

Appendixes

Filing Process for Agencies Filing Rulemakings

If a rulemaking needs to be filed with the Missouri Small Business Regulatory Fairness Board, please contact them by email at SBRFB@ded.gov or call 573 526-7700.

To file with JCAR email the entire PDF rulemaking packet to JTCAR@senate.mo.gov.

Please continue to send a Word copy of the rulemaking to rules@sos.mo.gov.

JCAR will then forward the entire rulemaking packet to rules@sos.mo.gov.

For the very few rulemakings that are exempt from JCAR email them directly to rules@sos.mo.gov with a note explaining this fact.

For orders, JCAR will send the PDF rulemaking packet back to agency and at the end of thirty-(30-) days; the agency will need to send to rules@sos.mo.gov.

Once Administrative Rules Secretary of State has received the PDF rulemaking packet we will stamp a copy and scan a copy to send back to the agency that promulgated the rulemaking.

For questions for JCAR please call (573) 751-2443 or email JTCAR@senate.mo.gov.

For questions for Administrative Rules, please call (573) 751-4015 or email rules@sos.mo.gov.

Missouri Rulemaking Webpages

- *Missouri Register*
sos.mo.gov/adrules/moreg/moreg
- *Code of State Regulations*
sos.mo.gov/adrules/csr/csr
- Rulemaking Manual
sos.mo.gov/adrules/manual/manual
- Timeline Calculator
s1.sos.mo.gov/adrules/datecalc/
- Administrative Rules Forms
sos.mo.gov/adrules/forms
- Rules Copies to Amend
sos.mo.gov/adrules/agency
- Joint Committee on Administrative Rules
senate.mo.gov/jcar
- Small Business Regulatory Fairness Board
sbrfb.ded.mo.gov/info.htm

Forms

The following forms are for the use of agencies filing rulemakings. They may be found online at sos.mo.gov/adrules/forms.

Rule Transmittal

Declaration (Public Cost)

Declaration (Public No Cost)

Fiscal Note Public Cost

Fiscal Note Private Cost

Delegation of Authority

Certification Letter

Emergency Certification Letter

Non-Substantive Change Request

State Agency Small Business Impact Statement Form can be obtained at sbrfb.ded.mo.gov/info.htm or our link above.

PERIODIC RULE REVIEW PROCESS

The periodic rule review process is set forth in section 536.175, RSMo, and requires all rules in the *Code of State Regulations* to be reviewed on a rolling five- (5-) year cycle. Once the initial five- (5-) year cycle is complete a new five- (5-) year cycle will begin again in the same order. Agency review will begin on the following schedule:

Titles	Begin Review by	Complete Review by
1-6	July 1, 2020 (2025, 2030, etc.)	June 30, 2021 (2026, 2031, etc.)
7-10	July 1, 2021 (2026, 2031, etc.)	June 30, 2022 (2027, 2032, etc.)
11-14	July 1, 2022 (2027, 2032, etc.)	June 30, 2023 (2028, 2033, etc.)
15-19	July 1, 2023 (2028, 2033, etc.)	June 30, 2024 (2029, 2034, etc.)
20-end	July 1, 2024 (2029, 2034, etc.)	June 30, 2025 (2030, 2035, etc.)

Each review period begins with the Joint Committee on Administrative Rules (JCAR) submitting a notice for publication in the *Missouri Register* indicating what titles are under review, that comments may be submitted to the agency concerning rules under review within sixty (60) days of notice publication, and listing agency contact information. Each agency must select one (1) contact person who will receive comments, compile the agency report, and submit the report to JCAR.

A template for agency use in compiling and submitting the periodic review report is available on the JCAR website at senate.mo.gov/jcar/. During the review, agencies must evaluate whether each rule continues to be necessary, whether the rule is obsolete, whether the rule overlaps, duplicates or conflicts with other rules, whether a less restrictive or more narrowly tailored rule is appropriate, whether the rule needs amendment or rescission, whether incorporated by reference materials are proper, and whether rules affecting small business are still relevant. The report should also contain an appendix regarding the comments the department received on the rules and the agency responses to the comments.

Any rule not included in the report may become null and void. However, JCAR will offer opportunities to correct any deficiencies in the report before nullification of any rule(s) occurs. Any agency having difficulties compiling the report should contact JCAR. Agencies should complete all rule revisions indicated in the report in a timely manner. None of the prior needed revisions should remain incomplete when the agency again enters a review cycle.

EXECUTIVE ORDERS

EXECUTIVE ORDER 02-05

WHEREAS, maintaining an clean environment, a safe and reliable food supply, a vibrant economy, and a high quality of life for all Missourians is a high priority of state government; and

WHEREAS, the authority to implement federal regulations, legislative mandates, and administrative priorities is often delegated to state agencies through the promulgation of rules; and

WHEREAS, often the mandate of one state agency to take regulatory or administrative action can have consequences for the missions of other agencies; and

WHEREAS, to ensure the protection of the public health and economic well-being of all citizens, while simultaneously ensuring the health of the state's economy and ecology, coordination between agencies in the development of rules is a high priority.

NOW, THEREFORE, I, Bob Holden, Governor of the State of Missouri, by virtue of the authority vested in me by the Laws and Constitution of the State of Missouri, do hereby direct the following state agencies to coordinate rule development: the Department of Natural Resources, the Department of Economic Development, the Department of Agriculture, the Department of Health and Senior Services, and the Department of Conservation. Such coordination shall include, but is not limited to, organized discussion of plans and actions and dissemination of scientific data and analysis.

To facilitate such interagency coordination, I further establish an executive team to review proposed rules and offer analysis of impacts across departments upon Missouri's citizens and entities, both public and private. Specific emphasis should be placed on regulations that would have a significant impact on the missions of other state agencies.

The team shall be composed of the following Department Directors and members of the executive branch or their designated representative:

The Director of the Department of Natural Resources;
The Director of the Department of Economic Development;
The Director of the Department of Agriculture;
Director of the Department of Health and Senior Services;
Director of the Department of Conservation;
A member of the Governor's staff.

As soon as possible after completing a draft of a proposed rule, but in any case no less than 30 days before a proposed regulation regarding environmental quality, human health, or economic and rural development is filed by one of the agencies of state government represented on the

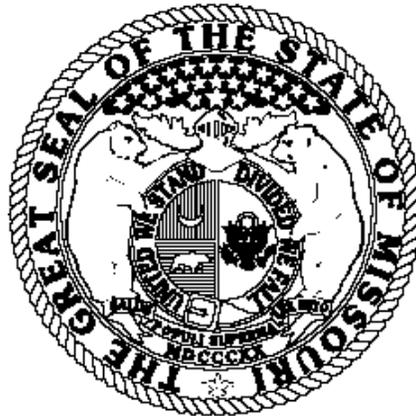
EXECUTIVE ORDERS

team, the initiating department shall provide copies of the proposed rule to all other executive team members. Team members shall review the proposed rules and may provide comments, questions, or suggestions relating to the rule to the proposing department within 30 days of being provided the proposed rule. Rules proposed as an emergency meeting the requirements of Section 536.025 RSMo 2000 (as amended) shall be exempt from review by the executive team. Nothing in this executive order shall prohibit the state agencies represented on the executive team from filing non-emergency rules without following the procedures described above when following such procedures would be impractical, provided that the agency informs the other executive team members of its actions to the greatest practical extent.

Team members shall also strive to coordinate policy development on issues that have a direct impact on the missions of other state agencies represented on the team. The team shall develop procedures for facilitating such coordination.

This executive order shall not prevent the aforementioned departments and other state governmental entities from continuing to work cooperatively while coordinating their rulemaking efforts with both public and private groups through stakeholder and informal advisory meetings.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 19th day of March 2002.



[Bob Holden's signature]
BOB HOLDEN
GOVERNOR

ATTEST:

[Matt Blunt's signature]
SECRETARY OF STATE

EXECUTIVE ORDERS

EXECUTIVE ORDER 17-03

WHEREAS, Missouri's state government has proposed and codified an excessive amount of regulations; and
WHEREAS, the Missouri Register, a publication that includes proposed and final regulations, has published more than 40,000 pages since 2000; and
WHEREAS, Missourians and Missouri businesses deserve efficient, effective, and necessary regulations; and
WHEREAS, regulations should not reduce jobs, stifle entrepreneurship, limit innovation, or impose costs far in excess of their benefits; and
WHEREAS, regulations that are ineffective, unnecessary, or unduly burdensome must be repealed; and
WHEREAS, removing needless and burdensome regulations will make Missouri more attractive to businesses and encourage job growth.

NOW THEREFORE, I, ERIC R. GREITENS, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order:

Every State Agency shall immediately suspend all rulemaking.

This suspension shall remain in effect until February 28, 2017.

Any proposed regulation that affects health, safety, or welfare, or is otherwise time sensitive or required by law, should be submitted to the Office of the Governor prior to February 28, 2017.

No State Agency shall release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations at any time until approved by the Office of the Governor.

Every State Agency shall undertake a review of every regulation under its jurisdiction within the Code of State Regulations.

As part of its review, every State Agency shall (i) accept written public comments for at least a 60-day period; (ii) hold at least two public hearings to allow citizens and businesses to identify regulations that are ineffective, unnecessary, or unduly burdensome; (iii) solicit and incorporate comments and advice from private citizens, stakeholders, regulated entities, and other interested parties; and (iv) complete the review by May 31, 2018.

Every State Agency shall designate an individual to oversee the review.

For each existing regulation, and any future proposed regulation, every State Agency shall affirm in a report submitted to the Office of the Governor by May 31, 2018:

The regulation is essential to the health, safety, or welfare of Missouri residents;

The costs of the regulation do not outweigh their benefits, based on a cost benefit analysis;

EXECUTIVE ORDERS

A process and schedule exist to measure the effectiveness of the regulation;

Less restrictive alternatives have been considered and found less desirable than the regulation;

The regulation is based on sound, reasonably available scientific, technical, economic, and other relevant information; and

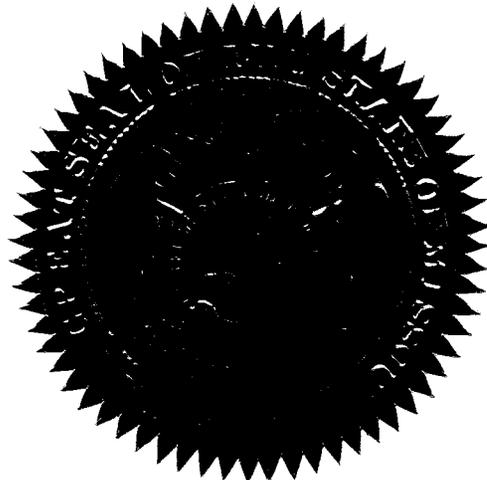
The regulation does not unduly and adversely affect Missouri citizens or customers of the State, or the competitive environment in Missouri.

By June 30, 2018, every State Agency shall take any action necessary to repeal or to cease rulemaking for any regulation that does not meet any criteria in Section 3(c) of this Order.

This Order does not modify any State Agency's obligations under Section 536.175, RSMo. Any State Agency that has already completed the review required by Section 536.175, RSMo. may include any applicable results of that review when responding to this Order. Any State Agency that has not already completed the review required by Section 536.175, RSMo. shall do so in the manner and on the schedule required by statute.

"State Agency" shall have the definition provided in Section 536.010(8), RSMo.

This Order shall supersede any previous executive order that is inconsistent with the terms contained herein.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 10th day of January, 2017.

[Eric R. Greitens's signature]
Eric R. Greitens
Governor

ATTEST:

[John R. Ashcroft's signature]
John R. Ashcroft
Secretary of State

Chapter 536

ADMINISTRATIVE PROCEDURE AND REVIEW

is available online at revisor.mo.gov/main/OneChapter.aspx?chapter=536