To: Environment Prot, Cons and Water Res

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002

By: Senator(s) Nunnelee

SENATE BILL NO. 2379

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

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

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

49-17-25. ***(1)*** The adoption, amendment or repeal of any rule or regulation by the commission under this chapter, Chapter 17 of Title 17, Sections 21-27-201 through 21-27-221, Sections 37-138-1 through 37-138-29 and all other laws administered by the department shall be governed by the "Mississippi Administrative Procedures Law." Any rule or regulation ***(2)*** adopted, amended or repealed in substantial compliance with the procedural requirements under Section 25-43-7 shall be valid. ***(3)***

(2) In addition to the requirements under the administrative procedures law, the commission shall conduct a public hearing prior to the adoption, modification or repeal of a rule or regulation, if a public hearing on the proposed action is requested by a corporate or individual citizen of this state. The commission shall conduct the public hearing after giving public notice. The commission shall publish notice of the hearing by publication once each week for three (3) successive weeks in a

S. B. No. 2379

G1/2

02/SS02/R627

PAGE 1
newspaper having a general circulation throughout the state. The notice shall describe the proposed regulation and the time, date and place of the hearing.

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