

By: Senator(s) Blackwell

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2048

1 AN ACT TO REQUIRE A REGULATORY REDUCTION PROGRAM FOR CERTAIN
2 PILOT AGENCIES; TO REQUIRE PILOT AGENCIES TO DEVELOP A BASELINE
3 REGULATORY CATALOG AND REPORT CERTAIN DATA TO THE SECRETARY OF
4 STATE; TO PROVIDE THAT NO PILOT AGENCY MAY ADOPT A NEW REGULATION
5 UNLESS IT SIMULTANEOUSLY REMOVES TWO OR MORE OTHER EXISTING
6 REGULATIONS; TO REQUIRE THE PEER COMMITTEE TO REVIEW THE
7 REGULATORY REDUCTION EFFORTS OF THE PILOT AGENCIES AND REPORT TO
8 THE LEGISLATURE; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) As used in this act, unless the context
11 clearly indicates otherwise:

12 (a) "Pilot agencies" means the Department of Health,
13 Department of Transportation, Department of Education, Department
14 of Finance and Administration, and Department of Information
15 Technology.

16 (b) "Regulation or rule" means any statement of general
17 application, having the force of law, affecting the rights or
18 conduct of any person, adopted by an agency in accordance with the
19 authority conferred on it by applicable basic laws. Such rules or
20 regulations shall include administrative rules adopted in
21 accordance with the Mississippi Administrative Procedures Act,



22 Section 25-43-1.101 et seq., as well as any policy instrument,
23 such as a guidance document, that includes a regulatory
24 requirement.

25 (c) "Regulatory requirement" means any action or step
26 that must be taken, or piece of information that must be provided,
27 as stipulated by statute, regulation, policy or form, in order to
28 access services, carry out business or pursue legislated
29 privileges.

30 (d) "Guidance document" means an agency statement of
31 general applicability, intended to have an effect on the behavior
32 of regulated parties, that sets forth a policy on a statutory,
33 regulatory, or technical issue, or an interpretation of a statute
34 or regulation. Agency guidance documents include memoranda,
35 manuals, policy statements, interpretations of law or rules, and
36 other material of general applicability.

37 **SECTION 2.** (1) Every pilot agency shall undertake a review
38 of every regulation, rule and requirement under its jurisdiction
39 and prepare a base inventory, which shall include a numeric count,
40 of the regulatory requirements in its existing rules.

41 (a) As part of this review, every pilot agency shall:

42 (i) Accept written public comments for at least a
43 60-day period;

44 (ii) Hold at least two (2) public hearings to
45 allow citizens and businesses to identify regulations that are
46 ineffective, unnecessary, or unduly burdensome;



47 (iii) Solicit and incorporate comments and advice
48 from private citizens, stakeholders, regulated entities, and other
49 interested parties; and

50 (iv) Complete the review within one hundred twenty
51 (120) days of the enactment of this section.

52 (b) Every agency shall designate a Rule Review Officer
53 to oversee the review.

54 (c) For each existing regulation under its purview,
55 every agency shall affirm in a report submitted to the Secretary
56 of State, within one hundred eighty (180) days of the enactment of
57 this section:

58 (i) The number of regulatory requirements
59 contained in the regulation;

60 (ii) Whether the regulation is mandated by state
61 or federal law or a court order, identifying the specific federal
62 or state code section or court order that authorizes the
63 regulation; or whether the regulation is issued at the discretion
64 of the regulating agency;

65 (iii) Whether the regulation is essential to the
66 health, safety, or welfare of Mississippi residents;

67 (iv) Whether the regulation is the least
68 restrictive regulation necessary to protect consumers from
69 present, significant and substantiated harms that threaten public
70 health and safety;



71 (v) An estimate of the annual costs imposed by the
72 regulation;

73 (vi) A process and schedule to measure the
74 effectiveness of the regulation in the future, including
75 identifying data that can be used in a retrospective cost-benefit
76 analysis to assess the regulation's effectiveness;

77 (vii) Alternatives that have been considered as a
78 substitute for the regulation; and

79 (viii) Whether the regulation is based on the most
80 up-to-date and credible scientific, technical, economic and other
81 relevant evidence.

82 (2) Based on the information collected in the reports
83 required by subsection (1)(c) of this section, every pilot agency
84 shall amend or rescind rules identified in its base inventory of
85 regulatory requirements as necessary to reduce the total number of
86 regulatory requirements under its purview by thirty percent (30%),
87 according to the following schedule:

88 (a) A ten percent (10%) reduction not later than
89 December 31, 2021;

90 (b) A twenty percent (20%) reduction not later than
91 December 31, 2022;

92 (c) A thirty percent (30%) reduction not later than
93 December 31, 2023.

94 (3) Before proposing a new rule for publication in the
95 Mississippi Administrative Bulletin, each pilot agency must



96 initiate the repeal of at least two (2) existing rules and provide
97 a statement to the Secretary of State identifying the two (2)
98 rules that have been repealed, along with an explanation as to
99 what the repeal will accomplish in terms of increasing economic
100 opportunities for the citizens of Mississippi and streamlining
101 state government. The provisions of this subsection (3) shall
102 remain in effect until a thirty percent (30%) reduction in
103 regulatory requirements is achieved by the pilot agency, after
104 which the repeal of at least one existing rule shall be required
105 before the pilot agency proposes a new rule for publication in the
106 Mississippi Administrative Bulletin.

107 **SECTION 3.** (1) The Secretary of State shall report annually
108 to the Speaker of the House of Representatives and the Lieutenant
109 Governor no later than February 1, 2022, February 1, 2023, and
110 February 1, 2024, on the progress of the regulatory reduction
111 pilot program established pursuant to this act.

112 (2) If, by February 1, 2024, the program has achieved less
113 than a thirty percent (30%) total reduction in regulations and
114 regulatory requirements across the pilot agencies, the House
115 Appropriations Committee and the Senate Finance Committee shall
116 initiate a budgetary audit of each agency participating in the
117 pilot program to assess what obstacles exist to meeting the thirty
118 percent (30%) reduction goal. Further, the Joint Legislative
119 Committee on Performance Evaluation and Expenditure Review (PEER)
120 shall initiate and conduct a review of the regulatory reduction



121 efforts of the pilot agencies and report to the Legislature any
122 findings and recommendations regarding (a) whether the reduction
123 goals are reasonable and achievable, and (b) policies, practices,
124 and methods that may be adopted by agencies to successfully
125 achieve the reduction goals.

126 **SECTION 4.** This act shall take effect and be in force from
127 and after July 1, 2021.

