

FIRST REGULAR SESSION

SENATE BILL NO. 687

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUDSON.

2763S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 536, RSMo, by adding thereto one new section relating to 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
2 one new section, to be known as section 536.350, to read as
3 follows:

536.350. 1. The provisions of this section are
2 intended to:

3 (1) Require agencies to regularly review their rules
4 to determine whether such rules should be continued without
5 being changed, modified, consolidated, or allowed to expire;

6 (2) Require agencies to consider the comments of the
7 public, the regulated community, and the general assembly
8 regarding the actual costs and burdens of rules being
9 reviewed under this section, and whether the rules are
10 useful, obsolete, unnecessary, duplicative, conflicting, or
11 otherwise inconsistent;

12 (3) Require that any rules continued in effect meet
13 all the legal requirements that would apply to the issuance
14 of a new rule, including any applicable cost or benefit and
15 economic requirements; and

16 (4) Provide for the automatic expiration of rules that
17 are not readopted as a result of their sunset review.

18 2. (1) Except as provided in subsection 5 of this
19 section, a rule shall expire and be null and void on the

20 date adopted by the commission in subsection 3 of this
21 section. In order for an agency with authority over the
22 rule to prevent the expiration of a rule, the agency shall
23 promulgate the rule in accordance with the provisions of
24 section 536.021 following the same process for promulgation
25 of an initial rule. The process for promulgation of the
26 rule shall begin according to the schedule adopted by the
27 commission in subsection 3 of this section.

28 (2) For any rule in effect on August 28, 2025, the
29 commission shall set the initial expiration dates in
30 accordance with subsection 3 of this section.

31 (3) For any rule promulgated after August 28, 2025,
32 such rule shall expire on January first, ten years after the
33 effective date of the rulemaking that creates the new rule.

34 (4) Every rule that is promulgated under this section
35 shall subsequently expire on January first every ten
36 calendar years after its initial expiration date unless
37 promulgated again under the provisions of section 536.021.

38 3. (1) There is hereby established, within the office
39 of the secretary of state, the "Commission for the Review of
40 Administrative Rules" to consist of five members appointed
41 by the governor, with the advice and consent of the senate.
42 One of the members shall be from a list of three persons
43 submitted to the governor by the president pro tempore of
44 the senate. One of the members shall be from a list of
45 three persons submitted to the governor by the speaker of
46 the house of representatives.

47 (2) The commission shall set the initial expiration
48 dates for rules that exist on August 28, 2025, taking into
49 consideration the time and resources agencies will expend to
50 repromulgate the rule. The initial expiration years for
51 each chapter shall be set between the second and twelfth

52 calendar years after August 28, 2025. The rule shall expire
53 on January first of the calendar year selected by the
54 commission.

55 (3) Each member of the commission shall serve without
56 compensation but may be reimbursed for his or her actual and
57 necessary expenses incurred in the performance of his or her
58 duties as a member of the commission.

59 (4) The commission shall conclude its duties by August
60 28, 2026, and shall be dissolved on that date.

61 4. An amendment to a rule through a subsequent
62 rulemaking does not affect the rule's expiration date,
63 unless the amendment completely eliminates and promulgates
64 the entire rule again through the process in section
65 536.021. If such promulgation of the rule occurs, then the
66 rule's new expiration date shall be January first, ten years
67 subsequent to the effective date of the rule being
68 promulgated again under section 536.021.

69 5. (1) The provisions of this section shall not apply
70 to the following rules:

71 (a) Rules required to comply with federal law or
72 receive federal funding;

73 (b) Rules created with grants of rulemaking authority
74 under the constitution of this state; and

75 (c) Rules created by an agency that are directly
76 managed by a statewide elected official.

77 (2) Rules that are exempt from expiration under the
78 provisions of this subsection shall still be subject to
79 review under section 536.175.

80 (3) If a rule is otherwise exempt under the provisions
81 of this subsection is amended in a manner that eliminates
82 the exemption under this subsection, the rule shall be

83 subject to the provisions of this section and shall expire
84 on January first, ten years after the amendment of the rule.

85 6. (1) The governor may grant an extension totaling
86 no more than three hundred sixty-five days to postpone the
87 expiration date of a rule under this section upon a written
88 request by the agency. In the agency's written request, the
89 agency shall explain why the agency cannot promulgate the
90 rule again under the time allotted by this section and why
91 the expiration of the rule would harm the public health,
92 safety, or welfare. The governor shall affirm these
93 findings in writing addressed to the secretary of state
94 before granting an extension.

95 (2) An extension under this subsection does not affect
96 subsequent expiration dates.

97 7. (1) For each rule reviewed and proposed to be
98 retained under this section, the agency's analysis and
99 renewal shall include the following steps:

100 (a) Notify the public of the review, including making
101 the text of the notice, text of the rule, and text of all
102 other analyses associated with the review available on the
103 agency's website;

104 (b) Hold a public comment period for at least thirty
105 days;

106 (c) Provide a reasoned response to unique public
107 comments; and

108 (d) Publish a report available on the agency's website
109 that includes the analyses and the agency's response to
110 public comments.

111 (2) When an agency conducts any analyses required
112 under section 536.021 during the repromulgation or review of
113 a rule which examines the economic impact, compliance,
114 implementation, or other costs of the rule, the analyses

115 shall be conducted using actual impacts and costs as the
116 basis for any calculation rather than estimated impacts and
117 costs.

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