

SECOND REGULAR SESSION

HOUSE BILL NO. 1801

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORRIS (140).

4445H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 536.037, RSMo, and to enact in lieu thereof two new sections relating to state enforcement of federal regulations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 536.037, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 1.360 and 536.037, to read as follows:

1.360. 1. To ensure that the powers reserved to this state under Amendment X of the Constitution of the United States are protected and to ensure that the federal government does not encroach on this state's status as an independent sovereign in a federal system of governance, all federal rules and regulations promulgated by the United States Environmental Protection Agency shall be subject to approval by the general assembly as set forth in subsection 5 of this section.

2. No department or agency of this state shall enforce any rule or regulation promulgated by the United States Environmental Protection Agency within the borders of this state unless the enforcement of such regulation is approved by the general assembly as set forth in subsection 5 of this section.

3. No rule or regulation promulgated on or after August 28, 2020, by any department or agency of this state in conjunction with the enforcement of any rule or regulation promulgated by the United States Environmental Protection Agency shall be enforceable unless such rule or regulation is approved by the general assembly as set forth in subsection 5 of this section.

4. Any existing rule or regulation promulgated before August 28, 2020, by any department or agency of this state in conjunction with the enforcement of any rule or

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.

18 regulation promulgated by the United States Environmental Protection Agency that is in
19 force and effect after August 28, 2020, shall be subject to review by the committee on
20 administrative rules established under section 536.037. The committee shall determine
21 whether such rule or regulation shall continue to be enforced and shall make a
22 recommendation thereof to the general assembly. The general assembly shall review all
23 such rules and regulations referred to it by the committee and shall approve or disapprove
24 of the continued enforcement of such rules or regulations. No such rule or regulation that
25 the general assembly disapproves shall be enforceable unless and until the rule or
26 regulation is again referred to the general assembly by the committee of administrative
27 rules and then approved by the general assembly. Any such rule or regulation that the
28 general assembly approves shall continue to be enforced unless such rule or regulation is
29 repealed by the agency or department.

30 **5. No rule or regulation promulgated by the United States Environmental**
31 **Protection Agency, or any rule or regulation promulgated by any department or agency**
32 **of this state in conjunction with the enforcement of any rule or regulation promulgated by**
33 **the United States Environmental Protection Agency, shall be effective in the state until the**
34 **general assembly, within the first sixty calendar days of the regular session immediately**
35 **following the promulgation of such rule or regulation, by concurrent resolution, approves**
36 **such rule or regulation.**

536.037. 1. There is established a permanent joint committee of the general assembly
2 to be known as the "Committee on Administrative Rules", which shall be composed of five
3 members of the senate and five members of the house of representatives. The senate members
4 of the committee shall be appointed by the president pro tem of the senate and the house
5 members by the speaker of the house. The appointment of each member shall continue during
6 ~~[his]~~ **the member's** term of office as a member of the general assembly unless sooner removed.
7 No major party shall be represented by more than three appointed members from either house.

8 2. The committee on administrative rules shall meet within ten days after its creation and
9 organize by selecting a ~~chairman~~ **chair** and a vice ~~chairman~~ **chair**, one of whom shall be a
10 member of the senate and one of whom shall be a member of the house of representatives. A
11 majority of the members constitutes a quorum. Meetings of the committee may be called at such
12 time and place as the ~~chairman~~ **chair** designates.

13 3. The committee shall review all rules promulgated by any state agency after January
14 1, 1976, except rules promulgated by the labor and industrial labor relations commission. In its
15 review the committee may take such action as it deems necessary which may include holding
16 hearings.

17 4. **The committee shall review all rules and regulations promulgated before August**
18 **28, 2020, by any federal agency or by any state agency in conjunction with the enforcement**
19 **of any rule or regulation promulgated by the United States Environmental Protection**
20 **Agency that is in force and effect on August 28, 2020, and determine whether such rules**
21 **and regulations should continue to be enforced under section 1.360. In its review the**
22 **committee may take such action as it deems necessary, which may include holding**
23 **hearings. The committee shall refer all reviewed rules and regulations to the general**
24 **assembly with a recommendation of whether such rules or regulations should be**
25 **enforceable. Any citizen of this state may request the review of any specific rule or**
26 **regulation promulgated by the United States Environmental Protection Agency, and the**
27 **committee shall review such rule or regulation.**

28 5. The members of the committee shall receive no compensation in addition to their
29 salary as members of the general assembly, but may receive their necessary expenses while
30 attending the meetings of the committee, to be paid out of the joint contingent fund.

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