

SECOND REGULAR SESSION

# SENATE BILL NO. 715

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3039S.011

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Section A. Section 536.037, RSMo, is repealed and two new sections  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

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

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

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

**20 4. Any existing rule or regulation promulgated before August 28,**

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

37 **5. No rule or regulation promulgated by the United States**  
38 **Environmental Protection Agency, or any rule or regulation**  
39 **promulgated by any department or agency of this state in conjunction**  
40 **with the enforcement of any rule or regulation promulgated by the**  
41 **United States Environmental Protection Agency, shall be effective in**  
42 **the state until the general assembly, within the first sixty calendar days**  
43 **of the regular session immediately following the promulgation of such**  
44 **rule or regulation, by concurrent resolution, approves such rule or**  
45 **regulation.**

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

9 2. The committee on administrative rules shall meet within ten days after  
10 its creation and organize by selecting a chairman and a vice chairman, one of  
11 whom shall be a member of the senate and one of whom shall be a member of the  
12 house of representatives. A majority of the members constitutes a

13 quorum. Meetings of the committee may be called at such time and place as the  
14 chairman designates.

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

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

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

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