

SENATE BILL NO. 1072

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

3983S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 1.310, RSMo, and to enact in lieu thereof one new section relating to the implementation of federal programs.

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

Section A. Section 1.310, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 1.310,
3 to read as follows:

1.310. 1. This section shall be known and may be
2 cited as the "Big Government Get Off My Back Act".

3 2. Any federal mandate compelling the state to enact,
4 enforce, or administer a federal regulatory program shall be
5 subject to authorization through appropriation or statutory
6 enactment.

7 3. No user fees imposed by the state of Missouri shall
8 increase for the five-year period beginning on August 28,
9 [2009] 2024, unless such fee increase is to implement a
10 federal program administered by the state or is a result of
11 an act of the general assembly. For purposes of this
12 section, "user fee" does not include employer taxes or
13 contributions, assessments to offset the cost of examining
14 insurance or financial institutions, any health-related
15 taxes approved by the Center for Medicare and Medicaid
16 Services, or any professional or occupational licensing fees
17 set by a board of members of that profession or occupation

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

18 and required by statute to be set at a level not to exceed
19 the cost of administration.

20 4. For the five-year period beginning on August 28,
21 **[2009] 2024**, any state agency proposing a rule as that term
22 is defined in subdivision (6) of section 536.010, other than
23 any rule promulgated as a result of a federal mandate, or to
24 implement a federal program administered by the state or an
25 act of the general assembly, shall either:

26 (1) Certify that the rule does not have an adverse
27 impact on small businesses consisting of fewer than fifty
28 full- or part-time employees; or

29 (2) Certify that the rule is necessary to protect the
30 life, health or safety of the public; or

31 (3) Exempt any small business consisting of fewer than
32 fifty full- or part-time employees from coverage.

33 5. The provisions of this section shall not be
34 construed to prevent or otherwise restrict an agency from
35 promulgating emergency rules pursuant to section 536.025, or
36 from rescinding any existing rule pursuant to section
37 536.021.

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