

FIRST REGULAR SESSION

SENATE BILL NO. 92

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EHLMANN.

Pre-filed December 1, 1998, and 1,000 copies ordered printed.

S0131.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 536.031, RSMo 1994, 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Section A. Section 536.031, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 536.031 and 536.053, to read as follows:

536.031. 1. There is established a publication to be known as the "Code of State Regulations", which shall be published by the secretary of state as soon as practicable after ninety days following January 1, 1976, and may be republished from time to time thereafter as determined by the secretary of state.

2. The code of state regulations shall contain the full text of all rules of state agencies in force and effect upon the effective date of the first publication thereof, and effective September 1, 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state agencies subsequently made, amended or rescinded. The code may also include citations, references, or annotations, prepared by the state agency adopting the rule or by the secretary of state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other action of the administrative hearing commission, or any determination, decision, order, or other action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule published in the code.

3. The code of state regulations shall be published in looseleaf form in one or more volumes and with an appropriate index and cover, and revisions in the text and index may be made by printing additional pages for insertion in the looseleaf cover. **Access to the code of state regulations and any revisions thereto shall be available through the official world wide web site of the secretary of state.**

4. The secretary of state may omit from the code of state regulations such rules and such material incorporated by reference in any rule the publication of which would be unduly cumbersome or expensive, provided that the full text of such rule or the full text of the material incorporated by reference is made available to any interested person at both the office of the secretary of state and the office of the adopting state agency, and copies thereof made available to any interested party at a cost not to exceed the actual cost of copy reproduction.

5. The courts of this state shall take judicial notice, without proof, of the contents of the code of state regulations.

536.053. Any member of the general assembly shall have standing to challenge any rule promulgated by a state agency and may bring such an action pursuant to the provisions of section 536.050. Such member shall not be required to exhaust any administrative remedy and shall be considered a nonstate party.

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