

FIRST REGULAR SESSION

HOUSE BILL NO. 781

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIDSON.

0796H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 536.175, RSMo, and to enact in lieu thereof one new section relating to administrative rules.

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

Section A. Section 536.175, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 536.175, to read as follows:

536.175. 1. Each state agency shall periodically review all of its rules according to the following review schedule:

(1) Rules contained in titles 1 through 6 of the code of state regulations shall begin the review process no later than July 1, 2015, and every five years thereafter;

(2) Rules contained in titles 7 through 10 of the code of state regulations shall begin the review process no later than July 1, 2016, and every five years thereafter;

(3) Rules contained in titles 11 through 14 of the code of state regulations shall begin the review process no later than July 1, 2017, and every five years thereafter;

(4) Rules contained in titles 15 through 19 of the code of state regulations shall begin the review process no later than July 1, 2018, and every five years thereafter; and

(5) Rules contained in titles 20 and higher of the code of state regulations shall begin the review process no later than July 1, 2019, and every five years thereafter.

2. The joint committee on administrative rules shall cause a notification of agency review to be published in the Missouri Register indicating rules being reviewed under this section and shall contain:

(1) Which titles of the code of state regulations will be under review;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (2) A notice that anyone may file comments concerning the rules being reviewed no later
18 than sixty days after publication of the notice in the Missouri Register;

19 (3) A notice that all comments must identify the commenter, must specify the rule being
20 commented upon, and must contain comments directly associated to that rule;

21 (4) A listing of agency designee assigned to receive comments on rules under review.

22 3. State agencies shall provide the joint committee on administrative rules contact
23 information for the agency designee assigned to receive comments under subsection 2 of this
24 section.

25 4. Each agency with rules being reviewed shall prepare a report containing the results
26 of its periodic rule review. The report shall consider and include the following:

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

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

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

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

36 (5) Whether the rule needs amendment or rescission to reduce regulatory burdens on
37 individuals, businesses, or political subdivisions or eliminate unnecessary paperwork;

38 (6) Whether the rule incorporates a text or other material by reference and, if so, whether
39 the text or other material incorporated by reference meets the requirements of section 536.031;

40 (7) For rules that affect small business, the specific public purpose or interest for
41 adopting the rules and any other reasons to justify its continued existence; and

42 (8) The nature of the comments received by the agency under subsection 2 of this
43 section, a summary of which shall be attached to the report as an appendix and shall include the
44 agency's responses thereto.

45 5. Each agency with rules subject to review shall cause their report to be filed
46 electronically with the joint committee on administrative rules and the small business regulatory
47 fairness board no later than June thirtieth of the year after publication of agency review in the
48 Missouri Register under subsection 2 of this section. The reports shall also be made available
49 on the state agency's website. If the state agency fails to file the report as required by this section
50 for any rule and has not received an extension for good cause from the joint committee on
51 administrative rules, the joint committee on administrative rules shall notify the secretary of state
52 to publish a notice as soon as practicable in the Missouri Register as to which rules the

53 delinquency exists. The rule shall be void and of no further effect after the first sixty legislative
54 days of the next regular session of the general assembly unless the state agency corrects the
55 delinquency by providing the required review within ninety days after publication. Upon
56 determination that the agency has complied with the requirements of this section regarding any
57 delinquency that resulted in notice being published, the joint committee on administrative rules
58 shall notify the secretary of state to remove the rule from the notice of rules scheduled to become
59 null and void.

60 **6. Any rule or regulation created after June 30, 2022, shall have an automatic**
61 **sunset date of four years after the rule or regulation is approved.**

62 **7. Any rule or regulation reviewed under subsection 1 of this section after June 30,**
63 **2022, shall have an automatic sunset date of four years after the review is completed and**
64 **the report in subsection 5 of this section is filed.**

65 **8. Permanent rules or regulations may be established by action of the general**
66 **assembly.**

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