

# *Proposed Rulemaking*

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

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

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

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 The text of the rule will not be published.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

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

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

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

# *Proposed Rule*

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## **Step 1: Preparing for a proposed rule**

- Determine the statutory authority
- Determine whether a rule is necessary (section 536.016, RSMo 2000)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328, RSMo Supp. 2009, 4 CSR 262-1.010 and 4 CSR 262-1.020, and HB 191, 2009)
- Perform a takings analysis (section 536.017, RSMo 2000)
- Determine the cost associated with the rule (sections 536.200 and 536.205, RSMo 2000)
- Determine the rule number after consultation with the Administrative Rules Division

## **Step 2: Parts of a proposed rule**

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

# Proposed Rule

## Step 3: Drafting a proposed rule

Please use 11- or 12-point type and print on only one side of the paper.

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

Type of rulemaking.

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

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

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

Write the text of the rule.

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

Section (1)

Subsection (1)(A)

Paragraph (1)(A)1.

Subparagraph (1)(A)1.A.

Part (1)(A)1.A.(I)

Subpart (1)(A)1.A.(I)(a)

Item (1)(A)1.A.(I)(a)I.

Subitem (1)(A)1.A.(I)(a)I.a.

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

When using numbers, spell out the number followed by the number in numeric figures in parentheses.

## Example

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

### **PROPOSED RULE**

#### **15 CSR 30-750.007 Filing Rules in Person**

*PURPOSE: This rule explains where to file rules in person.*

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

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

(A) Saturdays;

(B) Sundays; and

(C) State holidays which may include, but are not limited to—

1. The normal twelve (12) governor-approved holidays;

2. Inauguration Day; and

3. The Friday following Thanksgiving.

(2) Rules should be filed with the Office of the Secretary of State, Administrative Rules Division, which is located in Room 168 of the James C. Kirkpatrick State Information Center, 600 W. Main Street, Jefferson City, Missouri.

# Proposed Rule

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## Example—continued

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

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

NOTE: Reference material may be incorporated in the text of the rule by using the language “incorporated by reference.” A current copy of this material must be on file and permanently available with your own agency. The material is not discarded when the material is updated. Additionally, for all incorporated by reference material, it is required by 536.031.4, RSMo Supp. 2009, that the publisher, publisher’s address, and the date of the publication be printed in the text of the rule. There must also be a statement which says “This rule does not incorporate any subsequent amendments or additions.” A Publisher’s Note will be printed with the rule.

(3) Agencies filing rules should bring with them the proper electronic copy as well as all required paperwork which includes the following—

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

(4) The procedures to be followed in writing and filing a rule are found in the *Rulemaking 1-2-3, Drafting and Style Manual*, Revised 2009, which is incorporated by reference in this rule as published by the Secretary of State and available at the Administrative Rules Division, 600 W. Main St., Room 168, Jefferson City, Missouri. This rule does not incorporate any subsequent amendments or additions.

# Proposed Rule

## Example

**ROBIN CARNAHAN**  
Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

Administrative Rules Stamp

Rule Number \_\_\_\_\_

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

Name of person to call with questions about this rule: \_\_\_\_\_

Content \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

E-mail address \_\_\_\_\_

Data entry \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

E-mail address \_\_\_\_\_

Interagency mailing address \_\_\_\_\_

### TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency rulemaking, include effective date \_\_\_\_\_

Proposed Rulemaking

Withdrawal  Rule Action Notice  In Addition  Rule Under Consideration

Order of Rulemaking

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 (SBRFB) Stamp

JCAR Stamp

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



# Proposed Rule

## Example—continued

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

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

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

**NOTICE TO SUBMIT COMMENTS** is a statement that anyone may file a comment in support of or in opposition to the proposed rule at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed rule in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed rule and the address to which the comments should be directed (section 536.021.2(5), RSMo Supp. 2009). If no hearing is to be held, a statement to that effect must be included (section 536.021.2(6), RSMo Supp. 2009).

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

**NOTE:** A hearing cannot be held less than thirty (30) days after publication of the notice of proposed rulemaking in the *Missouri Register* (see section 536.021.2(6), RSMo Supp. 2009).

*AUTHORITY: section 536.023, RSMo Supp. 2009. Original rule filed Jan. 15, 2010.*

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

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

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

**OR**

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

# Proposed Rule

## Step 4: Preparing the rule packet for filing

### A. Prepare rule transmittal sheet

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



### Example

**ROBIN CARNAHAN**  
Secretary of State  
Administrative Rules Division  
**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 \_\_\_\_\_

E-mail address \_\_\_\_\_

Data entry \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

E-mail address \_\_\_\_\_

Interagency mailing address \_\_\_\_\_

#### TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency rulemaking, include effective date \_\_\_\_\_

Proposed Rulemaking

Withdrawal  Rule Action Notice  In Addition  Rule Under Consideration

Order of Rulemaking

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 (SBRFB) Stamp

JCAR Stamp

# Proposed Rule

## B. Prepare cover letter on agency letterhead

## Example

Address letter to the secretary of state

*Date:*

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

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

RE: *Rule Number and Title*

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

Dear Secretary Carnahan,

### CERTIFICATION OF ADMINISTRATIVE RULE

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

State economic impact on small businesses

The *name of your department, board, or commission* has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The *name of your department, board, or commission* further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of 1.310, RSMo Supp. 2009, regarding user fees.

State that a takings analysis has occurred and that the rulemaking conforms to section 1.310, RSMo Supp. 2009, requirements regarding user fees.

The *name of your department, board, or commission* has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo Supp. 2009, in that it does not have an adverse impact on small businesses consisting of fewer than twenty-five full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo Supp. 2009, by exempting any small business consisting of fewer than twenty-five full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

State that the rulemaking complies with section 1.310, RSMo Supp. 2009, small-business requirements or that this rulemaking complies with section 1.310, RSMo Supp. 2009, exemption of businesses with less than twenty-five (25) employees, implementing a federal mandate, or implementing a federal program administered by the state or an act of the general assembly.

Statutory Authority: sections *your agency's statute for rulemaking*.

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

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

*Name*

*Address*

*Phone Number*

*Email*

*Signature of proper authority*

*Name and title of proper authority*

*Name of department, board, or commission*





# Proposed Rule

Example

## D. Review proposed rule and all attached documents

## E. Fiscal notes—Public and Private (forms available at [www.sos.mo.gov/adrules/forms.asp](http://www.sos.mo.gov/adrules/forms.asp))

1. Prepare a public fiscal note when public cost is greater than five hundred dollars (\$500) (section 536.200, RSMo 2000)

- 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:**

<b>Rule Number and Name:</b>	
<b>Type of Rulemaking:</b>	

**II. SUMMARY OF FISCAL IMPACT**

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

**III. WORKSHEET**

**IV. ASSUMPTIONS**

# Proposed Rule

**2. Prepare a private fiscal note** when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo 2000)

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

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

*Example*

**FISCAL NOTE  
PRIVATE COST**

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

<b>Rule Number and Title:</b>	
<b>Type of Rulemaking:</b>	

**II. SUMMARY OF FISCAL IMPACT**

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

**III. WORKSHEET**

**IV. ASSUMPTIONS**

## *Proposed Rule*

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

**G. Set aside a copy of all materials** incorporated by reference to be maintained and accessible in your office for public inspection. (See section 536.031.4, RSMo Supp. 2009)

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

**I. Prepare Word version of rulemaking** and send it as an email attachment to [rules@sos.mo.gov](mailto:rules@sos.mo.gov) and be sure to put Rulemaking at the beginning of the subject. In lieu of sending an email Word attachment, you may prepare a diskette or CD, formatted in Microsoft Word, for delivery with the proposed rule(s). Please use 11- or 12-point type and print on only one (1) side of the paper for the rule text.

NOTE: If you are preparing multiple rules, please prepare a separate email attachment for each rulemaking. If preparing a diskette or CD, you may put multiple rulemakings on the same diskette or CD, but please put each rulemaking as a separate file.



# *Proposed Rule*

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## **Step 5: Final preparations**

Assemble packet for each rule in the following order—

1. Rule Transmittal Sheet
2. Cover letter
3. Affidavit
4. Rule (saved to CD, diskette, or email)
5. Fiscal note (if applicable)
6. Forms (“included herein”)
7. A properly formatted diskette, CD, or email attachment in Microsoft Word containing the proposed rule.

Make one (1) copy of packet for filing with the Joint Committee on Administrative Rules (JCAR). This should include an original cover letter addressed to JCAR.

Make one (1) copy of the entire packet for filing with the Office of the Secretary of State.

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

Make as many copies of the packet as needed for your own records.

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

## **Step 6: Filing of rule**

On the same day—take original and all copies to the Small Business Regulatory Fairness Board, Truman Building, Room 680, Jefferson City, Missouri, per 536.300, RSMo Supp. 2009, if there is a cost to small business. (They will keep one (1) copy).

Take original and all copies to JCAR, Capitol Building B-8, Jefferson City, Missouri, to be stamped (JCAR will keep one (1) copy).

Bring the JCAR stamped original and all copies for filing to the Office of the Secretary of State, James C. Kirkpatrick State Information Center, Room 168, 600 W. Main St., Jefferson City, Missouri.

Make sure you have emailed a Word attachment to [rules@sos.mo.gov](mailto:rules@sos.mo.gov) prior to filing the rule at SOS or bring a diskette or CD containing the text of the proposed rule formatted in Microsoft Word.

NOTE: Check to see if your agency is required to give a copy of the rule to the governor’s Office of Administration (OA) office.



# Proposed Rule

## Step 7: Statement of actual cost (section 536.200.2, RSMo 2000)

After one (1) full fiscal year of implementation of the rule—

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

## Example

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

**STATEMENT OF ACTUAL COST**

**15 CSR 30-750.003 Filing Requirements**

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on January 2, 2007 (32 MoReg 14–15). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was two thousand four hundred fifty-six dollars (\$2,456) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was three thousand five hundred dollars (\$3,500).

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

**STATEMENT OF ACTUAL COST**

**15 CSR 30-750.007 Filing Rules in Person**

The original estimated public cost published for this rulemaking in the *Missouri Register* on January 2, 2007 (32 MoReg 16) was less than five hundred dollars (\$500). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was less than five hundred dollars (\$500) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was two thousand five hundred dollars (\$2,500).

# *Proposed Amendment*

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## **Step 1: Preparing for a proposed amendment**

- Determine the statutory authority
- Determine whether the amendment is necessary (section 536.016, RSMo 2000)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328 and 1.310, RSMo Supp. 2009, and 4 CSR 262-1.010 and 4 CSR 262-1.020)
- Perform a takings analysis (section 536.017, RSMo 2000)
- Determine the cost associated with the amendment (sections 536.200 and 536.205, RSMo 2000)
- Obtain a copy of the rule as it now appears in the *Code of State Regulations* from the Internet at [www.sos.mo.gov/adrules/agency/](http://www.sos.mo.gov/adrules/agency/) or by email from the staff in the Administrative Rules Division

## **Step 2: Parts of a proposed amendment**

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

# Proposed Amendment

## Step 3: Drafting the text of a proposed amendment

Example

Please use 11- or 12-point type and print on only one side of the paper.

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

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

Type of rulemaking.

**PROPOSED AMENDMENT**

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

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

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

*PURPOSE: This amendment changes the number of copies of proposed rulemaking required to be filed and adds the requirement for filing a third copy with an emergency rulemaking.*

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

Draft the text of the amendment.

(1) When filing any proposed rule, proposed amendment, **or** proposed rescission, *[emergency rule, emergency amendment, emergency rescission or emergency termination]* an original and *[three (3)]* **two (2)** copies will be required for filing.

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

**(2) When filing any emergency rule, emergency amendment, emergency rescission, or emergency termination, an original and three (3) copies will be required for filing.**

NOTE: Only the section(s) and subsection(s) that are being amended need to be included in the proposed amendment.

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

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

# Proposed Amendment

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

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

NOTE: Reference material may be incorporated in the text of the rule by using the language "incorporated by reference." A current copy of this material must be on file and permanently available at your own agency. The material is not discarded when the material is updated. Additionally, for all incorporated by reference material, it is required by 536.031.4, RSMo Supp. 2009, that the publisher, publisher's address, and the date of the publication be printed in the text of the rule. There must also be a statement which says "This rule does not incorporate any subsequent amendments or additions." A Publisher's Note will be printed with the rule.

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

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

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

*Example—continued*

*AUTHORITY: section 536.023, RSMo Supp. [1998] 2009.  
Original rule filed March 25, 1997, effective Sept. 30, 1997.  
Amended: Filed Jan. 14, 2010.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions two thousand four hundred fifty-six dollars (\$2,456) in the aggregate.*

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

# Proposed Amendment

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Example—continued

*NOTICE TO SUBMIT COMMENTS* is a statement that anyone may file a comment in support of or in opposition to the proposed amendment at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed amendment in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed amendment and the address to which the comments should be directed (section 536.021.2(5), RSMo Supp. 2009). If no hearing is to be held, a statement to that effect must be included (section 536.021.2(6), RSMo Supp. 2009).

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

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of the proposed rulemaking in the *Missouri Register* (see section 536.021.2(6), RSMo Supp. 2009).

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

**OR**

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

# Proposed Amendment

## Example

### Step 4: Preparing the rule packet for filing

#### A. Prepare rule transmittal sheet

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

**ROBIN CARNAHAN**  
Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

Administrative Rules Stamp

Rule Number \_\_\_\_\_

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

Name of person to call with questions about this rule: \_\_\_\_\_  
Content \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail address \_\_\_\_\_

Data entry \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail address \_\_\_\_\_

Interagency mailing address \_\_\_\_\_

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency rulemaking, include effective date \_\_\_\_\_

Proposed Rulemaking

Withdrawal  Rule Action Notice  In Addition  Rule Under Consideration

Order of Rulemaking

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 (DEED) Stamp

JCAR Stamp



# Proposed Amendment

## B. Prepare cover letter on agency letterhead

### Example

Address letter to the secretary of state

*Date:*

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

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

RE: *Rule Number and Title*

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

Dear Secretary Carnahan,

#### CERTIFICATION OF ADMINISTRATIVE RULE

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

State economic impact on small businesses

The *name of your department, board, or commission* has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The *name of your department, board, or commission* further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of 1.310, RSMo Supp. 2009, regarding user fees.

State that a takings analysis has occurred and that the rulemaking conforms to section 1.310, RSMo Supp. 2009, requirements regarding user fees.

State that the rulemaking complies with section 1.310, RSMo Supp. 2009, small-business requirements or that this rulemaking complies with section 1.310, RSMo Supp. 2009, exemption of businesses with less than twenty-five (25) employees, implementing a federal mandate, or implementing a federal program administered by the state or an act of the general assembly.

The *name of your department, board, or commission* has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo Supp. 2009, in that it does not have an adverse impact on small businesses consisting of fewer than twenty-five full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo Supp. 2009, by exempting any small business consisting of fewer than twenty-five full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

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.

Statutory Authority: sections *your agency's statute for rulemaking*.

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

*Name*

*Address*

*Phone Number*

*Email*

*Signature of proper authority*

*Name and title of proper authority*

*Name of department, board, or commission*





# Proposed Amendment

**D. Review proposed amendment** and all attached documents.

**E. Fiscal Notes—Public and Private** (forms available at [www.sos.mo.gov/adrules/forms.asp](http://www.sos.mo.gov/adrules/forms.asp))

**1. Prepare a public fiscal note** when **public cost** is greater than five hundred dollars (\$500) (section 536.200, RSMo 2000).

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

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



*Example*

**FISCAL NOTE  
PUBLIC COST**

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

<b>Rule Number and Name:</b>	
<b>Type of Rulemaking:</b>	

**II. SUMMARY OF FISCAL IMPACT**

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

**III. WORKSHEET**

**IV. ASSUMPTIONS**

# Proposed Amendment

**2. Prepare a private fiscal note** when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo 2000)

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

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



*Example*

**FISCAL NOTE  
PRIVATE COST**

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

<b>Rule Number and Title:</b>	
<b>Type of Rulemaking:</b>	

**II. SUMMARY OF FISCAL IMPACT**

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

**III. WORKSHEET**

**IV. ASSUMPTIONS**

# *Proposed Amendment*

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

**G. Set aside a copy of all materials** incorporated by reference to be maintained and accessible in your office for public inspection. (See section 536.031.4, RSMo Supp. 2009)

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

**I. Prepare Word version of rulemaking** and send it as an email attachment to [rules@sos.mo.gov](mailto:rules@sos.mo.gov) and be sure to put Rulemaking at the beginning of the subject. In lieu of sending an email Word attachment, you may prepare a diskette or CD, formatted in Microsoft Word, for delivery with the proposed amendment(s). Please use 11- or 12-point type and print on only one (1) side of the paper for the rule text.

NOTE: If you are preparing multiple rulemakings, please prepare a separate email attachment for each rulemaking. If preparing a diskette or CD, you may put multiple rulemakings on the same diskette or CD, but please put each rulemaking as a separate file.



# *Proposed Amendment*

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## **Step 5: Final preparations**

Assemble packet for each amendment in the following order—

1. Rule Transmittal sheet
2. Cover letter
3. Affidavit
4. Amendment (with bolds and brackets)
5. Fiscal note (if applicable)
6. Forms (“included herein”)
7. A properly formatted diskette, CD, or email attachment in Microsoft Word containing the proposed amendment.

Make one (1) copy of packet for filing with the Joint Committee on Administrative Rules (JCAR). This should include an original cover letter addressed to JCAR.

Make one (1) copy of the entire packet for filing with the Office of the Secretary of State.

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

Make as many copies of the packet as needed for your own records.

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

## **Step 6: Filing of rule**

On the same day—Take original and all copies to the Small Business Regulatory Fairness Board, Truman Building, Room 680, Jefferson City, Missouri, per 536.300, RSMo Supp. 2009, if there is a cost to small business. (They will keep one (1) copy).

Take original and all copies to JCAR, Capitol Building B-8, Jefferson City, Missouri, to be stamped (JCAR will keep one (1) copy).

Bring the JCAR stamped original and all copies for filing to the Office of the Secretary of State, James C. Kirkpatrick State Information Center, Room 168, 600 W. Main St., Jefferson City, Missouri.

Make sure you have emailed a Word attachment to [rules@sos.mo.gov](mailto:rules@sos.mo.gov) prior to filing the amendment at SOS or bring a diskette or CD containing the text of proposed amendment formatted in Microsoft Word.

NOTE: Check to see if your agency is required to give a copy of the rule to the governor’s Office of Administration (OA) office.

# Proposed Amendment

## Step 7: Statement of actual cost (section 536.200.2, RSMo 2000)

After one (1) full fiscal year of implementation of the amendment—

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

### Example

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

**STATEMENT OF ACTUAL COST**

**15 CSR 30-750.003 Filing Requirements**

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on January 3, 2006 (31 MoReg 15–16). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was two thousand four hundred fifty-six dollars (\$2,456) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was three thousand five hundred dollars (\$3,500).

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

**STATEMENT OF ACTUAL COST**

**15 CSR 30-750.007 Filing Rules in Person**

The original estimated public cost published for this rulemaking in the *Missouri Register* on January 3, 2006 (31 MoReg 17) was less than five hundred dollars (\$500). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was less than five hundred dollars (\$500) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was two thousand five hundred dollars (\$2,500).

# *Proposed Rescission*

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## **Step 1: Preparing for a proposed rescission**

- Determine the statutory authority
- Determine if the rescission is necessary (section 536.016, RSMo 2000)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328 and 1.310, RSMo Supp. 2009, and 4 CSR 262-1.010 and 4 CSR 262-1.020)
- Perform a takings analysis (section 536.017, RSMo 2000)
- Determine the cost associated with the rescission (sections 536.200 and 536.205, RSMo 2000)
- Obtain a copy of the rule as it now appears in the *Code of State Regulations* from the Internet at [www.sos.mo.gov/adrules/agency/](http://www.sos.mo.gov/adrules/agency/) or by email from the staff in Administrative Rules Division

## **Step 2: Parts of a proposed rescission**

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

# Proposed Rescission

## Step 3: Drafting a proposed rescission

Example

Please use 11- or 12-point type and print on only one side of the paper.

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

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

Type of rulemaking.

**PROPOSED RESCISSION**

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

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

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

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

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

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

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

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

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

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

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

# Proposed Rescission

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## Example—continued

*NOTICE TO SUBMIT COMMENTS* is a statement that anyone may file a comment in support of or in opposition to the proposed rescission at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed rescission in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed rescission and the address to which the comments should be directed (section 536.021.2(5), RSMo Supp. 2009). If no hearing is to be held, a statement to that effect must be included (section 536.021.2(6), RSMo Supp. 2009).

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

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of proposed rulemaking in the *Missouri Register* (see section 536.021.2(6), RSMo Supp. 2009).

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

**OR**

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

# Proposed Rescission

## Step 4: Preparing the rule packet for filing

### Prepare 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 and dates necessary for filing.



### Example

**ROBIN CARNAHAN**  
Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

Administrative Rules Stamp

Rule Number \_\_\_\_\_

Use a "SEPARATE" rule transmittal sheet for EAC11 individual rulemaking.

Name of person to call with questions about this rule:  
Content \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail address \_\_\_\_\_

Data entry \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail address \_\_\_\_\_

Interagency mailing address \_\_\_\_\_

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency rulemaking, include effective date \_\_\_\_\_  
 Proposed Rulemaking  
 Withdrawal  Rule Action Notice  In Addition  Rule Under Consideration  
 Order of Rulemaking

Effective Date for the Order  
 Statutory 30 days OR Specific date \_\_\_\_\_  
Does the Order of Rulemaking contain changes to the rule text?  NO  
 YES— LIST THE SECTIONS WITH CHANGES, including any deleted rule text:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

# Proposed Rescission

## B. Prepare cover letter on agency letterhead

### Example

Address letter to the secretary of state

Date:

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

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

RE: *Rule Number and Title*

Dear Secretary Carnahan,

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

#### CERTIFICATION OF ADMINISTRATIVE RULE

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

State economic impact on small businesses

The *name of your department, board, or commission* has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The *name of your department, board, or commission* further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of 1.310, RSMo Supp. 2009, regarding user fees.

State that a takings analysis has occurred and that the rulemaking conforms to section 1.310, RSMo Supp. 2009, requirements regarding user fees.

The *name of your department, board, or commission* has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo Supp. 2009, in that it does not have an adverse impact on small businesses consisting of fewer than twenty-five full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo Supp. 2009, by exempting any small business consisting of fewer than twenty-five full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

State that the rulemaking complies with section 1.310, RSMo Supp. 2009, small-business requirements or that this rulemaking complies with section 1.310, RSMo Supp. 2009, exemption of businesses with less than twenty-five (25) employees, implementing a federal mandate, or implementing a federal program administered by the state or an act of the general assembly.

Statutory Authority: sections *your agency's statute 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 which is on file in the Office of the Secretary of State, Administrative Rules Division.

*Signature of proper authority*

*Name and title of proper authority*

*Name of department, board, or commission*





# *Proposed Rescission*

**D. Review proposed rescission** and all attached documents

*Example*

**E. Fiscal Notes—Public and Private** (forms available at [www.sos.mo.gov/adrules/forms.asp](http://www.sos.mo.gov/adrules/forms.asp))

**FISCAL NOTE  
PUBLIC COST**

**1. Prepare a public fiscal note** when **public cost** is greater than five hundred dollars (\$500) (section 536.200, RSMo 2000).

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

<b>Rule Number and Name:</b>	
<b>Type of Rulemaking:</b>	

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

**II. SUMMARY OF FISCAL IMPACT**

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

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*.

**III. WORKSHEET**

**IV. ASSUMPTIONS**

# *Proposed Rescission*

**2. Prepare a private fiscal note** when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo 2000)

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

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

**F. Prepare Word version of rulemaking** and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject. In lieu of sending an email attachment, you may prepare a diskette or CD, formatted in Microsoft Word, for delivery with the proposed rescission. Please use 11- or 12-point type and print on only one (1) side of the paper for the rule text.

NOTE: If you are preparing multiple rulemakings, please prepare a separate email attachment for each rulemaking. If preparing a diskette or CD, you may put multiple rulemakings on the same diskette or CD, but please put each rulemaking as a separate file.

*Example*

**FISCAL NOTE  
PRIVATE COST**

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

<b>Rule Number and Title:</b>	
<b>Type of Rulemaking:</b>	

**II. SUMMARY OF FISCAL IMPACT**

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

**III. WORKSHEET**

**IV. ASSUMPTIONS**

# *Proposed Rescission*

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## **Step 5: Final preparations**

Assemble packet for each rescission in the following order—

1. Rule transmittal sheet
2. Cover letter
3. Affidavit
4. Rescission
5. Fiscal note (if applicable)
6. Prepare diskette, CD, or email attachment formatted in Microsoft Word containing the text of the proposed rescission.

Make one (1) copy of packet for filing with the Joint Committee on Administrative Rules (JCAR). This should include an original cover letter addressed to JCAR.

Make one (1) copy of the entire packet for filing with the Office of the Secretary of State.

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

Make as many copies of the packet as needed for your own records.

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

## **Step 6: Filing of rule**

On the same day—Take original and all copies to the Small Business Regulatory Fairness Board, Truman Building, Room 680, Jefferson City, Missouri, per 536.300, RSMo Supp. 2009, if there is a cost to small business. (They will keep one (1) copy).

Take original and all copies to JCAR, Capitol Building B-8, Jefferson City, Missouri, to be stamped (JCAR will keep one (1) copy).

Bring the JCAR stamped original and all copies for filing to the Office of the Secretary of State, James C. Kirkpatrick State Information Center, Room 168, 600 W. Main St., Jefferson City, Missouri.

Make sure you have emailed a Word attachment to [rules@sos.mo.gov](mailto:rules@sos.mo.gov) prior to filing the rescission at SOS or bring a diskette or CD, formatted in Microsoft Word, containing the proposed rescission.