

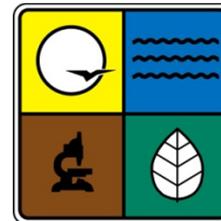
# Clean Water Rule Reviews

## 536.032,.041,.175,.325

Result of House Bills 1135 & 469

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**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

## Introduction & Purpose

- Changes made to Chapter 536, Administrative Procedure & Review, effective August 28, 2012 Sections 536.041 and 536.325, RSMo were repealed and, four new sections were enacted - .032,.041,.175, and, .325.
- The purpose of this presentation is to explain the statutory changes in the four new sections. The purpose of Section 536.175 is exceptional in that the new requirements are expected to support regulatory development, afford the public an opportunity to comment on any part of a regulation and, cause agencies to periodically review their rules, working to eliminate unnecessary rules.

## **Section 536.032 Code of state regulations, secretary of state authorized to make non substantive changes**

- Non-substantive changes may be made with regard to a department or division name, and address change, etc. Agencies file a request with the JCAR and the SOSs Office using a non-substantive changes form. **New**

## **Section 536.041 Any person may petition agency concerning rules, agency furnishes copy to JCAR and O.A. Commissioner together with its action – agency recommendations, procedure**

- The Agency responds in 60 days with **concise summary of facts & findings** with respect to 536.175 **4. specific criteria** or, upon request, **JCAR may grant extension. New**
- **Within 60 days a written response is sent to the petitioner.** An **electronic copy** is sent to the JCAR and OA Commissioner, with a **determination of whether the rule should be adopted, continued without change, amended or rescinded. JCAR may refer comments to the General Assembly.**

## **Section 536.325 Rules Affecting Small Business, list provided by a board to agencies—**

- All agencies must submit a rules report to the SBRFB, **based on a list of complaints or concerns** within 45 days, including any rules that duplicate, overlap or exceed statutory authority. The agency will state whether it has considered the need for the rule and the degree to which technology, economic conditions and other factors impact the need for the rule. **New**
- **The Board may hold a public meeting on any report submitted under Section 536.175.** The Board submits an evaluation report **electronically** to the governor and legislature and, **maintains the report on the web.**

## Section 536.175. 1. (1)(2) and 2. (1)(2)(3)(4) Periodic Review Required by State Agencies, schedule and procedure **New**

- 1.(1) All agencies review their rules every 5 years. 1.(2) Agencies with Rules contained in titles 7 through 10 of the *Code* begin the review process by July 1, 2016.
- 2.(1) Action by the JCAR produces a Notification of Agency Review in the *Missouri Register* with titles of the code of state regulations to be reviewed. **2.(2) Anyone may submit comments, no later than 60 days after publication.**
- **2.(3) The published notification requires that any comments identify the commenter, the rule upon which they are commenting and, that all comments be directly associated with the rule.** 2.(4) The notification must also contain a listing of agency designee assigned to receive comments on the rules.

## **Section 536.175 3. and 4. State Agency Periodic Review Requirements**

- 3. State agencies provide the JCAR with contact information for agency designee to receive comments. **New**
- 4. Each agency prepares a report containing the results of its periodic rule review according to the specified criteria for each rule reviewed. 4.(8) An appendix consisting of a summary and responses (to comments) is attached to the report. **New**

**Section 536.175. 4. (1)(2)(3)(4)(5)(6)(7) and(8). The report shall consider and include (continued) **New****

4. Specific criteria 4.(1) ...whether the rule is necessary, 4.(2) obsolete, 4.(3) overlaps or conflict, 4.(4) is least restrictive to protect, 4.(5) needs amendment or rescission to reduce the burden, 4.(6) meets .031 for incorporation, 4.(7) indicates a public purpose justifying rules affecting small business.

4.(8) A summary of the nature of the public comments and agency responses, *are attached to the agency report as an appendix*. The agency review, of the rules public noticed in the *Missouri Register* for public comment, is required to include, and consider all the specified criteria.

## **Section 536.175 5. State Agency Periodic Review**

- 5.Each agency with rules subject to review must file a report electronically with the JCAR and Small Business no later than June 30 of the year after publication of agency review in the *Missouri Register*. **New**
- 5.The report must be made available on the agency's website.  
**New**

Note: 5. Failure to file the report, without having requested an extension of time from JCAR, results in delinquency. The rule(s) becomes void unless, the agency provides their review within 90 days after publication. If it is determined that the agency has complied, the rule is removed from the scheduled list of rules to become void.. **New**

Please send comments, suggestions or questions to

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