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 the Administrative Rules Division, 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 the Administrative Rules Division staff directly.
Final Order for a Proposed Rule—No Changes

Contents of the final order of rulemaking.

**Step 1.** Header, centered, contains the—

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

**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

**Step 4.**
- Rule number and action taken in **bold** typeface; rule title in non-bold font.

**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.

**Example**

ORDER OF RULEMAKING

By the authority vested in the Secretary of State under section 536.023, RSMo 2016, the secretary adopts a rule as follows:

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

A notice of proposed rulemaking containing the text of the proposed rule was published in the Missouri Register on January 15, 2014 (39 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.
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.

Example

SUMMARY OF COMMENTS: The secretary of state 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 the Administrative Rules Division staff explained the proposed rule and one (1) comment was made.

FOLLOWED BY

COMMENT: John Q. Hathaway, with the Division of Electronic Advancement, requested that we make electronic filing the official way to file rather than a paper copy filed in person.

RESPONSE: At this time our office does not have a system in place to make the requested change. 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 Division staff about your rule and the people in your agency who work with rules.

   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**

<table>
<thead>
<tr>
<th>Secretary of State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Rules Division</td>
</tr>
</tbody>
</table>

**RULE TRANSMITTAL**

- **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**

- **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?**

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

---

**Small Business Regulatory Fairness Board (DED) Stamp**

**JCAR Stamp**
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.

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

List rule number and title

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

3. Order of rulemaking.

Example

Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Dear Secretary,

RE: 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.

Statutory Authority: section(s)_______________________________
your agency’s statute for rulemaking

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

Name
Address
Phone number
Email
Signature of proper authority
Name and title of proper authority
Name of department, board or commission
Now that you have the paperwork—

1. Now that you have all original documents prepared, make four (4) copies 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. Prepare packets of the original and the correct number of copies for the Joint Committee on Administrative Rules and the Office of the Secretary of State.
3. Take the original (which you will keep) and all copies to the Joint Committee on Administrative Rules, Capitol Building, B-8, Jefferson City, Missouri. JCAR will stamp all copies and keep one (1) copy.
4. Wait for thirty (30) days, then bring three (3) sets (stamped original and two (2) copies) for filing to the Administrative Rules Division in Room 168 of the James C. Kirkpatrick State Information Center, 600 W. Main St., Jefferson City, Missouri.
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.

**Step 1.** Header, centered, contains the—

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

**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 rule

**Step 4.**
- Rule number and action taken in regular typeface.

**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.
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.

**Example—continued**

SUMMARY OF COMMENTS: The secretary of state received four (4) comments on the proposed rule.

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, the Administrative Rules Division staff explained the new rule and four (4) comments were made.

FOLLOWED BY

COMMENT #1: John Q. Hathaway, with the Division of Electronic Advancement; Louise Marise, with Division of Logic; Tom Lincoln, Ancestors Anonymous; and Jay Jeffs, Local Lobby, all requested that we make an electronic filing the official copy rather than paper as stated in section (4).

RESPONSE: At this time our office does not have a system in place to make the requested change. 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 receives either publication through the mail.

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 in the *Missouri Register*.

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.

- 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.

Example continued

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 "In This Issue" page of each issue of the *Missouri Register* and on the Internet at [www.sos.mo.gov/adrules/pubsched](http://www.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 the Administrative Rules Division staff about your rule and the people in your agency who work with rules.

   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

<table>
<thead>
<tr>
<th>Secretary of State Administrative Rules Division</th>
<th>Administrative Rules Stamp</th>
</tr>
</thead>
<tbody>
<tr>
<td>RULE TRANSMITTAL</td>
<td></td>
</tr>
</tbody>
</table>

Rule Number

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

<table>
<thead>
<tr>
<th>Name of person to call with questions about this rule:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Content Phone FAX</td>
</tr>
<tr>
<td>Email address</td>
</tr>
<tr>
<td>Data Entry Phone FAX</td>
</tr>
<tr>
<td>Email address</td>
</tr>
<tr>
<td>Interagency mailing address</td>
</tr>
</tbody>
</table>

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

3.02D 08/17
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.

Address one (1) original letter to the secretary of state
List rule number and title
Certify that the attached are complete and accurate copies of the final order of 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 Division

Example

Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Dear Secretary,

RE: 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.

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

If there are any questions regarding the content of this order of rulemaking, please contact:
Name
Address
Phone Number
Email
Signature of proper authority
Name and title of proper authority
Name of department, board or commission
3. Order of rulemaking.

4. If you have a revised public fiscal note, you must also have an affidavit 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 affidavit is required.

Example

AFFIDAVIT

REvised PUBLIC COST

STATE OF MISSOURI  )
COUNTY OF COLE  ) ss.

I, name of person with authority, name of department, board or commission, first being duly sworn, on my oath, state that it is my opinion that the attached revised fiscal note filed with the order of rulemaking for insert rule number is a reasonably accurate estimate of the revised cost.

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

Subscribed and sworn to before me this _________ day of month, year. I am commissioned as a notary public within the County of name of county, State of Missouri, and my commission expires on date.

_______________________________
Notary Public

08/17
The revised fiscal note.

Example

REVISED FISCAL NOTE
PUBLIC COST

<table>
<thead>
<tr>
<th>Rule Number and Name</th>
<th>Type of Rulemaking</th>
</tr>
</thead>
</table>

II. SUMMARY OF FISCAL IMPACT

<table>
<thead>
<tr>
<th>Affected Agency or Political Subdivision</th>
<th>Estimated Cost of Compliance in the Aggregate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

III. WORKSHEET

IV. ASSUMPTIONS
Now that you have the paperwork—

1. Now that you have all original documents prepared, make four (4) copies 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. Prepare packets of the original and the correct number of copies for the Joint Committee on Administrative Rules and the Office of the Secretary of State.
3. Take the original (which you will keep) and all copies to the Joint Committee on Administrative Rules, Capitol Building, B-8, Jefferson City, Missouri. JCAR will stamp all copies and keep one (1) copy.
4. **Wait for thirty (30) days**, then bring three (3) sets (stamped original and two (2) copies) for filing to the Administrative Rules Division in Room 168 of the James C. Kirkpatrick State Information Center, 600 W. Main St., Jefferson City, Missouri.
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.

Step 1. Header, centered, contains the—

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

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 amendment.

Step 4.
• Rule number and action taken in bold typeface; rule title in non-bold font.

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.

Example

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

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 536.023, RSMo 2016, the secretary amends a rule as follows:

15 CSR 30-750.003 Filing Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the Missouri Register on January 15, 2014 (39 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 6. SUMMARY OF COMMENTS AND RESPONSES.

- If 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.

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

Example—Continued

SUMMARY OF COMMENTS: The secretary of state received two (2) comments on the proposed amendment.

OR

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 Division staff explained the proposed amendment and two (2) comments were made.

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.
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.

COMMENT #2: Mary Agnes, with the Coalition for Saving the Trees From Becoming Paper League, requested that we immediately stop accepting all paper filings on all rulemakings and only file through e-mail.
RESPONSE: While in the future electronic filings may become the statutorily required method of filing rules, currently, statutes require all filings be done in hard copy, that is paper form. 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 Division staff about your rule and the people in your agency who work with rules.

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 Division

RULE TRANSMITTAL

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

3.03C

08/17
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.

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

   List rule number and title

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

3. Order of rulemaking.

Example

Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Dear Secretary,

RE: 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.

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

If there are any questions regarding the content of this order of rulemaking, please contact:
Name
Address
Phone Number
Email
Signature of proper authority
Name and title of proper authority
Name of department, board or commission
Now that you have the paperwork—

1. Now that you have all original documents prepared, make four (4) copies 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. Prepare packets of the original and the correct number of copies for delivery to the Joint Committee on Administrative Rules and the Office of the Secretary of State.

3. Take the original (which you will keep) and all copies to the Joint Committee on Administrative Rules, Capitol Building, B-8, Jefferson City, Missouri. JCAR will stamp all copies and keep one (1) copy.

4. *Wait for thirty (30) days,* then bring three (3) sets (stamped original and two (2) copies) for filing to the Administrative Rules Division in Room 168 of the James Kirkpatrick State Information Center, 600 W. Main St., Jefferson City, Missouri.

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.

Step 1. Header, centered, contains the—

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

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 secretary of state under section 536.023, RSMo 2016, the secretary amends a rule as follows:

Step 4.
- Rule number and actions taken in regular typeface.

15 CSR 30-750.004 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the Missouri Register on January 15, 2014 (39 MoReg 176–177). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the Code of State Regulations.
**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 secretary of state received three (3) comments on the proposed amendment.

**OR**

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 Division 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**

**Step 7.** Those sections with changes are printed now.

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

- 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.

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

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**Example—continued**

15 CSR 30-750.004 Effective Date of Rulemaking

(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*.

**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.
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 Division staff about your rule and the people in your agency who work with rules.

   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

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

<table>
<thead>
<tr>
<th>Small Business Regulatory Fairness Board (DED) Stamp</th>
<th>JCAR Stamp</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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

Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Dear Secretary,

RE: 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.

Statutory Authority: section(s)______________________________

your agency's statute for rulemaking.

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

Name
Address
Phone Number
Email
Signature of proper authority
Name and title of proper authority
Name of department, board or commission

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

List rule number and title

Certify that the attached are complete and accurate copies of the final order of 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 Division
Final Order for a Proposed Amendment—With Changes

3. Order of rulemaking.

4. If you have a revised public fiscal note, you must also have an affidavit 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 affidavit is required.

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Example

AFFIDAVIT

REVISED PUBLIC COST

STATE OF MISSOURI )
           ) ss.
COUNTY OF COLE )

I, name of person with authority, name of department, board or commission, first being duly sworn, on my oath, state that it is my opinion that the attached revised fiscal note filed with the order of rulemaking for insert rule number is a reasonably accurate estimate of the revised cost.

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

Subscribed and sworn to before me this ________ day of month, year. I am commissioned as a notary public within the County of name of county, State of Missouri, and my commission expires on date.

_______________________________
Notary Public
Final Order for a Proposed Amendment—With Changes

The revised fiscal note.

Example

REVISED FISCAL NOTE
PUBLIC COST

<table>
<thead>
<tr>
<th>Rule Number and Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Rulemaking:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUMMARY OF FISCAL IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affected Agency or Political Subdivision</td>
</tr>
<tr>
<td>------------------------------------------</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WORKSHEET</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>ASSUMPTIONS</th>
</tr>
</thead>
</table>

3.04G

08/17
Now that you have the paperwork—

1. Now that you have all original documents prepared, make four (4) copies 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. Prepare packets of the original and the correct number of copies for delivery to the Joint Committee on Administrative Rules and the Office of the Secretary of State.

3. Take the original (which you will keep) and all copies to the Joint Committee on Administrative Rules, Capitol Building, B-8, Jefferson City, Missouri. JCAR will stamp all copies and keep one (1) copy.

4. Wait for thirty (30) days, then bring three (3) sets (stamped original and two (2) copies) for filing to the Administrative Rules Division in Room 168 of the James C. Kirkpatrick State Information Center, 600 W. Main St., Jefferson City, Missouri.

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.

Step 1. Header, centered, contains the—

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

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.

Step 4.
• Rule number and action taken in bold typeface; rule title in non-bold font.

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.

Example

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

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 536.023, RSMo 2016, the secretary rescinds a rule as follows:

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

A notice of proposed rulemaking containing the proposed rescission was published in the Missouri Register on January 15, 2014 (39 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.
Step 6. SUMMARY OF COMMENTS AND RESPONSES.
• If comments are received concerning the proposed rule-making, 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.

• If no comments were received concerning the proposed rulemaking, a brief statement is made to that effect.
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 Division staff about your rule and the people in your agency who work with rules.

   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.
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.

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

List rule number and title

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

3. Order of rulemaking.

Example

Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Dear Secretary,

RE: 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.

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

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

Name
Address
Phone Number
Email
Signature
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 four (4) copies 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. Prepare packets of the original and the correct number of copies for delivery to the Joint Committee on Administrative Rules and the Office of the Secretary of State.

3. Take the original (which you will keep) and all copies to the Joint Committee on Administrative Rules, Capitol Building, B-8, Jefferson City, Missouri. JCAR will stamp all copies and keep one (1) copy.

4. Wait for thirty (30) days, then bring three (3) sets (stamped original and two (2) copies) for filing to the Administrative Rules Division in Room 168 of the James Kirkpatrick State Information Center, 600 W. Main St., Jefferson City, Missouri.

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.

**Step 1.** Header, centered, contains the—

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

**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

**Step 4.**
- Rule number and action taken in **bold** typeface

**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.

---

By the authority vested in the secretary of state under section 536.023, RSMo 2016, the secretary withdraws a proposed rule as follows:

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

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2014 (39 MoReg 180). This proposed rule is withdrawn.
Step 6. SUMMARY OF COMMENTS AND RESPONSES.

- 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.

- 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.

Example

SUMMARY OF COMMENTS: The secretary of state 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, 2014, and the public comment period ended March 17, 2014. At the public hearing, the Administrative Rules Division 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 Division staff about your rule and the people in your agency who work with rules.

B. This section describes the type of rulemaking action.

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<td></td>
</tr>
<tr>
<td>Email address __________________________________________________________________________</td>
<td></td>
</tr>
<tr>
<td>Data Entry _________________________ Phone _______________ FAX ___________________________</td>
<td></td>
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<tr>
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Final Order for a Withdrawal

2. Certification letter or cover letter on agency letterhead—
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Address one (1) original letter to the secretary of state

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3. Order of rulemaking.

Example

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Dear Secretary,

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If there are any questions regarding the content of this order of rulemaking, please contact:
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Address
Phone Number
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Signature of proper authority
Name and title of proper authority
Name of department, board or commission
Final Order for a Withdrawal

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