

ORIGINAL



4770L01.01F

HOUSE

AMENDMENT NO. _____

Offered By

Kelly

Boone

1 Amend House Bill No. 1135, Pages 1-2, Section 536.041, Lines 1-15, by removing all of said
2 section and inserting in lieu thereof the following:

3
4 “536.041. 1. Any person may petition an agency requesting the adoption, amendment or
5 repeal of any rule. Any agency receiving such a petition or other request in writing to adopt,
6 amend or repeal any rule shall examine such rule or proposal for rule and determine all of the
7 following:

8 (1) Whether the rule should be proposed or rejected or continued without amendment, be
9 amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute
10 under which the rule was or would be adopted;

11 (2) Whether the rule should be adopted or if it needs amendment or rescission to reduce
12 regulatory burdens on business;

13 (3) Whether the rule should be adopted or needs amendment or rescission to eliminate
14 unnecessary paperwork, or whether the rule incorporates a text or other material by reference and,
15 if so, whether the text or other material incorporated by reference meets the requirements of
16 section 536.031, RSMo; and

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

18 2. Any agency receiving such a petition shall [forthwith] furnish a copy thereof to the joint
19 committee on administrative rules and to the commissioner of administration, together with the
20 determinations made by the agency pursuant to subsection 1 of this section and provide any plan
21 of action [, if any,] to be taken [or contemplated] by the agency as a result of such petition or
22 request, along with a timeline for such action and the agency's reasons therefor.”; and

23
24 Further amend said bill, Pages 2-3, Section 536.175, Lines 1- 45, by removing all of said section
25 and inserting in lieu thereof the following:

26
27 “536.175. 1. All rules filed by any state agency on or after August 28, 2012, shall be
28 reviewed by the state agency no later than every six years from the rule’s effective date or within

Action Taken _____ Date _____ 1

10/10/20

1 six years from the effective date of any amendment to the rule to determine the following:

2 (1) Whether the entire rule should be rejected or continued without amendment, be
3 amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute
4 under which the rule was or would be adopted;

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

7 (3) Whether the rule needs amendment or rescission to eliminate unnecessary paperwork,
8 or whether the rule incorporates a text or other material by reference and, if so, whether the text or
9 other material incorporated by reference meets the requirements of section 536.031, RSMo; and

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

11 2. In making the review required under subsection 1 of this section, the agency shall
12 consider the continued need for the rule, the nature of any complaints or comments received
13 concerning the rule, and any relevant factors that have changed in the subject matter area affected
14 by the rule.

15 3. All state agencies shall, prior to the expiration of the six year period provided in
16 subsection 1 of this section, file a report of the required determinations and review with the joint
17 committee of administrative rules. Such report shall also describe any action that is to be taken by
18 the agency in regard to the rule and a timeline for any required action. For any rule that is found to
19 need amendment, or to be obsolete, ineffective or outdated, the agency shall file to amend or
20 rescind those rules in accordance with section 536.021, RSMo. Each agency shall file a statement
21 of its findings under subsection 1 of this section with any rulemakings filed pursuant to this
22 section.

23 4. If the agency has determined that the rule does not need to be amended or rescinded, the
24 agency shall file notice, in electronic format, with the joint committee on administrative rules
25 containing the following information: a reference to the rule by rule number, a statement of the
26 agency's determination under subsection 1 of this section, a rule summary, and a fiscal analysis
27 for the rule. The agency shall assign a new review date to the rule, which shall not be later than
28 six years after the rule's immediately preceding review date. The agency shall concurrently
29 transmit the information filed with the joint committee on administrative rules to the secretary of
30 state for publication in the *Missouri Register*. The joint committee on administrative rules may,
31 subsequent to the publication of the notice in the *Missouri Register*, but within sixty days of its
32 filing, commence a review proceeding as is provided in section 536.024, RSMo, where it may
33 determine if either of the following applies: the agency improperly applied the criteria described
34 in this section in reviewing the rule and in recommending its continuance without amendment or
35 rescission or that the rule fails to meet the criteria set forth in section 536.028.5, RSMo.

36 5. All rules filed prior to August 28, 2012, and all rules currently in effect on that date,

1 shall be reviewed by having each state agency file a schedule of review with the joint committee
2 on administrative rules for reviewing such rules, giving first priority for review to those rules
3 which were last modified on or before December 31, 1989. The schedule for how such review will
4 be made must be provided to the joint committee on administrative rules no later than January 1,
5 2012. Each state agency shall complete its review of all rules described in this subsection no later
6 than June 30, 2018. Each agency in developing its review schedule shall provide for a minimum
7 of one-sixth of their total rules to be reviewed each year leading up to the June 30, 2018, deadline.
8 An agency with the joint committee on administrative rules approval may vary the schedule of
9 review for its rules.

10 6. The joint committee on administrative rules shall provide an informational report to
11 state agencies and the secretary of state, and by posting the information on its website, detailing
12 the date rules were last modified to assist state agencies in developing their schedules of review of
13 rules. In no event shall the inclusion or noninclusion of a rule in such report affect the state
14 agencies responsibility to file a schedule and review their rules in accordance with the
15 requirements of this section.”; and
16

17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.

