

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-40.080

COPY

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

Name of person to call with questions about this rule:

Content Nancy Dippell Phone 573-751-8518 FAX 573-526-6010

Email address nancy.dippell@psc.mo.gov

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

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, Mo

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

OCT 10 2018

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

September 28, 2018

Mr. Daniel Hall
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO 65102

RE: *Final Orders of Rulemaking*

Dear Daniel:

This office has received your Final Order of Rulemaking to amend 4 CSR 240-40.080 Drug and Alcohol Testing.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the rule's submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessie Eiler".

Jessie Eiler
Deputy Counsel



Commissioners
RYAN A. SILVEY
Chairman

WILLIAM P. KENNEY

DANIEL Y. HALL

SCOTT T. RUPP

MAIDA J. COLEMAN

Missouri Public Service Commission

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573-751-3234
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SHELLEY BRUEGGEMANN
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Secretary

LOYD WILSON
Director of Administration

NATELLE DIETRICH
Staff Director

John 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: section 386.250, 386.310, and 393.140, RSMo 2016.

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

Nancy Dippell, Senior Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8518
Nancy.Dippell@psc.mo.gov

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

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SECRETARY OF STATE
ADMINISTRATIVE RULES

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 3 – Filing and Reporting Requirements**

ORDER OF RULEMAKING

COPY

By the authority vested in the Public Service Commission under section 386.250, 386.310, and 393.140, RSMo 2016, the commission rescinds a rule as follows:

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

A notice of proposed rulemaking containing the proposed rule amendment was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1596). No changes have been made in 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.

SUMMARY OF COMMENTS: The public comment period ended August 15, 2018, and the commission held a public hearing on the proposed rule on August 20, 2018. The commission received timely written comments in support of the rescission from the staff of the commission and comments at the hearing in support of the rescission from Jeff Keevil, Deputy Counsel, on behalf of the staff of the commission, and Hampton Williams, Public Counsel, on behalf of the Office of the Public Counsel.

COMMENT #1: Mr. Keevil on behalf of the staff of the commission filed general comments supporting the amendment of this rule. Mr. Keevil stated that this rulemaking was undertaken in response to Executive Order 17-03 and is being proposed in order to consolidate, streamline, and improve the user-friendliness of the commission's regulations.

RESPONSE: The commission appreciates its staff's dedication to improving the regulatory process at the commission and in the state of Missouri. No change was made as a result of this comment.

COMMENT #2: Mr. Williams on behalf of the Office of the Public Counsel commented at the hearing in support of amending this rule. Mr. Williams also provided a letter to the commission suggesting that the commission pursue a legislative exemption from the provisions of section 536.031, RSMo, that would allow the commission to amend the gas safety regulations contemporarily with changes at the federal level.

RESPONSE: The commission thanks the Office of the Public Counsel for its participation and will consider its suggestion. No change was made as a result of this comment.

