

SENATE BILL NO. 426

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

1986S.01I

ADRIANE D. CROUSE, Secretary

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Section A. Section 536.037, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 1.360 and 536.037, to read as follows: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

2. No department or agency of this state shall enforce any rule or regulation promulgated by any federal agency within the borders of this state unless the enforcement of such regulation is approved by the general assembly.

3. No rule or regulation promulgated on or after August 28, 2021, by any department or agency of this state in conjunction with the enforcement of any regulation promulgated by any federal agency shall be enforceable unless such rule or regulation is approved by the general assembly.

4. Any existing rule or regulation promulgated before August 28, 2021, by any department or agency of this state

19 in conjunction with the enforcement of any rule or
20 regulation promulgated by any federal agency that is in
21 force and effect after August 28, 2021, shall be subject to
22 review by the committee on administrative rules, established
23 under section 536.037. The committee shall determine
24 whether such rule or regulation shall continue to be
25 enforced and shall make a recommendation thereof to the
26 general assembly. The general assembly shall review all
27 rules and regulations referred to it by the committee and
28 shall approve or disapprove the continued enforcement of
29 such rules or regulations. No rule or regulation that the
30 general assembly disapproves shall be enforceable unless and
31 until the rule or regulation is again referred to the
32 general assembly by the committee of administrative rules
33 and then approved by the general assembly. Any rule or
34 regulation that the general assembly approves shall continue
35 to be enforced unless such rule or regulation is repealed by
36 the agency or department.

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

12 2. The committee on administrative rules shall meet
13 within ten days after its creation and organize by selecting
14 a chairman and a vice chairman, one of whom shall be a

15 member of the senate and one of whom shall be a member of
16 the house of representatives. A majority of the members
17 constitutes a quorum. Meetings of the committee may be
18 called at such time and place as the chairman designates.

19 3. The committee shall review all rules promulgated by
20 any state agency after January 1, 1976, except rules
21 promulgated by the labor and industrial labor relations
22 commission. In its review the committee may take such
23 action as it deems necessary which may include holding
24 hearings.

25 4. **The committee shall review all rules and**
26 **regulations promulgated before August 28, 2021, by any**
27 **federal agency or by any state agency in conjunction with**
28 **the enforcement of any rule or regulation promulgated by any**
29 **federal agency that are in force and effect on August 28,**
30 **2021, and determine whether such rules and regulations**
31 **should continue to be enforced under section 1.360. In its**
32 **review the committee may take such action as it deems**
33 **necessary, which may include holding hearings. The**
34 **committee shall refer all reviewed rules and regulations to**
35 **the general assembly with a recommendation of whether such**
36 **rule or regulation should be enforceable. Any citizen of**
37 **this state may request the review of any specific rule or**
38 **regulation, and the committee shall review such rule or**
39 **regulation.**

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

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