

By: Representatives Brown, Boyd, Criswell,
Hopkins

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1264

1 AN ACT TO AMEND SECTION 25-43-3.114, MISSISSIPPI CODE OF
2 1972, TO REQUIRE THAT ALL RULES AND REGULATORY POLICIES THAT HAVE
3 BEEN ADOPTED BY A STATE AGENCY AS A RESULT OF FEDERAL AGENCY
4 GUIDANCE DOCUMENTS, FEDERAL INTERPRETATION LETTERS OR ANY OTHER
5 FEDERAL GUIDANCE OR AGREEMENT, AND NOT ALSO ADOPTED USING THE
6 NOTICE AND COMMENT REQUIREMENTS STIPULATED BY THE FEDERAL
7 ADMINISTRATIVE PROCEDURES ACT WILL EXPIRE AS OF DECEMBER 31, 2017,
8 UNLESS THE RULE HAS BEEN READOPTED, AT LEAST 60 DAYS BEFORE ITS
9 SCHEDULED REPEAL, USING THE RULE-MAKING PROCESS FOR THE
10 FORMULATION AND ADOPTION OF A RULE AS PROVIDED IN THE MISSISSIPPI
11 ADMINISTRATIVE PROCEDURES ACT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 25-43-3.114, Mississippi Code of 1972, is
14 amended as follows:

15 25-43-3.114. **Review by agency.**

16 At least every five (5) years, each agency shall review all
17 of its rules to determine whether any rule should be repealed,
18 amended or a new rule adopted. All rules and regulatory policies
19 that have been adopted as a result of federal agency guidance
20 documents, federal interpretation letters or any other federal
21 guidance or agreement, and not also adopted using the notice and
22 comment requirements stipulated by the federal Administrative



23 Procedures Act (5 USC Section 500 et seq.), shall expire as of
24 December 31, 2017, unless the rule has been readopted, at least
25 sixty (60) days before its scheduled repeal, using the rule-making
26 process for the formulation and adoption of a rule as provided in
27 this chapter. Not later than thirty (30) days after the effective
28 date of this act, each agency shall provide the chairs of the
29 appropriate standing committees of the Legislature with a list and
30 summary of each rule that is scheduled to expire.

31 **SECTION 2.** This act shall take effect and be in force from
32 and after its passage.

