

Orders of Rulemaking

A final order of rulemaking is the last step to getting a proposed rulemaking into the *Code of State Regulations* and thus getting the proposed rulemaking effective. After a final order of rulemaking is filed with Administrative Rules, it is published in the *Missouri Register*, then, at the end of the same month in which it was published in the *Missouri Register*, it is published in the *Code of State Regulations*. Unless a different effective date is selected, the rulemaking becomes effective thirty (30) days *after* its publication in the *Code*.

In this section the user will be shown how to work through the six (6) basic types of final orders of rulemaking.

The six (6) basic types of final orders of rulemaking are—

- Final order of rulemaking for a proposed rule with no changes;
- Final order of rulemaking for a proposed rule with changes;
- Final order of rulemaking for a proposed amendment with no changes;
- Final order of rulemaking for a proposed amendment with changes;
- Final order of rulemaking for a proposed rescission; and
- Final order of rulemaking for a withdrawal.

There is one (1) other type of final order of rulemaking that is used by only a few state agencies in a few specific instances. These orders of rulemaking deal with orders of rulemaking that *do not* require a proposed rulemaking to go through the normal rulemaking procedure. This exception is defined in section 536.021.1., RSMo. As this type of rulemaking only affects a few agencies and a select few of their rules, this type of order is not covered in the rulemaking manual. Agencies that need assistance on this type of order may contact Administrative Rules staff directly.

Final Order for a Proposed Rule—No Changes

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT

Division number—Name of Division

Chapter number—Name of Chapter

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 750—Painless Rulemaking

ORDER OF RULEMAKING

Step 2. Type of rulemaking, centered

Step 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed rule

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo 2016, the *your division name* adopts a rule as follows:

Step 4.

- Rule number and action taken in **bold** typeface; rule title in non-bold font.

15 CSR 30-750.007 Filing Rules in Person **is adopted.**

Step 5. Explanation of—

- The proposed rule publication date in the *Missouri Register* and page number where located.
- No changes to the text of the proposed rule.
- When the proposed rule becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2019 (44 MoReg 177–179). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

Final Order for a Proposed Rule—No Changes

Example

Step 6. SUMMARY OF COMMENTS AND RESPONSES.

- **If comments were received** concerning the proposed rulemaking, write a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.

- **Individual comments** are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.

- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.

- If there are more than two (2) comments, please number the comments. For example: COMMENT #2.

OR

- **If no comments were received** concerning the proposed rulemaking, a brief statement is made to that effect.

SUMMARY OF COMMENTS: The *your division* received one (1) comment on the proposed rule.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held March 7, 2013, and the public comment period ended March 17, 2013. At the public hearing Administrative Rules staff explained the proposed rule and one (1) comment was made.

FOLLOWED BY

COMMENT: John Q. Hathaway, with the Division of Paper Only, requested that we go back to paper filings and avoid filing electronically.

RESPONSE: At this time our office does not plan to go back to paper filings. No changes have been made to the rule as a result of this comment.

OR

SUMMARY OF COMMENTS: No comments were received.

Final Order for a Proposed Rule—No Changes

Step 7.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the 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 can answer questions.

B. This section describes the type of rulemaking action.

C. If you have a specific effective date for your rule, insert that date here.

NOTE: This specific effective date must be later than the statutory thirty- (30-) day requirement.

NOTE: For final orders please make sure that all parts of the rule transmittal sheet are filled out which ask specific questions concerning the rulemaking. For a final order with no changes simply mark the "No" box.

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 checked="" 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

Final Order for a Proposed Rule—No Changes

2. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee or in the case of a Type III transfer agency an individual with a signature on file with the secretary of state must sign this letter.

Example

Address one (1) original letter to the secretary of state

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

Dear Secretary,

Re: *Rule Number and Title*

List rule number and title

CERTIFICATION OF ADMINISTRATIVE RULE

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

Certify that the attached are complete and accurate copies of the final order of rulemaking

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

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

Name

Address

Phone Number

Email

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

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

3. Order of rulemaking.

Final Order for a Proposed Rule—No Changes

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.

Final Order for a Proposed Rule—With Changes

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT	→	Title 15—ELECTED OFFICIALS
Division number—Name of Division	→	Division 30—Secretary of State
Chapter number—Name of Chapter	→	Chapter 750—Painless Rulemaking

Step 2. Type of rulemaking, centered → **ORDER OF RULEMAKING**

Step 3.

- Statement to whom authority is given → By the authority vested in the *your division name* under section
- Statutory cite of authority → *your statute for rulemaking authority*, RSMo 2016, the *your division name* adopts a rule as follows:
- Statement of action taken on the proposed rule →

15 CSR 30-750.001 is adopted.

Step 4.

- Rule number and action taken in regular typeface. →

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2019 (44 MoReg 175–176). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

Step 5. Explanation of—

- The proposed rule publication date in the *Missouri Register* and page number where located.
- Statement that there are changes to the proposed rule.
- When the proposed rule becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective.

Final Order for a Proposed Rule—With Changes

Example—continued

Step 6. SUMMARY OF COMMENTS, RESPONSES, AND EXPLANATION OF CHANGE.

- **When comments are received** concerning the proposed rulemaking, include a brief statement summarizing the comments.
- OR
- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.
- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.
- If there are more than two (2) comments, please number the comments. For example: COMMENT #2.
- When a comment results in a change, a **response and explanation of change** should follow the comment explaining the change that will be made.

SUMMARY OF COMMENTS: The *your division* received four (4) comments on the proposed rule.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held March 7, 2013, and the public comment period ended March 17, 2013. At the public hearing, Administrative Rules staff explained the new rule and four (4) comments were made.

FOLLOWED BY

COMMENT #1: John Q. Hathaway, with the Division of Paper Only; Louise Marise, with Logic of Paper; Tom Lincoln, Ancestors Anonymous; and Jay Jeffs, Local Lobby, all requested that we go back to paper filings and avoid filing electronically.

RESPONSE: At this time our office does not plan to go back to paper filings. No changes have been made to the rule as a result of this comment.

COMMENT #2: Louise Marise, with the Division of Logic, noted that sections (7) and (8) cross-reference each other without giving us a true definition of rule or regulation.

RESPONSE AND EXPLANATION OF CHANGE: Section (8) will be changed to give a definition of rule. Section (7) will be left as is because there is no difference between a rule and regulation.

COMMENT #3: James Johnson, with the Coalition of the Month Club, requested that the publication date be redefined as the day that a subscriber finds the publication online.

RESPONSE AND EXPLANATION OF CHANGE: The publication date must remain as is. However, in order to make the publication dates more understood, language will be added to section (6) stating that future publication dates will be published online.

COMMENT #4: Louise Marise, with the Division of Logic, was confused by the language in section (9).

RESPONSE AND EXPLANATION OF CHANGE: Staff agrees that section (9) is confusing and it will be removed from the rule.

Final Order for a Proposed Rule—With Changes

Step 7. Those sections with changes are printed now.

Example continued

- The title of the rule in **bold** typeface.
- Include each section or subsection that has been changed since the proposed rule was published in the *Missouri Register*. This is written just as it will appear in the *Code* **without** bold typeface or brackets to show the changes.

NOTE: All text indented under the subsection must be submitted with your order.

ADDITIONAL NOTE: Normally, definitions in rules are done in alphabetical order.

Step 8. Revised fiscal note. If there was a fiscal note with the proposed rulemaking and changes are necessary, the statement and fiscal note appear at the end of the final order of rulemaking.

15 CSR 30-750.001 Definitions Covering Both Painless and Painful Rulemaking

(6) Publication date—the date on which the *Missouri Register* or *Code of State Regulations* is published. These dates may be found on the Internet at sos.mo.gov/adrules/pubsched.

(8) Rule—as defined in section 536.010(4), RSMo—is each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency. This includes amendments or rescissions of existing rules. There are several exemptions to this definition and they are spelled out in section 536.010(6), RSMo.

REVISED PUBLIC COST: The cost to the department may range from zero to seven hundred forty-nine dollars (\$0–\$749) versus the less than five hundred dollars (\$500), which was submitted in the original estimate.

Final Order for a Proposed Rule—With Changes

Step 9.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the 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 can answer questions.

B. This section describes the type of rulemaking action.

C. If you have a specific effective date for your rule, insert that date.

NOTE: This specific date must be later than the statutory thirty- (30-) day requirement.

D. For final orders, please make sure that all parts of the transmittal sheet are filled out. This section asks specific questions concerning the rulemaking. If more space is needed, attach a separate sheet.

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:

Small Business Regulatory Fairness Board (DED) Stamp

JCAR Stamp

Final Order for a Proposed Rule—With Changes

2. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Example

Address one (1) original letter to the secretary of state

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

Dear Secretary,

Re: *Rule Number and Title*

CERTIFICATION OF ADMINISTRATIVE RULE

List rule number and title

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

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

Certify that the attached are complete and accurate copies of the final order of rulemaking

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

Name
Address
Phone Number
Email

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

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

Final Order for a Proposed Rule—With Changes

3. Order of rulemaking.

4. If you have a revised public fiscal note, you must also have a declaration signed by the person with rulemaking authority. Signature must be on file in the Office of the Secretary of State.

NOTE: If you have a revised private fiscal note, no declaration is required.

Example

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 attached fiscal note for the order of rulemaking to *insert rule number* is a reasonably accurate estimate.

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

Final Order for a Proposed Rule—With Changes

The revised fiscal note.

Example

REVISED 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**

Final Order for a Proposed Rule—With Changes

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.

Final Order for a Proposed Amendment—No Changes

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT
Division number—Name of Division
Chapter number—Name of Chapter

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

Step 2. Type of rulemaking, centered

ORDER OF RULEMAKING

Step 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed amendment.

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo 2016, the *your division name* amends a rule as follows:

15 CSR 30-750.003 Filing Requirements is amended.

Step 4.

- Rule number and action taken in **bold** typeface; rule title in non-bold font.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2019 (44 MoReg 176). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

Step 5. Explanation of—

- The publication date of the proposed amendment in the *Missouri Register* and page number where located.
- No changes to the text of the proposed amendment.
- When the proposed amendment becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective.

Final Order for a Proposed Amendment—No Changes

Step 6. SUMMARY OF COMMENTS AND RESPONSES.

Example—Continued

- If **comments are received** concerning the proposed rulemaking, include a brief statement summarizing the comments.

SUMMARY OF COMMENTS: The *your division* received two (2) comments on the proposed amendment.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held March 7, 2014, and the public comment period ended March 17, 2014. At the public hearing, the Administrative Rules staff explained the proposed amendment and two (2) comments were made.

- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.

FOLLOWED BY

COMMENT #1: John J. Johnson, with the Division of Unplanned Emergencies, requested that we make emergency rules effective for one (1) full year.

- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.

RESPONSE: This request is outside of the purview of the amendment change and therefore cannot be addressed at this point. Additionally, the length of emergency rules is set by statute and, therefore, beyond our control. No changes have been made to the rule as a result of this comment.

- If there are more than two (2) comments, please number the comments. For Example: COMMENT #2.

COMMENT #2: Mary Agnes, with the Coalition for Kill the Trees & Paper Only League, requested that we immediately stop accepting all electronic filings on all rulemakings and only file paper in person.

- If **no comments were received** concerning the proposed rulemaking, a brief statement is made to that effect.

RESPONSE: Currently all filing is being done electronically. We have no wish to go back in time. No changes have been made to the rule as a result of this comment.

OR

SUMMARY OF COMMENTS: No comments were received.

Final Order for a Proposed Amendment—No Changes

Step 7.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the 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 can answer questions.

B. This section describes the type of rulemaking action.

C. If you have a specific effective date for your rule, insert that date here.

NOTE: This specific effective date must be later than the statutory thirty- (30-) day requirement.

NOTE: For final orders, please make sure that all parts of the rule transmittal sheet are filled out. This page asks specific questions concerning the rulemaking. For a final order with no changes, simply check the "No" box.

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:

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
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Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp
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Final Order for a Proposed Amendment—No Changes

2. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee or in the case of a Type III transfer agency an individual with a signature on file with the secretary of state must sign this letter.

Example

Address one (1) original letter to the secretary of state

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

List rule number and title

Dear Secretary,

Re: *Rule Number and Title*

Certify that the attached are complete and accurate copies of the final order of rulemaking

CERTIFICATION OF ADMINISTRATIVE RULE

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

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 order of rulemaking, please contact:

Name
Address
Phone Number
Email

3. Order of rulemaking.

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

Final Order for a Proposed Amendment—No Changes

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.

Final Order for a Proposed Amendment—With Changes

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT	→	Title 15—ELECTED OFFICIALS
Division number—Name of Division	→	Division 30—Secretary of State
Chapter number—Name of Chapter	→	Chapter 750—Painless Rulemaking

Step 2. Type of rulemaking, centered → **ORDER OF RULEMAKING**

Step 3.

- Statement to whom authority is given → By the authority vested in the *your division name* under section
- Statutory cite of authority → *your statute for rulemaking authority*, RSMo 2016, the *your division name*
- Statement of action taken on the proposed amendment → amends a rule as follows:

Step 4.

- Rule number and actions taken in regular typeface. → 15 CSR 30-750.004 is amended.

Step 5. Explanation of—

- The proposed amendment publication date in the *Missouri Register* and page number where located. → January 15, 2019 (44 MoReg 176–177)
- Statement that there are changes to the proposed amendment. → Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.
- When the proposed amendment becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after the update of the *Code* is published, the rulemaking becomes effective.

Final Order for a Proposed Amendment—With Changes

Step 6. SUMMARY OF COMMENTS, RESPONSES, AND EXPLANATION OF CHANGE.

- **When comments are received** concerning the proposed rulemaking, a brief statement summarizing the comments should be provided.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.
- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.
- If there are more than two (2) comments, please number the comments. For example: COMMENT #2.
- When a comment results in a change, a **response and explanation of change** should follow the comment explaining the change that will be made.

Example—continued

SUMMARY OF COMMENTS: The *your division* received three (3) comments on the proposed amendment.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held March 7, 2019, and the public comment period ended March 17, 2019. At the public hearing, the Administrative Rules staff explained the proposed amendment and three (3) comments were made.

FOLLOWED BY

COMMENT #1: James Johnson, with the Coalition of the Month Club, requested that the effective date be made forty-five (45) days after publication in the *Code* rather than thirty (30) days after publication.

RESPONSE: The effective date is set by statute and cannot be changed without changes to the statutes.

COMMENT #2: Louise Marise, with the Division of Logic, noted that section (3) does not state that agencies can put the effective date to be later than thirty (30) days after publication if they so desire. She believes that this should be spelled out in the rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (3) will be changed to add that an agency may make the effective date later than thirty (30) days after publication, if they so choose.

COMMENT #3: James Johnson questioned the need for new section (5).

RESPONSE AND EXPLANATION OF CHANGE: The staff concurs and has deleted section (5) from the rule.

Final Order for a Proposed Amendment—With Changes

Example—continued

Step 7. Those sections with changes are printed now.

- Print rule number and title in **bold** typeface.

15 CSR 30-750.004 Effective Date of Rulemaking

- Include each section or subsection that has been changed since the proposed amendment was published in the *Missouri Register*. This is written just as it will appear in the *Code* without **bold** typeface or brackets to show the changes.

(3) A final order of rulemaking will be effective thirty (30) days after it is published in the *Code of State Regulations*. An agency may choose to make the rulemaking effective at a date later than thirty (30) days after publication in the *Code of State Regulations*.

NOTE: All text indicated under the subsection must be submitted with your order.

REVISED PUBLIC COST: The cost to the department may range from zero to eight hundred fifty dollars (\$0–\$850) versus the less than five hundred dollars (\$500), which was submitted with the original proposal.

Step 8. Revised fiscal note. If there was a fiscal note with the proposed rulemaking and changes are necessary, the statement and fiscal note appear at the end of the final order of rulemaking.

Final Order for a Proposed Amendment—With Changes

Step 9.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the rule transmittal sheet.

- A. This section gives information to the Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions.
- B. This section describes the type of rulemaking action.
- C. If you have a specific date when your rule needs to be effective, insert that date.

NOTE: This specific date must be later than the statutory thirty- (30-) day requirement.

- D. For final orders, please make sure that all parts of the transmittal sheet are filled out. This section asks specific questions concerning the rulemaking. If more space is needed, attach a separate sheet.

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

Final Order for a Proposed Amendment—With Changes

2. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Example

Address one (1) original letter to the secretary of state

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

Dear Secretary,

Re: *Rule Number and Title*

CERTIFICATION OF ADMINISTRATIVE RULE

List rule number and title

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

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

Certify that the attached are complete and accurate copies of the final order of rulemaking

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

Name

Address

Phone Number

Email

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

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

Final Order for a Proposed Amendment—With Changes

3. Order of rulemaking.

Example

4. If you have a revised public fiscal note, you must also have a declaration signed by the person to whom rulemaking authority has been delegated. Signature must be on file in the Office of the Secretary of State.

NOTE: If you have a revised **private** fiscal note, no declaration is required.

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 attached fiscal note for the order of rulemaking to *insert rule number* is a reasonably accurate estimate.

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

Final Order for a Proposed Amendment—With Changes

The revised fiscal note.

Example

REVISED 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**

Final Order for a Proposed Amendment—With Changes

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.

Final Order for a Proposed Rescission

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT

Division number—Name of Division

Chapter number—Name of Chapter

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 750—Painless Rulemaking

ORDER OF RULEMAKING

Step 2. Type of rulemaking, centered

Step 3.

• Statement to whom authority is given

• Statutory cite of authority

• Statement of action taken on the proposed rescission.

By the authority vested in the *your division name* under section

your statute for rulemaking authority, RSMo 2016, the *your divi-*

sion name rescinds a rule as follows:

Step 4.

• Rule number and action taken in **bold** typeface; rule title in non-bold font.

15 CSR 30-750.005 Filing Rules by ATMS **is rescinded.**

Step 5. Explanation of—

• The publication date of the proposed rescission in the *Missouri Register* and page number where found.

• No changes to the proposed rescission.

• When the proposed rescission becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after the update of the *Code* is published, the rescission becomes effective.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 15, 2019 (44 MoReg 177). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

Final Order for a Proposed Rescission

Step 6. SUMMARY OF COMMENTS AND RESPONSES.

Example

- **If comments are received** concerning the proposed rule-making, write a brief statement summarizing the comments.

SUMMARY OF COMMENTS: The *your division* received two (2) comments on the proposed rescission.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held March 7, 2019, and the public comment period ended March 17, 2019. At the public hearing, the Administrative Rules staff explained the proposed rescission and two (2) comments were made.

OR

- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.

RESPONSE: As a result, the secretary has decided to withdraw this rule.

FOLLOWED BY

- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.

COMMENT #1: John J. Johnson, with the Division of Unplanned Emergencies, stated that it was about time this rule was rescinded.

RESPONSE: We agree.

- If there are more than two (2) comments, please number the comments. For example: COMMENT #2.

COMMENT #2: Mary Agnes, with the Coalition for Saving the Trees From Becoming Paper League, asked if there was any way to bring ATMS back.

RESPONSE: ATMS is an antiquated system that will never come back. No changes have been made to the rescission as a result of these comments.

- If **no comments were received** concerning the proposed rulemaking, a brief statement is made to that effect.

OR

SUMMARY OF COMMENTS: No comments were received.

Final Order for a Proposed Rescission

Step 7.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the rule transmittal sheet.

- A. This section gives information to the Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions.
- B. This section describes the type of rulemaking action.
- C. If you have a specific effective date for your rule, insert that date.

NOTE: This specific effective date must be later than the statutory thirty- (30-) day requirement.

NOTE: For final orders, please make sure that all parts of the rule transmittal sheet are filled out which ask specific questions concerning the rulemaking. For a final order with no changes simply check the "no" box.

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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Final Order for a Proposed Rescission

2. Certification letter or cover letter on agency letterhead—
This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Example

Address one (1) original letter to the secretary of state

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

List rule number and title

Dear Secretary,

Re: *Rule Number and Title*

Certify that the attached are complete and accurate copies of the final order of rulemaking

CERTIFICATION OF ADMINISTRATIVE RULE

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

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 order of rulemaking, please contact:

Name
Address
Phone Number
Email

3. Order of rulemaking.

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

Final Order for a Proposed Rescission

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.

Final Order for a Withdrawal

Contents of the final order of rulemaking.

Example

Step 1. Header, centered, contains the—

Title number—NAME OF DEPARTMENT

Division number—Name of Division

Chapter number—Name of Chapter

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 750—Painless Rulemaking

ORDER OF RULEMAKING

Step 2. Type of rulemaking, centered

Step 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed rulemaking

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo 2016, the *your division name* withdraws a proposed rule as follows:

15 CSR 30-750.020 Limit on Rules Filed **is withdrawn.**

Step 4.

- Rule number and action taken in **bold** typeface

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2019 (44 MoReg 180). This proposed rule is withdrawn.

Step 5. Explanation of—

- The publication date of the proposed rulemaking in the *Missouri Register* and page number where located.
- Statement that the rulemaking is withdrawn.

Final Order for a Withdrawal

Step 6. SUMMARY OF COMMENTS AND RESPONSES.

Example

- For a withdrawal, a general summary of comments can be given without listing all of the individual comments separately. In the summary of comments, the agency needs to explain why they are withdrawing the rulemaking. After the SUMMARY OF COMMENTS, there should be a RESPONSE stating that the department/division is withdrawing the rulemaking.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony. They would then need to explain why they are withdrawing the rulemaking. After the SUMMARY OF COMMENTS, there should be a RESPONSE stating that the department/division is withdrawing the rulemaking.

SUMMARY OF COMMENTS: The *your division* received numerous comments on this proposed rule. Most of the comments were against the rule. The comments emphasized that an agency might have to promulgate several rules at the same time due to circumstances beyond their control and that it would be unfair to the agencies to implement this rule.

RESPONSE: As a result, the secretary is withdrawing this rulemaking.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held March 7, 2019, and the public comment period ended March 17, 2019. At the public hearing, the Administrative Rules staff explained the proposed rulemaking and twenty-four (24) comments were made. Most of the comments were against the rule. The comments emphasized that an agency might have to promulgate several rules at the same time due to circumstances beyond their control and that it would be unfair to the agencies to implement this rule.

RESPONSE: As a result, the secretary is withdrawing this rulemaking.

Final Order for a Withdrawal

Step 7.

Paperwork Needed to File a Final Order and What You Do With It—

1. Fill out the rule transmittal sheet.

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

B. This section describes the type of rulemaking action.

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

Final Order for a Withdrawal

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Address one (1) original letter to the secretary of state

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

Dear Secretary,

Re: *Rule Number and Title*

List rule number and title

CERTIFICATION OF ADMINISTRATIVE RULE

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

Certify that the attached are complete and accurate copies of the final order of rulemaking

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 order of rulemaking, please contact:

Name
Address
Phone Number
Email

3. Order of rulemaking.

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

Final Order for a Withdrawal

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. JCAR will send stamped PDF packet back to your agency.
4. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
5. Now you can relax and wait for the rulemaking to become effective.