

HCS HJR 57 -- JOINT COMMITTEE ON ADMINISTRATIVE RULES

SPONSOR: Barnes

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 15 to 0.

Upon voter approval, this proposed constitutional amendment specifies that there must be a permanent joint committee on administrative rules, selected by and from the members of each chamber as provided by law. The committee may employ staff and must meet when necessary to perform its assigned duties. No member of the committee can receive compensation in addition to their salary as members of the General Assembly, but is permitted to receive their necessary expenses while attending the meetings of the committee.

The committee must review all rules promulgated by state agencies except rules promulgated by the Conservation Commission, and may, by majority vote of its members, recommend that the General Assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and upon a finding that such rule or a portion thereof should be disapproved and annulled. If a rule is disapproved by majority vote of the committee it must be held in abeyance and not effective until the conclusion of legislative and judicial action as provided by these provisions. The resolution specifies the grounds upon which the committee may recommend that a rule or portion thereof is not in the public interest or not authorized by the General Assembly.

The resolution prohibits any order of rulemaking, final order of rulemaking, or portion thereof from taking effect or being published if it was disapproved by a three-fifths majority of the General Assembly by concurrent resolution within 30 legislative days occurring during the same regular session. The concurrent resolution must specify the grounds for disapproval and be proceeded upon in the same manner as in the case of a bill, but must not be presented to the Governor.

Any person aggrieved by the disapproval of a rule pursuant to these provisions may bring a cause of action for de novo review in a court of competent jurisdiction. The legislative determination must be upheld if there is a rational basis that the rule violates the provisions specified.

PROPONENTS: Supporters say that the bill provides a mechanism to make sure an agency does not promulgate a rule which may be harmful, arbitrary, and capricious or dangerous to public health.

Testifying for the bill was Representative Barnes.

OPPONENTS: Opponents of the bill are concerned about how it may affect the Department of Conservation.

Testifying against the bill were Martin McDonald, Bass Pro Shops; Mark Whittington, Whitetails Unlimited & QDMA; Sam Orr; Conservation Federation of Missouri; Joe Bachant, Missouri Stream Team Coalition; Missouri Environment Defense Alliance; Renew Missouri; Mark Zurbrick; and Department of Conservation.