

**U**nder 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."

**E**ntirely new rules are printed without any special symbology under the heading of 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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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.

**A**n 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.

**I**f 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*.

**A**n 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.

**I**f 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 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade "A" Pasteurized Milk Regulations

### PROPOSED AMENDMENT

**2 CSR 80-2.010 Definitions.** The department purposes to amend the purpose and subsections (1)(A), (1)(V), and (1)(JJ).

*PURPOSE: This amendment updates the Grade "A" Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule updates and defines terms used in the regulations of the State Milk Board. This rule corresponds with the Grade "A" Pasteurized Milk Ordinance (PMO)—[2011] 2013 Revision of the United States Department of Health and Human Services,*

### *Public Health Service, Food and Drug Administration.*

(1) The following definitions shall apply to the interpretations and enforcement of sections 196.931–196.959, RSMo:

(A) Milk is the product defined in *Code of Federal Regulations* Title 21 section 131.110. Note: Applicable sections of parts 131 and 133 are included in Appendix L of the *Grade "A" Pasteurized Milk Ordinance (PMO)—[2011] 2013 Revision Recommendations* of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

(V) Milk products are those products which have been manufactured under the provisions of the *Grade "A" Pasteurized Milk Ordinance (PMO)—[2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration*, Section 1(X), which is hereby incorporated by reference as published by the Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food Safety (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835;

(JJ) Reconstituted or recombined milk and milk products shall mean milk or milk products as defined in Section 1 of the *Grade "A" Pasteurized Milk Ordinance (PMO)—[2011] 2013 Revision* of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration which result from reconstituting or recombining of milk constituents with potable water when appropriate;

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Rescinded and readopted: Filed Feb. 17, 2012, effective Aug. 30, 2012. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

## Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade "A" Pasteurized Milk Regulations

### PROPOSED AMENDMENT

**2 CSR 80-2.020 Sale of Adulterated, Misbranded Milk, or Milk Products.** The department proposes to amend the purpose and section (2).

*PURPOSE: This amendment updates the Grade "A" Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides for the control of adulterated, misbranded Grade "A" milk or milk products, or any combination of*

these. This rule corresponds with Section 2 of the *Grade “A” Pasteurized Milk Ordinance (PMO)—[2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(2) Any adulterated or misbranded milk or milk product may be impounded under proper authority by the regulatory agency and disposed of in accordance with applicable laws or regulations. The *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food Safety (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the *Pasteurized Milk Ordinance (PMO).*

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 13, 2012, effective Sept. 30, 2012. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

## Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade “A” Pasteurized Milk Regulations

### PROPOSED AMENDMENT

**2 CSR 80-2.030 Permits.** The department proposes to amend the purpose and section (5).

*PURPOSE: This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides for the issuance of permits to persons involved in the production, transporting, and processing of Grade “A” milk and milk products. This rule corresponds with Section 3 of the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(5) Upon repeated violation(s), the regulatory agency may revoke the permit following reasonable notice to the permit holder and an opportunity for a hearing. This rule is not intended to preclude the institution of court action as provided in 2 CSR 80-2.050 (Section 5 of the PMO) and 2 CSR 80-2.060 (Section 6 of the PMO). The *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food Safety (HFS-316), 5100 Paint Branch Parkway, College Park, MD

20740-3835. This rule does not incorporate any subsequent amendments or additions to the *Pasteurized Milk Ordinance (PMO).*

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

## Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade “A” Pasteurized Milk Regulations

### PROPOSED AMENDMENT

**2 CSR 80-2.040 Labeling.** The department proposes to amend the purpose and section (1).

*PURPOSE: This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides regulations for the proper labeling of Grade “A” milk or milk products. This rule corresponds with Section 4 of the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) All bottles, containers, and packages enclosing milk or milk products defined in 2 CSR 80-2.010 (Section 1 of the PMO) of these rules shall be labeled in substantial compliance with the applicable requirements of the Federal Food, Drug and Cosmetic Act, the Fair Packaging and Labeling Act, and regulations developed thereunder and in addition shall comply with the applicable requirements of this rule as follows. The *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food Safety (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the *Pasteurized Milk Ordinance (PMO).*

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.050 Inspection Frequency and Procedure.** The department proposes to amend the purpose and section (4).

*PURPOSE: This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule is for the purpose of providing requirements concerning inspection frequency and procedures. This rule corresponds with Section 5 of the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(4) It shall be unlawful for any person who, in an official capacity, obtains any information, which is entitled to protection as a trade secret (including information as to quantity, quality, source, or disposition of milk or milk products, or results of inspections or tests of milk or milk products), under the provisions of these rules, to use this information to his/her own advantage or to reveal it to any unauthorized person. The Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.060 The Examination of Milk and Milk Products.** The

department proposes to amend the purpose and section (6).

*PURPOSE: This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule specifies sampling frequency and required chemical and bacteriological tests to be conducted both on raw and pasteurized Grade “A” dairy products. This rule corresponds with Section 6 of the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(6) Samples shall be analyzed at an official or appropriate officially-designated laboratory. All sampling procedures and required laboratory examinations shall be in substantial compliance with the current edition of *Standard Methods for the Examination of Dairy Products of the American Public Health Association*, and the current edition of *Official Methods of Analysis of the Association of Official Analytical Chemists*. These procedures, including the certification of sample collectors and examinations shall be evaluated in accordance with [2011] 2013 *Evaluation of Milk Laboratories, Recommendations of the United States Department of Human and Health Services, Public Health Service, Food and Drug Administration*. Examinations and tests to detect adulterants, including pesticides, shall be conducted as the regulatory agency requires. Assays of milk and milk products to which vitamin(s) A, D, or both have been added, shall be made at least annually in a laboratory acceptable to the regulatory agency. The Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.070 Standards for Milk and Milk Products.** The department proposes to amend the purpose, section (1), and Table 1.

*PURPOSE: This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides standards which Grade "A" raw or pasteurized milk or milk products must meet with regard to cooling temperatures, bacterial limits, somatic cell counts, antibiotics, coliform limits, phosphatase determinations, and sanitation requirements for dairy farms, milk haulers, transfer stations, receiving stations, and milk plants. This rule corresponds with Section 7 of the Grade "A" Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) All Grade "A" raw milk for pasteurization and all Grade "A" pasteurized milk and milk products shall be produced, processed, and pasteurized to conform with the following chemical, bacteriological, and temperature standards and the sanitation requirements of this rule. The *Grade "A" Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

**Table 1—Chemical, Bacteriological, and Temperature Standards**

Grade "A" raw milk for pasteurization	Temperature	Cooled to 45 °F (7 °C) or less within two (2) hours after milking, provided that the blend temperature first and subsequent milkings does not exceed 50 °F (10 °C).
	Bacterial limits	Individual producer milk not to exceed 100,000 per milliliter (ml) prior to commingling with other producer milk.  Not to exceed 300,000 per ml as commingled milk prior to pasteurization.
	Antibiotics	Tests and methodology as required by the <i>[2011] 2013 Grade "A" Pasteurized Milk Ordinance</i> .  Commingled milk: Tests and methodology as required by the <i>[2011] 2013 Grade "A" Pasteurized Milk Ordinance</i> .
	Somatic cell count	Individual producer milk: Not to exceed 750,000 per ml.
Grade "A" pasteurized milk and milk products	Temperature	Cooled to 45 °F (7 °C) or less and maintained thereat.
	Bacterial limits*	20,000 per ml.
	Coliform	Not to exceed 10 per ml: Provided that, in case of bulk milk transport tank shipments, shall not exceed 100 per ml.
	Phosphatase	Less than one (1) microgram per ml by the Schrarer Rapid Method or Methods approved in the <i>[2011] 2013 Grade "A" Pasteurized Milk Ordinance</i> .
Antibiotics	Test and methodology required by the <i>[2011] 2013 Grade "A" Pasteurized Milk Ordinance</i> .	

\*Not applicable to cultured products.

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 23, 2014.

*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 State Milk Board, 1616 Missouri Boulevard, 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.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.080 Animal Health.** The department proposes to amend the purpose and section (3).

*PURPOSE:* This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

*PURPOSE:* This rule provides requirements regarding animal health for Grade “A” dairy farms. This rule corresponds with Section 8 of the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

(3) For diseases other than brucellosis and tuberculosis, the regulatory agency shall require physical, chemical, or bacteriological tests as it deems necessary. The diagnosis of other diseases in dairy cattle shall be based upon the findings of a licensed veterinarian or a veterinarian in the employ of an official agency. Any diseased animal disclosed by these test(s) shall be disposed of as the regulatory agency directs. The Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 23, 2014.

*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 State

Milk Board, 1616 Missouri Boulevard, 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.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.091 Milk and Milk Products Which May Be Sold.** The department proposes to amend the purpose and section (1).

*PURPOSE:* This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

*PURPOSE:* This rule specifies milk and milk products which may be sold. This rule corresponds with Section 9 of the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

(1) From and after the date on which this rule is adopted, except as provided by law (section 196.935, RSMo), only Grade “A” pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments. Provided that in an emergency, the sale of pasteurized milk and milk products which have not been graded or the grade of which is unknown, may be authorized by the regulatory agency; in which case, the milk and milk products shall be labeled ungraded. The Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 23, 2014.

*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 State Milk Board, 1616 Missouri Boulevard, 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.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.101 Transferring; Delivery Containers; Cooling.** The

department proposes to amend the purpose and section (3).

*PURPOSE: This amendment updates the Grade "A" Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides standards relating to transferring; delivery containers; and cooling of milk, milk products, or both. This rule corresponds with Section 10 of the Grade "A" Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(3) It shall be unlawful to sell or serve any pasteurized milk or milk products which have not been maintained at the temperature set forth in 2 CSR 80-2.070. If containers of pasteurized milk or milk products are stored in ice, the storage container shall be properly drained. The *Grade "A" Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade "A" Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.110 Milk and Milk Products from Points Beyond the Limits of Routine Inspection.** The department proposes to amend the purpose and section (1).

*PURPOSE: This amendment updates the Grade "A" Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides for requirements for milk and milk products from points beyond the limits of routine inspection. This rule corresponds with Section 11 of the Grade "A" Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) Milk and milk products from points beyond the limits of routine inspection of the State Milk Board of Missouri or its jurisdiction may be sold in Missouri or its jurisdiction provided they are produced, pasteurized, or both, under rules which are substantially equivalent to the *Grade "A" Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration and have been awarded an acceptable milk sanitation compliance and enforcement rating made by a state milk sanitation rating officer certified by the Food and Drug Administration. The *Grade "A" Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade "A" Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.121 Future Dairy Farms and Milk Plants.** The department proposes to amend the purpose and section (1).

*PURPOSE: This amendment updates the Grade "A" Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides requirements for construction or reconstruction of future dairy farms and milk plants. This rule corresponds with Section 12 of the Grade "A" Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) Properly prepared plans shall be submitted to the regulatory agency for written approval before work is begun on all milkhouses, milking barns, stables and parlors, transfer stations, receiving stations, and milk plants regulated under these rules which are constructed, reconstructed, or extensively altered after July 1, 1980. The *Grade "A" Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant

and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 23, 2014.

*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 State Milk Board, 1616 Missouri Boulevard, 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.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.130 Personnel Health.** The department proposes to amend the purpose and section (1).

*PURPOSE:* This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

*PURPOSE:* This rule establishes requirements relating to personnel health. This rule corresponds with Section 13 of the *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) No person affected with any disease in a communicable form, or while a carrier of that disease, shall work at any dairy farm or milk plant in any capacity which brings him/her into contact with the production, handling, storage, or transportation of milk, milk products, containers, equipment, and utensils; and no dairy farm or milk plant operator shall employ in any capacity any person having or any person suspected of having any disease in a communicable form or of being a carrier of disease. Any producer or distributor of milk or milk products, upon whose dairy farm or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of the disease, shall notify the regulatory agency immediately. The *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please

consult the *Code of State Regulations*. Amended: Filed July 23, 2014.

*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 State Milk Board, 1616 Missouri Boulevard, 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.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.141 Procedure When Infection is Suspected.** The department proposes to amend the purpose and subsection (1)(C).

*PURPOSE:* This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

*PURPOSE:* This rule provides the procedure to follow when infection is suspected. This rule corresponds with Section 14 of the *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk, milk products, or both, the regulatory agency is authorized to require any of the following measures:

(C) Adequate medical and bacteriological examination of the person, his/her associates, and of his/her and their body discharges. The *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 23, 2014.

*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 State Milk Board, 1616 Missouri Boulevard, 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.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.151 Enforcement.** The department proposes to amend the purpose and section (1).

*PURPOSE: This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides for regulatory enforcement methods. This rule corresponds with Section 15 of the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) These rules shall be enforced by the regulatory agency in accordance with the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Public Health Service, Food and Drug Administration, a copy of which shall be on file at the State Milk Board office. Where the mandatory compliance with provisions of the appendices is specified, provisions shall be deemed a requirement of these rules. The Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.161 Penalty.** The department proposes to amend the purpose and section (1).

*PURPOSE: This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides for the penalty for violation of any of the provisions of these rules. This rule corresponds with Section 16 of the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) Any person(s) who shall violate any of the provisions of these rules shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than that established by the statutes of Missouri, or the person(s) may be enjoined from continuing the violations, or both. Each day upon which the violations occur shall constitute a separate violation. The Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.170 Separability Clause.** The department proposes to amend the purpose and section (1).

*PURPOSE: This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides a separability clause. This rule corresponds with Section 18 of the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) Should any section, paragraph, sentence, clause, or phrase of these rules be declared unconstitutional or invalid for any reason, the remainder of these rules shall not be affected. The Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or

additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 23, 2014.

*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 State Milk Board, 1616 Missouri Boulevard, 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.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.180 Adoption of the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.** The department proposes to amend the rule title, purpose, and section (1).

*PURPOSE:* This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

*PURPOSE:* This rule provides for the adoption of the **Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration** which is the recommended ordinance for adoption by state and local governments for the sanitary control of Grade “A” milk and milk products.

(1) The *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration* establishes minimum standards which must be complied with for satisfactorily producing and for processing Grade “A” raw milk for pasteurization and Grade “A” pasteurized milk and milk products in Missouri. The document further contains administrative procedures which provide information as to satisfactory compliance with the required items of sanitation. The *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 23, 2014.

*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 State Milk Board, 1616 Missouri Boulevard, 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.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED RULE**

**2 CSR 80-2.181 Adoption of the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration and the National Conference on Interstate Milk Shipments**

*PURPOSE:* This rule provides for the adoption of the *Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration and the National Conference on Interstate Milk Shipments* which is the recommended procedures for adoption by state and local governments for sound and uniform milk sanitation programs.

(1) The *Procedures Governing the Cooperative State-Public Health Service, Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration and the National Conference on Interstate Milk Shipments* are the procedures for establishing milk sanitation standards, rating procedures, sampling procedures, laboratory procedures, laboratory evaluation, and sample collector procedures. The document further contains the Constitution of the National Conference on Interstate Milk Shipments (NCIMS), the Bylaws of the NCIMS, the Memorandum of Understanding (MOU) between the U.S. Food and Drug Administration and NCIMS, and related documents. This *Procedures* is the governing document of the NCIMS and contains the information necessary to maintain a national program that is both uniform and acceptable to the States, United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, and the dairy industry. *The Procedures Governing the Cooperative State-Public Health Service, Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2013 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed July 23, 2014.

*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 the State Milk Board, 1616 Missouri Boulevard, 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.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 3—Production and Distribution of Grade “A”  
Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.060 The Examination of Milk and Milk Products.** The board is amending section (1).

*PURPOSE: This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) During each six- (6-) month period, at least four (4) samples of milk, cream, or both, from each producer-distributor shall be taken on separate days and examined by the state authority. Samples may be taken any time prior to the final delivery of the milk or milk products. Bacterial plate counts, efficiency of bactericidal treatment, and other laboratory and screening tests shall conform to the procedures in the most current edition of *Standard Methods for the Examination of Dairy Products* of the American Public Health Association as recommended by the *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 3—Production and Distribution of Grade “A”  
Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.120 Enforcement Interpretation.** The board is amending section (1).

*PURPOSE: This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) These regulations shall be enforced by the state authority primarily in accordance with the interpretations contained in *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 3—Production and Distribution of Grade “A”  
Retail Raw Milk and Milk Products**

**PROPOSED AMENDMENT**

**2 CSR 80-3.130 Adoption of the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration by Reference.** The board is amending the title, purpose, and text of the rule.

*PURPOSE: This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: The Grade “A” Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration is a recommended ordinance for adoption by state and local governments for the sanitary control of Grade “A” milk and milk products.*

The *Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision* of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration establishes minimum standards which must be complied with for satisfactorily producing Grade “A” retail raw milk. The document further contains administrative procedures which provide information as to satisfactory compliance with the required items of sanitation.

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed July 24, 2012, effective Jan. 30, 2013. Amended: Filed July 23, 2014.*

*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 State Milk Board, 1616 Missouri Boulevard, 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.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 4—Grade “A” Raw Milk for Pasteurization and**  
**Grade “A” Milk or Milk Products from Points Beyond**  
**the Limits of Routine Inspection**

**PROPOSED AMENDMENT**

**2 CSR 80-4.010 Rules for Import Milk.** The board is amending sections (1) and (3).

*PURPOSE:* This amendment updates the Grade “A” Pasteurized Milk Ordinance (PMO) from 2011 to 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

(1) The following regulations shall apply to section 196.949, RSMo Supp. [2011] 2013, and the Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration shall apply; except that in addition to these requirements, the following shall also apply:

(3) The Grade “A” Pasteurized Milk Ordinance (PMO), [2011] 2013 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.949, RSMo Supp. [2011] 2013. Original rule filed May 3, 1976, effective Sept. 11, 1976. Amended: Filed Aug. 25, 1981, effective Jan. 14, 1982. Amended: Filed March 13, 2012, effective Sept. 30, 2012. Amended: Filed July 23, 2014.

*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 State Milk Board, 1616 Missouri Boulevard, 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.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 80—State Milk Board**  
**Chapter 5—Inspections**

**PROPOSED AMENDMENT**

**2 CSR 80-5.010 Inspection Fees.** The board is amending the pur-

pose and section (1).

*PURPOSE:* This amendment updates the Fiscal Year for the inspection fee.

*PURPOSE:* This rule complies with section 196.945, RSMo, to set inspection fees for Fiscal Year [2014] 2015 for milk produced on farms inspected by the State Milk Board and milk imported from points beyond the limits of routine inspection.

(1) The inspection fee for Fiscal Year [2014] 2015 (July 1, [2013] 2014–June 30, [2014] 2015) shall be four cents (4¢) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and four cents (4¢) per hundred weight on milk imported from areas beyond the points of routine inspection.

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 23, 2014.

*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 State Milk Board, 1616 Missouri Boulevard, 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.

**Title 4—DEPARTMENT OF ECONOMIC**  
**DEVELOPMENT**  
**Division 85—Division of Business and Community**  
**Services**  
**Chapter 5—Historic Preservation Tax Credit Program**

**PROPOSED AMENDMENT**

**4 CSR 85-5.020 Preliminary Application.** The division is amending sections (4) and (5), and adding a new section (6).

*PURPOSE:* This amendment updates the application materials to reflect changes in the Federal Historic Preservation Tax Credit Program.

(4) Applicants for state historic preservation tax credits whose preliminary applications are received by the DED on, or after, February 28, 2009, but before January 30, 2015 must follow the procedures and guidelines found in *Missouri Historic Preservation Tax Credit Program, Preliminary Application and Guidelines* and complete *Historic Preservation Tax Credit Program—Preliminary Approval Form—Form 1*, both of which are incorporated by reference in this rule as published February 28, 2009, by DED and available at DED, Business and Community Services, 301 West High Street, Suite 770, Jefferson City, MO 65101. This rule does not incorporate any subsequent amendments or additions.

(5) [After receiving preliminary approval, the applicant may go forward with the project. When the project is completed and expenses have been paid the final application should be submitted along with expense documentation and required application materials. (See rule 4 CSR 85-5.030.) After the final materials are received by DED, SHPO performs a final

review of the technical project work and DED performs an audit of the expenses. After approval of the project work and expenses, a tax credit certificate for twenty-five percent (25%) of state qualified rehabilitation expenditures is issued and mailed to the applicant.] Applicants for state historic preservation tax credits whose preliminary applications are received by the DED on, or after, January 30, 2015 must follow the procedures and guidelines found in *Missouri Historic Preservation Tax Credit Program, Preliminary Application and Guidelines*, which is incorporated by reference in this rule as published September 2, 2014, by DED and available at DED, Division of Business and Community Services, 301 West High Street, Suite 770, Jefferson City, MO 65101. This rule does not incorporate any subsequent amendments or additions.

(6) After receiving preliminary approval, the applicant may go forward with the project. When the project is completed and expenses have been paid, the final application should be submitted along with expense documentation and required application materials. (See rule 4 CSR 85-5.030.) After the final materials are received by DED, SHPO performs a final review of the technical project work and DED performs an audit of the expenses. After approval of the project work and expenses, a tax credit certificate for twenty-five percent (25%) of state qualified rehabilitation expenditures is issued and mailed to the applicant.

*AUTHORITY:* section 620.010, [HB 788, Second Regular Session, Ninety-fourth General Assembly, 2008] RSMo Supp. 2013. Original rule filed July 8, 2008, effective Feb. 28, 2009. Amended: Filed July 31, 2014.

*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 Economic Development, Division of Business and Community Services, Attn. General Counsel, 301 West High Street, Suite 770, Jefferson City, MO 65101. 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 100—Petroleum Storage Tank Insurance Fund  
Board of Trustees  
Chapter 5—Claims**

**PROPOSED AMENDMENT**

**10 CSR 100-5.010 Claims for Cleanup Costs.** The department is amending sections (2), (4), (6), (8), (9), (10), and (12).

*PURPOSE:* This amendment specifies more explicitly what must be included in cost estimates, shortens the deadline for requesting reimbursement after work is done, clarifies and updates the rule language to better reflect current practices, modifies language related to past dates, and incorporates recent changes in rules promulgated by the Hazardous Waste Management Commission regarding the cleanup of tank sites.

(2) Except as described below, prior to the initiation of any work where cleanup costs will be incurred, whether within the deductible or in excess of the deductible, the cleanup costs must first be

approved by the board. Failure to obtain approval of the [budgeted] cleanup costs may subject the fund participant or fund beneficiary to reduction or denial of benefits.

(4) Fund participants or beneficiaries may receive monies from the fund [for the following sites:]—

(A) [A site where petroleum storage tanks are in use or temporarily closed, and the owner or operator is participating in the fund at the time a release is discovered.] For a release that occurs or is discovered on a date that the participant is participating in the fund.

1. The fund participant must provide notice of claim to the board while the participant is insured and before expiration or cancellation of the participant's coverage, or during an extended reporting period granted by the board under 10 CSR 100-4.010 or 10 CSR 100-4.020.

[1.]2. Fund participants must [give notice of claim and] get cleanup costs approved in advance, as described in this rule.

[2.]3. For cleanup costs resulting from a release from an above-ground storage tank, costs incurred prior to July 1, 1997, are not eligible[;].

4. A fund participant who has properly made a claim may request that the board assign his or her benefits for cleanup costs to another party, and the board may, with the consent of the other party and at the board's sole discretion, agree to such assignment;

(B) [A] For a site where one (1) or more petroleum storage tank(s) [is/are] was/were in use [or temporarily closed] on December 31, 1997, the owner or operator applied to participate in the fund by December 31, 1997, that application was ultimately accepted by the board, there are ongoing costs of cleanup associated with a release from one (1) or more of those tanks which occurred prior to the date the application was accepted, and the cleanup began after August 28, 1989.

1. Fund participants must get cleanup costs approved in advance, as described in this rule.

2. Costs incurred prior to the date of acceptance by the board of the application for participation are not eligible.

3. In order to maintain its status as an eligible site, the owner or operator of any petroleum storage tanks at the site must maintain participation in the fund as long as such tanks are in use [or are temporarily closed]. Failure to do so shall result in the site becoming ineligible; costs incurred after the date of cancellation or nonrenewal of participation in the fund are not eligible. Should the owner or operator elect to participate in the fund again, [the site may] he or she may become eligible under subsection (4)(A) for any new release[;].

(C) [A] For a site where a release occurred as a result of the operation of one (1) or more petroleum storage tanks, cleanup began or will begin after August 28, 1989, and the tank(s) from which the release occurred was/were taken out of use prior to December 31, 1997, provided such site was documented by or reported to the Department of Natural Resources prior to December 31, 1997.

1. For the purposes of this subsection, evidence of a site being documented by or reported to the Department of Natural Resources may include, but is not limited to:

A. Completion of a tank registration form;

B. Completion of the notification form circulated by the Department of Natural Resources in 1995–1997;

C. A letter, sent via U.S. mail or overnight delivery service, identifying the location of the site and indicating the existence or prior existence of tanks on the site;

D. A written message transmitted via facsimile, identifying the location of the site and indicating the existence or prior existence of tanks on the site;

E. A Site Assessment Report or similar report, submitted to the department, identifying the site as one where tanks were previously operated; or

F. Any other similar documentation which is determined by

the board to provide reasonable evidence of such fact.

2. Costs incurred prior to August 28, 1995, are not eligible.

3. Fund beneficiaries may be required by the board to provide evidence that the site was documented by or reported to the Department of Natural Resources prior to December 31, 1997.

4. Fund beneficiaries must get cleanup costs approved in advance, as described in this rule;

(D) *[A]* For a site described in subsection (4)(B) or (4)(C), except the release occurred and was being remediated prior to August 28, 1989.

1. Fund participants and beneficiaries must get cleanup costs approved in advance, as described in this rule.

2. Costs incurred prior to August 28, 1996 are not eligible; and

(E) *[A]* For a site where underground storage tanks which contained petroleum were taken out of use prior to December 31, 1985, and the current owner purchased such site before December 31, 1985, provided such site *[is]* was reported to the *[fund]* board on or before June 30, 2000. For the purposes of this subsection, current owner shall mean the person who owns a site at the time it is reported to the Petroleum Storage Tank Insurance Fund Board of Trustees or its designated representative.

1. Fund beneficiaries must get cleanup costs approved in advance, as described in this rule.

2. Costs incurred prior to August 28, 1999, are not eligible.

(6) The following persons may request *[payment]* reimbursement from the fund:

(8) Fund participants and beneficiaries who desire reimbursement from the fund are required to seek preapproval of cleanup costs by following the procedures outlined below:

(A) **Tank Removal**—Prior to removal of a petroleum storage tank~~;~~ or other activity involving excavation of contaminated soil, a fund participant or beneficiary must—

1. Obtain an adequate number of bids or proposals from qualified contractors or consultants to demonstrate that a fair and reasonable price will be paid. The bids or cost estimates must include all tasks and services which may be necessary **and an anticipated schedule for the tasks; and**

2. Submit the bid(s) or proposal(s) to the board, including:

A. A cost estimate for excavation and hauling of contaminated soil, expressed as a unit cost (e.g., per ton or per cubic yard);

B. A cost estimate for disposal or treatment of contaminated soil;

C. A cost estimate for backfill, expressed as a unit cost;

D. A cost estimate for removal, treatment, and/or disposal of contaminated water which may be encountered during the excavation;

E. A cost estimate for project management, supervision, and reporting;

F. A cost estimate for collection and/or analysis of soil and water samples;

G. A contingency cost estimate, expressed as unit costs, for any additional costs which may be incurred if field conditions warrant or necessitate more work than anticipated; and

H. A cost estimate for any other anticipated cleanup costs;

(B) **Site Characterization**—Prior to conducting a site characterization which is required in response to a release, a fund participant or beneficiary must—

1. Obtain an adequate number of bids or proposals from qualified contractors or consultants to demonstrate that a fair and reasonable price will be paid **and submit the bid(s) or proposal(s) to the board**. The bids or cost estimates must include:

A. A description of all tasks and services which may be necessary; *[and]*

B. A site conceptual model;

C. Clearly-presented conclusions regarding the current and reasonably anticipated future uses of potentially-impacted properties;

D. The anticipated schedule of events;

E. Estimated costs for all field activities, with drilling quoted on a per lineal foot basis;

*[2. Submit the bid(s) or proposal(s) to the board, including:*

*A. A cost estimate for field activities;]*

*[B. ]F. A cost estimate for laboratory analysis of soil and/or water samples, as appropriate;*

*[C. ]G. A cost estimate for project management, oversight, data analysis, reporting, and similar activities, as appropriate;*

*[D. ]H. A contingency cost estimate, expressed in unit costs, for additional costs which may be incurred if field data indicates the need for expanded field investigation; and*

*[E. ]I. A cost estimate for any other anticipated costs associated with the site characterization;*

**(C) Risk Assessment.**

1. Prior to preparing a risk assessment, a fund participant or beneficiary must submit one- (1-) or more cost estimates to the board.

A. The cost estimate(s) must include the anticipated schedule of events and/or tasks.

B. The cost estimate(s) may be combined with a cost estimate for site characterization.

C. The cost estimate(s) may include costs for both a Tier 1 and a Tier 2 risk assessment.

D. The cost estimate(s) may include costs for preparation of a corrective action plan.

2. The board may require a fund participant or beneficiary to submit a cost estimate for a Tier 2 or Tier 3 risk assessment.

*[(C)](D) Corrective Action.*

1. Prior to conducting corrective action *[required]* in response to a release, a fund participant or beneficiary must~~[- 1. Obtain]~~ obtain an adequate number of bids or proposals, each of which must include a schedule, from qualified contractors or consultants to *[demonstrate that a fair and reasonable price will be paid; and]* adequately compare costs of alternatives for achieving the applicable corrective action standards. These proposals may include:

A. Treatment, reduction of concentrations, removal, or remediation of chemicals of concern;

B. Mitigation or elimination of complete exposure pathways;

C. Preventing future receptors; or

D. Any combination thereof.

2. Prior to conducting corrective action, a fund participant or beneficiary must *[S]*submit the bid(s) or proposal(s) to the board~~;~~.

*[(D)]3.* When corrective action includes the lease or purchase and installation of equipment designed to clean up petroleum contamination, the fund participant or beneficiary is required to solicit competitive bids for such equipment **and provide such bids to the board;**. A fund participant or beneficiary who is paid salvage value for remediation equipment after corrective action is completed shall report such to the board, which will reduce its reimbursement for decommissioning and removal of said remediation equipment by that amount.

(E) The board will respond in writing to bid(s) or cost estimate(s) submitted by fund participants or beneficiaries, and will state whether the bid(s) or cost estimate(s) are eligible, reasonable, and necessary. This response will be based on information submitted for each project, as well as information available to the board from its review of other cost estimates and its processing of similar claims. To the extent possible, the board's response will note which specific tasks, rates or items are deemed to be ineligible, unreasonable or unnecessary, and will explain the reason for its decision~~;~~.

(F) If the bid(s) or cost estimate(s) submitted to the board are incomplete, or contain costs which are higher than the board determines to be reasonable, the board may—

1. Agree to pay a lesser cost;

2. Ask the fund participant or beneficiary to solicit additional cost estimates; or

3. Ask the fund participant or beneficiary to demonstrate how the estimate was prepared[; and].

(9) The fund will recognize eligible, reasonable, and necessary costs incurred for the following activities:

(A) Costs incurred to characterize the extent of **and assess risks posed by** petroleum contamination which results from a release from a petroleum storage tank; and

(10) Costs not associated with cleanup of a release from a petroleum storage tank are not eligible. Such costs include, but are not limited to:

(G) Markup of costs charged by a laboratory for analysis of water, [or] soil, or vapor samples;

(H) Markup by the environmental consultant or contractor of major subcontracted work [done as part of a site characterization], such as drilling, well installation, or pushprobe investigation;

(N) Other costs excluded by the document issued by the board to fund participants (see 10 CSR 100-[4.010(4)]**4.010(5)** and 10 CSR 100-[4.020(4)]**4.020(5)**).

(12) When a fund participant or beneficiary incurs costs for cleanup of petroleum contamination, he or she shall comply with the procedures set forth below to request [payment] **reimbursement** from the fund:

(A) Persons requesting [payment] **reimbursement** from the fund must send invoices for the work done, along with a copy of any reports generated by consultants, contractors, or laboratories as part of the work, to the address specified by the board.

1. Such invoices must be submitted within two (2) years of the date [that a letter is issued by the Department of Natural Resources to the fund participant or beneficiary, stating that no additional corrective action is required] **the costs were incurred**. Failure to submit invoices within that time frame shall waive the fund participant's or beneficiary's rights, and those of their successors and assigns, to any benefits which would have otherwise been paid by the Petroleum Storage Tank Insurance Fund **Board of Trustees** for such costs.

2. Original invoices are requested; if photocopies are submitted, they must be accompanied by a signed statement certifying that the copies are true and accurate[;].

**3. Invoices must match the general format of the previously-submitted cost estimate;**

(B) If the person requesting [payment] **reimbursement** is not the owner of the land where the work is being or has been done, he or she must submit either proof of payment or lien waivers with the invoices;

(C) To the extent possible, invoices should be accumulated and submitted as a batch when a project, or phase of a project, is complete. In cases where the size of a project would present a financial hardship, the fund will make periodic [payments] **reimbursements** as the project progresses;

(D) The board may, for the purposes of standardizing claim submittals and assisting persons in preparing such submittals, require submission of a form along with invoices, summarizing the costs for which [payment] **reimbursement** is being sought, identifying the purposes of such costs, and providing such other information as may be needed to more efficiently process claims;

(E) The board will respond in writing to every request for [payment] **reimbursement**. If the response indicates some or all costs are being disallowed or denied, the response will identify those costs and the reason for such disallowance or denial; and

(F) **For claims made under subsection (4)(A), the first reimbursement for [E]eligible costs will be reduced by [any] the applicable deductible [prior to payment being made]. For claims made under subsections (4)(B), (C), (D), or (E), the first reimburse-**

**ment for eligible costs will be reduced by ten thousand dollars (\$10,000).**

*AUTHORITY: sections 319.129 and 319.131 [and 319.132], RSMo Supp. [2001] 2013. Original rule filed April 1, 1999, effective Nov. 30, 1999. Amended: Filed March 31, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 15, 2001, effective May 30, 2002. Amended: Filed Aug. 1, 2014.*

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

*PRIVATE COST: The 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 PSTIF, PO Box 836, Jefferson City, MO 65102, or via email to pstif@sprintmail.com. To be considered, comments must be received by October 17, 2014.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 100—Petroleum Storage Tank Insurance Fund  
Board of Trustees  
Chapter 6—UST Operator Training**

**PROPOSED RULE**

**10 CSR 100-6.010 UST Operator Training**

*PURPOSE: This rule imposes a requirement on operators of underground storage tanks to demonstrate they have been trained in how to properly operate their tank system(s).*

(1) Definitions—In addition to the definitions contained in 10 CSR 26-1.010 and 10 CSR 100-2.010, the following definitions shall apply to this rule:

(A) “Class A/B Operator” means an individual who has responsibility for operating and maintaining an underground storage tank (UST) system in accordance with applicable requirements in 10 CSR 26-2.010–10 CSR 26-2.050, and for assuring that such requirements are implemented on a day-to-day basis;

(B) “Class C Operator” means an employee responsible for initially addressing emergencies presented by a spill or release from an underground storage tank system;

(C) “Qualified Class A/B Operator” means a Class A/B Operator who has met the requirements of section (2) of this rule; and

(D) “Qualified Class C Operator” means a Class C Operator who has met the requirements of section (2) of this rule.

(2) Qualifications.

(A) To be a Qualified Class A/B Operator, an individual must—

1. Be certified as a Class A or Class A/B Operator in one (1) of the following states: Arkansas, Oklahoma, Kansas, Iowa, Illinois, Kentucky, or Tennessee; or

2. Pass a test offered by the Petroleum Storage Tank Insurance Fund Board of Trustees, which shall be available via the Internet at no cost to UST owners and operators.

(B) To be a Qualified Class C Operator, an individual must—

1. Be certified as a Class C Operator in Arkansas, Oklahoma, Kansas, Iowa, Illinois, Kentucky, or Tennessee;

2. Be trained by a Qualified Class A/B Operator; or

3. Pass a test offered by the Petroleum Storage Tank Insurance Fund Board of Trustees, which shall be available via the Internet at no cost to UST owners and operators.

(3) Required Designations.

(A) No later than July 1, 2016, the owner or operator of a UST that is in use must designate at least one (1) Qualified Class A/B Operator for such UST(s).

(B) No later than July 1, 2016, the owner or operator of a UST that is in use must ensure that he/she has designated Qualified Class C Operators.

(C) Within thirty (30) days of bringing a new UST(s) into use after July 1, 2016, the owner or operator must ensure that he/she has designated at least one Qualified Class A/B Operator and has designated Qualified Class C Operators.

(D) Should a vacancy occur, the owner or operator of a UST that is in use must ensure that he/she has a Qualified Class A/B Operator and/or Qualified Class C Operator(s) within thirty (30) days of the respective vacancy.

(4) Recordkeeping—The owner or operator of a UST that is in use must maintain records documenting compliance with this rule. Such records must be made available to the Department of Natural Resources, the Petroleum Storage Tank Insurance Fund, or their designated agent(s) upon request.

(5) Retraining—Within ninety (90) days of notice from the Department of Natural Resources, the Petroleum Storage Tank Insurance Fund Board of Trustees, or their designated agent(s), to an owner or operator of an UST, stating that the UST is significantly out of compliance with the requirements of 10 CSR 26-2.010–2.050, the UST owner or operator must—

(A) Ensure that the designated Class A/B Operator for that UST either demonstrates an understanding of such requirements by passing the test referenced in paragraph (2)(A)2. of this rule or demonstrates to the satisfaction of the Department of Natural Resources that he/she understands such requirements;

(B) Assign a new Qualified Class A/B Operator for that UST; or

(C) Properly and permanently close the UST in accordance with 10 CSR 26-2.061 and 2.062.

*AUTHORITY: section 319.130, RSMo Supp 2013. Original rule filed Aug. 1, 2014.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions two hundred fourteen thousand twenty dollars (\$214,020) in the aggregate.*

*PRIVATE COST: This proposed rule will cost private entities four hundred eighty-nine thousand two hundred forty dollars (\$489,240) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the PSTIF, PO Box 836, Jefferson City, MO 65102, or via email to pstif@sprint-mail.com. To be considered, comments must be received by October 17, 2014.*

FISCAL NOTE  
PUBLIC COST

I. Title 10—Department of Natural Resources  
Division 100—Petroleum Storage Tank Insurance Fund Board of Trustees  
Chapter 6—UST Operator Training

<b>Rule Number and Title:</b>	10 CSR 100-6.010 UST Operator Training
<b>Type of Rulemaking:</b>	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
410	Persons who will spend three (3) hours becoming a trained Class A/B operator	\$123,000
820	Persons who will spend one-half (½) hour becoming a trained Class C operator	\$16,400
	Petroleum Storage Tank Insurance Fund Board of Trustees	\$74,620
		Total: \$214,020

III. WORKSHEET

Class A/B Operator Training:

410 persons x 3 hours x \$100/hour = \$123,000

Class C Operator Training:

410 x 2 = 820 persons

820 persons x \$40/hour x ½ hour = \$16,400

IV. ASSUMPTIONS

In July 2014, the Department of Natural Resources reported there are 410 publicly-owned UST facilities in use in Missouri.

It is assumed all 410 of these will use the free, web-based training provided by the Petroleum Storage Tank Insurance Fund Board of Trustees to comply with this rule, so their only cost will be for time spent using those courses to become trained.

It is assumed the Class A/B Course will require three (3) hours of a person's time and that the average cost per hour for persons who take this course is \$100.

It is assumed that, on average, two persons will become trained Class C Operators for each of the 410 facilities, the Class C course will require one-half ( $\frac{1}{2}$ ) hour of a person's time, and the average cost for such personnel is \$40/hour.

Finally, on behalf of the PSTIF Board of Trustees, the Office of Administration has awarded a contract to a vendor to create the web-based training courses and tests; that contract obligates the Board to pay a firm, fixed price of \$69,620 for the creation of the products and two years' maintenance, technical support, and hosting services. It is estimated subsequent costs to host and maintain the courses and tests will not exceed \$5,000.

FISCAL NOTE  
PRIVATE COST

I. Title 10—Department of Natural Resources  
Division 100—Petroleum Storage Tank Insurance Fund Board of Trustees  
Chapter 6—UST Operator Training

<b>Rule Number and Title:</b>	10 CSR 100-6.010 UST Operator Training
<b>Type of Rulemaking:</b>	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
251	Persons who will spend three (3) hours becoming a trained Class A/B operator for an average of three (3) facilities each	\$75,300
1129	Persons who will spend three (3) hours becoming a trained Class A/B operator for a single UST facility	\$338,700
3,762	Persons who will spend one-half (½) hour becoming a trained Class C operator	\$75,240
		Total: \$489,240

III. WORKSHEET

$$3,231 - 410 = 2,821 \text{ UST facilities}$$

$$2/3 \times 2,821 = 1,881 \text{ privately-owned UST facilities will incur cost for personnel time}$$

Class A/B Operator Training:

$$1,881 \times 40\% = 752$$

$$752 \div 3 = 251 \text{ persons with responsibility for three (3) facilities each}$$

$$251 \text{ persons} \times 3 \text{ hours} \times \$100/\text{hour} = \$75,300$$

$1,881 \times 60\% = 1,129$  persons with responsibility for a single facility

$1,129 \times 3 \text{ hours} \times \$100/\text{hour} = \$338,700$

Class C Operator Training:

$1,881 \times 2 = 3,762$  persons

$3,762 \text{ persons} \times \$40/\text{hour} \times \frac{1}{2} \text{ hour} = \$75,240$

#### IV. ASSUMPTIONS

As of June 30, 2014, the Department of Natural Resources (DNR) reported 3,231 sites where at least one UST is in use; the DNR reported in July 2014 that 410 of those facilities are publicly-owned, so for the purposes of this fiscal note, it is assumed that the other 2,821 facilities are privately-owned.

Because seven states adjacent to Missouri have already imposed an UST operator training requirement with earlier deadlines, and because this rule does not require persons to be retrained who own/operate facilities in both Missouri and one of those other states and who have met the other states' training requirement, it is assumed a portion of the 2,821 facilities will not incur any cost to comply with this rule. Specifically, it is assumed that 1/3 of the 2,821 facilities will incur no cost.

It is assumed the other 2/3 of privately-owned facilities, or 1880 facilities, will utilize the free web-based training provided by the PSTIF Board of Trustees to meet the requirements of this rule, and therefore, their only cost will be for time spent using those courses to become trained.

Class A/B Operators

It is assumed that 40% of these 1880 facilities, or 752 facilities, are owned by companies who will designate one person responsible for UST compliance for multiple facilities; specifically, it is assumed that on average, one person will become trained and be designated as the Class A/B operator for three UST facilities. This means for these 752 facilities, 251 persons will utilize the web-based training course.

It is assumed one person will use the web-based training to become a qualified Class A/B operator for each of the other 60% of facilities.

It is assumed the Class A/B Course will require 3 hours of a person's time and that the average cost per hour for persons who take this course is \$100.

Class C Operators

It is assumed that, on average, two persons will become trained Class C Operators for each of the 1,881 facilities.

It is assumed that the Class C course will require  $\frac{1}{2}$  hour of a person's time and that the average cost for such personnel is \$40/hour.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 30—Office of the Director  
Chapter 14—Approval of Accrediting Organizations  
for Crime Laboratories**

**PROPOSED AMENDMENT**

**11 CSR 30-14.010 Approval of Accrediting Organizations for Crime Laboratories.** The director is amending subsection (1)(B).

*PURPOSE:* This amendment corrects a typographical error in the rule.

- (1) “Approved accrediting organization” means an organization that—  
(B) Accredits crime laboratories—  
1. To the standards established in ISO/IEC [17205] 17025 “General requirements for the competence of testing and calibration laboratories”; and  
2. To any supplemental forensic science standards adopted by the organization.

*AUTHORITY:* section[s] 650.060, RSMo 2000, and section 650.100, RSMo Supp. 2013. Emergency rule filed Jan. 8, 2013, effective Jan. 18, 2013, expired July 16, 2013. Original rule filed Aug. 8, 2013, effective Feb. 28, 2014. Amended: Filed July 25, 2014.

*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 Department of Public Safety, Director’s Office, attention Darla Iven, PO Box 749, Jefferson City, MO 65102 or to Darla.iven@dps.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 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 1—Organization and Administration**

**PROPOSED AMENDMENT**

**11 CSR 45-1.090 Definitions.** The commission is amending section (3).

*PURPOSE:* This amendment adds a definition of counter check as the mechanism used by Class B licensees in extending credit to patrons for wagering.

- (3) Definitions beginning with C—  
(G) Continuously docked excursion—A continuously docked excursion boat shall set a schedule of excursion as required by the definition of excursion. This schedule shall designate a specific time for boarding. On each scheduled excursion, no new passengers shall board after the specified time for boarding has expired; [and]  
(H) Counter check—A type of credit instrument provided by the Class B licensee that is completed as is necessary to be presented by the Class B licensee to the patron’s bank for payment; and  
[(H)](I) Critical program storage media—Any program storage media that contains software that may affect the integrity of gaming, including, but not limited to, game accounting, system, and peripheral firmware devices involved in or which significantly influence the

operation and calculation of game play, game display, game result determination, game accounting, revenue, or security, and which must be verified utilizing an external third-party methodology approved by the commission and which may, as determined by the commission, have security seals attached thereto.

*AUTHORITY:* section 313.004, RSMo 2000, [and] section[s] 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed July 31, 2014.

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission’s Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.053 Policies.** The commission is amending the purpose statement, and sections (1) and (3).

*PURPOSE:* This amendment updates the purpose statement and the license class designation, and eliminates the prohibition from lending money or any other thing of value for the purpose of wagering.

*PURPOSE:* [The commission proposes to divide existing rule 11 CSR 45-5.050 Authorized Games and Policies into separate rules for Authorized Games, 11 CSR 45-5.050 and Policies, 11 CSR 45-5.053.] This rule details policies regarding methods of operation to be followed by licensees.

- (1) A holder of a Class [A] B license shall comply with all federal regulations and requirements for the withholding of taxes from winnings and the filing of currency transaction reports.  
(3) The holder of a Class A or B license is expressly prohibited from the following activities:  
(G) Permitting, if the [Class A] licensee was aware or should have been aware of, any cheating whatsoever;  
(I) Permitting to remain in or upon any licensed premises, if the [Class A] licensee was aware, or should have been aware of, any gambling device which tends to alter the normal random selection of criteria which determines the results of the game or deceives the public in any way;  
(L) Denying a commissioner or commission agent, information concerning any aspect of the riverboat operation; and  
(M) Failing to report to the commission known or suspected violations of commission rules and applicable law; and].

*[(N) Lending to any person money or any other thing of value for the purpose of permitting that person to wager on any authorized gambling game. Any licensee who violates 11 CSR 45-5.053(3)(N) shall be subject to an administrative penalty of five thousand dollars (\$5,000) for each violation.]*

**AUTHORITY:** section[s] 313.004, RSMo 2000 and sections 313.805 and 313.807, RSMo Supp. [2008] 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Original rule filed Feb. 19, 1998, effective Aug. 30, 1998. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Amended: Filed July 31, 2014.

**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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.090 Submission of Chips for Review and Approval.** The commission is amending section (1).

**PURPOSE:** This amendment updates the class designation.

(1) Each holder of a Class *[A]* **B** license shall submit to the commission for approval a sample of each denomination of value and nonvalue chips in its primary and secondary sets and shall not utilize these chips for gaming purposes until approved in writing by the commission.

(A) In requesting approval of these chips, a holder of a Class *[A]* **B** license prior to having the chips manufactured, shall first submit to the commission a detailed schematic of its proposed chips, and a sample chip, which shall show the front, back, and edge of each denomination of value chip and each nonvalue chip and the design and wording to be contained on the chip, all of which shall be depicted on the schematic or chip as they will appear, both as to size and location, on the actual chip. Once the design schematics or chip is approved by the commission, no value or nonvalue chip shall be issued or utilized unless and until a sample of each denomination of value chip and each color of nonvalue chip is also submitted to and approved by the commission.

(C) No holder of a Class *[A]* **B** license or other person licensed by the commission shall manufacture for, sell to, distribute to, or use in any casino outside of Missouri, any value or nonvalue chips having the same edge design as those approved for use in Missouri.

**AUTHORITY:** section[s] 313.004, RSMo [1994] 2000, and sections 313.805 and 313.807, RSMo Supp. [1997] 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994.

Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed July 31, 2014.

**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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.180 Tournament Chips and Tournaments.** The commission is amending the purpose and section (3) and adding a new section (4).

**PURPOSE:** This amendment updates the definition of entry fees, clarifies entry fees awarded for participation in a tournament, requires a copy of tournament rules to be provided to the commission tax section and the gaming agent, provides for record retention of payouts, adds a signature requirement for a prize winner receiving a payout, explains accounting of adjusted gross receipts for tournaments, and removes the listing of the responsible employee in the internal controls.

**PURPOSE:** This rule establishes the process for offering tournaments for play and the use of promotional and tournament chips and tokens.

(3) As used in this rule, entry fees shall be defined as the total amount paid by *[a person or on a person's behalf]* patrons for participation in a tournament and any amounts awarded by the Class **B** licensee to patrons from previous tournament play for participation in *[a]* that tournament. A tournament is a contest offered and sponsored by a Class *[A]* **B** licensee in which patrons may be assessed an entry fee or be required to meet some other criteria to compete against one another in a gambling game or series of gambling games in which winning patrons receive a portion or all of the entry fees, if any, which may be increased with cash or non-cash prizes from the Class *[A]* **B** licensee. Class *[A]* **B** licensees may conduct tournaments provided:

(B) A copy of the tournament rules shall be submitted to the gaming agent in charge at that property and the commission tax section at least ten (10) calendar days before the first day of the event;

*[(B)](C)* The licensee shall conduct the tournament in compliance with all applicable rules, regulations, and laws;

*[(C)](D)* The licensee shall maintain written, dated rules governing the event, and the rules shall be immediately available to the public and the commission upon request. Tournament rules shall at a minimum include:

1. The date, time, and type of tournament to be held;

2. The amount of the entry fee, if any;
3. The minimum and maximum number of participants;
4. A description of the tournament structure, i.e., number of rounds, time period, players per table, and criteria for determining winner(s);
5. The prize structure, including amounts and/or percentages for prize levels; and
6. Procedures for the timely notification of entrants and the gaming agent in charge at the property and the refunding of entry fees in the event of cancellation;

*[(D)](E)* No false or misleading statements, written or oral, shall be made by a licensee or its employees or agents regarding any aspect of the tournament, and all prizes offered in the tournament shall be awarded according to the Class *[A] B* licensee's rules governing the event. Tournaments shall not be structured or conducted in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri;

*[(E)](F)* The Class *[A] B* licensee's accounting department shall keep a complete record of the rules of the event and all amendments thereto, including criteria for entry and winning, names of all entrants, all prizes awarded and prize winners, **source documentation evidencing the payout amounts which shall be signed by the prize winners**, for a minimum of two (2) years from the last date of the tournament and shall be made readily available to the commission upon request;

*[(F)](G)* Entry fees shall be subject to the adjusted gross receipts tax pursuant to section 313.822, RSMo. *[Entry fees shall be considered as buy-in except when paid with chips, tokens, or a ticket.]* At least eighty percent (80%) of all entry fees must be returned to tournament participants as winnings;

**(H) The total entry fees shall be reported as adjusted gross receipts for a tournament and no portion shall be held in abeyance to be applied to a future tournament or another tournament in the same series of tournaments; and**

*[(G)](I)* Cash and non-cash winnings paid in a tournament shall be deductible from adjusted gross revenue, but any such deduction shall not exceed the total entry fees received for the tournament and non-cash winnings shall be deductible only to the dollar value thereof actually invoiced to and paid by the licensee.; and

*(H) The Class A licensee shall designate in its internal control system an employee position acceptable to the commission that shall be responsible for ensuring adherence to the rules set forth in this section.]*

**(4) Free tournaments are considered tournaments and promotional activities as defined in 11 CSR 45-5.181 and shall comply with both 11 CSR 45-5.180 and 11 CSR 45-5.181.**

*AUTHORITY: section[s] 313.004, RSMo 2000, and sections 313.805, 313.807, and 313.817, RSMo Supp. 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed July 31, 2014.*

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming*

*Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.183 Table Game and Poker Cards—Specifications.** The commission is amending section (1).

*PURPOSE: This amendment updates the class designation.*

(1) Unless otherwise approved by the commission, all cards used for gambling games must meet the following specifications:

(F) The design to be placed on the backs of cards used by licensees shall contain the name or trade name of the Class *[A] B* licensee where the cards are to be used and shall be submitted to the commission for approval prior to use of such cards in gaming activity;

(H) Nothing in this section shall prohibit decks of cards with one (1) or more jokers contained therein; provided, however, such jokers shall be used by the Class *[A] B* licensee only in the play of any games approved by the commission for that manner of play; and

(I) In addition to satisfying the requirements of this section, the cards used by a Class *[A] B* licensee in any poker room game must—

1. Be visually distinguishable from the cards used by that Class *[A] B* licensee to play any table games; *[and]*

2. Be made of plastic; and

3. Each set of poker cards shall have two (2) decks with visually distinguishable card backings. These card backings may be distinguished, without limitation, by different logos, different colors, or different design patterns.

*AUTHORITY: sections 313.004[,] and 313.845, RSMo 2000, and sections 313.805 and 313.830, RSMo Supp. 2013. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed July 3, 2000, effective Feb. 28, 2001. Amended: Filed May 29, 2002, effective Dec. 30, 2002. Amended: Filed Feb. 28, 2007, effective Oct. 30, 2007. Amended: Filed July 31, 2014.*

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.184 Table Game Cards—Receipt, Storage, Inspections, and Removal from Use.** The commission is amending sections (1)–(4), (6), (7), (11), (12), (14), (15), deleting section (16),

and renumbering and amending the remaining sections.

*PURPOSE: This amendment updates procedures regarding table game cards.*

(1) When decks of table game cards are received for use in the facility from a licensed supplier, the decks shall be placed for storage in a primary or secondary storage area by at least (2) employees, one (1) of whom shall be from the table games department and the other from the [casino] security [or casino accounting] department. The primary card storage area shall be located in a secure place, the location and physical characteristics of which shall be approved by the commission. Secondary storage areas, if needed, shall be used for the storage of surplus cards. Cards maintained in secondary storage areas shall be transferred to the primary card storage area before being distributed to the pits or tables. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the commission.

(2) All primary and secondary storage areas shall have two (2) separate locks. The [casino] security department shall be the authorized user of one (1) key and the pit manager, poker room manager, or supervisor thereof in the organizational hierarchy shall be the authorized user of the other key.

(3) Immediately prior to the commencement of each gaming day and at other times as may be necessary, the pit manager, poker room manager, or supervisor thereof, in the presence of a [casino] security officer, shall remove the appropriate number of decks of table games cards from the primary card storage area for that gaming day.

(4) Once removed from the primary card storage area, the pit manager, poker room manager, or supervisor thereof, in the presence of a [casino] security officer, shall take the decks to the pit(s) and distribute the decks to the floor supervisor(s) for distribution to the dealer at each table.

(6) Cards will not be moved outside of the enclosed or encircled area without a security escort and notification to surveillance except [for] when being collected by security. [as detailed in section (15) of this rule.]

(7) Prior to being placed into play, all decks shall be inspected by the dealer, and the entire inspection observed by a floor supervisor or above. Card inspection at the gaming table shall require each deck to be sorted into sequence and into suit to ensure that all cards are in the deck. [The] **As part of the inspection, the dealer shall also check the back of each card to ensure that it is not flawed, scratched, or marked in any way. Card inspection for games which use at least a six (6)-deck shoe and allow players to handle the cards may be conducted at an alternate table in the same pit. In this instance, the floor supervisor or above shall notify surveillance and surveillance shall record on the surveillance shift log both the table number where the card inspection is conducted and the table number at which the cards are to be placed into play.**

(11) Card(s) damaged during the course of play shall be replaced by the dealer who shall request a floor supervisor or above to bring a replacement card(s) or deck from the pit stand.

(B) The floor supervisor or above shall maintain the envelope or container in a secure place within the pit until collected by a [casino] security officer.

(12) At the end of the gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee and approved by the commission, and at other times as may be necessary, the floor supervisor or above shall collect all used cards.

(A) These cards shall be counted down manually by the dealer or by an automated shuffler and placed in the original deck boxes. The

time the decks were removed from the table shall be recorded on the deck boxes. The boxes shall be placed in a sealed envelope or container. For games in which dealing procedures require cards to be dealt only once, the sealed envelopes or containers shall be [a translucent color different than] **easily distinguishable from** those used for all other table games. The bags will be conspicuously labeled as containing single-use cards.

(C) The floor supervisor or above shall maintain the envelopes or containers in a secure place within the pit until collected by a [casino] security officer.

**(14) At the end of each gaming day or, in the alternative, at least once each gaming day, as designated by the licensee in the internal controls and approved by the commission, and at other times as may be necessary, a pit manager or above shall collect all extra decks of cards.** All extra decks with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the floor supervisor and the pit manager or above.

(15) At the end of the gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee in the internal controls and approved by the commission, and at other times as may be necessary, a [casino] security officer shall collect all **decks in the pit(s), including sealed decks**, sealed envelopes or containers with damaged cards, [cards] decks used during the gaming day, and [all other] decks with broken seals. The collection shall be recorded on the Card and Dice Collection Log. **All sealed decks shall be returned directly to the primary storage area or delivered directly to the card destruction room to be immediately cancelled or destroyed.** The [casino] security officer shall return the envelopes or containers and the log to the card [and dice] inspection room.

*[(16) At the end of each gaming day or, in the alternative, at least once each gaming day, as designated by the licensee in the internal controls and approved by the commission, and at other times as may be necessary, a pit manager or above may collect all extra decks of cards. If collected, all sealed decks shall be canceled, destroyed, or returned to an approved storage area.]*

*[(17)](16) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the [casino] security department, they shall be inspected within forty-eight (48) hours by a member of the security department who has been trained in proper card inspection procedures. The cards will be inspected for tampering, marks, alterations, missing or additional cards, or anything that might indicate unfair play.*

(A) With the exception of cards which are changed upon the completion of each shoe and dealt only once, all cards used in table games in which the cards are handled by the player shall be inspected. Cards that are changed upon completion of each shoe and are dealt only once shall be recorded separately on the Card Inspection Log and are not required to be inspected.

(B) In other table games, if less than three hundred (300) decks are used in the gaming day, at least ten percent (10%) of those decks will be selected at random to be inspected. If three hundred (300) or more decks are used that gaming day, at least five percent (5%) of those decks but no fewer than thirty (30) decks will be selected at random to be inspected.

(C) The licensee shall also inspect—

1. Any cards which the commission requests the licensee to remove for the purpose of inspection; and

2. Any cards the licensee removed for indication of tampering.

(D) The procedures for inspecting all decks required to be inspected under this subsection shall, at a minimum, include:

1. The sorting of cards sequentially by suit or using an automated deck checking device to establish all cards are present;
2. The inspection of the backs of the cards with an ultraviolet light; and
3. The inspection of the sides of the cards for crimps, bends, cuts, and shaving.

(E) The individuals performing said inspection shall complete the Card Inspection Log which shall detail the procedures performed and list the tables from which the cards were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

(F) Evidence of tampering, marks, alterations, missing or additional cards, or anything that might indicate unfair play discovered at this time, or at any other time, shall be *[immediately]* reported to the commission by the completion and delivery of a Card Discrepancy Report. **All Card/Dice Discrepancy Reports generated for the cards for each gaming day shall be delivered prior to or immediately following the inspection process for that gaming day.**

1. The report shall accompany the card(s) when delivered to the commission.
2. *The commission agent on duty will sign the two (2)-part report, retain the original report and determine whether the card(s) will be retained for further inspection or released for destruction.*
- 3.2. Security shall maintain the second part of the discrepancy report.

*[(18)](17)* The Class B licensee shall—

(A) Maintain a card inventory ledger for each primary and secondary storage location, which shall document the following:

1. Balance of decks on hand;
2. Decks removed from storage;
3. Decks returned to storage or received from the manufacturer;
4. Date of the transaction; and
5. Signatures of the security officer and the pit manager or poker room manager conducting the transaction;

(B) Verify on a daily basis the number of decks stored, distributed, destroyed, or cancelled, and returned to the storage area; and

(C) Perform an independent inventory of the cards at least once each calendar quarter.

1. This inventory shall be performed by an employee from the compliance or accounting department and shall be verified to the balance of decks on hand as recorded on the inventory ledger.

2. The employee conducting this inventory shall make an entry and sign the *[c]Cards/ [and d]Dice [i]Inventory [l]Ledger* in a manner that clearly distinguishes this count as the independent inventory.

3. Any discrepancies shall immediately be reported to the commission agent on duty.

*[(19)](18)* Where cards in an envelope or container are inspected and found to be without any indication of tampering marks, alterations, missing or additional cards, or anything that might indicate unfair play, those cards shall be destroyed or cancelled. Once released by the commission, the cards submitted as evidence shall *[immediately]* be destroyed or cancelled. Cards shall be destroyed or cancelled prior to removal from inventory. The destruction/cancellation shall be recorded on the Card and Dice Cancellation/Destruction Log.

(A) Destruction shall occur by shredding or other method approved by the commission.

(B) Cancellation shall occur by drilling a circular hole of at least one-fourth of one inch (1/4") in diameter through the center of each card in the deck, or by removing at least one-fourth of an inch (1/4") from at least one (1) corner of each card, or other method approved by the commission.

(C) The destruction and cancellation of cards shall take place in a

secure place, the location and physical characteristics of which shall be approved by the commission, and shall be performed by a member of the *[casino]* security department specifically trained in proper procedures.

*[(20)](19)* The Class B licensee shall not allow players to handle cards except as permitted by the Class B licensee's internal control system Rules of the Game.

*AUTHORITY: sections 313.004 and 313.845, RSMo 2000, and sections 313.805 and 313.830, RSMo Supp. [2012] 2013. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed Feb. 28, 2007, effective Oct. 30, 2007. Amended: Filed Aug. 30, 2012, effective March 30, 2013. Amended: Filed July 31, 2014.*

*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.*

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## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming

### PROPOSED AMENDMENT

**11 CSR 45-5.185 Poker Cards—Receipt, Storage, Inspections, and Removal from Use.** The commission is amending sections (2) and (3).

*PURPOSE: This amendment removes the provision that accounting employees are allowed to place decks of poker cards in storage.*

(2) When decks of poker cards are received for use in the facility from a licensed supplier, the decks shall be placed for storage in a primary or secondary storage area by at least two (2) employees, one (1) of whom shall be from the table games department and the other from the *[casino]* security *[or casino accounting]* department. The primary storage area shall be located in a secure place, the location and physical characteristics of which shall be approved by the commission. Secondary storage areas, if needed, shall be used for the storage of surplus poker cards. Cards maintained in secondary storage areas shall be transferred to the primary card storage area before being distributed to the poker room or tables. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the commission.

(3) All primary and secondary card storage areas shall have two (2) separate locks. The *[casino]* security department shall maintain one (1) key and the table games department shall maintain the other key; provided, however, that no person employed by the table games department below the pit manager or poker room manager in the organizational hierarchy shall have access to the table games department key for the primary and secondary card storage areas.

*AUTHORITY: section 313.805, RSMo Supp. [2011] 2013. Original rule filed Feb. 28, 2007, effective Oct. 30, 2007. Amended: Filed Jan. 26, 2012, effective Aug. 30, 2012. Amended: Filed July 31, 2014.*

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.260 Dice Specifications.** The commission is amending sections (1) and (2).

*PURPOSE: This amendment updates the class designation and requires approval of dice designs prior to use.*

(1) Except as otherwise provided in section (2) [below], each die used in gaming shall—

(B) Be transparent and made exclusively of cellulose except for the spots, name or trade name of the Class [A] B licensee and serial numbers or letters contained thereon;

(I) Have the name or trade name of the Class [A] B licensee in which the die is being used imprinted or impressed thereon.

(2) Each die used in gaming at pai gow poker shall comply with the requirements of section (1) [above] except as follows:

(B) Instead of the name or trade name of the Class [A] B licensee, the commission may approve an identifying mark or logo to be imprinted or impressed on each die;

(D) Edges and corners may be beveled so long as beveling is similar on each edge and each corner; [and]

(E) Tolerances required by subsection (1)(H) of this regulation as applied to pai gow poker dice shall require accuracy of only .004 of an inch (.004" f.); and

**(F) Dice designs shall be submitted by the Class B licensee to the commission and must be approved by the commission prior to use.**

*AUTHORITY: sections 313.004 and 313.845, RSMo [1994] 2000, and sections 313.805 and 313.830, RSMo Supp. [1997] 2013. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999. Amended: Filed July 31, 2014.*

*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.*

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**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.265 Dice—Receipt, Storage, Inspections and Removal from Use.** The commission is amending sections (1)–(11).

*PURPOSE: This amendment updates procedures regarding dice.*

(1) When dice are received for use in the facility from a licensed supplier, the boxes shall be placed for storage in a primary or secondary storage area by at least two (2) employees, one (1) of whom shall be from the table games department and the other from the [casino] security [or casino accounting] department. The primary storage area shall be located in a secure place, the location and physical characteristics of which shall be approved by the commission. Secondary storage areas, if needed, shall be used for the storage of surplus dice. Dice maintained in secondary storage areas shall be transferred to the primary storage area before being distributed to the pits or tables. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the commission.

(2) All primary and secondary storage areas shall have two (2) separate locks. The [casino] security department shall maintain one (1) key and the table games department shall maintain the other key; provided, however, that no person employed by the table games department below the pit manager or poker room manager in the organizational hierarchy shall have access to the table games department key for the primary and secondary storage areas.

(3) Immediately prior to the commencement of each gaming day and at other times as may be necessary, the pit manager, poker room manager, or supervisor thereof, in the presence of a [casino] security officer, shall remove the appropriate number of dice from the primary storage area for that gaming day.

(4) Once removed from the primary storage area, the pit manager, poker room manager, or supervisor thereof, in the presence of a [casino] security officer, shall take the dice to the pit(s) and distribute the dice to the floor supervisor(s) or directly to the boxperson at each table.

(A) At [the time of receipt,] any time prior to being introduced into play and in the presence of the floor supervisor, a boxperson at each craps table, in order to ensure that the dice are in a condition to ensure fair play and otherwise conform to sections 313.800 to 313.850, RSMo and the rules of the commission,] or another floor supervisor shall, in the presence of the floor supervisor,] inspect the dice on a flat surface at the craps table or pit stand with a micrometer or any other approved instrument approved by the commission which performs the same function, a balancing caliper, a steel set square and a magnet, which] to ensure that the dice are in a condition to ensure

fair play and otherwise conform to sections 313.800 to 313.850, RSMo and the rules of the commission. These instruments shall be kept in a compartment at *[each]* a craps table or pit stand and shall be at all times readily available for use by the commission upon request.

(B) Following this inspection the boxperson shall in the presence of the floor supervisor place the dice in a cup on the table for use in gaming, and at all times while the dice are at the table, they shall never be left unattended. **If the dice are inspected by a floor supervisor for future use that gaming day, the floor supervisor shall, in the presence of another floor supervisor, place the inspected dice in a single locked compartment in the pit stand.**

(C) The pit manager shall place extra dice for dice reserve in a single locked compartment in the pit stand **separate from any pre-inspected dice.** The floor supervisor or above shall have access to the extra dice to be used for that gaming day.

*[(D) If the dice are kept overnight the dice shall be kept in a separate, single locked storage unit that is within a pit area that is completely enclosed or encircled by gaming tables. This storage compartment may be used to store dice for future play within that enclosed or encircled area for up to one (1) week if only the pit manager has access to the compartment in which the dice are stored, there is continuous, dedicated surveillance coverage of the storage compartment and surrounding area, and the pit manager maintains an approved log current at all times inside the dice storage compartment that reflects the current number/color of dice in the compartment, and any discrepancies are immediately reported to the commission agent on duty. Dice will not be moved outside of the enclosed or encircled area without a security escort and notification to surveillance.]*

*[(E)](D)* No dice taken from the reserve shall be used for actual gaming **until** unless the dice are inspected in accordance with this rule.

(5) The *[casino]* **Class B** licensee shall remove any dice from use any time there is any indication of tampering, flaws, or other defects that might affect the integrity or fairness of the game, or at the request of the commission.

(6) At the end of each gaming day *[or]* **and** at such other times as may be necessary, a floor supervisor, other than the person who originally inspected the dice shall visually inspect each die for evidence of tampering. Such evidence discovered at this time or at any other time shall be immediately reported to the commission *[by the completion and delivery of an approved Dice Discrepancy Report]*.

(A) Any die showing evidence of tampering shall be placed in a sealed envelope or container in a **secure place within the pit until collected by a security officer.**

1. A label shall be attached to each envelope or container which shall identify the table number, date, and time and shall be signed by the boxperson and floor supervisor.

2. *[The pit manager or casino security officer responsible for delivering the dice to the commission agent at the gaming facility shall also sign the label.]* A **Card/Dice Discrepancy Report** shall be completed.

*[3.]* The *[commission agent receiving the die shall sign the original, duplicate and triplicate copy of the]* Card/Dice Discrepancy Report *[and retain the original at the commission office. The duplicate copy] and the damaged die* shall be *[delivered to the deputy director for enforcement and the triplicate copy shall be returned to the pit and]* maintained in a secure place within the pit until *[collection]* collected by a *[casino]* security officer. **The Card/Dice Discrepancy Report shall be delivered to the MGC agent on duty for signature. Once completed, security shall retain one (1) copy of the report.**

(B) All other dice shall be put into envelopes or containers at the end of each gaming day.

1. A label shall be attached to each envelope or container which shall identify the table number, date, and time and shall be signed by the boxperson and floor supervisor.

2. The envelope or container shall be appropriately sealed and maintained in a secure place within the pit until *[collection]* collected by a *[casino]* security officer.

**(7) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the Class B licensee and approved by the commission, and at such other times as may be necessary, a pit manager or supervisor of the pit manager shall collect all extra dice in dice reserve.**

(A) All extra dice in dice reserve that are to be destroyed or cancelled shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the pit manager.

**(B) All extra dice in dice reserve that are not to be destroyed or cancelled shall be returned to primary storage.**

(8) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the *[casino]* **Class B** licensee and approved by the commission, and at such other times as may be necessary, a *[casino]* security officer shall collect *[and sign all]*—

(A) All envelopes or containers of used dice and any dice in dice reserve that are to be destroyed or cancelled and shall transport them to the *[casino]* security department for cancellation or destruction*./.*;

**(B) All extra dice in dice reserve that are not to be destroyed or cancelled and shall transport them to primary storage; and**

(C) *[The casino security officer shall also collect all triplicate] All copies of Card/Dice Discrepancy Reports[, if any].*

**(9)** No dice that have been placed in a cup for use in gaming shall remain on a table for more than twenty-four (24) hours.

*[(9) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the casino licensee and approved by the commission, and at such other times as may be necessary, a pit manager or supervisor of the pit manager may collect all extra dice in dice reserve.*

*(A) If collected, dice shall be returned to the primary storage area.*

*(B) If not collected, all dice in dice reserve must be reinspected prior to use for gaming.]*

(10) The *[casino]* **Class B** licensee shall submit to the commission for approval procedures for—

(B) A reconciliation on a daily basis of the dice distributed, the dice destroyed and cancelled, the dice returned to the primary storage area *[and, if any, the dice in dice reserve];* and

(C) A physical inventory of the dice at least once *[every three (3) months] each calendar quarter.*

1. This inventory shall be performed by *[a supervisory Level II licensee] an employee* from the *[cage, slot,] compliance* or accounting department and shall be verified to the balance of dice on hand *[required in paragraph (10)(A)1. above] as recorded on the inventory ledger.*

2. **The employee conducting this inventory shall make an entry and sign the Cards/Dice Inventory Ledgers in a manner that clearly distinguishes this count as the independent inventory.**

*[2.]3.* Any discrepancies shall immediately be reported to the commission.

**(11) [Destruction and/or Cancellation] Dice placed on a gaming table shall be cancelled and/or destroyed within a week.**

*AUTHORITY: sections 313.004[,] and 313.845, RSMo 2000, and sections 313.805 and 313.830, RSMo Supp. 2013. Original rule*

filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed Feb. 28, 2007, effective Oct. 30, 2007. Amended: Filed July 31, 2014.

**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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 8—Accounting Records and Procedures; Audits**

**PROPOSED AMENDMENT**

**11 CSR 45-8.120 Handling of Cash at Gaming Tables.** The commission is amending subsections (1)(A) and (1)(B).

**PURPOSE:** This amendment sets a minimum dollar amount for requiring a dealer call-out of a buy-in.

(1) Whenever cash is presented by a patron at a gaming table for exchange of gaming chips, the following procedures and requirements shall be observed:

(A) The cash shall be spread on the top of the gaming table by the dealer or box person accepting it in full view of the patron who presented it [and the casino supervisor assigned to that gaming table];

(B) The cash value amount, **if over five hundred dollars (\$500)**, shall be verbalized by the dealer or box person accepting it in a tone of voice calculated to be heard by the patron and the [casino] floor supervisor assigned to that gaming table; and

**AUTHORITY:** section 313.004, RSMo 2000, section 313.805, RSMo Supp. [2008] 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expired May 13, 2009. Amended: Filed Oct. 29, 2008, effective April 30, 2009. Amended: Filed July 31, 2014.

**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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, com-

ments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 8—Accounting Records and Procedures; Audits**

**PROPOSED RULE**

**11 CSR 45-8.140 Application and Verification Procedures for Granting Credit**

**PURPOSE:** This rule provides regulatory procedures for the Class B licensees to follow regarding standards for establishing lines of credit.

(1) A person who wants to obtain credit from a Class B licensee shall file a credit application with the Class B licensee which contains, at a minimum, the following information:

- (A) The person's name;
- (B) The address of the person's residence;
- (C) The person's telephone number;
- (D) Bank account information including:
  1. The name of the person's bank; and
  2. The account number of the person's banking account upon which the person is individually authorized to draw and upon which all credit instruments will be drawn;
- (E) The credit limit requested by the person; and
- (F) The person's signature indicating acceptance of the terms of the credit agreement and attesting to the accuracy of the information provided. (For applications received electronically, the signature may be obtained at a later time prior to the final verification of the credit application.)

(2) The Class B licensee shall not approve a credit limit above the amount requested by the person unless the person requests the increase in writing.

(3) Upon receipt of an application for credit, a confidential credit file for that person containing the information required under section (1) shall be prepared by a cage or credit employee of the Class B licensee either manually or electronically prior to the Class B licensee's approval of a person's credit limit. The person's credit limit must be supported by the information contained in the person's credit file. The cage or credit employee who is responsible for receiving, processing, and verifying the information in credit applications shall not have authority to approve credit limits or credit limit increases.

(4) Prior to a Class B licensee's approval of a person's credit limit, an employee of the credit department or other employee as designated in the Class B licensee's internal control system shall—

(A) Verify the person's identity by—

1. Obtaining the person's valid, non-expired government-issued photo identification (such as a driver's license, state ID card, or passport); and
2. Confirming the person's identity by comparing the photo, physical description, and identifying information on the photo identification to the person requesting the credit;

(B) Verify the person's address (address must match at least one (1) of the addresses on the reports used to determine creditworthiness);

(C) Perform a credit check and apply usual standards to determine the dollar amount of credit for which the person qualifies. If the person does not qualify for at least a ten thousand dollar (\$10,000) line

(4) Prior to a Class B licensee's approval of a person's credit limit, an employee of the credit department or other employee as designated in the Class B licensee's internal control system shall—

(A) Verify the person's identity by—

1. Obtaining the person's valid, non-expired government-issued photo identification (such as a driver's license, state ID card, or passport); and
2. Confirming the person's identity by comparing the photo, physical description, and identifying information on the photo identification to the person requesting the credit;

(B) Verify the person's address (address must match at least one (1) of the addresses on the reports used to determine creditworthiness);

(C) Perform a credit check and apply usual standards to determine the dollar amount of credit for which the person qualifies. If the person does not qualify for at least a ten thousand dollar (\$10,000) line

(4) Prior to a Class B licensee's approval of a person's credit limit, an employee of the credit department or other employee as designated in the Class B licensee's internal control system shall—

(A) Verify the person's identity by—

1. Obtaining the person's valid, non-expired government-issued photo identification (such as a driver's license, state ID card, or passport); and
2. Confirming the person's identity by comparing the photo, physical description, and identifying information on the photo identification to the person requesting the credit;

(B) Verify the person's address (address must match at least one (1) of the addresses on the reports used to determine creditworthiness);

(C) Perform a credit check and apply usual standards to determine the dollar amount of credit for which the person qualifies. If the person does not qualify for at least a ten thousand dollar (\$10,000) line

(4) Prior to a Class B licensee's approval of a person's credit limit, an employee of the credit department or other employee as designated in the Class B licensee's internal control system shall—

of credit, the application shall be denied;

(D) Verify the person's banking account information which includes, but is not limited to, the following:

1. Account number; and
2. Name and title of the person or web-based service supplying the information;

(E) Verify that the person's name is not on the List of Disassociated Persons or the Missouri Gaming Commission (MGC) Excluded Persons List;

(F) Verify the application is signed by the person; and

(G) Sign the verifications. The date and time of the signature of the verifier shall be recorded either electronically or manually contemporaneously with the verification.

*AUTHORITY: section 313.004, RSMo 2000, section 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Emergency rule filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Original rule filed July 31, 2014.*

*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 cost thirteen (13) Class B licensees three hundred thirty-seven thousand two hundred eighty dollars (\$337,280) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: 11—DEPARTMENT OF PUBLIC SAFETY  
Division Title: 45—Missouri Gaming Commission  
Chapter Title: 8—Accounting Records and Procedures; Audits**

<b>Rule Number and Title:</b>	<b>11 CSR 45 -8.140 Application and Verification Procedures for Granting Credit</b>
<b>Type of Rulemaking:</b>	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
13 Class B Licensees	Excursion Gambling Boats (hereafter referred to as "Casinos")	\$ 337,280

The information used to calculate these estimated costs was obtained from the affected casinos. The Commission assumes that the majority of these costs would have been incurred by the casinos in order to comply with the statutory provisions even in the absence of any proposed regulations. However, because it would not be feasible to segregate the cost incurred complying with the statutes compared to the cost incurred complying with the regulations, one hundred percent (100%) of the cost reported by the affected casinos has been included in this cost estimate.

**III. WORKSHEET**

Cost for personnel from five casinos—  
 $\$45,000 + \$33,600 + \$33,600 + \$33,600 + \$33,600 = \$179,400$

Cost for employee training from seven casinos—  
 $\$1,000 + \$400 + \$350 + \$350 + \$350 + \$350 + \$100 = \$2,900$

Cost of printing of forms from six casinos—  
 $\$500 + \$250 + \$1,200 + \$1,200 + \$1,200 + \$1,200 = \$5,550$

Additional equipment from three casinos—  
 $\$1,000 + \$20,000 + \$33,280 = \$54,280$

Other miscellaneous costs from nine casinos, including service fees for credit checks and subscription costs —  
 $\$9,750 + \$9,750 + \$3,000 + \$15,600 + \$15,600 + \$15,600 + \$15,600 + \$500 + \$9,750 = \$95,150$

**IV. ASSUMPTIONS**

The fiscal impact/cost of implementing the various provisions relating to credit transactions may include additional personnel, training new and/or existing personnel, updating computer systems and equipment, and printing manual forms. One casino submitting its cost estimate indicated that its costs for personnel, training, printing forms and additional equipment was the combined cost for compliance with this rule as well as 11 CSR 45-8.141 and 11 CSR 45-8.142. Four casinos submitting their cost estimates indicated the aggregated costs for personnel was the combined cost for 11 CSR 45-8.142, 11 CSR 45-9.108, 11 CSR 45-9.109, and 11 CSR 45-9.118.

Some costs, including the purchase of printers and computer equipment (approx. \$54,780), would be one-time costs incurred during the implementation of the rule. The remaining costs (approx. \$282,500) for this rule may recur annually for the life of the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 8—Accounting Records and Procedures; Audits**

**PROPOSED RULE**

**11 CSR 45-8.141 Approval of Credit Limits**

*PURPOSE: This rule provides regulatory procedures for the Class B licensees to follow regarding the approval of credit limits.*

(1) A credit limit, and any temporary or permanent increases thereto, shall be approved by an occupational licensee other than the licensee who processed and verified the credit application information. Each Class B licensee shall designate in its internal control system the job titles authorized to approve credit limits.

(2) The approval of credit shall be recorded in the person's credit file (either manually or electronically) and shall include the:

(A) Amount of credit for which the person qualifies as determined by the results of the credit check;

(B) Approved credit limit amount, which shall not exceed the amount requested by the person;

(C) Information used to support the credit limit and any changes thereto, including the source of the information; and

(D) Signature of the occupational licensee approving the credit limit, together with the date and time of the approval, which shall be recorded before any actual extension of credit is tendered.

(3) Prior to approving a temporary or permanent credit limit increase, an employee of the credit department or other employee as designated in the Class B licensee's internal control system shall—

(A) Obtain a written request from the person which includes:

1. The date and time of the person's request;

2. The amount of credit limit increase requested by the person and if the increase requested is temporary or permanent; and

3. The signature of the person;

(B) Re-verify the information as required by the Class B licensee's internal control system for increasing credit limits;

(C) Include this information and documentation in the person's credit file; and

(D) Comply with the requirements of sections (1) and (2) of this rule.

*AUTHORITY: section 313.004, RSMo 2000, and section 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Emergency rule filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Original rule filed July 31, 2014.*

*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 cost thirteen (13) Class B licensees six thousand six hundred dollars (\$6,600) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

FISCAL NOTE  
PRIVATE COST

- I. Department Title: 11-DEPARTMENT OF PUBLIC SAFETY**  
**Division Title: 45-Missouri Gaming Commission**  
**Chapter Title: 8-Accounting Records and Procedures; Audits**

<b>Rule Number and Title:</b>	<b>11 CSR 45 -8.141 Approval of Credit Limits</b>
<b>Type of Rulemaking:</b>	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
13 Class B Licensees	Excursion Gambling Boats (hereafter referred to as "Casinos")	\$6,600

The information used to calculate these estimated costs was obtained from the affected casinos. The Commission assumes that the majority of these costs would have been incurred by the casinos in order to comply with the statutory provisions even in the absence of any proposed regulations. However, because it would not be feasible to segregate the cost incurred complying with the statutes compared to the cost incurred complying with the regulations, one hundred percent (100%) of the cost reported by the affected casinos has been included in this cost estimate.

**III. WORKSHEET**

Cost for employee training from two casinos —  
 $\$300 + \$1,500 = \$1,800$

Other miscellaneous costs from one casino including cost of using vendor for credit checks — \$4,800

**IV. ASSUMPTIONS**

The fiscal impact/cost of implementing the various provisions relating to credit transactions may include training new and/or existing personnel. One casino submitting its cost estimate indicated that its costs for personnel, training, printing forms and additional equipment was the combined cost for compliance with this rule as well as 11 CSR 45-8.140 and 11 CSR 45-8.142. Those costs are included in the fiscal note for 11 CSR 45-8.140.

The anticipated costs for this rule may recur annually for the life of the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 8—Accounting Records and Procedures; Audits**

2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**PROPOSED RULE**

**11 CSR 45-8.142 Documentation of Customer Credit Transactions**

*PURPOSE: This rule defines the documentation required for customer credit transactions.*

(1) All transactions affecting a person's outstanding indebtedness, including all issuances of credit and payments thereof, to the Class B licensee shall be recorded in chronological order in the person's credit file (either manually or electronically). The following information shall be maintained in each person's credit file:

(A) A copy of the person's valid, non-expired government-issued photo identification presented prior to approval of the person's credit limit (may be held in a separate file);

(B) The date, amount, and check number, if applicable, of each credit instrument accepted from the person;

(C) The date, method, amount, and, if applicable, the personal check number of each payment transaction and the check number, if applicable, of the credit instrument returned to the person;

(D) The date, amount, and check number, if applicable, of each personal check used for a substitution transaction and the check number, if applicable, of the credit instrument returned to the person;

(E) The date, amount, and check number, if applicable, of each replacement credit instrument accepted from the person in a consolidation transaction and the check numbers, if applicable, of the initial credit instruments that were consolidated and returned to the person;

(F) The date, amount, and check number, if applicable, of each credit instrument deposited;

(G) The date, amount, and check number, if applicable, of each personal check or credit instrument returned to the Class B licensee by the person's bank and the reason for its return;

(H) The outstanding balance after each transaction; and

(I) The date, amount, and check number, if applicable, of any credit instruments or personal checks that have been partially or completely written off by the Class B licensee and a brief explanation of the reason for the write off.

(2) Player ratings (if rated), evidence of creditworthiness, and related documents shall be retained for a minimum of five (5) years, or as long as the debt remains unpaid, whichever is longer.

*AUTHORITY: section 313.004, RSMo 2000, section 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Emergency rule filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2014. Original rule filed July 31, 2014.*

*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 cost thirteen (13) Class B licensees three thousand one hundred fifty dollars (\$3,150) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6,*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: 11-DEPARTMENT OF PUBLIC SAFETY  
Division Title: 45-Missouri Gaming Commission  
Chapter Title: 8-Accounting Records and Procedures; Audits**

<b>Rule Number and Title:</b>	<b>11 CSR 45 -8.142 Documentation of Customer Credit Transactions</b>
<b>Type of Rulemaking:</b>	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
13 Class B Licensees	Excursion Gambling Boats (hereafter referred to as "Casinos")	\$3,150

The information used to calculate these estimated costs was obtained from the affected casinos. The Commission assumes that the majority of these costs would have been incurred by the casinos in order to comply with the statutory provisions even in the absence of any proposed regulations. However, because it would not be feasible to segregate the cost incurred complying with the statutes compared to the cost incurred complying with the regulations, one hundred percent (100%) of the cost reported by the affected casinos has been included in this cost estimate.

**III. WORKSHEET**

Cost for employee training from one casino—\$150

Additional equipment from one casino—\$1,000

Other miscellaneous costs from two casinos—  
\$1,000 + \$1,000 = \$2,000

**IV. ASSUMPTIONS**

The fiscal impact/cost of implementing the various provisions relating to credit transactions may include training new and/or existing personnel. One casino submitting its cost estimate indicated that its costs for personnel, training, printing forms and additional equipment was the combined cost for compliance with this rule as well as 11 CSR 45-8.140 and 11 CSR 45-8.141. Four casinos submitting their cost estimates indicated the aggregated costs for personnel was the combined cost for 11 CSR 45-8.140, 11 CSR 45-9.108, 11 CSR 45-9.109 and 11 CSR 45-9.118. Those costs are included in the fiscal note for 11 CSR 45-8.140.

The anticipated costs for this rule may recur annually for the life of the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED AMENDMENT**

**11 CSR 45-9.040 Commission Approval of Internal Control System.** The commission is amending section (1).

*PURPOSE:* This amendment adds a requirement for procedures for lines of credit as approved in Senate Bill 741 to be included in the internal control system.

(1) Each Class B licensee and other licensees as directed by the commission shall describe, in a manner that the commission may approve or require, its administrative and accounting procedures in detail in a written system of internal control. Each written system must include a detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of 11 CSR 45-9.020 and 11 CSR 45-9.030(1). Additionally, this description shall include a separate section for the following:

(C) A detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of 11 CSR 45-9.020 and 11 CSR 45-9.030(1). Additionally, this description shall include a separate section for the following:

1. Procedures to account for the total number and amount of money received from admissions, including free passes or complimentary admission tickets;
2. Physical characteristics of drop box and tip box;
3. Transportation of drop and tip boxes to and from gaming tables;
4. Procedures for table inventories;
5. Procedures for opening and closing gaming tables;
6. Procedures for fills and credits;
7. Procedures for accepting tips or gratuities;
8. Procedures for transporting chips and tokens to and from gaming tables;
9. Procedures for shift changes at gaming tables;
10. Drop bucket characteristics;
11. Transportation of drop buckets to and from electronic gaming devices;
12. Procedures for chip and token purchases;
13. Procedures for [hopper fills] lines of credit and credit instruments;
14. Procedures for transportation of electronic gaming devices;
15. Procedures for jackpot payout;
16. Layout and physical characteristics of cashier's cage;
17. Procedures for accounting controls;
18. Procedures for exchange of checks submitted by gaming patrons;
19. Procedures for credit card and debit card transactions;
20. Procedures for acceptance, accounting for and redemption of patron's cash deposits;
21. Procedures for control of coupon redemption and other complimentary distribution programs;
22. Procedures for shoreside facilities, which is defined for purposes of this rule as those facilities based or built upon land;
23. Procedures for federal cash transactions reporting; and
24. Procedures for security and accountability of dice and cards; and

*AUTHORITY:* section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. [2008] 2013, and sections 313.812, 313.312, 313.817, and 313.830 SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For inter-

vening history, please consult the *Code of State Regulations*. Emergency amendment filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Amended: Filed July 31, 2014.

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED RULE**

**11 CSR 45-9.104 Minimum Internal Control Standards (MICS)—Chapter D**

*PURPOSE:* This rule defines the documentation required for customer credit transactions.

*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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The *Minimum Internal Control Standards* may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter D—Table Games (Live Games), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter D does not incorporate any subsequent amendments or additions as adopted by the commission on July 30, 2014.

*AUTHORITY:* section 313.004, RSMo 2000, section 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, 313.817 and 313.830, SB 741 Second Regular Session, Ninety-seventh General Assembly, 2014. Emergency rule filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Original rule filed July 31, 2014.

*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 cost thirteen (13) Class B licensees one hundred forty-six thousand four hundred dollars (\$146,400) for the first year and four (4) Class B licensees one hundred thirty-five thousand three hundred eighty-two dollars

*(\$135,382) annually in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: 11 – DEPARTMENT OF PUBLIC SAFETY  
Division Title: 45 – Missouri Gaming Commission  
Chapter Title: 9 – Internal Control System**

<b>Rule Number and Title:</b>	<b>11 CSR 45-9.104 Minimum Internal Control Standards (MICS)— Chapter D</b>
<b>Type of Rulemaking:</b>	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
4 Class B Licensees for match play coupons	Excursion Gambling Boats (hereafter referred to as "Casinos")	\$135,382 annually
13 Class B Licensees for credit	Excursion Gambling Boats (hereafter referred to as "Casinos")	\$146,400 for the first year

The information used to calculate these estimated costs was obtained from the affected casinos. The Commission assumes that the majority of these costs would have been incurred by the casinos in order to comply with the statutory provisions even in the absence of any proposed regulations. However, because it would not be feasible to segregate the cost incurred complying with the statutes compared to the cost incurred complying with the regulations, one hundred percent (100%) of the cost reported by the affected casinos has been included in this cost estimate.

**III. WORKSHEET**

Costs for Taxing Match Play Coupons

Match play coupons redeemed in 2013 equaled  $\$2,596,905 + \$551,395 + \$47,645 + \$43,130 + \$2,505 = \$3,241,580$   
 $\$3,241,580 - \$2,596,905 = \$644,675$   
 $\$644,675 \times 21\%$  (AGR tax rate) = \$135,382 for 4 casinos for 2014.

Costs for Implementing Casino Credit

Cost for personnel from one casino—\$26,000

Cost for employee training from nine casinos—

$\$2,250 + \$1,000 + \$900 + \$900 + \$900 + \$900 + \$650 + \$400 + \$5,000 = \$12,900$

Cost of updating computer systems from one casino—\$95,000

Cost of printing forms from two casinos—

$\$100 + \$500 = \$600$

Additional equipment from nine casinos—  
 $\$3,000 + \$160 + \$1,000 + \$500 + \$500 + \$500 + \$500 + \$3,200 + \$2,540 = \$11,900$

#### IV. ASSUMPTIONS

##### Costs for Taxing Match Play Coupons

The numbers on the worksheet represent the coupons redeemed at the five casinos that offered match play coupons during calendar year 2013. The impact for one casino has been subtracted from the total match play coupons because this casino has discontinued offering match play coupons. During 2013, eight casinos did not offer match play coupons.

Prior to 2014, four casinos voluntarily adopted a variance allowing them to accept non-match play coupons as wagers at table games. However, the variance required all table games coupons to be taxed. During 2013, the tax revenue generated from the table games coupons at those four casinos was \$1,244,504. Two additional casinos have voluntarily adopted this variance during the first four months of 2014.

This estimate may not remain constant in future years as the casinos can offer coupons at their discretion.

In calculating the estimated costs associated with this rule, the Commission notes that the amount of the match play coupon used by the patron to place a wager must be included in the gross receipts in order to comply with the statutory definition of gross receipts as “the total sums wagered by patrons of licensed gambling games.”

Since the Class B Licensee uses the gross receipts to calculate Adjusted Gross Revenue when submitting their taxes, this fiscal note reflects the additional taxes that may be incurred if the Class B Licensee chooses to use match play coupons.

##### Costs for Implementing Casino Credit

The fiscal impact/cost of implementing the various provisions relating to credit transactions may include additional personnel, training new and/or existing personnel, updating computer systems, purchasing equipment, and printing manual forms.

Four casinos submitting their cost estimates indicated the aggregated costs for personnel was the combined cost for 11 CSR 45-8.140, 11 CSR 45-9.104, 11 CSR 45-9.109 and 11 CSR 45-9.118. Those costs are included in the fiscal note for 11 CSR 45-9.108.

Some costs, including the purchase of printers, upgrade to computer systems, and employee training (approx. \$108,290), would be one-time costs incurred during the implementation of the rule. The remaining costs (approx. \$38,110) for this rule may recur annually for the life of the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED AMENDMENT**

**11 CSR 45-9.106 Minimum Internal Control Standards (MICS)—Chapter F.** The commission is amending section (1).

*PURPOSE:* This proposed amendment changes the internal controls for Chapter F by adding “or above” to section 8.08 to allow the supervisor to sort the cards in sequence.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission’s opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter F—Poker Rooms*, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter F does not incorporate any subsequent amendments or additions as adopted by the commission on *[March 27, 2013] July 30, 2014*.

*AUTHORITY:* section 313.004, RSMo 2000, section 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Original rule filed Jan. 26, 2012, effective Aug. 30, 2012. Amended: Filed Oct. 25, 2012, effective June 30, 2013. Amended: Filed March 28, 2013, effective Dec. 30, 2013. Amended: Filed July 31, 2014.

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission’s Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED AMENDMENT**

**11 CSR 45-9.107 Minimum Internal Control Standards (MICS)—Chapter G.** The commission is amending section (1).

*PURPOSE:* This amendment describes changes made for credit relating to drops and counts for the internal controls for Chapter G of the *Minimum Internal Control Standards*.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission’s opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter G—Drops and Counts*, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter G does not incorporate any subsequent amend-

ments or additions as adopted by the commission on *[July 24, 2013] July 30, 2014*.

*AUTHORITY:* section 313.004, RSMo 2000, and section 313.805, RSMo Supp. [2012] 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Original rule filed March 28, 2013, effective Nov. 30, 2013. Emergency amendment filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Amended: Filed July 31, 2014.

*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 cost thirteen (13) Class B licensees three thousand two hundred sixteen dollars (\$3,216) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission’s Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**FISCAL NOTE  
 PRIVATE COST**

- I. Department Title: 11-DEPARTMENT OF PUBLIC SAFETY  
 Division Title: 45-Missouri Gaming Commission  
 Chapter Title: 9-Internal Control System**

<b>Rule Number and Title:</b>	<b>11 CSR 45 -9.107 Minimum Internal Control Standards (MICS) – Chapter G</b>
<b>Type of Rulemaking:</b>	<b>Proposed Amendment</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
13 Class B Licensees	Excursion Gambling Boats (hereafter referred to as “Casinos”)	\$3,216

The information used to calculate these estimated costs was obtained from the affected casinos. The Commission assumes that the majority of these costs would have been incurred by the casinos in order to comply with the statutory provisions even in the absence of any proposed regulations. However, because it would not be feasible to segregate the cost incurred complying with the statutes compared to the cost incurred complying with the regulations, one hundred percent (100%) of the cost reported by the affected casinos has been included in this cost estimate.

**III. WORKSHEET**

Cost for employee training from three casinos—  
 $\$166 + \$50 + \$3,000 = \$3,216$

**IV. ASSUMPTIONS**

The fiscal impact/cost of implementing the various provisions relating to credit transactions may include training new and/or existing personnel.

The anticipated total costs for this rule may recur annually for the life of the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED AMENDMENT**

**11 CSR 45-9.108 Minimum Internal Control Standards (MICS)—Chapter H.** The commission is amending section (1).

*PURPOSE:* This amendment provides regulatory procedures for the Class B licensees to follow regarding the documentation of credit issuance and credit payments at the cage.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter H—Casino Cashiering and Credit*, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter H does not incorporate any subsequent amendments or additions as adopted by the commission on [February 22, 2012] July 30, 2014.

*AUTHORITY:* section 313.004, RSMo 2000, section 313.805, RSMo Supp. [2011] 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Original rule filed Oct. 31, 2011, effective June 30, 2012. Emergency amendment filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Amended: Filed July 31, 2014.

*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 cost thirteen (13) Class B licensees two hundred ninety-four thousand nine hundred thirteen dollars (\$294,913) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: 11-DEPARTMENT OF PUBLIC SAFETY  
Division Title: 45-Missouri Gaming Commission  
Chapter Title: 9-Internal Control System**

<b>Rule Number and Title:</b>	<b>11 CSR 45 -9.108 Minimum Internal Control Standards (MICS) – Chapter H</b>
<b>Type of Rulemaking:</b>	<b>Proposed Amendment</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
13 Class B Licensees	Excursion Gambling Boats (hereafter referred to as "Casinos")	\$294,913

The information used to calculate these estimated costs was obtained from the affected casinos. The Commission assumes that the majority of these costs would have been incurred by the casinos in order to comply with the statutory provisions even in the absence of any proposed regulations. However, because it would not be feasible to segregate the cost incurred complying with the statutes compared to the cost incurred complying with the regulations, one hundred percent (100%) of the cost reported by the affected casinos has been included in this cost estimate.

**III. WORKSHEET**

Cost for personnel from four casinos—  
\$42,120 + \$17,000 + \$35,000 + \$32,000 = \$126,120

Cost for employee training from six casinos—  
\$500 + \$591 + \$1500 + \$5,000 + \$500 + \$5,000 = \$13,091

Cost of updating computer systems for two casinos—  
\$500+ \$40,000 = \$40,500

Cost of printing of forms from eight casinos—  
\$500 + \$100 + \$2,000 + \$1,000 + \$2,200 + \$1,200 + \$100 + \$100 = \$7,200

Additional equipment from nine casinos—  
\$1,500 + \$8,978 + \$100 + \$2,300 + \$2,300 + \$2,300 + \$2,300 + \$3,000 + \$2,724 = \$25,502

Other miscellaneous costs from three casinos, including construction of an office, and credit service subscription—  
\$45,000 + \$26,000 + \$11,500 = \$82,500

#### IV. ASSUMPTIONS

The fiscal impact/cost of implementing the various provisions relating to credit transactions may include additional personnel, training new and/or existing personnel, updating computer systems, purchasing equipment, and printing manual forms. Four casinos submitting their cost estimates indicated the aggregated costs for personnel was the combined cost for 11 CSR 45-8.140, 11 CSR 45-9.104, 11 CSR 45-9.109 and 11 CSR 45-9.118. Those costs are included in the fiscal note for 11 CSR 45-8.140.

Some costs, including the purchase of printers and/or additional equipment, training of personnel, updating computer systems, and construction (approx. \$130,209), would be one-time costs incurred during the implementation of the rule. The remaining costs (approx. \$164,704) for this rule may recur annually for the life of the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED RULE**

**11 CSR 45-9.109 Minimum Internal Control Standards (MICS)—Chapter I**

*PURPOSE:* This rule provides regulatory procedures for the Class B licensees to follow regarding the investigation and reconciliation of credit instruments and payment of counter checks in the accounting records.

*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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The **Minimum Internal Control Standards** may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter I—Casino Accounting*, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter I does not incorporate any subsequent amendments or additions as adopted by the commission on July 30, 2014.

*AUTHORITY:* section 313.004, RSMo 2000, section 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Emergency rule filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Original rule filed July 31, 2014.

*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 cost thirteen (13) Class B licensees fifty-nine thousand eight hundred forty dollars (\$59,840) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: 11-DEPARTMENT OF PUBLIC SAFETY  
Division Title: 45-Missouri Gaming Commission  
Chapter Title: 9-Internal Control System**

<b>Rule Number and Title:</b>	<b>11 CSR 45 -9.109 Minimum Internal Control Standards (MICS) – Chapter I</b>
<b>Type of Rulemaking:</b>	<b>Proposed Amendment</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
13 Class B Licensees	Excursion Gambling Boats (hereafter referred to as “Casinos”)	\$59,840

The information used to calculate these estimated costs was obtained from the affected casinos. The Commission assumes that the majority of these costs would have been incurred by the casinos in order to comply with the statutory provisions even in the absence of any proposed regulations. However, because it would not be feasible to segregate the cost incurred complying with the statutes compared to the cost incurred complying with the regulations, one hundred percent (100%) of the cost reported by the affected casinos has been included in this cost estimate.

**III. WORKSHEET**

Cost for personnel from two casinos—  
\$11,440 + \$42,120 = \$53,560

Cost for employee training from four casinos—  
\$180 + \$400 + \$200 + \$3,500 = \$4,280

Additional equipment from one casino—\$1,500

Other miscellaneous costs from one casino—\$500

**IV. ASSUMPTIONS**

The fiscal impact/cost of implementing the various provisions relating to credit transactions may include additional personnel, training new and/or existing personnel, and purchasing equipment. Four casinos submitting their cost estimates indicated the aggregated costs for personnel was the combined cost for 11 CSR 45-8.140, 11 CSR 45-9.104, 11 CSR 45-9.108 and 11 CSR 45-9.118. Those costs are included in the fiscal note for 11 CSR 45-8.140.

Some costs, including the purchase of additional equipment (approx. \$1,500), would be one-time costs incurred during the implementation of the rule. The remaining costs (approx. \$58,340) for this rule may recur annually for the life of the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED AMENDMENT**

**11 CSR 45-9.111 Minimum Internal Control Standards (MICS)—Chapter K.** The commission is amending section (1).

*PURPOSE: This amendment provides regulatory procedures for the Class B licensees to follow regarding currency transactions reporting requirements affected by credit issuance or credit payments.*

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter K—Currency Transaction Reporting*, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter K does not incorporate any subsequent amendments or additions as adopted by the commission on *[February 26, 2014] July 30, 2014*.

*AUTHORITY: section 313.004, RSMo 2000, section 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741, Second Regular Session, Ninety-seventh General Assembly, 2014. Original rule filed Oct. 31, 2013 effective June 30, 2014. Emergency amendment filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Amended: Filed July 31, 2014.*

*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 rule will cost thirteen (13) Class B licensees one thousand seven hundred dollars (\$1,700) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**FISCAL NOTE  
 PRIVATE COST**

- I. Department Title: 11-DEPARTMENT OF PUBLIC SAFETY  
 Division Title: 45-Missouri Gaming Commission  
 Chapter Title: 9-Internal Control System**

<b>Rule Number and Title:</b>	<b>11 CSR 45 -9.111 Minimum Internal Control Standards (MICS) – Chapter K</b>
<b>Type of Rulemaking:</b>	<b>Proposed Amendment</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
13 Class B Licensees	Excursion Gambling Boats (hereafter referred to as "Casinos")	\$1,700

The information used to calculate these estimated costs was obtained from the affected casinos. The Commission assumes that the majority of these costs would have been incurred by the casinos in order to comply with the statutory provisions even in the absence of any proposed regulations. However, because it would not be feasible to segregate the cost incurred complying with the statutes compared to the cost incurred complying with the regulations, one hundred percent (100%) of the cost reported by the affected casinos has been included in this cost estimate.

**III. WORKSHEET**

Cost for employee training from two casinos—  
 $\$200 + \$1,500 = \$1,700$

**IV. ASSUMPTIONS**

The fiscal impact/cost of implementing the various provisions relating to credit transactions may include training new and/or existing personnel.

The anticipated total costs for this rule may recur annually for the life of the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED RULE**

**11 CSR 45-9.112 Minimum Internal Control Standards (MICS)—Chapter L**

*PURPOSE: This rule establishes the internal controls for Chapter L of the Minimum Internal Control Standards.*

*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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Minimum Internal Control Standards may also be accessed at <http://www.mgc.dps.mo.gov>.*

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter L—Internal Audit*, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter L does not incorporate any subsequent amendments or additions as adopted by the commission on July 30, 2014.

*AUTHORITY: section 313.004, RSMo 2000, section 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, 313.817, and 313.830, RSMo Supp. 2013 and SB 741 Second Regular Session, 97th General Assembly, 2014. Emergency rule filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Original rule filed July 31, 2014.*

*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 cost thirteen (13) Class B licensees nineteen thousand six hundred sixty-six dollars (\$19,666) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**FISCAL NOTE  
 PRIVATE COST**

- I. Department Title: 11-DEPARTMENT OF PUBLIC SAFETY  
 Division Title: 45-Missouri Gaming Commission  
 Chapter Title: 9-Internal Control System**

<b>Rule Number and Title:</b>	<b>11 CSR 45 -9.112 Minimum Internal Control Standards (MICS) – Chapter L</b>
<b>Type of Rulemaking:</b>	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
13 Class B Licensees	Excursion Gambling Boats (hereafter referred to as “Casinos”)	\$19,666

The information used to calculate these estimated costs was obtained from the affected casinos. The Commission assumes that the majority of these costs would have been incurred by the casinos in order to comply with the statutory provisions even in the absence of any proposed regulations. However, because it would not be feasible to segregate the cost incurred complying with the statutes compared to the cost incurred complying with the regulations, one hundred percent (100%) of the cost reported by the affected casinos has been included in this cost estimate.

**III. WORKSHEET**

Cost for employee training from four casinos—  
 $\$500 + \$333 + \$300 + \$333 = \$1,466$

Additional internal audit from nine casinos—  
 $\$5,000 + \$3,850 + \$1,200 + \$1,200 + \$1,200 + \$1,200 + \$500 + \$200 + \$3,850 = \$18,200$

**IV. ASSUMPTIONS**

The fiscal impact/cost of implementing the various provisions relating to credit transactions may include training new and/or existing personnel.

The anticipated total costs for this rule may recur annually for the life of the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED RULE**

**11 CSR 45-9.116 Minimum Internal Control Standards (MICS)—  
Chapter P**

*PURPOSE:* This rule establishes the internal controls for Chapter P of the *Minimum Internal Control Standards*.

*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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The *Minimum Internal Control Standards* may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter P—Excluded Persons, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter P does not incorporate any subsequent amendments or additions as adopted by the commission on July 30, 2014.

*AUTHORITY:* section 313.004, RSMo 2000, section 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, 313.817, and 313.830, RSMo Supp. 2013 and SB 741 Second Regular Session, 97th General Assembly, 2014. Emergency rule filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Original rule filed July 31, 2014.

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED AMENDMENT**

**11 CSR 45-9.117 Minimum Internal Control Standards (MICS)—  
Chapter Q.** The commission is amending section (1).

*PURPOSE:* This amendment describes changes made for credit relating to Disassociated Persons for the internal controls for Chapter Q of the *Minimum Internal Control Standards*.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy

11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter Q—Disassociated Persons, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter Q does not incorporate any subsequent amendments or additions as adopted by the commission on [August 24, 2011] July 30, 2014.

*AUTHORITY:* sections 313.004 and 313.813, RSMo 2000, section 313.805, RSMo Supp. [2011] 2013, and sections 313.800, 313.812, 313.817, and 313.830, RSMo Supp. 2013 and SB 741 Second Regular Session, Ninety-seventh General Assembly, 2014. Original rule filed Aug. 25, 2011, effective March 30, 2012. Emergency amendment filed July 31, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Amended: Filed July 31, 2014.

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED AMENDMENT**

**11 CSR 45-9.118 Minimum Internal Control Standards (MICS)—  
Chapter R.** The commission is amending section (1).

*PURPOSE:* This amendment adds the Counter Check, Counter Check Log, and the Main Bank Counter Check Accountability form requirements for use by the casino for tracking credit transactions.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter R—Forms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter R does not incorporate any subsequent amendments or additions as adopted by the commission on [December 4, 2013] July 30, 2014.

*AUTHORITY:* section 313.004, RSMo 2000, section[s] 313.805, RSMo Supp. [2012] 2013, and sections 313.800, 313.812, 313.817, and 313.830, SB 741 Second Regular Session, Ninety-seventh General Assembly, 2014. Original rule filed June 30, 2010, effective Jan. 30, 2011. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed July 31, 2014, effective Aug. 30, 2014, expires Feb. 28, 2015. Amended: Filed July 31, 2014.

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 6, 2014, at 1:30 p.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 40—Family Support Division  
Chapter 13—Blind Pension**

**PROPOSED RULE**

**13 CSR 40-13.030 Adjustment of Blind Pension Payments**

*PURPOSE: This regulation is to establish the procedures and methods by which the Department of Social Services will reduce pension payments to blind pensioners where the funds at the disposal of or may be obtained by the department for payment of blind pension payments are insufficient to pay the full pension payment to each person entitled to a blind pension payment as authorized in 209.040.2, RSMo.*

(1) Purpose and Scope. This regulation establishes the procedure and method by which the Department of Social Services will reduce pension payments to blind pensioners where the funds at the disposal of or may be obtained by the department for payment of blind pension payments are insufficient to pay the full pension payment to each person entitled to a blind pension payment as authorized in section 209.040.2, RSMo.

(2) Definitions. For the purposes of this section—  
(A) "Budget reserve fund" means the budget reserve fund established in Art. IV, section 27(a) of the *Missouri Constitution*;  
(B) "Cash operating transfers" means cash operating transfers as defined in Art. IV, section 27(a) of the *Missouri Constitution*.  
(C) "Department" means the Missouri Department of Social Services;  
(D) "Family Support Division" or "FSD" means the Family Support Division of the Department of Social Services;  
(E) "Funds at the disposal of the department" means total actual or estimated revenues to the blind pension fund and any balance in the fund at the beginning of a fiscal year; and  
(F) "The fund" means the Blind Pension Fund established under Art. III, section 38(b) of the *Missouri Constitution* and administered by the department pursuant to chapters 207, 209, and 660, RSMo.

(3) Methodology.  
(A) Within thirty (30) days of the effective date of this regulation and thereafter on an annual basis, no later than thirty (30) days after the beginning of each fiscal year, the department shall determine whether the total revenues and other revenues which the department knows or reasonably expects to be deposited in the blind pension fund minus known or anticipated obligations from the fund will be sufficient to pay the full amount of benefits to each blind pensioner until the end of the first calendar month following the current fiscal year. If the total amount of estimated, blind pension payments, calculated pursuant to section 209.040.4, RSMo plus other obligations from the fund, exceeds the funds at the disposal of or which may be obtained by the department for that purpose, then the department will calculate the amount of pro rata reduction for each pension payment. The department shall determine whether the total tax revenues and

other revenues deposited in the fund minus obligations are sufficient to pay the full amount of benefits to each blind pensioner through the end of the first calendar month following the current fiscal year utilizing the following methodology:

Amount of pension payment reduction =  $r = p(1 - (a/o))$   
Prorated maximum monthly blind pension payment =  $pp = p - r$  where:

- p = the blind pension payment for the fiscal year in question calculated according to the formula set forth in section 209.040.4, RSMo;
- a = funds at the disposal of or which may be obtained by the department for payment of benefits for the time period under assessment minus any mandatory legal obligations of the fund other than pension payments; and
- o = the total amount of blind pension payments obligated during the time period under assessment.

If the department determines that there are insufficient monies in the fund to make a full pension payment to each pensioner each month through the end of the current fiscal year, the department shall reduce the amount of each pensioner's pension payment to the prorated maximum monthly blind pension payment. The monthly, prorated, blind pension payment to each Supplemental Aid to the Blind (SAB) participant shall be calculated as follows:

Prorated maximum monthly SAB pension payment =  $pp - s$

Where:

- pp = Prorated maximum monthly blind pension payment calculated above; and
- s = the individual blind pensioner's monthly SSI payment.

The amount of the pension payment reduction shall be rounded up to the nearest dollar.

Example 1: Calculation of pro rata reduction for State Fiscal Year 2014

- FY 12 revenues = \$29,500,000
- FY 13 revenues = \$29,980,000
- FY 14 expected revenue = (fy2013-fy2012) + FY2013 = \$30,460,000
- Monthly maximum grant (p) calculated under section 208.040.4, RSMo = \$711
- Beginning fund balance for FY 14 = \$1,000,000
- FY 14 estimated expenditures = \$32,240,000

Expected funds available as of August 1, 2013 = (\$31,460,000 - (\$32,240,000/12 months)) = \$28,773,333

Estimated expenditures for August 1, 2013 through June 30, 2014 = (\$32,240,000/12 months x 11 months) = \$29,553,333

Reduction (r) =  $711(1 - (\$28,773,333 / \$29,553,333)) = \$19$

Prorated maximum monthly pension payment =  $711 - \$19 = \$692$

Example 2: SSI participant with an SSI grant of \$500  
Same facts as Example 1  
Prorated maximum monthly SAB pension payment =  $\$692 - \$500 = \$192$

(B) If at any time the department determines that there will be insufficient funds in the blind pension fund to pay the full, prorated, blind pension payment to each pensioner that each pensioner is entitled to receive in a calendar month, the department shall prorate the monthly pension payment utilizing the methodology set forth in subsection (3)(A) until either the end of the first calendar month of the following fiscal year or the blind pension fund has a sufficient balance to pay all pensions due at the prorated amount in that month, whichever takes place first. In any month that pensions are not paid under this subsection any monies shall remain in the blind pension fund unless the treasurer sweeps the fund as authorized by Art. III, section 38(b), section 209.130, RSMo, or other applicable law.

(C) Cash operating transfers from the budget reserve fund shall not be considered funds at the disposal of the department or which may be obtained by the department for purposes of all calculations under this regulation.

(4) The department shall notify the blind pensioners when it implements a reduction of blind pension payments under this regulation. Notification shall be served on the pensioners no later than forty-five (45) days prior to the effective date of the reduction. The notification shall be mailed to each pensioner at his or her address of record with the blind pension program; or served on the pensioner by e-mail or some other secure, convenient means of electronic transmission if such means is available to the department. The notification shall specify the amount of the reduction in the payment and shall generally describe the reasons for the department's decision. The notice may be provided separately, or it can be included as part of another notice.

(5) Any reduction in the blind pension payments under this regulation is a mass adjustment to the pension payments for all blind pensioners and is not a decision in an individual case. Individual pensioners shall not have the right to administrative review of the decision.

*AUTHORITY: sections 207.020.1(5), 209.040.2, and 660.017, RSMo 2000. Original rule filed July 28, 2014.*

*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 the Department of Social Services, Family Support Division, Alyson Campbell, Director, 615 Howerton Court, PO Box 2320, 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 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 45—Records Management**

**PROPOSED AMENDMENT**

**15 CSR 30-45.030 Local Records Grant Program Administration.** Subsection (1)(C) is being amended.

*PURPOSE: This amendment reflects a change in title of resource guidelines and how to obtain copies of the guidelines.*

(1) The local records grant program, administered by the Office of

the Secretary of State, provides financial assistance to local government officials to support records management and preservation efforts, particularly for records of permanent retention. This grants-in-aid program is a significant effort in the overall mission of the agency to enhance the quality of archival preservation and public access to records of enduring value.

(C) Procedures and Evaluation of Applications:

1. The Missouri Historical Records Advisory Board (MHRAB) recommends grant:

A. Activities, requirements, and objectives;

B. Cost-sharing contributions, budget structure, payment benchmarks, and accounting guidelines; **and**

C. Calendars.

2. The MHRAB reviews and evaluates grant applications and recommends funding levels for award to the secretary of state.

3. The process to be followed in writing and submitting a grant proposal are found in the *Missouri Local Records Preservation Grant Program Guidebook and Application*. All applicable guidelines, procedures, and standards relating to the local records preservation grants-in-aid program are detailed in *Missouri Local Records Preservation Grant Program Guidebook and Application* and the *Guidelines for [Local Records] Microfilming Public Records*.

A. Any interested person may obtain the most current version of *Local Records Preservation Grant Program Guidebook and Application* from [either the Local Records Program, PO Box 1747, Jefferson City, MO 65102, 573-751-2798, or as of January 2004] the [S]secretary of [S]state website: [www.sos.mo.gov/archives/localrecs/grants/](http://www.sos.mo.gov/archives/localrecs/grants/).

B. [Paper copies of t]The most current version of *Guidelines for [Local Records] Microfilming Public Records* are available from the [Local Records Program, PO Box 1747, Jefferson City, MO 65102, 573-751-2798] secretary of state website: [www.sos.mo.gov/archives/pubs/mfmg/](http://www.sos.mo.gov/archives/pubs/mfmg/).

*AUTHORITY: section[s] 59.319, RSMo Supp. 2013, and section 109.221, RSMo 2000. Emergency rule filed June 19, 1991, effective June 29, 1991, expired Oct. 28, 1991. Original rule filed June 19, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed July 25, 2014*

*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 the Secretary of State, 600 West Main Street, 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.*