

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 697
96TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, May 5, 2011, with recommendation that the Senate Committee Substitute do pass.

1777S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 536, RSMo, by adding thereto two new sections relating to the review of state administrative rules.

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

Section A. Chapter 536, RSMo, is amended by adding thereto two new sections, to be known as sections 536.032 and 536.175, to read as follows:

536.032. Upon the filing of a request by a state agency with the joint committee on administrative rules and the secretary of state concurrently, and after publication in the Missouri Register, the secretary of state shall have the authority to make nonsubstantive changes to the Code of State Regulations to update changes in department or division name information in response to statutory changes or executive orders, or to changes in state agency address, state agency telephone numbers, email addresses, or state agency website addresses.

536.175. 1. All orders of rulemaking filed by any state agency on or after August 28, 2011, shall be accompanied by a rule review schedule containing a date by which the rule will next be reviewed by the state agency that is no later than six years from the rule's most recent effective date.

2. No later than July 1, 2014, each state agency shall set a rule review schedule date for all rules for which a schedule for review has not been filed under subsection 1 of this section. Each state agency shall file its schedule of review with the joint committee on administrative rules. The agency's schedule of review shall provide a

11 review date for each of the agency's rules, giving first priority for
12 review to those rules which were last modified on or before December
13 31, 1989. Each state agency must complete its initial review of all rules
14 described in this subsection no later than June 30, 2020. In developing
15 its review schedule, each agency shall provide for approximately one-
16 sixth of its total rules to be reviewed each year leading up to the June
17 30, 2020, deadline. An agency may vary the schedule of review for its
18 rules with the approval of the joint committee.

19 3. The joint committee on administrative rules shall provide each
20 state agency with a listing of all rules for which the state agency has
21 not provided a schedule of review date by the July 1, 2014, deadline. If
22 the state agency does not file the required review schedule within
23 ninety days of notification from the joint committee of the delinquency,
24 the joint committee shall then notify the secretary of state to publish
25 a notice as soon as practicable in the Missouri Register that such rule
26 shall be void and of no further effect ninety days after publication in
27 the Missouri Register unless the state agency corrects the delinquency
28 by providing a review date for the rule. Upon determination that the
29 agency has complied with the requirements of this section regarding
30 any delinquency that resulted in notice being published, the joint
31 committee shall notify the secretary of state to remove the rule from
32 the notice of rules scheduled to become null and void.

33 4. The joint committee on administrative rules shall provide each
34 state agency with a listing of any rules for which the agency has failed
35 to adhere to the schedule of review dates furnished to the joint
36 committee by the state agency. If the state agency does not conduct the
37 required review within ninety days of notification from the joint
38 committee of the delinquency, the joint committee shall then notify the
39 secretary of state to publish a notice as soon as practicable in the
40 Missouri Register that such rule shall be void and of not further effect
41 ninety days after publication in the Missouri Register unless the state
42 agency corrects the delinquency by conducting a review of the rule as
43 required by this section. Upon determination that the agency has
44 complied with the requirements of this section regarding the rule
45 review, the joint committee shall notify the secretary of state to remove
46 the rule from the notice of rules scheduled to become null and void.

47 5. During its periodic review of a rule, the agency shall consider

48 the continued need for the rule, the nature of any complaints or
49 comments received concerning the rule, and any relevant factors that
50 have changed in the subject matter area affected by the rule, including
51 the following:

52 (1) Whether the entire rule should be continued without
53 amendment, be amended, or be rescinded, taking into consideration the
54 purpose, scope, and intent of the statute under which the rule was or
55 would be adopted;

56 (2) Whether the rule needs amendment or rescission to reduce
57 regulatory burdens on business;

58 (3) Whether the rule needs amendment or rescission to eliminate
59 unnecessary paperwork, or whether the rule incorporates a text or
60 other material by reference and, if so, whether the text or other
61 material incorporated by reference meets the requirements of section
62 536.031; and

63 (4) Whether the rule duplicates, overlaps with, or conflicts with
64 other rules or statutes.

65 6. Prior to the rule review date set by the state agency, all state
66 agencies shall file a report of the required determinations and review
67 with the joint committee on administrative rules. Such report shall
68 also describe any action that is to be taken by the agency in regard to
69 the rule and a time line for any required action. For any rule that is
70 found to need amendment, or to be obsolete, ineffective or outdated, the
71 agency shall file to amend or rescind those rules in accordance with
72 section 536.021. Each agency shall file a statement of its findings under
73 subsection 5 of this section with any rulemakings filed under this
74 section.

75 7. If the agency has determined that the rule does not need to be
76 amended or rescinded, the agency shall file notice, in electronic format,
77 with the joint committee on administrative rules containing the
78 following information: a reference to the rule by rule number, a
79 statement of the agency's determination under subsection 5 of this
80 section, a rule summary, and a fiscal analysis for the rule. The agency
81 shall assign a new review date to the rule, which shall not be later than
82 six years after the rule's immediately preceding review date. At the
83 same time the agency files the required notice with the joint committee,
84 it shall transmit the same notice to the secretary of state for

85 **publication in the Missouri Register as soon as practicable after the**
86 **filing thereof in the secretary's office.**

87 **8. The joint committee on administrative rules shall provide**
88 **periodically, but in no event less often than annually, an informational**
89 **report to state agencies and the secretary of state, and by posting the**
90 **information on its website, detailing the rules which are scheduled to**
91 **be reviewed within the upcoming two years. In no event shall the**
92 **inclusion or noninclusion of a rule in such report affect the**
93 **responsibility of the state agencies to file a schedule and review their**
94 **rules in accordance with the requirements of this section.**

Unofficial ✓

Bill

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