

HB 2559 -- ADMINISTRATIVE RULES

SPONSOR: Keathley

COMMITTEE ACTION: Voted "Do Pass" by the Special Committee on Intergovernmental Affairs by a vote of 13 to 0. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 10 to 0.

This bill creates a new process for proposed administrative rules with a fiscal note that estimates costs to the government, individuals, or businesses exceeding \$250,000. The State agency filing the notice of proposed rulemaking must file notification of the rule with the Joint Committee on Administrative Rules (JCAR). Hearings may be held by JCAR on any proposed rule at any time, and a final order of rulemaking will not be filed with the Secretary of State until at least 30 days after it has been received by JCAR.

Rules that require notification be sent to JCAR under this bill will not become effective unless the requirements of the bill are satisfied, including that the General Assembly passes a concurrent resolution to approve the rule, and either the Governor signs the resolution or the Governor vetoes it and the General Assembly overrides the veto. Rules not made in accordance with the provisions of this bill will be null, void, and unenforceable, except rules required to conform with Federal law or to receive Federal funding or emergency rules.

The Secretary of State will publish approved rules in the Missouri Register as soon as practicable, along with the notice of the proposed rules or portions of the notice of proposed rules that were approved by the General Assembly.

The bill prohibits any State agency from filing any notice of proposed rulemaking unless they receive and include written approval by the Governor.

PROPOSERS: Supporters say that this bill provides checks and balances by requiring legislative action to make rules effective when they have a large financial impact. This is necessary oversight to ensure that no large financial burdens are placed on citizens without clear legislative authority. Without this approval requirement, the rules lack democratic legitimacy. Drafting and proposing rules will otherwise remain the same except that they will require written approval from the Governor.

Testifying in person for the bill were Representative Keathley; Barry Goldwater Institute For Public Policy Research; Arnie C. Dienoff; and Graham Owens, Americans For Prosperity.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.