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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 2—Income Maintenance

EMERGENCY AMENDMENT

13 CSR 40-2.375 Medical Assistance for Families. The division is amending section (1).

PURPOSE: This amendment modifies the income limit for the Medical Assistance for Families program after June 30, 2004.

EMERGENCY STATEMENT: Missouri's economic status requires emergency measures to contain cost wherever feasible. In order to meet SFY 2005 projected revenues, the 92nd General Assembly, in House Bill 1011, approved core reductions to the Medical Assistance for Families program, totaling \$3.6 million. Beginning July 1, 2004 Medicaid coverage for Medical Assistance for Families is modified so that the income limit is reduced from seventy-seven percent (77%) of the federal poverty level to seventy-five percent (75%) of the federal poverty level. Promulgation of this emergency amendment is necessary to preserve the compelling governmental interest to achieve a balanced state budget for SFY 2005. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The

division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 7, 2004, effective July 1, 2004, and expires December 27, 2004.

(1) The income limit for persons to be eligible for the Medical Assistance for Families program established pursuant to section 208.145, RSMo is at or below [seventy-seven percent (77%)] **seventy-five percent (75%)** of the federal poverty level for the household size.

AUTHORITY: sections 207.020 and 208.145, RSMo 2000. Emergency rule filed June 7, 2002, effective July 1, 2002, expired Dec. 27, 2002. Original rule filed June 11, 2002, effective Dec 30, 2002. Emergency amendment filed June 7, 2004, effective July 1, 2004, expires Dec. 27, 2004. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

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

EMERGENCY AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA). The division is changing section (11).

PURPOSE: The emergency amendment changes section (11). This amendment will establish the Federal Reimbursement Allowance (FRA) assessment for SFY 2004 at five and thirty-two hundredths percent (5.32%).

EMERGENCY STATEMENT: The Division of Medical Services finds that this emergency amendment is necessary to preserve a compelling governmental interest of providing health care to individuals eligible for the Medicaid program. An early effective date is required in that the emergency amendment made adjustments to the Federal Reimbursement Allowance for SFY 2004 to ensure access to hospital services for indigent and Medicaid recipients at hospitals that have relied on Medicaid payments in meeting those needs. The Division of Medical Services also finds an immediate danger to public health and welfare which requires emergency actions. If this emergency amendment is not enacted, it will cause significant cash flow shortages and financial strain on all hospitals which service more than nine hundred thousand (900,000) Medicaid recipients. This will, in turn, result in an adverse impact on the health and welfare of those in need of medical care and treatment. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. The Division of Medical Services believes this emergency amendment to be fair to all interested parties under the circumstances. The emergency amendment was filed June 7, 2004, effective June 17, 2004, and expires December 13, 2004.

(11) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2004. The FRA assessment for State Fiscal Year (SFY) 2004 shall be determined at the rate of [five and twenty-three] **five and thirty-two** hundredths percent [(5.23%)] **(5.32%)** of the hospital's total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses as published by the Missouri Department of Health and Senior Services, Section of Health Statistics. The base financial data for 2000 will be annualized, if necessary, and will be adjusted by the trend factor listed in 13 CSR

70-15.010(3)(B) to determine revenues for the current state fiscal year. The financial data that is submitted by the hospitals to the Missouri Department of Health and Senior Services is required as part of 19 CSR 10-33.030 Reporting Financial Data by Hospitals. If the pertinent information is not available through the Department of Health and Senior Services' hospital database, the Division of Medical Services will use the Medicaid data similarly defined from the Medicaid cost report that is required to be submitted pursuant to 13 CSR 70-15.010(5)(A).

AUTHORITY: sections 208.201, 208.453 and 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 7, 2004, effective June 17, 2004, expires Dec. 13, 2004. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.450 Furbearers: Hunting Seasons, Methods. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies the season for prohibition of hunting with the aid of dogs.

Striped skunk, raccoon, opossum, badger, red fox, gray fox and bobcat may be taken in any numbers by hunting from November 15 through February 15. Pelts of furbearers may be possessed, transported, consigned for processing and sold only by the taker from November 15 through March 1, except that bobcats or their pelts shall be delivered by the taker to an agent of the department for reg-

istration or tagging before selling, transferring, tanning or mounting, but not later than March 1. Tagged bobcats or their pelts may be possessed and sold throughout the year. It shall be illegal to purchase or sell untagged bobcats or their pelts. Other pelts may be delivered or shipped and consigned by the taker to a licensed taxidermist or tanner before the close of the possession season for pelts. These pelts must be recorded by the taxidermist or tanner and shall not enter the raw fur market. After tanning, pelts may be possessed, bought or sold without permit. Skinned carcasses of legally taken furbearers may be sold by the taker throughout the year. Coyotes may be taken by hunting, and pelts and carcasses may be possessed, transported and sold in any numbers throughout the year; except that coyotes may not be chased, pursued or taken during daylight hours from April 1 through the day prior to the beginning of the prescribed spring turkey hunting season, and may not be chased, pursued or taken through the prescribed spring turkey hunting season, and no furbearers may be chased, pursued or taken during daylight hours with the aid of dogs from November 1 through the prescribed November portion of the firearms deer hunting season, during *[any extended]* the **antlerless-only portion of the firearms deer hunting season** in deer management units open to **deer** hunting or with firearms from a boat at night. The dens or nests of furbearers shall not be molested or destroyed. No person shall accept payment for furbearers taken by another.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1972, effective Dec. 31, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed June 4, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-11.186 Waterfowl Hunting. The commission proposes to amend section (4) of this rule.

PURPOSE: This amendment modifies provisions for waterfowl hunting on listed department areas.

(4) Waterfowl may be taken on the department areas listed below only by holders of a valid area *[d/Daily Waterfowl /h/Hunting /t/Tag* and only from a blind or in a designated area, except that hunters may retrieve dead birds and pursue and shoot downed cripples outside the designated area. Waterfowl hunters must check out immediately after the close of their hunting trip and prior to processing birds **by accurate completion and return of the Daily Waterfowl Hunting Tag to designated locations**. These department areas are closed to waterfowl hunting on December 25. *[Nonhunters] Only authorized persons are [prohibited] allowed*

within the **waterfowl** shooting areas during the waterfowl hunting season. *[unless they are members of and remain with a party authorized to use the area, except that p/Portions of these department areas may be open to fishing during all or part of the waterfowl season.*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed July 31, 2002, effective June 30, 2003. Amended: Filed May 9, 2003, effective Oct 30, 2003. Amended: Filed June 4, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.130 Fishing, General Provisions and Seasons. The commission proposes to amend section (3).

PURPOSE: This amendment prohibits fishing on St. Charles County (Quail Ridge Park Lake).

(3) Fishing is prohibited on Chillicothe R-2 School District (Litton Center Pond), Jackson County (Fleming Pond), *[and]* Mark Twain National Forest (Carmen Spring Management Area) **and St. Charles County (Quail Ridge Park Lake).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed June 4, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.140 Fishing, Daily and Possession Limits. The commission proposes to amend section (3) and add a new section (15).

PURPOSE: This amendment raises the daily limit on black bass on Lewis County Public Water Supply District #1 (Ewing Lake) and permits only catch-and-release fishing on St. Charles County (Henry's Pond).

(3) The daily and possession limit for black bass is twelve (12) in the aggregate on Cuivre River State Park (Lincoln Lake) **and Lewis County Public Water Supply District #1 (Ewing Lake).**

(15) On St. Charles County (Henry's Pond), fish must be returned to the water unharmed immediately after being caught.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed July 31, 2002, effective March 1, 2003. Amended: Filed May 9, 2003, effective Oct. 30, 2003. Amended: Filed Aug. 1, 2003, effective Nov. 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed June 4, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED RULE

3 CSR 10-12.155 Fishing, Stone Mill Spring Branch

PURPOSE: This rule establishes methods, seasons and limits for fishing within Stone Mill Spring Branch, located on U.S. Forest Service land in Pulaski County.

(1) On Stone Mill Spring Branch:

(A) Fishing is permitted on designated waters during posted hours. Not more than one (1) pole and line may be used by one (1) person at any time. Giggling, snaring, snagging, and the taking of live bait are prohibited. Flies, artificial lures, unscented soft plastic baits and natural and scented baits may be used, except in waters posted as restricted to specific baits or lures. The use of any foods to attract fish, except when placed on a hook, is prohibited.

(B) Trout fishing is permitted from March 1 through October 31. The daily limit is four (4) trout, and no person shall continue to fish for any species after having four (4) trout in possession. Fishing in the designated trout waters is permitted only by holders of a valid trout permit.

(C) Trout fishing is permitted from 8:00 a.m. to 4:00 p.m. from November 1 through the last day in February as posted. Fishing in

designated trout waters is permitted only by holders of a valid trout permit. Only flies and artificial lures may be used, and all fish must be returned to the water unharmed immediately after being caught. Fish may not be possessed on these waters.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 4, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions**

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to amend sections (38) and (46).

PURPOSE: This amendment changes the definition of nonresident landowner and resident landowner to be consistent with other portions of the *Wildlife Code*.

(38) Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) continuous tract in the state of Missouri, or any member of the immediate household whose legal residence and domicile is the same as the nonresident landowner's for at least thirty (30) days last past. *[Corporate ownerships do not apply under this definition.] In the case of corporate ownership only registered officers of corporations meet this definition.*

(46) Resident landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) continuous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. *[Except as provided in 3 CSR 10-7.435, in the case of corporate ownership, this definition shall apply only to those corporate shareholders who reside on lands held by the corporation.] In the case of corporate ownership only registered officers of corporations meet this definition.*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: March 4, 2004. Amended: Filed June 4, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 2—Licenses and Permits**

PROPOSED AMENDMENT

4 CSR 40-2.021 Permits. The office is proposing to amend sections (1) and (3).

PURPOSE: This rule is being amended to bring the regulation of wrestling in Missouri into compliance with national standards.

(1) The promoter shall obtain a separate permit for each contest from the office prior to each contest. The request for the permit must be received by the office no later than *[five (5)] ten (10)* business days before the date of a contest. The office will not approve permits for—

(A) Bouts between members of the opposite sex for **professional boxing, professional kickboxing or professional full-contact karate**; or

(3) *[The office may refuse to issue any permit because of the unavailability of an inspector, because the location of the contest is determined by the office to be inadequate or unsafe or for any other reason considered by the office not to be in the best interests of the public, contestants, promoters, officials or the sport of professional boxing, professional wrestling, professional kickboxing, or professional full-contact karate.] The office may deny an application for such a permit or grant a limited, restricted or conditional permit for any cause deemed sufficient by the office.*

AUTHORITY: sections 317.006 and 317.011.1, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Rescinded and re-adopted: Filed Nov. 15, 2001, effective May 30, 2002. Amended: Filed July 1, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Athletics, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 751-5649 or via e-mail at athletic@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 5—Inspector Duties and Rules for Professional
Boxing, Professional Wrestling, Professional Kickboxing
and Professional Full-Contact Karate**

PROPOSED AMENDMENT

4 CSR 40-5.030 Rules for Professional Wrestling. The office is proposing to delete sections (2)–(10); add a new section (2), amend and renumber the previously numbered section (11); add a new section (4); renumber the previously numbered section (12); delete section (13) and add new sections (6)–(22).

PURPOSE: This rule is being amended to bring the regulation of wrestling in Missouri into compliance with national standards.

(2) *[The referee shall score a fall against a contestant when both shoulders are pressed to the mat at the same time for three (3) seconds.] A person may not be issued a license to wrestle by the office if s/he is under sixteen (16) years of age. An applicant for a license as a wrestler must be in writing on a form furnished by the office. Any person who gives incorrect information in an application for license as a wrestler may be disciplined by the office.*

(A) A wrestler who is under the age of eighteen (18) years of age, must have a signed notarized affidavit from their legal guardian approving them to participate as a wrestling contestant.

[[3] *When any part of a contestant's body is touching the ropes or is outside the ropes or if, in the judgment of the referee, the contestant is no longer able to properly protect him/herself, the referee shall call time and the contestants at once shall release any holds and return to the center of the ring to standing positions and resume the bout.*

(4) *Should a contestant fall or be pitched or thrown outside the ring, the contestant shall be allowed twenty (20) seconds by the referee to return to the center of the ring to resume the bout. If the contestant fails to do so, s/he shall forfeit the fall. During this time, the opponent shall retire to the far corner of the ring and remain there until signaled by the referee to resume the bout.*

(5) *Contestants must wear proper athletic attire, approved by the referee. Shoes must be of soft sole and laced with eyelets only.*

(6) *The use of grease, ointments, strong smelling liniments, drugs, liquids or powders during a bout is prohibited. Contestants shall have their fingernails trimmed closely.*

(7) *No form of full strangle hold shall be permitted.*

(8) *No contestant shall take anything into the ring with him/her or pick up anything thrown into the ring to be used in any way to gain an advantage over an opponent.*

(9) *No wrestling contestant may deliberately lacerate oneself or one's opponent or by other means introduce human blood into the ring. The use of animal blood is prohibited.*

(10) *Tag team wrestling is a bout between two (2) teams of two (2) wrestlers per team with a maximum of sixty (60)-minute time limit for either one (1) fall or best two (2)-out-of-three (3) falls, with two (2) minutes rest between team falls. Team falls occur only when either contestant from one (1) team has lost a fall. The bout shall commence between one (1) contestant from each opposing team while the contestant's respective partners remain on the apron of the ring outside the ropes and unable to enter the ring unless a contestant's partner is defeated or is able to touch the outside team member's hand. The outside partner must hold a three foot (3') double rope with a knot in one (1) end and the other end looped over the ring post of his/her team's corner.*

At tag contact between partners, the contestant outside the ropes must have both feet on the apron floor and can reach only over the top rope to make contact. The referee must see to it that the wrestler in the ring, after tagging his/her partner, retires to the outside of the ring as the partner enters the ring. No more than two (2) wrestlers are permitted in the ring at the same time during the bout. When a fall occurs, team partners may relieve each other. If a wrestler is unable to continue, the partner must carry on alone. Time-out must be taken after an injury to permit the injured contestant to be removed from the ring. If neither team has won two (2) falls at the expiration of the time limit, the team having one (1) fall to its credit is to be declared the winner. If no falls are scored, the bout shall be declared a draw. It shall be a foul for a contestant, while waiting his/her turn, to release hold on the corner rope for any reason until officially tagged by his/her partner or called by the referee. After one (1) warning of infractions, the referee shall disqualify the offender. In all other instances the rules governing wrestling contests shall prevail.]

[[11]] (3) Any wrestler applying for a license or renewal first must be examined by a physician licensed *[under Chapter 334, RSMo or a physician holding]* with the designation of "medical doctor" or "doctor of osteopathy" to establish physical fitness. The office may order the examination of any wrestler at any time to determine whether the wrestler is fit and qualified to engage in further contests. **The professional wrestler must successfully complete an annual physical examination by a physician of the wrestler's choice within thirty (30) days of application for initial licensure and within thirty (30) days of application for license renewal, the office may increase the thirty (30)-day limit under special circumstances approved by the office.**

(4) **The office may require a contestant to undergo a drug test. All fees involved with drug tests are the responsibility of the promoter or contestant. A positive reading may result in the suspension or discipline of a license.**

[[12]] (5) The referee **and/or the office** shall decide all questions arising out of a contest not specifically covered by the statutes and these rules. In all other respects, wrestling shall be subject to the statutes and rules governing this sport.

[[13] *The office may require a contestant to undergo a drug test. All fees involved with drug tests are the responsibility of the promoter or contestant. A positive reading may result in the suspension or discipline of a license.]*

(6) **Wrestlers shall appear at the location of the event at least one (1) hour before the scheduled contest begins.**

(7) **Wrestler's Equipment.**

(A) A wrestler shall be clothed in clean apparel.

(B) A wrestler may wear two (2) pair of trunks, one (1) over the other.

(C) If a wrestler wears shoes, they shall be fitted with soft tops, soft smooth soles, soft laces and equipped with eyelets only.

(D) A wrestler may not have any grease, lotion, or foreign substances on the body.

(8) **Contestants shall have their fingernails trimmed closely.**

(9) **Ring Barrier.**

(A) A ring shall be enclosed within a barrier which shall be erected between the ring and the seating area in the arena.

(B) The barrier shall be at least:

1. Six feet (6') away from the ring; and

2. Four feet (4') away from the first row of the seating area.

(C) The ring barrier shall conform to the following requirements:

1. Be constructed of metal or other shatterproof material;
2. Be designed to prevent a wrestler from exiting through the barrier into the seating area during a contest;
3. Be built to a height of at least forty-two inches (42") from the floor of the arena; and
4. Be stable.

(D) The ring barrier shall be approved by the office or the office's representative before its use during a contest.

(10) Time Limits.

(A) A wrestling match shall have a maximum time limit of sixty (60) minutes.

(B) The office may authorize any other time limit.

(11) A timekeeper shall begin the beginning of the time limit of a contest upon the referee's signal and shall sound the bell at the referee's command.

(12) Conduct of Wrestling Contest.

(A) A wrestling contest shall be determined by:

1. One (1) fall; or
2. Two (2) out of three (3) falls.

(13) Scoring a Fall.

(A) A fall is scored by a wrestler when the wrestler's opponent has both shoulders touching the mat for a count of three (3) seconds.

(B) The referee shall signal the wrestler scoring a fall by immediately slapping the mat.

(14) Breaking.

(A) A wrestler:

1. Shall break a hold when instructed by the referee;
2. Failing to break upon instruction by the referee, the offending contestant shall be given a count of ten (10) to release the hold; and
3. Failing to release the hold after the count of ten (10), the offending contestant shall be disqualified and the opponent shall be awarded the match by the referee.

(15) When any part of a contestant's body is touching the ropes or is outside the ropes or if, in the judgment of the referee, the contestant is no longer able to properly protect him/herself, the referee shall call time and the contestants at once shall release any holds and return to the center of the ring to standing positions and resume the bout.

(16) Prohibited Activities.

(A) The following actions are prohibited:

1. Inhibiting breathing by covering the nose and mouth at the same time; and
2. Unsportsmanlike or physically dangerous conduct.

(B) A wrestler continuing to engage in prohibited activities after sufficient warning may be disqualified by the referee.

(17) Refusal or Inability to Continue.

(A) If a wrestler refuses or is physically unable to continue a match, the match shall be ended and the decision awarded to the wrestler's opponent.

(18) Tag Team Wrestling.

(A) "Tag Team Wrestling" means a contest between two (2) teams each composed of two (2) or more wrestlers.

(B) The time limit for this type of contest shall be a maximum of sixty (60) minutes.

(C) A team shall be awarded a fall when a member of the team scores a fall against a member of the opposing team.

(D) A two (2)-minute rest period may be permitted between falls.

(E) A tag team contest shall be conducted as follows:

1. The contest shall begin with one (1) wrestler from each team inside the ring while the respective partners remain outside the ring on the apron;

2. The wrestler(s) outside the ring may not enter the ring unless a fall is scored or his/her partner has tagged his/her hand;

3. In order to be eligible to receive a tag, the wrestler's partner shall be outside the ring on the apron in the proper corner with both feet on the ring apron and only receive the tag over the top ring rope;

4. When the tag is made, the wrestler making the tag shall leave the ring as the partner enters the ring;

5. Only two (2) wrestlers from opposing teams shall be permitted to be in the ring at any one (1) time;

6. After the scoring of a fall a wrestler may relieve the partner;

7. If a wrestler is unable to continue, the wrestler's partner shall continue the contest alone;

8. The referee may call time after an injury to permit the injured wrestler to be removed from the ring; and

9. Release the rope provided in the team corner until officially tagged by the partner.

(19) The referee shall warn a team of any prohibited conduct and may disqualify a team for persisting in prohibited conduct after a warning.

(20) A wrestler may have a second who:

(A) Shall remain in the wrestler's corner outside the ring enclosure; and

(B) The referee may immediately eject from the ring area any second engaging in prohibited activities after sufficient warning.

(21) Referee.

(A) The referee shall have the authority to conduct the contest and enforce the regulations of the office;

(B) The referee's decision on any matter, whether arising under these regulations or not, shall be final; and

(C) Referees assigned to officiate a contest shall:

1. Be properly attired thirty (30) minutes before the scheduled time of the opening contest; and

2. Remain attired and available until all matches have been concluded.

(22) Responsibility of Promoter.

(A) A promoter shall be responsible to the office for the conduct of its representatives and employees, including officials and contestants affiliated with the event.

(B) The promoter shall be responsible for conducting the wrestling contest in a safe, peaceable, and orderly fashion.

(C) Violation of the office's regulations by a representative or employee of the promoter, including officials and contestants affiliated with the event, may be grounds for disciplinary action against the promoter.

AUTHORITY: sections 317.006 and 317.015, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Rescinded and readopted: Filed Nov. 15, 2001, effective May 30, 2002. Amended: Filed July 1, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Athletics, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 751-5649 or via e-mail at athletic@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

PROPOSED AMENDMENT

9 CSR 30-3.201 Substance Abuse Traffic Offender Programs. The department proposes to amend subsection (4)(F).

PURPOSE: The Department of Mental Health wants to codify the required hours for the Clinical Intervention Program. This is the current general practice for the department.

(4) Types of Programs. The department shall recognize and certify the following types of Substance Abuse Traffic Offender Programs:

(F) Clinical Intervention Programs (CIP) which provide intervention, education, and long-term counseling for offenders who are identified through the assessment screening process as having alcohol and/or other substance abuse problems and who are not eligible for traditional residential treatment or traditional intensive outpatient services. A Clinical Intervention Program shall provide fifty (50) hours of therapeutic activity for each offender including **two (2) hours of the Initial Standardized Assessment Protocol, eight (8) hours of individual counseling, twenty (20) hours of group counseling and twenty (20) hours of group education.** [t]Ten (10) of the required fifty (50) hours [designed to] must specifically address the issue of drinking and driving; and

AUTHORITY: sections 302.540, 577.049, 577.520, RSMo Supp. 2003 and 577.001, 577.525, 630.050, 630.053, 630.655 and 631.010, RSMo 2000. This rule was originally filed as 9 CSR 30-3.700. Emergency rule filed April 22, 1983, effective May 2, 1983, expired Aug. 11, 1983. Original rule filed May 13, 1983, effective Sept. 11, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed June 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Rosie Anderson-Harper, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

PROPOSED AMENDMENT

9 CSR 30-3.202 SATOP Administration and Service Documentation. The department proposes to correct the rule number and amend sections (1), (9), and (15).

PURPOSE: This amendment corrects a typographical error in the rule number. The amendment establishes administrative procedures and practices in the operation of Substance Abuse Traffic Offender Programs. The amendment clarifies that if an administrator is also performing QI or QSAP services, they must be certified and not just "meet" the criteria which does not equate to holding the credential. The qualified professional term was changed to qualified substance abuse professional to be consistent with language and definitions in other sections of the department standards. The Safe and Sober Screening Manual was incorporated into the SATOP Manual.

(1) Program Administrator. An administrator shall be identified for the program.

(B) The administrator [should] **must** be knowledgeable in the areas of fiscal management, program operation, course-scheduling and court referral procedures.

(C) All administrators making application for program certification must meet the educational and experiential requirements as either a qualified instructor or a qualified **substance abuse** professional and must have attended approved Substance Abuse Traffic Offender Program (SATOP) administrator training. **In the event an administrator is also performing the duties of a Qualified Instructor (QI) or Qualified Substance Abuse Professional (QSAP), certification at the appropriate level is required.**

(9) Assessment Recommendation. The program shall have written policies and procedures which stipulate the methods of individualized assessment and the conditions under which referrals are made for further services. The written policies and procedures must follow the guidelines outlined in the current edition of the [Safe and Sober Screening] SATOP Manual and incorporated herein by reference. The written policies and procedures shall address the client's right to a second opinion and procedures for judicial review, if necessary.

(15) Content of Client Records. Each client record shall include:

(F) Documentation of an individualized assessment screening, where required. The documentation shall include the name of the qualified **substance abuse** professional, date, amount of time spent, summary of the screening instrument results which includes a substance use history, summary of findings, recommendation and student's response to the recommendation;

AUTHORITY: sections 302.304, 302.540, 577.049, and 577.520, RSMo Supp. 2003 and 577.001, 577.525, 630.050, 630.053, 630.655 and 631.010, RSMo 2000. This rule was originally filed as 9 CSR 30-3.730. Original rule filed Nov. 2, 1987, effective May 15, 1988. For intervening history, please consult the Code of State Regulations. Amended: Filed June 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Rosie Anderson-Harper, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

PROPOSED AMENDMENT

9 CSR 30-3.204 SATOP Personnel. The department proposes to amend section (1), to remove section (6), and to remove the forms which follow the rule in the *Code of State Regulations*.

PURPOSE: The purpose of this amendment is to provide clarification regarding the definitions for persons seeking *Qualified Substance Abuse Professional* and *Qualified Instructor* status. It was unclear to applicants if the three (3) additional criteria for a *Qualified Instructor* related to the applicant with the bachelor's degree, the *Registered Alcohol and Substance Abuse Counselor II* or both. This amendment removes reference to and actual copy of the Form number MO 650-2934.

(1) Qualifications of Staff. The program shall have qualified staff.
(C) A qualified instructor is a graduate of an accredited college or university with a bachelor's degree in counseling, criminal justice, education, psychology, social work or closely related field [or a person designated as a *Registered Alcohol and Substance Abuse Counselor (RASACII)* by the *Missouri Substance Abuse Counselors Certification Board, Inc.*] who is knowledgeable about substance abuse, as evidenced by [either]—

1. Nine (9) semester hours directly related to substance abuse;
- or
2. One hundred forty-four (144) contact hours of continuing education directly related to substance abuse; or
3. One (1) year of full-time paid employment experience in the prevention, treatment or rehabilitation of substance abuse. Applicability of full-time experience shall be defined in the *SATOP Personnel Training and Certification Information Guide*.

(D) A person designated as a Registered Alcohol and Substance Abuse Counselor II (RASAC II) by the Missouri Substance Abuse Counselors' Certification Board, Inc. may be granted qualified instructor status.

[(D)] (E) Staff who conduct education and assessment must—

1. Not have had a suspension or revocation of their drivers' licenses within the preceding two (2) years;
2. Not have received a citation or have been charged with any state or municipal alcohol- or drug-related offense within the preceding two (2) years, except when found not guilty in a court of competent jurisdiction;
3. Not have allowed the use of alcohol or other drugs to interfere with the conduct of their SATOP duties;
4. Successfully complete SATOP training offered or approved by the division;
5. Meet criminal record review requirements specified in 9 CSR 10-5.190; and
6. Be certified by the division prior to their employment as meeting requirements as a qualified instructor or qualified substance abuse professional.

[(6) Form number MO 650-2934 is included herein.]

AUTHORITY: sections 302.540, 577.049, 577.520, *RSMo Supp. 2003* and 577.001, 577.525, 630.050, 630.053, 630.655 and 631.010, *RSMo 2000*. This rule originally filed as 9 CSR 30-3.750. Original rule filed Nov. 2, 1987, effective May 15, 1988. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Rosie Anderson-Harper, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

PROPOSED AMENDMENT

9 CSR 30-3.206 SATOP Program Structure. The department proposes to amend existing sections (9), (10), (11), (15), (16) and (20); to add a new section (10) and to renumber the remaining sections accordingly; and to remove section (32) and the forms which follow the rule in the *Code of State Regulations*.

PURPOSE: This rule establishes basic requirements and structure for Substance Abuse Traffic Offender Programs including the assessment and referral process. The first change clarifies and reduces the requirements for comparable programs. The Department of Mental Health does not want programs charging consumers "administrative fees" that are not standardized. This amendment will allow standardized fees, uses more professional language, and will allow the department the ability to enforce requirements for audiovisual equipment. This amendment deletes the reference to and the actual forms entitled A-3, B-3 and C-2 as the department no longer uses paper forms.

(9) Criteria for [Successful Completion of Treatment.] **Comparable Programs for Persons Domiciled in Missouri. Persons domiciled in Missouri must complete a Missouri SATOP or Missouri comparable program.** When the assessment screening process indicates and if the person is eligible, a certified or recognized accredited alcohol and drug treatment and rehabilitation program/s) may [also] provide services for [prior and persistent] offenders. [In addition, such persons, including first offenders complete certified rehabilitation programs after being charged or adjudicated for their DWI offense but prior to their Offender Management Unit (OMU) screening process, may substitute participation in these rehabilitation programs under certain conditions.] In order to be recognized by SATOP as [successfully completing treatment] **minimally complying with SATOP requirements**, the offender must have written verification from a certified or recognized accredited treatment and rehabilitation program that he or she has [–] **participated in and successfully completed a minimum of one hundred twenty (120) hours of treatment during a period of no less than thirty (30) calendar days. Documentation of completion of a comparable program must be documented by the provider of treatment services on the department approved form. Services shall include the following:**

[(A) Participated as scheduled in treatment services on a residential and/or outpatient basis for a period of at least ninety (90) calendar days;

(B) Substantially achieved personal recovery goals;

(C) Met any other program requirements for successful completion of treatment. Those persons presenting substance dependence with a history of multiple offenses must participate in one hundred sixty (160) hours of services during the treatment episode.]

(A) A minimum of forty (40) hours of individual and/or group counseling; and

(B) The remaining hours must include any combination of the following: driver related education, individual counseling, group education, group counseling, and family therapy.

[(D)] (C) Individuals who complete approved programs at recognized treatment and rehabilitation programs may present documentation of such completion to an OMU. A subsequent SATOP screening is not required. The OMU will complete the Notice of Offender Assignment, Notice of Offender Compliance and SATOP Completion Certificate for those individuals. A supplemental fee must be collected for these individuals.

[(E)] (D) Individuals who complete approved programs outside of the state of Missouri may submit a SATOP Comparable Program Completion Form to the Department of Mental Health. Upon approval of the program, notification will be provided to the Department of Revenue that the program has met SATOP requirements for license reinstatement.

(10) Criteria for Comparable Programs for Persons Domiciled Outside of Missouri. When the assessment screening process indicates and if the person is eligible, a certified or recognized accredited alcohol and drug treatment and rehabilitation program may provide services for offenders. In order to be recognized by SATOP as minimally complying with SATOP requirements, the offender must have written verification from a certified or recognized accredited program that an assessment was conducted and the offender participated in and successfully completed the recommended level of service that would satisfy the requirements of that state or jurisdiction for a person convicted of a substance abuse traffic offense in that state or jurisdiction.

[(10)] (11) Cost of Treatment. The client, including those participating in comparable programs, shall be responsible for all costs related to the completion of the treatment and rehabilitation programs referenced in or required by this rule.

(A) All clients shall be required to pay an initial base amount determined by the department before applying the department's Standard Means Test in accordance with 9 CSR 10-1.016.

(B) The client shall be responsible for all costs related to treatment which are not reimbursed through a third-party payer or the department's Standards Means Test process.

(C) Programs may develop long-term payment plans to reasonably assist the client in paying off any outstanding balances.

[(11)] (12) Cost of SATOP. The cost for SATOP program shall be determined and approved by the department and shall be paid by the client and shall cover the cost of the program. **Programs may not charge clients fees which are not specifically outlined in the agreement or contract with the department unless prior authorization is granted.**

[(12)] (13) Hours of Participation. The OEP/ADEP program shall provide at least ten (10) hours of education. The WIP program shall provide at least twenty (20) hours of education and intervention services.

[(13)] (14) Curriculum Guides. The OEP program shall be conducted in accordance with the current edition of the *OEP Missouri Curriculum Guide*. The ADEP program shall be conducted in accordance with the current edition of the *ADEP Missouri Curriculum Guide*. The WIP program shall be conducted in accordance with the current edition of the *WIP Missouri Curriculum Guide*. A program must specifically request and obtain approval from the division before deviating in any manner from the content and methods in the applicable *Missouri Curriculum Guide* as incorporated herein by reference.

[(14)] (15) Meals and Breaks. Ample time shall be provided for breaks and meals, where appropriate.

(A) No class shall continue for more than two (2) hours without a break.

(B) The time for breaks shall not be counted toward the required hours of education.

(C) Break time should not exceed more than five (5) minutes per classroom hour of education.

(D) Break time should not be used at the beginning or the end of the classroom session.

[(15)] (16) Length of Educational Sessions. The OEP/ADEP education component shall be conducted in at least two (2) calendar days.

(A) No OEP/ADEP session shall last more than six (6) hours, not [counting] including breaks.

(B) No session may begin before 8:00 a.m. or end after 11:00 p.m.

[(16)] (17) Use of Instructional Aids. Instructional aids shall be utilized.

(A) Aids may include, but are not limited to, films, videotapes, worksheets and informational handouts.

(B) Films and videotapes shall not comprise more than twenty percent (20%) of the educational component. Audiovisual instructional aids [should] must—

1. Produce a clear image when projected on a clear surface;
2. Utilize a television monitor at least twenty-five inches (25") in diameter;
3. Utilize high quality videotapes or films; and
4. Allow all participants to have an unobstructed view.

[(17)] (18) Guest Speakers. Use of guest speakers shall not comprise more than twenty percent (20%) of the educational component.

[(18)] (19) Maximum Number of Persons in Educational Sessions. Program size shall provide an opportunity for client participation.

(A) It shall be usual and customary practice for each OEP/ADEP educational session to have no more than thirty (30) clients in order to promote discussion and participation.

(B) Parents, guardians or significant others who may attend a session or part of a session are not included in the figure of thirty (30) clients.

[(19)] (20) Criteria for Successful Completion of SATOP Programs. Successful completion requires that the client shall—

- (A) Be free of the influence of mood-altering substances at every session;
- (B) Attend all sessions on time;
- (C) Attend sessions in their proper sequence unless the instructor approves an alternate sequence;
- (D) Complete all assignments and cooperatively participate in all class activities;
- (E) Pay all fees; and
- (F) Complete and sign all required forms.

[(20)] (21) WIP Requirements. In addition to the basic requirements for OEP/ADEP programs, WIP programs shall—

- (A) Be conducted in accordance with the applicable *Missouri Curriculum Guide* for WIP;
- (B) Be conducted in a supervised environment approved by the division during a forty-eight (48)-hour weekend;
- (C) Provide a minimum of twenty (20) hours of education and intervention;
- (D) Provide meals and appropriate sleeping arrangements.

1. Sleeping arrangements should not exceed four (4) persons per room. Waivers for sleeping arrangements may be granted in some instances for programs operated through correctional or detention facilities;

2. Agencies must provide documentation that individuals preparing or handling meals for the Weekend Intervention Program meet state, county, or city regulations related to the handling of food;

(E) Conduct small group breakout discussion and intervention sessions which shall be facilitated by at least one (1) qualified **substance abuse** professional per twelve (12) clients. In the event two (2) professional staff co-facilitate a small group, one (1) of the staff may be a qualified instructor or an associate counselor if the group size does not exceed twenty-four (24) clients;

(F) Not exceed thirty (30) clients per staff member in large group education lectures and films;

(G) Conduct a medical screening on each participant using the DMH 8618 Non-Emergency Medical Evaluation Checklist; and

(H) Complete a comprehensive assessment on each participant including a legal, social, occupational, physical, psychological, financial, and alcohol/drug problem assessment.

[[21]] (22) WIP Drug Testing. WIP programs may use breath or urine testing when alcohol or other drug usage is suspected, but cannot otherwise be verified, during the course of the WIP weekend. A written report of the incident shall be made by the WIP staff and reviewed by the WIP program director who will make the final decision as to the client suitability for continuation in the program. Random breath or urine testing shall not be used.

[[22]] (23) WIP Cost. The cost of the WIP program may be partially offset for some clients by the department, provided funds are available and the person is in need of assistance by meeting the eligibility criteria based on the department's Standard Means Test. These offenders shall be required to pay the basic cost of SATOP in addition to any partial offset towards the cost of the WIP program.

[[23]] (24) Review and Approval of Costs. The cost for all SATOP programs approved by the department shall be periodically reviewed and adjusted, if necessary, based on the best interests of clients, society and the programs.

[[24]] (25) Certification of SATOP Training Programs. The department shall certify regional training programs. A certified training program must:

(A) Provide all of the basic core functions of SATOP;

(B) Develop an individualized training plan for each person in training;

(C) Assign a trainer to each person in training;

(D) Provide the opportunity for direct program observation of each program activity by each person in training; and

(E) Maintain full compliance with certification standards.

[[25]] (26) Training Content. Training shall include, but not be limited to, the following:

(A) Review of certification standards;

(B) Basic agency management;

(C) Characteristics of DWI offenders;

(D) Assessment procedures including the individualized interview and use of the screening instruments;

(E) The principles and techniques of classroom management;

(F) The principles and techniques of adult learning;

(G) Orientation to the appropriate curriculum guide;

(H) Review of the referral process and treatment resources;

(I) SATOP personnel requirements; and

(J) Professional ethics.

[[26]] (27) Program Observation Required. Training shall include direct observation of a program conducted by a qualified trainer at a certified training program. The term qualified trainer is used to describe a qualified substance abuse professional who has experience in providing two hundred forty (240) hours of ADEP, OEP or WIP.

[[27]] (28) Written Examination. Certified staff shall complete a written examination and demonstrate the knowledge necessary to conduct the Alcohol and Drug Education Program (ADEP) or the appropriate Substance Abuse Traffic Offender Program (SATOP).

[[28]] (29) Cost of Training. The cost of training shall be determined and approved by the department. For each trainee who successfully completes the applicable training requirements, including payment of training cost, the training program shall notify the department within ten (10) days of the successful completion.

[[29]] (30) Availability of Training. Training must be accessible to all trainees on a regular and ongoing basis. The training program shall have the capability to admit each applicant within thirty (30) days after the applicant's initial request for training.

[[30]] (31) Termination of a Training Program. The training program or the department may terminate the training program by giving ninety (90) days written notice to the other party.

[[31]] (32) Compliance. Failure to adhere to the stipulations, conditions, and requirements set forth in this rule shall be considered cause for revocation or denial of program certification.

[[32] The following forms are included herein:

(A) MO 650-7743;

(B) MO 650-7744; and

(C) MO 650-7745.]

AUTHORITY: sections 302.540, 577.049, 577.520, RSMo Supp. 2003 and 577.001, 577.525, 630.050, 630.053, 630.655 and 631.010, RSMo 2000. This rule originally filed as 9 CSR 30-3.760. Original rule filed Nov. 2, 1987, effective May 15, 1988. For intervening history, please consult the Code of State Regulations. Amended: Filed June 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Rosie Anderson-Harper, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 3—Alcohol and Drug Abuse Programs

PROPOSED AMENDMENT

9 CSR 30-3.208 SATOP Supplemental Fee. The department proposes to amend section (1), to remove section (7), and to remove the forms which follow the rule in the *Code of State Regulations*.

PURPOSE: This amendment is necessary to make the rule consistent with newly signed legislation ensuring that the appropriate supplemental fee is collected. The addition of the words "per offense" clarifies that the supplemental fee is charged per Driving-While-Intoxicated (DWI) offense, not once in a lifetime as it reads without the added language. This amendment removes reference to a paper

form no longer in use. SATOP has transferred to an electronic forms system for providers.

(1) Supplemental Fee. All Substance Abuse Traffic Offenders Programs shall collect from all applicants entering the program a supplemental fee **determined by the department** which shall be in addition to any other costs which may be charged by the program. The supplemental fee shall be collected no more than one (1) time **per offense** from any individual who has entered SATOP, whether for assessment or [for an] educational program.

[(7) Form number MO 650-1017 is included herein.]

AUTHORITY: sections 302.540, 577.049, 577.520, RSMo Supp. 2003 and 577.001, 577.525, 630.050, 630.053, 630.655 and 631.010, RSMo 2000. This rule was originally filed as 9 CSR 30-3.790. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed April 29, 1998, effective Oct. 30, 1998. Moved to 9 CSR 30-3.208 and amended: Filed Feb. 28, 2001, effective Oct. 30, 2001. Amended: Filed July 29, 2003, effective March 30, 2004. Amended: Filed June 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Rosie Anderson-Harper, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 5—Elevators

PROPOSED AMENDMENT

11 CSR 40-5.065 Missouri Minimum Safety Codes for Existing Elevator Equipment. The Division of Fire Safety is amending paragraphs (1)(H)2., (1)(S)1. and adding new paragraphs (1)(I)8., and new subsections (1)(U) and (V), and deleting paragraph (1)(O)4.

PURPOSE: This amendment relates to public safety issues by requiring additional safety measures to be enforced during the annual inspection relating to existing equipment. The amendment also clarifies applicability of nationally recognized standards.

(1) In a political subdivision or municipality that had adopted an edition of ASME A17.1 code, annual safety inspection and tests shall be performed to the code adopted and enforced at the time the elevator equipment was installed. The following standards apply to all existing elevator equipment installed prior to July 1, 1999 as provided in 11 CSR 40-5.060. Any installation which is in compliance with the latest ASME A17.1 version adopted and amended by the Elevator Safety Board, unless as exempted by 701.359, RSMo shall be considered to be in compliance with 11 CSR 40-5.065.

(H) Machine Rooms.

1. All means of access to elevator machine rooms shall be of a permanent nature and shall be constructed and maintained in a clear and unobstructed manner.

2. The elevator machine and control equipment shall be located in a separate room or separated space designed as an elevator

machine room or space and shall be accessible only to authorized personnel. Existing machines and equipment essential to the operation and purpose of the building are permitted but must not interfere with the safety and work area for maintaining elevator equipment. **Pipes conveying liquid, gas, or vapor that cross overhead of elevator equipment or come in close proximity of the equipment shall be guarded or guttered.** Where other existing machines and equipment essential to the operation and purpose of the building are located in the machine room or space, the elevator related equipment and machines shall be separated by a substantial grill constructed of noncombustible material not less than six feet (6') high and the grill shall be of a design that will reject a ball two inches (2") in diameter. All rooms or enclosures shall have a self-closing and self-locking door and shall be operable from the interior space without use of a key. After the effective date of this rule, no equipment shall be added to the machine room or space that is not used in connection with the operation of the elevator.

3. All elevator machine rooms shall be provided with a floor. The floor shall cover the entire area of the machine room and hoistway.

4. Machine room floors shall be kept clean and free of grease and oil. Articles or materials not necessary for the maintenance or operation of the elevator shall not be stored therein. Flammable liquids having a flash point of less than one hundred ten degrees Fahrenheit (110°F) shall not be stored in the machine room.

5. Lighting in the machine room shall be not less than ten (10) foot-candles at floor level.

6. Where there is more than one machine in a room, each machine shall have a different number conspicuously marked on it. The controller, disconnect switch and relay panels for each machine shall be conspicuously numbered to correspond to the machine it controls.

7. All electrical equipment in the machine room shall be grounded which shall conform to ASME A17.1, 1996 edition and NFPA, 70, *National Electric Code*.

8. All electrical wiring in the machine room shall be enclosed in metal conduit, flexible conduit or metal raceways or be in compliance with NFPA 70, *National Electric Code*.

9. Each elevator having polyphase alternating current power supply shall be provided with means to prevent the starting of the elevator motor if:

A. The phase rotation is in the wrong direction; or

B. There is a failure of any phase. This protection shall be considered provided in the case generator-field control having alternating current motor-generator driving motors, provided a reversal of phase will not cause the elevator driving-machine motor to operate in the wrong direction. Controllers whose switches are operated by polyphase torque motors provide inherent protection against phase reversal or failure.

(I) Pits.

1. All pits shall be kept dry, clean and free of equipment or material not relating to the operation of the elevator. Exception: Sump pumps.

2. Buffers (spring or oil type) under cars and counterweights shall be permanently fastened to the floor or their supporting beams.

3. All elevators shall have counterweight guards. Guards shall be of unperforated metal of at least the strength of or braced to the equivalent strength of number fourteen (14) gauge sheet steel. Guards shall extend from a point not more than twelve inches (12") above the pit floor to a point not less than seven feet (7') above the pit floor. Where guards are not feasible, warning chains shall be installed on the bottom of the counterweights and shall extend no less than five feet (5') below counterweight. Chains shall be of a number ten (10) U.S. gauge wire or of equal size. Exception: When compensating chains or ropes are used, a counterweight guard is not required.

4. Buffers shall be installed where elevator pits are not provided with buffers and where the pit depth will permit, buffers shall comply with ASME A17.1, 1955 edition, section 201.

5. Where the depth of any pit is four feet (4') or more it shall have a ladder permanently installed. The ladder shall extend not less than thirty inches (30") above the sill of the access door, or hand grips shall be provided to the same height. Ladder shall be of non-combustible material.

6. A permanent lighting fixture shall be provided in all pits to provide an illumination of not less than five (5) foot-candles at the pit floor. The fixture switch shall be provided and accessible from the pit access door.

7. An enclosed stop switch meeting the requirements of ASME A17.1, 1995 edition, rule 210.2(e) shall be installed in the pit of all power elevators and be accessible from the pit access door.

8. Pit sump holes, with or without pumps, and well holes that are accessible, shall be covered flush with the pit floor. The covering shall consist of a noncombustible material.

(O) Existing Hydraulic Elevators.

1. Cylinders of hydraulic-elevator machines shall be provided with a means for releasing air or other gas.

2. Each pump or group of pumps shall be equipped with a relief valve conforming to the following requirements:

A. Type and location. The relief valve shall be located between the pump and the check valve and shall be of such a type and so installed in the bypass connection that the valve cannot be shut off from the hydraulic system;

B. Setting. The relief valve shall be preset to open at a pressure not greater than that necessary to maintain one hundred and twenty-five percent (125%) of working pressure;

C. Size. The size of the relief valve and bypass shall be sufficient to pass the maximum rated capacity of the pump without raising the pressure more than twenty percent (20%) above that at which the valve opens. Two (2) or more relief valves may be used to obtain the required capacity; and

D. Sealing. Relief valves having exposed pressure adjustments if used, shall have their means of adjustment sealed after being set to the correct pressure. Exception: No relief valve is required for centrifugal pumps driven by induction motors, provided the shut-off, or maximum pressure which the pump can develop, is not greater than one hundred and thirty-five percent (135%) of the working pressure at the pump.

3. Storage and discharge tanks shall be covered and suitably vented to the atmosphere.

[4. Hydraulic elevators shall be governed by the rules contained in ASME A17.1, 1955 edition, Part III.]

[5.] 4. All repair and alterations of hydraulic elevators shall comply with ASME A17.1, 1996 edition, section 1201 with supplements thereto.

(S) Fire Service.

1. Elevators with fire service features shall comply with the edition of ASME A17.1 that [was in print at the time of installation] the elevator was constructed to meet.

(U) Existing Vertical and Inclined Platform Lifts.

1. Existing vertical and inclined platform lifts shall meet the requirements of ASME A17.1, 1984 edition, Part 20.

(V) Existing Manlifts.

1. Existing manlifts shall be inspected per the requirements of ASME A90.1, 1997 edition.

AUTHORITY: section 701.355, RSMo 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000, effective Feb. 28, 2001. Emergency amendment filed April 30, 2001, effective May 10, 2001, expired Nov. 5, 2001. Amended: Filed April 30, 2001, effective Oct. 30, 2001. Amended: Filed Dec. 16, 2002, effective June 30, 2003. Amended: Filed June 14, 2004.

political subdivisions one thousand eight hundred seventy-five dollars (\$1,875) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities eighteen thousand seven hundred fifty dollars (\$18,750) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, William Farr, State Fire Marshal, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC COST: This proposed amendment will cost state agencies or

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	11CSR40-5.065 Missouri Minimum Safety Codes for Existing Elevator Equipme
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
State of Missouri	\$1,875
City & County Governmental entities	\$1,875

III. WORKSHEET

It is estimated that there are approximately 25,000 elevators located in Missouri. Approximately 1% (250) of these elevators will be required to comply with the proposed rule amendment. The cost per unit to comply is estimated to be approximately \$75.00.

Approximately (25) elevators are believed to be owned by State of Missouri.

Approximately (25) elevators are believed to be owned by city/county governmental entities.

$$25 \times \$75.00 = \$1,875$$

IV. ASSUMPTIONS

Based upon historical data relating to variances being requested from the Elevator Safety Board, the Division estimates approximately 250 elevators will be required to comply with proposed rule amendment.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	11CSR40-5.065 Missouri Minimum Safety Code for Existing Elevator Equipment
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
250	Building owners	\$18,750

III. WORKSHEET

It is estimate that there are approximately 25,000 elevators located within Missouri. Approximately 1% (250) of these elevators shall be required to comply with the proposed rule amendment. The cost to comply per unit is estimated to be approximately \$75.00.

$$250 \times \$75.00 = \$18,750$$

IV. ASSUMPTIONS

Based upon variance requests submitted to the Elevator Safety Board in relation to pit issues, it is believed that approximately 1% of the 25,000 elevators estimated to be in Missouri will be required to comply with this proposed amendment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.090 Inspection and Testing. The Division of Fire Safety is amending section (1).

PURPOSE: This amendment clarifies requirements of an annual safety inspection.

(1) Minimum Standard. All inspections and testing required by Missouri Statute 701.350–701.380 and these rules and regulations shall be made in accordance with the standards established by these rules and regulations and the American Society of Mechanical Engineers Manuals for Elevators and Escalators, ASME A17.1, [A17.2,] A17.2.1, A17.2.2, A18.1 and A17.2.3, latest version adopted and amended by the Elevator Safety Board excluding routine inspection requirements of part 10 in ASME A17.1 **pertaining to the six (6) month inspection only.** The foregoing standards are incorporated by reference in this rule.

AUTHORITY: section 701.355, RSMo [1994] 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000, effective Feb. 28, 2001. Amended: June 14, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, William Farr, State Fire Marshal, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.440 Motor Voter Registration Application Form. The director proposes to amend the title and delete the form following this rule in the *Code of State Regulations*.

PURPOSE: This amendment clarifies the title and incorporates the motor voter application form as referenced in section (1) of this rule.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The [attached form is an] application for applying for voter registration is incorporated by reference.

AUTHORITY: section 115.160, RSMo Supp. [1998] 2003. Original rule filed Dec. 22, 1994, effective June 30, 1995. Amended: Filed April 5, 1999, effective Sept. 30, 1999. Amended: Filed June 3, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

PROPOSED AMENDMENT

13 CSR 40-2.375 Medical Assistance for Families. The director is amending section (1).

PURPOSE: This amendment modifies the income limit for the Medical Assistance for Families program after June 30, 2004.

(1) The income limit for persons to be eligible for the Medical Assistance for Families program established pursuant to section 208.145, RSMo is at or below [seventy-seven percent (77%)] **seventy-five percent (75%)** of the federal poverty level for the household size.

AUTHORITY: sections 207.020 and 208.145, RSMo 2000. Emergency rule filed June 7, 2002, effective July 1, 2002, expired Dec. 27, 2002. Original rule filed June 11, 2002, effective Dec 30, 2002. Emergency amendment filed June 7, 2004, effective July 1, 2004, expires Dec. 27, 2004. Amended: Filed June 7, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions nine hundred fifty-three dollars and eighty-six cents (\$953.86) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Family Support Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

RULE NUMBER

Rule Number and Name: 13 CSR 40-2.375

Type of Rulemaking: Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Division of Family Services	\$953.86

WORKSHEET

1,289 times two equals 2,578 letters times \$0.37 postage per letter equals \$953.86 postage cost.

IV. ASSUMPTIONS

Approximately 1,289 families will be sent two letters notifying the affected clients. The cost will be \$0.37 cents per letter. Administrative costs are matched by the federal government at 50%. Therefore half, or \$476.93 would be general revenue cost and the other half \$476.93 would be federal Medicaid cost.

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

PROPOSED AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).
The division is changing section (11).

PURPOSE: The proposed amendment changes section (11). This amendment will establish the Federal Reimbursement Allowance (FRA) assessment for SFY 2004 at five and thirty-two hundredths percent (5.32%).

(11) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2004. The FRA assessment for State Fiscal Year (SFY) 2004 shall be determined at the rate of *[five and twenty-three]* **five and thirty-two** hundredths percent *[[5.23%]]* **(5.32%)** of the hospital's total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses as published by the Missouri Department of Health and Senior Services, Section of Health Statistics. The base financial data for 2000 will be annualized, if necessary, and will be adjusted by the trend factor listed in 13 CSR 70-15.010(3)(B) to determine revenues for the current state fiscal year. The financial data that is submitted by the hospitals to the Missouri Department of Health and Senior Services is required as part of 19 CSR 10-33.030 Reporting Financial Data by Hospitals. If the pertinent information is not available through the Department of Health and Senior Services' hospital database, the Division of Medical Services will use the Medicaid data similarly defined from the Medicaid cost report that is required to be submitted pursuant to 13 CSR 70-15.010(5)(A).

AUTHORITY: sections 208.201, 208.453 and 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 7, 2004, effective June 17, 2004, expires Dec. 13, 2004. Amended: Filed June 7, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate in SFY 2004.

PRIVATE COST: This proposed amendment is expected to cost private entities an additional \$8,342,452 in SFY 2004.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**FISCAL NOTE
 PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
130	Hospitals	SFY 2004 - \$8,342,452

III. WORKSHEET

The fiscal note is based on establishing the SFY 2004 FRA assessment percentage at 5.32%.

IV. ASSUMPTIONS

The SFY 2004 FRA assessment is based on total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses of approximately \$10.4 billion multiplied by 5.32%. The \$8,342,452 cost is the difference between the original SFY 2004 estimate of \$544,753,070 and the new SFY 2004 estimated cost of \$553,095,522. The 130 hospitals reported above include 37 hospitals that are owned or controlled by state, county, city or hospital districts. The impact on these hospitals is \$1,154,672 (\$68,254,064 new estimate less \$67,099,392 original estimate).