

By: Representative Eubanks

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1370

1 AN ACT TO CREATE THE ENDING AGENCY OVERREACH ACT; TO PROVIDE
2 HOW A COURT SHALL REVIEW AND RESOLVE AN APPEAL THAT INTERPRETS A
3 STATUTE OR AGENCY RULE OR REGULATION; AMEND SECTION 25-43-3.111,
4 MISSISSIPPI CODE OF 1972, TO REVISE WHEN AN ACTION TO CONTEST THE
5 VALIDITY OF A RULE ON THE GROUNDS OF ITS NONCOMPLIANCE SHALL BE
6 COMMENCED IN CERTAIN SITUATIONS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) This section shall be known and may be cited
9 as the "Ending Agency Overreach Act."

10 (2) In interpreting a statute or agency rule or regulation,
11 a court presiding over the appeal of a judgment in a contested
12 case shall not defer to the agency's interpretation of the
13 statute, rule or regulation and shall interpret the statute, rule
14 or regulation de novo. After applying all customary tools of
15 interpretation, the court shall resolve any remaining ambiguity
16 against increased agency authority.

17 **SECTION 2.** Section 25-43-3.111, Mississippi Code of 1972, is
18 amended as follows:

19 25-43-3.111. (1) A rule adopted after July 1, 2005, is
20 invalid unless adopted in substantial compliance with the



21 provisions of Sections 25-43-3.102 through 25-43-3.110.

22 Inadvertent failure to mail a notice of proposed rule adoption to
23 any person as required by Section 25-43-3.103(2) does not
24 invalidate a rule.

25 (2) An action to contest the validity of a rule on the
26 grounds of its noncompliance with any provision of Sections
27 25-43-3.102 through 25-43-3.110 must be commenced within one (1)
28 year after the effective date of the rule, or one (1) year after
29 the date the person or entity bringing the action is injured by
30 final agency action, whichever is later.

31 **SECTION 3.** This act shall take effect and be in force from
32 and after July 1, 2025.

