

HJR 100 -- JOINT COMMITTEE ADMINISTRATIVE RULES

SPONSOR: Ross

COMMITTEE ACTION: Voted "Do Pass" by the Special Committee on Government Oversight by a vote of 6 to 3. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 3.

Upon voter approval, this proposed Constitutional amendment establishes a permanent "Joint Committee on Administrative Rules". The members shall be chosen from the General Assembly as provided by law.

The committee is charged with review of all rules established by state agencies, including any Constitutionally or statutorily created agencies, departments, or commissions, and may recommend that the General Assembly disapprove and annul any rule based on certain grounds as detailed in the resolution. Any rule disapproved by a majority vote of the committee shall be held in abeyance and not effective until the conclusion of certain legislative and judicial action. The amendment provides that no proposed or final order of rulemaking shall take effect if the General Assembly, by a three-fifths majority, shall disapprove such rule by concurrent resolution within 30 legislative days occurring during the same regular session of the General Assembly. The concurrent resolution must specify the grounds for disapproval and must be treated as a bill, but shall not be presented to the Governor.

Any person aggrieved by the disapproval of a rule that was based on an absence of statutory authority, a conflict with state law, or a finding that the rule was arbitrary and capricious may bring an action for de novo review in a court of competent jurisdiction. Any person aggrieved by the disapproval of a rule on other bases as set out in the amendment may bring an action for judicial review, but the legislative determination will be upheld if a rational basis exists that the rule violates any of those bases.

This bill is the same as HJR 53 (2019).

PROPONENTS: Supporters say that the Joint Committee on Administrative Rules (JCAR) is an opportunity for Missouri citizens to raise their hands to say a rule needs attention. Every state agency goes through JCAR except the Department of Conservation. This bill will put the committee which is currently in statute in the Constitution and include conservation. This bill is about government accountability.

Testifying for the bill was Representative Ross.

OPPONENTS: Those who oppose the bill say that the Department of Conservation is successful and the current set up allows for long-term progress. It has worked great for eight decades. Term limits could complicate how JCAR will work. Missouri is unique in the nation with our state parks and conservation and is a great place for hunters and anglers.

Testifying against the bill were Steve Jones; Mark Zurbrick; William C. "Bill" Kirgan; Conservation Federation of Missouri; Sara Pauley, Missouri Department of Conservation; Kathryn Gates; Brock Andreasen; Carol Davit, Missouri Prairie Foundation; David Graber, Ducks Unlimited; Allen Tatman, Backcountry Hunters and Anglers; Ethan Duke; David W. Erickson, Missouri Conservation Pioneers; Zach Morris, Conservation Federation of Missouri; Nathan McLeod; Mike Schallon; and Greg Harris, Missouri Rock Island Trail, Incorporated.