

HCS SB 739 -- ENVIRONMENTAL RULES

SPONSOR: Klindt (Myers)

COMMITTEE ACTION: Voted "do pass" by the Committee on Agriculture by a vote of 22 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.

The substitute requires that the department submit all permits to the applicants in ample time for their final review prior to receiving public comment. If the department denies a permit, they must state the reason for the denial.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$0 in FY 2005, \$0 to Unknown in FY 2006, and \$0 to Unknown in FY 2007. Estimated Cost on Other State Funds of \$0 in FY 2005, \$0 or Unknown in FY 2006, and \$0 or Unknown in FY 2007.

PROPOSERS: Supporters say that the bill stabilizes existing, facilitates expansion of, and attracts new Missouri businesses.

Testifying for the bill were Senator Klindt; Missouri Chamber of Commerce and Industry; Associated Industries of Missouri; St. Louis Regional Chamber and Growth Association; Missouri Cattlemens Association; Missouri Dairy Association; Missouri Pork Association; Department of Natural Resources; Missouri Poultry Federation; and Missouri Well Drillers Association.

OPPOSERS: Those who oppose the bill say that it provides multiple opportunities for litigation. The Department of Natural Resources and affected councils are precluded from proactive and flexible rulemaking.

Testifying against the bill was Sierra Club.

Roland Tackett, Legislative Analyst