This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its order of rulemaking for publication in the Missouri Register begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 70—State Board of Chiropractic Evami

Division 70—State Board of Chiropractic Examiners Chapter 2—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Chiropractic Medicine under sections 43.543, 331.070 and 331.100.2, RSMo 1994, the board amends a rule as follows:

#### 4 CSR 70-2.090 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1722–1723). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

# Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 230—State Board of Podiatric Medicine Chapter 2—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.010 and 330.140, RSMo Supp. 1998, the board amends a rule as follows:

## 4 CSR 230-2.010 Application for Licensure by Examination is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1649–1650). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 230—State Board of Podiatric Medicine Chapter 2—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.010 and 330.140, RSMo Supp. 1998, the board amends a rule as follows:

## 4 CSR 230-2.065 Temporary Licenses for Internship/Residency is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1650). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 33—Service and Billing Practices for Telecommunications Companies

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250, 392.200 and 392.540, RSMo Supp. 1998, the commission adopts a rule as follows:

4 CSR 240-33.150 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1842–1845). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on September 3, 1999, at 10:00 a.m. at the Harry S Truman State Office Building, Room 520B, 301 West High Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period.

COMMENT: Several comments offered support for the proposed rule so long as the rule remains consistent with the Federal Communications Commission (FCC) and does not include portions

of the federal rule which have been stayed by the U.S. Court of Appeals for the D.C. Circuit. The provisions of the Missouri rule which correspond to the stayed federal rule are sections (6), (7), and (8).

RESPONSE AND EXPLANATION OF CHANGE: The Commission has considered these comments and has reviewed the requirements of Section 392.540, RSMo Supp. 1998, which directs that any Missouri rule regarding the submission or execution of changes and verification procedures must be consistent with the FCC's rules. The statute does not mention liability issues. Therefore, the Commission has chosen to delete sections (7) and (8). However, the Commission believes that it is appropriate to leave section (6), regarding carrier liability, in the final rule. Once the stay has been resolved at the federal level, the Commission will revisit this issue.

COMMENT: The Commission should forebear from adopting sections (7) and (8) of its proposed rule until after the Federal Communications Commission (FCC) has considered the third party administrator proposal.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment and the comments previously noted, the Commission has chosen to delete sections (7) and (8) until the stay has been resolved at the federal level.

COMMENT: Section (7) should be revised. A slammed consumer should be given absolution whether payment is made or not. The thirty-day absolution period is not sufficient and should be increased to 90 days. The rules should be amended to provide that if a subscriber pays for unauthorized service, the unauthorized carrier shall make a direct refund to the consumer. The authorized carrier should not be paid for service not provided during the slam period.

RESPONSE: As noted previously, section (7) has been deleted. No changes were made to the rule as a result of these comments.

COMMENT: One comment supported the proposed rule to the extent that it mirrors the currently effective Federal Communications Commission (FCC) rule. However, this comment suggested that the proposed rule should not be implemented until the issues with the federal rules are finally resolved by the FCC and/or the court.

RESPONSE: Section 392.540, RSMo, Supp. 1998, requires the Commission to implement a rule which is consistent with the FCC rule. The Commission is unable to wait for these matters to be resolved on the federal level. No changes were made to the rule as a result of this comment.

COMMENT: The rule should be adopted as proposed. The portions of the rule which have been stayed at the federal level should be included until final disposition of the federal case.

RESPONSE: Although the Commission appreciates the support of its proposed rule, it has determined that it can best implement a rule which is consistent with the federal rule by deleting sections (7) and (8). No changes were made to the rule as a result of this comment.

COMMENT: One party filed written comments regarding possible changes to clarify treatment of customer-initiated changes. However, this party later indicated that it was satisfied with the proposed rule without a change in this area.

RESPONSE: No changes were requested and no changes were made to the rule as a result of this comment.

COMMENT: The Commission should add an additional section which lists, in one place, the rights of the subscriber.

RESPONSE: Various provisions of the rule provide for customer rights. These provisions are consistent with the federal rule. The rule is appropriate as written and no changes were made as a result of this comment.

COMMENT: The Commission should disseminate additional information about slamming to the public. The comment also suggested a specific process to be followed after a subscriber is slammed.

RESPONSE: The Commission has considered this comment and has determined that no changes need to be made to the rule as a result of the comment. The rule complies with both Section 392.540, RSMo, Supp. 1998, and the federal rule regarding slamming, and the suggested change is unnecessary.

COMMENT: Various sections of the rule should be renumbered in order to be more consistent with the numbering scheme used in the federal rule.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees and will renumber portions of sections (2), (3) and (5).

COMMENT: Paragraph (4)(E)4. states that the letter of agency "shall contain separate statements regarding intraLATA, interLATA and intrastate and interstate, although a separate letter of agency for each choice is not necessary; . . ." This wording suggests that there are not only separate intraLATA and interLATA choices but separate intrastate and interstate choices as well. In Missouri, carriers implemented a PIC system that allows for an interLATA 1+ carrier and an intraLATA 1+ carrier. The rule should be clarified to be consistent with the choices actually available to the customer.

RESPONSE AND EXPLANATION OF CHANGE: The comment is well taken. The Commission will revise paragraph (4)(E)4.

COMMENT: The Commission should modify section (5) regarding preferred carrier freezes to ensure that consumers benefit from a competitive marketplace.

RESPONSE: Section 392.540, RSMo, Supp. 1998, requires the Commission to implement a rule which is consistent with the FCC rule. The proposed rule closely mirrors the federal rule; the Commission finds that additional modifications to the rule are not necessary at this time. No changes were made to the rule as a result of this comment.

## 4 CSR 240-33.150 Verification of Orders for Changing Telecommunications Service Provider

- (2) Changes in Subscriber Carrier Selections.
- (A) No telecommunications carrier shall submit or execute a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service except in accordance with the procedures prescribed in 4 CSR 240-33.150.
- 1. No submitting carrier shall submit a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service prior to obtaining: a) authorization from the subscriber, and b) verification of that authorization in accordance with the procedures prescribed in section (3). For a submitting carrier, compliance with the procedures prescribed in 4 CSR 240-33.150 shall be defined as compliance with 4 CSR 240-33.150(2) and (3). The submitting carrier shall maintain and preserve records of verification of subscriber authorization for a minimum period of two (2) years after obtaining such verification.
- 2. An executing carrier shall not verify the submission of a change in a subscriber's selection of a provider of telecommunications service received from a submitting carrier. For an executing carrier, compliance with the procedures prescribed in 4 CSR 240-33.150 shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting carrier

- 3. Where a telecommunications carrier is selling more than one (1) type of telecommunications service (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) that carrier must obtain separate authorization from the subscriber for each service sold, although the authorizations may be made within the same solicitation. Each authorization must be verified separately from any other authorizations obtained in the same solicitation. Each authorization must be verified in accordance with the verification procedures prescribed in 4 CSR 240-33.150.
- (3) Verification of Orders for Telecommunications Service.
- (A) No telecommunications carrier shall submit a preferred carrier change order unless and until the order has first been confirmed in accordance with subsection (3)(B), (C) or (D).
- (B) The telecommunications carrier has obtained the subscriber's written authorization in a form that meets the requirements of 4 CSR 240-33.150(4).
- (C) The telecommunications carrier has obtained the subscriber's electronic authorization to submit the preferred carrier change order. Such authorization must be placed from the telephone number(s) on which the preferred carrier is to be changed and must confirm the information required in section (4) of this rule. Telecommunications carriers electing to confirm sales electronically shall establish one (1) or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) shall connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier change, including automatically recording the originating automatic numbering identification.
- (D) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier change order that confirms and includes appropriate verification data (e.g., the subscriber's date of birth). The independent third party—a) must not be owned, managed, controlled, or directed by the carrier or the carrier's marketing agent; b) must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent; and c) must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier change.

#### (4) Letter of Agency Form and Content.

- (A) A telecommunications carrier may use a letter of agency to obtain written authorization and/or verification of a subscriber's request to change his or her preferred carrier selection. A letter of agency that does not conform with this section is invalid for purposes of 4 CSR 240-33.150.
- (B) The letter of agency shall be a separate document (or an easily separable document) containing only the authorizing language described in subsection (E) of this section having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the subscriber to the telephone line(s) requesting the preferred carrier change.
- (C) The letter of agency shall not be combined on the same document with inducements of any kind.
- (D) Notwithstanding subsections (B) and (C) of this section, the letter of agency may be combined with checks that contain only the required letter of agency language as prescribed in subsection (E) of this section and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the front of the check, a notice that the subscriber is authorizing a preferred carrier change by signing the check. The letter of agency language shall be placed near the signature line on the back of the check.

- (E) At a minimum, the letter of agency shall be printed with a type of sufficient size and readable type to be clearly legible and shall contain clear and unambiguous language that confirms—
- 1. The subscriber's billing name and address and each telephone number to be covered by the preferred carrier change order;
- 2. The decision to change the preferred carrier from the current telecommunications carrier to the soliciting telecommunications carrier;
- 3. That the subscriber designates the submitting carrier to act as the subscriber's agent for the preferred carrier change;
- 4. That the subscriber understands that only one (1) telecommunications carrier may be designated as the subscriber's interstate or interLATA preferred interexchange carrier for any one (1) telephone number. The letter of agency shall contain separate statements regarding intraLATA/intrastate and interLATA/interstate, although a separate letter of agency for each choice is not necessary; and
- 5. That the subscriber understands that any preferred carrier selection the subscriber chooses may involve a charge to the subscriber for changing the subscriber's preferred carrier.
- (F) Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the subscriber.
- (G) Letters of agency shall not suggest or require that a subscriber take some action in order to retain the subscriber's current telecommunications carrier.
- (H) If any portion of a letter of agency is translated into another language then all portions of the letter of agency shall be translated into that language. Every letter of agency shall be translated into the same language as any promotional materials, oral descriptions or instructions provided with the letter of agency.

#### (5) Preferred Carrier Freezes.

- (A) A preferred carrier freeze (or freeze) prevents a change in a subscriber's preferred carrier selection unless the subscriber gives the carrier from whom the freeze was requested his or her express consent. All local exchange carriers who offer preferred carrier freezes must comply with the provisions of this section.
- (B) All local exchange carriers who offer preferred carrier freezes shall offer freezes on a nondiscriminatory basis to all subscribers, regardless of the subscriber's carrier selections.
- (C) Preferred carrier freeze procedures, including any solicitation, must clearly distinguish among telecommunications services (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) subject to a preferred carrier freeze. The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested.
  - (D) Solicitation and Imposition of Preferred Carrier Freezes.
- 1. All carrier-provided solicitation and other materials regarding preferred carrier freezes must include:
- A. An explanation, in clear and neutral language, of what a preferred carrier freeze is and what services may be subject to a freeze;
- B. A description of the specific procedures necessary to lift a preferred carrier freeze; an explanation that these steps are in addition to the commission's verification rules in sections 4 CSR 240-33.150(2) and (3) for changing a subscriber's preferred carrier selections; and an explanation that the subscriber will be unable to make a change in carrier selection unless he or she lifts the freeze; and
- C. An explanation of any charges associated with the preferred carrier freeze.
- 2. No local exchange carrier shall implement a preferred carrier freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one (1) of the following procedures:

- A. The local exchange carrier has obtained the subscriber's written and signed authorization in a form that meets the requirements of 4 CSR 240-33.150(4); or
- B. The local exchange carrier has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the preferred carrier freeze is to be imposed, to impose a preferred carrier freeze. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth) and the information required in section (4). Telecommunications carriers electing to confirm preferred carrier freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier freeze request, including automatically recording the originating automatic numbering identification; or
- C. An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth) and the information required in section (4). The independent third party must—1) not be owned, managed, or directly controlled by the carrier or the carrier's marketing agent; 2) must not have any financial incentive to confirm preferred carrier freeze requests for the carrier or the carrier's marketing agent; and 3) must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier freeze
- 3. Written authorization to impose a preferred carrier freeze. A local exchange carrier may accept a subscriber's written and signed authorization to impose a freeze on his or her preferred carrier selection. Written authorization that does not conform with this section is invalid and may not be used to impose a preferred carrier freeze.
- A. The written authorization shall comply with section (4) of the commission's rules concerning the form and content for letters of agency.
- B. At a minimum, the written authorization must be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms—
- (I) The subscriber's billing name and address and the telephone number(s) to be covered by the preferred carrier freeze;
- (II) The decision to place a preferred carrier freeze on the telephone number(s) and particular service(s). To the extent that a jurisdiction allows the imposition of preferred carrier freezes on additional preferred carrier selections (e.g., for local exchange, intraLATA/intrastate toll, interLATA/interstate toll service, and international toll), the authorization must contain separate statements regarding the particular selections to be frozen;
- (III) That the subscriber understands that she or he will be unable to make a change in carrier selection unless she or he lifts the preferred carrier freeze; and
- (IV) That the subscriber understands that any preferred carrier freeze may involve a charge to the subscriber.
- (E) Procedures for Lifting Preferred Carrier Freezes. All local exchange carriers who offer preferred carrier freezes must, at a minimum, offer subscribers the following procedures for lifting a preferred carrier freeze:
- 1. A local exchange carrier administering a preferred carrier freeze must accept a subscriber's written and signed authorization stating her or his intent to lift a preferred carrier freeze; and
- 2. A local exchange carrier administering a preferred carrier freeze must accept a subscriber's oral authorization stating her or his intent to lift a preferred carrier freeze and must offer a mechanism that allows a submitting carrier to conduct a three (3)-way conference call with the carrier administering the freeze and the subscriber in order to lift a freeze. When engaged in oral autho-

rization to lift a preferred carrier freeze, the carrier administering the freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth) and the subscriber's intent to lift the particular freeze.

(6) Carrier Liability for Charges. Any submitting telecommunications carrier that fails to comply with the procedures prescribed in 4 CSR 240-33.150 shall be liable to the subscriber's properly authorized carrier in an amount equal to all charges paid to the submitting telecommunications carrier by such subscriber after such violation. The remedies provided in 4 CSR 240-33.150 are in addition to any other remedies available at law.

# Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission

Chapter 12—Hazardous Waste Fees and Taxes

#### ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.437, RSMo Supp. 1998 and 260.380, 260.475 and 260.479, RSMo 1994, the commission amends a rule as follows:

#### 10 CSR 25-12.010 Fees and Taxes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 1999 (24 MoReg 1383–1386). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: During the public hearing before the Missouri Hazardous Waste Management Commission on July 9, 1999, the department testified that the proposed amendment ensures that revenue generated by the category tax meets the statutory requirement of \$1.5 million dollars. There was one oral comment offered at the hearing and one written comment was received.

COMMENT: A representative of the Regulatory Environmental Group for Missouri expressed support of the need for the amendment. The individual also expressed support on behalf of the Missouri Chamber of Commerce and Associated Industries of Missouri.

RESPONSE: The department agrees with the comment and appreciates the input from industry representatives.

COMMENT: Associated Industries of Missouri submitted a written comment that expressed support for the proposed amendment of the category tax rate. They commented that the amendment reflects a requirement to adjust the category tax to meet the statutory requirement and recognize the change as being in accord with current law.

RESPONSE: The department agrees with the comment and appreciates the input from industry representatives.

# Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission

**Chapter 14—Administrative Penalties** 

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.437, RSMo Supp. 1998, the commission rescinds a rule as follows:

#### 10 CSR 25-14.010 Administrative Penalties is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1248). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: At the public hearing before the Missouri Hazardous Waste Management Commission on July 9, 1999, the department testified that this rescission was proposed concurrently with the proposed adoption of a revised version of the same rule. The only comments received were directed to the content of the proposed rule, rather than the content of the proposed rescission. Thus, there were no comments received on this proposed rescission.

# Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 14—Administrative Penalties

#### ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.437, RSMo Supp. 1998 and 260.412, RSMo 1994, the commission adopts a rule as follows:

#### 10 CSR 25-14.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1248–1257). Those subsections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: At the public hearing before the Missouri Hazardous Waste Management Commission on July 9, 1999, the department testified that the proposed rule is a revision of the existing version that was concurrently proposed to be rescinded. The Regulatory Environmental Group for Missouri (REGFORM) offered oral testimony at the hearing, consisting of four comments on the substance of the proposed rule. Three of those comments were also submitted as written comments. One additional written comment was submitted on the proposed rule. The department considered all of the comments.

COMMENT: REGFORM testified at the hearing that the proposed rule incorrectly referenced the authority provided by section 260.412, RSMo to assess administrative penalties. The statute lists the RSMo sections, violations of which are subject to assessment of administrative penalties. The proposed rule listed RSMo sections in addition to those authorized in the statute. The commenter noted that the proposed rule should mirror the statute.

RESPONSE AND EXPLANATION OF CHANGE: Department staff previously noticed the same error, and the department agrees with the comment and has changed the proposed rule accordingly. The proposed rule inadvertently referenced administrative penalty authority for violations of the entirety of the Hazardous Waste Management Law. Administrative penalty authority is only granted for violations of the specific sections of the law that are listed in section 260.412, RSMo. The department changed language in

sections (1)(A) and (2)(B)3. of the rule to be consistent with the statute.

COMMENT: REGFORM commented orally and in writing that, according to the proposed rule, determination of penalties will involve the application of the gravity-based penalty matrix, but the previous version also allowed the penalty range to be adapted to the circumstances of a particular violation. REGFORM commented further that the adjustment factors in the proposed rule are too restrictive and will not provide the department with sufficient discretion to fully account for individual circumstances.

RESPONSE: The department does not agree with this comment. As written, paragraph (3)(E)6. of the proposed rule allows the department to adjust administrative penalties based on fairness and equity on a case-by-case basis. The department believes that this language provides sufficient discretion to account for individual circumstances in establishing the amount of an administrative penalty. No changes were made to the rule as a result of this comment.

COMMENT: REGFORM commented orally and in writing that the addition of new criteria to determine culpability is generally good. However, subsection (D), relating to whether the violator knew or should have known about the hazards associated with the conduct, is confusing and arbitrary. To allow further increases in the penalty based upon this subjective criteria would open the rule to abuse and double-counting.

RESPONSE: The department does not agree with this comment. The department believes the language referred to is neither confusing nor arbitrary. This particular adjustment factor is meant to take into account whether the violator is aware that his or her activity poses or could potentially pose a hazard to the environment. The department believes that it is appropriate and consistent with the intent of administrative penalties to consider this factor in establishing an administrative penalty amount. A violator who is aware that their conduct presents such a hazard should be penalized differently than a violator otherwise in the same situation who may not be aware of the potential hazards. There were no changes made to the rule as a result of this comment.

COMMENT: REGFORM commented orally and in writing that the existing rule allows the department to consider decreasing a penalty in return for an agreement by the violator to undertake an environmentally beneficial project. The proposed rule does not contain this provision. Removal of this provision serves to undermine the intent of the department to reduce overall emissions. Such projects should remain a viable method of satisfying or mitigating administrative penalties.

RESPONSE: The Department has decided to remove the provision for Supplemental Environmental Projects (SEPs) from all program administrative penalty rules. However, nothing in the regulation prohibits the use of SEPs, if appropriate. To maintain consistency, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: Associated Industries of Missouri commented that the rule incorporates provisions authorized in legislation passed several years ago, and will serve to make the administrative penalty process more useful and workable.

RESPONSE: The department agrees with the comment and appreciates the input offered on this issue from the commenter.

#### 10 CSR 25-14.010 Administrative Penalty Assessment

#### (1) General Provisions.

(A) Pursuant to section 260.412, RSMo, and in addition to any other remedy provided by law, upon determination by the department that a provision of sections 260.350 to 260.481, RSMo or a standard, limitation, order or rule promulgated, or a term or con-

dition of any permit has been violated, the director may issue an order assessing an administrative penalty upon the violator. The amount of the administrative penalty will be determined according to section (3) of this rule. In no event may the total penalty assessed per day of violation exceed the statutory maximum specified in section 260.425, RSMo.

#### (2) Definitions.

- (B) Additional definitions specific to this rule are as follows:
- 1. Conference, conciliation and persuasion—A process of verbal or written communications, consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at minimum, consist of one (1) offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;
- 2. Economic benefit—Any monetary gain which accrues to a violator as a result of noncompliance;
- 3. Gravity-based assessment—The degree of seriousness of a violation taking into consideration the risk to human health and the environment posed by the violation and considering the extent of deviation from sections 260.350–260.481, RSMo;
- 4. Minor violation—A violation which possess a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency (U.S. EPA) as other than minor:
- 5. Multiple violation penalty—The sum of individual administrative penalties assessed when two (2) or more violations are included in the same complaint or enforcement action; and
- 6. Multi-day violation—A violation which has occurred on or continued for two (2) or more consecutive or nonconsecutive days.

#### Title 10—DEPARTMENT OF NATURAL RESOURCES Division 80—Solid Waste Management Chapter 2—General Provisions

#### ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources under sections 260.225, RSMo Supp. 1998 and 260.249, RSMo 1994 the department rescinds a rule as follows:

## 10 CSR 80-2.040 Administrative Penalty Assessment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 17, 1999, (24 MoReg 1267). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

# Title 10—DEPARTMENT OF NATURAL RESOURCES Division 80—Solid Waste Management Chapter 2—General Provisions

#### ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources under sections 260.225, RSMo Supp. 1998 and 260.249, RSMo 1994 the department adopts a rule as follows:

10 CSR 80-2.040 Administrative Penalty Assessment is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1267–1276). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: At the public hearing on June 18, 1999, the department testified that the rule establishes procedures for assessment of administrative penalties pursuant to section 260.249, RSMo. One comment in support of the proposed rule was received from a representative of Associated Industries of Missouri.

# Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 10—Nursing Home Program

#### ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153, 208.159 and 208.201, RSMo 1994, the director hereby amends a rule as follows:

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1669–1671). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services did not receive any comments on the proposed amendment.

# Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 10—Nursing Home Program

#### ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153, 208.159 and 208.201, RSMo 1994, the director hereby amends a rule as follows:

#### 13 CSR 70-10.050 Pediatric Nursing Care Plan is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1673–1674). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services did not receive any comments on the proposed amendment.

## Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 15—Hospital Program

#### ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153, 208.201, and 208.471, RSMo 1994, the director hereby amends a rule as follows:

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1535–1537). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services received one comment on the proposed amendment 13 CSR 70-15.010. The proposed amendment provides for an adjustment to a hospital's allowable cost for property taxes when a hospital changes from a non-profit hospital to a proprietary hospital. The commenter feels in addition to the adjustment to a hospital's allowable cost for property taxes, an adjustment should be made for sales taxes. The commenter states non-profit hospitals do not pay sales taxes on health care supplies, medical supplies, and capital equipment while proprietary hospitals are required to pay sales taxes on these items.

RESPONSE: The division has reviewed the commenter's concerns regarding the sales taxes a hospital will incur when it changes from a non-profit to a proprietary hospital. The division does not feel an adjustment is necessary. The division did not change the proposed amendment.

#### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 15—Hospital Program

#### ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153, 208.201 and 208.471, RSMo 1994, the director hereby amends a rule as follows:

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1538–1539). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

#### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 15—Hospital Program

#### ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153, 208.201 and 208.471, RSMo 1994, the director hereby amends a rule as follows:

13 CSR 70-15.040 Inpatient Hospital and Outpatient Hospital Settlements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1540–1542). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

#### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 94—Rural Health Clinic Program

#### ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under section 208.201, RSMo 1994, the director hereby amends a rule as follows:

## 13 CSR 70-94.020 Provider-Based Rural Health Clinic is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1543). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This

proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

#### Title 20—DEPARTMENT OF INSURANCE Division 700—Licensing Chapter 1—Agents, Brokers, and Agencies

#### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo Supp. 1998, the director hereby amends a rule as follows:

**20 CSR 700-1.010** Agents' Examination and Licensing Procedures and Standards **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1296–1297). A hearing was held on June 17, 1999, at 9:00 a.m., in accordance with notice given at 24 MoReg 1297. No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received which opposed or requested modification of the proposed rule.

#### Title 20—DEPARTMENT OF INSURANCE Division 700—Licensing Chapter 1—Agents, Brokers, and Agencies

#### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, RSMo Supp. 1998, and

375.071–375.136, RSMo 1994 and Supp. 1998, the director hereby amends a rule as follows:

#### 20 CSR 700-1.100 Insurance Brokers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1297). A hearing was held on June 17, 1999, at 9:00 a.m., in accordance with notice given at 24 MoReg 1297. No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on June 17, 1999, at 9:00 a.m. in the offices of the Department of Insurance, Harry S Truman State Office Building, Room 630. No comments were received which opposed or requested modification of the proposed rule.

#### Title 20—DEPARTMENT OF INSURANCE Division 700—Licensing Chapter 1—Agents, Brokers and Agencies

#### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045 and 375.022, RSMo Supp. 1998, the director hereby amends a rule as follows:

#### 20 CSR 700-1.130 Appointment of Agents is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1297–1299). A hearing was held on June 17, 1999, at 9:00 a.m., in accordance with notice given at 24 MoReg 1298. No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received which opposed or requested modification of the proposed rule.

## MISSOURI REGISTER October 15, 1999 Vol. 24, No. 20

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

# Title 19—DEPARTMENT OF HEALTH Division 60—Missouri Health Facilities Review Committee Chapter 50—Certificate of Need Program

#### APPLICATION REVIEW SCHEDULE

#### DATE FILED:

APPLICATION PROJECT NO. & NAME/COST & DESCRIPTION/CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. These applications are available for public inspection at the address shown below.

#### September 2, 1999

#2878 RS: Creekside Retirement Home \$52,500, Replace 20-bed residential care facility I Crystal City (Jefferson County)

#### September 7, 1999

#2885 NS: Ash Grove Health Care Facility \$2,175,000, Replace 62-bed skilled nursing facility Ash Grove (Greene County)

#### September 7, 1999

#2884 NP: Country Club Care Center \$212,000, Bed Expansion of 22 skilled nursing facility beds Warrensburg (Johnson County)

#### September 7, 1999

#2874 NP: James River Care Center, Inc. \$139,667, Bed Expansion of 30 skilled nursing facility beds Springfield (Greene County)

#### September 7, 1999

#2887 NP: Ashland Healthcare \$61,333, Bed Expansion of 14 skilled nursing facility beds Ashland (Boone County)

#### September 7, 1999

#2875 NP: Moniteau Care Center \$78,000, Bed Expansion of 18 skilled nursing facility beds California (Moniteau County)

#### September 7, 1999

#2883 RS: Lakeview Manor \$998,000, Replace 19-bed residential care facility I Washington (Franklin County)

#### September 7, 1999

#2886 NS: Gables at Hidden Lake \$4,225,000, Replace 67-bed skilled nursing facility St. Louis (St. Louis County)

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect which must be received at the address listed below by October 8, 1999. All written requests and comments should be sent to:

Chairman

Missouri Health Facilities Review Committee c/o Certificate of Need Program 915 G Leslie Boulevard Jefferson City, MO 65101

For additional information contact Mike Henry, 573-751-6403.

#### OFFICE OF ADMINISTRATION Division of Purchasing

#### **BID OPENINGS**

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: http://www.state.mo.us/oa/purch/purch.htm. Prospective bidders may receive specifications upon request.

B001069 Forklift 10/18/99;

B003030 Environmental Inspection/Design Services 10/18/99;

B003034 Crane & Crane Operator Services 10/18/99;

B001063 Van: Insulated 10/19/99;

B001070 Seed: Korean Kobe Lespedeza Mixture 10/19/99;

B002022 Evaluation-Medicaid Section 1115 Waiver 10/19/99;

B002031 Diskettes & Printer Supplies 10/19/99;

B003012 Banking Services for WIC Program 10/19/99;

B003037 Janitorial Services-St. Louis 10/19/99;

B002012 Software: Report Distribution Solution 10/21/99;

B002027 Computers-Escon Channel Upgrade 10/21/99;

B002028 Computers-Escon Director Upgrade 10/21/99;

B003036 Registered Nurse 10/22/99;

B002029 Remote LAN Access Services 10/28/99;

B003043 Adult Day Care Program 10/28/99;

B002001 DP Services: Wage Order Data Entry 11/3/99;

B003046 Care Management Organization 11/3/99;

B003041 Medicaid Operations-Review & Investigation 11/4/99.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

 Radio Broadcasting Services/Organ Donation Media Education Campaign, supplied by Learfield Communications, Inc.
 AAMV Anet Electronic Data Exchange, supplied by AAMV Anet.

Joyce Murphy, CPPO, Director of Purchasing MISSOURI REGISTER

## Rule Changes Since Update to Code of State Regulations

October 15, 1999 Vol. 24, No. 20

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—21 (1996), 22 (1997), 23 (1998) and 24 (1999). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule and N.A. indicates not applicable.

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Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Sched				
1 CSR 10-15.010	Commissioner of Administration				24 MoReg 2535
1 CSR 20-5.010	Personnel Advisory Board				
1 CSR 20-5.015	Personnel Advisory Board				
1 CSR 20-5.020	Personnel Advisory Board				
1 CSR 20-5.025	Personnel Advisory Board		This Issue		
	DEPARTMENT OF AGRICULTURE				
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 30-2.015	Animal Health	23 MoReg 1427			
2 CSR 70-13.010	Plant Industries		24 MoReg 1821		
2 CSR 70-13.015	Plant Industries				
2 CSR 70-13.020	Plant Industries				
2 CSR 70-13.025 2 CSR 70-13.030	Plant Industries				
2 CSR 70-13.035	Plant Industries				
2 CSR 70-13.040	Plant Industries				
2 CSR 90-30.050	Weights and Measures		24 MoReg 1195	24 MoReg 2505	
2 CSR 90-30.060	Weights and Measures		24 MoReg 1200R .	24 MoReg 2508R	
2 CSR 90-30.070	Weights and Measures				
2 CSR 90-30.080	Weights and Measures				
2 CSR 90-30.090	Weights and Measures		24 MoReg 1203	24 MoReg 2509	
2 CSR 90-30.100 2 CSR 100-8.010	Agricultural and Small Business Authority.	24 MoReg 1787R	24 MoReg 1207	24 Mokeg 2509	
2 CSK 100-0.010	Agricultural and Sman Business Authority.	24 WORCE 1707K .	24 Workeg 1027K		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.111	Conservation Commission		24 MoReg 1475	24 MoReg 2156	
3 CSR 10-4.113	Conservation Commission				
3 CSR 10-4.115	Conservation Commission			24 Mokeg 2136	
3 CSR 10-4.116	Conservation Commission			24 MoReg 2156	
3 CSR 10-4.125	Conservation Commission		This Issue		
3 CSR 10-4.130	Conservation Commission		24 MoReg 1485	24 MoReg 2157	
3 CSR 10-4.136	Conservation Commission		24 MoReg 1485	24 MoReg 2157	
3 CSR 10-4.140 3 CSR 10-4.145	Conservation Commission		24 MoReg 1485	24 MoReg 2157	
3 CSR 10-4.143 3 CSR 10-5.205	Conservation Commission		24 MoReg 1486	24 MoReg 2157	
0 0510 10 0.200			This Issue	2 : 1.101.08 =10 :	
3 CSR 10-5.210	Conservation Commission				
3 CSR 10-5.215	Conservation Commission			24 MoReg 2157	
2 CCD 10 5 220				24.14 D 2150	
3 CSR 10-5.220 3 CSR 10-5.420	Conservation Commission				
3 CSR 10-5.420 3 CSR 10-6.405	Conservation Commission				
3 CSR 10 0.403	Conservation Commission			2+ 1410100 2130	
3 CSR 10-6.415	Conservation Commission		24 MoReg 1488	24 MoReg 2158	
3 CSR 10-6.505	Conservation Commission		24 MoReg 1488	24 MoReg 2158	
3 CSR 10-6.510	Conservation Commission		24 MoReg 1488	24 MoReg 2158	
3 CSR 10-6.525	Conservation Commission		24 MoReg 1489	24 MoReg 2159	
3 CSR 10-6.540 3 CSR 10-6.550	Conservation Commission				
3 CSR 10-0.530 3 CSR 10-7.405	Conservation Commission			24 MOKES 2139	
3 CSR 10-7.440	Conservation Commission			24 MoReg 2509	
3 CSR 10-7.450	Conservation Commission				
3 CSR 10-8.505	Conservation Commission		This Issue	•	
3 CSR 10-8.515	Conservation Commission				
3 CSR 10-9.110	Conservation Commission				
3 CSR 10-9.230	Conservation Commission				
3 CSR 10-9.442 3 CSR 10-10.725	Conservation Commission				
3 CSR 10-10.768	Conservation Commission				
3 CSR 10-11.805	Conservation Commission				
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Rule Number	Agency F	Emergency	Propo	osed	Order	In Addition
	DEPARTMENT OF ECONOMIC DEVELO					
4 CSR 30-4.070	Architects, Professional Engineers and Land S		.24 Mo	Reg 1207	24 MoReg 2160	
4 CSR 40-1.021	Office of Athletics					
4 CSR 40-5.070 4 CSR 70-2.040	Office of Athletics	21 Mokeg 1963	24 Mo	Pog 2201		
4 CSR 70-2.040 4 CSR 70-2.050	State Board of Chiropractic Examiners		24 Mo	Deg 2201		
4 CSR 70-2.070	State Board of Chiropractic Examiners	• • • • • • • • • • • • • • • • • • • •	24 Mo	Reg 2202		
4 CSR 70-2.090	State Board of Chiropractic Examiners		.24 Mo	Reg 1722	This Issue	
4 CSR 90-13.020	State Board of Cosmetology					
4 CSR 90-13.040	State Board of Cosmetology		.24 Mo	Reg 1724		
4 CSR 90-13.060	State Board of Cosmetology		.24 Mo	Reg 1724		
4 CSR 105-1.010	Credit Union Commission		.24 Mo	Reg 1829		
4 CSR 105-2.010	Credit Union Commission	24 MoReg 1787	.24 Mo	Reg 1833		
4 CSR 105-3.010	Credit Union Commission					
4 CSR 105-3.020	Credit Union Commission					
4 CSR 105-3.030 4 CSR 120-2.010	Credit Union Commission Board of Embalmers and Funeral Directors	24 Mokeg 1790	24 Mo	Reg 1039	24 MoReg 2161	
4 CSR 120-2.010 4 CSR 120-2.020	Board of Embalmers and Funeral Directors		24 Mo	Reg 1026	24 MoReg 2161	
4 CSR 120-2.060	Board of Embalmers and Funeral Directors				21 11101005 2101	
4 CSR 120-2.100	Board of Embalmers and Funeral Directors		.24 Mo	Reg 1030	24 MoReg 2161	
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4 CSR 150-2.001	State Board of Registration for the Healing Arts		.23 Mo	Reg 2565		
4 CSR 150-2.065	State Board of Registration for the Healing Arts		.23 Mo	Reg 2566		
4 CSR 150-3.080	State Board of Registration for the Healing Arts		.24 Mo	Reg 1497		
4 CSR 150-3.200	State Board of Registration for the Healing Arts		.24 Mo	Reg 1497		
4 CSR 150-3.201	State Board of Registration for the Healing Arts		.24 Mo	Reg 1498		
4 CSR 150-3.202 4 CSR 150-3.203	State Board of Registration for the Healing Arts State Board of Registration for the Healing Arts		.24 Mo	Deg 1502		
4 CSR 150-3.203 4 CSR 150-4.100	State Board of Registration for the Healing Arts  State Board of Registration for the Healing Arts					
4 CSR 150-4.105	State Board of Registration for the Healing Arts  State Board of Registration for the Healing Arts					
4 CSR 150-4.110	State Board of Registration for the Healing Arts		.24 Mo	Reg 715		
4 CSR 150-4.115	State Board of Registration for the Healing Arts		.24 Mo	Reg 716		
4 CSR 150-4.120	State Board of Registration for the Healing Arts		.24 Mo	Reg 717		
4 CSR 150-4.125	State Board of Registration for the Healing Arts					
4 CSR 150-4.130	State Board of Registration for the Healing Arts					
4 CSR 150-7.135	State Board of Registration for the Healing Arts					
4 CSR 150-7.300	State Board of Registration for the Healing Arts.					
4 CSR 150-7.310 4 CSR 165-1.020	State Board of Registration for the Healing Arts. Board of Examiners for Hearing Instrument Sp				24 MoDeg 2238	
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Sp.				24 WIORCG 2236	
4 CSR 165-2.030	Board of Examiners for Hearing Instrument Sp					
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Sp					
4 CSR 195-5.010	Workforce Development		.24 Mo	Reg 2314		
4 CSR 195-5.020	Workforce Development		.24 Mo	Reg 2315		
4 CSR 195-5.030	Workforce Development					
4 CSR 210-2.060	State Board of Optometry					
4 CSR 220-2.010 4 CSR 220-2.020	State Board of Pharmacy State Board of Pharmacy					
4 CSR 220-2.020 4 CSR 220-2.160	State Board of Pharmacy					
4 CSR 230-2.010	Board of Podiatric Medicine				This Issue	
4 CSR 230-2.030	Board of Podiatric Medicine		.24 Mo	Reg 1337	24 MoReg 2238	
4 CSR 230-2.065	Board of Podiatric Medicine					
4 CSR 230-2.070	Board of Podiatric Medicine				24 MoReg 2238	
4 CSR 235-1.015	State Committee of Psychologists				2434 5 2220	
4 CSR 235-1.020	State Committee of Psychologists		.24 Mo	Reg 1337	24 MoReg 2238	
4 CSR 235-1.025 4 CSR 235-1.026	State Committee of Psychologists					
4 CSR 235-1.020 4 CSR 235-1.030	State Committee of Psychologists					
4 CSR 235-1.030 4 CSR 235-1.031	State Committee of Psychologists		.24 Mo	Reg 2134		
4 CSR 235-1.060	State Committee of Psychologists					
4 CSR 235-1.063	State Committee of Psychologists		.24 Mo	Reg 2135		
4 CSR 235-2.020	State Committee of Psychologists		.24 Mo	Reg 2135		
4 CSR 235-2.040	State Committee of Psychologists		.24 Mo	Reg 2135		
4 CSR 235-2.050	State Committee of Psychologists		.24 Mo	Reg 2137		
4 CSR 235-2.060	State Committee of Psychologists		.24 Mo	Reg 2138		
4 CSR 235-2.065 4 CSR 235-2.070	State Committee of Psychologists		.24 Mo	Reg 2139		
4 CSR 235-2.070 4 CSR 235-3.020	State Committee of Psychologists		24 Mo	Reg 2140		
4 CSR 235-4.030	State Committee of Psychologists		.24 Mo	Reg 2141		
4 CSR 240-2.010	Public Service Commission		.24 Mo	Reg 2318R		
			.24 Mo	Reg 2318		
4 CSR 240-2.015	Public Service Commission		.24 Mo	Reg 2319		
4 CSR 240-2.020	Public Service Commission		.24 Mo	Reg 2142		
4 CSR 240-2.030	Public Service Commission		.24 Mo	Reg 2142		
4 CSR 240-2.040	Public Service Commission		.24 Mo	Reg 2320R		
4 CSR 240-2.050	Public Service Commission		24 Ma	Reg 2320		
7 COR 270-2.030	rubiic Service Commission					
			1410			

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-2.060	Public Service Commission		24 MoReg 2321R		
4 CSR 240-2.065	Public Service Commission				
4 CSR 240-2.070	Public Service Commission		24 MoReg 2324 24 MoReg 2325R		
4 CSR 240-2.075	Public Service Commission		24 MoReg 2325 24 MoReg 2326R		
4 CSR 240-2.080	Public Service Commission		24 MoReg 2326		
4 CSR 240-2.085	Public Service Commission				
4 CSR 240-2.090	Public Service Commission		24 MoReg 2329R		
4 CSR 240-2.100	Public Service Commission		24 MoReg 2330R		
4 CSR 240-2.110	Public Service Commission		24 MoReg 2330R		
4 CSR 240-2-115	Public Service Commission		24 MoReg 2331R		
4 CSR 240-2.116	Public Service Commission		24 MoReg 2332R		
4 CSR 240-2.120	Public Service Commission		24 MoReg 2333R		
4 CSR 240-2.125	Public Service Commission		24 MoReg 2333R		
4 CSR 240-2.130	Public Service Commission		24 MoReg 2334R		
4 CSR 240-2.140	Public Service Commission		24 MoReg 2336R		
4 CSR 240-2.150	Public Service Commission		24 MoReg 2336R		
4 CSR 240-2.160	Public Service Commission		24 MoReg 2337R		
4 CSR 240-2.170	Public Service Commission		24 MoReg 2338R		
4 CSR 240-2.180			24 MoReg 2338		
4 CSR 240-2.200	Public Service Commission				
4 CSR 240-18.010 4 CSR 240-20.015	Public Service Commission  Public Service Commission				
4 CSR 240-20.017	Public Service Commission Public Service Commission		24 MoReg 281	24 MoReg 1680	
4 CSR 240-32.110 4 CSR 240-32.120	Public Service Commission		24 MoReg 2344		
4 CSR 240-33.010	Public Service Commission		24 MoReg 2347R		
4 CSR 240-33.020	Public Service Commission		24 MoReg 2347R		
4 CSR 240-33.040	Public Service Commission		24 MoReg 2351R		
4 CSR 240-33.050	Public Service Commission		24 MoReg 2355R		
4 CSR 240-33.060	Public Service Commission		24 MoReg 2359R		
4 CSR 240-33.070	Public Service Commission		24 MoReg 2362R		
4 CSR 240-33.080	Public Service Commission		24 MoReg 2367R		
4 CSR 240-33.090	Public Service Commission		24 MoReg 2371R		
4 CSR 240-33.100	Public Service Commission		24 MoReg 2371R		
4 CSR 240-33.110	Public Service Commission		24 MoReg 2372R		
4 CSR 240-33.120	Public Service Commission				
4 CSR 240-33.130	Public Service Commission				
4 CSR 240-33.140	Public Service Commission		24 MoReg 2376		
4 CSR 240-33.150	Public Service Commission	23 MoReg 29ll 24 MoReg 1710	24 MoReg 1842	This Issue	24 MoReg 1759
4 CSR 240-40.015	Public Service Commission		24 MoReg 1346	11110 10000	2 . 110100g 1739
4 CSR 240-40.016	Public Service Commission		24 MoReg 1352		
4 CSR 240-80.015	Public Service Commission				
4 CSR 245-4.020	Real Estate Appraisers				
4 CSR 245-4.050	Real Estate Appraisers		24 MoReg 1846		
4 CSR 245-5.010	Real Estate Appraisers				
4 CSR 245-5.020	Real Estate Appraisers				
4 CSR 245-8.010 4 CSR 245-8.040	Real Estate Appraisers				
7 CON 47J-0.U4U					
4 CSR 263-3.140	Licensed Clinical Social Workers		24 MoReg 2143		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	DEPARTMENT OF ELEMENTARY AN	ND SECONDARY EDU	CATION		
5 CSR 50-270.050	Division of Instruction		24 MoReg 877	243472 2544	
5 CSR 50-321.010 5 CSR 80-800.290	Division of Instruction	24 MoDea 2123	24 MoReg 1365	24 MoReg 2511	
5 CSK 60-600.290	Orban and feacher Education	24 MoReg 2125	24 Mokeg 2143		
6 CSR 10-2.100	<b>DEPARTMENT OF HIGHER EDUCAT</b> Commissioner of Higher Education		24 MoReg 1650		
7 CSR 10-2.010	DEPARTMENT OF TRANSPORTATIO Highways and Transportation Commission		24 MoReg 1367R		
7 CSR 10-6.010	Highways and Transportation Commission		24 MoReg 765		
7 CSR 10-6.015	Highways and Transportation Commission		24 MoReg 766		
7 CSR 10-6.040	Highways and Transportation Commission		24 MoReg 767		
7 CSR 10-6.050	Highways and Transportation Commission		24 MoReg 2379 24 MoReg 768		
7 CSR 10-6.060	Highways and Transportation Commission		24 MoReg 2381		
			24 MoReg 2381		
7 CSR 10-6.070	Highways and Transportation Commission		24 MoReg 2382		
7 CSR 10-6.085	Highways and Transportation Commission		24 MoReg 773		
7 CSR 10-19.020	Highways and Transportation Commission		24 MoReg 2385		
7 CSR 10-19.020 7 CSR 10-19.030	Highways and Transportation Commission		22 MoReg 1220		
	DEPARTMENT OF LABOR AND IND	USTRIAL RELATIONS	1		
8 CSR 40-2.010	State Board of Mediation		24 MoReg 1507		
8 CSR 40-2.020	State Board of Mediation		24 MoReg 1508	24 MoReg 2511	
8 CSR 40-2.030 8 CSR 40-2.040	State Board of Mediation		24 MoReg 1508	24 MoReg 2511	
8 CSR 40-2.050	State Board of Mediation		24 MoReg 1509	24 MoReg 2511	
8 CSR 40-2.055	State Board of Mediation		24 MoReg 1509	24 MoReg 2512	
8 CSR 40-2.070 8 CSR 40-2.100	State Board of Mediation				
8 CSR 40-2.110	State Board of Mediation				
8 CSR 40-2.120	State Board of Mediation		24 MoReg 1511	24 MoReg 2512	
8 CSR 40-2.130	State Board of Mediation				
8 CSR 40-2.150 8 CSR 40-2.160	State Board of Mediation		24 MoReg 1511 24 MoReg 1512	24 MoReg 2513	
8 CSR 40-2.170	State Board of Mediation		24 MoReg 1512	24 MoReg 2513	
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8 CSR 50-6.010 8 CSR 60-3.040	Workers' Compensation	Thic Icens	24 MoReg 1049	24 MoReg 2161	
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9 CSR 25-4.040	DEPARTMENT OF MENTAL HEALTH Fiscal Management		24 MoReg 2386		
9 CSR 30-4.030	Certification Standards	24 MoReg 2191	24 MoReg 2215		
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9 CSR 45-5.040	Mental Retardation and Developmental Di	sabilities	24 MoReg 2389		
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10 CSR 10 CSR 10-2.010	Air Conservation Commission				24 MoReg 1093
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10 CSR 10-6.080	Air Conservation Commission		24 MoReg 939	24 MoReg 2240	
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10 CSR 45-2.010	Metallic Minerals		24 MoReg 2049		
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10 CSR 45-6.010	Metallic Minerals		24 MoReg 2049		
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10 CSR 70-5.020	Soil and Water Districts Commission	24 MoReg 1473	24 MoReg 960	24 MoReg 2162	
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10 CSR 100-1.010	Petroleum Storage Tank Insurance Fund.		24 MoReg 1063	24 MoReg 2523	
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12 CSR 10-3.16						
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12 CSR 10-23.4440   Director of Revenue		Director of Revenue		24 MoReg 2053R		
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12 CSR 30-3.085   State Tax Commission   24 MoReg 2054   12 CSR 40-8.0.040   State Lottery   24 MoReg 1736   12 CSR 40-8.0.020   State Lottery   24 MoReg 1737   12 CSR 40-8.0.050   State Lottery   24 MoReg 1737   12 CSR 40-8.0.050   State Lottery   24 MoReg 1737   12 CSR 40-8.0.050   State Lottery   24 MoReg 1738   12 CSR 40-8.0.050   State Lottery   24 MoReg 1738   12 CSR 40-8.0.090   State Lottery   24 MoReg 1738   12 CSR 40-8.0.090   State Lottery   24 MoReg 1738   12 CSR 40-8.0.000   State Lottery   24 MoReg 1738   12 CSR 40-8.0.000   State Lottery   24 MoReg 1738   12 CSR 40-9.0.000   State Lottery   24 MoReg 1739   12 CSR 40-9.0.000   State Lottery   24 MoReg 1740   12 CSR 40-9.0.000   State Lottery   24 MoReg 174   12 CSR 40-9.0.000   State Lottery   24 MoReg 174   12 CSR 40-9.0.000   State Lottery   24 MoReg 174   13 CSR 13-14 (022   State Lottery   24 MoReg 174   14 CSR 40-9.0.100   State Lottery   24 MoReg 174   15 CSR 40-9.0.100   State Lottery   24 MoReg 174   16 CSR 40-9.0.100   State Lottery   24 MoReg 174   17 CSR 40-9.0.100   State Lottery   24 MoReg 174   18 CSR 40-2.300   Division of Aging   24 MoReg 2337   19 CSR 40-2.300   Division of Aging   24 MoReg 2337   19 CSR 40-2.300   Division of Family Services   23 MoReg 2337   19 CSR 40-2.310   Division of Family Services   23 MoReg 2337   19 CSR 40-2.310   Division of Family Services   23 MoReg 2347   19 CSR 40-2.310   Division of Family Services   23 MoReg 2347   19 CSR 40-2.330   Division of Family Services   23 MoReg 2357   19 CSR 40		State Tax Commission		24 MoReg 2392	24 MoReg 2164	
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12 CSR 40-80.030 State Lottery 24 MoReg 1737 12 CSR 40-80.030 State Lottery 24 MoReg 1737 12 CSR 40-80.090 State Lottery 24 MoReg 1738 12 CSR 40-80.090 State Lottery 24 MoReg 1738 12 CSR 40-80.090 State Lottery 24 MoReg 1738 12 CSR 40-80.000 State Lottery 24 MoReg 1738 12 CSR 40-90.001 State Lottery 24 MoReg 1739R 12 CSR 40-90.001 State Lottery 24 MoReg 1739R 12 CSR 40-90.010 State Lottery 24 MoReg 1739R 12 CSR 40-90.030 State Lottery 24 MoReg 1739R 12 CSR 40-90.030 State Lottery 24 MoReg 1739R 12 CSR 40-90.040 State Lottery 24 MoReg 1739R 12 CSR 40-90.050 State Lottery 24 MoReg 1739R 12 CSR 40-90.050 State Lottery 24 MoReg 1740R 12 CSR 40-90.050 State Lottery 24 MoReg 1740R 12 CSR 40-90.050 State Lottery 24 MoReg 1740R 12 CSR 40-90.060 State Lottery 24 MoReg 1740R 12 CSR 40-90.070 State Lottery 24 MoReg 1740R 12 CSR 40-90.070 State Lottery 24 MoReg 1740R 12 CSR 40-90.070 State Lottery 24 MoReg 1740R 12 CSR 40-90.000 State Lottery 24 MoReg 1741R 12 CSR 40-90.100 State Lottery 24 MoReg 1741R 12 CSR 40-90.100 State Lottery 24 MoReg 1741R 12 CSR 40-90.100 State Lottery 24 MoReg 1741R 13 CSR 15-14.022 Division of Aging 24 MoReg 1741 24 MoReg 1741R 13 CSR 15-14.022 Division of Aging 24 MoReg 1741 24 MoReg 2054 13 CSR 15-14.022 Division of Family Services 23 MoReg 21337 13 CSR 40-2.300 Division of Family Services 23 MoReg 21337 13 CSR 40-2.300 Division of Family Services 23 MoReg 21347 13 CSR 40-2.301 Division of Family Services 23 MoReg 21347 13 CSR 40-2.302 Division of Family Services 23 MoReg 21347 13 CSR 40-2.303 Division of Family Services 23 MoReg 21347 13 CSR 40-2.301 Division of Family Services 23 MoReg 21347 13 CSR 40-2.302 Division of Family Services 23 MoReg 21347 13 CSR 40-2.303 Division of Family Services 23 MoReg 21347 13 CSR 40-2.304 Division of Family Services 23 MoReg 21347 13 CSR 40-2.305 Division of Family Services 23 MoReg 21347 13 CSR 40-2.305						
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12 CSR 40-90.040   State Lottery						
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petroleum transport load; 10 CSR 20-12.020; 5/3/99
membership; 10 CSR 20-12.070; 5/3/99
notification requirements; 10 CSR 20-10.022; 5/3/99
penalty assessment protocol; 10 CSR 20-13.080; 5/17/99
proof of integrity; 10 CSR 20-12.050; 5/3/99
reimbursement; 10 CSR 20-12.060; 5/3/99
cleanup costs criteria; 10 CSR 20-12.061; 5/3/99
risk-based clean-up levels; 10 CSR 20-10.068; 5/3/99
sites with existing contamination; 10 CSR 20-12.080; 5/3/99

#### VITAL RECORDS

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#### **VOTOR APPLICATION AND FORMS**

postcard form; 15 CSR 30-4.010; 10/1/99

#### WATER QUALITY

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WEIGHTS AND MEASURES

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#### WORKFORCE DEVELOPMENT

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#### WORKERS' COMPENSATION

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