

By: Senator(s) McDaniel

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2877

1 AN ACT TO CODIFY SECTION 25-43-1.108, MISSISSIPPI CODE OF  
 2 1972, TO REQUIRE A REGULATORY REDUCTION PROGRAM FOR THE  
 3 MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY AS A PILOT AGENCY;  
 4 TO PROVIDE THAT THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL  
 5 QUALITY SHALL NOT ADOPT A NEW REGULATORY REQUIREMENT UNLESS IT  
 6 SIMULTANEOUSLY REMOVES TWO OR MORE OTHER EXISTING REGULATORY  
 7 REQUIREMENTS; TO REQUIRE THE MISSISSIPPI COMMISSION ON  
 8 ENVIRONMENTAL QUALITY AND ANY OTHER PILOT AGENCY TO REPORT TO THE  
 9 PEER COMMITTEE; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** The following shall be codified as Section  
 12 25-43-1.108, Mississippi Code of 1972:

13 25-43-1.108. (1) As used in this act, unless the context  
 14 clearly indicates otherwise:

15 (a) "Pilot agency" means the Mississippi Commission on  
 16 Environmental Quality as the first pilot agency subject to this  
 17 act.

18 (b) "Regulation" or "rule" means any statement or  
 19 instrument of general application, having the force of law,  
 20 affecting the rights or conduct of any person or business, adopted  
 21 by an agency in accordance with the authority conferred on it by



22 applicable basic laws. Such regulations and rules include  
23 administrative rules issued in accordance with the state  
24 Administrative Procedures Act, Section 25, Chapter 43, Mississippi  
25 Code of 1972, as well as any policy instrument, such as a guidance  
26 document, that includes a regulatory requirement.

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

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

39 (2) Every pilot agency shall undertake a review of every  
40 regulation, rule and requirement under its jurisdiction and  
41 prepare a base inventory, which shall include a numeric count of  
42 existing rules and regulations within the purview of the agency.

43 (a) As part of this review, every pilot agency shall  
44 (i) accept written public comments for at least a sixty-day  
45 period; (ii) hold at least two (2) public hearings to allow  
46 citizens and businesses to comment on regulations that may be



47 ineffective, unnecessary or unduly burdensome; (iii) solicit and  
48 incorporate comments and advice from private citizens,  
49 stakeholders, regulated entities and other interested parties; and  
50 (iv) complete the review within two hundred forty (240) days of  
51 the effective date of this section.

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

54 (c) For each existing rule or regulation under its  
55 purview, every agency shall affirm in a report submitted to the  
56 Secretary of State, within two hundred seventy (270) days of the  
57 effective date of this section:

58 (i) The number of rules and regulations under the  
59 purview of the agency;

60 (ii) Whether the regulation is mandated by state  
61 or federal law or a court order, or otherwise necessary to  
62 maintain delegation of a federal regulatory program to receive  
63 federal funding; and

64 (iii) Whether the regulation is essential to  
65 protect the environment or the health, safety or welfare of  
66 Mississippi residents.

67 (3) Based on the information collected in the report  
68 required by subsection (2)(c) of this section, every pilot agency  
69 shall amend or rescind state rules and regulations identified in  
70 its base inventory of rules and regulations as necessary to reduce  
71 the total number of state regulatory requirements under its



72 purview by fifteen percent (15%) pursuant to the requirements of  
73 subsection (4) of this section according to the following  
74 schedule:

75 (a) A five percent (5%) reduction not later than  
76 December 31, 2022;

77 (b) An additional five percent (5%) reduction not later  
78 than December 31, 2023;

79 (c) An additional five percent (5%) reduction not later  
80 than December 31, 2024, for a total reduction of fifteen percent  
81 (15%).

82 Regulations mandated by federal law or court order or  
83 otherwise necessary to maintain delegation of a federal regulatory  
84 program or necessary to receive federal funding shall be exempt  
85 from the requirements of this subsection (3); however, any  
86 regulation adopted pursuant to a suggested, but not mandatory,  
87 federal regulation shall be included in the requirements of this  
88 subsection (3).

89 (4) Prior to proposing a new rule for publication in the  
90 Mississippi Administrative Bulletin, each pilot agency shall have  
91 initiated the repeal of at least two (2) existing rules and  
92 provided a statement to the Secretary of State identifying which  
93 two (2) rules have been repealed, along with an explanation as to  
94 what this repeal will accomplish in terms of streamlining state  
95 government. This section shall remain in effect until a fifteen  
96 percent (15%) reduction in state regulatory requirements is



97 achieved by the pilot agency, with the exception of any new  
98 regulations or regulatory programs mandated by federal or state  
99 law.

100 (5) The Secretary of State shall report annually to the  
101 Speaker of the House and the Lieutenant Governor no later than  
102 February 1, 2022, February 1, 2023, and February 1, 2024, on the  
103 progress of the regulatory reduction pilot program established  
104 pursuant to this act.

105 (6) The Joint Legislative Committee on Performance  
106 Evaluation and Expenditure Review (PEER) shall initiate and  
107 conduct a review of the regulatory reduction efforts of the pilot  
108 agency and report to the Legislature any findings and  
109 recommendations regarding (a) whether the reduction goals are  
110 reasonable and achievable and (b) policies, practices, and methods  
111 that may be adopted by the pilot agency to successfully achieve  
112 the reduction goals.

113 **SECTION 2.** This act shall take effect and be in force from  
114 and after July 1, 2023.

