

By: Representatives Ford, Kinkade

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1290

1 AN ACT TO AMEND SECTION 25-43-3.114, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT WHEN AN AGENCY PROPOSES TO AMEND OR ADOPT A
3 RULE, THE AGENCY MUST DEVELOP ANSWERS TO CERTAIN QUESTIONS AND
4 POST THOSE ANSWERS ON THE AGENCY'S WEBSITE AND TRANSPARENCY
5 MISSISSIPPI WITHIN 30 DAYS OF AMENDING OR ADOPTING THE RULE; AND
6 FOR RELATED PURPOSES.

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

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

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12 be repealed, amended or a new rule adopted.

13 (2) At least every three (3) years, each board subject to
14 supervision by the Occupational Licensing Review Commission shall
15 review all of its rules to determine whether any rule should be
16 repealed, amended or a new rule adopted, and shall submit a report
17 of the review to the Occupational Licensing Review Commission.

18 (3) For each rule that any agency, as defined by Section
19 25-9-107(d), proposes to amend or adopt, the agency must develop
20 answers for the following questions and post such answers to the



21 agency's website and Transparency Mississippi not later than
22 thirty (30) days after the rule is amended or adopted:

23 (a) What public problem is the rule seeking to address?

24 (b) How does the rule address the public problem?

25 (c) What other state entities or rules are involved in
26 addressing the problem and how does the proposed rule differ from
27 the other rules or regulations already in place to address the
28 problem?

29 (d) Does the rule address the problem on a statewide
30 level or is it isolated to a particular area within the state?

31 (e) What specific activities will need to be carried
32 out to enforce the rule?

33 (f) Was the rule promulgated in conjunction with a
34 program that addresses a public need. If so, was the rule created
35 in consideration of research which is evidence based, research
36 based, a promising practice, or none of the above and why?

37 (g) Does the rule potentially violate federal antitrust
38 law and, if so, how and why?

39 (h) Does the rule impose an undue amount of compliance
40 cost, paperwork, or other burden on the individuals which it
41 regulates?

42 (i) Are there ways to reduce compliance costs,
43 paperwork, and other burdens associated with a rule and, if so,
44 how?



45 (j) What particular outcome does the agency hope to
46 achieve with the rule and how can the rule's success be measured
47 and reported to the Legislature over time to assess its
48 effectiveness?

49 (4) If an agency that fails to follow the provisions of
50 subsection (3) of this section shall lose its funding for the
51 following fiscal year unless the agency presents a reasonable
52 explanation as to why it failed to follow the provisions of
53 subsection (3).

54 **SECTION 2.** This act shall take effect and be in force from
55 and after July 1, 2019.

