

SECOND REGULAR SESSION

# HOUSE BILL NO. 980

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MYERS (Sponsor), MUNZLINGER, TOWNLEY, QUINN,  
LUETKEMEYER, DETHROW, ENGLER, HUNTER AND EMERY (Co-sponsors).

Read 1<sup>st</sup> time January 8, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2513L.011

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### AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to environmental rules.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 640, RSMo, is amended by adding thereto one new section, to be  
2 known as section 640.014, to read as follows:

**640.014. 1. Notwithstanding any provision of the law to the contrary, all rules that**  
2 **prescribe environmental conditions or standards promulgated by the department of**  
3 **natural resources, a board, or a commission, pursuant to this chapter and chapters 260,**  
4 **278, 319, 444, 643, and 644, RSMo, the hazardous waste management commission in**  
5 **chapter 260, RSMo, the state soil and water districts commission in chapter 278, RSMo,**  
6 **the petroleum storage tank insurance fund board in chapter 319, RSMo, the land**  
7 **reclamation commission in chapter 444, RSMo, the safe drinking water commission in this**  
8 **chapter, the air conservation commission in chapter 643, RSMo, and the clean water**  
9 **commission in chapter 644, RSMo, shall cite the specific section of law or legal authority.**  
10 **The rule shall also be based on the regulatory impact report provided in this section.**

11 **2. The regulatory impact report required by this section shall include:**

12 **(1) A report on the peer-reviewed scientific data used to commence the rulemaking**  
13 **process;**

14 **(2) A description of persons who will most likely be affected by the proposed rule,**  
15 **including persons that will bear the costs of the proposed rule and persons that will benefit**  
16 **from the proposed rule;**

17 **(3) A description of the probable qualitative and quantitative impact of the**  
18 **proposed rule, including environmental and economic costs and benefits;**

- 19           (4) The probable costs to the agency and to any other agency of the implementation  
20 and enforcement of the proposed rule and any anticipated effect on state revenue;
- 21           (5) A comparison of the probable costs and benefits of the proposed rule to the  
22 probable costs and benefits of inaction, which includes both economic and environmental  
23 costs and benefits;
- 24           (6) A determination of whether there are less costly or less intrusive methods for  
25 achieving the proposed rule;
- 26           (7) A description of any alternative method for achieving the purpose of the  
27 proposed rule that were seriously considered by the department and the reasons they were  
28 rejected in favor of the proposed rule;
- 29           (8) An analysis of both short-term and long-term consequences of the proposed  
30 rule;
- 31           (9) An explanation of the risks to human health, public welfare, or the  
32 environment, addressed by the proposed rule, including an estimate of the impact of risk;
- 33           (10) The identification of the sources of scientific information used in evaluating  
34 the risk and a summary of such information;
- 35           (11) A description and impact statement of any uncertainties and assumptions  
36 made in conducting the analysis on the resulting risk estimate;
- 37           (12) A description of any significant countervailing risks that may be caused by the  
38 proposed rule; and
- 39           (13) The identification of alternative regulatory approaches that will produce  
40 comparable human health, public welfare, or the environmental outcomes and an estimate  
41 of their relative benefits and costs.
- 42           3. The department, board, or commission shall develop the regulatory impact  
43 report required by this section using peer-reviewed and published data.
- 44           4. The department, board, or commission shall publish in at least one newspaper  
45 of general circulation, qualified pursuant to chapter 493, RSMo, with an average  
46 circulation of twenty thousand or more and on the department, board, or commission  
47 website a notice of availability of any regulatory impact report conducted pursuant to this  
48 section and shall make such assessments and analyses available to the public by posting  
49 them on the department, board, or commission website. The department, board, or  
50 commission shall allow at least sixty days for the public to submit comments and shall post  
51 all comments and respond to all significant comments before promulgating the rule.
- 52           5. The department, board, or commission shall file a copy of the regulatory impact  
53 report with the joint committee on administrative rules concurrently with the filing of the  
54 proposed rule pursuant to section 536.024, RSMo.

55           **6. If the department, board, or commission fails to conduct the regulatory impact**  
56 **report as required for each proposed rule pursuant to this section, such rule shall be void.**

57           **7. Notwithstanding any other provision of this section to the contrary, the**  
58 **department, board, or commission referenced in subsection 1 of this section may adopt a**  
59 **rule without conducting a regulatory impact report if the director of the department**  
60 **determines that immediate action is necessary to protect human health, public welfare, or**  
61 **the environment; provided, however, the department, board, or commission shall provide**  
62 **written justification as to why it deviated from conducting a regulatory impact report and**  
63 **shall complete the regulatory impact report within one hundred eighty days of the**  
64 **adoption of the rule.**

65           **8. This section shall not apply if the department adopts environmental protection**  
66 **agency rules and rules from other applicable federal agencies without variance.**