

By: Senator(s) Fillingane

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2559

1 AN ACT TO AMEND SECTION 25-43-3.105, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT ANY ADMINISTRATIVE RULE OR REGULATION HAVING
3 AN ECONOMIC IMPACT IN EXCESS OF \$1,000,000.00 IS VOID UNTIL
4 RATIFIED BY THE LEGISLATURE; TO PROVIDE THAT THIS PROVISION SHALL
5 BE ENTITLED "MISSISSIPPI REGULATIONS FROM THE EXECUTIVE IN NEED OF
6 SCRUTINY (REINS) ACT"; AND FOR RELATED PURPOSES.

7 **SECTION 1.** Section 25-43-3.105, Mississippi Code of 1972, is
8 amended as follows:

9 25-43-3.105. (1) Prior to giving the notice required in
10 Section 25-43-3.103, each agency proposing the adoption of a rule
11 or significant amendment of an existing rule imposing a duty,
12 responsibility or requirement on any person shall consider the
13 economic impact the rule will have on the citizens of our state
14 and the benefits the rule will cause to accrue to those citizens.
15 For purposes of this section, a "significant amendment" means any
16 amendment to a rule for which the total aggregate cost to all
17 persons required to comply with that rule exceeds * * * One
18 Million Dollars (\$1,000,000.00).

19 (2) Each agency shall prepare a written report providing an
20 economic impact statement for the adoption of a rule or



21 significant amendment to an existing rule imposing a duty,
22 responsibility or requirement on any person, except as provided in
23 subsection (7) of this section. The economic impact statement
24 shall include the following:

25 (a) A description of the need for and the benefits
26 which will likely accrue as the result of the proposed action;

27 (b) An estimate of the cost to the agency, and to any
28 other state or local government entities, of implementing and
29 enforcing the proposed action, including the estimated amount of
30 paperwork, and any anticipated effect on state or local revenues;

31 (c) An estimate of the cost or economic benefit to all
32 persons directly affected by the proposed action;

33 (d) An analysis of the impact of the proposed rule on
34 small business;

35 (e) A comparison of the costs and benefits of the
36 proposed rule to the probable costs and benefits of not adopting
37 the proposed rule or significantly amending an existing rule;

38 (f) A determination of whether less costly methods or
39 less intrusive methods exist for achieving the purpose of the
40 proposed rule where reasonable alternative methods exist which are
41 not precluded by law;

42 (g) A description of reasonable alternative methods,
43 where applicable, for achieving the purpose of the proposed action
44 which were considered by the agency and a statement of reasons for
45 rejecting those alternatives in favor of the proposed rule; and



46 (h) A detailed statement of the data and methodology
47 used in making estimates required by this subsection.

48 (3) No rule or regulation shall be declared invalid based on
49 a challenge to the economic impact statement for the rule unless
50 the issue is raised in the agency proceeding. No person shall
51 have standing to challenge a rule, based upon the economic impact
52 statement or lack thereof, unless that person provided the agency
53 with information sufficient to make the agency aware of specific
54 concerns regarding the statement in an oral proceeding or in
55 written comments regarding the rule. The grounds for invalidation
56 of an agency action, based upon the economic impact statement, are
57 limited to the agency's failure to adhere to the procedure for
58 preparation of the economic impact statement as provided in this
59 section, or the agency's failure to consider information submitted
60 to the agency regarding specific concerns about the statement, if
61 that failure substantially impairs the fairness of the rule-making
62 proceeding.

63 (4) A concise summary of the economic impact statement must
64 be properly filed with the Secretary of State for publication in
65 the administrative bulletin and the period during which persons
66 may make written submissions on the proposed rule shall not expire
67 until at least twenty (20) days after the date of such proper
68 filing.

69 (5) The properly filed summary of the economic impact
70 statement must also indicate where persons may obtain copies of



71 the full text of the economic impact statement and where, when and
72 how persons may present their views on the proposed rule and
73 demand an oral proceeding on the proposed rule if one is not
74 already provided.

75 (6) If the agency has made a good-faith effort to comply
76 with the requirements of subsections (1) and (2) of this section,
77 the rule may not be invalidated on the ground that the contents of
78 the economic impact statement are insufficient or inaccurate.

79 (7) This section does not apply to the adoption of:

80 (a) Any rule which is required by the federal
81 government pursuant to a state/federal program delegation
82 agreement or contract;

83 (b) Any rule which is expressly required by state law;
84 and

85 (c) A temporary rule adopted pursuant to Section
86 25-43-3.108.

87 (8) (a) This subsection (8) shall be known and may be cited
88 as the "Mississippi Regulations from the Executive in Need of
89 Scrutiny (REINS) Act."

90 (b) If a proposed rule is estimated to cost in excess
91 of One Million Dollars (\$1,000,000.00), as reflected in an
92 economic impact statement required under this chapter, the
93 proposed rule shall not become effective until the Legislature
94 enacts legislation ratifying the proposed rule.



95 (i) The issuing agency shall submit the proposed
96 rule to the Legislature no later than thirty (30) days prior to
97 the next regular legislative session. Any member of the
98 Legislature may introduce a bill to ratify the proposed rule.

99 (ii) The Legislature must ratify the proposed rule
100 before the agency may submit the rule to the Office of the
101 Secretary of State as a final rule. The proposed rule shall not
102 become effective before the effective date of the ratifying
103 legislation.

104 (iii) If the Legislature does not ratify the
105 proposed rule, the agency shall not submit a final rule to the
106 Office of the Secretary of State.

107 (c) The agency shall withdraw the proposed rule and
108 cause notice of the withdrawal in the next available issue of the
109 administrative bulletin, if:

110 (i) The Legislature does not ratify the proposed
111 rule before adjournment sine die; or

112 (ii) The Legislature does not override a veto, in
113 the event that the Governor vetoes the legislation ratifying the
114 proposed rule.

115 (d) A proposed rule adopted after July 1, 2025, is
116 invalid unless adopted in compliance with the provisions of this
117 article.

118 **SECTION 2.** This act shall take effect and be in force from
119 and after July 1, 2025.

