

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 900

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS SCHNEIDER AND HOWARD.

Read 1st time February 10, 1998, and 1,000 copies ordered printed.

Read 2nd time February 16, 1998, and referred to the Committee on Judiciary.

Reported from the Committee March 10, 1998, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 24, 1998. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

S3813.01P

AN ACT

To repeal sections 536.017 and 536.024, RSMo Supp. 1997, relating to administrative rules, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 536.017 and 536.024, RSMo Supp. 1997, are repealed and two new sections enacted in lieu thereof, to be known as sections 536.017 and 536.024, to read as follows:

536.017. For purposes of this section, "taking of private property" shall mean an activity wherein private property is taken such that compensation to the owner of the property is required by the fifth and fourteenth amendments to the Constitution of the United States or any other similar or applicable law of this state. No department or agency shall transmit a proposed rule or regulation which limits or affects the use of real property to the secretary of state until a takings analysis has occurred. The takings analysis shall evaluate whether the proposed rule or regulation on its face constitutes a taking of real property under relevant state and federal law. The department or agency shall certify in the transmittal letter to the secretary of state that a takings analysis has occurred. **Any rule that does not comply with this section shall be invalid and the secretary of state shall not publish the rule.** A takings analysis shall not

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

be necessary where the rule or regulation is being promulgated on an emergency basis, where the rule or regulation is federally mandated, or where the rule or regulation substantially codifies existing federal or state law.

536.024. 1. When the general assembly authorizes any state agency to adopt administrative rules or regulations [pursuant to this section], the granting of such rulemaking authority and the validity of such rules and regulations is contingent upon the agency complying with the provisions of this section in promulgating such rules after June 3, 1994.

2. Upon filing any proposed rule with the secretary of state, the filing agency shall concurrently submit such proposed rule to the joint committee on administrative rules, which may hold hearings upon any proposed rule or portion thereof at any time.

3. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period.

4. The committee may file with the secretary of state any comments or recommendations that the committee has concerning a proposed or final order of rulemaking. Such comments shall be published in the Missouri Register.

5. The committee may refer comments or recommendations concerning such rule to the appropriations and budget committee of the house of representatives and the appropriations committee of the senate for further action.

6. The provisions of this section shall not apply to rules adopted by the public service commission and the labor and industrial relations commission.

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