

RESOLUTION

WHEREAS, is it necessary for the Occupational Licensing Review Commission to adopt a resolution detailing the processes, procedures and timelines that will govern the submission of proposed occupational regulations by occupational licensing boards: NOW, THEREFORE, BE IT RESOLVED BY THE OCCUPATIONAL LICENSING REVIEW COMMISSION, that the following shall be the definitions, processes, procedures and timelines that will govern the submission of proposed occupational regulations by occupational licensing boards:

1. Definitions

- A. OLB(s) – Occupational Licensing Board(s).
- B. Commission – Occupational Licensing Review Commission.
- C. Rule Submission – Any filing made with the Secretary of State’s Office as required by Mississippi Code Annotated Section 25-43-1.101, et seq., consisting of an occupational regulation defined by Miss. Laws, 2017, ch. 415, § 3. H.B. 1425.
- D. Submission – Any documents required to be submitted to the Commission.

2. Rule Submission Required. OLBs must submit any proposed rule submission to the Commission before the OLB may submit the rule submission to the Secretary of State’s Office for public comment as required by Mississippi Code Annotated § 25-43-3.103. The OLB may submit the rule submission to the Secretary of State’s Office for public comment once it has been submitted to the Commission.

OLBs must also submit any adopted rule to the Commission before the OLB may submit the rule submission to the Secretary of State’s Office as a final rule as required by Mississippi Code Annotated § 25-43-3.109. The submission shall summarize any changes made to the proposed rule or otherwise indicate that no changes were made. The submission shall also include any comments received during the comment period or recording or transcript of any oral proceeding, as well as any other information required by Paragraph 4(D) of this Resolution. Approval of the proposed rule by the Commission must be obtained before the OLB may file the rule submission as a final rule with the Secretary of State’s Office.

For emergency rules that are required to be filed with the Secretary of State’s Office under the authority of Mississippi Code Annotated § 25-43-3.108, concurrent submission to the Commission is required upon initial filing.

3. Other Submissions Required. Any rule, regulation, restraint, practice, or policy that allows an individual to use an occupational title or work in a lawful occupation including registrations, certifications, and occupational licenses must be submitted to the Commission before it becomes effective.

4. Medium and Manner of Submission.

- A. OLBs shall submit all documents electronically to the Commission.

- B. A rule submission shall include a PDF version of all forms required to be filed with the Secretary of State's Office and a PDF version of the proposed rule text as it is required to be filed with the Secretary of State's Office.
- C. All submissions other than rule submissions shall include a PDF version of the rule, regulation, restraint, practice, policy, registration, certification, or occupational license for which the OLB is seeking approval.
- D. All submissions, including rule submissions, shall include a separate PDF document that includes a short explanation of the state policy with which the submission is in compliance, an explanation of the impact the proposed change will have on public health and safety, a detailed explanation of the need for the proposed change, and an analysis of the impact the proposed change will have on small businesses. In addition, such submissions may include, where applicable, a comparative analysis of the proposed change to existing regulations in other states and a comprehensive legislative history (proposed and/or enacted legislation, if any). However, the submission of such information is not required for emergency rules filed under the authority of Mississippi Code Annotated § 25-43-3.108.
- E. All submissions, including rule submissions, shall include the contact information for the person responsible for the submission including that person's name, email address, and telephone number.
- F. All submissions shall be sent to admin@olrc.ms.gov for filing with the Commission.
- G. For submissions that are too large to submit through email, the submission must be made through readily usable electronic storage media such as a compact disc or a jump drive. Further, both storage media and any outer cover for the media must contain the following information:
 - a. Occupational Licensing Board Name,
 - b. Contact Person,
 - c. Phone number, and
 - d. Email address.
- H. The Commission shall issue an email response to the OLB acknowledging receipt of submission.

5. Review of New Occupational Regulations. The Chairman shall call a meeting of the Commission quarterly and at such other times as the Chairman deems necessary. The Chairman shall set the agenda for each meeting. All submissions shall be reviewed by the Commission and shall be either approved, disapproved, disapproved with suggested amendment, or the OLB will be allowed to withdraw for revision.

6. Review of Existing Occupational Regulations. In accordance with the amendments to Sections 73-47-5(b)(ii) and 73-47-9(2) enacted in House Bill 1104 (Laws of 2020, Regular Session), which expressly authorizes the Commission to "exercise active supervision over existing occupational regulations promulgated by occupational licensing boards" under its purview, any member of the Commission, or his or her respective designee, may raise a concern regarding any existing occupational regulation(s) via communication to the Office of the Governor requesting research. At the next scheduled Commission meeting following such request and the completion of such research (or any Commission meeting thereafter), any member of the Commission, upon motion, may request that such existing occupational

regulation(s) be reviewed by the Commission. Upon an affirmative vote of a majority of the members, the Commission shall review such occupational regulation(s). Upon completion of such review and a vote by the Commission that such occupational regulation(s) does not comply with the provision of the Occupational Board Compliance Act of 2017, the Commission may either (a) declare that the noncomplying regulation(s) will become invalid sixty (60) calendar days after the date of review, at which time the regulation(s) will cease to have any force of law; or (b) allow the occupational licensing board an opportunity to amend the noncomplying regulation(s) to conform with state policy.

7. Approval by Commission. All approved submissions shall be listed in a Resolution passed by the Commission. The Resolution shall include the date, the name of each OLB, and a description of each approved submission. The Resolution shall be sent to the OLB whose submission has been approved.

8. Disapproval by Commission. OLBs whose rules have been disapproved by the Commission shall receive an email response stating that the submission has been disapproved or disapproved with suggested amendment.

Revised April 18, 2023.