

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1641
103RD GENERAL ASSEMBLY

4844H.02C

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
2 known as section 536.190, to read as follows:

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

4 **2. The committee shall have authority to:**

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8 suspended, withdrawn, or superseded, and whether formally promulgated under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

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

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

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

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.

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, specification, or policy of**
37 **general 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.**

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