

SECOND REGULAR SESSION

HOUSE BILL NO. 1641

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE OVERCAST.

4844H.01I

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 536.190, to read as follows:

536.190. 1. The requirements of this section shall be in addition to other duties and responsibilities of the joint committee on administrative rules described in this chapter.

2. The committee shall have authority to:

(1) Review and evaluate any rule, regulation, guidance document, program manual, policy, or directive issued, adopted, implemented, or enforced by any state agency or department whether currently in effect, previously in effect, suspended, withdrawn, or superseded, and whether formally promulgated under chapter 536, that has or purports to have general applicability or binding effect upon persons, political subdivisions, or entities outside the agency;

(2) Determine whether any action constitutes a rule within the meaning of section 536.010 or exceeds the scope of statutory authority;

(3) Require agencies to produce documents, data, or witnesses necessary for the committee's review and issue subpoenas for the compulsory attendance of witnesses, including agency directors, officers, and employees, and for the production of papers, records, and other evidence relevant to matters within its jurisdiction;

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 (4) Administer oaths and affirmations to witnesses appearing before the
18 committee; and

19 (5) Refer matters of noncompliance, obstruction, or false testimony to the
20 appropriate prosecuting authority or to the ethics commissions of the respective
21 chambers.

22 3. For the purposes of subdivision (1) of subsection 2 of this section, the
23 committee may initiate such reviews on its own motion, at the request of a member of
24 the general assembly, or upon a request from an affected person or entity and may, as
25 part of its investigation, determine the validity, intent, consistency, and practical or
26 fiscal impact of such agency actions and conduct audits or investigations to determine
27 whether implementation or enforcement exceeds statutory authority, conflicts with
28 legislative intent, or imposes unauthorized burdens.

29 4. The committee, upon a majority vote, may issue a notice of noncompliance for
30 rules, policies, or directives that exceed statutory authority, should have been
31 promulgated under chapter 536, or have unapproved fiscal or economic impacts
32 exceeding two hundred fifty thousand dollars annually. The notice shall be transmitted
33 to the adopting agency and the agency shall have thirty days to respond in writing
34 indicating corrective action or justification.

35 5. Each state department shall, within ten days of issuance, file with the
36 committee a notice of any guidance document, directive, or policy of general
37 applicability not promulgated as a rule under chapter 536.

38 6. The committee may employ counsel, investigators, and technical staff as
39 necessary to carry out its duties under this section, subject to appropriation.

40 7. The committee shall submit an annual report to the general assembly listing:

- 41 (1) Each rule or policy reviewed;
42 (2) Findings of compliance or noncompliance;
43 (3) Agency responses; and
44 (4) Any corrective actions taken.

45 8. Reports issued under this section and an agency's compliance with the
46 provisions of this section shall be considered by all standing committees of the house of
47 representatives and the senate during the appropriations process and when acting on
48 any legislative matters relating to the agency.

✓