



## HB 2245

**Sponsor: Bryant Wolfin**

**Path to full text:**

<https://documents.house.mo.gov/billtracking/bills261/hlrbillspdf/5173H.02I.pdf>

### **PART 1 – QUICK SNAPSHOT**

#### **1.1 One-Paragraph Overview**

HB 2245 amends Missouri’s administrative procedure law (§536.014, RSMo) to tighten limits on state agency rulemaking. It keeps the existing standards that invalidate a rule if it lacks statutory authority, conflicts with state law, or is so arbitrary and capricious that it creates substantial inequity. It then adds a new requirement: no *new* rule proposed by a department, agency, commission, or board may take effect unless that same entity repeals at least **two** of its existing rules.

In practice, this creates a “two-for-one” regulatory rollback rule designed to shrink and slow the growth of the administrative state. For ordinary Missourians, this should generally mean fewer regulations over time and a modest check on unelected bureaucracies.

#### **1.2 Triage Table (Fast Flags)**

- **Single-Subject, Title & Scope**
  - Title: “...*relating to the sole, exclusive, and specific purpose of limitations on new administrative rules.*”
  - Appears to comply with Article III, §23 (single-subject / clear-title) and is reasonably honest about what the bill does.
  - **Title Specificity Score: 3** (specific subtopic: limitations on new administrative rules).
  - **Department Scope:** *Single policy domain* – it affects rulemaking procedures across state government, but all within the single subject of “administrative rules.”
- **Does it grow government?**

- No. It **restrains** agencies by making new rules harder to add and encouraging repeal of old ones.
  - **Impact on Missouri families (overall):**
    - **Helps** – tends to reduce bureaucratic red tape and slow regulatory creep, though practical effects depend on how agencies choose which rules to repeal.
  - **Alignment with Act for Missouri core beliefs (high-level):**
    - **Supports** – limits unelected bureaucracy, pushes toward a smaller, more accountable government.
  - **Initial stance (before deeper review):**
    - **Support**
- 

## PART 2 – PURPOSE & PROVISION MAP

### 2.1 Stated Purpose & Title

- **Title:** An act “relating to the sole, exclusive, and specific purpose of limitations on new administrative rules,” by repealing §536.014 and enacting a new section in its place.
- **Plain-language purpose:**
  - To continue existing standards for when a rule is invalid; and
  - To impose a “**two-rules-repealed-for-every-new-rule**” requirement on all Missouri departments, agencies, commissions, and boards.
- **What it’s really designed to do:**
  - Slow down and reverse the expansion of the rulebook by forcing agencies to clear out existing regulations when they want to add more.

Title is narrow and specific – an ordinary citizen reading it would expect a procedural rule that limits new regulations, and that is indeed what the bill does.

### 2.2 Provision-by-Provision Map

#### Section 536.014.1 – Standards for when a rule is invalid (existing law retained)

- **Plain-language summary:** A rule is invalid if:
  1. It lacks statutory authority;
  2. It conflicts with state law; or
  3. It is so arbitrary and capricious that it creates such substantial inequity as to be unreasonably burdensome on persons affected.

- **Tag: [Good]**
- **Why:** This language already provides a check on abusive regulations and aligns with rule-of-law principles: agencies must stay inside their legal authority and cannot impose wildly unfair burdens.

#### Section 536.014.2 – “Two-for-one” repeal requirement

- **Plain-language summary:**
  - *No new rule* proposed by a department, agency, commission, or board can take effect **unless** that same entity **also repeals at least two of its existing rules**.
- **Tag: [Good] with minor [Concern]**
- **Why (Good):**
  - Encourages agencies to clean out old, unnecessary, or overlapping rules.
  - Creates a built-in brake on the growth of the administrative code.
  - Fits strongly with a limited-government, anti-bureaucracy philosophy.
- **Why (Concern):**
  - The bill doesn’t distinguish between trivial and significant repeals—an agency could game the system by repealing obscure or already-obsolete rules while still expanding regulatory control elsewhere.

Overall, though, this new requirement is a huge positive for restraining regulators.

### 2.3 Changes to Existing Law (High-Level)

Compared to current §536.014, HB 2245:

- **Keeps** the existing invalidity standards (authority, conflict with law, arbitrary & capricious).
- **Adds** a new, firm rule: no new rule may take effect unless the proposing body repeals at least two existing rules.
- **Shifts** the default trajectory of regulation from “always growing” to “must shrink.”
- **Does not** create new agencies or new enforcement powers; it simply changes the conditions under which agencies can make rules.

---

## PART 3 – CONSTITUTIONAL & PROCESS CHECKS

### 3.1 Single-Subject & Original-Purpose (Art. III §23)

- **Main subject (one sentence):**

- Limitations on the adoption of **new administrative rules** by state departments, agencies, commissions, and boards.
- **Additional subjects / policy areas:**
  - None; the bill is tightly focused on procedural rulemaking constraints.
- **Riders / barnacles:**
  - None visible—single section, single topic.
- **Title clarity vs. real effects:**
  - Title explicitly references “limitations on new administrative rules,” which accurately describes the content.
  - A citizen reading the title would reasonably expect a bill that makes it harder for agencies to issue new rules. That is exactly what it does.
- **Title Specificity & Department Scope:**
  - **Title Specificity:** 3 (specific and honest).
  - **Department / Agency Scope:**
    - Affecting all state agencies, but only in a single policy domain—**rulemaking procedure.**
    - Mark as: **“Department Scope: Single – consistent with a true single-subject bill.”**
- **Original-purpose drift:**
  - No evidence in the introduced text of drift; it is a straightforward, single-section bill.
- **Conclusion for this section:**
  - **Complies with single-subject and clear-title requirements** and is also honest toward voters about what it does.

### 3.2 U.S. & Missouri Constitutional Rights

- **Right to life / equal protection for preborn children:**
  - Not directly implicated—this bill is structurally about rulemaking, not abortion or personhood.
- **Religious liberty, free speech, right to bear arms:**
  - Not directly addressed. If anything, a slower-growing rulebook tends to reduce the risk of new regulatory infringements on these rights, but that’s indirect.

- **Due process & property rights:**

- Existing protections in §536.014 (e.g., rule must have statutory authority and not be arbitrary/capricious) already support due process and property rights; HB 2245 keeps those guardrails.
- The new “two-for-one” requirement should not violate due process; it merely conditions the effectiveness of new rules on repealing old ones.

No obvious conflict with higher-law protections.

### 3.3 Delegation to Unelected Bodies & Separation of Powers

- **New delegations?**

- None. The bill does **not** grant new powers to any board or commission.

- **Effect on existing delegations:**

- Modestly **tightens** the way delegated rulemaking authority can be used, placing a statutory constraint on agencies’ ability to continually add rules.

- **Centralization vs. decentralization:**

- This bill doesn’t move power between state and local levels, but it does restrain the central bureaucracy by making it harder to expand regulations.
- That supports a more accountable, limited government under the legislature and, ultimately, the people.

**Conclusion:** HB 2245 **strengthens** separation-of-powers in practice by constraining unelected rulemakers rather than empowering them.

---

## PART 4 – IMPACT ON MISSOURI FAMILIES

### 4.1 Economic, Tax, and Utility Impacts

- **Direct taxes:** None created, raised, or altered.
- **Fees/fines:** No new fees or penalties; any impact would be indirect via future regulations (or their absence).
- **Regulatory burden:**
  - Likely **Relief** over time—agencies must cut at least two rules for each new one, which should slow regulatory expansion and could simplify compliance for families, churches, and small businesses.
- **Who pays / who benefits:**

- **Benefits:** Ordinary citizens, small businesses, and local ministries who often struggle with complex rules.
- **“Losses”:** Bureaucracies that prefer ever-growing rule sets and professional lobbyists who profit from navigating dense regulatory codes.

## 4.2 Family, Parental Rights, and Education

- No direct mandates on parents, schools, or children.
- Indirectly, making it harder for DESE or other agencies to add new regulations without trimming old ones is good for **parental and school autonomy**—it discourages constant layering of new requirements.

## 4.3 Moral & Cultural Climate

- No explicit content on life, sexuality, or education ideology.
- However, by restraining the power of the administrative state, it nudges the culture toward **limited government** and greater personal responsibility, consistent with a biblical view that the state is not supposed to micromanage every sphere of life.

---

## PART 5 – ACT FOR MISSOURI CORE PRINCIPLES CHECK

### 1. Sanctity of life (from conception)

- Neutral in direct content; no abortion language.
- Indirectly beneficial insofar as it slows the machinery that could, in other contexts, be used to smuggle in pro-abortion regulations via agencies.

### 2. Christian and biblical view of government

- Government as a limited servant: **Supported.**
- HB 2245 restrains unelected bureaucratic growth and pushes toward a smaller, more accountable state.

### 3. Property rights & economic liberty

- **Supports** these values by discouraging regulatory sprawl that often harms small businesses and property owners.

### 4. Constitutionalism & rule of law

- Keeps clear standards for rule validity.
- Adds a simple, rule-of-law style constraint on new rules.
- No gamesmanship around titles or emergency clauses.

- **Supports** this principle.
5. **Right to bear arms**
    - Not directly implicated, but a smaller regulatory state generally reduces the risk of back-door gun restrictions via agency rules.
  6. **State sovereignty & Tenth Amendment**
    - No new federal strings or incorporations of national/international standards.
    - Neutral-to-positive: Missouri sets its own internal limit on its bureaucracy.
  7. **Nuclear family & parental rights**
    - No direct change, but it tilts the system away from ever-expanding state control, which is favorable to family autonomy.
  8. **Homeschool freedom & private Christian education**
    - No new hooks for regulation; any new DESE rules would require two repeals, which is a mild protective factor.
  9. **Surveillance, data, and financial control**
    - No new databases, IDs, or surveillance mechanisms.
    - Indirectly, this makes the creation of such systems a bit harder because agencies must trade off existing rules to implement new ones.

**Summary:** HB 2245 aligns with the Act for Missouri's core principles, particularly limited government, the rule of law, and protection against bureaucratic overreach.

---

## **PART 6 – SPECIAL TOPIC TESTS (2025–2026 PRIORITIES)**

1. **Amendment 3 / Personhood & Equal-Protection Test**
  - Not directly related; neutral but structurally compatible with a pro-life, constitutionalist approach.
2. **Surveillance State & Digital-Control Test**
  - Does **not** create any new surveillance infrastructure.
  - By making new rules more costly (two repeals required), it marginally raises the bar for agencies to build surveillance schemes via regulation.
3. **Utilities, Energy Policy, Data-Center / Big-User Test**
  - Not applicable; no special tariffs, subsidies, or utility provisions.
4. **Federal Money & Strings**

- No federal grant-chasing or strings.

## 5. **Globalism / Agenda 21 / Agenda 2030 Signals**

- No references to “sustainable development,” international standards, or global frameworks.

## 6. **Doula / Perinatal Support Program Test**

- Not applicable; there are no doula, perinatal, or “pregnant individual” provisions.

---

# **PART 7 – RED FLAGS, AMENDMENT IDEAS, & FINAL RECOMMENDATION**

## **7.1 Red-Flag List (Prioritized)**

This bill is structurally sound; concerns are modest and mostly about implementation, not principle.

### **1. Potential Gaming of “Two-for-One” Rule**

- **Location:** §536.014.2
- **Why it matters:** Agencies could satisfy the requirement by repealing trivial or obsolete rules while still expanding their effective control through more powerful new rules.
- **Severity: Very Minor** – this affects how effective the reform might be, but doesn’t make the bill harmful; any rules that get removed are still a positive.

No “Critical” or “Serious” red flags from a constitutional or moral standpoint.

## **7.2 Possible Fixes / Amendments**

If lawmakers want to strengthen the bill’s effectiveness and avoid unintended side effects, they could consider:

### **1. Guardrails against trivial repeals**

- Add language encouraging or requiring agencies to prioritize repeal of rules that are obsolete, redundant, or impose meaningful burdens—not just technical leftovers. Even a simple legislative finding or reporting requirement (e.g., justification for why each repealed rule is unnecessary) would help.

This tweak is *not* essential for Act for Missouri to support the bill.

## **3 Final Recommendation**

Given:

- Clear single-subject and honest title,



- Strong move to restrain the administrative state,
- No new delegations or hidden powers,
- General support for constitutionalism, property rights, and limited government,

**Act for Missouri SUPPORTS this bill.**

It aligns with our constitutional, pro-family, and pro-liberty criteria, and we would encourage its passage.