

Emergency

UNDER THIS PROVISION, A RULE MAY BE MADE, AMENDED, OR RESCINDED WITHOUT GOING THROUGH ALL THE NORMAL PROCEDURAL STEPS, BUT *ONLY IF* THE STATE AGENCY—

- Finds that an immediate danger to the public health, safety, or welfare requires emergency action; or
- The rule is necessary to preserve a compelling governmental interest that requires an early effective date; and
- Follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; and
- Follows procedures which comply with protections extended by the *Missouri* and *United States Constitutions*; and
- Limits the scope of such rule to the circumstances creating the required emergency action.

The agency should explain in simple terms what has created the emergency or need for quick action, such as new statutes, budget cuts, court cases, or federal regulatory changes. The agency should explain what harm or consequences will happen if the emergency action is not taken.

At the time of filing, the agency must file concurrently with the Office of the Secretary of State, the Joint Committee on Administrative Rules, and the Small Business Regulatory Fairness Board, if applicable, insert the text of the rulemaking, together with very specific facts, reasons, and findings which support the agency's conclusion that they have fully complied with the requirements of section 536.025.1., RSMo (set out above); if the agency finds the rule is necessary to preserve a compelling governmental interest, the agency shall certify, in writing, the reasons therefore.

Emergency rules filed under the provisions of section 536.025.1.(2), RSMo (best calculated to assure fairness . . .), shall be published in the *Missouri Register* as soon as practicable after the filing thereof and on our emergency rules page within three (3) business days of filing. It is the responsibility of the Office of the Secretary of State to review the filing for compliance with the requirements for publication and adoption established in the statutes. In the event the Office of the Secretary of State determines such proposed material does not meet those requirements, this office, according to statutory authority, SHALL NOT PUBLISH. The secretary of state will inform the agency of his/her determination.

Any emergency rule is subject to judicial review.

An emergency rule adopted under the provisions of this section shall clearly state the interval during which it will be in effect. No emergency rule shall be in effect longer than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer.

Emergency rules are not renewable, nor may an agency adopt consecutive emergency rules having substantially the same effect; however, the agency may adopt an identical proposed rule under normal rulemaking procedures.

Emergency

A rule adopted under the provisions for **emergency rules** may be effective not less than ten (10) business days after the filing thereof in the Office of the Secretary of State, or at such later date as specified by the rule—and may be terminated at any time by filing a final order fixing the date of termination. This final order shall also be published in the *Missouri Register* as soon as practicable.

Time line for emergency rules

An emergency rule is filed with the Joint Committee on Administrative Rules and the Administrative Rules Division, Office of the Secretary of State on the same day. It may become effective as early as ten (10) business days after filing or any time after that as indicated in the emergency statement and the history of the rule.

When the emergency rule becomes effective, it may remain effective for one hundred eighty (180) days. To calculate the expiration date, use the timeline calculator at s1.sos.mo.gov/adrules/datecalc/. If you wish the rule to expire sooner, you may elect to choose an earlier date.

There is also a provision that allows a rule to be effective for up to thirty (30) **legislative days** if that is a longer period of time than the one hundred eighty (180) days. This would apply from approximately the end of March until the first of August. (See section 536.025.7., RSMo, for an explanation of how to count legislative days.) Remember, when the thirty- (30-) legislative day option is selected, the rule may remain effective until sometime in either January or February if the effective date includes any legislative days in April or May of the previous legislative session. (See Time Lines for Publishing Administrative Rules, page 5.07A.)

When determining the expiration date, check the time line calculator to determine when your proposed rule will take effect. If necessary, you may wish to adjust the effective date in order that a gap does not occur between the end of the emergency rule and the effective date of the proposed rule.

Section 536.025.9., RSMo, provides for **termination at any time** by filing an order fixing the date of such termination.

Emergency Rule

Contents of an Emergency Rule:

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

EMERGENCY RULE

Type of rulemaking, centered

15 CSR 30-750.030 Lapsed Rules Cannot Be Promulgated

Rule number and title

PURPOSE: This rule clarifies that rules not filed within ninety (90) days after the public comment period expires cannot be promulgated.

If you are doing a new rule, check with the Administrative Rules Division for verification of the rule number before you use that specific number.

Step 2—Write an original Purpose statement giving a brief explanation of the reasons this rule is needed.

*EMERGENCY STATEMENT: This emergency rule informs state agencies and the public that lapsed rules cannot be promulgated. This emergency rule is necessary to protect a compelling governmental interest as some agencies may try to promulgate lapsed rules and thus leave the populace unregulated in an important field that should be regulated. As a result, the *insert name of agency* finds a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The *insert name of agency* believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 20, 2019, becomes effective January 7, 2020, and expires July 4, 2020.*

Step 3—Write the Emergency Statement. It must include—

- Either an immediate danger to the public health, safety, or welfare OR a compelling governmental interest. Give a detailed explanation of the reasons;
- Procedures to assure fairness to all persons and parties;
- Protections extended by the *Missouri* and *United States Constitutions*;
- Limiting the scope to the emergency circumstances;
- Reasons the agency is filing the rule;
- The consequences that would occur if an emergency rule is not enacted; and
- The filing date, effective date, and expiration date.

Emergency Rule

Example—continued

Step 4—Write the text of the rule.

Step 5—Add the authority section with the current RSMo date, followed by the filing date, effective date, and expiration date. Please remember that the emergency rule is effective for **ONLY** one hundred eighty (180) days or thirty (30) legislative days and is **NOT** renewable.

NOTE: The history of an emergency rule goes into the authority section of the *Code of State Regulations*, but the text of the emergency rule is not printed in the *Code of State Regulations*.

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

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

(1) Any proposed rule, amendment, or rescission must have the final order of rulemaking for such rulemaking filed with the Administrative Rules Division of the Office of the Secretary of State within ninety (90) days of the last day of the comment period.

(2) Any proposed rule, amendment, or rescission whose final order of rulemaking is filed more than ninety (90) days after the end of the comment period shall be deemed lapsed and shall not be published as a final order of rulemaking.

(3) In order to promulgate a rule that has lapsed, the entire rulemaking process must be begun again.

*AUTHORITY: section 536.023, RSMo 2016. Emergency rule filed Dec. 20, 2019, effective Jan. 7, 2020, expires July 4, 2020. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

PUBLIC COST: This emergency rule will cost state agencies or political subdivisions seven hundred thirty-two dollars (\$732) in the time the emergency is effective.

PRIVATE COST: This emergency rule will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

Emergency Rule

Step 6—Prepare the rule packet. (order listed below)

A. Fill out the rule transmittal sheet.

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

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. Cover letter for JCAR;
5. Declaration;
6. Emergency rule;
7. Fiscal note(s) (if applicable);
8. Forms (“included herein”) (if applicable); and
9. A properly formatted email attachment in Microsoft Word containing the emergency rule.

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

Emergency Rule

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

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 the rule number and title of the rule

Re: Rule Number and Title

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

Section 536.025.2., RSMo, requires compelling governmental interest to be certified in writing

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*.

Rulemaking authority

I further certify that this emergency rule is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

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

Name of the person the Administrative Rules staff may call

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

Name
Address
Phone Number
Email.

Authorized signature of the department director, or his/her designee whose Delegation of Authority form 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

Emergency 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 emergency 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

Emergency 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 emergency 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

Emergency 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

Emergency 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 emergency rule
- Detailed estimated cost of compliance with the emergency 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

Emergency Rule

Step 7—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.

Step 8—Filing of an emergency rule.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board. They should send you back a stamped copy of the PDF packet.
- D. Send that packet, if applicable, to JCAR at JTCAR@senate.mo.gov.
- E. If not applicable, send PDF packet directly to JCAR at JTCAR@senate.mo.gov.
- F. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- G. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

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

Emergency Amendment

Contents of an Emergency Amendment

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

EMERGENCY AMENDMENT

Type of rulemaking, centered

Rule number and title

15 CSR 30-750.003 Filing Requirements. The division is amending section (2).

PURPOSE: This amendment adds the requirement for filing a third copy with an emergency rulemaking.

Step 2—Add a descriptive sentence following the title that lists the section or sections being amended.

Step 3—Write a Purpose statement giving a brief explanation of the reasons this amendment is needed.

Step 4—Write the Emergency Statement. It must include—

- Either an immediate danger to the public health, safety, or welfare OR a compelling governmental interest. Give a detailed explanation of the reasons;
- Procedures to assure fairness to all persons and parties;
- Protections extended by the *Missouri* and *United States Constitutions*;
- Limiting the scope to the emergency circumstances;
- Reasons the agency is filing the amendment;
- The consequences that would occur if an emergency is not enacted; and
- The filing date, effective date, and expiration date.

EMERGENCY STATEMENT: This emergency amendment informs state agencies that rules filed as emergencies must have an extra copy to be properly filed with the Office of the Secretary of State. This emergency amendment is necessary to protect governmental interest as some agencies may try to file rules without the correct amount of copies not realizing that this could jeopardize the rulemaking process. As a result, the *insert name of agency* finds a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The *insert name of agency* believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed December 20, 2019, becomes effective January 7, 2020, and expires July 4, 2020.

Emergency Amendment

Step 5—Write the text of the amendment. Current rule text is available at: www.sos.mo.gov/adrules/agency/.

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

Step 6—Add the authority section with the current RSMo date, followed by the filing date, effective date, and expiration date. Please remember that the emergency amendment is effective for ONLY one hundred eighty (180) days or thirty (30) legislative days and is NOT renewable.

NOTE: The history of an emergency amendment goes into the authority section of the *Code of State Regulations*, but the text of the emergency amendment is not printed in the *Code of State Regulations*.

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

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

Example—continued

(2) When filing an emergency rule, emergency amendment, emergency rescission, or emergency termination, four (4) copies will be required for filing (three (3) copies and an original) with the Office of the Secretary of State, Administrative Rules Division.

*AUTHORITY: section 536.023, RSMo 2016. Original rule filed March 25, 1997, effective Sept. 30, 1997. Emergency amendment filed Dec. 20, 2019, effective Jan. 7, 2020, expires July 4, 2020. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

PUBLIC COST: This emergency amendment will cost state agencies or political subdivisions seven hundred thirty-two dollars (\$732) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

Emergency Amendment

Step 7—Prepare the rule packet. (order listed below)

A. Fill out the transmittal sheet.

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

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. Cover letter for JCAR;
5. Declaration;
6. Emergency amendment;
7. Fiscal note(s) (if applicable);
8. Forms ("included herein") (if applicable); and
9. A properly formatted email attachment in Microsoft Word containing the emergency amendment.

Example

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

Emergency Amendment

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

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 the rule number and title of the rule

Re: Rule Number and Title

Dear Secretary,

Section 536.025.2., RSMo, requires compelling governmental interest to be certified in writing

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*.

Rulemaking authority

I further certify that this emergency rule is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Name of the contact person the Administrative Rules staff may call

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

If there are any questions regarding the content of this proposed rulemaking, please contact:
Name
Address
Phone Number
Email.

Authorized signature of the department director, or his/her designee whose Delegation of Authority form 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

Emergency 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 emergency 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

Emergency 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 emergency 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

Emergency Amendment

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

Emergency 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 emergency amendment
- Detailed estimated cost of compliance with the emergency amendment
- 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

Emergency Amendment

Step 8—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.

Step 9—Filing of an emergency amendment.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board. They should send you back a stamped copy of the PDF packet.
- D. Send that packet, if applicable, to JCAR at JTCAR@senate.mo.gov.
- E. If not applicable, send PDF packet directly to JCAR at JTCAR@senate.mo.gov.
- F. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- G. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

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

Emergency Rescission

Contents of an Emergency Rescission

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

EMERGENCY RESCISSION

Type of rulemaking, centered

Rule number and title

15 CSR 30-750.005 Filing Rules by ATMS. This rule required rules to be submitted in ATMS format on the mainframe.

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

Step 2—Add the original rule purpose in past tense following the rule title.

Step 3—Write a Purpose statement giving a brief explanation of the reason this rule is no longer needed.

*EMERGENCY STATEMENT: This emergency rescission informs citizens that ATMS is no longer available for use. This emergency rescission is necessary to protect a compelling governmental interest since it is not possible to leave the populace unregulated in an important field that should be regulated. As a result, the *insert name of agency* finds a compelling governmental interest, which requires this emergency action. A proposed rescission, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The *insert name of agency* believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emergency rescission was filed December 20, 2019, becomes effective January 7, 2020, and expires July 4, 2020.*

Step 4—Write the Emergency Statement. It must include—

- Either an immediate danger to the public health, safety, or welfare OR a compelling governmental interest. Give a detailed explanation of the reasons;
- Procedures to assure fairness to all persons and parties;
- Protections extended by the *Missouri* and *United States Constitutions*;
- Limiting the scope to the emergency circumstances;
- Reasons the agency is filing the rescission;
- The consequences that would occur if an emergency is not enacted; and
- The filing date, effective date, and expiration date.

Emergency Rescission

Example—continued

Step 5—Add the authority section as presently shown in the *Code*, followed by the filing date, effective date, and expiration date. Please remember that the emergency rescission is effective for **ONLY** one hundred eighty (180) days or thirty (30) legislative days and is **NOT** renewable.

NOTE: The history of an emergency rescission goes into the authority section of the *Code of State Regulations*.

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

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

*AUTHORITY: section 536.023, RSMo 2000. 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 Dec. 20, 2019, effective Jan. 7, 2020, expires July 4, 2020. A proposed rescission covering this same material is published in this issue of the **Missouri Register**.*

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

PRIVATE COST: This emergency rescission will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

Emergency Rescission

Step 6—Prepare the rule packet. (order listed below)

A. Fill out the transmittal sheet.

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

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. Cover letter for JCAR;
5. Declaration;
6. Emergency rescission;
7. Fiscal note(s) (if applicable);
8. A properly formatted email attachment in Microsoft Word containing the emergency rescission.

Example

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

Emergency Rescission

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

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 the rule number and title of the rule

Re: Rule Number and Title

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*.

Section 536.025.2., RSMo, requires compelling governmental interest to be certified in writing

I further certify that this emergency rule is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Rulemaking authority

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

Name of the contact person the Administrative Rules staff may call

If there are any questions regarding the content of this proposed rulemaking, please contact:
Name
Address
Phone Number
Email.

Authorized signature of the department director, or his/her designee whose Delegation of Authority form 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

Emergency Rescission

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 emergency 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.

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

Emergency 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 emergency 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

Emergency Rescission

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

Emergency 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 emergency rescission
- Detailed estimated cost of compliance with the emergency rescission
- 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

Emergency Rescission

Step 7—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.

Step 8—Filing of an emergency rescission.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board. They should send you back a stamped copy of the PDF packet.
- D. Send that packet, if applicable, to JCAR at JTCAR@senate.mo.gov.
- E. If not applicable, send PDF packet directly to JCAR at JTCAR@senate.mo.gov.
- F. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- G. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

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

Emergency Termination

Contents of an Emergency Termination

Example

Step 1—Header, centered, contains the—

Title number—NAME OF DEPARTMENT

Division number—Name of Division

Chapter number—Name of Chapter

Type of rulemaking, centered

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 750—Painless Rulemaking

**ORDER TERMINATING EMERGENCY
AMENDMENT**

Step 2—Write your order terminating the emergency amendment. It must include the—

- Rulemaking statute;
- Date the amendment will be terminated;
- Title of the rule; and
- Publication date and page numbers.

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo 2016, the *your division name* hereby terminates an emergency amendment effective January 7, 2018, as follows:

15 CSR 30-750.003 Filing Requirements is terminated.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on *date of publication* (*volume* MoReg *page number*).

NOTE: The history of an emergency termination goes into the authority section of the *Code of State Regulations*.

Emergency Termination

Step 3—Prepare the rule packet. (order listed below)

A. Fill out the transmittal sheet.

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

Assemble packet for each rule in the following order:

1. Rule Transmittal Sheet;
2. Letter from governor’s office;
3. Cover letter for JCAR;
4. Cover letter for secretary of state; and
5. Emergency termination.

A properly formatted email attachment in Microsoft Word containing the emergency termination should be emailed to rules@sos.mo.gov.

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

Emergency Termination

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

Example

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

Address letter to the secretary of state

Re: Rule Number and Title

Dear Secretary,

List the rule number and title of the rule

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*.

I further certify that this emergency rule is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Rulemaking authority

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

Name of the contact person the Administrative Rules staff may call

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

Name
Address
Phone Number
Email.

Authorized signature of the department or division director, or his/her designee whose Delegation of Authority form 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

Emergency Termination

Step 4—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.

Step 5—Filing of an emergency termination.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board. They should send you back a stamped copy of the PDF packet.
- D. Send that packet, if applicable, to JCAR at JTCAR@senate.mo.gov.
- E. If not applicable, send PDF packet directly to JCAR at JTCAR@senate.mo.gov.
- F. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- G. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

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