

# How are rules created?

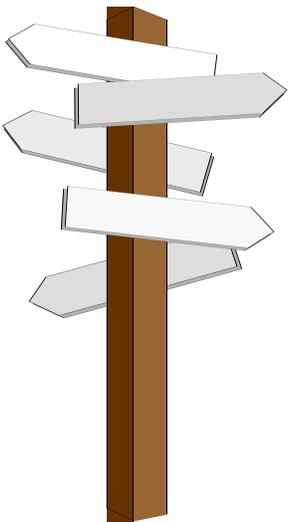
## Where do rules come from?

Rules can only be written if a statute authorizes a state agency to write a rule pertaining to a particular subject. There are a few rules that are authorized by the *Missouri Constitution*, but the vast majority of rules exist by statutory authority. *So how does a state agency promulgate a rule?*



## How are rules created?

1. An agency writes a rule, based on authority from specific statutes in the *Missouri Revised Statutes*. Once the rule is written by the agency, the remaining required paperwork is compiled. The agency is then ready to file the rulemaking.
2. The second step to create a rule is to file a proposed rule with the Administrative Rules Division of the Office of the Secretary of State and the Joint Committee on Administrative Rules of the General Assembly **on the same day**.
3. According to the *Missouri Register* publication schedule, the Administrative Rules Division publishes the proposed rule thirty to forty-five (30–45) days later in the *Missouri Register*. Whether the rulemaking is published at the first or the middle of each month in the *Register* is determined by the filing date of the rulemaking.
4. Following publication, there must be a public comment and/or public hearing period that extends a minimum of thirty (30) days **after** the date of publication of the proposed rulemaking in the *Missouri Register*. **The agency** must act on the rulemaking within ninety (90) days following the close of public comment, or the agency may withdraw the rulemaking at anytime.
5. Once the public comment and/or public hearing period is closed, information from the comments and/or public hearing is compiled by the agency and the agency writes the final order of rulemaking for the proposed rulemaking.
6. A copy of the final order of rulemaking for the proposed rulemaking is next **filed** by the agency **only** with the Joint Committee on Administrative Rules at the Capitol. (This is required for all agencies, except in some instances, the Department of Conservation, the Department of Elementary and Secondary Education, the Public Service Commission, and the Department of Labor and Industrial Relations.)



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7. The final order of rulemaking is retained by the Joint Committee on Administrative Rules for a thirty (30)-day review period. Once the thirty (30)-day review period is completed, the agency may then, and only then, file the final order of rulemaking with the Administrative Rules Division for publication in the *Missouri Register*.
8. At the end of each month, the rules that are published as final orders of rulemaking in the *Missouri Register* are prepared in final form for publication in the update to the *Code of State Regulations* by the Administrative Rules Division.
9. These rules become effective thirty (30) days after the publication date of the update to the *Code of State Regulations*. An agency, at their discretion, may choose a later date. Exceptions to these effective dates are set by statute.

10. Once a rule becomes effective, it has the force and effect of law.

11. Agencies may amend or rescind existing rules by going through the same process which is outlined in the above steps.



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