



## **NICOLE GALLOWAY, CPA**

### **Missouri State Auditor**

June 23, 2017

Honorable Eric R. Greitens, Governor  
and  
Members of the General Assembly

The State Auditor's Office reviewed state agency compliance with Section 536.175, RSMo. We determined the Office of Administration and the Departments of Agriculture, Conservation, Economic Development, Elementary and Secondary Education, and Higher Education met the requirements of Section 536.175, RSMo. These requirements include each agency reviewing its existing rules, completing and filing the periodic rule review report with the Joint Committee on Administrative Rules (JCAR), and ensuring the report is available on the agency's website.

Section 536.175, RSMo, requires a 5 year rolling review by all state agencies of their existing rules. The first agencies (Title 1 through 6 of the Code of State Regulations [CSR]) were required to begin their rule review no later than July 1, 2015, and to complete it by June 30, 2016. The second group of agencies (Title 7 through 10 of the CSR) were required to begin their rule review no later than July 1, 2016, and to complete it by June 30, 2017. The next groups begin on July 1st of each year until 2019. Each agency must repeat this process every 5 years.

The JCAR publishes in the Missouri Register a notification of which rules are subject to review and the process for this review, including who the public may submit comments to at each agency. Each agency must prepare a report of the results of the agency's rule review with an attached appendix summarizing comments received and the agency's response. The agency must file the report and appendix electronically with the JCAR and the small business regulatory fairness board no later than June 30th after the JCAR publishes the notice. These reports also must be made available on the state agency's website.

Any rule not included in the agency review and report may become null and void. There is a process in place before nullification of a rule, including the ability of the agency to request an extension from the JCAR and a notice and opportunity for the agency to correct the delinquency.

On July 1, 2015, the JCAR published in the Missouri Register the notification of the agency rules (Title 1 through 6) subject to review and the process, as required by Section 536.175.2, RSMo. The following agencies began their rule review on July 1, 2015 and completed the review process by June 30, 2016:

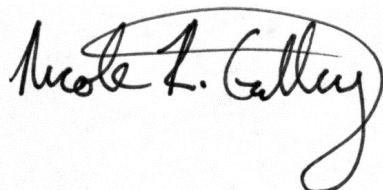
Title 1 - Office of Administration  
 Title 2 - Department of Agriculture  
 Title 3 - Department of Conservation  
 Title 4 - Department of Economic Development  
 Title 5 - Department of Elementary and Secondary Education  
 Title 6 - Department of Higher Education

Based on a review of the JCAR's website, each agency timely completed and filed its periodic rule review report by June 30, 2016. These reports are available on that website. Each agency also posts its report on the agency's website.

On March 30, 2017, my office sent a letter to each agency to confirm the information from this review. Each agency provided a response. The table below provides a summary of the information determined from this review.

Department	Number of Rules Reviewed	Number of Comments Received	Rule Report Filed with the JCAR	Rule Report Available on Agency Website
Office of Administration	122	0	Yes	Yes
Department of Agriculture	316	0	Yes	Yes
Department of Conservation	184	20	Yes	Yes
Department of Economic Development	441	0	Yes	Yes
Department of Elementary and Secondary Education	172	9	Yes	Yes
Department of Higher Education	71	0	Yes	Yes

Based on this review, these agencies timely completed their rule review process and report as required under Section 536.175, RSMo; and, no further action is necessary.



Nicole R. Galloway, CPA  
 State Auditor

cc: Waylene Hiles, Director, Joint Committee on Administrative Rules  
 Sarah H. Steelman, Commissioner, Office of Administration  
 Chris Chinn, Director, Missouri Department of Agriculture  
 Sara Parker Pauley, Director, Missouri Department of Conservation  
 Rob Dixon, Acting Director, Missouri Department of Economic Development  
 Dr. Margaret Vandeven, Commissioner of Education  
 Zora Mulligan, Commissioner of Higher Education