

By: Representative Ellington

To: Conservation and Water Resources

HOUSE BILL NO. 1484
(As Passed the House)

1 AN ACT TO AMEND SECTION 49-17-25, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE REQUIREMENT THAT THE COMMISSION ON ENVIRONMENTAL
3 QUALITY MUST HOLD A PUBLIC HEARING PRIOR TO THE ADOPTION,
4 AMENDMENT OR REPEAL OF ITS REGULATIONS; TO REQUIRE THAT THE
5 COMMISSION ON ENVIRONMENTAL QUALITY COMPLY WITH THE REQUIREMENTS
6 OF THE ADMINISTRATIVE PROCEDURES LAW IN THE ADOPTION OR
7 MODIFICATION OF ITS REGULATIONS; TO REQUIRE THAT THE COMMISSION
8 SHALL HOLD A PUBLIC HEARING ON ANY PROPOSED REGULATION IF THE
9 HEARING IS REQUESTED BY A CITIZEN OF MISSISSIPPI; AND FOR RELATED
10 PURPOSES.

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

12 **SECTION 1.** Section 49-17-25, Mississippi Code of 1972, is
13 amended as follows:

14 49-17-25. * * *

15 (1) * * * The adoption, amendment or repeal of any rule or
16 regulation by the commission under this chapter, Chapter 17 of
17 Title 17, Sections 21-27-201 through 21-27-221, Sections 37-138-1
18 through 37-138-29 and all other laws administered by the
19 department shall be governed by the "Mississippi Administrative
20 Procedures Law." Any rule or regulation * * * adopted, amended or
21 repealed in substantial compliance with the procedural
22 requirements under Section 25-43-7 shall be valid. *A proceeding*
23 *to contest any rule or regulation on the ground of noncompliance*
24 *with the procedural requirements of this section must be commenced*
25 *within one (1) year from the effective date of the rule or*
26 *regulation.*

27 * * *

28 (2) In addition to the requirements under the administrative
29 procedures law, the commission shall conduct a public hearing
30 prior to the adoption, modification or repeal of a rule or
31 regulation, if a public hearing on the proposed action is



32 requested by a corporate or individual citizen of this state. The
33 commission shall conduct the public hearing after giving public
34 notice. The commission shall publish notice of the hearing by
35 publication once each week for three (3) successive weeks in a
36 newspaper having a general circulation throughout the state. The
37 notice shall describe the proposed regulation and the time, date
38 and place of the hearing. This notice also shall be posted on the
39 commission's official Internet website for the same period.

40 **SECTION 2.** This act shall take effect and be in force from
41 and after July 1, 2002.

