

SECOND REGULAR SESSION

SENATE BILL NO. 469

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4433S.011

AN ACT

To repeal section 536.041, RSMo, and to enact in lieu thereof three 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Section A. Section 536.041, RSMo, is repealed and three new sections
2 enacted in lieu thereof, to be known as sections 536.032, 536.041, and 536.175,
3 to read as follows:

**536.032. Upon the filing of a request by a state agency with the
2 joint committee on administrative rules and the secretary of state
3 concurrently, and after publication in the Missouri Register, the
4 secretary of state shall have the authority to make nonsubstantive
5 changes to the code of state regulations to update changes in
6 department or division name information in response to statutory
7 changes or executive orders, or to changes in state agency address,
8 state agency telephone numbers, email addresses, or state agency
9 website addresses.**

536.041. Any person may **file a written** petition with an agency
2 requesting the adoption, amendment or repeal of any rule. Any agency receiving
3 such a petition or other request in writing to adopt, amend or repeal any rule
4 shall forthwith furnish a copy thereof to the joint committee on administrative
5 rules and to the commissioner of administration[, together with the action, if any,
6 taken or contemplated by the agency as a result of such petition or request, and
7 the agency's reasons therefor]. **Within sixty days after the receipt of the
8 petition, the agency shall submit a written response to the petitioner
9 and copies of the response, in electronic format, to the joint committee**

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

10 on administrative rules and to the commissioner of administration,
11 containing its determination whether such rule should be continued
12 without change, amended, or rescinded, together with a concise
13 summary of the state agency's specific facts and findings with respect
14 to the criteria set forth in subsection 4 of section 536.175. If the agency
15 determines the rule merits amendment or rescission, it shall initiate
16 proceedings in accordance with the applicable requirements of this
17 chapter. The joint committee may refer comments or recommendations
18 concerning such rule to the general assembly for further action.

536.175. 1. All rules filed by any state agency on or after August
2 28, 2012, shall automatically terminate ten years after their effective
3 date.

4 2. All rules currently in effect on August 28, 2012, shall expire as
5 follows:

6 (1) Rules which became effective on or before December 31, 1989,
7 shall expire June 30, 2015;

8 (2) Rules which became effective between January 1, 1990, and
9 December 31, 1995, shall expire June 30, 2016;

10 (3) Rules which became effective between January 1, 1996, and
11 December 31, 2000, shall expire June 30, 2017;

12 (4) Rules which became effective between January 1, 2001, and
13 December 31, 2005, shall expire June 30, 2018;

14 (5) Rules which became effective between January 1, 2006, and
15 December 31, 2007, shall expire June 30, 2019;

16 (6) Rules which became effective between January 1, 2008, and
17 August 28, 2012, and including all rules filed but not yet effective as of
18 August 28, 2012, shall expire June 30, 2020.

19 3. If an agency desires to continue the effectiveness of any rule
20 beyond its scheduled termination date, the agency shall repromulgate
21 the rule under the procedures contained in section 536.021 at least once
22 every ten years.

23 4. For each rule, amendment, or repromulgation filed on or after
24 August 28, 2012, the agency shall review the rule to determine all of the
25 following:

26 (1) Whether the rule continues to be necessary, taking into
27 consideration the purpose, scope, and intent of the statute under which
28 the rule was adopted;

29 **(2) Whether the rule is obsolete, taking into consideration the**
30 **length of time since the rule was modified and the degree to which**
31 **technology, economic conditions, or other relevant factors have**
32 **changed in the subject area affected by the rule;**

33 **(3) Whether the rule overlaps, duplicates, or conflicts with other**
34 **state rules, and to the extent feasible, with federal and local**
35 **governmental rules;**

36 **(4) Whether a less restrictive, more narrowly tailored or**
37 **alternative rule could adequately protect the public or accomplish the**
38 **same statutory purpose;**

39 **(5) Whether the rule needs amendment or rescission to reduce**
40 **regulatory burdens on individuals, businesses, or political subdivisions**
41 **or eliminate unnecessary paperwork; and**

42 **(6) Whether the rule incorporates a text or other material by**
43 **reference and, if so, whether the text or other material incorporated by**
44 **reference meets the requirements of section 536.031.**

45 **5. The agency shall file a brief, concise statement of its findings,**
46 **based on the criteria set forth in subsection 4 of this section, with any**
47 **rulemakings filed under the procedures contained in section 536.021.**

48 **6. The joint committee on administrative rules shall provide a**
49 **report on a semi-annual basis to state departments, the secretary of**
50 **state, and by posting the information on its website detailing which**
51 **rules are scheduled to terminate within two years of the date of the**
52 **report. In no event shall the inclusion or noninclusion of a rule in such**
53 **report affect the scheduled termination date of a rule. The state**
54 **agencies with authority to promulgate the rules shall ultimately remain**
55 **responsible for monitoring the effectiveness of their rules.**

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