

Proposed Rulemaking

A proposed rulemaking is the first step in the rulemaking process. There are three (3) distinct types of proposed rulemakings—proposed rule, proposed amendment, and proposed rescission.

A proposed rule is used to address new issues or situations in an agency's area of expertise. A new rule may be necessary or desirable because of a change in the law or a change in circumstances. A proposed rule is, therefore, a new rule that an agency has under consideration for adoption and is subject to comments from the general public. The entire text of the proposed rule will be published in the *Missouri Register*. The rule does not become effective until all of the statutorily prescribed steps have been taken.

A proposed amendment is a change in an existing rule. The change may be necessary or desirable because of a change in the law or a change in circumstances. A proposed amendment indicates a change in a rule that is currently published in the *Code of State Regulations* and the proposed change is subject to comments from the general public. If the change occurs in a section of a rule, the entire section will be published. If the change occurs in a subsection of the rule, the entire section, subsection and all text indented under this subsection must be submitted for publication. All material to be deleted from the rule will be placed in brackets and *[italic]* typeface, and all new material in the rule will be printed in **bold** typeface. If the majority of the rule is being rewritten, it might be beneficial to rescind and readopt the rule. This allows for the rule to be completely rewritten, yet it retains the entire history of the rule in the Authority Section of the readopted rule. The amended rule does not become effective until all of the statutorily prescribed steps have been taken.

A proposed rescission is a repeal of an existing rule. The rescission may be necessary because the rule has become obsolete or there is a change in circumstances. A proposed rescission requires the publication of the rule number and title, the general subject of the rule, and the authority section. The text of the rule will not be published. The proposed rescission is subject to comments from the general public. The proposed rescission does not become effective until all of the statutorily prescribed steps have been taken.

A rule that is proposed for rescission and readopted under the same rule number allows for the rule to be completely rewritten, yet it retains the entire history of the rule in the Authority Section of the readopted rule.

The proposed rulemaking will be published in the *Missouri Register*.

This section is divided into three subsections—Proposed Rule, Proposed Amendment, and Proposed Rescission.

Proposed Rule

Step 1: Preparing for a proposed rule

- Determine the statutory authority
- Determine whether a rule is necessary (section 536.016, RSMo)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328, RSMo, 4 CSR 262-1.010 and 4 CSR 262-1.020, and HB 191, 2009)
- Perform a takings analysis (section 536.017, RSMo)
- Determine the cost associated with the rule (sections 536.200 and 536.205, RSMo)
- Determine the rule number after consultation with Administrative Rules

Step 2: Parts of a proposed rule

- Header
- Rule Number and Title
- Purpose for Rule
- Text
- Forms (if applicable)
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal Note(s) (if applicable)

Proposed Rule

Step 3: Drafting a proposed rule

Please use 11- or 12-point type.

Header. This is written in **bold** typeface and includes number and name of department, number and name of division, and number and name of chapter.

Type of rulemaking.

Number and title. This is written in **bold** typeface.

Write the *PURPOSE* statement. This statement gives a brief explanation of the rule. It is written in *italic* typeface.

PUBLISHER'S NOTE: This statement indicates that material has been incorporated by reference in the rule (see section (4) in the example). It is written in *italic* typeface.

A *PUBLISHER'S NOTE* is only needed if the rule contains incorporated by reference material.

Write the text of the rule.

Text is presented in the following format and indented by subdivisions:

Section (1)
 Subsection (1)(A)
 Paragraph (1)(A)1.
 Subparagraph (1)(A)1.A.
 Part (1)(A)1.A.(I)
 Subpart (1)(A)1.A.(I)(a)
 Item (1)(A)1.A.(I)(a)1.
 Subitem (1)(A)1.A.(I)(a)I.a.

It may be difficult for the reader to follow a requirement that is buried deep in the subdivisions. Therefore, you may want to limit the number of subdivisions into which you divide your rule.

When using numbers, spell out the number followed by the number in numeric figures in parentheses. We refer to this as "doubling the number."

Example

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking**

PROPOSED RULE

15 CSR 30-750.007 Filing Rules

PURPOSE: This rule explains how to file rules.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Rules may be filed any Monday through Friday from 8:00 a.m. to 5:00 p.m. except such days when state offices are closed, including—

- (A) Saturdays;
- (B) Sundays;
- (C) State holidays; and
- (D) Other days the state offices are closed.

(2) Rules should be filed electronically with Joint Committee of Administrative Rules (JCAR) at JTCAR@senate.mo.gov.

(3) Rules should be filed electronically with the Office of the Secretary of State, Administrative Rules, at rules@sos.mo.gov.

Proposed Rule

Example—continued

NOTE: If forms are published with the rule, the language “included herein” must appear in the text of the rule. The form will appear before the authority section.

NOTE: If forms are not published with the rule, the language “incorporated by reference” will be used. A Publisher’s Note will be printed with the rule and the forms must be available on a permanent basis at your agency.

NOTE: Reference material may be incorporated in the text of the rule by using the language “incorporated by reference.” A current copy of this material must be on file and permanently available with your own agency. The material is not discarded when the material is updated. Additionally, for all incorporated by reference material, it is required by 536.031.4., RSMo, that the publisher, publisher’s address, and the date of the publication be printed in the text of the rule. There must also be a statement which says “This rule does not incorporate any subsequent amendments or additions.” A Publisher’s Note will be printed with the rule.

(4) Agencies filing rules should include in their PDF packet all required paperwork which includes the following:

- (A) Transmittal sheet, included herein;
- (B) Cover letter;
- (C) Declaration; and
- (D) Fiscal note(s) (if applicable to rule).

(5) The procedures to be followed in writing and filing a rule are found in the *Missouri State Rulemaking Manual*, Revised 2021, which is incorporated by reference in this rule as published by the secretary of state and available at Administrative Rules, 600 W. Main St., Room 168, Jefferson City, Missouri. This rule does not incorporate any subsequent amendments or additions.

Proposed Rule

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
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Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:
Content _____ Phone _____ FAX _____
Email address _____

Data Entry _____ Phone _____ FAX _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination
Effective Date for the Emergency _____

Proposed Rulemaking __ Rule __ Amendment __ Rescission

Rule Action Notice In Addition Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission
Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

(Example of form that is "included herein" with the rule)



Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
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Proposed Rule

Example—continued

AUTHORITY SECTION. This gives the most recent statutory cite for authority to promulgate the rule. It also gives the date the rule was filed.

PUBLIC COST (requires declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed rule at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed rule in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed rule and the address to which the comments should be directed (section 536.021.2.(5), RSMo). If no hearing is to be held, a statement to that effect must be included (section 536.021.2.(6), RSMo).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered.

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of proposed rulemaking in the *Missouri Register* (see section 536.021.2.(6), RSMo).

AUTHORITY: section 536.023, RSMo 2016. Original rule filed Jan. 15, 2019.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions three thousand six hundred seventy-eight dollars (\$3,678) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with *agency name and address*. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

OR

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with *agency name and address*. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for *time, date, place, and address of hearing*.

Proposed Rule

Step 4: Preparing the rule packet for filing

A. Prepare rule transmittal sheet

- This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and who to contact with questions.
- This section describes the type of rulemaking action and dates necessary for filing.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
---	----------------------------

Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule: _____
Content _____ Phone _____ FAX _____
Email address _____

Data Entry _____ Phone _____ FAX _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination
Effective Date for the Emergency _____

Proposed Rulemaking __ Rule __ Amendment __ Rescission

Rule Action Notice In Addition Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission
Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
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Proposed Rule

B. Prepare cover letter on agency letterhead

(Form available at sos.mo.gov/adrules/forms/)

Example

Address letter to the secretary of state.

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

List rule number and title (may include more than one (1) rule).

Re: *Rule Number and Title*

Certify that the attached are complete and accurate copies of the proposed rule.

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

State economic impact on small businesses.

The *name of your department, board, or commission* further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

State that a takings analysis has occurred.

The *name of your department, board, or commission* has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

State that the rulemaking complies with the provisions of sections 536.300–536.310, RSMo.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name
Address
Phone Number
Email

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Proposed Rule

C. Prepare declaration (public cost)

Example

DECLARATION OF PUBLIC COST

Cost less than five hundred dollars (\$500)—state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency, or political subdivision.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of proposed rule *insert rule number*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Rule

Example

Declaration (public cost)

DECLARATION OF PUBLIC COST

Cost greater than five hundred dollars (\$500)—state that the cost is a reasonably accurate estimate.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the proposed rule to *insert rule number* is a reasonably accurate estimate.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Rule

Example

D. Review proposed rule and all attached documents

E. Fiscal notes—Public and Private (forms available at sos.mo.gov/adrules/forms)

1. Prepare a public fiscal note when public cost is greater than five hundred dollars (\$500) (section 536.200, RSMo)

- Summary of fiscal impact
- Detailed estimated cost of compliance
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.

FISCAL NOTE PUBLIC COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Rule

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the proposed rule
- Detailed estimated cost of compliance with the proposed rule
- Agency’s assumptions, references, and methods of acquiring information that result in the conclusions contained in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to *make sure the numbers match*.

Example

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Rule

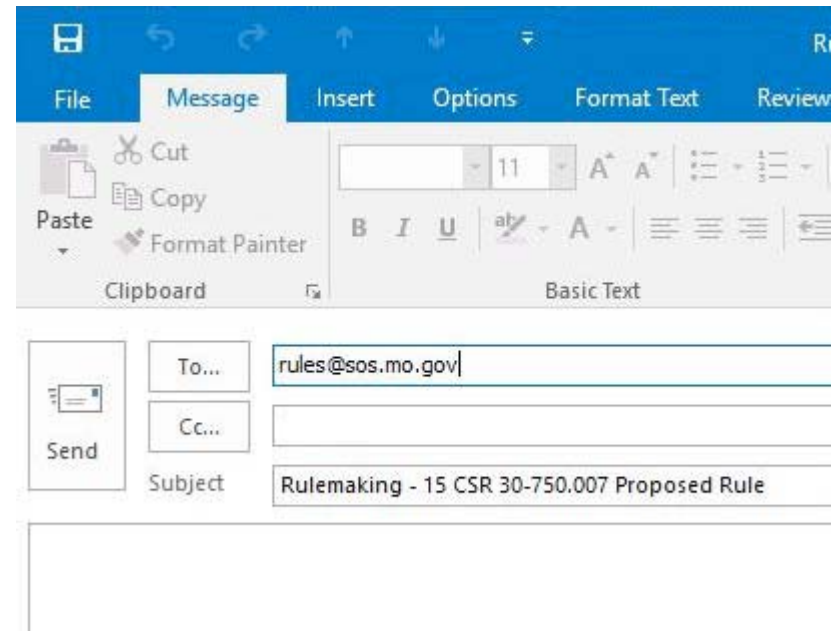
F. Prepare for filing any forms that have been “included herein” in the text of the rule.

G. Set aside a copy of all materials incorporated by reference to be maintained and accessible in your office for public inspection. (See section 536.031.4., RSMo)

H. Materials that are incorporated by reference must be available at your agency on a permanent basis. Please archive the materials even after a newer version is being used so that they may be used as historical data.

I. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject. Please use 11- or 12-point type for the rule text.

NOTE: If you are preparing multiple rules, please prepare a separate email attachment for each rulemaking.



Proposed Rule

Step 5: Final preparations

Assemble packet for each rule in the following order:

1. Rule Transmittal Sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Letter for JCAR;
5. Declaration;
6. Rule;
7. Fiscal note(s) (if applicable);
8. Forms ("included herein"); and
9. A properly formatted email attachment in Microsoft Word containing the proposed rule.

Make one (1) PDF packet for filing.

If there is a cost to small business, you will need a paper copy, which includes the small business impact statement, to file with the Small Business Regulatory Fairness Board (SBRFB). If filing a post public hearing small business statement with the SBRFB, you also need electronic and paper versions of that document. See 4 CSR 262-1.010 and 4 CSR 262-1.020.

Each rule is submitted as a separate filing and must include all of the above.

Step 6: Filing of rule

On the same day—

Make sure you have emailed an attachment to rules@sos.mo.gov **prior** to filing the rule at SOS containing the text of the proposed rule formatted in Microsoft Word; and

Email PDF packet to JCAR for filing at JTCAR@senate.mo.gov. JCAR will then forward a stamped copy to Administrative Rules, Office of the Secretary of State (SOS). Administrative Rules, SOS date stamp and send a copy of the stamped PDF packet back to the agency.

NOTE: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Proposed Rule

Step 7: Statement of Actual Cost (section 536.200.2., RSMo)

After the first full fiscal year of implementation of the rule—

- Review the original public fiscal note for estimated cost greater than five hundred dollars (\$500) or declaration if the original cost was projected to be less than five hundred dollars (\$500).
- Determine the actual cost to all affected entities.
- If the actual cost is greater than ten percent (10%) of the estimated cost or has exceeded five hundred dollars (\$500), a STATEMENT OF ACTUAL COST must be published. This statement must include the original estimated cost, together with the actual cost, as determined by the agency.
- The statement must be published in the *Missouri Register* within ninety (90) days after the close of the first full fiscal year. If this statement is not published, the rulemaking will be void and of no further force or effect.

Example

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking

STATEMENT OF ACTUAL COST

15 CSR 30-750.003 Filing Requirements

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on January 2, 2014 (39 MoReg 14–15). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was two thousand four hundred fifty-six dollars (\$2,456) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was three thousand five hundred dollars (\$3,500).

Title 10—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking

STATEMENT OF ACTUAL COST

15 CSR 30-750.007 Filing Rules in Person

The original estimated public cost published for this rulemaking in the *Missouri Register* on January 2, 2014 (39 MoReg 16) was less than five hundred dollars (\$500). The cost to state agencies and political subdivisions has exceeded five hundred dollars (\$500). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was less than five hundred dollars (\$500) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was two thousand five hundred dollars (\$2,500).

Proposed Amendment

Step 1: Preparing for a proposed amendment

- Determine the statutory authority
- Determine whether the amendment is necessary (section 536.016, RSMo)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328 and 1.310, RSMo, and 4 CSR 262-1.010 and 4 CSR 262-1.020)
- Perform a takings analysis (section 536.017, RSMo)
- Determine the cost associated with the amendment (sections 536.200 and 536.205, RSMo)
- Obtain a copy of the rule as it now appears in the *Code of State Regulations* from the Internet at sos.mo.gov/adrules/agency/

Step 2: Parts of a proposed amendment

- Header
- Rule Number and Title
- Purpose for Amendment
- Text
- Form(s) (if applicable)
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal Note(s) (if applicable)

Proposed Amendment

Step 3: Drafting the text of a proposed amendment

Example

Please use 11- or 12-point type.

Header. This is written in **bold** typeface and includes number and name of department, number and name of division, and number and name of chapter.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking

Type of rulemaking.

PROPOSED AMENDMENT

Number and title. This is written in **bold** typeface.

15 CSR 30-750.003 Filing Requirements. The *your title here* is amending section (1), adding a new section (2), and deleting the forms which follow the rule in the *Code of State Regulations*.

Write a statement to follow the title stating what is being amended. If forms are to be deleted from the rule, a reference to the deleted material is included in this statement.

PURPOSE: This amendment replaces the number of copies of proposed rulemaking required to be filed with a PDF packet.

Write a *PURPOSE* statement giving the reasons for amending the rule. (This is different from the original *PURPOSE* of the rule that is found in the *Code*.) This is written in *italic* typeface.

Draft the text of the amendment.

(1) When filing any proposed rule, proposed amendment, **or** proposed rescission, *[emergency rule, emergency amendment, emergency rescission or emergency termination an original and three (3) copies]* a **complete PDF packet** will be required for filing **electronically**.

Material that is being deleted is to be placed in *[brackets]* and printed in *italic* typeface. The bracketed material precedes the new text.

(2) When filing any emergency rule, emergency amendment, emergency rescission, or emergency termination, a **complete PDF packet will be required for electronic filing**.

NOTE: Only the section(s) and subsection(s) that are being amended need to be included in the proposed amendment. However, the entire subsection including all paragraphs, subparagraphs, etc., should be included. Do not include sections or subsections that are not being amended.

New text is printed in **bold** typeface. This material comes after the deleted text.

NOTE: If a change occurs in a subsection, all text indented under that subsection must be included.

Proposed Amendment

NOTE: If forms are published with the rule, the language "included herein" must appear in the text of the rule and the form will appear before the authority section. For an example, see Proposed Rule.

NOTE: If forms are not published with the rule, the language "incorporated by reference" will be used. A Publisher's Note will be printed with the rule and the forms must be available on a permanent basis at your agency. For an example, see Proposed Rule.

NOTE: Reference material may be incorporated in the text of the rule by using the language "incorporated by reference." A current copy of this material must be on file and permanently available at your own agency. The material is not discarded when the material is updated. Additionally, for all incorporated by reference material, it is required by 536.031.4., RSMo, that the publisher, publisher's address, and the date of the publication be printed in the text of the rule. There must also be a statement which says "This rule does not incorporate any subsequent amendments or additions." A Publisher's Note will be printed with the rule.

AUTHORITY SECTION. This gives the most recent statutory cite for the authority to promulgate the rule. This section includes the history currently found in the *Code of State Regulations*, as well as the date the amendment was filed.

PUBLIC COST (requires declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

Example—continued

*AUTHORITY: section 536.023, RSMo [Supp. 1998] 2016.
Original rule filed March 25, 1997, effective Sept. 30, 1997.
Amended: Filed Jan. 14, 2019.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

Proposed Amendment

Example—continued

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed amendment at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed amendment in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed amendment and the address to which the comments should be directed (section 536.021.2.(5), RSMo). If no hearing is to be held, a statement to that effect must be included (section 536.021.2.(6), RSMo).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered.

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of the proposed rulemaking in the *Missouri Register* (see section 536.021.2.(6), RSMo).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with agency name and address. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

OR

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with agency name and address. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for time, date, place, and address of hearing.

Proposed Amendment

Step 4: Preparing the rule packet for filing

A. Prepare rule transmittal sheet

- This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and who to contact with questions.
- This section describes the type of rulemaking action and dates necessary for filing.

Example

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
Rule Number _____	
Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.	
Name of person to call with questions about this rule:	
Content _____	Phone _____ FAX _____
Email address _____	
Data Entry _____	
Phone _____	FAX _____
Email address _____	
Interagency mailing address _____	
TYPE OF RULEMAKING ACTION TO BE TAKEN	
<input type="checkbox"/> Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination	
Effective Date for the Emergency _____	
<input type="checkbox"/> Proposed Rulemaking __ Rule __ Amendment __ Rescission	
<input type="checkbox"/> Rule Action Notice <input type="checkbox"/> In Addition <input type="checkbox"/> Rule Under Consideration	
<input type="checkbox"/> Request for Non-Substantive Change	
<input type="checkbox"/> Statement of Actual Cost	
<input type="checkbox"/> Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission	
Effective Date for the Order _____	
<input type="checkbox"/> Statutory 30 days OR Specific date _____	
Does the Order of Rulemaking contain changes to the rule text? <input type="checkbox"/> NO	
<input type="checkbox"/> YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:	

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp

Proposed Amendment

B. Prepare cover letter on agency letterhead

(Form available at sos.mo.gov/adrules/forms/)

Example

Address letter to the secretary of state.

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

List rule number and title (may include more than one (1) rule).

Re: *Rule Number and Title*

Certify that the attached are complete and accurate copies of the proposed amendment.

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

State economic impact on small businesses.

The *name of your department, board, or commission* further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

State that a takings analysis has occurred.

The *name of your department, board, or commission* has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

State that the rulemaking complies with the provisions of sections 536.300–536.310, RSMo.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name
Address
Phone Number
Email

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Proposed Amendment

C. Prepare declaration (public cost)

Example

DECLARATION OF PUBLIC COST

Cost less than five hundred dollars (\$500)—state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency, or political subdivision.



I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of proposed amendment *insert rule number*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.



Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Amendment

Example

Declaration (public cost)

DECLARATION OF PUBLIC COST

Cost greater than five hundred dollars (\$500)—state that the cost is a reasonably accurate estimate.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the proposed amendment to *insert rule number* is a reasonably accurate estimate.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Amendment

D. Review proposed amendment and all attached documents.

E. Fiscal Notes—Public and Private (forms available at sos.mo.gov/adrules/forms)

1. Prepare a public fiscal note when **public cost** is greater than five hundred dollars (\$500) (section 536.200, RSMo).

- Summary of fiscal impact
- Detailed estimated cost of compliance with the proposed amendment
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to *make sure the numbers match*.

Example

**FISCAL NOTE
PUBLIC COST**

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Amendment

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the proposed amendment
- Detailed estimated cost of compliance with the proposed amendment
- Agency's assumptions, references, and methods of acquiring information that results in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to *make sure the numbers match*.

Example

**FISCAL NOTE
PRIVATE COST**

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Amendment

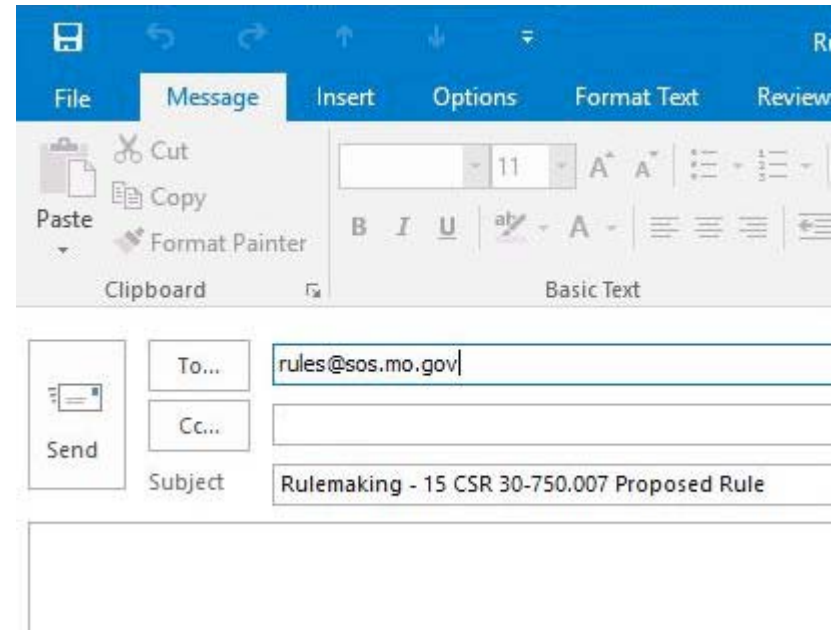
F. Prepare for filing any forms that have been "included herein" in the text of the rule.

G. Set aside a copy of all materials incorporated by reference to be maintained and accessible in your office for public inspection. (See section 536.031.4., RSMo)

H. Materials that are incorporated by reference must be available at your agency on a permanent basis. Please archive the materials even after a newer version is being used so that they may be used as historical data.

I. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject. Please use 11- or 12-point type for the rule text.

NOTE: If you are preparing multiple rulemakings, please prepare a separate email attachment for each rulemaking.



Proposed Amendment

Step 5: Final preparations

Assemble packet for each amendment in the following order:

1. Rule Transmittal sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Letter to JCAR;
5. Declaration;
6. Amendment (with bolds and brackets);
7. Fiscal note(s) (if applicable);
8. Forms ("included herein"); and
9. A properly formatted email attachment in Microsoft Word containing the proposed amendment.

Make one (1) PDF packet for filing.

If there is a cost to small business, you will need a paper copy, which includes the small business impact statement, to file with the Small Business Regulatory Fairness Board (SBRFB). If filing a post public hearing small business statement with the SBRFB, you also need electronic and paper versions of that document. See 4 CSR 262-1.010 and 4 CSR 262-1.020.

Each amendment is submitted as a separate filing and must include all of the above.

Step 6: Filing of rule

On the same day—

Make sure you have emailed an attachment to rules@sos.mo.gov **prior** to filing the amendment at SOS containing the text of proposed amendment formatted in Microsoft Word; and

Email PDF packet to JCAR for filing at JTCAR@senate.mo.gov. JCAR will then forward a stamped copy to Administrative Rules, Office of the Secretary of State (SOS). Administrative Rules, SOS date stamp and send a copy of the stamped PDF packet back to the agency.

Note: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Proposed Amendment

Step 7: Statement of Actual Cost (section 536.200.2., RSMo)

After the first full fiscal year of implementation of the amendment—

- Review the original public fiscal note or declaration if the original cost was projected to be less than five hundred dollars (\$500).
- Determine the actual cost to all affected entities.
- If the actual public cost is greater than ten percent (10%) of the estimated cost or has exceeded five hundred dollars (\$500), a STATEMENT OF ACTUAL COST must be published. This statement must include the original estimated cost together with the actual cost as determined by the agency.
- The statement must be published in the *Missouri Register* within ninety (90) days after the close of the first full fiscal year. If this statement is not published, the rulemaking will be void and of no further force or effect.

Example

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking**

STATEMENT OF ACTUAL COST

15 CSR 30-750.003 Filing Requirements

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on January 2, 2013 (38 MoReg 15–16). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was two thousand four hundred fifty-six dollars (\$2,456) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was three thousand five hundred dollars (\$3,500).

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking**

STATEMENT OF ACTUAL COST

15 CSR 30-750.007 Filing Rules in Person

The original estimated public cost published for this rulemaking in the *Missouri Register* on January 2, 2013 (38 MoReg 17) was less than five hundred dollars (\$500). The cost to state agencies and political subdivisions has exceeded five hundred dollars (\$500). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was less than five hundred dollars (\$500) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was two thousand five hundred dollars (\$2,500).

Proposed Rescission

Step 1: Preparing for a proposed rescission

- Determine the statutory authority
- Determine if the rescission is necessary (section 536.016, RSMo)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328 and 1.310, RSMo, and 4 CSR 262-1.010 and 4 CSR 262-1.020)
- Perform a takings analysis (section 536.017, RSMo)
- Determine the cost associated with the rescission (sections 536.200 and 536.205, RSMo)
- Obtain a copy of the rule as it now appears in the *Code of State Regulations* from the Internet at sos.mo.gov/adrules/agency/

Step 2: Parts of a proposed rescission

- Header
- Rule Number and Title
- Purpose for Rescission
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal Note(s) (if applicable)

Proposed Rescission

Step 3: Drafting a proposed rescission

Example

Please use 11- or 12-point type.

Header. This is written in **bold** typeface and includes number and name of department, number and name of division, and number and name of chapter.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking**

Type of rulemaking.

PROPOSED RESCISSION

Number and title. This is written in **bold** typeface.

15 CSR 30-750.005 Filing Rules by ATMS. This rule provided for the formatting procedure to follow when filing a rule.

Write a statement to follow the title stating **in past tense** the original purpose of the rule.

PURPOSE: This rule is being rescinded as ATMS no longer exists.

Write a *PURPOSE* statement giving the reason for rescinding the rule. (This is different from the original *PURPOSE* of the rule that is found in the *Code*.) This is written in *italic* typeface.

AUTHORITY: section 536.023, RSMo 1984. Original rule filed July 15, 1976, effective July 25, 1976. Amended: Filed Aug. 1, 1982, effective Dec. 4, 1982. Amended: Filed Jan. 16, 1985, effective July 30, 1985. Emergency rescission filed May 14, 2008, effective May 24, 2008, expires Nov. 19, 2008. Rescinded: Filed May 14, 2019.

AUTHORITY SECTION. This will include the complete history that is currently found in the *Code of State Regulations* as well as the current date of filing.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PUBLIC COST (requires declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

Proposed Rescission

Example—continued

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed rescission at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed rescission in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed rescission and the address to which the comments should be directed (section 536.021.2.(5), RSMo). If no hearing is to be held, a statement to that effect must be included (section 536.021.2.(6), RSMo).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered.

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of proposed rulemaking in the *Missouri Register* (see section 536.021.2.(6), RSMo).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with agency name and address. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

OR

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with agency name and address. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for time, place, and address of hearing.

Proposed Rescission

Example

Step 4: Preparing the rule packet for filing

Prepare rule transmittal sheet

A. This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and who to contact with questions.

B. This section describes the type of rulemaking action and dates necessary for filing.

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
--	----------------------------

Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule: _____
Content _____ Phone _____ FAX _____
Email address _____

Data Entry _____ Phone _____ FAX _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination
Effective Date for the Emergency _____

Proposed Rulemaking __ Rule __ Amendment __ Rescission

Rule Action Notice In Addition Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission
Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text: _____

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
---	------------

Proposed Rescission

Example

B. Prepare cover letter on agency letterhead

(Form available at sos.mo.gov/adrules/forms/)

Address letter to the secretary of state.

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

List rule number and title (may include more than one (1) rule).

Re: *Rule Number and Title*

Dear Secretary,

Certify that the attached are complete and accurate copies of the proposed rescission.

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

State economic impact on small businesses.

The name of your department, board, or commission further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

State that a takings analysis has occurred.

The name of your department, board, or commission has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

State that the rulemaking complies with the provisions of sections 536.300–536.310, RSMo.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

Authorized signature of the department director, or his/her designee, which is on file in the Office of the Secretary of State, Administrative Rules.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name
Address
Phone Number
Email

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

Proposed Rescission

C. Prepare declaration (public cost)

Example

Cost less than five hundred dollars (\$500)—state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency or political subdivision.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of proposed rescission *insert rule number*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Rescission

Example

Declaration (public cost)

DECLARATION OF PUBLIC COST

Cost greater than five hundred dollars (\$500)—state that the cost is a reasonably accurate estimate.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the proposed rescission to *insert rule number* is a reasonably accurate estimate.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 1.05B.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Proposed Rescission

D. Review proposed rescission and all attached documents

E. Fiscal Notes—Public and Private (forms available at sos.mo.gov/adrules/forms)

1. Prepare a public fiscal note when **public cost** is greater than five hundred dollars (\$500) (section 536.200, RSMo).

- Summary of fiscal impact
- Detailed estimated cost of compliance with the proposed rescission
- Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to *make sure the numbers match*.

Example

**FISCAL NOTE
PUBLIC COST**

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Rescission

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the proposed rescission
- Detailed estimated cost of compliance with the proposed rescission
- Agency’s assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to *make sure the numbers match.*

F. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject. Please use 11- or 12-point type and print on only one (1) side of the paper for the rule text.

NOTE: If you are preparing multiple rulemakings, please prepare a separate email attachment for each rulemaking.

Example

**FISCAL NOTE
PRIVATE COST**

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Rescission

Step 5: Final preparations

Assemble packet for each rescission in the following order:

1. Rule transmittal sheet;
2. Letter from the governor's office;
3. Cover letter for secretary of state;
4. Letter to JCAR;
5. Declaration;
6. Rescission;
7. Fiscal note(s) (if applicable); and
8. Prepare email attachment formatted in Microsoft Word containing the text of the proposed rescission.

Make one (1) PDF packet for filing.

If there is a cost to small business, you will need a paper copy, which includes the small business impact statement, to file with the Small Business Regulatory Fairness Board (SBRFB). If filing a post public hearing small business statement with the SBRFB, you also need electronic and paper versions of that document. See 4 CSR 262-1.010 and 4 CSR 262-1.020.

Each rule is submitted as a separate filing and must include all of the above.

Step 6: Filing of rule

On the same day—

Make sure you have emailed an attachment to rules@sos.mo.gov **prior** to filing the rescission at SOS formatted in Microsoft Word, containing the proposed rescission; and

Email PDF packet to JCAR for filing at JTCAR@senate.mo.gov. JCAR will then forward a stamped copy to Administrative Rules, Office of the Secretary of State (SOS). Administrative Rules, SOS date stamp and send a copy of the stamped PDF packet back to the agency.

Note: Filings made later in the day may not receive their stamped PDF packet until the next business day.