

JUN 27 1997

EXECUTIVE ORDER  
97-97*Rebecca McDowell Cook*  
SECRETARY OF STATE

WHEREAS, the citizens of the State of Missouri are entitled to a government where the Legislative and Executive Branches work collaboratively to effectively address challenges facing our society; and

WHEREAS, the Missouri Supreme Court held in the Missouri Coalition for the Environment v. Joint Committee on Administrative Rules, Case No. 78628 (Mo banc 1997), that the Legislative Branch may only "review regulatory action of the executive branch"; and

WHEREAS, the Executive Branch can benefit from input provided by the Legislative Branch; and

WHEREAS, it is necessary for the Executive Branch to preserve compelling governmental interests through the promulgation and adoption of certain rules; and

WHEREAS, Article IV Section 2 of the Constitution of the State of Missouri assigns to the governor the constitutional duty to "take care that the laws are distributed and faithfully executed..."; and

WHEREAS, the Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 850 has been truly agreed to and finally passed; and

WHEREAS, said bill purports to revoke the rulemaking authority of the Executive Branch unless the Executive Branch adopts by Executive Order certain time frames to allow the Legislative Branch sufficient time to review rules promulgated pursuant to the Executive Branch's constitutional and/or statutory authority; and

WHEREAS, the Executive Branch wishes to grant sufficient time to allow the Legislative Branch to review proposed final orders of rulemaking; and

WHEREAS, both the Legislative and Executive Branch understands the effectiveness of certain sections in said bill is contingent upon the rescission of this Executive Order

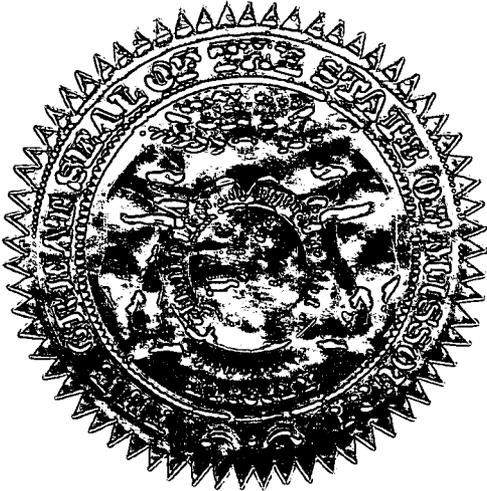
NOW, THEREFORE, I, Mel Carnahan, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order that each Executive Branch, department, agency, commission, and board, except for the Public Service Commission and the Labor and Industrial Relations Commission:

1. Shall concurrently submit any proposed order of rulemaking to the Secretary of State and the Joint Committee on Administrative Rules;
2. Shall not file a final order of rulemaking with the Secretary of State until thirty (30) days after such final order of rulemaking has been received by the Joint Committee on Administrative Rules;
3. Shall hold in abeyance for thirty (30) legislative days a final order of rulemaking if the final order of rulemaking has been disapproved by the Joint Committee on Administrative Rules within thirty (30) days of the Joint Committee on Administrative Rules receiving the final order of rulemaking.
4. Shall give force and effect to concurrent resolutions disapproving an administrative rule, or concurrent resolutions disapproving a proposed rule, only if the resolutions are signed by the Governor or approved by two-thirds of each house of the General Assembly after veto by the Governor, as provided in Article 3, Section 31 and 32, and Article 4, Section 8, of the Missouri Constitution;
5. Shall not give any force or effect to an action by the Joint Committee on Administrative Rules suspending a proposed rule after the expiration of thirty (30) legislative days from the date of the action of the Joint Committee on Administrative Rules disapproving a proposed rule, unless the Committee's

action has been ratified in the manner set forth in paragraph 4 immediately above.

The Executive Order No. 97-97 shall become effective immediately. If this Executive Order is rescinded, those sections in Senate Substitute for Senate Committee Substitute for House Substitute for House Bill 850 whose effectiveness is contingent upon Executive Order No. 97-97 being rescinded will become effective only upon the expiration of twenty days following the rescission of this Order. This Executive Order No. 97-97 shall not apply to those rules promulgated pursuant to Section 536.025. This Executive Order No. 79-97 shall remain in effect until rescinded by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 27th day of June, 1997.



*Del Carnahan*  
GOVERNOR

ATTEST:

*Rebecca M. Daell*  
SECRETARY OF STATE