

SECOND REGULAR SESSION

SENATE BILL NO. 953

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR YECKEL

Read 1st time February 25, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S4004.011

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to environmental protection.

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

Section A. Chapter 640, RSMo, is amended by adding thereto one new section, to be known as section 640.040, to read as follows:

640.040. 1. On and after the effective date of this section, in promulgating any rule relating to public health and safety or the environment, the department of natural resources and each board and commission within the department of natural resources shall publish with the notice of proposed rulemaking in the Missouri Register:

(1) An estimate, performed with as much specificity as practical, of the risk to the health and safety of individual members of the public addressed by the rule and its effect on human health or the environment and the costs associated with implementation of, and compliance with, the rule;

(2) A comparative analysis of the risk addressed by the rule relative to other risks to which the public is exposed; and

(3) Certification by the agency promulgating the rule that:

(a) The estimate required under subdivision (1) of this subsection and the analysis required under subdivision (2) of this subsection are based upon a scientific evaluation of the risk to the health and safety of individual members of the public and to human health or the environment and are supported by the best available scientific data;

(b) The rule will substantially advance the purpose of protecting the public health and safety or the environment against the specified identified risk; and

(c) The rule will produce benefits to the public health and safety or the

environment that will justify the cost to the government and the public of implementation of, and compliance with, the rule.

2. In the event that the department, board or commission cannot provide the certification required under subsection 1 of this section, the department, board or commission shall report to the general assembly that such certification cannot be made and shall include a statement of the reasons therefor in such report and in the notice of proposed rulemaking.

3. The certification required by this section shall not be construed to amend, modify or alter any provision of law.

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