

**DISTRICT OFFICE**  
P.O. Box 1462  
St. Peters, MO 63376  
Telephone (636) 294-2526



**CAPITOL OFFICE**  
State Capitol, Room 326  
Jefferson City, MO 65101-6806  
Telephone (573) 751-1141  
Fax (573) 522-3383  
tom.dempsey@senate.mo.gov

## **MISSOURI SENATE**

President Pro Tem  
**Tom Dempsey**  
DISTRICT 23

July 28, 2015

Sen. Kurt Schaefer, Chairman  
Joint Committee on Government Accountability  
State Capitol Building  
Jefferson City, MO 65101

Dear Sen. Schaefer:

As President Pro Tempore of the Missouri State Senate I hereby call upon the Joint Committee on Government Accountability to convene to consider the issues set forth below.

Pursuant to Sec. 21.820.1 *RSMo*, the Joint Committee on Government Accountability is charged with being a “watchdog”, protecting citizens and taxpayers from inefficiencies, fraud and misconduct in state government. In light of the staggering volume of new regulations being promulgated by federal agencies, I believe that it is imperative that the Committee be timely called upon to examine and report back to the General Assembly.

Over the last several years and looking ahead through the end of 2016 and beyond, the federal government has undertaken unprecedented regulatory activity in many areas which directly impact the State of Missouri and its citizens, both financially and in terms of their Constitutional rights.

There is concern that many of these new regulations are not in compliance with statutes enacted by Congress and are at minimum Constitutionally suspect, if not in outright violation of our nation’s founding document. Such regulations may also violate Missouri’s Constitution and statutes by encroaching upon areas clearly under the domain of the individual states under the United States Constitution, including but not limited to the Tenth Amendment.

Consequently, compliance with such regulations by Missouri’s executive branch agencies falls within this committee’s authority as this committee is charged with investigating inefficiencies, fraud and misconduct in state government and with reporting to the General Assembly its recommendations for changes in statutory law, rules, or policies.

Specifically, I direct the committee to do the following:

1. Ensure that current law gives sufficient tools to the Missouri Attorney General to mount a vigorous defense of the rights of Missouri’s citizens to be free from federal regulations promulgated without Constitutional or other legal authority.

2. Report to the General Assembly as to whether any such federal regulations are in conflict with the Missouri Constitution or any state statute and if so, whether such regulation may legitimately lay claim to the authority of the United States Constitution or federal law pursuant to the Supremacy Clause or other specifically enumerated Constitutional federal power.
3. Examine whether any of Missouri's executive departments or officials are acting to implement any federal regulation or further any federal policy by any means whatsoever found to be lacking legal authority pursuant to any enumerated power granted by the States to the federal government under the United States Constitution.
4. Compile a list of pending federal regulations or executive orders found to encroach upon any power reserved to the States under the United States Constitution. As part of this inquiry, the committee should describe and detail the costs and/or inefficiencies associated with the new regulations so as to provide the legislature and the citizens of Missouri a complete and clear picture of the economic, social and personal liberty impact of these new regulations or executive orders, including but not limited to the following:
  - a) The committee is specifically charged with examining pending EPA rules on navigable waters, ozone, air and vehicle emissions and is further requested to review a Missouri state energy plan currently being prepared and to report whether said plan orders or encourages states executive agencies to promulgate regulations in conflict with any Missouri law or which purport to implement any federal regulation determined by this committee to lack valid legal authority, as discussed above.
  - b) The committee is specifically charged with examining any pending or proposed federal rule or executive order that would encroach on the ability of Missouri citizens to use the Internet without undue regulation.
  - c) The committee is further charged with investigating reports of pending federal rules or executive orders related to firearms that would impact the freedoms of Missouri citizens guaranteed under the Second Amendment.
5. Finally, the committee is instructed to make inquiry into, receive testimony on and to report back to the General Assembly proposed actions to respond to any violation of law or liberty as described above. Such report may include, but is not limited to, the following:
  - a) Recommend that the General Assembly pass a concurrent resolution requesting the attorney general to join with other state attorneys general to oppose any proposed federal regulation or executive order which infringes upon a power reserved to the State of Missouri or a liberty guaranteed by the United States or Missouri Constitutions to the people of this state.

- b) Recommend further participation in efforts among the several states to propose amendments to the United States Constitution under the powers granted to state legislatures under Article V.
- c) Recommend that Missouri's Congressional Delegation be requested to return to Jefferson City at a time mutually agreeable to offer suggestions for collaboration with the General Assembly on how best to jointly oppose such federal regulations found to be lacking in legal authority and to relay details of their own continuing efforts to do the same as members of the United States Congress; and furthermore to receive, individually or as a delegation, a copy of the committee's final report, presented in person by the President Pro Tempore of the Missouri Senate and the Speaker of the Missouri House Representative and the Chair and Vice-Chair of the Joint Committee on Governmental Accountability.

The Missouri General Assembly takes seriously our duty to the citizens of our great state to protect the essential liberties guaranteed them by both the United States and the Missouri Constitutions. As such, it is incumbent upon us to investigate and to oppose any regulation or executive order lacking appropriate legal authority and otherwise repugnant to essential liberties.

Therefore, the undersigned, as an elected leader of our legislative body, I do hereby call upon the Joint Committee on Government Oversight to convene, at its earliest convenience, to examine the areas outlined above and to submit to us a detailed report of its findings no later than November 15, 2015.

Sincerely,



Tom Dempsey  
President Pro Tempore  
Missouri State Senate