



## **NICOLE GALLOWAY, CPA** **Missouri State Auditor**

December 19, 2019

Honorable Mike Parson, Governor  
and  
Members of the General Assembly

The State Auditor's Office reviewed state agency compliance with Section 536.175, RSMo. We determined the Secretary of State, State Auditor, State Treasurer, Attorney General, Public School Retirement System, Local Government Employees' Retirement System, Missouri State Employees' Retirement System, County Employees' Retirement Fund, Kansas City Board of Police Commissioners, St. Louis Board of Police Commissioners,<sup>1</sup> Public Defender Commission, and Department of Health and Senior Services 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 group of 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 third group of agencies (Title 11 through 14 of the CSR) were required to begin their rule review no later than July 1, 2017, and complete it by July 30, 2018. The fourth group of agencies (Title 15 through 19 of the CSR) were required to begin their rule review no later than July 1, 2018, and complete it by July 30, 2019. The final group of agencies (Title 20 through 22 of the CSR) began their rule review no later than July 1, 2019. Each agency must repeat this process every 5 years, and the first group of agencies will begin their review process again no later than July 1, 2020.

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.

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<sup>1</sup> Proposition A, adopted in November 2012, eliminated the St. Louis Board of Police Commissioners and established the Metropolitan Police Department - City of St. Louis (SLMPD). Therefore, we contacted the SLMPD for our review.

On July 2, 2018, the JCAR published in the Missouri Register the notification of the agency rules (Title 15 through 19) subject to review and the process, as required by Section 536.175.2, RSMo. The following agencies began their rule review on July 1, 2018, and completed the review process by June 30, 2019:

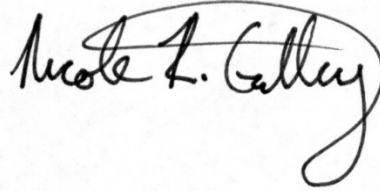
- Title 15 - Elected Officials
- Title 16 - Retirement Systems
- Title 17 - Boards of Police Commissioners
- Title 18 - Public Defender Commission
- Title 19 - Department of Health and Senior Services

Based on a review of the JCAR's website, each agency timely completed and filed its periodic rule review report by June 30, 2019. These reports are available on that website. Each agency also posts its report on the agency's website.

On October 25, 2019, 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
Secretary of State	211	0	Yes	Yes
State Auditor	31	0	Yes	Yes
State Treasurer	15	0	Yes	Yes
Attorney General	108	0	Yes	Yes
Public School Retirement System (PSRS/PEERS)	40	0	Yes	Yes
Local Government Employees' Retirement System (LAGERS)	25	0	Yes	Yes
State Employees' Retirement System (MOSERS)	1	0	Yes	Yes
County Employees' Retirement Fund (CERF)	42	0	Yes	Yes
Kansas City Board of Police Commissioners	7	0	Yes	Yes
St. Louis Board of Police Commissioners	50	0	Yes	Yes
Public Defender Commission	6	0	Yes	Yes
Department of Health and Senior Services	759	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.

A handwritten signature in black ink that reads "Nicole R. Galloway". The signature is written in a cursive style with a large, looping flourish at the end of the name.

Nicole R. Galloway, CPA  
State Auditor

cc: Waylene Hiles, Director, Joint Committee on Administrative Rules  
John Ashcroft, Secretary of State  
Scott Fitzpatrick, State Treasurer  
Eric Schmitt, Attorney General  
M. Steve Yoakum, Executive Director, PSRS/PEERS  
Robert Wilson, Executive Director, Missouri LAGERS  
Rhonda Stegmann, Executive Director, MOSERS  
Sarah Maxwell, Executive Director, CERF  
Nathan Garrett, President, Kansas City Board of Police Commissioners  
Colonel John W. Hayden, Jr., Police Commissioner, Metropolitan Police Department - City of St. Louis  
Greg Mermelstein, Interim Director, State Public Defender System  
Randall Williams, Director, Department of Health and Senior Services