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 of 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 (30) days after the date of publication of the revision to the *Code of State Regulations*.

The 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 (90)-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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2002–2003 seasons.

3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

PURPOSE: Establishes season dates and bag limits for hunting waterfowl within frameworks established by the U.S. Fish and Wildlife Service for the 2002–2003 seasons and opens the hunting season for white-winged doves.

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one (1) fully feathered wing must remain attached to all waterfowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(A) Mourning doves, Eurasian collared-doves and white-winged doves may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through November 9. Limits: twelve (12) doves daily in the aggregate; twenty-four (24) in possession.

(F) Ducks (except for canvasbacks) and coots may be taken from one-half (1/2) hour before sunrise to sunset from October 26 through December 24 in the North Zone (that portion of Missouri north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to Interstate Hwy. 70; west on Interstate Hwy. 70 to U.S. Hwy. 54; south on U.S. Hwy. 54 to U.S. Hwy 50; and west on U.S. Hwy. 50 to the Kansas border); from November 23 through January 21 in the South Zone (that portion of the state south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to the Kansas border); and from November 2 through December 31 in the Middle Zone (remainder of Missouri). Pintails may be taken from October 26 through November 24 in the North Zone, November 2 through December 1 in the Middle Zone, and November 23 through December 22 in the South Zone. Ducks and coots may be taken by youth hunters less than sixteen (16) years of age from one-half (1/2) hour before sunrise to sunset from October 19 through October 20 in the North Zone, from October 26 through October 27 in the Middle Zone and from November 16 through November 17 in the South Zone. Youth hunters must be accompanied by an adult eighteen (18) years of age or older who cannot hunt ducks. Adults must be licensed unless the youth hunter possesses a valid hunter education certificate card. Limits are as follows:

1. Coots—Fifteen (15) daily; thirty (30) in possession.

2. Ducks—The daily bag limit of ducks is six (6) and may include no more than four (4) mallards (no more than two (2) of which may be a female), three (3) scaup, two (2) wood ducks, one (1) black duck, two (2) redheads, one (1) hooded merganser, and one (1) pintail (during the prescribed season and during the youth hunts). The season on canvasbacks is closed. The possession limit is twelve (12), including no more than eight (8) mallards (no more than four (4) of which may be female), six (6) scaup, four (4) wood ducks, two (2) black ducks, four (4) redheads, two (2) hooded mergansers, and two (2) pintails.

(G) Geese may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. Blue, snow, and Ross's geese may be taken from October 26 through January 18 in the North Zone and Swan Lake Zone, and from November 2 through January 26 in the Middle Zone, South Zone and Southeast Zone.

2. White-fronted geese may be taken from October 26 through January 18 in the North Zone and Swan Lake Zone, and from November 2 through January 26 in the Middle Zone, Southeast Zone and South Zone.

3. In the Swan Lake Zone, Canada geese and brant may be taken from October 26 through December 1 and from December 21 through January 18.

4. In the Southeast Zone and South Zone, Canada geese and brant may be taken from September 28 through October 6 and from November 23 through January 26.

5. Except in the Swan Lake Zone, Southeast Zone and South Zone, Canada geese and brant may be taken from September 21

through October 6, October 26 through November 24 and December 21 through January 18 in the North Zone and from September 21 through October 6, November 2 through December 1, and December 21 through January 18 in the Middle Zone.

6. The daily bag limit is twenty (20) blue, snow or Ross's geese, two (2) brant and two (2) white-fronted geese statewide. The possession limits for brant and white-fronted geese are four (4) each and there is no possession limit for blue, snow and Ross's geese.

7. The daily bag limit is two (2) Canada geese in the Swan Lake Zone. The possession limit is four (4) Canada geese.

8. In the North Zone and Middle Zone, the daily bag limit is three (3) Canada geese from September 21 through October 6 and two (2) Canada geese thereafter. The possession limit is six (6) Canada geese from September 21 through October 6 and four (4) Canada geese thereafter. In the South Zone and Southeast Zone, the daily bag limit is three (3) Canada geese from September 28 through October 6 and two (2) geese thereafter. The possession limit is six (6) Canada geese from September 28 through October 6 and four (4) Canada geese thereafter.

9. Geese may be taken by youth hunters in the North Zone from October 19 through October 20, in the Middle Zone from October 26 through October 27, and in the South Zone from November 16 through November 17. The daily bag limit is twenty (20) blue, snow, and Ross's geese, two (2) white-fronted geese, two (2) brant, and two (2) Canada geese. The possession limits for brant, white-fronted geese and Canada geese are four (4) each and there is no possession limit for blue, snow, and Ross's geese.

10. Zones: The Swan Lake Zone shall be the area bounded by U.S. Hwy. 36 on the north, Mo. Hwy. 5 on the east, Mo. Hwy. 240 and U.S. Hwy. 65 on the south, and U.S. Hwy. 65 on the west. The North Zone shall be that portion of the state north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to Interstate Hwy. 70; west on Interstate Hwy. 70 to U.S. Hwy. 54; south on U.S. Hwy. 54 to U.S. Hwy. 50; west on U.S. Hwy 50 to the Kansas border excluding the Swan Lake Zone. The South Zone shall be that portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to the Kansas border. The Middle Zone shall be the remainder of Missouri excluding the Southeast Zone (that portion of the state west of a line beginning at the intersection of Mo. Hwy. 34 and Interstate Hwy. 55, south of Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; east on Mo. Hwy. 72 to Mo. Hwy. 34; east on Mo. Hwy. 34 to Interstate Hwy. 55).

(I) The hunting season for blue, snow and Ross's geese closes statewide on January 18, 2003 in the North Zone and Swan Lake Zone and on January 26 in the Middle Zone, Southeast Zone and South Zone in order to implement the federal Arctic Tundra Habitat Emergency Conservation Act which became law on November 24, 1999.

1. Persons who possess a valid migratory bird permit may chase, pursue, and take blue, snow and Ross's geese between the hours of one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset from January 19 through April 30, 2003 in the North Zone and Swan Lake Zone and from January 27 through April 30, 2003 in the Middle Zone, Southeast Zone and South Zone. Any other regulation notwithstanding, methods for the taking of blue, snow and Ross's geese include using shotguns capable of holding more than three (3) shells, and with the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. Exceptions to the above permit requirement include landowners or lessees, as described in this code, and persons fifteen (15) years of age or younger, provided s/he is in the immediate presence of a properly licensed adult or has in his/her possession a valid hunter education certificate card. A daily bag limit will not be in effect January 19 through April 30 in the North Zone and Swan Lake Zone and from January 27 through April 30 in the Middle Zone, Southeast Zone, and South Zone.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed August 30, 2002, effective **September 10, 2002**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.442 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-9.442 by adjusting the season for waterfowl hunting by falconers in 2002–2003 to conform to federal frameworks.

3 CSR 10-9.442 Falconry

PURPOSE: This amendment adjusts the season dates for hunting waterfowl by falconry for the 2002–2003 season as provided in the frameworks established by the U.S. Fish and Wildlife Service.

(2) Only designated types and numbers of birds of prey may be possessed and all these birds shall bear a numbered, nonreuseable marker provided by the department. Birds held under a falconry permit may be used, without further permit, to pursue and take wildlife within the following seasons and bag limits:

(E) Ducks, mergansers and coots may be taken from one-half (1/2) hour before sunrise to sunset as follows: in the North Zone, September 14 through December 29; in the Middle Zone, September 14 through September 22 and December 31; and, in the South Zone, September 14 through September 22 and October 16 through January 21. Daily limit: three (3) birds singly or in the aggregate, including doves; possession limit: six (6) birds singly or in the aggregate, including doves.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed August 30, 2002, effective **September 10, 2002**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for Department Areas

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.150 Target Shooting and Shooting Ranges **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2002 (27 MoReg 1200). No changes have been made in the text of 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: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for Department Areas

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.182 Deer Hunting **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2002 (27 MoReg 1200). No changes have been made in the text of 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: No comments were received during the comment period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 2—Licensing of Physicians and Surgeons

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under section 334.125, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.030 Licensing by Reciprocity **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 860). No changes have been made to the text of 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: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 2—Licensing of Physicians and Surgeons

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under section 334.125, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.040 Application Forms **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 860). No changes have been made to the text of 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: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 2—Licensing of Physicians and Surgeons

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under section 334.125, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.060 Temporary Licenses **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 860–861). No changes have been made to the text of 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: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 2—Licensing of Physicians and Surgeons

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under section 334.112, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.155 Limited License **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 861). No changes have been made to the text of 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: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 345.015, 345.030, 345.050, 345.055 and 345.065, RSMo 2000, the board amends a rule as follows:

4 CSR 150-4.010 Applications for Licensure **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 861). No changes have been made to the text of 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: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 345.015, 345.022, 345.030, 345.045, 345.051 and 345.055, RSMo 2000, the board amends a rule as follows:

4 CSR 150-4.060 Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 861–862). No changes have been made to the text of 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: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 6—Registration of Athletic Trainers

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125 and 334.706.3(2), RSMo 2000, the board amends a rule as follows:

4 CSR 150-6.050 Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 862). No changes have been made to the text of 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: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 7—Physician Assistants

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, 334.735, 334.736, 334.738 and 334.743, RSMo 2000, the board amends a rule as follows:

4 CSR 150-7.200 Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 862). No changes have been made to the text of 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: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 8—Licensing of Clinical Perfusionists

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under section 324.159, RSMo 2000, the board amends a rule as follows:

4 CSR 150-8.060 Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 862). No changes have been made to the text of 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: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 3—Negative Generic Drug Formulary

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.280, RSMo 2000, the board amends a rule as follows:

4 CSR 220-3.040 Return and Reuse of Drugs and Devices **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002

(27 MoReg 776–779). No changes have been made to the text of 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: A total of four (4) comments to this proposed amendment were received, all opposed to the amendment.

COMMENTS: The comments addressed the same issues. It was stated that adoption of this amendment would create a financial hardship for the consumer, since they would not be given credit for drugs returned to the pharmacy. The comments also addressed the more lenient return and reuse policies of bordering states, which would create a financial disadvantage for Missouri pharmacies. The comments noted that in addition to the consumer and Missouri pharmacies, the State Medicaid Division would incur more costs since credit could not be given by the Pharmacy for drugs returned and reused. Two comments addressed the issue of heat-sealing drugs stating that the *United States Pharmacopeia (USP)* has studied this issue extensively and has expressed no concern about the viability or integrity of medications that are returned and reused. This commenter suggested that the Board allow pharmacist discretion for return and reuse, according to USP guidelines. One commenter addressed the issue of destruction of drugs dispensed to a patient who has expired, or to a patient where the physician has changed the drug regimen. Under this proposed amendment, these drugs could not be returned to the pharmacy for credit to the patient and his/her estate, and be used for another patient.
RESPONSE: In response to all the comments received the board reiterates its position based on information provided by FDA and also information regarding the status of return and reuse of drugs in other states. The board's mandate is to assure that the citizens of Missouri receive safe and effective pharmaceuticals. The issue at hand is not only the heat-sealing of drugs, but also that there is a wide variety of packaging that is used and there is no way to have a standard, uniform mechanism to assure product integrity when drugs are returned and repackaged repeatedly. In addition, the members of the board understand the financial impact this amendment will have on pharmacies in Missouri, however, the board cannot ignore its legal mandate to protect the citizens of Missouri by assuring that they receive safe and effective pharmaceuticals. The board feels that adoption of this amendment is vital to carry out this mandate, therefore, no changes were made to the original text.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.230 and 386.410, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-2.075 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2002 (27 MoReg 691). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on June 10, 2002, and the public comment period ended on May 31, 2002. Six (6) persons offered comments at the public hearing.

COMMENT: Carl Lumley, of Curtis, Oetting, Heinz, Garrett and Soule, P.C., commented, regarding section (7), that the wording needs to be changed because a tariff would not usually set forth facts which could be admitted or denied in a responsive pleading. If the intended reference was to a pleading regarding a tariff, substituting the word "pleading" for "tariff" would eliminate the confusion. In cases that do not involve any pleadings (i.e., perhaps a tariff suspended by the Commission without a motion), the intervention rules already require a statement of support or opposition, and a responsive pleading would not be appropriate. Regarding the estimate of private entity cost, he commented that the requirement of new pleadings will clearly involve aggregate costs in excess of five hundred dollars ($500), whether in the form of attorney's fees or internal personnel costs.
RESPONSE AND EXPLANATION OF CHANGE: Based on this and other comments made, the commission will withdraw proposed section (7). The commission is persuaded that intervenors, in commission practice, generally lack significant knowledge regarding the issues within thirty (30) days of intervention. consequently, proposed section (7) will either require intervenors at significant cost to quickly develop sufficient knowledge of the case to file a responsive pleading or result in responsive pleadings that simply state that the intervenor lacks sufficient knowledge to take a position. In the former case, many potential intervenors will be deterred from intervening due to the expense involved. In the latter case, parties will bear the cost of an unnecessary and unhelpful pleading. Instead, the commission will, as some commenters suggested, rely upon existing section (2) and prefiled testimony, issues lists and position statements to develop the issues for hearing.

COMMENT: Paul Boudreau, of Brydon, Swearengen & England, P.C., on behalf of several utilities, commented that he generally supports a practice that requires a greater degree of specificity in the positions taken by intervening parties. However, section (7) regarding the requirement that an intervenor file a "responsive pleading" may be problematic in practice. Although it makes some sense in the context of a complaint, it is likely to cause confusion and difficulty in the context of a tariff filing which typically does not contain allegations of facts or law that are conducive to a response. Also, to the extent a responsive pleading is required, the rule should include language to the effect that a party may deny an allegation in those circumstances in which it does not have a basis from which to conclude that it is true or false. This would be consistent with practice before Missouri courts and would also conform to current Commission practice regarding answers to complaints.
RESPONSE AND EXPLANATION OF CHANGE: Based on this and other comments made, the commission will withdraw proposed section (7). The commission is persuaded that intervenors, in commission practice, generally lack significant knowledge regarding the issues within thirty (30) days of intervention. consequently, proposed section (7) will either require intervenors at significant cost to quickly develop sufficient knowledge of the case to file a responsive pleading or result in responsive pleadings that simply state that the intervenor lacks sufficient knowledge to take a position. In the former case, many potential intervenors will be deterred from intervening due to the expense involved. In the latter case, parties will bear the cost of an unnecessary and unhelpful pleading. Instead, the commission will, as some commenters suggested, rely upon existing section (2) and prefiled testimony, issues lists and position statements to develop the issues for hearing.

COMMENT: Michael F. Dandino, of the Office of the Public Counsel, commented that the proposed amendment is unnecessary and should not be adopted. Dandino commented that a responsive pleading is not practical in many cases and is unnecessary in others. He commented that it adds additional procedure and costs for no real benefit. Acting Public Counsel John Coffman offered additional comments at the hearing. He commented that the Commission should

continue its tradition of granting broad intervention. He also commented that the proposed amendment will discourage intervention. Additionally, a responsive pleading is just not workable in many Commission cases.

RESPONSE AND EXPLANATION OF CHANGE: Based on this and other comments made, the commission will withdraw proposed section (7). The commission is persuaded that intervenors, in commission practice, generally lack significant knowledge regarding the issues within thirty (30) days of intervention. Consequently, proposed section (7) will either require intervenors at significant cost to quickly develop sufficient knowledge of the case to file a responsive pleading or result in responsive pleadings that simply state that the intervenor lacks sufficient knowledge to take a position. In the former case, many potential intervenors will be deterred from intervening due to the expense involved. In the latter case, parties will bear the cost of an unnecessary and unhelpful pleading. Instead, the commission will, as some commenters suggested, rely upon existing section (2) and prefiled testimony, issues lists and position statements to develop the issues for hearing.

COMMENT: Gary Duffy, of Brydon, Swearengen & England, P.C., on behalf of Missouri Gas Energy, Laclede Gas Company and The Empire District Electric Company, commented that the proposed section (7) appears to be much more complex and legalistic than is necessary. It appears to have a practical application only in the context of a formal complaint. With respect to applications or tariff filings, if the matter goes to hearing, the Commission will presumably learn of the position of the parties in prepared testimony. The intervenor should at least be allowed to deny allegations based on a lack of information, as is allowed by Civil Rule 55.07. In any event, that burden should apply equally to all parties to the case, not just those granted intervention. Additionally, the reference to "contested case" should be removed because it is inapplicable, confusing, and unnecessary. On the whole, he finds the proposed amendment in section (7) to be troublesome and lacking when it comes to furthering the interests of the efficient administration of justice. He also offered comments at the hearing. He suggested that the proposed amendment might deter intervention by such parties as homeowners. He also suggested that the proposed amendment might serve as a practice trap for counsel unfamiliar with practice before the PSC.

RESPONSE AND EXPLANATION OF CHANGE: Based on this and other comments made, the commission will withdraw proposed section (7). The commission is persuaded that intervenors, in commission practice, generally lack significant knowledge regarding the issues within thirty (30) days of intervention. Consequently, proposed section (7) will either require intervenors at significant cost to quickly develop sufficient knowledge of the case to file a responsive pleading or result in responsive pleadings that simply state that the intervenor lacks sufficient knowledge to take a position. In the former case, many potential intervenors will be deterred from intervening due to the expense involved. In the latter case, parties will bear the cost of an unnecessary and unhelpful pleading. Instead, the commission will, as some commenters suggested, rely upon existing section (2) and prefiled testimony, issues lists and position statements to develop the issues for hearing.

COMMENT: Robert C. Johnson and Lisa Langeneckert, of Blackwell Sanders Peper Martin, commented on behalf of the Missouri Energy Group, including Barnes-Jewish Hospital, Continental Cement Company, Emerson Electric Company, Lone Star Industries Inc., River Cement Company, and SSM HealthCare, that the Commission should reject the proposed amendment because section (7) makes the intervention process more difficult and requires useless paperwork and unnecessary expense for the parties involved in cases. The information in the pleading required by proposed section (7) is duplicative of the information already required under section (2) of this rule. In most cases, it is impossible to take a position on the issues in a case until testimony is filed and discovery is completed. Section (7) would also serve to deter interested parties from intervening in cases. The public interest would be better served by deleting the proposed section (7) and relying upon the current section (2). Robert C. Johnson also offered comments at the hearing. He commented that the proposed amendment would impose an undue burden on intervenors without significant financial resources.

RESPONSE AND EXPLANATION OF CHANGE: Based on this and other comments made, the commission will withdraw proposed section (7). The commission is persuaded that intervenors, in commission practice, generally lack significant knowledge regarding the issues within thirty (30) days of intervention. Consequently, proposed section (7) will either require intervenors at significant cost to quickly develop sufficient knowledge of the case to file a responsive pleading or result in responsive pleadings that simply state that the intervenor lacks sufficient knowledge to take a position. In the former case, many potential intervenors will be deterred from intervening due to the expense involved. In the latter case, parties will bear the cost of an unnecessary and unhelpful pleading. Instead, the commission will, as some commenters suggested, rely upon existing section (2) and prefiled testimony, issues lists and position statements to develop the issues for hearing.

COMMENT: James Fischer, of Fischer & Dority, P.C., on behalf of Kansas City Power & Light Company, commented that he opposes the proposed addition of section (7) to 4 CSR 240-2.075. He suggests that it is not possible for an intervenor to have sufficient information regarding the subject matter of applications, complaints or tariffs so that it could in good faith either admit or deny "each fact" asserted. In circuit court litigation, parties are able to plead that they have insufficient information to enable them to admit or deny other parties' allegations. It is Fischer's experience, as counsel for an intervenor, that little information is available to intervenors at the beginning of a contested case, and that issues and positions develop as discovery progresses and testimony is filed. Fischer suggests that the addition of section (7) will not aid the Commission and the parties in identifying issues and positions earlier than is done in the current practice. Fischer also offered comments at the hearing. He commented that requiring a responsive pleading from an intervenor is not helpful because the intervenor likely knows nothing about the factual situation. Furthermore, the drafting will result in additional and unnecessary attorney fees to the intervenor.

RESPONSE AND EXPLANATION OF CHANGE: Based on this and other comments made, the commission will withdraw proposed section (7). The commission is persuaded that intervenors, in commission practice, generally lack significant knowledge regarding the issues within thirty (30) days of intervention. Consequently, proposed section (7) will either require intervenors at significant cost to quickly develop sufficient knowledge of the case to file a responsive pleading or result in responsive pleadings that simply state that the intervenor lacks sufficient knowledge to take a position. In the former case, many potential intervenors will be deterred from intervening due to the expense involved. In the latter case, parties will bear the cost of an unnecessary and unhelpful pleading. Instead, the commission will, as some commenters suggested, rely upon existing section (2) and prefiled testimony, issues lists and position statements to develop the issues for hearing.

COMMENT: Stuart W. Conrad, of Finnegan, Conrad & Peterson, made comments at the hearing on behalf of Midwest Gas Users Association, Praxair, and a group of Sedalia industrial utility customers. He commented that requiring a responsive pleading from intervenors was not likely to be helpful in practice. He suggested that the Commission convene a roundtable with members of the utility bar to address procedural changes.

RESPONSE AND EXPLANATION OF CHANGE: Based on this and other comments made, the commission will withdraw proposed section (7). The commission is persuaded that intervenors, in commission practice, generally lack significant knowledge regarding the

issues within thirty (30) days of intervention. Consequently, proposed section (7) will either require intervenors at significant cost to quickly develop sufficient knowledge of the case to file a responsive pleading or result in responsive pleadings that simply state that the intervenor lacks sufficient knowledge to take a position. In the former case, many potential intervenors will be deterred from intervening due to the expense involved. In the latter case, parties will bear the cost of an unnecessary and unhelpful pleading. Instead, the commission will, as some commenters suggested, rely upon existing section (2) and prefiled testimony, issues lists and position statements to develop the issues for hearing. As to the suggestion that the commission convene a roundtable, the commission notes that it solicited written comments and held a public hearing as part of this rulemaking. Consequently, the commission concludes that a roundtable is not necessary at this time.

COMMENT: James Fischer, of Fischer & Dority, P.C., commented at the hearing on behalf of Southwestern Bell Telephone Company. He commented that Southwestern Bell was concerned, with respect to the *amicus* brief issue, that the *amicus* brief ought not be filed after the initial briefs, especially if there is only ten (10) days to respond. The *amicus* brief ought to be filed at the same time as the initial briefs.

RESPONSE AND EXPLANATION OF CHANGE: The commission finds this comment to be helpful and, therefore, will modify proposed section (6) to provide that, absent express leave of the commission, any *amicus* brief must be filed no later than the initial briefs of the parties.

COMMENT: Diana Vuylsteke of Bryan Cave LLP offered comments in opposition to the proposed amendment at the hearing on behalf of the Missouri Industrial Energy Consumers. She commented that the proposed amendment would impose a heavy burden on intervenors to discover information sufficient to permit filing the required responsive pleading. If, on the other hand, the intervenor can simply indicate that it lacks sufficient information, then the responsive pleading is useless. Intervenors generally enter a case to protect their interests, not because they have strong positions at the outset regarding the utility's filings.

RESPONSE AND EXPLANATION OF CHANGE: Based on this and other comments made, the commission will withdraw proposed section (7). The commission is persuaded that intervenors, in commission practice, generally lack significant knowledge regarding the issues within thirty (30) days of intervention. Consequently, proposed section (7) will either require intervenors at significant cost to quickly develop sufficient knowledge of the case to file a responsive pleading or result in responsive pleadings that simply state that the intervenor lacks sufficient knowledge to take a position. In the former case, many potential intervenors will be deterred from intervening due to the expense involved. In the latter case, parties will bear the cost of an unnecessary and unhelpful pleading. Instead, the commission will, as some commenters suggested, rely upon existing section (2) and prefiled testimony, issues lists and position statements to develop the issues for hearing.

No other comments were received.

4 CSR 240-2.075 Intervention

(6) Any person not a party to a case may petition the commission for leave to file a brief as an *amicus curiae*. The petition for leave must state the petitioner's interest in the matter and explain why an *amicus* brief is desirable and how the matters asserted are relevant to the determination of the case. The brief may be submitted simultaneously with the petition. Unless otherwise ordered by the commission, the brief must be filed no later than the initial briefs of the parties. If leave to file a brief as an *amicus curiae* is granted, the brief shall be deemed filed on the date submitted. An *amicus curiae* may not file a reply brief.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.230 and 386.410, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-2.115 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2002 (27 MoReg 691–692). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on June 10, 2002, and the public comment period ended on May 31, 2002. Six (6) persons offered comments at the public hearing.

COMMENT: Carl Lumley, of Curtis, Oetting, Heinz, Garrett and Soule, P.C., commented that, regarding subsection (2)(B), the seven (7)-day time period is too short for a situation in which a default waiver of hearing rights can result. At least ten (10) days should be allowed, given the potential consequences.

RESPONSE: Seven (7) days is the time period permitted by existing Rule 4 CSR 240-2.115(3). Most commenters spoke favorably of the existing rule. Therefore, the commission concludes that seven (7) days is a sufficient interval. No changes have been made to the proposed amendment as a result of this comment.

COMMENT: Paul Boudreau and Gary Duffy, of Brydon, Swearengen & England, P.C., on behalf of several utilities, commented that they are opposed to the second sentence of proposed subsection (1)(A) because the language proposed by the Commission will have the unintended effect of discouraging the settlement of cases, particularly of rate cases. They commented that the Commission need only require that the recommendation of the parties be supported by the record evidence. If the Commission's new rule is intended to require the parties to submit a stipulation of basic facts as to every cost and revenue element which results in a particular revenue requirement recommendation, then very few, if any, rate case settlements will be attainable in the future. This will have the adverse effect of unnecessarily forcing more cases to a full-blown evidentiary hearing than would otherwise be the case. They commented that there is no requirement *in a settled case* that the Commission make detailed findings of fact. They are also opposed to subsection (2)(B) which contains language addressing a so-called "conditional assent." This language is troubling to the extent that it suggests that a nonsignatory will be deemed by the Commission to have assented to or joined in the specific terms of a particular settlement agreement. This difficulty is aggravated by the following subsection (2)(C) that provides that the Commission may treat a nonunanimous stipulation and agreement as a unanimous stipulation and agreement if no objection is filed. The underlying problem is that a nonsignatory party should not be deemed to take a particular position on the merits of a proposed settlement. To the contrary, it should be allowed to simply step aside so as not to impede a settlement without being deemed to have joined in the terms of a document to which it is not a signatory. Consequently, they suggest the last sentence in

subsection (2)(B) be stricken from the proposed amendment. Should the Commission choose to retain subsection (2)(B), then subsection (2)(C) should be deleted and rewritten as follows: "If no party timely objects to a non-unanimous stipulation and agreement, the commission may rule summarily on the merits of the non-unanimous stipulation and agreement without the necessity of holding a hearing." Mr. Duffy also offered comments at the hearing. He commented that the Commission ought to accept the settlements reached by the parties at face value and not try to look behind them.

RESPONSE AND EXPLANATION OF CHANGE: Based on this and other comments, the commission is persuaded to withdraw the second sentence of proposed subsection (1)(A), particularly because the commission need not make findings of fact in an order approving a stipulation and agreement. As the commenters suggested, the commission will use the device of an on-the-record presentation when it is necessary to acquire additional information regarding a proposed stipulation and agreement. Based on this and other comments, the commission is persuaded to withdraw the third sentence of proposed subsection (2)(B), relating to "conditional assents" because the proposed language is confusing and unnecessary. Proposed subsection (2)(C) reflects the second sentence of section (1) of the existing rule, except that the word "objection" is used in place of "request for hearing." Most commenters spoke favorably of the existing rule; therefore, the commission will make no change to proposed subsection (2)(C) of the amendment. However, as suggested by several commenters, the commission will add language to proposed subsection (2)(E) stating that a party may choose to not oppose all or any part of a nonunanimous stipulation and agreement because this option reflects long-standing practice before the commission. This permits a party to make unmistakably clear that it has not joined in a nonunanimous stipulation and agreement.

COMMENT: Michael F. Dandino, of the Office of the Public Counsel, commented that Public Counsel opposes this proposed amendment and urges the Commission to continue the existing rule without amendment. Public Counsel comments that the amendment does not guarantee a hearing upon request by a nonsignatory party, thereby violating the constitutional and statutory rights of such parties. Public Counsel opposes the provision regarding conditional assents as it transforms such conditional assents into unconditional assents. Public Counsel also opposes the provisions of subsection (1)(A) of the proposed amendment that requires a stipulated set of facts sufficient to support the resolution proposed by the parties. Public Counsel sees this proposed amendment as discouraging settlement. Public Counsel also opposes subsection (2)(E) because it deprives a party of the right to develop evidence on cross-examination or at hearing. There is no rule or requirement for a party to prefile prepared testimony as a condition for the participation in the hearing or for the ability to brief or otherwise take a position in the case. There is no PSC procedural rule that a party must file a "position statement" or similar pleading in which it must take a firm position on each and every issue before all the evidence is adduced at hearing. A party has a right to file a brief on any or all of the issues contested in the case. Subsection (2)(D) also deprives the parties of the right to set the terms of their agreement. Under this subsection, the nonunanimous stipulation seems to be converted into a binding agreement and a *de facto* statement of position even if it is objected to and perhaps even if the issue or case goes to hearing. In summary, Public Counsel comments that the existing rule complies with the *Fischer* case and has served the public, the parties, and the Commission well has since its adoption. The proposed amendment is unreasonable and unnecessary and should be rejected. John Coffman, Acting Public Counsel, offered additional comments on the proposed amendment at the hearing. Coffman commented that several aspects of the proposed amendment appeared to violate the *Fischer* decision. Additionally, Coffman commented that the proposed amendment would act to make settlements less likely.

RESPONSE AND EXPLANATION OF CHANGE: See the response to the second comment, above. The commission is persuaded by this and other comments to clarify the compliance of the proposed amendment to the decision of the Missouri Court of Appeals, *State ex rel. Fischer v. PSC*, 645 SW.2d 39 (Mo. App. 1982). Therefore, the commission has added language to proposed subsection (2)(D) to indicate that the merits of a case remain for determination after hearing upon the filing of a timely objection to a nonunanimous stipulation and agreement. Additionally, the commission is persuaded by this and other comments to withdraw the proposed subsection (2)(E).

COMMENT: Anthony K. Conroy offered comments on behalf of Southwestern Bell Telephone Company. Southwestern Bell supports the Commission's proposed amendments to subsections (A) and (B) of section (1) of rule 2.115, which apply generally to "Stipulations and Agreements." Southwestern Bell also supports many of the Commission's proposed amendments to section (2) of rule 2.115, entitled "Nonunanimous Stipulations and Agreements." Southwestern Bell supports the Commission's proposed amendments to subsections (A), (C) and (D) of section (2) of the rule. Southwestern Bell also supports the Commission's proposed amendments to subsection (B) of section (2) of the rule, with the exception of the final sentence of that subsection, as proposed by the Commission, which provides "[A] conditional assent to a nonunanimous stipulation and agreement shall be regarded as a non-conditional assent and not as an objection." Southwestern Bell does not believe it is appropriate for the Commission, by rule, to permit a party to file a "conditional assent" and then relabel this pleading an "unconditional assent." In addition to being confusing, the Commission's proposed amendment will likely lead to parties stating all of their positions with respect to a stipulation and agreement in the form of objections, resulting in the need for more hearings, not less. Southwestern Bell also opposes the Commission's proposed subsection (E) of section (2) of rule 2.115. Southwestern Bell is concerned that this proposed amendment has the potential to deprive parties to a particular case of their right to due process and a fair hearing. Stipulations and agreements may be filed before parties file testimony or finalize their position in a case. A party to a case should not be foreclosed from objecting to a stipulation and agreement simply because the stipulation and agreement "resolves only issues as to which a party has stated no position and filed no testimony." If a party has sought and been granted intervention as a party in a particular case, the Commission's rules should not provide that an objection to a stipulation and agreement filed by other parties "shall have no effect." The amendment of section (2) of rule 2.115, to include subsection (E) as proposed by the Commission should be withdrawn.

RESPONSE AND EXPLANATION OF CHANGE: Based on this and other comments, the commission is persuaded to withdraw the third sentence of proposed subsection (2)(B), relating to "conditional assents" because the proposed language is confusing and unnecessary. Additionally, the commission is persuaded by this and other comments to withdraw the proposed subsection (2)(E).

COMMENT: Jason L. Ross, of Greensfelder, Hemker & Gale, P.C., provided comments on behalf of Fidelity Communication Services I, Inc., Fidelity Communication Services II, Inc., Fidelity Communication Services III, Inc., and Fidelity Cablevision, Inc. Ross commented that, in particular, the Fidelity CLECs oppose subsections (2)(B), (C) and (E) of the proposed amendment on the grounds that these provisions may violate the due process rights of a party that is not a signatory to a "nonunanimous" stipulation and agreement; may discourage interested parties from intervening in cases that may affect their interests; and appear to effectively eliminate a party's ability to agree "not to oppose" a stipulation and agreement, and seemingly force the party to either join as a signatory in support of the stipulation or file an objection to said stipulation.

While the Fidelity CLECs do not necessarily take issue with the notion that a failure to timely object constitutes a waiver — although seven (7) days is a very short period — they are concerned that a failure to timely object may be viewed, procedurally, as consent to the resolution of the stipulated issues or to the validity of the statement of the stipulated facts. While the Fidelity CLECs make every effort to comply with the Commission's filing requirements, and appreciate the Commission's need and desire to expeditiously move cases forward on the docket, they maintain that eliminating the mechanism by which a party can participate only with respect to those issues that are of importance to it, and agree not to oppose the resolution of the remainder, constitutes a denial of due process, by forcing a procedural presumption — namely that the stipulation is unanimous — that may adversely affect the party in future cases. The Fidelity CLECs request that the Commission preserve some procedural mechanism, i.e., the ability to agree not to oppose certain stipulated facts or resolved issues, where a party, although bound by the decision in the case, is not forced or deemed to take a position either way on every issue. To hold otherwise may discourage parties from intervening and participating in cases. The wording of subsection (2)(E) also seems to ignore the fact that stipulations and agreements are often the product of informal negotiations between the parties, reached prior to any formal statement of position or filing of testimony in the record. Accordingly, the Fidelity CLECs request that, should the Commission reject the suggestions stated above, that subsection (2)(E) be clarified to apply only where position statements or testimony could have been filed in the case under the procedural schedule. Otherwise, a party may be "steamrolled" early in a case before it has had the opportunity to conduct discovery or otherwise thoroughly investigate the issues. Finally, the Fidelity CLECs also have concerns about the meaning of the terms "conditional assent" (used in subsection (2)(C)) and "stipulation and agreement," as such terms are apparently not defined in the proposed amendment or otherwise in the *Code of State Regulations*. For example, must a stipulation and agreement be captioned as such when filed with the Commission to be considered a "stipulation and agreement?" Also, would a provision in a stipulation and agreement that conditions the agreement on the acceptance by the Commission of all terms contained therein be considered "conditional assent?"

RESPONSE AND EXPLANATION OF CHANGE: See the responses to the comments above. Based on this and other comments, the commission is persuaded to withdraw the third sentence of proposed subsection (2)(B), relating to "conditional assents" because the proposed language is confusing and unnecessary. Additionally, the commission is persuaded by this and other comments to withdraw the original proposed language of subsection (2)(E) and to substitute language that permits a party to neither join nor object to a nonunanimous stipulation and agreement, but to simply not oppose it.

COMMENT: Robert C. Johnson and Lisa Langeneckert, of Blackwell Sanders Peper Martin, commented on behalf of the Missouri Energy Group, including Barnes-Jewish Hospital, Continental Cement Company, Emerson Electric Company, Lone Star Industries Inc., River Cement Company, and SSM HealthCare, that the Commission should continue the existing rule 2.115, and each of its sections, without modification. They commented that this proposed amendment appears to remove a party's right to be heard if it objects to the proposed stipulation. *State ex rel. Fischer v. PSC*, 645 SW.2d 39 (Mo. App. 1982), sets out the rights of parties to a case when a nonunanimous stipulation is filed, including the right to a full and fair hearing on the issues. While subsection (2)(B) of this proposed amendment allows a party to object to a proposed stipulation, the portion of the statute requiring a requested hearing is removed. The proposed amendment is silent relating to the granting of a hearing to a party objecting to a proposed stipulation and does not explain the meaning or effect of an objection. Removing a party's right to a hearing would also deny a party's right to cross-examination guaranteed under section 536.070, RSMo. Subsection (2)(E) requires a party to have stated a position and filed testimony on a particular issue in order to object to that issue in a nonunanimous stipulation. This deprives a party of the right to develop evidence on cross-examination. Section 384.420.1, RSMo, allows parties to introduce evidence without the requirement of prefiled testimony as a condition of participation. In addition, if a stipulation is entered into before testimony is filed, this would disallow any party not agreeing to the stipulation the right to object. Under section 536.080.1, RSMo, all parties have the right to present oral argument or file a brief and this rule would contradict that right by not allowing a party to object to a stipulation on an issue in which it had not previously filed a position or testimony. Subsection (2)(D) of this proposed amendment appears to convert a nonunanimous stipulation into a binding agreement if a nonsignatory objects to the stipulation. In many cases, a signatory's acquiescence to a stipulation is predicated on the understanding that all of the provisions of the stipulation will be accepted as a whole. A party to a stipulation may be willing to agree to certain provisions of a stipulation that would otherwise be unacceptable in order to have the whole agreement. If the stipulation is not accepted as a whole, the parties' positions may differ greatly from that which was filed in the stipulation. Parties should have the right to negotiate and agree as to what effect an objection or hearing has on their continued agreement with the stipulation. A party should continue to have the right to change its position on the separate issues if a hearing is held. Robert C. Johnson also offered comments at the hearing. He commented that the use of nonunanimous stipulations and agreements amounts to a denial of due process of law.

RESPONSE AND EXPLANATION OF CHANGE: See the responses to the comments above. With modifications based on the comments received, the commission concludes that the proposed amendment is superior to the existing rule. Therefore, the commission will adopt it. Based on this and other comments, the commission has added language to proposed subsection (2)(D) that permits a signatory party to repudiate a nonunanimous stipulation and agreement to which another party has objected.

COMMENT: Stuart W. Conrad, of Finnegan, Conrad & Peterson, made comments at the hearing on behalf of Midwest Gas Users Association, Praxair, and a group of Sedalia industrial utility customers. He commented that requiring a stipulation to contain stipulated facts sufficient to support the stipulated outcome was not likely to be workable in practice. He suggested that the Commission use on-the-record presentations when it desires to inquire into a stipulation and agreement. He further commented that the rule should preserve the right of any party to request a hearing. He further commented that the response period allowed of seven (7) days was insufficient. Conrad also commented that the rule should preserve the right to conditionally assent to a stipulation and agreement. He further commented that he did not believe the proposed amendment complies with the *Fischer* decision. He suggested that the commission convene a roundtable with members of the utility bar to address procedural changes.

RESPONSE: See the responses to the comments above. For the most part, the commission has made changes to accomplish these suggestions and to make clear the adherence of the amended rule to the *Fischer* decision. As explained above, the commission does not believe that a roundtable is necessary at this time. Likewise, as explained above, the commission concludes that the seven (7)-day interval is acceptable.

COMMENT: James Fischer of Fischer & Dority, P.C., offered comments at the hearing. He commented that the proposed amendment should include a statement that a hearing will be held upon request.

RESPONSE AND EXPLANATION OF CHANGE: See the response to the comments above. The commission has added language to proposed subsection (2)(D) intended to accomplish this.

COMMENT: Diana Vuylsteke of Bryan Cave LLP offered comments in opposition to the proposed amendment at the hearing on behalf of the Missouri Industrial Energy Consumers. She commented that an on-the-record presentation is the appropriate vehicle by which the Commission may determine whether a settlement is in the public interest.
RESPONSE: See the responses to the comments above. The commission has adopted the suggestion about the use of on-the-record presentations, although this is not reflected in the text of the proposed amendment.

No other comments were received.

4 CSR 240-2.115 Stipulations and Agreements

(1) Stipulations and Agreements.

(A) The parties may at any time file a stipulation and agreement as a proposed resolution of all or any part of a contested case. A stipulation and agreement shall be filed as a pleading.

(B) The commission may resolve all or any part of a contested case on the basis of a stipulation and agreement.

(2) Nonunanimous Stipulations and Agreements.

(A) A nonunanimous stipulation and agreement is any stipulation and agreement which is entered into by fewer than all of the parties.

(B) Each party shall have seven (7) days from the filing of a nonunanimous stipulation and agreement to file an objection to the nonunanimous stipulation and agreement. Failure to file a timely objection shall constitute a full waiver of that party's right to a hearing.

(C) If no party timely objects to a nonunanimous stipulation and agreement, the commission may treat the nonunanimous stipulation and agreement as a unanimous stipulation and agreement.

(D) A nonunanimous stipulation and agreement to which a timely objection has been filed shall be considered to be merely a position of the signatory parties to the stipulated position, except that no party shall be bound by it. All issues shall remain for determination after hearing.

(E) A party may indicate that it does not oppose all or part of a nonunanimous stipulation and agreement.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.230 and 386.410, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-2.117 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2002 (27 MoReg 692). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held on June 10, 2002, and the public comment period ended on May 31, 2002. Six (6) persons offered comments at the public hearing.

COMMENT: Carl Lumley, of Curtis, Oetting, Heinz, Garrett and Soule, P.C., commented, regarding subsection (1)(C), that the responding party should be allowed thirty (30) days to respond, just as in circuit court proceedings. The filing party has a substantial advantage, in that they can take as long as they want to prepare their filing and the evidence on which it is based. Ten (10) days is much too short a time for responding parties to go through the logistics of assembling opposing evidence and preparing what can be substantial responsive pleadings. The circuit court rules are well-established and time-tested. The Commission would not be well served by an abbreviated ten (10)-day response time.
RESPONSE AND EXPLANATION OF CHANGE: The commission is persuaded by this and other comments that the response interval should be increased to thirty (30) days.

COMMENT: Paul Boudreau and Gary Duffy, of Brydon, Swearengen & England, P.C., on behalf of several utilities, commented that, while they generally support the Commission's proposed rule with respect to summary determinations, a longer period should be allowed within which to respond to a motion than the ten (10) days permitted by subsection (1)(C) of the proposed rule. They suggest that perhaps a fifteen (15)–thirty (30)-day time period would provide the non-moving party a more reasonable opportunity to locate or generate the necessary evidentiary support to respond to a dispositive motion. A somewhat longer period of time would be in line with Missouri Civil Rule 74.04(c)(2) that provides thirty (30) days to respond unless a longer period is needed for discovery. They also suggest that the phrase "contested case" not be used as many Commission cases, in their view, are not "contested cases" within the meaning of Chapter 536, RSMo. Mr. Duffy also offered comments at the hearing. He commented that summary disposition should not be available in any case with an operation of law date. He also commented that a non-moving party would require at least thirty (30) days to respond to a motion for summary determination.
RESPONSE AND EXPLANATION OF CHANGE: The commission is persuaded by this and other comments to extend the response interval to thirty (30) days. The commission is also persuaded by this and other comments to remove references to "contested cases." Such references are not necessary and may be confusing. The commission will also remove the reference to contested cases from the title of the rule. The commission is also persuaded by this and other comments to provide that summary determination shall not be available in rate cases or in other cases with operation of law dates.

COMMENT: Michael Dandino offered comments on behalf of the Office of the Public Counsel. Public Counsel opposes this proposed rule in its present form. The ten (10)-day period of time is unreasonable given the nature of the cases and complexity of the issues. By timing the filing of the motion, the utility can use the rule as a tactical weapon to overwhelm the opposition and limit the ability of the other parties to be heard. It shifts the burden of proof from the company to Public Counsel, Staff, and other parties to come forward with evidence on a very short time frame to demonstrate factual disputes. The proposed rule does not give a non-moving party a right to discovery, but rather requires a non-moving party to show good cause to delay the response to the motion for summary judgment and conduct discovery. The PSC must allow reasonable time for discovery for non-moving parties. Public Counsel suggests that if the Commission adopts a summary judgment rule that it exclude rate making and tariff filings or any changes in rates from the scope of the rule. This summary motion practice for most of the cases before this Commission works an unreasonable hardship on the ratepayers and is a fundamentally unfair and oppressive procedure. Public Counsel is concerned that this proposed rule will lead to an attempt to deprive ratepayers of its rights to full and fair hearings. Public Counsel also suggests that summary judgment be limited to a few purposes where a preliminary legal issue should be resolved prior to further action. It could be used to determine the legal scope of a proceeding or even if a proceeding is proper as a matter of law. Acting Public Counsel John Coffman offered additional comments at the hearing. Coffman commented that the Commission should avoid

adopting a summary determination rule that would tilt the balance against parties with fewer resources. In particular, Coffman commented that the time limit for responses is too short.

RESPONSE AND EXPLANATION OF CHANGE: The commission is persuaded by this and other comments to extend the response interval to thirty (30) days. The commission is also persuaded by this and other comments to provide that summary determination shall not be available in rate cases or in other cases with operation of law dates. The commission will make a similar change to proposed section (2). The commission is persuaded by this and other comments that this procedure might be subverted and used as a litigation tactic is meritorious. Therefore, in order to prevent the use of this procedure as a tactic to deprive parties such as the Public Counsel from an opportunity to contest utility initiatives through litigation, the commission will modify proposed subsection (1)(E) to provide that the commission "may grant the motion for summary determination if . . . the commission determines that it is in the public interest." This will permit non-moving parties to argue to the commission that summary determination is, for some reason, not appropriate in the case at bar. This option will also reduce the burden on non-moving parties to discover evidence by which to show the existence of a genuine dispute of material fact. The commission acknowledges that many commission cases are driven by public policy disputes rather than by factual disputes. The proposed rule, as modified, will permit non-moving parties to avoid summary determination in proper cases by showing the existence of such public policy disputes. The commission will make a similar change to section (2).

COMMENT: Southwestern Bell supports the adoption of a new Commission rule which would provide for the summary disposition of contested cases upon the motion of a party, where the "pleadings, testimony, discovery, affidavits, and memoranda on file show that there is no genuine issue as to any material fact," and where the moving party is "entitled to relief as a matter of law as to all or any part of the contested case." However, Southwestern Bell opposes the adoption of the second sentence of subsection (1)(E), which permits the Commission to order summary determination against the moving party. Bell believes that, if the Commission determines that a party filing a motion for summary determination fails to establish that such relief is appropriate, the Commission should simply deny the motion. Neither the Federal Rules of Civil Procedure nor the Missouri Rules of Civil Procedure, upon which the Commission's proposed summary determination rule appears to be directly based, include such a provision. Southwestern Bell also responded to the comments offered by the Public Counsel, commenting that it does not believe it would be appropriate to drastically limit the applicability of any summary disposition rule. If the Commission adopts a summary disposition rule for contested Commission cases, a motion for summary determination should be available to resolve all or any part of any case in which the motion, along with the supporting materials, establishes that "there is no genuine issue as to any material fact and that the moving party is therefore entitled to relief as a matter of law as to all or any part of the contested case." Public Counsel's concerns regarding sufficient time to conduct discovery prior to responding to a motion for summary determination in more complex cases are already addressed in subsection (1)(D) of the Commission's proposed rule. In an appropriate case, the Commission can permit a party additional time to respond to a motion for summary determination if further discovery is necessary and has not yet been completed. James Fischer, of Fischer & Dority, P.C., offered comments on behalf of Southwestern Bell at the hearing. Fischer commented that Bell was opposed to the provision that authorizes summary determination against the moving party.

RESPONSE AND EXPLANATION OF CHANGE: The commission is persuaded by this and other comments to delete the second sentence of proposed subsection (1)(E), which authorized summary determination against the moving party. The Missouri civil rules have been modified to exclude summary judgment against the moving party and this modification will permit the commission's rule to more closely track the civil rules. As explained above, the commission has decided to exclude rate making cases and cases with operation of law dates from the scope of this rule.

COMMENT: Lisa Creighton Hendricks offered comments on behalf of Sprint Communications Company, L.P. and Sprint Missouri, Inc. While Sprint agrees that this Commission should have a rule that allows summary dispositions of cases, Sprint cautions the Commission to not set the time period in which a party replies to motions for summary determinations so short that it puts the party defending the motion for summary determination in a position that they are unable to completely respond. Therefore, Sprint suggests to this Commission that it extend the ten (10)-day period to a twenty (20)-day period and allow an additional three (3) days if a party selects to serve by mail.

RESPONSE AND EXPLANATION OF CHANGE: As explained above, the commission is persuaded by this and other comments to extend the response interval to thirty (30) days.

COMMENT: Robert C. Johnson and Lisa Langeneckert, of Blackwell Sanders Peper Martin, commented on behalf of the Missouri Energy Group, including Barnes-Jewish Hospital, Continental Cement Company, Emerson Electric Company, Lone Star Industries Inc., River Cement Company, and SSM HealthCare, that they oppose this proposed rule in its present form as it places an undue burden on the parties, requiring them to file a response in opposition to a motion for summary determination within ten (10) days. The proposed rule could arguably shift the burden of the case to the respondent, requiring it to disprove the case, rather than requiring the moving party to prove its case. Adoption of this proposed rule could deprive a party of its right of a full and fair hearing on the issues as required by *State ex rel. Fischer v. PSC*, 645 SW.2d 39 (Mo. App. 1982). While a motion for summary determination may be appropriate in civil litigation, it is not appropriate in administrative proceedings. The use of stipulations better serves this purpose. Robert C. Johnson also offered comments at the hearing. He commented that, while summary disposition might be useful and appropriate in nuisance complaints brought against utilities, the device would not be appropriate in most Commission cases.

RESPONSE AND EXPLANATION OF CHANGE: As explained above, the commission is persuaded by this and other comments to extend the response interval to thirty (30) days. The commission has concluded that an appropriately-drafted rule providing for summary disposition of cases has a useful role to play in commission practice.

COMMENT: James Fischer, of Fischer & Dority, P.C., on behalf of Kansas City Power & Light Company, commented that proposed rule 4 CSR 240-2.117(1) appears to be somewhat patterned after motions for summary judgment in civil courts. He suggests that, if this rule is adopted, it should provide that the Commission's scheduling order in contested cases set a specific date by which motions for disposition be filed, which shall not be less than sixty (60) days prior to the evidentiary hearing, with responding parties being allowed twenty (20) days to respond. Allowing parties to file motions for disposition up to twenty (20) days before the hearing, as the proposed rule provides, places an undue burden on the responding parties, as they must continue to prepare for hearing and at the same time respond to the motion. Further, all parties would be required to prepare for hearing without knowing what issues would be allowed at hearing until very shortly before, or even at, the hearing. Fischer suggests that proposed rule 4 CSR 240-2.117(2) not be adopted in light of proposed rule 4 CSR 240-2.117(1), which provides for a process by which parties may by motion seek disposition of all or part of a contested case after a responsive pleading is filed or after the close of the intervention period. 4 CSR 240-2.117(2) is at best duplicative, and at worst injects ambiguity regarding the interplay of that paragraph with 4 CSR 240-2.117(1). Mr. Fischer also offered comments at the hearing. Mr.

Fischer commented that the proposed rule should also require that any motion for summary disposition be filed no later than sixty (60) days before the hearing.

RESPONSE AND EXPLANATION OF CHANGE: As explained above, the commission is persuaded by this and other comments to extend the response interval to thirty (30) days. The commission is also persuaded by this comment to require that motions for summary disposition be filed not later than sixty (60) days before the hearing. The commission believes that proposed section (2) does have a useful role to play in commission proceedings. In particular, it relieves the moving party in appropriate cases from the greater effort of preparing a motion for summary determination, which must be supported by an offer of proof and by a memorandum of law. This, in turn, will spare parties the burden of additional legal fees. Therefore, the commission will adopt proposed section (2).

COMMENT: Stuart W. Conrad, of Finnegan, Conrad & Peterson, made comments at the hearing on behalf of Midwest Gas Users Association, Praxair, and a group of Sedalia industrial utility customers. He commented that the proposed rule should not be promulgated because it is susceptible to manipulation by utilities. Conrad commented that, in utility practice, the utility has possession of all of the relevant facts and other parties must acquire those facts from the utility. In such an environment, a procedure for summary disposition is inappropriate. He suggested that Alternative Dispute Resolution be used to dispose of cases in which no actual dispute exists. He suggested that the Commission convene a roundtable with members of the utility bar to address procedural changes.

RESPONSE AND EXPLANATION OF CHANGE: As explained above, the commission is persuaded by this and other comments to modify the proposed rule in order to prevent the use of this procedure as a tactic to deprive parties of an opportunity to contest utility initiatives through litigation. Therefore, the commission will modify proposed subsection (1)(E) to provide that the commission "may grant the motion for summary determination if . . . the commission determines that it is in the public interest." This will permit non-moving parties to argue to the commission that summary determination is, for some reason, not appropriate in the case at bar. This option will also reduce the burden on non-moving parties to discover evidence by which to show the existence of a genuine dispute of material fact. The commission acknowledges that many commission cases are driven by public policy disputes rather than by factual disputes. The proposed rule, as modified, will permit non-moving parties to avoid summary determination in proper cases by showing the existence of such public policy disputes. The commission will make a similar change to section (2). The commission already employs Alternative Dispute Resolution methods where appropriate and will continue to do so. Nonetheless, the proposed rule will play a useful role in commission practice that is not addressed by Alternative Dispute Resolution methods. The commission has held a public hearing and solicited written comments in this case. Consequently, the commission concludes that there is no need for a roundtable with members of the utility bar.

COMMENT: Diana Vuylsteke of Bryan Cave LLP offered comments in opposition to the proposed rule at the hearing on behalf of the Missouri Industrial Energy Consumers. She joined in the comments by the Public Counsel, that the proposed rule could serve as a dangerous weapon for the utilities.

RESPONSE AND EXPLANATION OF CHANGE: As explained above, the commission is persuaded by this and other comments to modify the proposed rule in order to prevent the use of this procedure as a tactic to deprive parties of an opportunity to contest utility initiatives through litigation. Therefore, the commission will modify proposed subsection (1)(E) to provide that the commission "may grant the motion for summary determination if . . . the commission determines that it is in the public interest." This will permit non-moving parties to argue to the commission that summary determination is, for some reason, not appropriate in the case at bar. This option will also reduce the burden on non-moving parties to discover evidence by which to show the existence of a genuine dispute of material fact. The commission acknowledges that many commission cases are driven by public policy disputes rather than by factual disputes. The proposed rule, as modified, will permit non-moving parties to avoid summary determination in proper cases by showing the existence of such public policy disputes. The commission will make a similar change to section (2).

No other comments were received.

4 CSR 240-2.117 Summary Disposition

(1) Summary Determination.

(A) Except in a case seeking a rate increase or which is subject to an operation of law date, any party may by motion, with or without supporting affidavits, seek disposition of all or any part of a case by summary determination at any time after the filing of a responsive pleading, if there is a respondent, or at any time after the close of the intervention period. However, a motion for summary determination shall not be filed less than sixty (60) days prior to the hearing except by leave of the commission.

(B) Motions for summary determination shall state with particularity in separately numbered paragraphs each material fact as to which the movant claims there is no genuine issue, with specific references to the pleadings, testimony, discovery, or affidavits that demonstrate the lack of a genuine issue as to such facts. Each motion for summary determination shall have attached thereto a separate legal memorandum explaining why summary determination should be granted and testimony, discovery or affidavits not previously filed that are relied on in the motion. The movant shall serve the motion for summary determination upon all other parties not later than the date upon which the motion is filed with the commission.

(C) Not more than thirty (30) days after a motion for summary determination is served, any party may file and serve on all parties a response in opposition to the motion for summary determination. Attached thereto shall be any testimony, discovery or affidavits not previously filed that are relied on in the response. The response shall admit or deny each of movant's factual statements in numbered paragraphs corresponding to the numbered paragraphs in the motion for summary determination, shall state the reason for each denial, shall set out each additional material fact that remains in dispute, and shall support each factual assertion with specific references to the pleadings, testimony, discovery, or affidavits. The response may also have attached thereto a legal memorandum explaining why summary determination should not be granted.

(D) For good cause shown, the commission may continue the motion for summary determination for a reasonable time to allow an opposing party to conduct such discovery as is necessary to permit a response to the motion for summary determination.

(E) The commission may grant the motion for summary determination if the pleadings, testimony, discovery, affidavits, and memoranda on file show that there is no genuine issue as to any material fact, that any party is entitled to relief as a matter of law as to all or any part of the case, and the commission determines that it is in the public interest. An order granting summary determination shall include findings of fact and conclusions of law.

(F) If the commission grants a motion for summary determination, but does not dispose thereby of the entire case, it shall hold an evidentiary hearing to resolve the remaining issues. Those facts found in the order granting partial summary determination shall be established for purposes of the hearing.

(G) The commission may hear oral argument on a motion for summary determination.

(2) Determination on the Pleadings—Except in a case seeking a rate increase or which is subject to an operation of law date, the

commission may, on its own motion or on the motion of any party, dispose of all or any part of a case on the pleadings whenever such disposition is not otherwise contrary to law or contrary to the public interest.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.910 and 334.920, RSMo 2000 and 334.880.1, RSMo Supp. 2001, the board amends a rule as follows:

4 CSR 255-2.050 Inactive Status **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002 (27 MoReg 780). No changes have been made to the text of 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: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850 and 334.920, RSMo 2000 and 334.870 and 334.880.2, RSMo Supp. 2001, the board amends a rule as follows:

4 CSR 255-2.060 Reinstatement **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002 (27 MoReg 780). No changes have been made to the text of 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: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 340—School Improvement and Accreditation

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.538 and 161.092, RSMo 2000, the board withdraws a rule as follows:

5 CSR 50-340.110 Policies and Standards Relating to Academically Deficient Schools **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2002 (27 MoReg 693–694). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: During the review period of the joint committee on administrative rules, issues were raised questioning if the board was lowering audit standards for academically deficient schools.
RESPONSE: As a result, the board is withdrawing this rulemaking.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission rescinds a rule as follows:

10 CSR 10-2.080 Emission of Visible Air Contaminants From Internal Combustion Engines **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2002 (27 MoReg 564). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received one (1) written comment from Ameren Services regarding this proposed rescission.

COMMENT: Ameren Services commented that they agree that this rule is obsolete and should be rescinded.
RESPONSE: The department's Air Pollution Control Program appreciates Ameren Services' support of this rule action. No changes were made as a result of this comment.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission rescinds a rule as follows:

10 CSR 10-5.180 Emission of Visible Air Contaminants From Internal Combustion Engine **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2002 (27 MoReg 564). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received one (1) written comment from Ameren Services regarding this proposed rescission.

COMMENT: Ameren Services commented that they agree that this rule is obsolete and should be rescinded.
RESPONSE: The department's Air Pollution Control Program appreciates Ameren Services' support of this rule action. No changes were made as a result of this comment.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.130 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2002 (27 MoReg 622–626). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments from the Associated General Contractors of Missouri, Inc., the Missouri Limestone Producers Association, and the St. Louis Regional Chamber and Growth Association (RCGA). The comments focused on rule support, language, clarity, addition and changes.

COMMENT: The RCGA commented that the Environmental Protection Agency (EPA) acknowledges that the federal rule needs to be revised and would require the language in 10 CSR 10-6.130 that pertains to the federal rule to be updated in the future. They encourage Missouri to participate in the federal rulemaking and to undertake a major re-write of the rule after EPA completes its work.
RESPONSE: This rule action is only updating the obsolete Pollution Standards Index (PSI) to the new Air Quality Index (AQI). It is the department's Air Pollution Control Program's intention to participate in the federal rulemaking as appropriate and to update the rule language after the federal rule update is finalized by the EPA. Therefore, no changes were made as a result of this comment.

COMMENT: The RCGA commented to eliminate the restrictions in the rule that pertain to fuel ash, sulfur content, soot blowing and boiler lancing because these restrictions are not relevant to boiler operation with modern emission controls and they do not address the emissions that should be reduced in an ozone or fine particulate alert.
RESPONSE: The department's Air Pollution Control Program does not plan to eliminate any existing restrictions until we have had an opportunity to evaluate EPA's final federal rule. The purpose of this rule amendment is only to remove the obsolete PSI and replace it with the new AQI. This comment will be considered when the rule is updated to address the upcoming federal rule revisions. Therefore, no changes were made as a result of this comment.

COMMENT: The RCGA commented that section (4) Reporting and Record Keeping should be revised to delete references to subsection (3)(C)3. and red alert plans for facilities, which are not found in the red alert section of the proposed amendment.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has reviewed the rule for correct rule references and corrected the references in subparagraph (3)(D)3.I. and section (4).

COMMENT: The RCGA commented that section (4) should be limited to major sources of criteria pollutants because the term air contaminant emissions in the rule has broader meaning than the focus of the alert plan rule, which is for criteria pollutants only.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program did not intend to broaden the scope of the alert plan rule and has added clarification language to section (4).

COMMENT: The Missouri Limestone Producers Association and Associated General Contractors of Missouri, Inc. commented that the Air Pollution Control Program cites 40 CFR 58.50 and Appendix G to part 58 as evidence supporting the need for this proposed rulemaking. 40 CFR 58.50 seems to indicate that state rules are required to be applicable only to metropolitan areas of greater than three hundred fifty thousand (350,000) population (or locations whose ambient air is directly affected by such metropolitan areas). If correct, they wonder if the Applicability section of the rule should clarify this.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees and has added language in new paragraph (3)(A)1. to read — The Air Quality Index shall be reported to the general public on a daily basis by all metropolitan statistical areas with a population exceeding three hundred fifty thousand (350,000).

COMMENT: The Missouri Limestone Producers Association commented that the Applicability section applies to all emissions from any source or from any premises. However, the General Provisions section restricts applicability to O_3, $PM_{2.5}$, PM_{10}, CO, CO_2 and NO_2. This should be clarified.
RESPONSE: The intent of the Applicability section is to establish that the rule applies to all sources of emissions including emissions that are precursors to ambient air pollutants. The General Provisions section specifies the ambient air pollutants that will be monitored and reported and what requirements may apply to the sources of the emissions. No changes were made as a result of this comment.

COMMENT: The Associated General Contractors of Missouri, Inc. commented that the Applicability section as written could apply to a single source of emissions in any area of the state. The type of controls proposed would appear to be directed toward widespread activities at multiple sites in an area rather than a single emissions source. However, the applicability indicates that a certain level of alert may be called and controls imposed based on a single emissions source. The intent should be clarified.
RESPONSE: The proposed amendment may apply to a single source or multiple sources. The Applicability section allows the director the discretion to determine the boundaries of the affected area. It is possible that a single source could cause an air pollution episode. Therefore, the proposed amendment is not specific to a single source or a group of sources. No changes were made as a result of this comment.

COMMENT: The Associated General Contractors of Missouri, Inc. and the Missouri Limestone Producers Association commented that 40 CFR part 58.50 contain no mention of a state air program's authority to control sources of emissions during any stage of alert. They question whether this is consistent with section 643.055 of the *Revised Statutes of Missouri*.
RESPONSE: As referenced in the purpose statement, CFR 58.50 is the correct reference for the amendment. It mandates the state to report to the general public through notice an air quality index in accordance with federal requirements. The purpose of this amendment is only to adopt the national reporting scheme which has replaced the old PSI. Therefore, no changes were made as a result of this comment.

COMMENT: The Associated General Contractors of Missouri, Inc. and the Missouri Limestone Producers Association commented that the higher alert stages allow quite dramatic alterations in behavior to be forced on various segments of our society. The Missouri Limestone Producers Association thinks authority for such government-mandated controls should be restricted to the Governor's Office and the Associated General Contractors of Missouri, Inc thinks authority should be cited in the rule.
RESPONSE: The department's Air Pollution Control Program is only updating the obsolete Pollution Standards Index (PSI) to the new Air Quality Index (AQI). The requirements for alert procedures and alert plans are provisions of the existing rule. The Missouri Air Conservation Commission has authority for these provisions under the Missouri Air Conservation Law. No changes were made as a result of this comment.

COMMENT: The Associated General Contractors of Missouri, Inc. and the Missouri Limestone Producers Association commented that the terms sampling station and monitoring station are used throughout the rule needs to be corrected to one or the other for rule clarity.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees and has changed sampling station to monitoring station throughout the rule for rule uniformity.

COMMENT: The Missouri Limestone Producers Association commented that section (4) Reporting and Record Keeping allows the director to require certain facilities to file alert plans for control of emissions to be used in the event of initiation of various alert stages and in so doing renders the Private Cost statement completely erroneous.
RESPONSE: The department's Air Pollution Control Program is only updating the obsolete Pollution Standards Index (PSI) to the new Air Quality Index (AQI). The requirements for alert procedures and alert plans are provisions of the existing rule. Therefore, no new requirements or costs are being imposed on private entities. No changes were made as a result of this comment.

COMMENT: The Associated General Contractors of Missouri, Inc. commented that section (4) Reporting and Record Keeping allows the director to require certain facilities to file alert plans within sixty (60) days after request by the director. Without better definition of the purposes, applicability, methods, areas, and basis for such alerts it is difficult to tell where such plans may be required, should be clarified in the rule.
RESPONSE: At this time, the department's Air Pollution Control Program is only updating the obsolete Pollution Standards Index (PSI) to the new Air Quality Index (AQI). This comment will be considered when the rule is updated to address the upcoming federal rule revisions. Therefore, no changes were made as a result of this comment.

COMMENT: The Associated General Contractors of Missouri, Inc. commented that the term area needs to be defined in the rule because of its multiple uses throughout the rule.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees. Therefore a definition for the term area has been added to section (2) Definitions to read Area—For the purpose of this rule, any or all region within the boundaries of the state of Missouri.

COMMENT: During development of the order of rulemaking, paragraph (3)(A)2. corrections were noted. Note (3) of the AQI Table was missing a close parenthesis and the word—the—should be removed from — the 40 CFR part 58.
RESPONSE AND EXPLANATION OF CHANGE: These corrections have been made in the rule language.

10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential

(2) Definitions.

(C) Area—For the purpose of this rule, any or all regions within the boundaries of the state of Missouri.

(D) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Air Pollution Alerts.

1. The Air Quality Index shall be reported to the general public on a daily basis by all metropolitan statistical areas with a population exceeding three hundred fifty thousand (350,000).

2. Alert levels are stated in terms of the Air Quality Index (AQI) as defined in 40 CFR part 58, Appendix G, for sulfur dioxide (SO_2), carbon monoxide (CO), ozone (O_3), nitrogen dioxide (NO_2) and Particulate Matter—10 Micron (PM_{10}) and 2.5 Micron ($PM_{2.5}$). Table A shows the relation of the AQI breakpoint values to equivalent concentrations of air contaminants. All concentrations are averaged over the time period indicated.

Table A

BREAKPOINT FOR THE AQI

AQI	Alert Category	Alert Color	Breakpoint Values						
			O_3 (ppm)	O_3 (ppm)	$PM_{2.5}$ ($\mu g/m^3$)	PM_{10} ($\mu g/m^3$)	CO (ppm)	SO_2 (ppm)	NO_2 (ppm)
			8-hour	1-hour(1)	24-hour	24-hour	8-hour	24-hour	24-hour
0–50	Good	Green	0.000–0.064	-----	0.0–15.4	0–54	0.0–4.4	0.000–0.034	(2)
51–100	Moderate	Yellow	0.065–0.084	-----	15.5–40.4	55–154	4.5–9.4	0.035–0.144	(2)
101–150	Unhealthy for sensitive groups	Orange	0.085–0.104	0.125–0.164	40.5–65.4	155–254	9.5–12.4	0.145–0.224	(2)
151–200	Unhealthy	Red	0.105–0.124	0.165–0.204	65.5–150.4	255–354	12.5–15.4	0.225–0.304	(2)
201–300	Very Unhealthy	Purple	0.125–0.374	0.205–0.404	150.5–250.4	355–424	15.5–30.4	0.305–0.604	0.65–1.24
301–400	Hazardous	Maroon	(3)	0.405–0.504	250.5–350.4	425–504	30.5–40.4	0.605–0.804	1.25–1.64
401–500	Hazardous	Maroon	(3)	0.505–0.604	350.5–500.4	505–604	40.5–50.4	0.805–1.004	1.65–2.04

(1) Areas are generally required to report the AQI based on eight (8)-hour ozone values. However, there are a small number of areas where an AQI based on one (1)-hour ozone values would be more precautionary. In these cases, in addition to calculating the eight (8)-hour ozone index value, the one (1)-hour ozone index value may be calculated, and the maximum of the two (2) values reported.

(2) NO_2 has no short-term National Ambient Air Quality Standard and can generate an AQI value only above two hundred (200).

(3) Eight (8)-hour O_3 values do not define higher AQI values (greater than or equal to three hundred one (301)). AQI values of three hundred one (301) or higher are calculated with one (1)-hour O_3 concentrations.

3. Alert types and levels of initiation.

A. Orange alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of one hundred one to one hundred fifty (101–150) shall initiate the orange alert.

B. Red alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of one hundred fifty-one to two hundred (151–200) shall initiate the red alert.

C. Purple alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of two hundred one to three hundred (201–300) shall initiate the purple alert.

D. Maroon emergency alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of three hundred one to five hundred (301–500) shall initiate the maroon emergency alert.

4. Declaration of alerts. An orange alert, red alert, purple alert or maroon emergency alert may be declared on the basis of deteriorating air quality alone; an Air Stagnation Advisory need not be in effect. The appropriate episode status should be declared by the director as ambient monitoring would indicate.

5. Termination of alerts. When, in the judgment of the director, meteorological conditions and pollutant concentrations warrant discontinuance of any alert condition, the director shall notify the technical staff, the chairman and members of the Missouri Air Conservation Commission that the alert has been discontinued and issue a public notice to that effect.

(B) Orange Alert.

1. Orange alert procedures shall be initiated by the director if the following conditions are met:

A. An Air Stagnation Advisory is in effect;

B. The orange alert AQI value is equaled or exceeded at any one (1) monitoring station within the affected area, unless there is a current forecast of meteorological improvement within the next twenty-four (24) hours; and

C. Meteorological conditions are such that the pollutant concentrations can be expected to remain or reoccur at the previously mentioned levels during the next twenty-four (24) or more hours or increase unless control actions are taken.

2. The following are orange alert procedures. The general public shall be informed through the news media that an orange alert exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiated the alert and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions.

(C) Red Alert.

1. Red alert procedures shall be initiated by the director if the following conditions are met:

A. An Air Stagnation Advisory is in effect;

B. The red alert AQI value is equaled or exceeded at any one (1) monitoring station within the affected area, unless there is a current forecast of meteorological improvement within the next twenty-four (24) hours; and

C. Meteorological conditions are such that the pollutant concentrations can be expected to remain or reoccur at the previously mentioned levels during the next twenty-four (24) or more hours or increase unless control actions are taken.

2. The following are red alert procedures:

A. All affected governmental control agencies shall be notified that red alert conditions exist and that coordination of action is required;

B. All hospitals within the affected area shall be notified that red alert conditions exist;

C. The frequency of air monitoring shall be increased at all monitoring stations which are not continuous at intervals not exceeding one (1) hour, with continual hourly review at a central control location, if this equipment is available and it is deemed necessary by the director;

D. The general public shall be informed through the news media that a red alert exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiated the alert, individual abatement actions which will help alleviate the problem, and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions;

E. The director shall request very emphatically through the news media that all unnecessary use of automobiles be restricted and that all entertainment functions and facilities be closed; and

F. No open burning will be allowed anywhere within the affected area.

(D) Purple Alert.

1. Purple alert procedures shall be initiated by the director if the following conditions are met:

A. An Air Stagnation Advisory is in effect; and

B. The purple alert AQI value is equaled or exceeded at any one (1) monitoring station within the affected area.

2. The purple alert also can be initiated if—

A. The purple alert AQI value is equaled or exceeded as the arithmetic mean for twelve (12) consecutive hours and an Air Stagnation Advisory is in effect; or

B. The red alert AQI value is equaled or exceeded as the arithmetic mean for twenty-four (24) consecutive hours and a forecast of stagnation for the following twelve (12) hours is received.

3. The following are purple alert procedures:

A. All affected governmental control agencies shall be notified that purple alert conditions exist and that coordination of action is required;

B. All hospitals within the affected area shall be notified that purple alert conditions exist;

C. The frequency of air monitoring shall be increased at all monitoring stations which are not continuous at intervals not exceeding one (1) hour with continual hourly review at a central control location, if this equipment is available and it is deemed necessary by the director;

D. The general public shall be informed through the news media that a purple alert exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiate the alert, individual abatement actions which will help alleviate the problem and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions;

E. Airlines operating within the purple alert area shall be notified that those conditions exist and that a reduction of flights out of the airport may be required;

F. Nonlocal vehicular traffic may be diverted around the purple alert area depending upon which pollutant(s) caused the alert;

G. Local vehicular traffic, through the news media, shall be told to avoid certain areas and emphatically told to restrict nonessential trips;

H. All incineration and open burning shall cease throughout the area; and

I. Facilities which are sources of air contaminant emissions and are required to file approved alert plans with the director for purple alert conditions shall initiate these plans upon notification by the director (see paragraph (3)(D)4.).

4. Purple alert plan objectives. AQI breakpoints from two hundred one to three hundred (201–300).

A. Air contaminant source. Electric power generating facilities—requirements for plan.

(I) Reduction of emission by utilization of fuels having low ash and sulfur content. Soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).

(II) Reduction of emissions by diverting electric power generation to facilities outside of area for which the alert is called.

B. Air contaminant source. Process steam generating facilities—requirements for plan.

(I) Reduction of emissions by utilization of fuels having low ash and sulfur content. Soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).

(II) Reduction of steam load demands consistent with continuing the operation of the plant.

C. Air contaminant source. Manufacturing industries of the following *Standard Industrial Classification Manual* (SIC) group designations: grain industries, group 20; paper and allied products industries, group 26; chemicals and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay and concrete product industries, group 32; primary metal industries, group 33—requirements for plan.

(I) Curtailing, postponing or deferring production and allied operations. Stopping all trade waste disposal practices which emit particles, gases, vapors or malodorous substances including incineration.

(II) Reducing heat load demands for processing to a minimum.

D. Air contaminant source. Other manufacturing facilities required to submit alert plans by the director—requirements for plan.

(I) Reduction of air contaminant emissions by curtailing or deferring production and allied operations. Stoppage of all trade waste disposal practices which emit particles, gases, vapors or malodorous substances including incineration.

(II) Reduction of heat load demands for processing to a minimum.

E. Air contaminant source. Private, public and commercial refuse disposal operations—requirement for plan.

(I) Stoppage of all open burning including disposal of trees and burning at fire-fighting schools, except as required for disposal of hazardous materials or other emergency needs.

(II) Operation of incinerators shall be limited to the hours between 10:00 a.m. and 2:00 p.m.

F. Air contaminant source. Transportation—requirement for plan. The unnecessary operation of any motor vehicle should be restricted.

(E) Maroon Emergency Alert.

1. Maroon emergency alert procedures shall be initiated by the director, if the following conditions are met:

A. An Air Stagnation Advisory is in effect; and

B. The maroon emergency alert AQI value is equaled or exceeded at any one (1) monitoring station within the advisory area.

2. The maroon emergency procedures can also be initiated if—

A. The maroon emergency alert AQI value is equaled or exceeded as the arithmetic mean of twelve (12) consecutive hours and a forecast of stagnation for the following twelve (12) hours is received;

B. The purple alert AQI value is equaled or exceeded as the arithmetic mean for twenty-four (24) hours and a forecast of stagnation for the following twelve (12) hours is received; or

C. The red alert AQI value is equaled or exceeded as the arithmetic mean for thirty-six (36) hours and a forecast of stagnation for the following twelve (12) hours is received.

3. The following are maroon emergency alert procedures:

A. All affected governmental control agencies shall be notified that a maroon emergency alert exists and that coordination of action is required;

B. All hospitals within the affected area shall be notified that a maroon emergency alert exists and to be so prepared;

C. The frequency of air monitoring shall be increased at all monitoring stations which are not continuous at intervals not exceeding one-half (1/2) hour with continual half-hour review at a central control location, if this equipment is available and it is deemed necessary by the director;

D. Open burning and incineration shall cease throughout the area;

E. Facilities which are sources of air contaminant emissions and are required to have filed approved plans with the director shall initiate these plans upon notification by the director or his/her representative that air pollution emergency conditions exist (see paragraph (3)(E)4.);

F. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police;

G. All manufacturing facilities except those listed in subparagraph (3)(E)3.E. shall institute action that will result in maximum reduction of air contaminants from their operations by ceasing, curtailing or postponing operations to the extent possible without causing injury to persons or damage to equipment;

H. All airplane flights originating within the area of the maroon emergency alert shall be cancelled;

I. All places of employment described as follows immediately shall cease operation during the maroon emergency alert:

(I) Mining and quarrying;

(II) Contract construction work;

(III) Wholesale trade establishments;

(IV) Schools and libraries;

(V) Governmental agencies except those needed to administer air pollution alert program and other essential agencies determined by the director to be vital for public safety and welfare and needed to administer the provisions of this rule;

(VI) Retail trade stores except those dealing primarily in sale of food or pharmacies;

(VII) Banks, real estate agencies, insurance offices and similar business;

(VIII) Laundries, cleaners and dryers, beauty and barber shops and photographic studios;

(IX) Amusement**,** recreational, gaming and entertainment service establishments;

(X) Automobile repair and automobile service garages; and

(XI) Advertising offices, consumer credit reporting, adjustment and collection agencies, printing and duplicating services, rental agencies and commercial testing laboratories; and

J. The general public shall be informed through the news media that a maroon emergency alert exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiated the alert, individual abatement actions which will help alleviate the problem and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions.

4. Maroon emergency alert plan objectives. AQI breakpoints from three hundred one to four hundred (301–400). All purple alert plans shall be continued. In addition, the following measures shall be taken:

A. Air contaminant source. Process steam generating facilities—requirements for plan.

(I) Maximum reduction of air contaminant emissions by utilization of fuels having the lowest ash and sulfur content.

(II) Maximum utilization of periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.) for soot blowing and boiler lancing. Prepare to implement the emergency plan submitted to the director;

B. Air contaminant source. Manufacturing industries of the following SIC group designations: grain industries, group 20; paper and allied products industries, group 26; chemical and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay and concrete product industries, group 32; primary metals industries, group 33—requirements for plan.

(I) Maximum reduction of air contaminant emissions by, if necessary, postponing production and allied operations.

(II) Maximum reduction of heat load demands for processing. Prepare to implement the emergency plan submitted to the director;

C. Air contaminant source. Other manufacturing facilities required to submit alert plans by the director—requirement for plan. Maximum reduction of air contaminant emissions, if necessary, by postponing production and allied operations;

D. Air contaminant source. Private, public and commercial refuse disposal operations—requirement for plan. Stop operation of all incinerators; and

E. Air contaminant source. Transportation—requirement for plan. Car pools and public transportation must be used in place of unnecessary motor vehicle operation.

5. Maroon emergency alert plan objectives. AQI breakpoints from four hundred one to five hundred (401–500). All purple alert plans and maroon emergency alert plan from AQI breakpoints three hundred one to four hundred (301–400) shall be continued. In addition, the following measures shall be taken:

A. Air contaminant source. Process steam generating facilities—requirements for plan.

(I) Maximum reduction of air contaminant emissions by reducing heat and steam load demands to values consistent with preventing equipment damage.

(II) Maximum utilization of periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.) for soot blowing and boiler lancing;

B. Air contaminant source. Manufacturing industries of the following SIC group designations: grain industries, group 20; paper and allied products industries, group 26; chemicals and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay and concrete product industries, group 32; primary metals industries, group 33—requirement for plan. Elimination of air contaminant from the manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment;

C. Air contaminant source. Other manufacturing facilities required to submit alert plans by the director—requirements for plan.

(I) Elimination of air contaminant emissions from the manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

(II) Maximum reduction of heat load demands for processing;

D. Air contaminant source. Private, public and commercial operations—requirement for plan. The following places of employment, if notified by the director, immediately shall cease operations: mining and quarrying operations; construction projects except as required to avoid emergent physical harm; manufacturing establishments except those required to have in force an air pollution alert plan; wholesale trade establishments; governmental units, except as required to implement the provisions of this rule and other operations essential to immediate protection of the public welfare and safety; retail trade and service establishments except pharmacies, food stores and other similar operations providing for emergency needs; other commercial service operations, such as those engaged in banking, insurance, real estate, advertising, and the like; educational institutions; and amusement, recreational, gaming and entertainment facilities;

E. Air contaminant source. Transportation—requirement for plan. Motor vehicles shall only be used for private and public emergency needs.

(4) Reporting and Record Keeping. Facilities which are sources of air contaminant emissions and required to file approved alert plans per paragraphs (3)(D)4., (3)(E)4. and (3)(E)5. shall file approved purple and maroon alert plans within sixty (60) days with the director after request by the director to submit alert plans.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.220 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2002 (27 MoReg 564–565). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received two comments from three sources; one from Ameren Services, one from Associated Electric Cooperative, Inc. (AECI) and two from the Regulatory Environmental Group for Missouri (REGFORM).

COMMENT: AECI and REGFORM commented that the proposed amendment would eliminate a long-standing exemption for internal combustion engines operating in the outstate Missouri area.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program did not intend this rulemaking to impose additional requirements on any entity. Subsection (1)(A) was restored including language that preserved the exemption for internal combustion engines operated in the outstate Missouri area.

COMMENT: Ameren Services and REGFORM commented that stationary internal combustion engines in the Kansas City and St. Louis metropolitan areas were exempt to 10 CSR 10-2.080 and 10 CSR 10-5.180 and that this amendment as proposed would impose new rule requirements on these sources.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program did not intend this rulemaking to impose additional requirements on any entity. Subsection (1)(A) was restored including language that preserved the exemption for stationary internal combustion engines operated in the Kansas City and St. Louis metropolitan areas.

COMMENT: Staff noted that the rule title reference in subsection (1)(F) was incorrect.
RESPONSE AND EXPLANATION OF CHANGE: The title in subsection (1)(F) has been corrected.

10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

(1) Applicability. This rule applies to all sources of visible emissions throughout the state of Missouri with the exception of the following:

(A) Internal combustion engines operated outside the Kansas City or St. Louis metropolitan areas and stationary internal combustion engines operated in the Kansas City or St. Louis metropolitan areas;

(B) Wood burning stoves or fireplaces used for heating;

(C) Fires used for recreational or ceremonial purposes or fires used for the noncommercial preparation of food by barbecuing;

(D) Fires used solely for the purpose of fire-fighter training;

(E) Smoke generating devices when a required permit (under 10 CSR 10-6.060 or 10 CSR 10-6.065) has been issued or a written determination that a permit is not required has been obtained;

(F) The pyrolysis of wood for the production of charcoal in batch-type charcoal kilns (Emissions from batch-type charcoal kilns shall comply with the requirements of 10 CSR 10-6.330 Restriction of Emissions From Batch-Type Charcoal Kilns);

(G) Truck dumping of nonmetallic minerals into any screening operation, feed hopper or crusher;

(H) Emission sources regulated by 40 CFR part 60 and 10 CSR 10-6.070;

(I) Any open burning that is exempt from applicable open burning rules 10 CSR 10-2.100, 10 CSR 10-3.030, 10 CSR 10-4.090 and 10 CSR 10-5.070; and

(J) Incinerators used to burn refuse in the outstate area of Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 3—Records

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.847, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-3.010 Commission Records **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 865). No changes have been made in the text of 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: 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 RSMo 2000 and 208.471, RSMo Supp. 2001, the director 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 3, 2002 (27 MoReg 894–897). No changes have been made in the text of 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: 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 208.201, 208.453 and 208.455, RSMo 2000, the director amends a rule as follows:

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 898–899). No changes have been made in the text of 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000 and Supp. 2001, the board amends a rule as follows:

16 CSR 50-10.010 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 900). No changes have been made in the text of 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000 and Supp. 2001, the board amends a rule as follows:

16 CSR 50-10.030 Contributions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 900–901). No changes have been made in the text of 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000 and Supp. 2001, the board amends a rule as follows:

16 CSR 50-10.040 Accounts of Participants **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 901). No changes have been made in the text of 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000 and Supp. 2001, the board amends a rule as follows:

16 CSR 50-10.050 Distribution of Accounts **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 902–903). No changes have been made in the text of 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000 and Supp. 2001, the board amends a rule as follows:

16 CSR 50-10.070 Vesting and Service **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 903). No changes have been made in the text of 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000 and RSMo Supp. 2001, the board amends a rule as follows:

16 CSR 50-20.030 Participation in the Plan **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 903). No changes have been made in the text of 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000 and RSMo Supp. 2001, the board amends a rule as follows:

16 CSR 50-20.050 Limitations on Deferral **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 903–904). No changes have been made in the text of 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000 and RSMo Supp. 2001, the board amends a rule as follows:

16 CSR 50-20.070 Distribution of Accounts **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 904–905). No changes have been made in the text of 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000 and RSMo Supp. 2001, the board amends a rule as follows:

16 CSR 50-20.080 Death Benefits **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 905). No changes have been made in the text of 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: No comments were received.

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 AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the November 18, 2002, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

Date Filed
Project Number: Project Name
City (County)
Cost, Description

09/04/02
#3320 HS: Saint Luke's Hospital of Kansas City
Kansas City (Jackson County)
$2,310,257, Add bi-plane angiographic unit

09/06/02
#3322 HS: St. John's Mercy Medical Center
St. Louis (St. Louis County)
$2,682,897, Acquire PET/CT unit

#3295 HS: Forest Park Hospital
St. Louis (St. Louis City)
$1,685,553, Acquire magnetic resonance imaging unit

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 by October 7, 2002. 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
Donna Schuessler, 573-751-6403.

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

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for October 25, 2002. These applications are available for public inspection at the address shown below:

Date Filed
Project Number: Project Name
City (County)
Cost, Description

09/03/02
#3321 RS: The Oaks
Kansas City (Jackson County)
$200,000, Replace 36-bed residential care facility (RCF) II

09/06/02
#3319 HS: Audrain Medical Center
Mexico (Audrain County)
$1,284,735, Replace computed tomography unit

#3315 RS: New Horizons Assistance Corp.
Kansas City (Jackson County)
$10,000, Replace 18-bed RCF I

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 by October 11, 2002. 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
Donna Schuessler, 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, PO 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: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1E03054 Paper Cutter 10/1/02
B1E03038 Moveable Wall Parts 10/2/02
B3E03061 Auctioneering Services 10/2/02
B1E03061 Aircraft Maintenance 10/4/02
B3E03067 Printing-2003 Wildlife Code of Missouri 10/4/02
B2Z03000 Fleet Management System 10/7/02
B3E03057 Trash Collection Services 10/8/02
B3Z03025 Governor's Conference on Workforce Development 10/8/02
B1E03053 Poultry Diagnostic Kits 10/9/02
B1E03065 Utility Vehicles 10/9/02
B3E03071 Radio Advertising 10/9/02
B3Z03038 Women's Re-Entry Program Services 10/9/02
B1E03066 Firearms 10/11/02
B1E03068 Utility Vehicles 10/11/02
B3E03070 TV Broadcast Time-TEL-LINK 10/14/02
B1E03064 Activity Bus 10/15/02
B1E03069 Electric Utility Vehicles 10/15/02
B3Z03036 Statewide Annual Assessment of English Proficiency 10/17/02
B3Z03049 Financial Reporting Services 10/17/02

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.

1.) Trim Winders, supplied by Bell & Howell.
2.) Strobe Software Licensing Upgrade, supplied by Compuware Corporation.

James Miluski, CPPO,
Director of Purchasing

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—25 (2000), 26 (2001) and 27 (2002). 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, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189
					27 MoReg 1724
1 CSR 10-11.010	Commissioner of Administration		27 MoReg 1159	27 MoReg 1180	
1 CSR 15-2.200	Administrative Hearing Commission		27 MoReg 1093R		
1 CSR 15-2.210	Administrative Hearing Commission		27 MoReg 1093R		
1 CSR 15-2.230	Administrative Hearing Commission		27 MoReg 1093R		
1 CSR 15-2.250	Administrative Hearing Commission		27 MoReg 1094R		
1 CSR 15-2.270	Administrative Hearing Commission		27 MoReg 1094R		
1 CSR 15-2.290	Administrative Hearing Commission		27 MoReg 1094R		
1 CSR 15-2.320	Administrative Hearing Commission		27 MoReg 1095R		
1 CSR 15-2.350	Administrative Hearing Commission		27 MoReg 1095R		
1 CSR 15-2.380	Administrative Hearing Commission		27 MoReg 1095R		
1 CSR 15-2.390	Administrative Hearing Commission		27 MoReg 1095R		
1 CSR 15-2.410	Administrative Hearing Commission		27 MoReg 1096R		
1 CSR 15-2.420	Administrative Hearing Commission		27 MoReg 1096R		
1 CSR 15-2.430	Administrative Hearing Commission		27 MoReg 1096R		
1 CSR 15-2.450	Administrative Hearing Commission		27 MoReg 1097R		
1 CSR 15-2.470	Administrative Hearing Commission		27 MoReg 1097R		
1 CSR 15-2.480	Administrative Hearing Commission		27 MoReg 1097R		
1 CSR 15-2.490	Administrative Hearing Commission		27 MoReg 1097R		
1 CSR 15-2.510	Administrative Hearing Commission		27 MoReg 1098R		
1 CSR 15-2.530	Administrative Hearing Commission		27 MoReg 1098R		
1 CSR 15-2.560	Administrative Hearing Commission		27 MoReg 1098R		
1 CSR 15-2.580	Administrative Hearing Commission		27 MoReg 1099R		
1 CSR 15-3.200	Administrative Hearing Commission		27 MoReg 1099		
1 CSR 15-3.210	Administrative Hearing Commission		27 MoReg 1099		
1 CSR 15-3.250	Administrative Hearing Commission		27 MoReg 1100		
1 CSR 15-3.320	Administrative Hearing Commission		27 MoReg 1100		
1 CSR 15-3.350	Administrative Hearing Commission		27 MoReg 1101		
1 CSR 15-3.380	Administrative Hearing Commission		27 MoReg 1101		
1 CSR 15-3.390	Administrative Hearing Commission		27 MoReg 1102		
1 CSR 15-3.410	Administrative Hearing Commission		27 MoReg 1102		
1 CSR 15-3.420	Administrative Hearing Commission		27 MoReg 1103		
1 CSR 15-3.425	Administrative Hearing Commission		27 MoReg 1103		
1 CSR 15-3.430	Administrative Hearing Commission		27 MoReg 1104R		
1 CSR 15-3.440	Administrative Hearing Commission		27 MoReg 1104		
1 CSR 15-3.450	Administrative Hearing Commission		27 MoReg 1105R		
1 CSR 15-3.470	Administrative Hearing Commission		27 MoReg 1105		
1 CSR 15-3.490	Administrative Hearing Commission		27 MoReg 1106		
1 CSR 15-3.580	Administrative Hearing Commission		27 MoReg 1106		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	27 MoReg 847			
1 CSR 40-1.090	Purchasing and Materials Management		27 MoReg 1107		
	DEPARTMENT OF AGRICULTURE				
2 CSR 10-5.010	Market Development	26 MoReg 1305R			
		26 MoReg 1305			
2 CSR 30-2.010	Animal Health	26 MoReg 2257	27 MoReg 681	27 MoReg 1406	
			27 MoReg 966		
2 CSR 30-2.011	Animal Health	27 MoReg 848			
2 CSR 30-2.012	Animal Health	27 MoReg 1439			
2 CSR 30-2.020	Animal Health		27 MoReg 967		
2 CSR 30-2.040	Animal Health	26 MoReg 2257	27 MoReg 685	27 MoReg 1407	
			27 MoReg 969		
2 CSR 30-6.020	Animal Health	26 MoReg 2258	27 MoReg 688	27 MoReg 1409	
			27 MoReg 970		
2 CSR 70-13.045	Plant Industries	27 MoReg 767	27 MoReg 774		
2 CSR 70-13.050	Plant Industries	27 MoReg 767	27 MoReg 776		
2 CSR 70-40.015	Plant Industries		27 MoReg 1561R		
			27 MoReg 1561		
2 CSR 70-40.025	Plant Industries		27 MoReg 1562R		
			27 MoReg 1563		
2 CSR 70-40.040	Plant Industries		27 MoReg 1563R		
			27 MoReg 1563		
2 CSR 70-40.045	Plant Industries		27 MoReg 1564		
2 CSR 90-10.040	Weights and Measures	27 MoReg 1161			
2 CSR 90-20.040	Weights and Measures	27 MoReg 1559	27 MoReg 1564		
2 CSR 90-30.040	Weights and Measures	27 MoReg 1559	27 MoReg 1565		
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
2 CSR 110-1.010	Office of the Director	27 MoReg 1439	27 MoReg 1443		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.111	Conservation Commission		This Issue		
3 CSR 10-4.130	Conservation Commission		27 MoReg 971	27 MoReg 1478F	
3 CSR 10-4.141	Conservation Commission		27 MoReg 972	27 MoReg 1478F	
3 CSR 10-5.205	Conservation Commission		27 MoReg 972	27 MoReg 1478F	
3 CSR 10-5.215	Conservation Commission		27 MoReg 973	27 MoReg 1478F	
3 CSR 10-5.225	Conservation Commission		27 MoReg 973	27 MoReg 1478F	
3 CSR 10-5.340	Conservation Commission		27 MoReg 1182		
3 CSR 10-5.345	Conservation Commission		27 MoReg 1184		
3 CSR 10-5.350	Conservation Commission		27 MoReg 973R	27 MoReg 1479R	
3 CSR 10-5.351	Conservation Commission		27 MoReg 1186		
3 CSR 10-5.352	Conservation Commission		27 MoReg 974	27 MoReg 1479	
3 CSR 10-5.353	Conservation Commission		27 MoReg 974	27 MoReg 1479	
3 CSR 10-5.359	Conservation Commission		27 MoReg 1188		
3 CSR 10-5.360	Conservation Commission		27 MoReg 1190		
3 CSR 10-5.365	Conservation Commission		27 MoReg 1192		
3 CSR 10-5.420	Conservation Commission		27 MoReg 1194		
3 CSR 10-5.425	Conservation Commission		27 MoReg 974	27 MoReg 1479	
3 CSR 10-5.440	Conservation Commission		27 MoReg 1196		
3 CSR 10-5.445	Conservation Commission		27 MoReg 1198		
3 CSR 10-5.460	Conservation Commission		27 MoReg 974	27 MoReg 1479F	
3 CSR 10-5.465	Conservation Commission		27 MoReg 975	27 MoReg 1479F	
3 CSR 10-5.550	Conservation Commission		27 MoReg 975R	27 MoReg 1480R	
3 CSR 10-5.551	Conservation Commission		27 MoReg 975	27 MoReg 1480	
3 CSR 10-5.552	Conservation Commission		27 MoReg 976	27 MoReg 1480	
3 CSR 10-5.553	Conservation Commission		27 MoReg 976	27 MoReg 1480	
3 CSR 10-5.559	Conservation Commission		27 MoReg 976	27 MoReg 1480	
3 CSR 10-5.575	Conservation Commission		27 MoReg 976R	27 MoReg 1480R	
3 CSR 10-5.576	Conservation Commission		27 MoReg 977	27 MoReg 1481	
3 CSR 10-5.577	Conservation Commission		27 MoReg 977	27 MoReg 1481	
3 CSR 10-5.578	Conservation Commission		27 MoReg 977	27 MoReg 1481	
3 CSR 10-6.405	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.410	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.415	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.505	Conservation Commission		27 MoReg 1444		
3 CSR 10-6.525	Conservation Commission		27 MoReg 1319		
3 CSR 10-6.540	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-6.550	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-6.605	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-7.410	Conservation Commission		27 MoReg 980	27 MoReg 1482F	
3 CSR 10-7.440	Conservation Commission		N.A.	27 MoReg 1410	
			N.A.	This Issue	
3 CSR 10-7.435	Conservation Commission		27 MoReg 1319		
3 CSR 10-7.455	Conservation Commission		27 MoReg 980	27 MoReg 1482F	
3 CSR 10-8.510	Conservation Commission		27 MoReg 981	27 MoReg 1482F	
3 CSR 10-8.515	Conservation Commission		27 MoReg 981	27 MoReg 1483F	
3 CSR 10-9.106	Conservation Commission		27 MoReg 982	27 MoReg 1483F	
3 CSR 10-9.110	Conservation Commission		27 MoReg 982	27 MoReg 1483F	
3 CSR 10-9.220	Conservation Commission		27 MoReg 983	27 MoReg 1483F	
3 CSR 10-9.351	Conservation Commission		27 MoReg 986	27 MoReg 1483F	
3 CSR 10-9.353	Conservation Commission		27 MoReg 986	27 MoReg 1483F	
		27 MoReg 1441	27 MoReg 1445		
		27 MoReg 1441T			
3 CSR 10-9.359	Conservation Commission		27 MoReg 986	27 MoReg 1484F	
3 CSR 10-9.425	Conservation Commission		27 MoReg 987	27 MoReg 1484F	
3 CSR 10-9.442	Conservation Commission		N.A.	This Issue	
3 CSR 10-9.560	Conservation Commission		27 MoReg 987	27 MoReg 1484F	
3 CSR 10-9.565	Conservation Commission	27 MoReg 1441	27 MoReg 1448		
		27 MoReg 1441T			
3 CSR 10-9.566	Conservation Commission		This Issue		
3 CSR 10-9.570	Conservation Commission		27 MoReg 988	27 MoReg 1484F	
3 CSR 10-9.575	Conservation Commission		27 MoReg 988	27 MoReg 1484F	
3 CSR 10-9.625	Conservation Commission		27 MoReg 988	27 MoReg 1484	
3 CSR 10-9.627	Conservation Commission		This Issue		
3 CSR 10-9.628	Conservation Commission		This Issue		
3 CSR 10-9.630	Conservation Commission		27 MoReg 989R	27 MoReg 1485F	
3 CSR 10-9.645	Conservation Commission		27 MoReg 989	27 MoReg 1485F	
3 CSR 10-10.743	Conservation Commission		27 MoReg 990	27 MoReg 1485F	
3 CSR 10-11.110	Conservation Commission		27 MoReg 990	27 MoReg 1485	
3 CSR 10-11.115	Conservation Commission		27 MoReg 990	27 MoReg 1485	
3 CSR 10-11.125	Conservation Commission		27 MoReg 991	27 MoReg 1485	
3 CSR 10-11.140	Conservation Commission		27 MoReg 991	27 MoReg 1486	
3 CSR 10-11.145	Conservation Commission		27 MoReg 991	27 MoReg 1486F	
3 CSR 10-11.150	Conservation Commission		27 MoReg 1200	This Issue	
3 CSR 10-11.155	Conservation Commission		27 MoReg 992	27 MoReg 1486F	
3 CSR 10-11.160	Conservation Commission		27 MoReg 992	27 MoReg 1486F	
3 CSR 10-11.165	Conservation Commission		27 MoReg 993	27 MoReg 1486F	
3 CSR 10-11.180	Conservation Commission		27 MoReg 993	27 MoReg 1486	
			27 MoReg 1451		
3 CSR 10-11.182	Conservation Commission		27 MoReg 994	27 MoReg 1487	
			27 MoReg 1200	This Issue	
			27 MoReg 1452		
3 CSR 10-11.183	Conservation Commission		27 MoReg 995	27 MoReg 1487	
3 CSR 10-11.186	Conservation Commission		27 MoReg 995	27 MoReg 1487F	

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3 CSR 10-11.205	Conservation Commission		27 MoReg 996	27 MoReg 1487F	
3 CSR 10-11.210	Conservation Commission		27 MoReg 996	27 MoReg 1487F	
3 CSR 10-11.215	Conservation Commission		27 MoReg 997	27 MoReg 1487F	
3 CSR 10-12.110	Conservation Commission		27 MoReg 998	27 MoReg 1488F	
3 CSR 10-12.125	Conservation Commission		27 MoReg 998	27 MoReg 1488	
3 CSR 10-12.135	Conservation Commission		27 MoReg 998 27 MoReg 1453	27 MoReg 1488	
3 CSR 10-12.140	Conservation Commission		27 MoReg 998 27 MoReg 1453	27 MoReg 1488	
3 CSR 10-12.145	Conservation Commission		27 MoReg 999 27 MoReg 1454	27 MoReg 1488	
3 CSR 10-20.805	Conservation Commission		27 MoReg 1000	27 MoReg 1488	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects		27 MoReg 1251		
4 CSR 30-6.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects		27 MoReg 1255		
4 CSR 100	Division of Credit Unions				27 MoReg 1062 27 MoReg 1124 27 MoReg 1222 27 MoReg 1288 27 MoReg 1512 27 MoReg 1722
4 CSR 100-2.005	Division of Credit Unions		This Issue		
4 CSR 110-2.110	Missouri Dental Board		27 MoReg 1255R 27 MoReg 1255		
4 CSR 110-2.240	Missouri Dental Board		27 MoReg 1257		
4 CSR 140-11.010	Division of Finance		27 MoReg 459R	27 MoReg 1489W	
4 CSR 140-11.020	Division of Finance		27 MoReg 459R	27 MoReg 1489W	
4 CSR 140-11.030	Division of Finance		27 MoReg 459	27 MoReg 1489W	
4 CSR 140-11.040	Division of Finance		27 MoReg 461	27 MoReg 1489W	
4 CSR 150-2.030	State Board of Registration for the Healing Arts		27 MoReg 860	This Issue	
4 CSR 150-2.040	State Board of Registration for the Healing Arts		27 MoReg 860	This Issue	
4 CSR 150-2.060	State Board of Registration for the Healing Arts		27 MoReg 860	This Issue	
4 CSR 150-2.080	State Board of Registration for the Healing Arts		27 MoReg 776	27 MoReg 1717	
4 CSR 150-2.155	State Board of Registration for the Healing Arts		27 MoReg 861	This Issue	
4 CSR 150-3.010	State Board of Registration for the Healing Arts		27 MoReg 1257		
4 CSR 150-3.020	State Board of Registration for the Healing Arts		27 MoReg 1258		
4 CSR 150-3.080	State Board of Registration for the Healing Arts		27 MoReg 1258		
4 CSR 150-3.210	State Board of Registration for the Healing Arts		27 MoReg 1565		
4 CSR 150-4.010	State Board of Registration for the Healing Arts		27 MoReg 861	This Issue	
4 CSR 150-4.060	State Board of Registration for the Healing Arts		27 MoReg 861	This Issue	
4 CSR 150-4.220	State Board of Registration for the Healing Arts		27 MoReg 1568		
4 CSR 150-6.050	State Board of Registration for the Healing Arts		27 MoReg 862	This Issue	
4 CSR 150-6.080	State Board of Registration for the Healing Arts		27 MoReg 1570		
4 CSR 150-7.200	State Board of Registration for the Healing Arts		27 MoReg 862	This Issue	
4 CSR 150-7.320	State Board of Registration for the Healing Arts		27 MoReg 1572		
4 CSR 150-8.060	State Board of Registration for the Healing Arts		27 MoReg 862	This Issue	
4 CSR 150-8.150	State Board of Registration for the Healing Arts		27 MoReg 1574		
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists		27 MoReg 1258		
4 CSR 200-4.020	State Board of Nursing		27 MoReg 1258		
4 CSR 200-4.030	State Board of Nursing		27 MoReg 1261		
4 CSR 205-1.050	Missouri Board of Occupational Therapy		27 MoReg 1262		
4 CSR 210-2.010	State Board of Optometry		27 MoReg 1265		
4 CSR 210-2.011	State Board of Optometry		27 MoReg 1265		
4 CSR 210-2.020	State Board of Optometry		27 MoReg 1265		
4 CSR 210-2.040	State Board of Optometry		27 MoReg 1266		
4 CSR 210-2.070	State Board of Optometry		27 MoReg 1266		
4 CSR 210-2.081	State Board of Optometry		27 MoReg 1266		
4 CSR 220-2.010	State Board of Pharmacy		27 MoReg 1267		
4 CSR 220-2.025	State Board of Pharmacy		27 MoReg 1270		
4 CSR 220-2.030	State Board of Pharmacy		27 MoReg 1270		
4 CSR 220-2.050	State Board of Pharmacy		27 MoReg 1271		
4 CSR 220-2.085	State Board of Pharmacy				26 MoReg 2433
4 CSR 220-2.100	State Board of Pharmacy		27 MoReg 1271		
4 CSR 220-3.040	State Board of Pharmacy		27 MoReg 777	This Issue	
4 CSR 240-2.060	Public Service Commission		27 MoReg 1576		
4 CSR 240-2.075	Public Service Commission		27 MoReg 691	This Issue	
4 CSR 240-2.080	Public Service Commission		27 MoReg 1107		
4 CSR 240-2.115	Public Service Commission		27 MoReg 691	This Issue	
4 CSR 240-2.117	Public Service Commission		27 MoReg 692	This Issue	
4 CSR 240-2.200	Public Service Commission		27 MoReg 1578R		
4 CSR 240-3.010	Public Service Commission		27 MoReg 1578		
4 CSR 240-3.015	Public Service Commission		27 MoReg 1580		
4 CSR 240-3.020	Public Service Commission		27 MoReg 1580		
4 CSR 240-3.025	Public Service Commission		27 MoReg 1580		
4 CSR 240-3.030	Public Service Commission		27 MoReg 1581		
4 CSR 240-3.100	Public Service Commission		27 MoReg 1582		
4 CSR 240-3.105	Public Service Commission		27 MoReg 1583		
4 CSR 240-3.110	Public Service Commission		27 MoReg 1584		
4 CSR 240-3.115	Public Service Commission		27 MoReg 1584		
4 CSR 240-3.120	Public Service Commission		27 MoReg 1585		
4 CSR 240-3.125	Public Service Commission		27 MoReg 1585		
4 CSR 240-3.130	Public Service Commission		27 MoReg 1586		

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4 CSR 240-3.135	Public Service Commission		27 MoReg 1586		
4 CSR 240-3.140	Public Service Commission		27 MoReg 1587		
4 CSR 240-3.145	Public Service Commission		27 MoReg 1588		
4 CSR 240-3.150	Public Service Commission		27 MoReg 1591		
4 CSR 240-3.155	Public Service Commission		27 MoReg 1592		
4 CSR 240-3.160	Public Service Commission		27 MoReg 1593		
4 CSR 240-3.165	Public Service Commission		27 MoReg 1593		
4 CSR 240-3.175	Public Service Commission		27 MoReg 1594		
4 CSR 240-3.180	Public Service Commission		27 MoReg 1594		
4 CSR 240-3.185	Public Service Commission		27 MoReg 1595		
4 CSR 240-3.190	Public Service Commission		27 MoReg 1596		
4 CSR 240-3.200	Public Service Commission		27 MoReg 1597		
4 CSR 240-3.205	Public Service Commission		27 MoReg 1599		
4 CSR 240-3.210	Public Service Commission		27 MoReg 1600		
4 CSR 240-3.215	Public Service Commission		27 MoReg 1600		
4 CSR 240-3.220	Public Service Commission		27 MoReg 1601		
4 CSR 240-3.225	Public Service Commission		27 MoReg 1601		
4 CSR 240-3.230	Public Service Commission		27 MoReg 1602		
4 CSR 240-3.235	Public Service Commission		27 MoReg 1602		
4 CSR 240-3.240	Public Service Commission		27 MoReg 1603		
4 CSR 240-3.245	Public Service Commission		27 MoReg 1604		
4 CSR 240-3.250	Public Service Commission		27 MoReg 1604		
4 CSR 240-3.255	Public Service Commission		27 MoReg 1605		
4 CSR 240-3.260	Public Service Commission		27 MoReg 1606		
4 CSR 240-3.270	Public Service Commission		27 MoReg 1606		
4 CSR 240-3.275	Public Service Commission		27 MoReg 1607		
4 CSR 240-3.280	Public Service Commission		27 MoReg 1608		
4 CSR 240-3.285	Public Service Commission		27 MoReg 1608		
4 CSR 240-3.290	Public Service Commission		27 MoReg 1609		
4 CSR 240-3.295	Public Service Commission		27 MoReg 1609		
4 CSR 240-3.300	Public Service Commission		27 MoReg 1610		
4 CSR 240-3.305	Public Service Commission		27 MoReg 1610		
4 CSR 240-3.310	Public Service Commission		27 MoReg 1611		
4 CSR 240-3.315	Public Service Commission		27 MoReg 1611		
4 CSR 240-3.320	Public Service Commission		27 MoReg 1612		
4 CSR 240-3.325	Public Service Commission		27 MoReg 1612		
4 CSR 240-3.330	Public Service Commission		27 MoReg 1613		
4 CSR 240-3.335	Public Service Commission		27 MoReg 1614		
4 CSR 240-3.340	Public Service Commission		27 MoReg 1614		
4 CSR 240-3.400	Public Service Commission		27 MoReg 1616		
4 CSR 240-3.405	Public Service Commission		27 MoReg 1617		
4 CSR 240-3.410	Public Service Commission		27 MoReg 1617		
4 CSR 240-3.415	Public Service Commission		27 MoReg 1618		
4 CSR 240-3.420	Public Service Commission		27 MoReg 1618		
4 CSR 240-3.425	Public Service Commission		27 MoReg 1619		
4 CSR 240-3.435	Public Service Commission		27 MoReg 1620		
4 CSR 240-3.500	Public Service Commission		27 MoReg 1620		
4 CSR 240-3.505	Public Service Commission		27 MoReg 1621		
4 CSR 240-3.510	Public Service Commission		27 MoReg 1621		
4 CSR 240-3.515	Public Service Commission		27 MoReg 1622		
4 CSR 240-3.520	Public Service Commission		27 MoReg 1622		
4 CSR 240-3.525	Public Service Commission		27 MoReg 1623		
4 CSR 240-3.530	Public Service Commission		27 MoReg 1624		
4 CSR 240-3.535	Public Service Commission		27 MoReg 1624		
4 CSR 240-3.540	Public Service Commission		27 MoReg 1625		
4 CSR 240-3.545	Public Service Commission		27 MoReg 1625		
4 CSR 240-3.550	Public Service Commission		27 MoReg 1630		
4 CSR 240-3.555	Public Service Commission		27 MoReg 1631		
4 CSR 240-3.600	Public Service Commission		27 MoReg 1632		
4 CSR 240-3.605	Public Service Commission		27 MoReg 1632		
4 CSR 240-3.610	Public Service Commission		27 MoReg 1633		
4 CSR 240-3.615	Public Service Commission		27 MoReg 1633		
4 CSR 240-3.620	Public Service Commission		27 MoReg 1634		
4 CSR 240-3.625	Public Service Commission		27 MoReg 1634		
4 CSR 240-3.630	Public Service Commission		27 MoReg 1635		
4 CSR 240-3.635	Public Service Commission		27 MoReg 1636		
4 CSR 240-3.640	Public Service Commission		27 MoReg 1636		
4 CSR 240-3.645	Public Service Commission		27 MoReg 1637		
4 CSR 240-10.070	Public Service Commission		27 MoReg 1638R		
4 CSR 240-10.080	Public Service Commission		27 MoReg 1638R		
4 CSR 240-13.055	Public Service Commission	26 MoReg 2259	27 MoReg 1639		
4 CSR 240-14.040	Public Service Commission		27 MoReg 1639R		
4 CSR 240-20.010	Public Service Commission		27 MoReg 1640R		
4 CSR 240-20.030	Public Service Commission		27 MoReg 1640		
4 CSR 240-20.060	Public Service Commission		27 MoReg 1641		
4 CSR 240-20.070	Public Service Commission		27 MoReg 1644		
4 CSR 240-20.080	Public Service Commission		27 MoReg 1646R		
4 CSR 240-21.010	Public Service Commission		27 MoReg 1646R		
4 CSR 240-30.010	Public Service Commission		27 MoReg 1646R		
4 CSR 240-32.030	Public Service Commission		27 MoReg 1647R		
4 CSR 240-33.060	Public Service Commission		27 MoReg 1647		
4 CSR 240-40.010	Public Service Commission		27 MoReg 1648R		
4 CSR 240-40.040	Public Service Commission		27 MoReg 1648		
4 CSR 240-45.010	Public Service Commission		27 MoReg 1649R		
4 CSR 240-50.010	Public Service Commission		27 MoReg 1650R		

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4 CSR 240-51.010	Public Service Commission		27 MoReg 1650R		
4 CSR 240-60.030	Public Service Commission		27 MoReg 1650R		
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4 CSR 250-10.010	Missouri Real Estate Commission		27 MoReg 1274		
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4 CSR 267-5.040	Office of Tattooing, Body Piercing and Branding		27 MoReg 1681		
4 CSR 267-6.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1683		
4 CSR 267-6.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1685		
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9 CSR 30-3.132	Certification Standards		27 MoReg 620	27 MoReg 1283	
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11 CSR 75-3.040	Peace Officer Standards and Training		27 MoReg 868R	27 MoReg 1492R	
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11 CSR 75-5.010	Peace Officer Standards and Training		27 MoReg 870R	27 MoReg 1493R	
11 CSR 75-5.020	Peace Officer Standards and Training		27 MoReg 871R	27 MoReg 1493R	
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11 CSR 75-5.040	Peace Officer Standards and Training		27 MoReg 871R	27 MoReg 1494R	
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11 CSR 75-7.010	Peace Officer Standards and Training		27 MoReg 872R	27 MoReg 1494R	
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11 CSR 75-8.020	Peace Officer Standards and Training		27 MoReg 873R	27 MoReg 1495R	
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11 CSR 75-9.010	Peace Officer Standards and Training		27 MoReg 873R	27 MoReg 1495R	
11 CSR 75-9.020	Peace Officer Standards and Training		27 MoReg 874R	27 MoReg 1495R	
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11 CSR 75-10.010	Peace Officer Standards and Training		27 MoReg 874R	27 MoReg 1496R	
11 CSR 75-10.020	Peace Officer Standards and Training		27 MoReg 875R	27 MoReg 1496R	
11 CSR 75-10.030	Peace Officer Standards and Training		27 MoReg 875R	27 MoReg 1496R	
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11 CSR 75-10.080	Peace Officer Standards and Training		27 MoReg 876R	27 MoReg 1497R	
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11 CSR 75-11.010	Peace Officer Standards and Training		27 MoReg 877R	27 MoReg 1497R	
11 CSR 75-11.020	Peace Officer Standards and Training		27 MoReg 877R	27 MoReg 1497R	
11 CSR 75-11.030	Peace Officer Standards and Training		27 MoReg 877R	27 MoReg 1498R	
11 CSR 75-11.035	Peace Officer Standards and Training		27 MoReg 878R	27 MoReg 1498R	
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11 CSR 75-11.060	Peace Officer Standards and Training		27 MoReg 878R	27 MoReg 1498R	
11 CSR 75-11.070	Peace Officer Standards and Training		27 MoReg 878R	27 MoReg 1498R	
11 CSR 75-11.080	Peace Officer Standards and Training		27 MoReg 879R	27 MoReg 1498R	
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11 CSR 75-12.020	Peace Officer Standards and Training		27 MoReg 879R	27 MoReg 1499R	
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12 CSR 10-2.015	Director of Revenue		27 MoReg 707	27 MoReg 1505	
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12 CSR 10-2.175	Director of Revenue		27 MoReg 792R	27 MoReg 1505R	
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12 CSR 10-24.050	Director of Revenue		27 MoReg 1472		
12 CSR 10-24.190	Director of Revenue	27 MoReg 768	27 MoReg 795	27 MoReg 1411	
12 CSR 10-24.326	Director of Revenue	27 MoReg 768	27 MoReg 795	27 MoReg 1411	
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13 CSR 40-2.375	Division of Family Services	27 MoReg 1164	27 MoReg 1204		
13 CSR 40-30.030	Division of Family Services	27 MoReg 1164	27 MoReg 1206		
13 CSR 70-3.020	Division of Medical Services		27 MoReg 1472		
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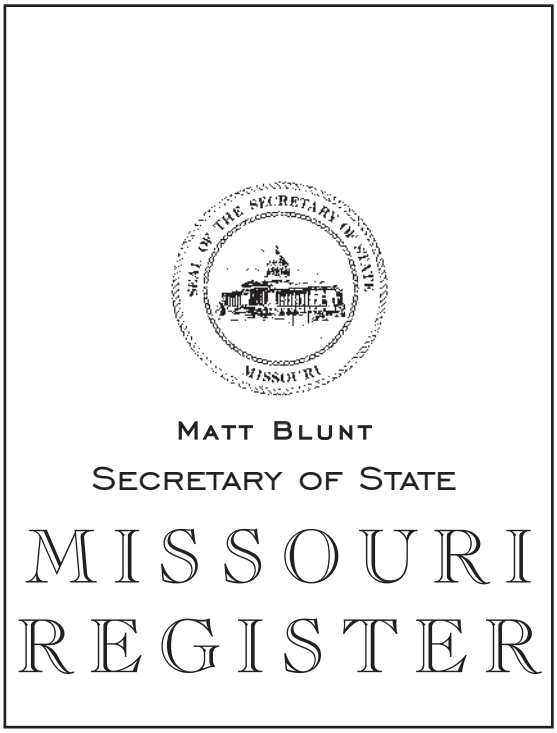

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