

John R. Ashcroft

**Secretary of State
Administrative Rules Division**

RULE TRANSMITTAL

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MAR 29 2017

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

COPY

Rule Number 4 CSR 240-40.080

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

Name of person to call with questions about this rule:

Content Michael Bushmann Phone 573-751-4393 FAX 573-526-6010

Email address Michael.bushmann@psc.mo.gov

Data Entry Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Fl., Gov. Ofc. Bldg., JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking, include effective date
☐ Proposed Rulemaking
☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration
☐ Request for Non-Substantive Change
☐ Statement of Actual Cost
☒ 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

JOINT COMMITTEE ON

FEB 22 2017

ADMINISTRATIVE RULES



Commissioners

DANIEL Y. HALL
Chairman

STEPHEN M. STOLL

WILLIAM P. KENNEY

SCOTT T. RUPP

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Missouri Public Service Commission

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Secretary

WESS A. HENDERSON
Director of Administration

NATELLE DIETRICH
Staff Director

John R. Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-40.080 Drug and Alcohol Testing

Dear Secretary Ashcroft,

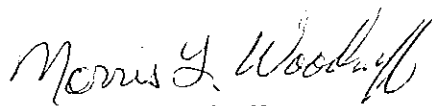
CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission.

Statutory Authority: sections 386.250, 386.310, and 393.140, RSMo

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

Michael Bushmann, Senior Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-4393
Michael.bushmann@psc.mo.gov


Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures



ERIC R. GRETTENS
GOVERNOR

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

P.O. Box 720
(573) 751-3222

February 10, 2017

Nathan Nickolaus
General Counsel
Missouri Department of Economic Development
301 W. High Street
Jefferson City, Missouri 65102

Dear Mark:

This office has received your rulemaking for 4 CSR 240-40.020; 4 CSR 240-40.030; and 4 CSR 240-40.080.

Executive Order 17-03 suspended all rulemaking until February 28, 2017, unless the proposed regulation affected "health, safety, or welfare, or is otherwise time sensitive or required by law." The rules you submitted fall within this exception. Accordingly, we approve the rules' immediate submission to JCAR and ultimately to the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin D. Smith", with a long horizontal line extending from the end of the signature.

Justin D. Smith
Deputy Counsel

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 40 – Gas Utilities and Gas Safety Standards

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ORDER OF RULEMAKING

SECRETARY OF STATE
ADMINISTRATIVE RULES

By the authority vested in the Public Service Commission under sections 386.250, 386.310, and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-40.080 Drug and Alcohol Testing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2016 (41 MoReg 1907). No changes have been made in the text of the proposed rule so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended January 17, 2017, and the Commission held a public hearing on the proposed amendment on January 20, 2017. The Commission received timely written comments from the Staff of the Missouri Public Service Commission. At the hearing, Hampton Williams, representing the Commission's Staff, made a minor correction to the Staff comments.

COMMENT: The Commission's Staff offered a written comment indicating that it continues to support the amendment as proposed.

RESPONSE: The Commission thanks Staff for its comment.

