

SECOND REGULAR SESSION

SENATE BILL NO. 1549

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

6460S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 536.016, RSMo, and to enact in lieu thereof two new sections relating to administrative actions by state agencies.

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

Section A. Section 536.016, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 536.016 and 536.340, to read as follows:

536.016. 1. Any state agency shall propose rules
2 based upon substantial evidence on the record and a finding
3 by the agency that the rule is **specifically authorized by a**
4 **statute and** necessary to carry out the purposes of the
5 statute that granted such rulemaking authority. **A state**
6 **agency shall not rely on a general grant of rulemaking**
7 **authority to supplement a specific grant of rulemaking**
8 **authority and shall not rely on a specific grant of**
9 **rulemaking authority to adopt a rule that exceeds or expands**
10 **the subject matter expressly authorized in the statute**
11 **granting such authority.**

12 2. Each state agency shall adopt procedures by which
13 it will determine whether a rule is necessary to carry out
14 the purposes of the statute authorizing the rule. Such
15 criteria and rulemaking shall be based upon reasonably
16 available empirical data and shall include an assessment of
17 the effectiveness and the cost of rules both to the state

18 and to any private or public person or entity affected by
19 such rules.

20 3. Each state agency shall make publicly available
21 proposed rules on the home page of its official internet
22 website by providing a hyperlink entitled "proposed rules".
23 This hyperlink shall grant access to an internet page which
24 shall provide the following information for each proposed
25 rule within one business day of when such rule is published
26 in the Missouri Register:

27 (1) The text of the proposed rule as filed with the
28 secretary of state pursuant to section 536.021, including
29 any fiscal notes;

30 (2) A summary which shall be a concise statement not
31 exceeding one hundred words using language neither
32 intentionally argumentative nor likely to create prejudice
33 either for or against the proposed rule; and

34 (3) A direct hyperlink to the full text of the
35 proposed rule located in the Missouri Register and all
36 material incorporated by reference on the secretary of
37 state's website.

536.340. 1. As used in this section, the term
2 **"substantive policy statement" shall mean a written**
3 **expression that informs the public of a state agency's**
4 **current interpretation of, or opinion concerning, the**
5 **requirements of the federal or Missouri constitution, a**
6 **federal or state statute, an administrative rule or**
7 **regulation, or a final judgment of a court of competent**
8 **jurisdiction. The term shall include the state agency's**
9 **current practice, procedure, or method of action based on**
10 **that interpretation or opinion.**

11 2. A state agency shall post all substantive policy
12 statements on its publicly accessible website and maintain a

13 complete and current record of such statements for public
14 inspection.

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