extend warmest wishes



61 for much enjoyment and continued prosperity in the lighter years  
62 of relaxation to come.

63 BE IT FURTHER RESOLVED, That copies of this resolution be  
64 furnished to Mrs. Ramage, the Mid-Mississippi Regional Library  
65 System and to the members of the Capitol Press Corps.



---

**SB 2289**

**2011 Legislative Bills**

---

By: Senator(s) Flowers, Lee (47th)

To: Ethics; Judiciary,  
Division B

SENATE BILL NO. 2289  
(As Sent to Governor)

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

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

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

10 25-41-15. The Mississippi Ethics Commission shall have the  
11 authority to enforce the provisions of this chapter upon a  
12 complaint filed by any person. Upon receiving a complaint, the  
13 commission shall forward a copy of the complaint to the head of  
14 the public body involved. The public body shall have fourteen  
15 (14) days from receipt of the complaint to file a response with  
16 the commission. After receiving the response to the complaint or,  
17 if no response is received after fourteen (14) days, the  
18 commission, in its discretion, may dismiss the complaint or  
19 proceed by setting a hearing in accordance with rules and  
20 regulations promulgated by the Ethics Commission.

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



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

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

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

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

46 25-61-15. Any person who shall deny to any person access to  
47 any public record which is not exempt from the provisions of this  
48 chapter may be liable civilly in a sum not to exceed One Hundred  
49 Dollars (\$100.00) per violation, plus all reasonable expenses  
50 incurred by such person bringing the proceeding.

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



---

**SB 2444**

**2011 Legislative Bills**

---

By: Senator(s) Fillingane

To: Judiciary, Division A

## SENATE BILL NO. 2444

1 AN ACT TO AMEND SECTION 79-11-121, MISSISSIPPI CODE OF 1972,  
2 TO REVISE PROVISIONS DEALING WITH THE ISSUANCE OF CERTIFICATES OF  
3 EXISTENCE TO CONFORM TO THE MODEL NONPROFIT CORPORATION ACT; TO  
4 AMEND SECTION 79-11-127, MISSISSIPPI CODE OF 1972, TO REVISE  
5 DEFINITIONS; TO AMEND SECTION 79-11-129, MISSISSIPPI CODE OF 1972,  
6 TO CLARIFY FORM AND DELIVERY OF NOTICE UNDER THE ACT; TO AMEND  
7 SECTION 79-11-137, MISSISSIPPI CODE OF 1972, TO REQUIRE NONPROFITS  
8 FORMED AFTER THE EFFECTIVE DATE TO STATE A PRINCIPAL PURPOSE IN  
9 THEIR ARTICLES OF INCORPORATION AND TO REVISE DIRECTOR LIABILITY;  
10 TO AMEND SECTION 79-11-165, MISSISSIPPI CODE OF 1972, TO PROVIDE  
11 FOR CHANGE OF A REGISTERED AGENT FOR SERVICE; TO AMEND SECTION  
12 79-11-197, MISSISSIPPI CODE OF 1972, TO ALLOW ELECTRONIC MEETINGS  
13 OF MEMBERS; TO AMEND SECTION 79-11-199, MISSISSIPPI CODE OF 1972,  
14 TO ALLOW ELECTRONIC SPECIAL MEETINGS; TO AMEND SECTION 79-11-203,  
15 MISSISSIPPI CODE OF 1972, TO REVISE THE APPROVAL OF ACTIONS  
16 WITHOUT MEETING; TO AMEND SECTION 79-11-211, MISSISSIPPI CODE OF  
17 1972, TO REVISE WRITTEN BALLOT REQUIREMENTS; TO AMEND SECTION  
18 79-11-221, MISSISSIPPI CODE OF 1972, TO CLARIFY PROXY  
19 AUTHORIZATION; TO AMEND SECTION 79-11-235, MISSISSIPPI CODE OF  
20 1972, TO REQUIRE A MINIMUM NUMBER OF DIRECTORS FOR NONPROFITS THAT  
21 SOLICIT IN THE STATE; TO AMEND SECTION 79-11-267, MISSISSIPPI CODE  
22 OF 1972, TO CLARIFY A DIRECTOR'S LIABILITY TO THE NONPROFIT; TO  
23 AMEND SECTION 79-11-283, MISSISSIPPI CODE OF 1972, TO CLARIFY  
24 ELECTRONIC RECORD KEEPING; TO AMEND SECTION 79-11-287, MISSISSIPPI  
25 CODE OF 1972, TO ALLOW ELECTRONIC COPIES; TO AMEND SECTION  
26 79-11-347, MISSISSIPPI CODE OF 1972, TO REVISE THE GROUNDS FOR  
27 ADMINISTRATIVE DISSOLUTION; TO AMEND SECTION 79-11-349,  
28 MISSISSIPPI CODE OF 1972, TO REVISE THE PROCEDURE FOR  
29 ADMINISTRATIVE DISSOLUTION; TO AMEND SECTION 79-11-377,  
30 MISSISSIPPI CODE OF 1972, TO REVISE THE PROCEDURE FOR THE CHANGE  
31 OF A REGISTERED AGENT FOR SERVICE; TO AMEND SECTION 79-11-399,  
32 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE RELATIONSHIP OF THE  
33 ACT TO THE FEDERAL ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
34 COMMERCE ACT; TO CREATE NEW CODE SECTION 79-11-405, MISSISSIPPI  
35 CODE OF 1972, TO MAKE CERTAIN PROVISIONS REGARDING A NONPROFIT'S  
36 EXEMPTION FROM TAX; AND FOR RELATED PURPOSES.

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

38 **SECTION 1.** Section 79-11-121, Mississippi Code of 1972, is  
39 amended as follows:



40           79-11-121. (1) Any person may apply to the Secretary of  
41 State to furnish a certificate of existence for a domestic or  
42 foreign corporation.

43           (2) The certificate of existence sets forth:

44                 (a) The domestic corporation's corporate name or the  
45 foreign corporation's corporate name used in this state;

46                 (b) That (i) the domestic corporation is duly  
47 incorporated under the law of this state, the date of its  
48 incorporation and the period of its duration if less than  
49 perpetual; or (ii) that the foreign corporation is authorized to  
50 transact business in this state;

51                 (c) That all fees, taxes, and penalties owed to this  
52 state have been paid, if (i) payment is reflected in the records  
53 of the Secretary of State and (ii) nonpayment affects the good  
54 standing of the domestic or foreign corporation;

55                 (d) That its most recent status report required by  
56 Section 79-11-391 has been delivered to the Secretary of State;

57                 (e) That articles of dissolution have not been filed;  
58 and

59                 (f) Other facts of record in the Office of the  
60 Secretary of State that may be requested by the application.

61           (3) Subject to any qualification stated in the certificate,  
62 a certificate of existence issued by the Secretary of State may be  
63 relied upon as conclusive evidence that the domestic or foreign  
64 corporation is in existence or is authorized to conduct activities  
65 in this state.

66           **SECTION 2.** Section 79-11-127, Mississippi Code of 1972, is  
67 amended as follows:

68           79-11-127. Unless the context otherwise requires in Section  
69 79-11-101 et seq., the following terms shall have the meaning  
70 ascribed herein:

71                 (a) "Approved by (or approval by) the members" means  
72 approved or ratified by the affirmative vote of a majority of the



73 votes represented and voting at a duly held meeting at which a  
74 quorum is present (which affirmative votes also constitute a  
75 majority of the required quorum) or by a written ballot or written  
76 consent in conformity with Section 79-11-101 et seq. or by the  
77 affirmative vote, written ballot or written consent of such  
78 greater proportion, including the votes of all the members of any  
79 class, unit or grouping as may be provided in the articles, bylaws  
80 or Section 79-11-101 et seq. for any specified member action.

81 (b) "Articles of incorporation" or "articles" include  
82 amended and restated articles of incorporation and articles of  
83 merger.

84 (c) "Board" or "board of directors" means the board of  
85 directors except that no person or group of persons are the board  
86 of directors because of powers delegated to that person or group  
87 pursuant to Section 79-11-231.

88 (d) "Bylaws" means the code or codes of rules (other  
89 than the articles) adopted pursuant to Section 79-11-101 et seq.  
90 for the regulation or management of the affairs of the corporation  
91 irrespective of the name or names by which such rules are  
92 designated.

93 (e) "Class" means a group of memberships which have the  
94 same rights with respect to voting, dissolution, redemption and  
95 transfer. For the purposes of this section, rights shall be  
96 considered the same if they are determined by a formula applied  
97 uniformly.

98 (f) "Conspicuous" means so written, displayed, or  
99 presented that a reasonable person against whom the record is to  
100 operate should have noticed it. For example, text in italics,  
101 boldface, contrasting color or capitals, or that is underlined, is  
102 conspicuous.

103 (g) "Corporation" means a nonprofit corporation subject  
104 to the provisions of Section 79-11-101 et seq., except a foreign  
105 corporation.



106           (h) "Delegates" means those persons elected or  
107 appointed to vote in a representative assembly for the election of  
108 a director or directors or on other matters.

109           (i) "Deliver" or "delivery" means any method of  
110 delivery used in conventional commercial practice, including  
111 delivery by hand, mail, commercial delivery and electronic  
112 transmission, except that delivery to the Secretary of State means  
113 actual receipt by the Secretary of State.

114           (j) "Directors" means individuals, designated in the  
115 articles or bylaws or elected by the incorporators, and their  
116 successors and individuals elected or appointed by any other name  
117 or title to act as members of the board.

118           (k) "Distribution" means the payment of a dividend or  
119 any part of the income or profit of a corporation to its members,  
120 directors or officers. Payment of reasonable compensation, fees,  
121 or expenses incurred in the performance of duties on behalf of the  
122 corporation is not a distribution.

123           (l) "Domestic corporation" means a corporation.

124           (m) "Effective date of notice" is defined in Section  
125 79-11-129.

126           (n) "Electronic" means relating to technology having  
127 electrical, digital, magnetic, wireless, optical, electromagnetic,  
128 or similar capabilities.

129           (o) "Electronic transmission" or "electronically  
130 transmitted" means any process of communication not directly  
131 involving the physical transfer of paper that is suitable for the  
132 retention, retrieval and reproduction of information by the  
133 recipient.

134           (p) "Employee" includes an officer but not a director.  
135 A director may accept duties that make the director an employee.

136           (q) "Entity" includes corporation and foreign  
137 corporation; business corporation and foreign business  
138 corporation; profit and nonprofit unincorporated association;



139 corporation sole; business trust, estate, partnership, trust and  
140 two (2) or more persons having a joint or common economic  
141 interest; and state, United States and foreign government.

142 (r) "File," "filed" or "filing" means filed in the  
143 Office of the Secretary of State.

144 (s) "Foreign corporation" means a corporation organized  
145 under a law other than the law of this state which would be a  
146 nonprofit corporation if formed under the laws of this state.

147 (t) "Governmental subdivision" includes authority,  
148 county, district and municipality.

149 (u) "Includes" denotes a partial definition.

150 (v) "Individual" includes the estate of an incompetent  
151 individual.

152 (w) "Means" denotes a complete definition.

153 (x) "Member" means (without regard to what a person is  
154 called in the articles or bylaws) any person or persons who on  
155 more than one (1) occasion, pursuant to a provision of a  
156 corporation's articles or bylaws, have the right to vote for the  
157 election of a director or directors.

158 A person is not a member by virtue of any of the  
159 following:

160 (i) Any rights such person has as a delegate;

161 (ii) Any rights such person has to designate a  
162 director or directors; or

163 (iii) Any rights such person has as a director.

164 (y) "Membership" refers to the rights and obligations a  
165 member or members have pursuant to a corporation's articles,  
166 bylaws and Section 79-11-101 et seq.

167 (z) "Nonprofit corporation" means a corporation, no  
168 part of the assets, income or profit of which is distributed to or  
169 enures to the benefit of its members, directors or officers,  
170 except as otherwise provided under this chapter. In a corporation  
171 all of whose members are nonprofit corporations, distribution to



172 members does not deprive it of the status of a nonprofit  
173 corporation.

174 (aa) "Notice" is defined in Section 79-11-129.

175 (bb) "Person" includes any individual or entity.

176 (cc) "Principal office" means the office (in or out of  
177 this state) where the principal executive offices of a domestic or  
178 foreign corporation are located.

179 (dd) "Proceeding" includes civil suit and criminal,  
180 administrative and investigatory action.

181 (ee) "Record" means information that is inscribed on a  
182 tangible medium or that is stored in an electronic or other medium  
183 and is retrievable in perceivable form.

184 (ff) "Record date" means the date established under  
185 Section 79-11-209 on which a corporation determines the identity  
186 of its members for the purposes of Section 79-11-101 et seq.

187 (gg) "Religious corporation" means a corporation  
188 organized and operating primarily or exclusively for religious  
189 purposes.

190 (hh) "Secretary" means the corporate officer to whom  
191 the board of directors has delegated responsibility under Section  
192 79-11-273 for custody of the minutes of the directors' and  
193 members' meetings and for authenticating the records of the  
194 corporation.

195 (ii) "Sign" means with present intent to authenticate  
196 or adopt a record:

197 (i) To execute or adopt a tangible symbol; or

198 (ii) To attach to or logically associate with the  
199 record an electronic sound, symbol, or process as defined under  
200 Mississippi law.

201 (jj) "State," when referring to a part of the United  
202 States, includes a state and commonwealth (and their agencies and  
203 governmental subdivisions) and a territory, and insular possession



204 (and their agencies and governmental subdivisions) of the United  
205 States.

206 (kk) "United States" includes any district, authority,  
207 bureau, commission, department and any other agency of the United  
208 States.

209 (ll) "Vote" includes authorization by written ballot  
210 and written consent.

211 (mm) "Voting power" means the total number of votes  
212 entitled to be cast for the election of directors at the time the  
213 determination of voting power is made, excluding a vote which is  
214 contingent upon the happening of a condition or event that has not  
215 occurred at the time. Where a class is entitled to vote as a  
216 class for directors, the determination of voting power of the  
217 class shall be based on the percentage of the number of directors  
218 the class is entitled to elect out of the total number of  
219 authorized directors.

220 **SECTION 3.** Section 79-11-129, Mississippi Code of 1972, is  
221 amended as follows:

222 79-11-129. (1) Notice under this chapter must be in the  
223 form of a record unless oral notice is authorized by this chapter  
224 or is reasonable under the circumstances.

225 (2) Notice may be communicated in person \* \* \* or by  
226 delivery \* \* \*. If these forms of communication are  
227 impracticable, notice may be communicated by a newspaper of  
228 general circulation in the area where published; or by radio,  
229 television or other form of public broadcast communication.

230 (3) Oral notice is effective when communicated if  
231 communicated in a comprehensible manner.

232 (4) Written notice by a domestic or foreign corporation to a  
233 member, if in a comprehensible form, is effective:

234 (a) Upon deposit in the United States mail, if the  
235 postage or delivery charge is paid and the notice is correctly



236 addressed to the member's address shown in the corporation's  
237 current record of members, or

238 (b) When given if the notice is delivered in any other  
239 manner that the member has authorized.

240 (5) Except as provided in subsection (4) of this section,  
241 written notice, if in a comprehensible form, is effective at the  
242 earliest of the following:

243 (a) When received;

244 (b) Five (5) days after its deposit in the United  
245 States mail, if mailed postpaid and correctly addressed;

246 (c) On the date shown on the return receipt, if sent by  
247 registered or certified mail, return receipt requested, and the  
248 receipt is signed by or on behalf of the addressee.

249 (6) Written notice is correctly addressed to a member of a  
250 domestic or foreign corporation if addressed to the member's  
251 address shown in the corporation's current list of members.

252 (7) A written notice or report delivered as part of a  
253 newsletter, magazine or other publication regularly sent to  
254 members shall constitute a written notice or report if addressed  
255 or delivered to the member's address shown in the corporation's  
256 current list of members, or in the case of members who are  
257 residents of the same household and who have the same address in  
258 the corporation's current list of members, if addressed or  
259 delivered to one of such members, at the address appearing on the  
260 current list of members.

261 (8) Written notice is correctly addressed to a domestic or  
262 foreign corporation (authorized to transact business in this  
263 state), other than in its capacity as a member, if addressed to  
264 its registered agent or to its secretary at its principal office  
265 shown in its most recent status report or, in the case of a  
266 foreign corporation that has not yet delivered a status report, in  
267 its application for a certificate of authority.



268 (9) If Section 79-11-205 or any other provision of Section  
269 79-11-101 et seq. prescribes notice requirements for particular  
270 circumstances, those requirements govern. If articles or bylaws  
271 prescribe notice requirements, not inconsistent with this section  
272 or other provisions of Section 79-11-101 et seq., those  
273 requirements govern.

274 (10) With respect to electronic communications:

275 (a) Unless otherwise provided in the articles of  
276 incorporation or bylaws, or otherwise agreed between the sender  
277 and the recipient, an electronic communication is received when:

278 (i) It enters an information processing system  
279 that the recipient has designated or uses for the purpose of  
280 receiving electronic records or information of the type sent and  
281 from which the recipient is able to retrieve the electronic  
282 record; and

283 (ii) It is in a form capable of being processed by  
284 that system.

285 (b) An electronic communication is received under  
286 paragraph (10) (a) even if no individual is aware of its receipt.

287 (c) Receipt of an electronic acknowledgement from an  
288 information processing system described in subsection (10) (a)  
289 establishes that a record was received but, by itself, does not  
290 establish that the content sent corresponds to the content  
291 received.

292 (11) An authorization by a member of delivery of notices or  
293 communications by e-mail or similar electronic means may be  
294 revoked by the member by notice to the nonprofit corporation in  
295 the form of a record. Such an authorization is deemed revoked if  
296 (a) the corporation is unable to deliver two (2) consecutive  
297 notices or other communications to the member in the manner  
298 authorized; and (b) the inability becomes known to the secretary  
299 or other person responsible for giving the notice or other



300 communication; but the failure to treat the inability as a  
301 revocation does not invalidate any meeting or other action.

302 **SECTION 4.** Section 79-11-137, Mississippi Code of 1972, is  
303 amended as follows:

304 79-11-137. (1) The articles of incorporation must set  
305 forth:

306 (a) A corporate name for the corporation that satisfies  
307 the requirements of Section 79-11-157;

308 (b) The period of duration, which may be perpetual;

309 (c) The street address of the corporation's initial  
310 registered office and the name of its initial registered agent at  
311 that office;

312 (d) The name and address of each incorporator;

313 (e) If the corporation is incorporated on or after  
314 January 1, 2012, the corporation's initial planned, primary  
315 nonprofit activity; and

316 (f) Any other information the Secretary of State may  
317 reasonably require by rule, including, without limitation, the  
318 contact name, electronic mail address, telephone number or  
319 business or mailing address of the corporation or that can be used  
320 to contact the corporation.

321 (2) The articles of incorporation may set forth:

322 (a) The names and addresses of the individuals who are  
323 to serve as the initial directors;

324 (b) Provisions not inconsistent with law regarding:

325 (i) The purpose or purposes for which the  
326 corporation is organized;

327 (ii) Managing the business and regulating the  
328 affairs of the corporation;

329 (iii) Defining, limiting and regulating the powers  
330 of the corporation, its board of directors and members; \* \* \*

331 (c) Any provision that under Section 79-11-101 et seq.  
332 is required or permitted to be set forth in the bylaws; and



333           (d) A provision permitting or making obligatory  
334 indemnification of a director for liability (as defined in Section  
335 79-11-281(1)(c)) to any person for any action taken, or any  
336 failure to take any action as a director, except liability for:

337           (i) Receipt of a financial benefit to which the  
338 director is not entitled;

339           (ii) An intentional infliction of harm;

340           (iii) A violation of Section 79-11-270; or

341           (iv) An intentional violation of criminal law.

342           (3) The articles of incorporation need not set forth any of  
343 the corporate powers enumerated in Section 79-11-101 et seq.

344           (4) The liability of a director of a corporation that is not  
345 a charitable organization as defined in Section 79-11-501 may be  
346 eliminated or limited by a provision of the articles of  
347 incorporation that a director shall not be liable to the  
348 corporation or its members for money damages for any action taken  
349 or any failure to take any action as a director, except liability  
350 for:

351           (a) The amount of a financial benefit received by the  
352 director to which the director is not entitled;

353           (b) An intentional infliction of harm;

354           (c) A violation of Section 79-11-270; or

355           (d) An intentional violation of criminal law.

356           **SECTION 5.** Section 79-11-165, Mississippi Code of 1972, is  
357 amended as follows:

358           79-11-165. (1) A corporation may change its registered  
359 office or registered agent by delivering to the Secretary of State  
360 for filing a statement of change on a form prescribed by the  
361 Secretary of State and in a method prescribed by the Secretary of  
362 State that sets forth:

363           (a) The name of the corporation;

364           (b) The street address of its current registered  
365 office;



366 (c) If the current registered office is to be changed,  
367 the street address of the new registered office;

368 (d) The name of its current registered agent;

369 (e) If the current registered agent is to be changed,  
370 the name of the new registered agent and the new agent's written  
371 consent (either on the statement or attached to it) to the  
372 appointment; and

373 (f) A representation that after the change or changes  
374 are made, the street addresses of its registered office and the  
375 principal office of its registered agent will be identical.

376 (2) If \* \* \* the street address of a registered agent's  
377 business office is changed, the registered agent may change the  
378 street address of the registered office of any corporation for  
379 which he is the registered agent by notifying the corporation in  
380 the form of a record of the change and signing \* \* \* and  
381 delivering to the Secretary of State for filing a statement that  
382 complies with the requirements of subsection (1) of this section  
383 and recites that the corporation has been notified of the change.

384 **SECTION 6.** Section 79-11-197, Mississippi Code of 1972, is  
385 amended as follows:

386 79-11-197. (1) A corporation with members shall hold a  
387 membership meeting annually at a time stated in or fixed in  
388 accordance with the bylaws.

389 (2) Annual membership meetings may be held in or out of this  
390 state at the place stated in or fixed in accordance with the  
391 bylaws. If no place is stated in or fixed in accordance with the  
392 bylaws, annual meetings shall be held at the corporation's  
393 principal office.

394 (3) At the annual meeting:

395 (a) The president and chief financial officer shall  
396 report on the activities and financial condition of the  
397 corporation; and



398 (b) The members shall consider and act upon such other  
399 matters as may be raised consistent with the requirements of  
400 Sections 79-11-205 and 79-11-219.

401 (4) The failure to hold an annual meeting at a time stated  
402 in or fixed in accordance with a corporation's bylaws does not  
403 affect the validity of any corporate action.

404 (5) The articles of incorporation or bylaws may provide that  
405 an annual or regular meeting of members does not need to be held  
406 at a geographic location if the meeting is held by means of the  
407 Internet or other electronic communications technology in a  
408 fashion pursuant to which the members have the opportunity to read  
409 or hear the proceedings substantially concurrently with their  
410 occurrence, vote on matters submitted to the members, pose  
411 questions, and make comments.

412 **SECTION 7.** Section 79-11-199, Mississippi Code of 1972, is  
413 amended as follows:

414 79-11-199. (1) A corporation with members shall hold a  
415 special meeting of members:

416 (a) On call of its board or the person or persons  
417 authorized to do so by the articles or bylaws; or

418 (b) If the holders of at least five percent (5%) of the  
419 voting power sign, date and deliver to any corporate officer one  
420 or more written demands for the meeting describing the purpose or  
421 purposes for which it is to be held.

422 (2) The close of business on the thirtieth day before  
423 delivery of the demand for a special meeting to any corporate  
424 officer is the record date for the purpose of determining whether  
425 the five percent (5%) requirement of subsection (1) of this  
426 section has been met.

427 (3) If a notice for a special meeting demanded under  
428 subsection (1)(b) of this section is not given pursuant to Section  
429 79-11-205 within thirty (30) days after the date the written  
430 demand or demands are delivered to a corporate officer, regardless



431 of the requirements of subsection (4) of this section, a person  
432 signing the demand or demands may set the time and place of the  
433 meeting and give notice pursuant to Section 79-11-205.

434 (4) Special meetings of members may be held in or out of  
435 this state at the place stated in or fixed in accordance with the  
436 bylaws. If no place is stated or fixed in accordance with the  
437 bylaws, special meetings shall be held at the corporation's  
438 principal office.

439 (5) Only those matters that are within the purpose or  
440 purposes described in the meeting notice required by Section  
441 79-11-205 may be conducted at a special meeting of members.

442 (6) The articles of incorporation or bylaws may provide that  
443 a special meeting of members does not need to be held at a  
444 geographic location if the meeting is held by means of the  
445 Internet or other electronic communications technology in a  
446 fashion pursuant to which the members have the opportunity to read  
447 or hear the proceedings substantially concurrently with their  
448 occurrence, vote on matters submitted to the members, pose  
449 questions, and make comments.

450 **SECTION 8.** Section 79-11-203, Mississippi Code of 1972, is  
451 amended as follows:

452 79-11-203. (1) Unless limited or prohibited by the articles  
453 or bylaws, action required or permitted by Section 79-11-101 et  
454 seq. to be approved by the members may be approved without a  
455 meeting of members if the action is approved by members holding at  
456 least eighty percent (80%) of the voting power. The action must  
457 be evidenced by one or more consents in the form of a record  
458 bearing the date of signature and describing the action taken,  
459 signed by those members representing at least eighty percent (80%)  
460 of the voting power, and delivered to the corporation for  
461 inclusion in the minutes or filing with the corporate records.

462 (2) If not otherwise determined under Section 79-11-201 or  
463 79-11-209, the record date for determining members entitled to



464 take action without a meeting is the date the first member signed  
465 the consent under subsection (1) of this section.

466 (3) A consent signed under this section has the effect of a  
467 meeting vote and may be described as such in any document filed  
468 with the Secretary of State.

469 (4) Written notice of member approval pursuant to this  
470 section shall be given to all members who have not signed the  
471 written consent. If written notice is required, member approval  
472 pursuant to this section shall be effective ten (10) days after  
473 such written notice is given.

474 **SECTION 9.** Section 79-11-211, Mississippi Code of 1972, is  
475 amended as follows:

476 79-11-211. (1) Except as provided in subsection (5) of this  
477 section and unless prohibited or limited by the articles or  
478 bylaws, any action which may be taken at any annual or special  
479 meeting of members may be taken without a meeting if the  
480 corporation delivers a written ballot to every member entitled to  
481 vote on the matter.

482 (2) A \* \* \* ballot shall:

483 (a) Be in the form of a record;

484 (b) Set forth each proposed action; and

485 (c) Provide an opportunity to vote for or against each  
486 proposed action.

487 (3) Approval by written ballot pursuant to this section  
488 shall be valid only when the number of votes cast by ballot equals  
489 or exceeds the quorum required to be present at a meeting  
490 authorizing the action, and the number of approvals equals or  
491 exceeds the number of votes that would be required to approve the  
492 matter at a meeting at which the total number of votes cast was  
493 the same as the number of votes cast by ballot.

494 (4) All solicitations for votes by written ballot shall:

495 (a) Indicate the number of responses needed to meet the  
496 quorum requirements;



497 (b) State the percentage of approvals necessary to  
498 approve each matter other than election of directors; and

499 (c) Specify the time by which a ballot must be received  
500 by the corporation in order to be counted.

501 (5) Except as otherwise provided in the articles or bylaws,  
502 a written ballot may not be revoked.

503 **SECTION 10.** Section 79-11-221, Mississippi Code of 1972, is  
504 amended as follows:

505 79-11-221. (1) Unless the articles or bylaws prohibit or  
506 limit proxy voting, a member may appoint a proxy to vote or  
507 otherwise act for the member by signing an appointment form either  
508 personally or by an attorney-in-fact in the form of a record.

509 (2) An appointment of a proxy is effective when received by  
510 the secretary or other officer or agent authorized to tabulate  
511 votes. An appointment is valid for eleven (11) months unless a  
512 different period is expressly provided in the appointment form;  
513 provided, however, that no proxy shall be valid for more than  
514 three (3) years from its date of execution.

515 (3) An appointment of a proxy is revocable by the member.

516 (4) The death or incapacity of the member appointing a proxy  
517 does not affect the right of the corporation to accept the proxy's  
518 authority unless notice of the death or incapacity is received by  
519 the secretary or other officer or agent authorized to tabulate  
520 votes before the proxy exercises authority under the appointment.

521 (5) Appointment of a proxy is revoked by the person  
522 appointing the proxy:

523 (a) Attending any meeting and voting in person; or

524 (b) Signing and delivering to the secretary or other  
525 officer or agent authorized to tabulate proxy votes either a  
526 writing in the form of a record stating that the appointment of  
527 the proxy is revoked or a subsequent appointment form.

528 (6) Subject to Section 79-11-227 and any express limitation  
529 on the proxy's authority appearing on the face of the appointment



530 form, a corporation is entitled to accept the proxy's vote or  
531 other action as that of the member making the appointment.

532 **SECTION 11.** Section 79-11-235, Mississippi Code of 1972, is  
533 amended as follows:

534 79-11-235. (1) (a) Except as provided in paragraph (b) of  
535 this subsection, the number of directors shall be specified in or  
536 fixed in accordance with the articles or bylaws.

537 (b) If the corporation: (i) is a charitable  
538 organization as defined in Section 79-11-501; (ii) which solicits  
539 contributions or intends to solicit contributions in the state by  
540 any means whatsoever; and (iii) is incorporated on or after  
541 January 1, 2012, the board must consist of not less than three (3)  
542 directors, with the number of directors specified in or fixed in  
543 accordance with the articles or bylaws.

544 (2) The number of directors may be increased or decreased in  
545 conformance with law from time to time by amendment to or in the  
546 manner prescribed in the articles or bylaws.

547 **SECTION 12.** Section 79-11-267, Mississippi Code of 1972, is  
548 amended as follows:

549 79-11-267. (1) A director shall discharge his duties as a  
550 director, including his duties as a member of a committee, in  
551 accordance with his good faith belief that he is acting in the  
552 best interests of the corporation.

553 (2) Unless he has knowledge or information concerning the  
554 matter in question that makes reliance unwarranted, a director is  
555 entitled to rely on information, opinions, reports or statements,  
556 including financial statements and other financial data, if  
557 prepared or presented by:

558 (a) One or more officers or employees of the  
559 corporation whom the director believes, in good faith, to be  
560 reliable and competent in the matters presented;



561 (b) Legal counsel, public accountants or other persons  
562 as to matters the director believes, in good faith, are within the  
563 person's professional or expert competence; or

564 (c) A committee of the board of directors of which he  
565 is not a member if the director believes, in good faith, that the  
566 committee merits confidence.

567 (3) A director is not liable for any action taken as a  
568 director, or any failure to take any action, if he performed the  
569 duties of his office in compliance with this section.

570 (4) A person alleging a violation of this section has the  
571 burden of proving the violation.

572 (5) Notwithstanding any other provision of this section, a  
573 director of a corporation that is a charitable organization as  
574 defined in Section 79-11-501 shall not be liable to the  
575 corporation or its members for money damages for any action taken,  
576 or any failure to take any action, as a director, except liability  
577 for:

578 (a) The amount of a financial benefit received by the  
579 director to which the director is not entitled;

580 (b) An intentional infliction of harm;

581 (c) A violation of Section 79-11-270; or

582 (d) An intentional violation of criminal law.

583 **SECTION 13.** Section 79-11-283, Mississippi Code of 1972, is  
584 amended as follows:

585 79-11-283. (1) A corporation shall keep as permanent  
586 records minutes of all meetings of its members and board of  
587 directors, a record of all actions taken by the members or  
588 directors without a meeting, and a record of all actions taken by  
589 committees of the board of directors as authorized by Section  
590 79-11-265.

591 (2) A corporation shall maintain appropriate accounting  
592 records.



593 (3) A corporation or its agent shall maintain a record of  
594 its members in a form that permits preparation of a list of the  
595 names and addresses of all members, in alphabetical order by class  
596 showing the number of votes each member is entitled to vote.

597 (4) A corporation shall maintain its records in written form  
598 or in any other form of a record \* \* \*.

599 (5) A corporation shall keep a copy of the following records  
600 at its principal office:

601 (a) Its articles or restated articles of incorporation  
602 and all amendments to them currently in effect;

603 (b) Its bylaws or restated bylaws and all amendments to  
604 them currently in effect;

605 (c) Resolutions adopted by its board of directors  
606 relating to the characteristics, qualifications, rights,  
607 limitations and obligations of members or any class or category of  
608 members;

609 (d) The minutes of all meetings of members and records  
610 of all actions approved by the members for the past three (3)  
611 years;

612 (e) All written communications to members generally  
613 within the past three (3) years;

614 (f) A list of the names and business or home addresses  
615 of its current directors and officers; and

616 (g) Its most recent status report delivered to the  
617 Secretary of State under Section 79-11-391.

618 **SECTION 14.** Section 79-11-287, Mississippi Code of 1972, is  
619 amended as follows:

620 79-11-287. (1) A member's agent or attorney has the same  
621 inspection and copying rights as the member the agent or attorney  
622 represents.

623 (2) The right to copy records under Section 79-11-285  
624 includes, if reasonable, the right to receive copies \* \* \*.



625 Copies may be provided through an electronic transmission if  
626 available and so requested by the member.

627 (3) The corporation may impose a reasonable charge, covering  
628 the costs of labor and material, for copies of any documents  
629 provided to the member. The charge may not exceed the estimated  
630 cost of production or reproduction of the records.

631 (4) The corporation may comply with a member's demand to  
632 inspect the record of members under Section 79-11-285(2)(c) by  
633 providing the member with a list of its members that was compiled  
634 no earlier than the date of the member's demand.

635 **SECTION 15.** Section 79-11-347, Mississippi Code of 1972, is  
636 amended as follows:

637 79-11-347. The Secretary of State may commence a proceeding  
638 under Section 79-11-349 to administratively dissolve a corporation  
639 if:

640 (a) The corporation does not pay within sixty (60) days  
641 after they are due any taxes or penalties imposed by Section  
642 79-11-101 et seq. or other law;

643 (b) The corporation does not deliver a requested status  
644 report to the Secretary of State within sixty (60) days after it  
645 is due;

646 (c) The corporation is without a registered agent or  
647 registered office in this state for sixty (60) days or more;

648 (d) The corporation does not notify the Secretary of  
649 State within one hundred twenty (120) days that its registered  
650 agent or registered office has been changed, that its registered  
651 agent has resigned or that its registered office has been  
652 discontinued; \* \* \*

653 (e) The corporation's period of duration, if any,  
654 stated in its articles of incorporation expires; or

655 (f) The corporation fails to report within the time  
656 period specified in Section 79-11-405 the suspension or revocation



657 of its tax-exempt status under Section 501(c)(3) of the Internal  
658 Revenue Code.

659 **SECTION 16.** Section 79-11-349, Mississippi Code of 1972, is  
660 amended as follows:

661 79-11-349. (1) Upon determining that one or more grounds  
662 exist under Section 79-11-347 for dissolving a corporation, the  
663 Secretary of State shall notify the corporation in form of a  
664 record of that determination \* \* \*. For purpose of this section,  
665 notice may be made by publication by newspaper of general  
666 circulation in the area of the corporation's last-known location.

667 (2) If the corporation does not correct each ground for  
668 dissolution or demonstrate to the reasonable satisfaction of the  
669 Secretary of State that each ground determined by the Secretary of  
670 State does not exist within at least sixty (60) days after service  
671 of the notice is perfected, \* \* \* the Secretary of State may  
672 administratively dissolve the corporation by signing a certificate  
673 of dissolution that recites the ground or grounds for dissolution  
674 and its effective date. The Secretary of State shall file the  
675 original of the certificate and serve a copy on the  
676 corporation \* \* \* if the corporation has filed a valid address or  
677 registered agent with the Secretary of State within the previous  
678 calendar year.

679 (3) A corporation administratively dissolved continues its  
680 corporate existence but may not carry on any activities except  
681 those necessary to wind up and liquidate its affairs under Section  
682 79-11-341 and notify its claimants under Sections 79-11-343 and  
683 79-11-345.

684 (4) The administrative dissolution of a corporation does not  
685 terminate the authority of its registered agent.

686 **SECTION 17.** Section 79-11-377, Mississippi Code of 1972, is  
687 amended as follows:

688 79-11-377. (1) A foreign corporation authorized to transact  
689 business in this state may change its registered office or



690 registered agent by delivering to the Secretary of State for  
691 filing a statement of change on a form prescribed by the Secretary  
692 of State and in a method prescribed by the Secretary of State that  
693 sets forth:

694 (a) Its name;

695 (b) The street address of its current registered  
696 office;

697 (c) If the current registered office is to be changed,  
698 the street address of its new registered office;

699 (d) The name of its current registered agent;

700 (e) If the current registered agent is to be changed,  
701 the name of its new registered agent and the new agent's written  
702 consent (either on the statement or attached to it) to the  
703 appointment; and

704 (f) A representation that after the change or changes  
705 are made, the street address of its registered office and the  
706 office of its registered agent will be identical.

707 (2) If a registered agent changes the street address of its  
708 business office, the agent may change the address of the  
709 registered office of any foreign corporation for which the agent  
710 is the registered agent by delivering notice to the corporation in  
711 the form of a record of the change and signing \* \* \* and  
712 delivering to the Secretary of State for filing a statement of  
713 change that complies with the requirements of subsection (1) of  
714 this section and recites that the corporation has been notified of  
715 the change.

716 **SECTION 18.** Section 79-11-399, Mississippi Code of 1972, is  
717 amended as follows:

718 79-11-399. (1) Except as provided in subsection (2) of this  
719 section, the repeal of a statute by Section 79-11-101 et seq. does  
720 not affect:

721 (a) The operation of the statute or any action taken  
722 under it before its repeal;



723 (b) Any ratification, right, remedy, privilege,  
724 obligation or liability acquired, accrued or incurred under the  
725 statute before its repeal;

726 (c) Any violation of the statute or any penalty,  
727 forfeiture or punishment incurred because of the violation before  
728 its repeal;

729 (d) Any proceeding, reorganization or dissolution  
730 commenced under the statute before its repeal, and the proceeding,  
731 reorganization or dissolution may be completed in accordance with  
732 the statute as if it had not been repealed; or

733 (e) Any meeting of members or directors or action by  
734 written consent noticed or any action taken before its repeal as a  
735 result of a meeting of members or directors or action by written  
736 consent.

737 (2) If a penalty or punishment imposed for violation of a  
738 statute repealed by Section 79-11-101 et seq. is reduced by  
739 Section 79-11-101 et seq., the penalty or punishment, if not  
740 already imposed, shall be imposed in accordance with Section  
741 79-11-101 et seq.

742 (3) This chapter modifies, limits, or supersedes the federal  
743 Electronic Signatures in Global and National Commerce Act, 15 USC  
744 Section 7001 et seq., but this chapter does not modify, limit, or  
745 supersede Section 101(c) of that act or authorize electronic  
746 delivery of any of the notices described in Section 103(b) of that  
747 act.

748 **SECTION 19.** The following shall be codified as Section  
749 79-11-405, Mississippi Code of 1972:

750 79-11-405. (1) A nonprofit corporation granted a  
751 determination of exemption from tax as an organization described  
752 in Section 501(c)(3) of the Internal Revenue Code shall notify the  
753 Secretary of State, in the form and manner prescribed by the  
754 Secretary of State, within thirty (30) calendar days of the  
755 determination of exemption.



756           (2) If a nonprofit corporation's exemption from tax as an  
757 organization described in Section 501(c)(3) of the Internal  
758 Revenue Code is suspended or revoked, the nonprofit corporation  
759 shall notify the Secretary of State of the suspension or  
760 revocation, in the form and manner prescribed by the Secretary of  
761 State, within thirty (30) calendar days of the suspension or  
762 revocation.

763       \* \* \*

764           **SECTION 20.** This act shall take effect and be in force from  
765 and after January 1, 2012.



---

**SB 2554**

**2011 Legislative Bills**

---

By: Senator(s) Hewes, Baria

To: Fees, Salaries and  
AdministrationSENATE BILL NO. 2554  
(As Sent to Governor)

1 AN ACT TO REVISE AND CLARIFY THE "MISSISSIPPI ACCOUNTABILITY  
2 AND TRANSPARENCY ACT OF 2008"; TO CREATE NEW SECTION 27-104-152,  
3 MISSISSIPPI CODE OF 1972, TO DECLARE LEGISLATIVE FINDINGS AND  
4 INTENT REGARDING PUBLIC ACCESS TO THE DETAILS ON STATE  
5 EXPENDITURES OF TAX DOLLARS AND OTHER STATE FUNDS AND THE  
6 PERFORMANCE RESULTS THAT ARE ACHIEVED FOR THE EXPENDITURES; TO  
7 AMEND SECTION 27-104-153, MISSISSIPPI CODE OF 1972, TO DEFINE  
8 ADDITIONAL TERMS USED UNDER THE ACT; TO AMEND SECTION 27-104-155,  
9 MISSISSIPPI CODE OF 1972, TO EXPAND THE DATA THAT IS REQUIRED TO  
10 BE MAINTAINED ON THE SEARCHABLE WEBSITE OF THE DEPARTMENT OF  
11 FINANCE AND ADMINISTRATION THAT INCLUDES INFORMATION ON  
12 EXPENDITURES OF STATE FUNDS AND TO PRESCRIBE ADDITIONAL  
13 REQUIREMENTS FOR THE WEBSITE; TO PROVIDE THAT THE BOARD OF  
14 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING SHALL CREATE THE  
15 IHL ACCOUNTABILITY AND TRANSPARENCY WEBSITE NO LATER THAN JULY 1,  
16 2012; TO PROVIDE THAT THE STATE BOARD FOR COMMUNITY AND JUNIOR  
17 COLLEGES SHALL CREATE THE COMMUNITY AND JUNIOR COLLEGE  
18 ACCOUNTABILITY AND TRANSPARENCY WEBSITE NO LATER THAN JULY 1,  
19 2012; TO AMEND SECTION 27-104-157, MISSISSIPPI CODE OF 1972, TO  
20 REQUIRE AGENCIES TO PROVIDE THE DEPARTMENT WITH ACCESS TO ALL  
21 REQUIRED DATA WITHIN 14 DAYS AFTER THE DATA BECOMES AVAILABLE TO  
22 THE AGENCY; TO CREATE NEW SECTION 27-104-158, MISSISSIPPI CODE OF  
23 1972, TO DIRECT THE STATE AUDITOR TO EXAMINE AGENCIES' COMPLIANCE  
24 WITH THE REQUIREMENTS OF THE ACT; TO AMEND SECTION 27-104-159,  
25 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EXPENDITURES OF THE  
26 LEGISLATIVE BRANCH SHALL BE SUBJECT TO THE PROVISIONS OF THE ACT;  
27 TO AMEND SECTION 25-61-17, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
28 THE PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

30 **SECTION 1.** The following shall be codified as Section  
31 27-104-152, Mississippi Code of 1972:

32 27-104-152. The Legislature finds that the public should be  
33 able to easily access the details on how the state is spending tax  
34 dollars and other state funds and what performance results are  
35 achieved for the expenditures. It is the intent of the  
36 Legislature that the state, acting through the Department of  
37 Finance and Administration, create and maintain a searchable  
38 website providing access, to the extent possible, to where, for



39 what purpose and what results are achieved for all taxpayer  
40 investments in state government.

41 **SECTION 2.** Section 27-104-153, Mississippi Code of 1972, is  
42 amended as follows:

43 27-104-153. As used in Sections 27-104-151 through  
44 27-104-159:

45 (a) "Searchable website" means an Internet site that:

46 (i) Allows the public to access information  
47 identified in Sections 27-104-151 through 27-104-159 without any  
48 fee or charge to the public for that access; \* \* \*

49 (ii) Provides keyword or other efficient search  
50 capability to support the public's ability to find, aggregate and  
51 display that information with reasonable ease by accessing a  
52 single website; and

53 (iii) Allows the public to programmatically search  
54 and access all data in a serialized machine readable format, such  
55 as XML, via a Web-services application programming interface.

56 (b) "Agency" means a state agency, department,  
57 institution, board, commission, council, office, bureau, division,  
58 committee or subcommittee of the state. The term "agency"  
59 includes individual agencies and programs as well as multiple  
60 agencies whenever programs and activities involve more than one  
61 (1) agency. The term "agency" includes all elective offices in  
62 the executive, legislative and judicial branches of state  
63 government. The term "agency" does not include counties or  
64 municipalities.

65 (c) "Entity" or "recipient" means a corporation,  
66 association, union, limited liability company, limited liability  
67 partnership, grantee, contractor, county, municipality or other  
68 local government entity, or any other legal business entity,  
69 including a nonprofit entity. The term "entity" or "recipient"  
70 does not include an individual recipient of state public  
71 assistance.



72           (d) "Expenditure of state funds" means the disbursement  
73 or transfer of any funds, from any source or funds, whether  
74 appropriated or nonappropriated, from any agency. The term  
75 "expenditure of state funds" includes the expenditures from bond  
76 proceeds.

77           (e) "Funding action" means the transfer of funds from a  
78 state agency to another entity for a specific purpose. These  
79 would include subgranting of funds for specific purposes or the  
80 funding through bonds or other authority specific projects and  
81 actions.

82           (f) "Funding source" means the state account against  
83 which an expenditure is recorded.

84           (g) "State audit or report" means any audit or report  
85 issued by the State Auditor, Joint Legislative Committee on  
86 Performance Evaluation and Expenditure Review (PEER) or an  
87 executive body relating to the entity or recipient of funds or to  
88 the budget program or activity or agency.

89           **SECTION 3.** Section 27-104-155, Mississippi Code of 1972, is  
90 amended as follows:

91           **[Through June 30, 2014, this section shall read as follows:]**

92           27-104-155. (1) The Department of Finance and  
93 Administration shall develop and operate a searchable website  
94 that \* \* \* includes information on expenditures of state funds  
95 from all funding sources. The website shall have a unique and  
96 simplified website address, and the department shall require each  
97 agency that maintains a generally accessible Internet site or for  
98 which a generally accessible Internet site is maintained to  
99 include a link on the front page of the agency's Internet site to  
100 the searchable website required under this section.

101           (a) With regard to disbursement of funds, the website  
102 shall include, but not be limited to:

103           (i) The name and principal location of the entity  
104 or recipients of the funds, excluding release of information



105 relating to an individual's place of residence, the identity of  
106 recipients of state or federal assistance payments, and any other  
107 information deemed confidential by state or federal law relating  
108 to privacy rights;

109 (ii) The amount of state funds expended;

110 (iii) A descriptive purpose of the funding action  
111 or expenditure;

112 (iv) The funding source of the expenditure \* \* \*;

113 (v) The specific source of authority for the  
114 expenditure including, but not limited to, a grant, subgrant,  
115 contract, \* \* \* or the general discretion of the agency director,  
116 provided that if the authority is a grant, subgrant or  
117 contract \* \* \*, the website entry shall include a grant, subgrant  
118 or contract number or similar information that clearly identifies  
119 the specific source of authority;

120 (vi) The \* \* \* expending agency;

121 (vii) The type of transaction; and

122 (viii) Any other information deemed relevant by  
123 the Department of Finance and Administration.

124 (b) The searchable website must include access to an  
125 electronic summary of each grant, including amendments; subgrant,  
126 including amendments; contract, including amendments; and payment  
127 voucher that includes, wherever possible, a hyperlink to the  
128 actual document in a searchable PDF format, subject to the  
129 restrictions in paragraph (c) of this section. The Department of  
130 Finance and Administration may cooperate with other agencies to  
131 accomplish the requirements of this paragraph.

132 (c) Nothing in Sections 27-104-151 through 27-104-159  
133 shall permit or require the disclosure of trade secrets or other  
134 proprietary information, including confidential vendor  
135 information, or any other information that is required to be  
136 confidential by state or federal law \* \* \*.



137           (d) The information available from the searchable  
138 website must be updated no later than fourteen (14) days after the  
139 receipt of data from an agency, and the Department of Finance and  
140 Administration shall require each agency to provide to the  
141 department access to all data that is required to be accessible  
142 from the searchable website within fourteen (14) days of each  
143 expenditure, grant award, including amendments; subgrant award,  
144 including amendments; or contract, including amendments; executed  
145 by the agency.

146           (e) The searchable website must include data for all  
147 fiscal years beginning with fiscal year 2010, and all data on the  
148 searchable website must remain accessible to the public for a  
149 minimum of ten (10) years.

150           (2) The Board of Trustees of State Institutions of Higher  
151 Learning shall create the IHL Accountability and Transparency  
152 website to include its executive office and the institutions of  
153 higher learning no later than July 1, 2012. This website shall:

154           (a) Provide access to existing financial reports,  
155 financial audits, budgets and other financial documents that are  
156 used to allocate, appropriate, spend and account for appropriated  
157 funds;

158           (b) Have a unique and simplified website address;

159           (c) Be directly accessible via a link from the main  
160 page of the Department of Finance and Administration website, as  
161 well as the IHL website and the main page of the website of each  
162 institution of higher learning;

163           (d) Include other links, features or functionality that  
164 will assist the public in obtaining and reviewing public financial  
165 information;

166           (e) Report expenditure information currently available  
167 within these enterprise resource planning (ERP) computer systems;  
168 and



169           (f) Design the reporting format using the existing  
170 capabilities of these ERP computer systems.

171           (3) The State Board for Community and Junior Colleges  
172 (SBCJC) shall create the Community and Junior Colleges  
173 Accountability and Transparency website to include its executive  
174 office and the community and junior colleges no later than July 1,  
175 2012. This website shall:

176           (a) Provide access to existing financial reports,  
177 financial audits, budgets and other financial documents that are  
178 used to allocate, appropriate, spend and account for appropriated  
179 funds;

180           (b) Have a unique and simplified website address;

181           (c) Be directly accessible via a link from the main  
182 page of the Department of Finance and Administration website, as  
183 well as the SBCJC website and the main page of the website of each  
184 community and junior college;

185           (d) Include other links, features or functionality that  
186 will assist the public in obtaining and reviewing public financial  
187 information;

188           (e) Report expenditure information currently available  
189 within the computer system of each community and junior college;  
190 and

191           (f) Design the reporting format using the existing  
192 capabilities of the computer system of each community and junior  
193 college.

194           **[From and after July 1, 2014, this section shall read as**  
195 **follows:]**

196           27-104-155. (1) The Department of Finance and  
197 Administration shall develop and operate a searchable website  
198 that \* \* \* includes information on expenditures of state funds  
199 from all funding sources. The website shall have a unique and  
200 simplified website address, and the department shall require each  
201 agency that maintains a generally accessible Internet site or for



202 which a generally accessible Internet site is maintained to  
203 include a link on the front page of the agency's Internet site to  
204 the searchable website required under this section.

205 (a) With regard to disbursement of funds, the website  
206 shall include, but not be limited to:

207 (i) The name and principal location of the entity  
208 or recipients of the funds, excluding release of information  
209 relating to an individual's place of residence, the identity of  
210 recipients of state or federal assistance payments, and any other  
211 information deemed confidential by state or federal law relating  
212 to privacy rights;

213 (ii) The amount of state funds expended;

214 (iii) A descriptive purpose of the funding action  
215 or expenditure;

216 (iv) The funding source of the expenditure \* \* \*;

217 (v) The budget program or activity of the  
218 expenditure;

219 (vi) The specific source of authority and  
220 descriptive purpose of the expenditure, to include a link to the  
221 funding authorization document(s) in a searchable PDF form;

222 (vii) The specific source of authority for the  
223 expenditure including, but not limited to, a grant, subgrant,  
224 contract, \* \* \* or the general discretion of the agency director,  
225 provided that if the authority is a grant, subgrant or  
226 contract \* \* \*, the website entry shall include a grant, subgrant  
227 or contract number or similar information that clearly identifies  
228 the specific source of authority. The information required under  
229 this paragraph includes data relative to tax exemptions and  
230 credits;

231 (viii) The \* \* \* expending agency;

232 (ix) The type of transaction; \* \* \*

233 (x) The expected performance outcomes achieved for  
234 the funding action or expenditure;



235                   (xi) Links to any state audit or report relating  
236 to the entity or recipient of funds or the budget program or  
237 activity or agency; and

238                   (xii) Any other information deemed relevant by the  
239 Department of Finance and Administration.

240                   (b) The searchable website must include access to an  
241 electronic summary of each grant, including amendments; subgrant,  
242 including amendments; contract, including amendments; and payment  
243 voucher that includes, wherever possible, a hyperlink to the  
244 actual document in a searchable PDF format, subject to the  
245 restrictions in paragraph (c) of this section. The Department of  
246 Finance and Administration may cooperate with other agencies to  
247 accomplish the requirements of this paragraph.

248                   (c) Nothing in Sections 27-104-151 through 27-104-159  
249 shall permit or require the disclosure of trade secrets or other  
250 proprietary information, including confidential vendor  
251 information, or any other information that is required to be  
252 confidential by state or federal law \* \* \*.

253                   (d) The information available from the searchable  
254 website must be updated no later than fourteen (14) days after the  
255 receipt of data from an agency, and the Department of Finance and  
256 Administration shall require each agency to provide to the  
257 department access to all data that is required to be accessible  
258 from the searchable website within fourteen (14) days of each  
259 expenditure, grant award, including amendments; subgrant,  
260 including amendments; or contract, including amendments; executed  
261 by the agency.

262                   (e) The searchable website must include all information  
263 required by this section for all transactions that are initiated  
264 in fiscal year 2015 or later. In addition, all information that  
265 is included on the searchable website from the date of the  
266 inception of the website until July 1, 2014, must be maintained on  
267 the website according to the requirements of this section before



268 July 1, 2014, and remain accessible for ten (10) years from the  
269 date it was originally made available. All data on the searchable  
270 website must remain accessible to the public for a minimum of ten  
271 (10) years.

272 (2) The Board of Trustees of State Institutions of Higher  
273 Learning shall create the IHL Accountability and Transparency  
274 website to include its executive office and the institutions of  
275 higher learning no later than July 1, 2012. This website shall:

276 (a) Provide access to existing financial reports,  
277 financial audits, budgets and other financial documents that are  
278 used to allocate, appropriate, spend and account for appropriated  
279 funds;

280 (b) Have a unique and simplified website address;

281 (c) Be directly accessible via a link from the main  
282 page of the Department of Finance and Administration website, as  
283 well as the IHL website and the main page of the website of each  
284 institution of higher learning;

285 (d) Include other links, features or functionality that  
286 will assist the public in obtaining and reviewing public financial  
287 information;

288 (e) Report expenditure information currently available  
289 within these enterprise resource planning (ERP) computer systems;  
290 and

291 (f) Design the reporting format using the existing  
292 capabilities of these ERP computer systems.

293 (3) The State Board for Community and Junior Colleges  
294 (SBCJC) shall create the Community and Junior Colleges  
295 Accountability and Transparency website to include its executive  
296 office and the community and junior colleges no later than July 1,  
297 2012. This website shall:

298 (a) Provide access to existing financial reports,  
299 financial audits, budgets and other financial documents that are



300 used to allocate, appropriate, spend and account for appropriated  
301 funds;

302 (b) Have a unique and simplified website address;

303 (c) Be directly accessible via a link from the main  
304 page of the Department of Finance and Administration website, as  
305 well as the SBCJC website and the main page of the website of each  
306 community and junior college;

307 (d) Include other links, features or functionality that  
308 will assist the public in obtaining and reviewing public financial  
309 information;

310 (e) Report expenditure information currently available  
311 within the computer system of each community and junior college;  
312 and

313 (f) Design the reporting format using the existing  
314 capabilities of the computer system of each community and junior  
315 college.

316 **SECTION 4.** Section 27-104-157, Mississippi Code of 1972, is  
317 amended as follows:

318 27-104-157. The Department of Finance and Administration  
319 shall have the authority to establish the form, processes and  
320 procedures, and timelines for \* \* \* agencies to report the  
321 information required by Sections 27-104-151 through 27-104-159.  
322 At the latest, each agency shall provide access to all required  
323 data within fourteen (14) days after the data becomes available to  
324 the agency. All \* \* \* agencies \* \* \* shall fully cooperate with  
325 the Department of Finance and Administration in compiling and  
326 providing all information necessary to comply with the  
327 requirements of Sections 27-104-151 through 27-104-159.

328 **SECTION 5.** The following shall be codified as Section  
329 27-104-158, Mississippi Code of 1972:

330 27-104-158. The Office of the State Auditor shall examine  
331 agencies' compliance with the requirements of Sections 27-104-151



332 through 27-104-159 in the course of the powers and duties of the  
333 office as prescribed in Section 7-7-211.

334 **SECTION 6.** Section 27-104-159, Mississippi Code of 1972, is  
335 amended as follows:

336 27-104-159. Nothing in Sections 27-104-151 through  
337 27-104-159 shall be construed to supersede the Mississippi Public  
338 Records Act of 1983, as amended, except that Sections 27-104-151  
339 through 27-104-158 shall apply to expenditures of the legislative  
340 branch.

341 **SECTION 7.** No provision of Sections 27-104-151 through  
342 27-104-159 shall be construed as conferring upon the Department of  
343 Finance and Administration any authority to review, approve or  
344 deny any expenditures or contracts entered into by the Legislature  
345 or any of its committees, or to impose any requirement on the  
346 Legislature or any of its committees to take any action other than  
347 to disclose expenditures and contracts entered into on or after  
348 July 1, 2011.

349 **SECTION 8.** Section 25-61-17, Mississippi Code of 1972, is  
350 amended as follows:

351 25-61-17. Nothing in this chapter shall be construed as  
352 denying the Legislature the right to determine the rules of its  
353 own proceedings and to regulate public access to its records.  
354 However, notwithstanding the provisions of this section, the  
355 Legislature shall be subject to the provisions of Sections  
356 27-104-151 through 27-104-159.

357 **SECTION 9.** This act shall take effect and be in force from  
358 and after July 1, 2011.



---

**SB 2596**

**2011 Legislative Bills**

---

By: Senator(s) Flowers

To: Ethics

SENATE BILL NO. 2596  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 25-4-29, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE FINE ASSESSED FOR A PUBLIC OFFICIAL'S FAILURE TO FILE  
3 A REQUIRED STATEMENT OF ECONOMIC INTEREST; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 25-4-29, Mississippi Code of 1972, is  
7 amended as follows:

8 25-4-29. (1) Required statements hereunder shall be filed  
9 as follows:

10 (a) Every incumbent public official required by  
11 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a  
12 statement of economic interest shall file such statement with the  
13 commission on or before May 1 of each year that such official  
14 holds office, regardless of duration;

15 (b) Candidates for office required to file a statement  
16 hereunder shall file such statement within fifteen (15) days after  
17 the deadline for qualification for that public office;

18 (c) Persons who are required to file a statement  
19 because of appointment to fill a vacancy in an office or required  
20 to file under Section 25-4-25(d) and (e) shall file such statement  
21 within thirty (30) days of their appointment;

22 (d) No person by reason of successful candidacy or  
23 assuming additional offices shall be required to file more than  
24 one (1) statement of economic interest in any calendar year,  
25 except such official shall notify the commission as soon as  
26 practicable of additional offices not previously reported; and

27 (e) The commission may, on an individual case basis,  
28 provide for additional time to file a statement upon a showing



29 that compliance with a filing date set out under paragraph (a),  
30 (b), (c) or (d) above would work an unreasonable hardship.

31 (2) Any person who fails to file a statement of economic  
32 interest within thirty (30) days of the date the statement is due  
33 shall be deemed delinquent by the commission. The commission  
34 shall give written notice of the delinquency to the person by  
35 United States mail \* \* \* or by personal service of process. If  
36 within fifteen (15) days of receiving written notice of  
37 delinquency the delinquent filer has not filed the statement of  
38 economic interest, a fine of Fifty Dollars (\$50.00) per day, not  
39 to exceed a total fine of One Thousand Dollars (\$1,000.00), shall  
40 be assessed against the delinquent filer for each day thereafter  
41 in which the statement of economic interest is not properly filed.  
42 The commission shall enroll such assessment as a civil judgment  
43 with the circuit clerk in the delinquent filer's county of  
44 residence. The commission may enforce the judgment for the  
45 benefit of the State General Fund for the support of the  
46 Mississippi Adequate Education Program in the same manner as is  
47 prescribed for other civil judgments.

48 **SECTION 2.** This act shall take effect and be in force from  
49 and after July 1, 2011.



---

**SB 2710**

**2011 Legislative Bills**

---

By: Senator(s) Carmichael

To: Education

SENATE BILL NO. 2710

1 AN ACT TO REPEAL SECTIONS 37-151-15, 37-151-17, 37-151-19,  
 2 37-151-21 AND 37-151-23, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH  
 3 A COUNCIL FOR EDUCATION TECHNOLOGY, PRESCRIBE ITS MEMBERSHIP,  
 4 DEFINE ITS RESPONSIBILITIES AND CREATE A STATE PUBLIC SCHOOL  
 5 EDUCATION TECHNOLOGY FUND; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Sections 37-151-15, 37-151-17, 37-151-19,  
 8 37-151-21 and 37-151-23, Mississippi Code of 1972, which establish  
 9 a Council for Education Technology, prescribe its membership,  
 10 define its responsibilities and create a State Public School  
 11 Education Technology Fund, are hereby repealed.

12 **SECTION 2.** This act shall take effect and be in force from  
 13 and after July 1, 2011.



---

**SC 650**

**2011 Legislative Bills**

---

By: Senator(s) Frazier, Horhn, Butler  
(36th), Harden, Blount, Michel, Butler  
(38th), Fillingane, Hyde-Smith

To: Rules

SENATE CONCURRENT RESOLUTION NO. 650

1 A CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING THE  
2 JACKSON/HINDS LIBRARY SYSTEM EMPLOYEES FOR THEIR DEDICATED SERVICE  
3 AND COMMITMENT ON THE OCCASION OF THEIR 25TH ANNIVERSARY.

4 WHEREAS, this year marks the Twenty-fifth Anniversary of the  
5 Jackson/Hinds Library System; and

6 WHEREAS, on April 29, 2011, the library branches of the  
7 Jackson/Hinds Library System will be closed for the 16th Annual  
8 Staff Development Day, when all employees will be attending  
9 various workshops and assemblies designed to enhance their  
10 understanding, skills and performance in their various jobs; and

11 WHEREAS, the Jackson/Hinds Library System is truly fortunate  
12 to be served by so many dedicated and skilled professionals; and

13 WHEREAS, those employees that will be recognized during the  
14 Service Award Presentation Program for 25 years of service and  
15 dedication are listed as follows: Claudia Brooks, Marsha Case,  
16 Earner Ruth Christian, Queen Larry, Annette Johnson, Carolyn  
17 McCallum, Betty McLin, and Claudia Worthen; and

18 WHEREAS, it is the policy of the Legislature to recognize and  
19 honor the contributions of the dedicated employees of the State of  
20 Mississippi:

21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF  
22 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That  
23 we do hereby recognize and commend the Jackson/Hinds Library  
24 System employees for their dedicated service and commitment on the  
25 occasion of their 25th Anniversary.



26 BE IT FURTHER RESOLVED, That this resolution be furnished to  
27 the Jackson/Hinds Library System and be made available to the  
28 Capitol Press Corps.





**3881 Eastwood Drive**

**Jackson, MS 39211**

**Telephone: 601.432.4111 • Fax: 601.432.4480**

**800.647.7542**