

By: Senator(s) McDaniel

To: Judiciary, Division A;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2353

1 AN ACT TO PROVIDE THAT NO DEPARTMENT OR AGENCY OF THIS STATE
2 SHALL ENFORCE ANY RULE OR REGULATION PROMULGATED BY THE FEDERAL
3 GOVERNMENT UNLESS ENFORCEMENT IS SPECIFICALLY AUTHORIZED BY ACT OF
4 THE LEGISLATURE; TO CREATE A JOINT COMMITTEE OF THE LEGISLATURE TO
5 REVIEW ALL REGULATIONS OF STATE AGENCIES TO ENSURE COMPLIANCE WITH
6 THIS ACT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) To ensure that the powers reserved to this
9 state under Amendment X to the Constitution of the United States
10 are protected and to ensure that the federal government does not
11 encroach on this state's status as an independent sovereign in a
12 federal system of governance, all federal rules and regulations
13 shall be subject to review.

14 (2) No department or agency of this state shall enforce any
15 rule or regulation promulgated by any federal agency within the
16 borders of this state unless the enforcement of such regulation is
17 specifically approved by an act of the Legislature.

18 (3) No rule or regulation promulgated on or after July 1,
19 2022, by any department or agency of this state in conjunction
20 with the enforcement of any regulation promulgated by any federal



21 agency shall be enforceable unless such rule or regulation is
22 approved by an act of the Legislature.

23 (4) Any existing rule or regulation promulgated before July
24 1, 2022, by any department or agency of this state in conjunction
25 with the enforcement of any rule or regulation promulgated by any
26 federal agency that is in force and effect after July 1, 2022,
27 shall be subject to review by the Committee on Administrative
28 Rules, established under subsection (7) of this section. The
29 committee shall determine whether such rule or regulation shall
30 continue to be enforced and shall make a recommendation thereof to
31 the Legislature. The Legislature shall review all rules and
32 regulations referred to it by the committee and shall approve or
33 disapprove the continued enforcement of such rules or regulations.
34 No rule or regulation that the Legislature disapproves shall be
35 enforceable unless and until the rule or regulation is again
36 referred to the Legislature by the committee of administrative
37 rules and then approved by the Legislature. Any rule or
38 regulation that the Legislature approves shall continue to be
39 enforced unless such rule or regulation is repealed by the agency
40 or department.

41 (5) There is established a permanent joint committee of the
42 Legislature to be known as the "Committee on Administrative
43 Rules," which shall be composed of five (5) members of the Senate
44 and five (5) members of the House of Representatives. The Senate
45 members of the committee shall be appointed by the Lieutenant



46 Governor and the House members by the Speaker of the House. The
47 appointment of each member shall continue during his term of
48 office as a member of the Legislature unless sooner removed.

49 (6) The Committee on Administrative Rules shall meet within
50 ten (10) days after its creation and organize by selecting a
51 chairman and a vice chairman, one (1) of whom shall be a member of
52 the Senate and one (1) of whom shall be a member of the House of
53 Representatives. A majority of the members constitutes a quorum.
54 Meetings of the committee may be called at such time and place as
55 the chairman designates.

56 (7) The committee shall review all rules and regulations
57 promulgated before July 1, 2022, by any federal agency or by any
58 state agency in conjunction with the enforcement of any rule or
59 regulation promulgated by any federal agency that are in force and
60 effect on July 1, 2022, and determine whether such rules and
61 regulations should continue to be enforced. In its review, the
62 committee may take such action as it deems necessary, which may
63 include holding hearings. The committee shall refer all reviewed
64 rules and regulations to the Legislature with a recommendation of
65 whether such rule or regulation should be enforceable. Any
66 citizen of this state may request the review of any specific rule
67 or regulation, and the committee shall review such rule or
68 regulation.

69 (8) The members of the committee shall receive no
70 compensation in addition to their salary as members of the



71 Legislature, but may receive their necessary expenses while
72 attending the meetings of the committee, to be paid out of the
73 contingent fund of the respective house.

74 **SECTION 2.** This act shall take effect and be in force from
75 and after July 1, 2022.

