

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 697

96TH GENERAL ASSEMBLY

1777L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 536, RSMo, by adding thereto one new section relating to the repromulgation 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 one new section, to be
2 known as section 536.175, to read as follows:

**536.175. 1. All rules filed by any state agency on or after August 28, 2011, shall
2 automatically terminate six years after their effective date.**

3 2. All rules currently in effect on August 28, 2011, shall expire as follows:

**4 (1) Rules which became effective on or before December 31, 1989, shall expire June
5 30, 2015;**

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

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

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

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

**14 (6) Rules which became effective between January 1, 2008, and August 28, 2011,
15 and including all rules filed but not yet effective as of August 28, 2011, shall expire June
16 30, 2020.**

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

20 **4. For each rule, amendment, or repromulgation filed on or after August 28, 2011,**
21 **the agency shall review the rule to determine all of the following:**

22 **(1) Whether the entire rule should be continued without amendment, be amended,**
23 **or be rescinded, taking into consideration the purpose, scope, and intent of the statute**
24 **under which the rule was adopted;**

25 **(2) Whether the rule needs amendment or rescission to reduce regulatory burdens**
26 **on business;**

27 **(3) Whether the rule needs amendment or rescission to eliminate unnecessary**
28 **paperwork, or whether the rule incorporates a text or other material by reference and, if**
29 **so, whether the text or other material incorporated by reference meets the requirements**
30 **of section 536.031; and**

31 **(4) Whether the rule duplicates, overlaps with, or conflicts with other rules or**
32 **statutes.**

33 **5. In making the review required under subsection 2 of this section, the agency shall**
34 **consider the continued need for the rule, the nature of any complaints or comments**
35 **received concerning the rule, and any relevant factors that have changed in the subject**
36 **matter area affected by the rule.**

37 **6. The agency shall file a statement of its findings under this section with any**
38 **rulemakings filed under the procedures contained in section 536.021.**

39 **7. The joint committee on administrative rules shall provide a report on a semi-**
40 **annual basis to state departments, the secretary of state, and by posting the information**
41 **on its website detailing which rules are scheduled to terminate within two years of the date**
42 **of the report. In no event shall the inclusion or noninclusion of a rule in such report affect**
43 **the scheduled termination date of a rule. The state agencies with authority to promulgate**
44 **the rules shall ultimately remain responsible for monitoring the effectiveness of their rules.**