

SECOND REGULAR SESSION

HOUSE BILL NO. 1972

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

4298H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 536, RSMo, by adding thereto one new section relating to administrative rules.

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

Section A. Chapter 536, RSMo, is amended by adding thereto one new section, to be known as section 536.180, to read as follows:

536.180. 1. No rule or portion of a rule promulgated under this chapter shall become effective until it has been approved by the general assembly as provided in this section. The delegation of legislative authority to enact laws by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

2. Upon filing any proposed rule with the secretary of state, the filing agency shall concurrently submit such proposed rule to the joint committee on administrative rules, which may hold hearings on any proposed rule or portion thereof at any time. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee, except as provided in this subsection.

3. If a fiscal note required under this chapter for a proposed rule estimates costs in excess of two hundred fifty thousand dollars, the committee shall suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking. If the general assembly does not approve of a proposed rule, the filing

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 agency shall not file such proposed rule with the secretary of state and the secretary of
18 state shall not publish the final order of rulemaking in the Missouri register.

19 4. The general assembly may adopt a concurrent resolution in accordance with
20 the provisions of Article IV, Section 8 of the Constitution of Missouri to approve a
21 proposed rule.

22 5. Upon adoption of such concurrent resolution as provided in subsection 4 of
23 this section, the secretary of state shall not publish the order of rulemaking until the
24 expiration of time necessary for such resolution to be signed by the governor or vetoed
25 and subsequently acted upon by the general assembly as provided in Article III, Section
26 32 of the Constitution of Missouri. If such concurrent resolution is adopted and signed
27 by the governor or otherwise reconsidered under Article III, Section 32 of the
28 Constitution of Missouri, the secretary of state shall publish in the Missouri register, as
29 soon as practicable, the order of rulemaking along with notice of the proposed rules or
30 portions thereof that were approved by the general assembly.

31 6. Except as provided in section 536.025, any rule, or amendment or rescission
32 thereof, shall be null, void, and unenforceable unless made in accordance with the
33 provisions of this section.

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