HOUSE BILL NO. 1411

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

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

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

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

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

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

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

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

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

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

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

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

(3) The board shall provide oversight and scrutinize new and
existing rules and regulations promulgated by any agency in the
A proposed regulation shall be submitted to the board for approval and shall be approved only upon a majority vote of the board. The board shall review existing rules and regulations and determine if such rules and regulations shall remain in force or be suspended upon a majority vote of the board.

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

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

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

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

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

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

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

(2) No agency rule, order or decision is valid or effective against any person or party, nor may it be invoked by the agency
for any purpose, until it has been approved by the Regulation
Reduction Board and made available for public inspection as herein
required. This provision is not applicable in favor of any person
or party who has actual knowledge thereof.

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

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

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

(3) No rule hereafter adopted is valid unless adopted in
substantial compliance with this section and approved by the
Regulation Reduction Board. A proceeding to contest any rule on
the ground of noncompliance with the procedural requirements of
this section must be commenced within one (1) year from the effective date of the rule.

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

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

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

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

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

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