

HB 1641 -- POWERS OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

SPONSOR: Overcast

This bill adds additional duties and responsibilities to the Joint Committee on Administrative Rules. The Committee may:

- (1) Review and evaluate any rule, regulation, guidance document, program manual, policy, or directive by any state agency or department, whether it is currently in effect or not, so long as it affects individuals or entities outside the issuing agency;
- (2) Determine whether the action is a "rule" under Chapter 536, RSMo or exceeds statutory authority;
- (3) Require agencies to produce necessary documents, data, or witnesses for the Committee's review and issue subpoenas to produce those documents, data, or witnesses within its jurisdiction;
- (4) Swear in witnesses appearing before the Committee; and
- (5) Refer noncompliance, obstruction, or false testimony to the appropriate prosecuting authority and the ethics commissions of the House of Representatives and the Senate.

The Committee may initiate a review on its own motion, at the request of a member of the General Assembly, or at the request of an affected person or entity. The Committee may determine the validity, intent, consistency, and impacts of agency actions and conduct audits or investigations to determine whether the actions exceed the agency's authority, conflict with the legislature's intent, or create unauthorized burdens.

The Committee may issue agencies with notices of noncompliance by a majority vote when rules, policies, or directives exceed statutory authority, should have followed the rulemaking procedures in Chapter 536, or have unapproved fiscal impacts exceeding \$250,000. The adopting agency will have 30 days to respond in writing to indicate corrective action or justify the original rule, policy, or directive.

Each state department must file notice with the Committee within 10 days of issuing any guidance document, directive, or policy of general applicability not adopted under the rulemaking procedures in Chapter 536.

The Committee may employ counsel, investigators, and technical staff to carry out its duties.

The Committee must submit an annual report to the General Assembly listing:

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

Reports issued by the Committee and an agency's compliance with the Committee's reviews and investigations must be considered by all standing committees of the House of Representatives and the Senate during the appropriations process and when acting on any legislative matters relating to the agency.