

HCS HB 980 -- ENVIRONMENTAL RULES

SPONSOR: Myers

COMMITTEE ACTION: Voted "do pass" by the Committee on Agriculture by a vote of 24 to 2.

This substitute requires after the effective date of the substitute that all rules promulgated or amended by the Department of Natural Resources and certain related boards and commissions that prescribe environmental conditions or standards cite the specific section of law or legal authority for the rule. The rule must also be based on a regulatory impact report. The substitute outlines the criteria for the report which must be published in a qualified newspaper and posted on the agency, board, or commission's web site. Sixty days must be allowed for public comment before promulgating the rule. The report must be filed with the Joint Committee on Administrative Rules. Rules may be adopted within certain limitations without a regulatory impact report if immediate action is necessary to protect human health, public welfare, or the environment. Rules may also be adopted that are equivalent to federal rules.

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of \$0 in FY 2005, \$0 to a cost of Unknown in FY 2006, and \$0 to a cost of Unknown in FY 2007. Could exceed \$100,000 per year. Estimated Net Effect on Other State Funds of \$0 in FY 2005, \$0 to a cost of Unknown in FY 2006, and \$0 to a cost of Unknown in FY 2007.

PROponents: Supporters say that the bill creates consistency in environmental rulemaking, thereby attracting new and retaining businesses.

Testifying for the bill were Representative Myers; Missouri Chamber of Commerce and Industry; Associated Industries of Missouri; St. Louis Regional Chamber and Growth Association; Missouri Farm Bureau; Missouri Soybean Association; Missouri Corn Growers Association; and Missouri Cattlemens Association.

OPponents: Those who oppose the bill say that it provides multiple opportunities for litigation. Missouri is last in per capita spending on environmental protection.

Testifying against the bill was Sierra Club.

OTHERS: Others testifying on the bill say the goals of the bill have already been accomplished. The Petroleum Storage Tank Insurance Fund should not be included in the bill. The Regulatory Impact Report lays out minimum inclusions to be

addressed for all rulemaking by the various commissions.

Others testifying on the bill were Department of Natural Resources; Norella Huggins, Hazardous Waste Commission; and Carol Eighmey, Petroleum Storage Tank Insurance Fund.

Roland Tackett, Legislative Analyst