

By: Representative Brown

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1210

1 AN ACT TO AMEND SECTION 25-43-3.114, MISSISSIPPI CODE OF
2 1972, TO REVISE THE ADMINISTRATIVE PROCEDURES ACT TO PROVIDE THAT
3 AN AGENCY MUST REPEAL TWO RULES ADOPTED UNDER THE ACT FOR EVERY
4 NEW RULE THAT THE AGENCY ADOPTS; TO AMEND SECTION 25-43-3.103,
5 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

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

9 25-43-3.114. **Review by agency.** (1) At least every five (5)
10 years, each agency shall review all of its rules to determine
11 whether any rule should be repealed, amended or a new rule
12 adopted.

13 (2) For every new rule that an agency adopts under the
14 provisions of this chapter, that agency must repeal two (2) rules
15 that have been adopted as provided in this chapter. The cost,
16 both direct and indirect, of the regulatory burden of the new rule
17 must be less than the total cost of the regulatory burden of the
18 two (2) existing rules that the agency repealed. When an agency
19 provides notice of a proposed rule adoption to the Secretary of



20 State, the agency must also provide a notice of the two (2) rules
21 to be repealed when the new rule is finally adopted. The
22 provisions of this subsection (2) shall not apply to rules adopted
23 as a result of an emergency situation.

24 **SECTION 2.** Section 25-43-3.103, Mississippi Code of 1972, is
25 amended as follows:

26 25-43-3.103. (1) At least twenty-five (25) days before the
27 adoption of a rule an agency shall cause notice of its
28 contemplated action to be properly filed with the Secretary of
29 State for publication in the administrative bulletin. The notice
30 of proposed rule adoption must include:

31 (a) A short explanation of the purpose of the proposed
32 rule and the agency's reasons for proposing the rule;

33 (b) The specific legal authority authorizing the
34 promulgation of rules;

35 (c) A reference to all rules repealed, amended or
36 suspended by the proposed rule;

37 (d) Subject to Section 25-43-2.101(5), the text of the
38 proposed rule;

39 (e) Where, when and how persons may present their views
40 on the proposed rule; * * *

41 (f) Where, when and how persons may demand an oral
42 proceeding on the proposed rule if the notice does not already
43 provide for one * * *; and



44 (g) The two (2) rules to be repealed when the proposed
45 rule is finally adopted as provided in Section 25-43-3.106.

46 (2) Within three (3) days after its proper filing with the
47 Secretary of State for publication in the administrative bulletin,
48 the agency shall cause a copy of the notice of proposed rule
49 adoption to be provided to each person who has made a timely
50 request to the agency to be placed on the mailing list maintained
51 by the agency of persons who have requested notices of proposed
52 rule adoptions. An agency may mail the copy to the person and may
53 charge the person a reasonable fee for such service, which fee may
54 be in excess of the actual cost of providing the person with a
55 mailed copy. Alternatively, the agency may provide the copy via
56 the Internet or by transmitting it to the person by electronic
57 means, including, but not limited to, facsimile transfer or e-mail
58 at no charge to the person, if the person consents to this form of
59 delivery.

60 **SECTION 3.** This act shall take effect and be in force from
61 and after its passage.

