

By: Representatives Moore (60th), Cameron, Chism, Davis, Fillingane, Formby, Howell, Ishee, Janus, Ketchings, Lott, Montgomery (74th), Reeves, Smith (59th), Snowden, Wells-Smith, Zuber

To: Judiciary A; Appropriations

HOUSE BILL NO. 1411

1 AN ACT TO CREATE THE REGULATION REDUCTION BOARD FOR THE
2 OVERSIGHT AND SCRUTINY OF NEW AND EXISTING RULES AND REGULATIONS;
3 TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD; TO PRESCRIBE ITS
4 DUTIES AND POWERS; TO PROVIDE COMPENSATION; TO AMEND SECTIONS
5 25-43-5, 25-43-7 AND 25-43-9, MISSISSIPPI CODE OF 1972, IN
6 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) There is created the Regulation Reduction
9 Board to be comprised as follows:

10 (a) Two (2) members of the Mississippi House of
11 Representatives appointed by the Speaker of the House;

12 (b) Two (2) members of the Mississippi State Senate
13 appointed by the Lieutenant Governor;

14 (c) Two (2) representatives of the construction
15 industry appointed by the Governor;

16 (d) Two (2) representatives of the manufacturing
17 industry appointed by the Governor;

18 (e) Two (2) representatives of the oil and gas industry
19 appointed by the Governor;

20 (f) Two (2) farming representatives appointed by the
21 Governor;

22 (g) Two (2) representatives of the medical profession
23 appointed by the Governor; and

24 (h) One (1) at-large member appointed by the Governor.

25 (2) The persons appointed pursuant to paragraphs (c) through
26 (h) of subsection (1) shall not be state employees, but shall be
27 actively engaged in the specific professions listed.

28 (3) The board shall provide oversight and scrutinize new and
29 existing rules and regulations promulgated by any agency in the



30 state. A proposed regulation shall be submitted to the board for
31 approval and shall be approved only upon a majority vote of the
32 board. The board shall review existing rules and regulations and
33 determine if such rules and regulations shall remain in force or
34 be suspended upon a majority vote of the board.

35 (4) The board shall elect a chairman and any other necessary
36 officers as it may determine. A majority of the board shall
37 constitute a quorum. The board members shall receive per diem as
38 provided in Section 25-3-69 and travel expenses as provided in
39 Section 25-3-41 for performance of their official duties as board
40 members.

41 **SECTION 2.** Section 25-43-5, Mississippi Code of 1972, is
42 amended as follows:

43 25-43-5. (1) In addition to other rule-making authority and
44 requirements imposed by law, each agency shall:

45 (a) Adopt as a rule a description of its organization,
46 stating the general course and method of its operations and the
47 methods whereby the public may obtain information or make
48 submissions or requests.

49 (b) Adopt rules of practice setting forth the nature
50 and requirements of all formal and informal procedures available,
51 including all requirements respecting the filing of applications
52 for any license and the licensing procedure employed by the agency
53 and the method whereby persons desiring notice of pending
54 applications may obtain such notice and request an opportunity to
55 be heard.

56 (c) Allow public inspection of all rules and other
57 written statements of policy or interpretations formulated,
58 adopted or used by the agency in the discharge of its functions.

59 (d) Allow public inspection of all final orders,
60 decisions and opinions.

61 (2) No agency rule, order or decision is valid or effective
62 against any person or party, nor may it be invoked by the agency



63 for any purpose, until it has been approved by the Regulation
64 Reduction Board and made available for public inspection as herein
65 required. This provision is not applicable in favor of any person
66 or party who has actual knowledge thereof.

67 **SECTION 3.** Section 25-43-7, Mississippi Code of 1972, is
68 amended as follows:

69 25-43-7. (1) Prior to the adoption, amendment or repeal of
70 any rule, the agency shall give at least thirty (30) days' notice
71 of its intended action. The notice shall include a statement of
72 either the terms or substance of the intended action or a
73 description of the subjects and issues involved, and the manner in
74 which interested persons may present their views thereon. The
75 notice shall be filed with the Office of the Secretary of State
76 and mailed by the agency to all persons who have made timely
77 request of the agency for advance notice of its rule-making
78 proceedings. The Secretary of State shall furnish copies at the
79 request of any person and shall be reimbursed by the requesting
80 person for the expense of providing such service.

81 (2) If an agency finds that an imminent peril to the public
82 health, safety or welfare requires adoption of a rule upon fewer
83 than thirty (30) days' notice and states in writing its reasons
84 for that finding, it may proceed without prior notice of hearing
85 or upon any abbreviated notice and hearing that it finds
86 practicable to adopt an emergency rule. The rule may be effective
87 for a period of not longer than one hundred twenty (120) days,
88 renewable once for a period not exceeding ninety (90) days, but
89 the adoption of an identical rule under subsection (1) of this
90 section is not precluded.

91 (3) No rule hereafter adopted is valid unless adopted in
92 substantial compliance with this section and approved by the
93 Regulation Reduction Board. A proceeding to contest any rule on
94 the ground of noncompliance with the procedural requirements of



95 this section must be commenced within one (1) year from the
96 effective date of the rule.

97 **SECTION 4.** Section 25-43-9, Mississippi Code of 1972, is
98 amended as follows:

99 25-43-9. (1) Each agency shall file in the Office of the
100 Secretary of State a certified copy of each rule adopted by it and
101 approved by the Regulation Reduction Board, including all rules
102 existing on January 1, 1977. The Secretary of State shall keep a
103 permanent register of the rules open to public inspection.

104 (2) Each rule hereafter adopted is effective thirty (30)
105 days after filing, except that:

106 (a) If a later date is required by statute or specified
107 in the rule, the later date is the effective date.

108 (b) Subject to applicable constitutional or statutory
109 provisions, an emergency rule becomes effective immediately upon
110 filing with the Secretary of State, or at a stated date less than
111 thirty (30) days thereafter if the agency finds that this
112 effective date is necessary because of imminent peril to the
113 public health, safety or welfare. The agency's finding and a
114 brief statement of the reasons therefor shall be filed with the
115 rule. The agency shall take appropriate measures to make
116 emergency rules known to the persons who may be affected by them.

117 **SECTION 5.** This act shall take effect and be in force from
118 and after July 1, 2003.

