



ASTCP Support Contract
LOG NUMBER (OFFICIAL USE ONLY)

**AMATEUR SPORTING TAX CREDIT PROGRAM
SUPPORT CONTRACT SUBMISSION FORM**

1a. APPLICANT INFORMATION (PERSON OR ENTITY CLAIMING THE TAX CREDIT)

NAME OF INDIVIDUAL OR ENTITY

1b. TYPE OF ENTITY

IF APPLICANT IS A BUSINESS ENTITY:			IF APPLICANT IS AN INDIVIDUAL TAXPAYER:	
Partnership <input type="checkbox"/> General <input type="checkbox"/> Limited	Corporation <input type="checkbox"/> Regular <input type="checkbox"/> Subchapter S <input type="checkbox"/> Trust <input type="checkbox"/> LLC		<input type="checkbox"/> Property Owner <input type="checkbox"/> Other (specify) _____	
NAME OF AUTHORIZED COMPANY OFFICIAL		TITLE	MAILING ADDRESS	
BUSINESS ADDRESS			CITY/TOWN	
CITY/TOWN	STATE	ZIP CODE	STATE	ZIP CODE
TELEPHONE	FAX		TELEPHONE	FAX
TAXPAYER IDENTIFICATION NUMBER (OR SOCIAL SECURITY NUMBER)			SOCIAL SECURITY NUMBER	
NAICS CODE (See Definitions in Guidelines)	BUSINESS SIZE (Number of Employees Including Company Owners)		SPOUSE SOCIAL SECURITY NUMBER (if applicable)	
EMAIL ADDRESS			EMAIL ADDRESS	
HAS THE ENTITY/INDIVIDUAL (1a) EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW? <input type="checkbox"/> YES <input type="checkbox"/> NO				
IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.				

2. PROJECT CONTACT

<input type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> Other (Consultant, etc.)				
NAME				
ADDRESS				
CITY/TOWN			STATE	ZIP CODE
TELEPHONE	EMAIL ADDRESS		FAX	
HAS THE 'CONTACT' EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW? <input type="checkbox"/> YES <input type="checkbox"/> NO				
IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.				

3. SPORTING EVENT INFORMATION (ATTACH ADDITIONAL PAGES IF NECESSARY)		
TYPE OF EVENT		
EVENT ADDRESS		
CITY/TOWN	STATE	ZIP CODE
COUNTY		
EVENT DATE		
4. ADDITIONAL DOCUMENTS REQUIRED		
PLEASE SUBMIT THE FOLLOWING ADDITIONAL DOCUMENTS:		
<input type="checkbox"/> A copy of the Support Contract for the Sporting Event		
<input type="checkbox"/> Explanation of any changes or updates to the Project Proposal		

APPLICATION INSTRUCTIONS:
Support Contract Submission**1. APPLICANT INFORMATION:**

Name: Provide the name of the individual or entity that is filing the application and will receive the tax credits. The tax credit certificate will be issued to the individual or entity entered as the applicant.

Type of Entity:

- If the applicant is a business entity, complete the appropriate information on the left. Check the appropriate box indicating the type of entity. Supply the name of an authorized company official and the address. Enter the entity's Taxpayer Identification Number. Supply the appropriate NAICS code (see Definitions in Guidelines). Enter the authorized company official's email address, if available. List the property owner.
- If the applicant is an individual, complete the appropriate information on the right. Check the appropriate box indicating if the individual is the property owner. Enter the individual's contact information. Supply the individual's Social Security Number and spouse's Social Security Number, if applicable. Enter the applicant's email address, if available. If the individual requesting tax credits is not the property owner, please list the owner.
- **Special Note:** For entities with flow through tax treatment (e.g., partnerships, S-corporations, etc.), on a separate sheet include the name, address, and social security number or taxpayer ID number for all persons or entities with an ownership interest. Provide the percentage ownership interest for each taxpayer as of the time of the application. If the tax credits are to be certified other than pro rata according to the proportion of ownership interest, attach an executed agreement among the partners, members, or owners documenting the alternate distribution method.

2. PROJECT CONTACT:

Applicant/Owner/Other: Check the appropriate box and specify the name and contact information of the contact person. The Project Contact may be the applicant or a third-party contact. **All correspondence from DED will be sent to the Project Contact.**

3. SPORTING EVENT INFORMATION:

Note: If more than one Sporting Event is being applied for, please include a separate spreadsheet listing each separate Sporting Event. The spreadsheet should list all information in this section for each Sporting Event.

Type of Event: Please list the sport that will be played at the Sporting Event.

Address: Enter the address of the project site, including city/town, state, zip code, and county.

Event Date: Please list the date that the sporting event will be held. If no exact date for the event has been given, please give the narrowest possible range of dates.

4. ADDITIONAL DOCUMENTS REQUIRED:

A copy of the Support Contract for the Sporting Event: Please submit the event award notification, Joinder Undertaking, Joinder Agreement, or contract executed by an Applicant and a Site Selection Organization

Explanation of any changes or updates to the Project Proposal: Please submit an explanation of any changes or updates to your Project Proposal, such an update can come in the form of an amended Project Proposal.

AUTHORITY: section 67.3000, RSMo Supp. 2013. Original rule filed Feb. 7, 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 Economic Development, 301 West High Street, PO Box 1157, Jefferson City, MO 65102-1157. 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 9—Amateur Sporting Tax Credit Program**

PROPOSED RULE

4 CSR 85-9.041 Event Notification

PURPOSE: The purpose of this rule is to explain the requirements for an event notification.

- (1) The following will be included as part of the event notification:
 - (A) The Event Notification Form, included herein; and
 - (B) The schedule of prices for the sporting event.
- (2) The event notification must be submitted to the department no earlier than thirty (30) days, and no more than sixty (60) days prior to the sporting event.



ASTCP EVENT NOTIFICATION
LOG NUMBER

**AMATEUR SPORTING TAX CREDIT PROGRAM
EVENT NOTIFICATION**

1a. APPLICANT INFORMATION (PERSON OR ENTITY CLAIMING THE TAX CREDIT)

NAME OF INDIVIDUAL OR ENTITY

1b. TYPE OF ENTITY

IF APPLICANT IS A BUSINESS ENTITY:			IF APPLICANT IS AN INDIVIDUAL TAXPAYER:		
Partnership <input type="checkbox"/> General <input type="checkbox"/> Limited		Corporation <input type="checkbox"/> Regular <input type="checkbox"/> Subchapter S <input type="checkbox"/> Trust <input type="checkbox"/> LLC		<input type="checkbox"/> Property Owner <input type="checkbox"/> Other (specify) _____	
NAME OF AUTHORIZED COMPANY OFFICIAL		TITLE	MAILING ADDRESS		
BUSINESS ADDRESS			CITY/TOWN		
CITY/TOWN		STATE	ZIP CODE	STATE	ZIP CODE
TELEPHONE		FAX		TELEPHONE	FAX
TAXPAYER IDENTIFICATION NUMBER (OR SOCIAL SECURITY NUMBER)			SOCIAL SECURITY NUMBER		
NAICS CODE (See Definitions in Guidelines)		BUSINESS SIZE (Number of Employees including Company Owners)	SPOUSE SOCIAL SECURITY NUMBER (if applicable)		
EMAIL ADDRESS			EMAIL ADDRESS		

HAS THE ENTITY/INDIVIDUAL (1a) EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?
 YES NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.

2. PROJECT CONTACT

Applicant Owner Other (Consultant, etc.)

NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

TELEPHONE EMAIL ADDRESS FAX

HAS THE 'CONTACT' EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?
 YES NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.

3. SPORTING EVENT INFORMATION (ATTACH ADDITIONAL PAGES IF NECESSARY)		
TYPE OF EVENT		
EVENT ADDRESS		
CITY/TOWN	STATE	ZIP CODE
COUNTY		
EVENT DATE		
4. EXPECTED EVENT TICKET AND ATTENDANCE INFORMATION (ATTACH ADDITIONAL PAGES IF NEEDED)		
EXPECTED ATTENDANCE	ESTIMATED LOCAL ATTENDEES	
ESTIMATED OUT-OF-STATE ATTENDEES	ESTIMATED TICKETS SOLD AT FACE VALUE	
ARE LOCAL SPORTS TEAMS LIKELY TO PARTICIPATE IN THE SPORTING EVENT?	IF SO, WHAT TEAMS?	

APPLICATION INSTRUCTIONS:
Event Notification

1. APPLICANT INFORMATION:

Name: Provide the name of the individual or entity that is filing the application and will receive the tax credits. The tax credit certificate will be issued to the individual or entity entered as the applicant.

Type of Entity:

- If the applicant is a business entity, complete the appropriate information on the left. Check the appropriate box indicating the type of entity. Supply the name of an authorized company official and the address. Enter the entity's Taxpayer Identification Number. Supply the appropriate NAICS code (see Definitions in Guidelines). Enter the authorized company official's email address, if available. List the property owner.
- If the applicant is an individual, complete the appropriate information on the right. Check the appropriate box indicating if the individual is the property owner. Enter the individual's contact information. Supply the individual's Social Security Number and spouse's Social Security Number, if applicable. Enter the applicant's email address, if available. If the individual requesting tax credits is not the property owner, please list the owner.
- **Special Note:** For entities with flow through tax treatment (e.g., partnerships, S-corporations, etc.), on a separate sheet include the name, address, and social security number or taxpayer ID number for all persons or entities with an ownership interest. Provide the percentage ownership interest for each taxpayer as of the time of the application. If the tax credits are to be certified other than pro rata according to the proportion of ownership interest, attach an executed agreement among the partners, members, or owners documenting the alternate distribution method.

2. PROJECT CONTACT:

Applicant/Owner/Other: Check the appropriate box and specify the name and contact information of the contact person. The Project Contact may be the applicant or a third-party contact. All correspondence from DED will be sent to the Project Contact.

3. SPORTING EVENT INFORMATION:

Note: If more than one Sporting Event is being applied for, please include a separate spreadsheet listing each separate Sporting Event. The spreadsheet should list all information in this section for each Sporting Event.

Type of Event: Please list the sport that will be played at the Sporting Event.

Address: Enter the address of the project site, including city/town, state, zip code, and county.

Event Date: Please list the specific date or dates when the sporting event(s) will be held. If an alternative date will be used for reasons such as inclement weather, please list such dates. The Event Notification must be submitted to the DED during the Event Notification Period as defined above. The Event Date Listed in the Event Notification must be consistent with the Event Date listed in the Project Proposal.

4. EXPECTED EVENT TICKET AND ATTENDANCE INFORMATION:

Expected Attendance: The total number of spectators (including spectators paying less than Face Value for their tickets) expected at the event.

Estimated Local Attendees: The total number of spectators expected to come from within a ninety miles radius of the Sporting Event.

Estimated Out-of-State Attendees: The total number of spectators expected to come from out of state.

Estimated Tickets Sold at Face Value: The total number of tickets sold for Face Value, as defined in the definitions section of the Guidelines.

AUTHORITY: section 67.3000, RSMo Supp. 2013. Original rule filed Feb. 7, 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 Economic Development, 301 West High Street, PO Box 1157, Jefferson City, MO 65102-1157. 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 9—Amateur Sporting Tax Credit Program**

PROPOSED RULE

4 CSR 85-9.051 Cost Certification

PURPOSE: The purpose of this rule is to explain the process for submitting and approval of a final application.

- (1) The following will be included as part of the final application:
 - (A) The Final Application Form, included herein;
 - (B) The eligible cost listing, or listings; and
 - (C) Documentation of qualified expenses.
- (2) The department reserves the right to make reasonable requests for additional documentation.
- (3) The Department of Economic Development (DED) will use the information submitted to determine the final amount of tax credits to be issued. Tax credits will be issued in an amount equal to the lesser of—
 - (A) The one hundred percent (100%) of eligible costs incurred by the applicant; or
 - (B) Five dollars (\$5) in tax credits for each admissions ticket sold for the sporting event.
- (4) The eligibility of each cost shall be determined based upon a review of the costs submitted by the applicant. For tax credits to be issued on an eligible cost, that eligible cost must—
 - (A) Be supported by a valid proof of payment;
 - (B) Be supported by a valid invoice or itemized in a support contract; and
 - (C) Be listed on an Eligible Cost Listing Form.



ASTCP COST CERTIFICATION
LOG NUMBER (OFFICIAL USE ONLY)

**AMATEUR SPORTING TAX CREDIT PROGRAM
COST CERTIFICATION FORM**

1a. APPLICANT INFORMATION (PERSON OR ENTITY CLAIMING THE TAX CREDIT)					
NAME OF INDIVIDUAL OR ENTITY					
1b. TYPE OF ENTITY					
IF APPLICANT IS A BUSINESS ENTITY:			IF APPLICANT IS AN INDIVIDUAL TAXPAYER:		
Partnership <input type="checkbox"/> General <input type="checkbox"/> Limited		Corporation <input type="checkbox"/> Regular <input type="checkbox"/> Subchapter S <input type="checkbox"/> Trust <input type="checkbox"/> LLC		<input type="checkbox"/> Property Owner <input type="checkbox"/> Other (specify) _____	
NAME OF AUTHORIZED COMPANY OFFICIAL		TITLE	MAILING ADDRESS		
BUSINESS ADDRESS			CITY/TOWN		
CITY/TOWN		STATE	ZIP CODE	STATE	
TELEPHONE		FAX		TELEPHONE	
TELEPHONE		FAX		FAX	
TAXPAYER IDENTIFICATION NUMBER (OR SOCIAL SECURITY NUMBER)			SOCIAL SECURITY NUMBER		
NAICS CODE (See Definitions in Guidelines)		BUSINESS SIZE (Number of Employees Including Company Owners)		SPOUSE SOCIAL SECURITY NUMBER (if applicable)	
EMAIL ADDRESS			EMAIL ADDRESS		
HAS THE ENTITY/INDIVIDUAL (1a) EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW? <input type="checkbox"/> YES <input type="checkbox"/> NO					
IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.					
2. PROJECT CONTACT					
<input type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> Other (Consultant, etc.)					
NAME					
ADDRESS					
CITY/TOWN			STATE		ZIP CODE
TELEPHONE		EMAIL ADDRESS		FAX	
HAS THE 'CONTACT' EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW? <input type="checkbox"/> YES <input type="checkbox"/> NO					
IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.					

3. SPORTING EVENT INFORMATION (ATTACH ADDITIONAL PAGES IF NECESSARY)			
TYPE OF EVENT			
EVENT ADDRESS			
CITY/TOWN		STATE	ZIP CODE
COUNTY			
EVENT DATE			
4. TOTAL NUMBER OF REQUESTED TAX CREDITS			
ELIGIBLE COSTS		AMOUNT	
ESTIMATED TICKETS SOLD AT FACE VALUE (SECTION 6 ABOVE)	NUMBER OF TICKETS MULTIPLIED BY \$5	AMOUNT	
MAXIMUM TAX CREDITS		AMOUNT	
5. OTHER INCENTIVES USED			
ARE THERE OTHER LOCAL, FEDERAL, STATE OF MISSOURI TAX CREDITS OR GRANTS BEING APPLIED TOWARD THIS PROJECT?			
<input type="checkbox"/> YES <input type="checkbox"/> NO			
IF YES, WHICH FEDERAL OR STATE PROGRAM? (SPECIFY AMOUNT IN SPACE PROVIDED.)			
<input type="checkbox"/> Missouri Housing Development Commission \$ _____		<input type="checkbox"/> Brownfield \$ _____	
<input type="checkbox"/> Enterprise Zone \$ _____		<input type="checkbox"/> New Business Facility \$ _____	
<input type="checkbox"/> Federal Historic Preservation \$ _____		<input type="checkbox"/> Neighborhood Assistance \$ _____	
<input type="checkbox"/> Neighborhood Preservation \$ _____		<input type="checkbox"/> Youth Opportunity \$ _____	
<input type="checkbox"/> Local Community Development Block Grant \$ _____		<input type="checkbox"/> Community Development Block Grant \$ _____	
<input type="checkbox"/> Other (please specify program(s) and amount) _____			
6. PARTICIPATING IN THE E-VERIFY PROGRAM?			
IS THE APPLICANT (BUSINESS ENTITY) ENROLLED AND PARTICIPATING IN THE E-VERIFY PROGRAM?			
<input type="checkbox"/> YES <input type="checkbox"/> NO			
<p>Missouri statutes (Section 285.525-285.555, RSMo) require any business entity receiving a state-administered tax credit to participate in a federal work authorization program, which enables employers to electronically verify employment eligibility with respect to employees working in connection with the activities that qualify the applicant for this program.</p> <p>To access the E-Verify website, go to: https://e-verify.uscis.gov/enroll</p>			
7. ADDITIONAL DOCUMENTS REQUIRED			
PLEASE SUBMIT THE FOLLOWING ADDITIONAL DOCUMENTS:			
<input type="checkbox"/> A copy of the Eligible Cost Listing(s)			
<input type="checkbox"/> Backup documentation for the expenses claimed on the Cost Certification Form.			

8. ASTCP – APPLICANT CERTIFICATION

1. I certify that I am an authorized representative of the applicant and, as such, am authorized to make the statement of affirmation contained herein.
2. The information submitted by the applicant to DED in connection with this application are true and correct and such information is consistent with documents provided to lenders, other government programs, or investors. The applicant hereby authorizes DED to verify such information.
3. Neither the applicant, nor any individual with an ownership interest in the applicant:
 - a. Has committed a felony, is currently under indictment or charged with a felony, or is currently on parole or probation;
 - b. Is delinquent with respect to any non-protested federal, state or local taxes or fees;
 - c. Has filed, or is preparing to file, for bankruptcy, unless otherwise disclosed to DED; or
 - d. Has failed to fulfill any obligation under any other state or federal program, including a failure to pay as agreed any accrual upon which tax credits were issued.
4. I will inform DED, if at any time before project completion, there is any change to the certifications made in paragraphs 3(a) through 3(d) of this statement of affirmation.
5. The applicant, and any vendors the applicant will utilize to perform the work associated with the project, are registered and in good standing with the Missouri Secretary of State's Office.
6. The applicant agrees to comply with any and all agreements made pursuant to the project, upon which tax credits are issued.
7. I certify that the applicant does NOT knowingly employ any person who is an unauthorized alien and that the applicant has complied with federal law (8 U.S.C. § 1324a) requiring the examination of an appropriate document or documents to verify that each individual is not an unauthorized alien.
8. I certify that applicant is enrolled and will participate in a federal work authorization program as defined in Section 285.525(6), RSMo., with respect to employees working in connection with the activities that qualify applicant for this program. I certify that the applicant will maintain and, upon request, provide to DED documentation demonstrating applicant's participation in a federal work authorization program with respect to employees working in connection with the activities that qualify applicant for this program.
9. The applicant understands that, pursuant to section 285.530.5, RSMo, a general contractor or subcontractor of any tier shall not be liable under sections 285.525 to 285.550 when such general contractor or subcontractor contracts with its direct subcontractor who violates section 285.530.1, if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of section 285.530.1 and shall not henceforth be in such violation and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.
10. I understand that if the applicant is found to have employed an unauthorized alien, applicant may subject to penalties pursuant to Sections 135.815, 285.025, and 285.535, RSMo.

11. I certify that (check the applicable box):

I have included a copy of the executed E-Verify Program for Employment Verification Memorandum of Understanding between the company/organization and the Department of Homeland Security, United States Citizenship and Immigration Services (DHS-USCIS) and Social Security Administration.

I am not a business entity as defined in Section 285.525 (1) RSMo. Section 285.525(1) defines business entity as "any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage or livelihood. The term "business entity" shall include but not be limited to self-employed individuals, partnerships, corporations, contractors, and subcontractors. The term "business entity" shall include any business entity that possesses a business permit, license, or tax certificate, issued by the state, any business entity that is exempt by law from obtaining such a business permit, any business entity that is operating unlawfully without such a business permit. The term "business entity" shall not include a self-employed individual with no employees or entities utilizing the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo."

12. By submitting this application, I acknowledge that the applicant shall comply with Amateur Sporting Events Tax Credit Program requirements. I further acknowledge that the applicant's failure to comply with the Program requirements shall result in the return to DED of any remaining unexpended tax credit proceeds and repayment to DED the monetary value of any expended tax credit proceeds.

13. I certify under penalties of perjury that the above statements, information contained in the application and attachments are complete, true, and correct to the best of my knowledge. I also realize that failure to disclose material information regarding the applicant, its owners, or any other pertinent facts may result in criminal prosecution.

APPLICANT SIGNATURE	PRINT NAME	TITLE	DATE
NOTARY PUBLIC EMBOSSEER SEAL	On this ____ day of _____, 20____, appeared _____ to me personally known to be the person who executed the above certification, and acknowledges and states on his/her oath to me that he/she executed the same for the purpose therein stated.		
	STATE OF _____		COUNTY _____
	NOTARY PUBLIC NAME _____	MY COMMISSION EXPIRES _____	USE RUBBER STAMP IN AREA BELOW
	NOTARY PUBLIC SIGNATURE _____		

APPLICATION INSTRUCTIONS:
COST CERTIFICATION**1. APPLICANT INFORMATION:**

Name: Provide the name of the individual or entity that is filing the application and will receive the tax credits. The tax credit certificate will be issued to the individual or entity entered as the applicant.

Type of Entity:

- If the applicant is a business entity, complete the appropriate information on the left. Check the appropriate box indicating the type of entity. Supply the name of an authorized company official and the address. Enter the entity's Taxpayer Identification Number. Supply the appropriate NAICS code (see Definitions in Guidelines). Enter the authorized company official's email address, if available. List the property owner.
- If the applicant is an individual, complete the appropriate information on the right. Check the appropriate box indicating if the individual is the property owner. Enter the individual's contact information. Supply the individual's Social Security Number and spouse's Social Security Number, if applicable. Enter the applicant's email address, if available. If the individual requesting tax credits is not the property owner, please list the owner.
- **Special Note:** For entities with flow through tax treatment (e.g., partnerships, S-corporations, etc.), on a separate sheet include the name, address, and social security number or taxpayer ID number for all persons or entities with an ownership interest. Provide the percentage ownership interest for each taxpayer as of the time of the application. If the tax credits are to be certified other than pro rata according to the proportion of ownership interest, attach an executed agreement among the partners, members, or owners documenting the alternate distribution method.

2. PROJECT CONTACT:

Applicant/Owner/Other: Check the appropriate box and specify the name and contact information of the contact person. The Project Contact may be the applicant or a third-party contact. All correspondence from DED will be sent to the Project Contact.

3. SPORTING EVENT INFORMATION:

Note: If more than one Sporting Event is being applied for, please include a separate spreadsheet listing each separate Sporting Event. The spreadsheet should list all information in this section for each Sporting Event.

Type of Event: Please list the sport that has been played at the Sporting Event.

Address: Enter the address of the project site, including city/town, state, zip code, and county.

Event Date: Please list the date that the Sporting Event was held.

4. TOTAL NUMBER OF REQUESTED TAX CREDITS:

Eligible Costs: List the actual dollar value for all Eligible Costs.

Tickets Sold at Face Value: List the total number of Sporting Event tickets sold at Face Value.

Number of Tickets Multiplied by \$5: Multiply the number of Tickets Sold at Face Value by \$5.

Maximum Tax Credits: Enter the lesser of Eligible Costs and the Number of Tickets Multiplied by \$5.

5. OTHER INCENTIVES USED:

Are there other State of Missouri tax credits being applied toward this project? Select the appropriate box. If "Yes," please indicate which programs are applicable. If no other programs are being applied to the project, check "No."

6. PARTICIPATING IN THE E-VERIFY PROGRAM?

Please indicate yes, or no. Participation in the E-Verify Program is a prerequisite of receiving ASTCP tax credits.

7. ADDITIONAL DOCUMENTS REQUIRED:

A Copy of the Eligible Cost Listing Form(s): The Eligible Cost Listing Form(s) should be created using the template provided in Appendixes A & B.

Backup Documentation for the Eligible Cost Listing Form(s): All costs listed on the Eligible Cost Listing Form(s) must be supported by both an Invoice and Proof of Payment. All Pledged Obligations must also be supported by the Support Contract.

8. ASTCP – APPLICANT CERTIFICATION:

Must be signed and notarize

Appendix B:

Template for Eligible Cost Listing Form

Pledged Obligations

Description of Expense	Specific Part of Support Contract Requiring this Expense	Method of Payment (Include Check No)	Date Paid	Payee	Payor	Total Amount of Expense

AUTHORITY: section 67.3000, RSMo Supp. 2013. Original rule filed Feb. 7, 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 Economic Development, 301 West High Street, PO Box 1157, Jefferson City, MO 65102-1157. 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 240—Public Service Commission
Chapter 2—Practice and Procedure**

PROPOSED AMENDMENT

4 CSR 240-2.090 Discovery and Prehearings. The commission is amending section (2) of the rule.

PURPOSE: This amendment breaks the single section requirements into subsections to make the rule more readable and adds the requirement for submission of data requests through the commission's Electronic Filing and Information System (EFIS).

[(2) Parties may use data requests as a means for discovery. The party to whom data requests are presented shall answer the requests within twenty (20) days after receipt unless otherwise agreed by the parties to the data requests. If the recipient objects to data requests or is unable to answer within twenty (20) days, the recipient shall serve all of the objections or reasons for its inability to answer in writing upon the requesting party within ten (10) days after receipt of the data requests, unless otherwise ordered by the commission. If the recipient asserts an inability to answer the data requests within the twenty (20)-day time limit, the recipient shall include the date it will be able to answer the data requests simultaneously with its reasons for its inability to answer. Upon agreement by the parties or for good cause shown, the time limits may be modified. As used in this rule, the term data request shall mean an informal written request for documents or information which may be transmitted directly between agents or employees of the commission, public counsel or other parties. Answers to data requests need not be under oath or be in any particular format, but shall be signed by a person who is able to attest to the truthfulness and correctness of the answers. Sanctions for failure to answer data requests may include any of those provided for abuse of the discovery process in section (1) of this rule. The responding party shall promptly notify the requesting party of any changes to the answers previously given to a data request.]

(2) Parties may use data requests as a means for discovery.

(A) Data request means an informal written request for documents or information that may be transmitted directly between attorneys, agents, or employees of the commission, public counsel, or other parties.

(B) Answers to data requests need not be under oath or be in any particular format, but shall be signed by a person who is able to attest to the truthfulness and correctness of the answers.

(C) The party to whom data requests are presented shall answer the requests within twenty (20) days after receipt unless otherwise agreed by the parties to the data requests.

(D) If the recipient objects to data requests or is unable to answer within twenty (20) days, the recipient shall serve all of the objections or reasons for its inability to answer in writing upon the requesting party within ten (10) days after receipt of the data requests, unless otherwise ordered by the commission.

(E) If the recipient asserts an inability to answer the data requests within the twenty (20)-day time limit, the recipient shall include the date it will be able to answer the data requests simultaneously with its reasons for its inability to answer.

(F) The responding party shall promptly notify the requesting party of any changes to the answers previously given to a data request.

(G) Upon agreement by the parties or as ordered by the commission for good cause shown, the time limits for serving or answering data requests may be modified.

(H) Any data request issued to or by the staff of the commission shall be submitted and responded to in the commission's Electronic Filing and Information System (EFIS).

(I) Sanctions for failure to answer data requests may include any of those provided for abuse of the discovery process in section (1) of this rule.

AUTHORITY: section 386.410, RSMo Supp. [1998] 2013. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 22, 2014.

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

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

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before April 2, 2014, and should include a reference to Commission Case No. AX-2014-0193. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for April 7, 2014, at 10:00 a.m., in Room 305 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and
Rehabilitation Services**

PROPOSED AMENDMENT

5 CSR 20-500.130 Confidentiality and Release of Information. The State Board of Education is amending the purpose and sections (1)-(4).

PURPOSE: This amendment is updating the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of

Adult Learning and Rehabilitation Services, clarifying language, and updating circumstances under which an eligible individual's files will be released.

PURPOSE: *This rule establishes the procedures for release of information and confidentiality of applicants and/or eligible individuals for the State Board of Education through the [Division of Vocational Rehabilitation] Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations 34 CFR section 361.38.*

(1) Information about an applicant or eligible individual will not be released without the individual's written permission except in the following situations when it directly relates to the applicant or eligible individual's rehabilitation program and is necessary to provide services:

(A) Name, addresses, Social Security number, phone numbers, educational/work histories, and income information to other state agencies that [the Division of V]vocational [R]rehabilitation [(DVR)] (VR) has a cooperative agreement with, including but not limited to, the Departments of [Economic Development,] Elementary and Secondary Education, Higher Education, Labor and Industrial Relations, Mental Health, Social Services [and], the Division of Workforce Development, and school districts; and/or

(B) Information about an applicant or eligible individual to [C]community [R]rehabilitation [P]programs; and/or

(2) An applicant's or an eligible individual's refusal to release information may affect the individual's eligibility to receive services or may result in the denial of services.

(3) Information from an individual's file must be requested in writing.

(A) Upon the determination that information is harmful to the individual, information will not be released to the individual, but will be released to court appointed representatives or a third party chosen by the individual including an advocate, [individual's adult family member,] an adult member of the individual's family, or a qualified medical or mental health professional.

(B) Information will be released in response to a law enforcement investigation, fraud, or abuse, and in response to an order by a judge or other authorized judicial officer.

(C) To protect the individual or others if the individual poses a threat to his or her safety or to the safety of others.

(4) An applicant or eligible individual who believes that information in the individual's record of services is inaccurate or misleading may request in writing that [D]VR amend the information. If the information is not amended, the request for the amendment must be documented in the record of services.

AUTHORITY: *section[s] 161.092, RSMo Supp. 2013, and sections 178.600, 178.610, and 178.620, RSMo [1994] 2000. This rule previously filed as 5 CSR 90-4.110. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.130, effective Aug. 16, 2011. Amended: Filed Jan. 27, 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 Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at info@vr.dese.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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and Rehabilitation Services**

PROPOSED AMENDMENT

5 CSR 20-500.140 Minimum Standards [for Service Providers].
The State Board of Education is amending the title, purpose, and sections (1)–(3), and adding section (4).

PURPOSE: *This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services, to update terminology, to update the language for clarity, to update community rehabilitation program requirements, and to create a section addressing counselor qualifications.*

PURPOSE: *This rule establishes the minimum standards for service providers and vocational rehabilitation counselors for the State Board of Education through the [Division of Vocational Rehabilitation] Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education to provide vocational rehabilitation services for applicants and eligible individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended, 20 USC section 701 et. seq., and the Code of Federal Regulations, 34 CFR section 361.5(b)(9).*

(1) A [service provider is an individual or organization] **community rehabilitation program (CRP) is an accredited, non-profit organization**, which provides **employment-related** services to applicants or eligible individuals.

(A) A [vocational service provider may provide one (1) or more of the following client interventions: personal and work adjustment training; job readiness training; supported employment; work stations in industry; and vocational evaluation.]

[1. The vocational service provider] **CRP** must demonstrate the ability to deliver appropriate [case management] **employment-related** services [including counseling, psychological services, and vocational assessment services, and shall maintain service delivery personnel who possess substantial academic credentials appropriate to the proposed service].

[2.](B) [Accreditation must be obtained from] **A CRP must be accredited by a recognized professional accreditation organization/s who have] that has developed commonly accepted processes for accreditation of the specific employment-related service. [This would include but is not limited to the Commission on Accreditation of Rehabilitation Facilities (CARF) and the Joint Commission of Accreditation of Hospitals (JCAH).]**

[(B)](2) An educational service provider must comply with the provisions found in [5 CSR 60-900.050] **5 CSR 20-500.370.**

[(2)](3) [The service provider] **Individuals who provide vocational rehabilitation (VR) authorized services** must be properly accredited, certified, or licensed [in Missouri or another state as approved by the Division of Vocational Rehabilitation (DVR),] in accordance with applicable state law and/or regulation. [Qualified personnel must have a valid, unencumbered, unrestricted, and undisciplined license, certification, or accreditation.]

(4) **A qualified VR counselor must have these minimum qualifications—**

(A) **A master's degree from an accredited college or university in rehabilitation counseling, guidance and counseling, psychology, social work, or closely related field; and**

(B) **Fluency in American Sign Language or other appropriate mode of communication if the counselor provides services to individuals who are deaf or hard of hearing.**

AUTHORITY: section[s] 161.092, RSMo Supp. 2013, and sections 178.600, 178.610, and 178.620, RSMo 2000. This rule previously filed as 5 CSR 90-4.120. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed Dec. 7, 2000, effective July 30, 2001. Moved to 5 CSR 20-500.140, effective Aug. 16, 2011. Amended: Filed Jan. 27, 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 Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO, 65109 or by email at info@vr.dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and
Rehabilitation Services**

PROPOSED AMENDMENT

5 CSR 20-500.150 Eligibility. The State Board of Education is amending the purpose by adding a new section (1) and amending and renumbering sections (1)–(2).

PURPOSE: This amendment is updating the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services, updating to whom services may be provided, updating terminology and standards pertaining to individuals with hearing loss, and clarifying language.

PURPOSE: This rule establishes the eligibility requirements for applicants for the State Board of Education through the [Division of Vocational Rehabilitation] Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, 20 USC section 701 et. seq. and the Code of Federal Regulations, 34 CFR section 361.42.

(1) Vocational rehabilitation (VR) may only provide services to an individual who—

(A) Has been determined to have a physical or mental disability that serves as a substantial impediment to employment and who can benefit from an employment outcome;

(B) Is a Missouri resident, though a duration of residency requirement may not be imposed; and

(C) Is authorized to work in the United States.

[(1)](2) Diagnosis of disability [as defined in the Rehabilitation Act of 1973 as amended and the applicable rules] must be by a qualified [person,] professional who is licensed or certified in Missouri or in another state as approved by [the Division of Vocational Rehabilitation (DVR)] VR, and in accordance with applicable state law and/or regulation. [Qualified personnel must have a valid, unencumbered, unrestricted, and undisciplined license or certification.]

[(2)](3) Eligibility for services shall be determined pursuant to the federal act and/or applicable regulations and shall include the following qualifications:

(A) Individuals with conditions diagnosed or related to alcohol

and/or drug dependence, must be participating in or have successfully completed an inpatient/outpatient drug and/or alcohol treatment program, prior to receiving services from [D]VR connected with an Individualized Plan for Employment (IPE). The treatment program must be certified by the Missouri Department of Mental Health, [Division of Alcohol and Drug Abuse or t]The Joint Commission [on Accreditation of Hospitals (JCAH)] or a drug court;

(B) All referrals, applicants, and eligible individuals [with a visual disability] who meet the required eligibility requirements set by the Missouri Rehabilitation Services for the Blind (MRSB) will be referred to and served by [the Missouri Rehabilitation Services for the Blind (RSB) when the individual meets the visual disability requirements set forth in RSB rules] MRSB; and

(C) [Eligibility for i]Individuals who are deaf, late-deafened, or hard of hearing [with hearing loss] must be [diagnosed] evaluated by a [Missouri] certified audiologist or a [Missouri] physician skilled in diseases of the ear. Eligibility criteria for individuals with a hearing loss [is] are based upon standards developed by the American Speech-Language-[and] Hearing Association [(ASHA)].

1. The following standards [may] will be considered when determining eligibility:

A. [Pure tone average, speech receptions, and speech discrimination factors in determining the existence of functional limitations] An individual must have a diagnosis at a minimum of a mild to moderate hearing loss in both ears and functional limitations as a result of the hearing loss; and

B. Pure tone average [is determined by computing the decibel loss at 500 Hz, 1000 Hz, and 2000 Hz;] speech receptions, speech discrimination, and decibel loss at frequencies above 2000Hz.

[C. An individual with a forty-one (41) decibel loss in the better ear would be considered as having a disability with functional limitations;

D. An individual with a thirty-four to forty (34–40) decibel loss in the better ear may be considered as having a disability with functional limitations if the loss in the other ear is ninety (90) decibels or more; or

E Other factors, including speech reception, speech discrimination, and decibel loss at frequencies above 2000 Hz may cause functional limitations.]

AUTHORITY: section[s] 161.092, RSMo Supp. 2013, and sections 178.600, 178.610, and 178.620, RSMo [1994] 2000. This rule previously filed as 5 CSR 90-4.200. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.150, effective Aug. 16, 2011. Amended: Filed Jan. 27, 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 Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at info@vr.dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and
Rehabilitation Services**

PROPOSED AMENDMENT

5 CSR 20-500.160 Order of Selection for Services. The State Board of Education is amending the purpose and sections (1), (2), (5), (6), (7), and (13).

PURPOSE: This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services, to update the language for clarity, and to correct typographical errors.

PURPOSE: This rule establishes the order of selection for vocational rehabilitation services if the State Board of Education through the [Division of Vocational Rehabilitation] Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education cannot provide services to all eligible individuals with disabilities in the State of Missouri pursuant to the Rehabilitation Act of 1973 as amended, 20 USC section 701et. seq., and the Code of Federal Regulations, 34 CFR section 361.36.

(1) The following definitions apply to [these regulations] **this rule:**

(A) Individual with the [M]most [S]significant [D]disability. An individual with a significant disability [as defined in this rule, and the following:] **who is seriously limited in three (3) or more of the following functional areas:**

[1. Who is seriously limited in three (3) or more of the following functional areas:]

- [A.]1. Self-care;*
- [B.]2. Communication;*
- [C.]3. Mobility;*
- [D.]4. Self-direction;*
- [E.]5. Work tolerance;*
- [F.]6. Work skills; and/or*
- [G.]7. Interpersonal skills;*

(B) Individual with a [S]significant [D]disability. An individual with a disability [as defined in this rule and the following:]—

1. Who has a severe physical or mental impairment that seriously limits one (1) or [more] **two (2)** functional capacities [such as mobility; communication; self-care; self-direction; interpersonal skills; work tolerance; and/or work skills] in terms of an employment outcome **such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, and/or work skills;**

2. Whose vocational rehabilitation (VR) can be expected to require multiple [vocational rehabilitation] VR services over an extended period of time; and

3. Who has one (1) or more physical or mental disabilities resulting from amputation; arthritis; autism; blindness; burn injury; cancer; cerebral palsy; cystic fibrosis; deafness; head injury; heart disease; hemiplegia; hemophilia; respiratory or pulmonary dysfunction; mental retardation; mental illness; multiple sclerosis; muscular dystrophy; musculo-skeletal disorders; neurological disorders (including stroke or epilepsy); spinal cord conditions (including paraplegia or quadriplegia); sickle cell anemia; specific learning disability; end-stage renal disease; or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and [vocational rehabilitation] VR needs to cause comparable substantial functional limitation; or

(C) [Individual with a Disability. Any individual as defined in this rule and the following:

- 1. Who has a physical or mental impairment;*
- 2. Whose impairment constitutes or results in a substantial impediment to employment; and*
- 3. Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation service.] All other eligible individuals with a disability.*

(2) In the event [vocational rehabilitation] VR services cannot be provided to all eligible individuals with disabilities in the state of Missouri, [the Division of Vocational Rehabilitation (DVR)] VR will implement a statewide order of selection. In accordance [to] **with** the following priority categories, individuals with the most sig-

nificant disabilities will be selected first for the provision of [vocational rehabilitation] VR services. Services shall be provided based upon the eligible individual's placement in one (1) of the following category priorities:

(C) Priority Category III—[An individual with a disability as defined above] **All other eligible individuals with a disability.**

(5) All funding arrangements for providing services, including any third-party arrangements and awards by [D]VR shall be consistent with the order of selection. If any funding arrangements are inconsistent with the order of selection, [D]VR shall renegotiate these funding arrangements so that they are consistent with the order of selection.

(6) Eligible individuals who are in a priority category that is not open, shall be provided accurate [vocational rehabilitation] VR information and guidance (including counseling and referral for job placement) using appropriate modes of communication to assist them in preparing for, securing, retaining, or regaining employment. These individuals will also be referred to other appropriate federal and state programs, including the statewide workforce investment career centers.

(13) The order of selection shall in no way affect eligible individual's access to services provided through [D]VR's information and referral system.

AUTHORITY: section[s] 161.092, RSMo Supp. [2002] 2013, and sections 178.600, 178.610, and 178.620, RSMo 2000. This rule previously filed as 5 CSR 90-4.300. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Moved to 5 CSR 20-500.160, effective Aug. 16, 2011. Amended: Filed Jan. 27, 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 Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at info@vr.dese.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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and Rehabilitation Services**

PROPOSED AMENDMENT

5 CSR 20-500.170 Appeals. The State Board of Education is amending the purpose and sections (1)–(4).

PURPOSE: This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services and to update the language for clarity.

PURPOSE: This rule establishes the procedures for appeal by an applicant or eligible individual dissatisfied with a determination made regarding the provision of services by the [Division of Vocational Rehabilitation] Office of Adult Learning and

Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, 29 USC section 701 et. seq. and the Code of Federal Regulations, 34 CFR section 361.57.

(1) [When an applicant or eligible individual signs an application, is determined ineligible for services, the Individualized Plan for Employment (IPE) is developed or executed, or upon reduction, suspension, or cessation of vocational rehabilitation services, the applicant or eligible client will be apprised of their rights to a due process hearing and/or mediation] **An applicant or eligible individual will be informed of their right to a due process hearing and/or mediation if they are determined ineligible for services, when the Individualized Plan for Employment (IPE) is executed or if there is a reduction, suspension, or cessation of vocational rehabilitation (VR) services.**

(2) [When] **If** an applicant or eligible individual is dissatisfied with any determination made by [the Division of Vocational Rehabilitation (DVR)] **VR** regarding the provision of services, the applicant or eligible individual may request [under the rules promulgated by the State Board of Education,] **an informal review, a due process hearing, or mediation.**

(3) When an applicant or eligible individual is dissatisfied with any determination made by [D]VR regarding the provision of services, the applicant or eligible individual will be [given information] **informed in writing** about the [C]client [A]assistance [P]program.

(4) [Division of Vocational Rehabilitation] **VR** will not suspend, reduce, or terminate services provided to an eligible client under an existing IPE pending a decision from **an** informal review, a due process hearing, or a written mediation agreement, unless the eligible individual or [their] **the individual's** representative requests in writing that services be suspended, reduced, or terminated.

AUTHORITY: section[s] 161.092, RSMo Supp. 2013, and sections 178.600, 178.610, and 178.620, RSMo [1994] 2000. This rule previously filed as 5 CSR 90-4.400. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.170, effective Aug. 16, 2011. Amended: Filed Jan. 27, 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 Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at info@vr.dese.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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and Rehabilitation Services**

PROPOSED AMENDMENT

5 CSR 20-500.180 Informal Review. The State Board of Education is amending the purpose and section (1).

PURPOSE: This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services and to update the language for clarity.

PURPOSE: This rule establishes the procedures for informal review of a decision made by the [Division of Vocational Rehabilitation] Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, 29 USC section 701 et. seq. and the Code of Federal Regulations.

(1) The applicant or eligible individual may request **an** informal review in writing to [the supervisor of] **the respective district office supervisor.**

AUTHORITY: section[s] 161.092, RSMo Supp. [2002] 2013, and sections 178.600, 178.610, and 178.620, RSMo 2000. This rule previously files as 5 CSR 90-4.410. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003, effective Oct. 30, 2003. Moved to 5 CSR 20-500.180, effective Aug. 16, 2011. Amended: Filed Jan. 27, 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 Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at info@vr.dese.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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and Rehabilitation Services**

PROPOSED AMENDMENT

5 CSR 20-500.190 Due Process Hearing. The State Board of Education is amending the purpose and sections (2)–(4) and sections (6)–(12) and adding section (13).

PURPOSE: This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services and to update the language for clarity and specificity.

PURPOSE: This rule establishes the procedures for due process hearings for applicants or eligible individuals dissatisfied with a determination made regarding the provision of services by the [Division of Vocational Rehabilitation] Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, 29 USC section 701 et. seq. and the Code of Federal Regulations, 34 CFR section 361.57(e), (f), and (g).

(2) An applicant or eligible individual may request a due process hearing in writing or by personally contacting [a coordinator,] **the [Division of V]vocational [R]rehabilitation ([D]VR) consumer affairs office.**

(3) The assistant commissioner of *[DVR]* the **Office of Adult Learning and Rehabilitation Services** or his/her designee will *[set]* schedule a hearing and assign an **impartial** hearing officer *[selected pursuant to the federal regulations and/or applicable regulations]* to hear the matter.

(4) A hearing will be held within sixty (60) days of the request unless *[a party]* the **applicant, the eligible individual, or VR** requests a specified time extension.

(6) The applicant or the eligible individual, or if appropriate, the individual's *[parent,]* guardian or other representative*[,]* of the **applicant or the eligible individual** will be allowed an opportunity to present additional evidence, information, and witnesses during the due process hearing.

(7) Copies of all correspondence, reports of contact, and written decisions rendered by the **impartial** hearing officer shall be placed in the applicant's or the eligible individual's case file.

(8) The **impartial** hearing officer will make a decision, **including findings of fact and conclusions of law**, based upon the provisions of the approved state plan, the federal act and/or applicable regulations, and appropriate state law and/or regulations. A written report *[of the findings of fact and conclusions of law]* from the **impartial hearing officer** will be submitted to the applicant or eligible client or, if appropriate, the individual's *[parent,]* guardian or other representative and to the assistant commissioner within thirty (30) days of completion of the due process hearing.

(9) Within twenty (20) days of the **mailing of the impartial** hearing officer's written decision, either party may request in writing, a review of the written decision *[to]* by the commissioner of the Department of Elementary and Secondary Education (**department**), or his/her designee.

(10) The commissioner or designee shall provide an opportunity for submission of additional evidence and information relevant to a final decision. **The commissioner may not delegate the responsibility for reviewing the written decision of the impartial hearing officer to any VR staff.**

(11) The commissioner or designee shall not overturn or modify the **impartial** hearing officer's decision, or part of the decision supporting the position of the applicant or eligible individual, unless the reviewing official determines based upon clear and convincing evidence that the decision of the **impartial** hearing officer is clearly erroneous on the basis of being contrary to the approved state plan, the federal act and/or applicable regulations, or the appropriate state law and/or regulations.

(12) The commissioner or designee shall provide a written final findings of fact and conclusions of law to the applicant or eligible individual*[,]* or, if appropriate, the applicant's representative*[,]* and *[D]VR [in a timely manner]* within thirty (30) days of the request for administrative review.

(13) A decision of the commissioner or designee constitutes notice of a final decision on the matter by the department.

AUTHORITY: section[s] 161.092, RSMo Supp. [2002] 2013, and sections 178.600, 178.610, and 178.620, RSMo 2000. This rule previously filed as 5 CSR 90-4.420. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003, effective Oct. 30, 2003. Moved to 5 CSR 20-500.190, effective Aug. 16, 2011. Amended: Filed Jan. 27, 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 Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at info@vr.dese.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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and Rehabilitation Services**

PROPOSED AMENDMENT

5 CSR 20-500.200 Mediation. The State Board of Education is amending the purpose and sections (1)–(3) and (6).

PURPOSE: This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services, to update the language for clarity and specificity as to timing.

*PURPOSE: This rule establishes the procedures for mediation for applicants or eligible individuals dissatisfied with a determination made regarding the provision of services by the *[Division of Vocational Rehabilitation]* Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, 29 USC section 701 et. seq. and the Code of Federal Regulations, 34 CFR section 361.57(d).*

(1) The applicant or eligible individual may request mediation regarding disputes involving any determination by the *[Division of V]vocational [R]rehabilitation (D]VR)* that affects the provision of services. This request may be made in writing or by *[personally]* contacting *[a coordinator of]* the *[D]VR consumer affairs office*. **Mediation will be held within sixty (60) days of the request unless both parties agree to a specified time extension. Mediation is voluntary on the part of both the individual and VR.**

(2) The assistant commissioner of *[DVR]* the **Office of Adult Learning and Rehabilitation Services** or his/her designee will assign a mediator *[selected pursuant to the federal act and/or applicable regulations and]* agreed to by both *[the D]VR* and the applicant or eligible individual.

(3) An agreement reached by the parties as a result of mediation shall be set forth in writing.

(4) A written mediation agreement shall be provided to the applicant or eligible individual, or if appropriate, the individual's *[parent,]* guardian or other representative and to the assistant commissioner within thirty (30) days of completion of the mediation process.

(6) An applicant or eligible individual may request mediation without informal review or a due process hearing. *[Mediation is voluntary on the part of both parties.]*

AUTHORITY: section[s] 161.092, RSMo Supp. 2013, and sections 178.600, 178.610, and 178.620, RSMo [1994] 2000. This rule previously filed as 5 CSR 90-4.430. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.200, effective Aug. 16, 2011. Amended: Filed Jan. 27, 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 Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at info@vr.dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.010 General Organization. The Missouri Commission for the Deaf and Hard of Hearing is adding new sections (1) and (2), amending section (3) and subsection (3)(A), and deleting sections (2), (3), (4), and (5) in the *Code of State Regulations*.

PURPOSE: This amendment eliminates the redundant language already established in 161.400 through 161.410, RSMo.

[(1) There is established within the Missouri Commission for the Deaf and Hard of Hearing (MCDHH) a "Board for Certification of Interpreters" (BCI), which shall be composed of five (5) members. The executive director of the MCDHH or his/her designee shall be a nonvoting member of the BCI.]

(1) The Missouri Commission for the Deaf and Hard of Hearing (MCDHH) is established and governed by sections 161.400 through 161.410, RSMo, and these rules.

[(2) The members of the BCI shall be appointed by the governor with the advice and consent of the senate from a list of recommendations from the MCDHH. The BCI shall elect from its membership a chairperson and a secretary. A quorum of the BCI shall consist of three (3) of its members.]

(2) The Board for Certification of Interpreters (BCI) is established and governed under the MCDHH by the relevant provisions of sections 209.285 through 209.339, RSMo, and these rules.

[(3) The BCI shall meet not less than two (2) times per year.]

[(4) By the authority established in sections 209.292(1) and 209.292(2), RSMo, the BCI is the only entity in the state of Missouri with the power to officially evaluate and certify interpreters in order that they may meet the requirements for licensing by the Missouri State Committee of Interpreters. Other powers and duties of the BCI are detailed in section 209.292, RSMo.]

[(5) The coordinator of the Missouri Interpreters Certification System (MICS) shall be hired by the executive director of the MCDHH, and shall be responsible for implementing policies and decisions of the BCI, maintaining the BCI's records, and responding to all requests for access to the BCI's public records.]

[(6)](3) The public may obtain information from, as well as make submissions to, the BCI by submitting their requests or materials in writing to the Missouri Interpreter Certification System (MICS) coordinator at the MCDHH office.

(A) All public records of the BCI shall be open for inspection and copying by persons in the general public during normal business hours as required by Chapter 610, RSMo. However, records closed pursuant to section 610.021, RSMo, compiled in connection with the investigation of a complaint against the certification process, or compiled for the purpose of processing applications for certification are confidential and therefore not subject to inspection by the public.

(B) A fee may be charged by the BCI for making copies of its records. See 5 CSR 100-200.150 Fees.

(C) It shall be improper for any BCI member, MCDHH member, or MCDHH staff member to discuss with any person, except members of the BCI, MCDHH, staff of the MCDHH, State Committee of Interpreters, staff of the State Committee of Interpreters, or counsel for any of these agencies, any matter which is confidential, including complaints against the certification process, that is pending before the BCI, MCDHH, State Committee of Interpreters, or the Administrative Hearing Commission.

[(7)](4) All meetings of the BCI not closed pursuant to the provisions of section 610.021, RSMo, shall be open to any person in the general public.

[(8)](5) Individuals wishing to make a presentation at a BCI meeting must submit their requests in writing to the executive director of the MCDHH a minimum of three (3) working days prior to the meeting.

AUTHORITY: sections 209.287 and 209.292, RSMo Supp. [2003] 2013, and section 209.295(8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Jan. 28, 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 Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.030 Missouri Interpreters Certification System. This rule described the basic components of the Missouri Interpreters Certification System, as well as the types and levels of certification issued by the Board for Certification of Interpreters.

PURPOSE: This rule is being rescinded due to the changes to the levels of certification offered by the Missouri Interpreter Certification System.

AUTHORITY: sections 209.292(1), (2) and (11), RSMo Supp. 2004 and 209.295(8) and 209.305, RSMo 2000. Original rule filed June

20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Feb. 7, 2005, effective Aug. 30, 2005. Rescinded: Filed Jan. 28, 2014.

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

PRIVATE COST: The proposed rescission 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 rescission with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.035 Missouri Interpreters Certification System

PURPOSE: This rule describes the Missouri Interpreters Certification System (MICS) examinations and the certifications issued by the MICS.

(1) Any individual who practices interpreting in the state of Missouri as defined in sections 209.285 and 209.321, RSMo, must be certified by the Missouri Interpreters Certification System (MICS), except as allowed by statute.

(2) The Board for Certification of Interpreters (BCI) may purchase or develop materials to be used as the most appropriate testing materials for certifying interpreters in the state of Missouri. The BCI may contract with other certifying agencies to proctor their certification tests and evaluations and is authorized to charge a fee for its proctoring services as established in 5 CSR 100-200.150, in addition to collecting and forwarding the fee charged by the other certifying entity.

(3) The MICS has two (2) basic components: a written test of English proficiency and a performance test. A person is required to obtain a passing score on the written test taken before being allowed to take the performance test.

(4) The performance test is the measurement tool used to analyze the performance test and determine the applicant's ability to facilitate communication between deaf or hard of hearing people and persons who are hearing. The MICS performance evaluation standards shall be based upon the testing materials used by Texas Board for Evaluation of Interpreters (BEI).

(5) The types and levels of interpreter certification granted by the MICS are Basic, Advanced, Master, Restricted Certification in Education (K-6), Restricted Certification in Education (7-12), Provisional Certificate in Education, and the Intern/Practicum Certification.

(A) The Provisional Certificate in Education is issued for a term determined by statute.

(B) The Intern/Practicum Certification is issued for a term specified pursuant to 5 CSR 100-200.085.

(C) All other certifications are permanent, subject to annual renewal.

(6) To obtain a MICS Basic Certification, an applicant must meet the eligibility and application requirements of 20 CSR 100-200.050, pass the written test of English proficiency, and pass the Basic Performance Test.

(7) To obtain a MICS Advanced Certification, an applicant must meet the eligibility and application requirements of 20 CSR 100-200.050, pass the written test of English proficiency, and pass the Advanced Performance Test.

(8) To obtain a MICS Master Certification, an applicant must meet the eligibility and application requirements of 20 CSR 100-200.050, pass the written test of English proficiency, and pass the Master Performance Test.

(9) All MICS certifications except for the Intern/Practicum Certification are subject to renewal annually pursuant to 5 CSR 100-200.125, provided that the holder commits no violation of any provision of the *Revised Statutes of Missouri* or the *Missouri Code of State Regulations* pertaining to interpreter certification or licensure.

(A) The following MICS certifications issued based on performance tests taken prior to the effective date of this rule will be converted to the certifications established in this rule:

1. Comprehensive shall convert to Master;
2. Advanced shall convert to Advanced;
3. Intermediate shall convert to Basic.

(B) All other certifications issued prior to the effective date of this rule shall remain in full force and with the same rights, restrictions, and limitations as existed previously. Any person who takes the written test and the performance evaluation under 5 CSR 100-200.030 prior to the effective date of the rule and earns a Comprehensive, Advanced, or Intermediate Certification, shall be issued a Master, Advanced, or Basic, respectively, as set forth in subsection (A) of this section.

AUTHORITY: sections 209.292 and 209.295, RSMo Supp. 2013. Original rule filed Jan. 28, 2014.

PUBLIC COST: The proposed amendment will cost state agencies or political subdivisions twenty thousand dollars (\$20,000) 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 Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Elementary and Secondary Education
Division Title: Missouri Commission for the Deaf and Hard of Hearing
Chapter Title: Board for Certification of Interpreters**

Rule Number and Name:	5 CSR 100-200.035 Missouri Interpreters Certification System
Type of Rulemaking:	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Commission for the Deaf and Hard of Hearing	\$20,000 for the first year

III. WORKSHEET

\$10,000 for test lease + \$10,000 training = \$20,000

IV. ASSUMPTIONS

The leasing fee for the Texas BEI exam is \$10,000 per year.

The first year will have additional cost of \$10,000 for the training of raters.

It is predicted that every 3 years there will be the additional cost of \$10,000 for additional training of raters.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
**Division 100—Missouri Commission for the Deaf and
Hard of Hearing**
Chapter 200—Board for Certification of Interpreters

PROPOSED AMENDMENT

5 CSR 100-200.040 Restricted Certification in Education. The Missouri Commission for the Deaf and Hard of Hearing is amending sections (1), (2), and (5) and deleting subsection (1)(C) and section (4).

PURPOSE: This rulemaking amends the types of Restricted Certification in Education (RCED) that can be issued by the Missouri Interpreter Certification System (MICS).

(1) The Restricted Certification in Education (RCED) shall be issued *[in one (1) of three (3) different formats,] as either an RCED (K-6), or an RCED (7-12), and RCED (General)].*

[(C) The RCED (General) shall be valid for interpreting in kindergarten through grade twelve (12) as set forth in 5 CSR 100-200.170.]

(2) An RCED may be obtained *[in one of the following ways:] only by conversion pursuant to rule 5 CSR 100-200.100.*

[(A) An RCED (K-6) can be obtained only by conversion pursuant to rule 5 CSR 100-200.100.]

(A) The RCED (K-6) shall be issued to each applicant for conversion pursuant to rule 5 CSR 100-200.100 who receives a score of 4.0 on the EIPA examination (K-6).

[(B) An RCED (7-12) can be obtained only by conversion pursuant to rule 5 CSR 100-200.100.]

(B) The RCED (7-12) shall be issued to each applicant for conversion pursuant to rule 5 CSR 100-200.100 who receives a score of 4.0 on the EIPA examination (7-12).

[(C) An RCED (General) can be obtained only through performance testing in the Missouri Interpreter Certification System (MICS) as set forth in 5 CSR 100-200.070.]

[(4) The RCED (General) shall be given based on the applicant's ability to meet the minimum criteria for the Intermediate Certification level in either:

(A) Interpreting from spoken English to American Sign Language and from American Sign Language to spoken English; or

(B) Transliterating from spoken English to an English-based sign system, such as PSE, SEE, or MCE, and from an English-based sign system to spoken English.]

[(5)](4) An applicant may obtain [more than one (1)] both RCED certifications, with different formats and/or communication mode endorsements, but for each RCED the applicant must submit a new application, and pay the appropriate fee(s), and, if required, take the appropriate performance test].

AUTHORITY: section[s] 209.292(1), RSMo Supp [2003] 2013, and sections 209.295(1), (3) and (8), RSMo 2000. Original rule filed May 14, 1997, effective Dec. 30, 1997. Amended: Filed Oct. 21, 1997, effective April 30, 1998. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Jan. 28, 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 enti-

ties 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 Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
**Division 100—Missouri Commission for the Deaf and
Hard of Hearing**
Chapter 200—Board for Certification of Interpreters

PROPOSED AMENDMENT

5 CSR 100-200.045 Provisional Certificate in Education. The Missouri Commission for the Deaf and Hard of Hearing is amending sections (1) and (7) and deleting subsections (1)(A) and (1)(B) and sections (2), (3), (4), (5), (6), and (8).

PURPOSE: This amendment eliminates the redundant language that is already established in sections 209.309, RSMo and 209.321.8, RSMo.

(1) The board for certification of interpreters shall grant a provisional certificate in education to any applicant who submits an application pursuant to 5 CSR 100-200.050 and meets *[either of the following criteria:] the criteria set forth in section 209.321.8, RSMo.*

[(A) The applicant possesses a current valid certification in the Missouri Interpreters Certification System at either the novice or apprentice level and holds a valid license issued by the Missouri State Committee of Interpreters to provide interpreting services; or

(B) The applicant has submitted an application for certification in the Missouri Interpreters Certification System and an application for an interpreting license pursuant to sections 209.319 to 209.339, RSMo and has taken the written test and performance test or attests that he or she will complete the certification and licensure applications and take the written test within sixty (60) days following the date of application for a provisional certificate in education and will complete the performance test within sixty (60) days following passage of the written test.]

[(2) The board shall issue the provisional certificate in education within ten (10) business days following receipt of a complete application.

(3) A provisional certificate issued under subsection (1)(A) of this rule shall be valid for a term of three (3) years and shall be renewed by the board, upon request by the certificate holder, for one (1) additional term of three (3) years if the certificate holder is reevaluated during the first term of issuance and achieves a higher level of certification in the Missouri interpreters certification system.

(4) A provisional certificate issued under subsection (1)(B) of this rule shall be valid for one (1) year and shall be renewed, upon request by the certificate holder, pursuant to section (3) of this rule if the certificate holder is reevaluated during the term of issuance and achieves a certification in the Missouri Interpreters Certification System. Such renewed certificate shall be subject to the term length and renewal

provisions of section (3) of this rule.

(5) A provisional certificate in education shall be limited to providing interpreter services in preschool, elementary and secondary school settings or as allowed by any other valid Missouri certification or license held by the individual.

(6) A provisional certificate in education may be revoked by the board if the person makes any misrepresentations or fails to fulfill any commitment made pursuant to subsection (1)(B) of this rule, or violates the provisions of section 209.317 or 209.334, RSMo or breaks any of the ethical rules of conduct for interpreters as established by state rule or fails to obtain the necessary continuing education credits required for certification maintenance.]

[(7)](2) On or before December 2 of each year, holders of the Provisional Certificate in Education shall submit the **Continuing Education Units** (CEU) processing fee specified in 5 CSR 100-200.150 and verification of compliance with the certification maintenance requirements set forth in 5 CSR 100-200.130 on a form prescribed by the board.

[(8) The Temporary Restricted Certification in Education and the Provisional Restricted Certification in Education will automatically be converted to the Provisional Certificate in Education when this rule becomes effective, and the holders of the Temporary Restricted Certification in Education and the Provisional Restricted Certification in Education (PCED) will hold the same rights and responsibilities as holders of the PCED, no more and no less.]

AUTHORITY: sections 209.292(1) and **209.321(8)**, RSMo Supp. [2004] **2013**, and sections 209.295(1), (3), and (8), and **209.309**, RSMo 2000. Emergency rule filed Aug. 8, 2003, effective Aug. 18, 2003, expired Feb. 14, 2004. Emergency amendment filed May 6, 2004, effective June 1, 2004, expired Nov. 27, 2004. Original rule filed Aug. 11, 2003, effective Feb. 29, 2004. Rescinded and readopted: Filed Feb. 7, 2005, effective Aug. 30, 2005. Amended: Filed Jan. 28, 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 Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.050 Application for Interpreter Certification in Missouri. The Missouri Commission for the Deaf and Hard of

Hearing is amending sections (2), (3), and (4) and subsections (1)(B), (5)(A), (B), (C), and (D).

PURPOSE: This amendment changes the qualifications to be eligible for certification in the Missouri Interpreter Certification System (MICS) and amends the application process.

(1) To be eligible for certification in the Missouri Interpreters Certification System (MICS), each applicant must:

(B) [Hold a high school diploma or its equivalent] **Have earned an associate degree and/or a minimum of sixty (60) credit hours from an accredited college or university. An applicant who is currently certified at the Novice, Apprentice, RCED, Basic, Advanced, or Master levels by MICS and applies for a higher level of certification is not required to meet this educational requirement.**

(2) An application for certification must be completed on a form developed by the Board for Certification of Interpreters. Application forms may be obtained [by writing to the office of] from the Missouri Commission for the Deaf and Hard of Hearing.

(3) [Applicants for certification must meet the eligibility requirements for the MICS specified in section (1) above.] Applicants who do not meet the eligibility **and application** requirements will be [so] informed by a letter of denial, which will indicate the reason(s) for the denial.

(4) An application must be [properly] completed, [notarized,] and submitted with the appropriate fee in order for the applicant to be considered for the certification process.

(5) The completed application must clearly describe the applicant's intent to:

(A) Obtain a [standard] MICS **Basic, Intermediate, or Master** [c]Certification through written and performance testing;

[(B) Obtain a Restricted Certification in Education (General) through written and performance testing;]

[(C)](B) Obtain an Intern/Practicum Certification; or

[(D)](C) Convert certification.

AUTHORITY: section[s] 209.292(1), RSMo Supp. [2003] **2013**, and sections 209.295(1) and (8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Jan. 28, 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: The cost to private entities will be approximately fifty-four thousand dollars (\$54,000).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Elementary and Secondary Education
Division Title: Missouri Commission for the Deaf and Hard of Hearing
Chapter Title: Board for Certification of Interpreters**

Rule Number and Title:	5 CSR 100-200.050 Application for Interpreter Certification in Missouri
Type of Rulemaking:	Proposed Rulemaking

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:
9 interpreters		\$54,000

III. WORKSHEET

\$6000 for associate's degree X 9 applicants = \$54,000

IV. ASSUMPTIONS

Average cost per credit hour at local AAS interpreting programs = \$100 per credit hour for 60 credit hours= \$6000

Number of new applicants during 2013=45

Number of applicants already having at least 60 credit hours based on the number of internship applications we received=36

Number of applicants who would require more education before applying for certification = 45-36= approx 9 applicants

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.060 Written Test. The Missouri Commission for the Deaf and Hard of Hearing is amending sections (7) and (8).

PURPOSE: This amendment changes the passing score on the written test and changes the length of time before retaking the written test.

(7) All applicants must have a passing score [of eighty-five percent (85%) correct or better] as defined by the Texas Board for Examination of Interpreters (BEI) on the written test in order to qualify for taking the performance test.

(8) Any applicant unable to obtain a passing score on the written test [must refrain from] cannot retest[ing] for [a period of at least three (3)] six (6) months from the date of their last written test. Any [such] applicant may reapply to take the written test by submitting a new application form along with the appropriate application fee.

AUTHORITY: section[s] 209.292(1), RSMo Supp. [2004] 2013, and section 209.295(8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed May 27, 2005, effective Dec. 30, 2005. Amended: Filed Jan. 28, 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 Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.070 Performance Test and Evaluation. The Missouri Commission for the Deaf and Hard of Hearing is amending sections (3) and (5), and renumbering subsections (5)(A) and (5)(B), deleting subsections (3)(A), (3)(B), and (5)(A), and adding subsections (3)(A), (3)(B), and (3)(C), and paragraphs (3)(C)1., (3)(C)2., and (3)(C)3.

PURPOSE: This amendment explains the performance test application process, lists various certifications deemed equivalent to the MICS Advanced certification, and explains the procedure if an applicant does not pass the performance test.

(3) The performance test fee and application fee [of all applicants] must be received at the office of the MCDHH at least thirty (30) days prior to the date of their performance test and shall designate which performance test, Basic, Advanced, or Master Certifications is requested.

[(A) If no fee is received, an applicant scheduled for the performance test will not be allowed to take the performance test, and will have to reschedule a new date and time for their performance test.]

[(B) If the appropriate performance test fee has been received, then failure to appear for a scheduled performance test without reasonable prior notice, except in emergencies, will result in forfeiture of an applicant's performance test fee. When reasonable prior notice is given, or failure to appear is due to an emergency, the applicant will be allowed to reschedule their performance test for some future time.]

(A) Any applicant who has passed the written examination may take the Basic level performance exam.

(B) Any applicant who has passed the written examination and holds a current Basic Certification may take the Advanced performance exam.

(C) Any applicant who has passed the written examination and holds a current Advanced Certification, or its equivalent, may take the Master performance exam. The following current certifications are deemed equivalent to the Advanced Certification:

1. National Interpreter Certification (NIC);
2. Comprehensive Skills Certificate (CSC); and
3. Certificate of Interpreting/Certificate of Transliterating (CI/CT).

(5) If the applicant [is unable to obtain the minimum score necessary for certification] does not pass the performance test, no certification will be issued. In such an instance[:]—

[(A) The applicant may apply to take the performance test again and be reevaluated by scheduling a new performance test date with the MICS coordinator and submitting the proper reevaluation fee;]

[(B)](A) The applicant may not retake the performance test until at least six (6) months have passed from the date of his/her last performance test; and

[(C)](B) In all such cases of reevaluation, the written test will be waived.

AUTHORITY: sections 209.292, 209.295(8), and 209.299, RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Jan. 28, 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); however, this amendment will cost additional money for the increased fees for the new test which is reflected in 5 CSR 100-200.150.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.075 Voluntary Recertification. This rule outlined the process whereby an interpreter seeking either to recertify as a Novice or Apprentice or to obtain a higher level of certification in the Missouri Interpreters Certification System can volunteer to be reevaluated.

PURPOSE: This rule is being rescinded as the levels Novice and Apprentice are no longer being issued by the Missouri Interpreter Certification System (MICS).

AUTHORITY: sections 209.292(1), (2), and (11), RSMo Supp. 2003 and 209.295(8), RSMo 2000. Original rule filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Rescinded: Filed Jan. 28, 2014.

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

PRIVATE COST: This proposed rescission 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 rescission with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.130 Certification Maintenance. The Missouri Commission for the Deaf and Hard of Hearing is amending subparagraphs (1)(C)3.A., (1)(C)3.B., and (1)(C)3.C., section (3), and subsection (6)(B).

PURPOSE: This amendment changes the number of continuing education units that may be earned for completing college coursework and increases the number of continuing education units required to maintain certification.

(1) Annual participation in a continuing education program is required for interpreters certified in the Missouri Interpreters Certification System (MICS). This program involves study and performance options which must have prior approval from the Board for Certification of Interpreters (BCI) and which fulfill the requirements for certification maintenance in the MICS. This program may include seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, mentorship, self-study and other options, all of which must be approved by the BCI and must be related to interpreting.

(C) Presentations or program options offering MICS Continuing Education Units (CEUs) may be approved through any of the following methods:

1. All presentations and workshops offered by an Interpreter

Training Program (ITP) recognized by the BCI and housed in an accredited institution of higher education will automatically be approved for MICS CEUs;

2. All presentations and workshops that give attendees CEUs approved by the Registry of Interpreters for the Deaf (RID) will automatically be approved for MICS CEUs;

3. MICS CEUs will be given for undergraduate or graduate studies related to interpreting in any regionally accredited institution of higher education. Satisfactory proof of course completion, as required by the BCI, must be submitted in order for CEUs to be granted. The following hourly equivalents will be used by the BCI in issuing course-related MICS CEUs:

- A. 3 college credit hour course = [10] 45 contact hours;
- B. 2 college credit hour course = [6] 30 contact hours; and
- C. 1 college credit hour course = [3] 15 contact hours.

4. The BCI may approve continuing education presentations and program options other than those offered by an ITP or the RID if they meet the following criteria prior to the event:

A. Application should be submitted not less than thirty (30) days prior to the event. Applications received less than thirty (30) days in advance cannot be guaranteed notification of approval.

B. Application to the BCI for approval shall be made on forms developed by the BCI. The application shall require detailed information relating to administration and organization, teaching staff, education content and development, methods of delivery, length of education activities, targeted skill level of interpreters, facilities, and method of evaluation;

(3) An interpreter shall be required to earn [one and two-tenths (1.2)] two (2.0) CEUs annually for certification maintenance in the MICS. Contact hours earned in another state will be accepted by the BCI provided that the hours acquired can be documented. The twelve (12)-month period for annually earning CEUs will end ninety (90) days prior to the licensing deadline.

(6) The BCI will review and verify all MICS CEUs claimed on the CEU forms submitted. After verification, the BCI will notify the State Committee of Interpreters of the number of CEUs interpreters have earned for the year.

(B) If an interpreter's certification is not renewed because of failure to [obtain adequate MICS CEUs] comply with certification maintenance requirements, the interpreter may apply for reinstatement by submitting a completed CEU form, proper documentation, the CEU processing fee, and the reinstatement fee.

AUTHORITY: section[s] 209.292(10), RSMo Supp. [2003] 2013, and sections 209.295(1), (6), and (8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Jan. 28, 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 private entities sixty-four thousand eight hundred dollars (\$64,800) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Elementary and Secondary Education
Division Title: Missouri Commission for the Deaf and Hard of Hearing
Chapter Title: Board for Certification of Interpreters**

Rule Number and Title:	5 CSR 100-200.130 Certification Maintenance
Type of Rulemaking:	Proposed Rulemaking

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:
720 interpreters		\$64,800

III. WORKSHEET

**Increase 6 hours X \$15/CEU = \$90/yr per interpreter
\$90 X 720 = 64,800**

IV. ASSUMPTIONS

**Average cost per CEU \$15.
Approx. 720 interpreters renewed certification during 2013**

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

PROPOSED AMENDMENT

5 CSR 100-200.150 Fees. The Missouri Commission for the Deaf and Hard of Hearing is amending subsections (1)(C), (1)(D), and (1)(G).

PURPOSE: The amendment changes the fees for the written test, performance test, and reevaluation, removes the late fee, and adds an EIPA proctor fee.

(1) The following fees are established by the Missouri Commission for the Deaf and Hard of Hearing for various processes and services in the Missouri Interpreters Certification System (MICS):

(C) Basic Performance Test Fee	\$(125.00) 275.00
(D) [Reevaluation] Advanced and Master Performance Test Fee	\$(125.00) 300.00
[(G) Late Fee	\$ 30.00]
(G) EIPA Proctor Fee	\$ 70.00

AUTHORITY: section[s] 209.292(7), RSMo Supp. [2004] 2013, and sections 209.295(2) and 209.311, RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Feb. 7, 2005, effective Aug. 30, 2005. Amended: Filed Jan. 28, 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 private entities nineteen thousand dollars (\$19,000) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Elementary and Secondary Education
Division Title: Missouri Commission for the Deaf and Hard of Hearing
Chapter Title: Board for Certification of Interpreters**

Rule Number and Title:	5 CSR 100-200.150 Fees
Type of Rulemaking:	Proposed Rulemaking

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:
120 interpreters		\$19,000 per year

III. WORKSHEET

Basic= \$150 increase multiplied by 80 testers per year = \$12,000

Advanced and Master = \$175 increase multiplied by approximately 40 testers per year = \$7,000.

The aggregate amount to private entities is \$19,000 per year.

IV. ASSUMPTIONS

The Missouri Commission for the Deaf and Hard of Hearing oversees the certification of interpreters working in the state of Missouri. The Board for Certification of Interpreters recommended that the Commission adopt a certification system that is valid, reliable, legally defensible, highly effective in identifying proficient interpreters for the deaf, and furthers the enduring goal of equal access to rights, services, and education for the Deaf community. To these ends options were presented to the Commission resulting in the selection of the Texas BEI certification instrument. The Texas BEI interpreter certification process consists of a set of empirically-based, criterion-referenced sets of exams developed

by the University of Arizona National Center for Interpretation Testing, Research and Policy(UA National Center) and Texas Department of Assistive and Rehabilitative Services – Office for Deaf and Hard of Hearing Services (DARS-DHHS). In determining fees for this new testing system, we looked to other states that have undergone a similar process: Texas, Michigan, and Illinois. We determined the fees needed to be reevaluated to cover the costs associated with the new testing system.

The cost of the Basic test compared to the current MICS test will increase by \$150. The cost of the Advanced and Master tests compared to the current MICS test will increase by \$175.

Based on the number of testers and conversions from other testing entities during 2013, it is estimated to have 120 testers per year.

The estimated number of Basic testers is 80 per year.

The estimated number of Advanced testers is 30 per year.

The estimated number of Master testers is 10 per year.

The increase in Basic test fee was multiplied by the estimated number of Basic testers for the year.

The increase in Advanced and Master test fee was multiplied by the estimated number of Advanced and Master testers for the year.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and Hard of Hearing
Chapter 200—Board for Certification of Interpreters

PROPOSED AMENDMENT

5 CSR 100-200.170 Skill Level Standards. The Missouri Commission for the Deaf and Hard of Hearing is amending the purpose statement, sections (3), (4), (5), (6), (7), and (8), deleting sections (1) and (2), and adding new sections (1) and (2).

PURPOSE: This amendment incorporates the levels of certification issued after the adoption of new certification test.

PURPOSE: This rule provides standards concerning the certification levels appropriate for consumers and interpreters to practice in various interpreting settings.

[(1) Interpreters should accept, refuse or withdraw from assignments based upon their experience, capability and certification level.]

[(2) Interpreters should prove their certification level upon request of any consumer by showing their certification documentation.]

[(3)](1) These standards are developed to protect the health, welfare, and safety of consumers. These standards are not intended to be all-inclusive regarding potential interpreting assignments. The standards show both consumers and interpreters the skill levels that are appropriate for interpreting in various settings. Should [questionable] questions regarding specific areas of practice arise, see [4 CSR 232-3.010.] the Ethical Rules of Professional Conduct established by the Missouri State Committee of Interpreters at 20 CSR 2232-3.010.

(2) Interpreters must accept, refuse, or withdraw from assignments based upon their experience, capability, and certification level, and in compliance with the Ethical Rules of Conduct established by the Missouri State Committee of Interpreters at 20 CSR 2232-1.010.

(3) Interpreters must provide their certification level and license status upon request.

(4) For the purpose of this rule, certifications in the Missouri Interpreters Certification System (MICS) are referred to as follows:

- (A) [Comprehensive Certification] = Com]
 - Master Certification = Master
- (C) [Intermediate Certification] = Int]
 - Basic Certification = Basic

(5) For the purpose of this rule, certifications issued or accepted by the Registry of Interpreters for the Deaf (RID) and recognized by the Board for Certification of Interpreters (BCI) pursuant to 209.322(1), RSMo are referred to as follows:

- (A) National Interpreter Certification (NIC) Master = [Com] Master
- (B) National Interpreter Certification (NIC) Advanced = [Com] Master

(6) For the purpose of this rule, certifications issued by the National Association of the Deaf (NAD) and recognized by the BCI pursuant to 209.322(2), RSMo are referred to as follows:

- (A) NAD level 5 = [Com] Master
- (C) NAD level 3 = [Int] Basic

(7) [Effective July 1, 2003, t]The standards set forth in sections [(6)] (8) through [(13)] (15) are established for the use and guidance of interpreters in Missouri. Interpreters practicing interpreting in the settings specified below [should] must hold one (1) of the certifications listed as appropriate for interpreting in those settings.

(8) Legal Settings and Activities **Appropriate Certifications**

Interpreters shall be certified as set forth below when interpreting for consumers involved in the legal process, including but not limited to judicial or administrative proceedings, appeals, attorney consultations, investigations, examinations or audits, arraignments, bond consultations, pre-trial release hearings, settlement or pre-trial conferences, testimony (whether at deposition, at trial, or before a grand jury) and jury duty:

- (A) Criminal matters and proceedings
 - (Felony) [Com] Master/CDI
 - [1. Arraignment]
 - [2. Post bond]
 - [3. Pre-Trial release]
 - [4. Attorney conference]
 - [5. Judicial proceedings]
 - [6. Courtroom]
 - [7. Deposition]
 - [8. Testimony]
 - [9. Grand jury]
 - [10. Jury duty]

- (B) Criminal matters and proceedings
 - (Misdemeanor) [Com] Master/Adv/CDI
 - [1. Arraignment]
 - [2. Post bond]
 - [3. Pre-Trial release]
 - [4. Attorney conference]
 - [5. Judicial proceedings]
 - [6. Courtroom]
 - [7. Deposition]
 - [8. Testimony]
 - [9. Grand jury]
 - [10. Jury duty]

- (C) Civil [(Major)] matters and proceedings [Com] Master/Adv/CDI
 - [1. Attorney conference]
 - [2. Civil court proceedings]
 - [3. Lawsuit]
 - [4. Contested divorce]
 - [5. Peace bond/restraining order]
 - [6. Contested wills and trusts]
 - [7. Bankruptcy]
- (D) [Civil (Minor)] [Com] Master/Adv/CDI
 - [1. Traffic court]
 - [2. Small claims court]
 - [3. Attorney conference]
 - [4. Civil court proceedings]
 - [5. Uncontested divorce]
 - [6. Wills and trusts]

Administrative matters and proceedings before any federal, state, county, or local government agency, including but not limited to educational due process and mediation proceedings.

- (E) Juvenile Court and Family Court, including but not limited to child abuse/welfare, child adoption, child custody, termination of parental rights, and crimes by children under the age 17. [Com] Master/CDI
 - [1. Child abuse/welfare]
 - [2. Child adoption]
 - [3. Child custody]
 - [4. Termination of parental rights]
 - [5. Crimes by children under age 17]

- (F) Legal Consultation/Advice [Com] Master/Adv/CDI

1. Any consultation *[given by]* between a consumer and an attorney, except that if another part of this rule requires a higher level of certification, it shall control over this subsection.

(G) Law Enforcement Communications between a law enforcement agency, or its officers or agents, and the public in the performance of its official duties, including but not limited to the following circumstances: . . . *[Com]* Master/CDI

1. Arrest and process
2. Post bond
3. Confession
4. Interrogation
5. Investigation
6. Witness interview
7. Crisis intervention

(H) Law Enforcement Public Education Programs Interpreting for any public educational program by a federal, state, county, or local law enforcement agency that promotes crime prevention, personal and public safety, and personal protection. . . . *[Com]* Master/Adv/Int Basic/CDI

[1. Any program that promotes safety, protection, and prevention by federal, state, county, or local law enforcement agencies]

(I) Correctional interpreting in any correctional facility, including but not limited to the following: . . . *[Com]* Master/Adv/CDI

1. Any program for the education or rehabilitation of inmates
- [1.]*2. Probation/parole meeting
- [2.]*3. Disciplinary hearing
- [3.]*4. Parole hearing
- [4.]*5. Inmate evaluation/assessment

[(J) Correctional Education/Rehabilitation Programs Com/Adv/Int/CDI]

1. Any program for the education or rehabilitation of inmates in a correctional system.]

(9) Medical Health Care Settings and Activities Appropriate Certifications

(A) *[Medical (Serious)]* Health care professionals and providers *[Com]* Master/Adv/CDI

Services of health care professionals and providers, including but not limited to doctors of medicine, dentists, chiropractors, optometrists, audiologists, speech pathologists, dieticians, and nutritionists.

- [1. Emergency room]*
- [2. Any complicated surgery and medical procedure]*
- [3. Life-threatening health problem]*
- [4. Obstetrics]*

[(B) Medical (Routine) Com/Adv/CDI]

1. Offices and clinics of doctors of medicine
2. Offices and clinics of dentists
3. Offices and clinics of chiropractors
4. Offices and clinics of optometrists
5. Offices and clinics of audiologists/speech pathologists
6. Offices and clinics of dietitians/nutritionists
7. Visiting health care provider (nurse, doctor, therapist)
8. Hospital (Nonthreatening)]

[(C)](B) [Nursing and] Personal Care [Facilities] Services

Services provided for health and personal care that are not covered in subsection

(A) that are provided in independent and assisted living settings including but not limited to: *[Com]* Master/Adv/Int/Basic/CDI

1. Convalescent homes
2. Nursing homes
3. Home health care services
4. Hospice

[(D)](C) Community Health

Education *[Com]* Master/Adv/Int/Basic/App/CDI

[1. Any self-help program relating to health/well-being]

[2.] Any program or activity in the community for the general public, offered by hospitals/clinics and private medical/ organizations that promotes general health and well-being.

(10) Mental Health Settings and Activities Appropriate Certifications

Interpreters shall be certified as set forth below when interpreting for consumers involved in mental health settings and activities, including but not limited to:

(A) *[Mental Health (Serious)]* Consultation, Diagnosis, Treatment, and Care.

Interpreting for consumers in any of the following mental health facilities and/or situations involving consultation, diagnosis, treatment crisis intervention or care, including but not limited to: *[Com]* Master/Adv/CDI

1. Mental hospitals
2. Psychiatric hospitals
3. Psychiatric units within hospitals
4. *[Crisis intervention]* Offices and clinics of mental health professionals, including but not limited to social workers, psychiatrists, psychologists, psychotherapists, and counselors.

[(B) Mental Health (Clinical—Routine). Com/Adv/CDI]

1. Offices and clinics of psychiatric social workers
2. Offices and clinics of psychiatrists
3. Offices and clinics of psychologists
4. Offices and clinics of psychotherapists
5. Offices and clinics of counselors]

[(C)](B) Mental Health [(Non-Clinical—Routine)] Programs [Com] Master/Adv/Int/Basic/CDI

1. Alcoholics anonymous program
2. Narcotics anonymous program]
- [3.]* Mental health programs for the general public occurring outside a mental health facility, including but not limited to

[A]any 12-step program and self-help program relating to mental health and/or well-being

4. Treatment planning meeting
5. Residential care facility
6. Group home

[(D)](C) Transition

Service *[Com]* Master/Adv/Int/Basic/App/CDI

Interpreting for consumers involved with facilities, agencies and activities whose purpose is to assist individuals transitioning to independent living.

- [1. Independent living skills*
- 2. Job coaching]*

(11) Education Settings and Activities Appropriate Certifications

Interpreters shall be certified as set forth below when interpreting for consumers involved in educational settings and activities.

(A) Preschool *[Com]* Master/Adv/Int/Basic/RCED (K-6)/RCED(Gen)/CDI/PCED

(B) Academic (Kindergarten—Grade 6) *[Com]* Master/Adv/Int/Basic/RCED (K-6)/RCED(Gen)/CDI/PCED

(C) Academic (Grade 7—Grade 12) *[Com]* Master/Adv/Int/Basic/RCED (7-12)/RCED (Gen)/CDI/PCED

(D) Academic (Post Secondary) **including but not limited to: Colleges, Universities, Professional Schools, Junior Colleges, Technical Institutes, and Continuing Education** [Com]Master/Adv/[Int]Basic/CDI
 [1. Colleges, Universities and Professional Schools
 2. Junior Colleges and Technical Institutes
 3. Continuing Education
 4. Adult Basic Education]

(E) Educational Assessment **including but not limited to:** [Com]Master/Adv/[Int]Basic/CDI
 [1. Psychological Testing]
 [2.]1. Language Testing
 [3.]2. Developmental Testing
 [4.]3. Intelligence Testing

(F) Educational Conferences **between educational staff and the student, parent and/or guardian, including but not limited to Individualized Education Plan conference, Parent/Teacher conference, and Parent/School Administrator conference.** [Com]Master/Adv/[Int]Basic/CDI
 [1. Individualized Education Plan Conference]
 [2. Parent/Teacher Conference]
 [3. Parent/School Administrator Conference]

(G) Professional Development **conferences, seminars, workshops, and training.** [Com]Master/Adv/[Int]Basic/CDI
 [1. Conferences]
 [2. Seminars]
 [3. Workshops]
 [4. Training]

(H) Community Education. [Com]Master/Adv/[Int]Basic/App/CDI
 [1.] Any program or activity offered **to the public generally** by schools, colleges, or universities in the community that promotes learning **is not offered as part of a degree program, is not part of the basic K-12 curriculum, and is not otherwise listed or referenced above.**

(12) **Employment** **Appropriate**
Settings and Activities **Certifications**
Interpreters shall be certified as set forth below when interpreting for consumers involved in employment-related settings and activities, including but not limited to:

(A) [Employment Actions] **Personnel**
Activities [Com] Master/Adv/CDI
Interpreters shall be certified as set forth below when interpreting for consumers involved in personnel matters, including but not limited to:
 1. Interview (including the explanation or negotiation of the employment contract and employment benefits.)
 2. Hiring/firing
 3. Disciplin/ary/e
 4. **Performance Appraisal**

(B) **Employment**
Maintenance. Com]Master/Adv/[Int]Basic/CDI
 1. Staff meetings
 2. Employee/employer meetings
 3. Safety workshops
 4. Training/seminars/workshops
 5. Performance appraisal
 6. Union meeting

(C) **Vocational**
Training. [Com]Master/Adv/[Int]Basic/App/CDI
Any training, course, or workshop designed to assist an individual to search, apply, and or qualify for employment, including but not limited to:
 1. Job training

2. Job coach
 3. Vocational counseling
 4. Vocational assessment
 [5. Any training/workshop promoting employment]

(13) **Financial** **Appropriate**
Settings and Activities **Certifications**
 (A) [Purchasing] [Com]Master/Adv/[Int]Basic/CDI
Real Estate, Insurance, Investments, and Loans. Meetings, consultations, and/or negotiations for the sale, purchase, or transfer of real estate, for the sale or purchase of insurance or investments, to obtain a loan from a financial institution or other commercial lending business.
 [1. Real estate]
 [2. Insurance]

(B) **Financial**
Management [Com]Master/Adv/[Int]Basic/CDI
 1. Credit counseling
 [2. Repossession]
 [3. Major loans]
 [4.]2. Retirement
 [5.]3. Tax preparation

(14) **Government** **Appropriate**
Settings and Activities **Certifications**
 (Federal, State, [City,] County, and Local)
Interpreters shall be certified as set forth below when interpreting for consumers interacting with government agencies and districts:

(A) **Administrative Proceedings/Hearings**
 [(Non-Legal)] See section (8), above, regarding **legal settings and activities** [Com]Master/Adv/CDI
 [1. Filing complaint]
 2. Investigation
 3. Testimony
 4. Hearing
 5. Appeal
 6. Audit]

(B) **Social Services** [Com]Master/Adv/CDI
 1. Any Division of Youth Services activity
 2. Any Division of Family Services activity

(C) **Public Meetings including but not limited to:** [Com]Master/Adv/[Int]Basic/CDI
 1. Agency/board/commission/council meeting
 2. Legislative assembly
 3. Individuals meeting with public official

(D) **Benefits/**
Services [Com]Master/Adv/[Int]Basic/[App]/CDI
 1. Food stamps
 2. Drivers' license testing
 [3. Voter registration]
 [4.]3. Welfare
 [5.]4. Social Security
 [6.]5. Unemployment benefits
 [7.]6. Medicare/Medicaid
 [8. Any type of governmental benefits or services]

(E) **Recreational/education**
programs [Com]Master/Adv/[Int]Basic/App/Nov/CDI
 1. Federal and state parks
 2. Missouri history
 3. Conservation
 4. Nat[ional]ural resources
 5. Energy saver
 6. Environment
 7. Natural disaster awareness
 8. Public awareness
 9. Recreational activities

10. Any program or activity offered by a public entity to increase the public's awareness of government, safety, health, economics, appreciation, protection, etc.

(15) Entertainment Setting **Appropriate Certifications**
Interpreters shall be certified as set forth below when interpreting for consumers involved in entertainment settings and activities, including but not limited to:

(A) Performing Arts [(Unrehearsed)] Any type of performance but not limited to: [Com]Master/Adv/[Int]Basic/App/CDI

- 1. Theaters
- 2. Concerts
- 3. Comedy shows
- 4. Magic shows

[5. Any type of stage performance]

[(B) Performing Arts (Rehearsed). Com/Adv/Int/App/Nov/CDI

- 1. Theaters
- 2. Concerts
- 3. Comedy shows
- 4. Magic shows
- 5. Any type of stage performance]

[(C)](B) Social Activities [Com]Master/Adv/[Int]Basic/App/Nov/CDI

Any other type of activity presented primarily for social or entertainment purposes, including but not limited to:

- 1. Festivals
- 2. Fairs
- [3. Sport leagues]
- [4.]3. Sight-seeing tours
- [5.]4. Rodeos
- [6.]5. Circuses
- [7. Recitals]
- [8.]6. Carnivals
- [9.]7. Amusement parks
- [10.]8. Camps
- [11. Any type of activity for entertainment purposes only]

AUTHORITY: sections 209.292(5) and (8), RSMo Supp. Supp. [2007] 2013. Original rule filed Nov. 27, 1996, effective July 30, 1997. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 28, 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 Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, 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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and Hard of Hearing
Chapter 200—Board for Certification of Interpreters

PROPOSED AMENDMENT

5 CSR 100-200.210 Reinstatement. The Missouri Commission for the Deaf and Hard of Hearing is amending subsection (4)(A).

PURPOSE: This amendment changes the number of continuing education units required for reinstatement to comply with proposed rule change 5 CSR 100-200.130.

(4) The Board for Certification of Interpreters (BCI) will automatically reinstate the certification of any interpreter whose certification was not renewed for failure to comply with certification maintenance requirements upon evidence to the BCI of the following:

(A) Completion of [one and two-tenths (1.2)] **two (2.0)** Missouri Interpreters Certification System continuing education units for every applicable year as set forth in 5 CSR 100-200.130; and

AUTHORITY: sections 209.292 and 209.295(2) and (8), RSMo 2000. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Feb. 7, 2005, effective Aug. 30, 2005. Amended: Filed Jan. 28, 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 Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, 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 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 adding subsections (3)(B), (20)(D) and (E), and relettering the remaining subsections.

PURPOSE: This amendment will add several new definitions to define terms used for independent testing laboratories.

(3) Definitions beginning with C—

(B) Certification by independent testing laboratories (ITLs)—
A written document issued by an independent testing laboratory attesting to the compliance of a particular product with applicable Missouri laws, regulations, Minimum Internal Control Standards (MICS), and adopted technical standards;

[(B)](C) Chief administrative officer—Means the president of a corporation, the managing partner of a partnership, the general partner(s) of a limited partnership, the individual of a sole proprietorship, the managing agent of a joint venture, or the managing agent of a limited liability company. For a consortium of financial participants where no formal chief administrative officer exists, chief administrative officer shall mean the chief administrative officer of the largest financial participant;

[(C)](D) Chip—A nonmetal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of a

Class B license for use in gaming other than in electronic gaming devices on the license holder's riverboat;

[(D)](E) Commission—The Missouri Gaming Commission or its agents;

[(E)](F) Commission surveillance room—A room(s) on each riverboat for the exclusive use of the commission or commission agents for monitoring and recording of gaming and other activities;

[(F)](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

[(G)](H) 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.

(20) Definitions beginning with T—

(D) Test cases—A description of processes utilized by the ITL to assess compliance with test scripts;

(E) Test scripts—A template to record findings constructed by the ITL to assess compliance with all applicable Missouri statutes, regulations, adopted technical standards, and MICS;

[(D)](F) Theoretical payout percentage—The sum of the number of tokens expected to be paid as a result of jackpots divided by the number of different possible outcomes;

[(E)](G) Ticket of admission—A physical or electronic implement, approved by the commission, which records and verifies the admission of patrons onto an excursion gambling boat for the purpose of accounting for the admission fee imposed by section 313.820, RSMo; and

[(F)](H) Token—A metal object or other representation of value that is authorized by statute and/or approved by the commission, which is redeemable for cash only at the issuing riverboat gaming operation, and issued and sold by a holder of a Class B license for use in electronic gaming devices.

AUTHORITY: section 313.004, RSMo 2000, and sections 313.805 and 313.817, RSMo Supp. [2010] 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 Jan. 30, 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 Wednesday, April 9, 2014, at 10:00 a.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 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.230 Supplier's License Criteria. The commission is amending section (4).

PURPOSE: This amendment removes the affiliate supplier license, and updates the standards for independent testing laboratories.

(4) An independent testing laboratory (ITL) applying for or **currently holding** a supplier license is subject to compliance with all other requirements of this rule in addition to the following criteria:

(A) The *[independent testing laboratory (hereinafter referred to as "test laboratory")]* ITL shall test, evaluate, conduct math analyses, verify, certify, and/or render opinions as directed by the commission on—

1. Table games, including electronic and dealer assisted electronic table games;
2. Electronic gaming devices and payglass;
3. Random number generators;
4. Progressive gaming devices and controllers;
5. Wide area progressive systems and associated equipment;
6. Online monitoring and control systems;
7. Ticket validation systems;
8. Wireless devices and systems;
9. Cashless, promotional, and bonusing systems;
10. **Redemption** /K/kiosks;
11. All gaming related peripherals, software, and systems;
12. Electronic bingo devices, software, and systems;
13. Shuffling devices; and
14. Other gaming devices and associated equipment (hereinafter referred to as "gaming equipment") for compliance with Missouri laws, regulations, **minimum internal control standards**, adopted technical standards, and requirements as codified or otherwise set forth;

(B) No test laboratory or its owners, officers, directors, managers, **consultants**, *[or]* employees, or **any other position deemed by the director** shall—

1. Own any interest in or be employed by:
 - A. A Class A licensee; or
 - B. A Class B licensee; or
 - C. A Level I occupational licensee; or
 - D. A Level II occupational licensee; or*[E An affiliate supplier licensee; or]*

[F.]E. A supplier licensee other than the test laboratory for whom the person is an officer, director, manager, **consultant**, or employee.

2. This regulation shall not preclude *[test laboratories]* ITLs from contracting directly with suppliers or gaming companies to produce test reports that are in turn used to show evidence of regulatory compliance;

(C) No Class A, Class B, supplier, *[affiliate supplier]* or occupational licensee shall own an interest in or be employed by an *[test laboratory]* ITL performing services relating to the conduct or regulation of gaming in Missouri unless such person is required to be licensed as a key person or occupational licensee in conjunction with an *[test laboratory]* ITL's licensing as a supplier. No person may be a key person or employed by more than one (1) *[test laboratory]* ITL licensed by a jurisdiction within the United States;

(D) The *[test laboratory]* ITL shall make available upon the commission's request the background investigations conducted on each of its employees pursuant to 11 CSR 45-10.090;

(E) The *[test laboratory]* ITL shall *[perform all]* **verify** compliance with **all** requirements to the sole satisfaction of the commission;

[(F)] Prior to any new technology being certified for the Missouri jurisdiction, the test laboratory shall consult with the commission and obtain approval from the commission prior to testing, evaluating, analyzing, certifying, verifying, or rendering opinions for or on behalf of the commission. The test laboratory may bill the supplier of the new technology for all cost associated with such consultation with the commission. Any information a test laboratory may provide to the commission relating to the consideration of new technology shall be considered proprietary information and a closed record pursuant to section 313.847, RSMo provided such information is mutually agreed upon between the commission and the test laboratory and labeled as proprietary.]

[(G)](F) All testing and certification of gaming equipment performed for or on behalf of the commission shall be conducted at the *[test laboratory]* ITL's place(s) of business. *[which shall be located within the United States, all of which] ITLs* shall maintain current International Organization for Standardization (ISO) (17020/17025) certification and accreditation. Upon request, the *[test laboratory must]* ITL shall supply the commission all ISO required internal controls, policies and procedures. *In extreme circumstances, the executive director may authorize, in writing, testing and certification of gaming equipment outside of the United States on a temporary basis;*

[(H)](G) The *[test laboratory]* ITL shall not subcontract any testing or certification of gaming equipment performed for or on behalf of the commission *[without prior written approval from the commission];*

[(I)](H) The commission shall, at all times, have immediate and unfettered access to the *[test laboratory]* ITL's place(s) of business. Should it be determined necessary by the commission, the *[test laboratory]* ITL shall reimburse the commission for all reasonable and necessary expenses incurred by its agents:

1. To travel to the site to inspect the operations and certification process of gaming equipment;
2. To inspect each of the *[test laboratory]* ITL's place(s) where testing for the commission is conducted to ensure the integrity of work is maintained;
3. To investigate *[quality control]* issues as determined by the commission; and
4. For such reasons as the commission deems appropriate;

[(J)](I) All reports, documentation, and material developed or acquired by the *[test laboratory]* ITL while conducting work for or on behalf of the commission shall become the joint property of the commission and the *[test laboratory]* ITL. Upon expiration, *termination,* or *[cancellation]* revocation of *[the]* its license/s, certified copies of all documents, data, reports, and accomplishments prepared, furnished, or completed by the *[test laboratory]* ITL for or on behalf of the commission shall be delivered to the commission within forty-five (45) calendar days and *[become]* shall remain the joint property of the commission and the *[test laboratory]* ITL. In addition, the *[test laboratory]* ITL shall provide access to any equipment or materials used while conducting work for or on behalf of the commission for a period of one hundred twenty (120) days after the expiration, *termination* or *[cancellation]* revocation of *[the]* its license/s].

1. Reports, documentation, conversation, discussions, **forensic evaluations**, and material prepared, including program(s) or source code developed as a result of work performed for or on behalf of the commission, are proprietary and confidential and shall not be used or marketed by the *[test laboratory]* ITL or released to the public without the prior written consent of the commission, *[which shall not be unreasonably withheld].*

2. The *[test laboratory]* ITL shall employ data redundancy that permits a complete and prompt recovery of all information and documentation retained by the *[test laboratory]* ITL in the event of any malfunction and shall utilize environmental controls such as uninterruptible power supplies, *[and]* fireproofing **materials**, and

waterproofing materials to protect critical hardware and software from natural disasters.

3. The *[test laboratory]* ITL shall maintain an **electronic** repository of approved, *[obsolete,]* and revoked software for all gaming equipment *[tested and certified]* **submitted for testing for the Missouri jurisdiction.** *[The]* **Such electronic** repository shall *[be secure and have restricted access, which shall be documented on a commission approved ingress and egress log. The test laboratory shall retain the log for a minimum of two (2) years.]* utilize tools which support hash-based message authentication code using Secure Hash Algorithm 1 (HMAC-SHA1) seeding and SHA1 hashing. The repository of critical program storage media (CPSM) shall be secure and have restricted access. **The primary electronic repository shall reside at the ITL's place of business and shall be equipped with environmental controls such as fireproofing materials and waterproofing materials to protect software from natural disasters.** *[The test laboratory shall provide the commission copies of all previously certified Critical Program Storage Media (CPSMs) within one hundred twenty (120) days of the expiration, termination or cancellation of the test laboratory's license.]*

4. All documents, data, reports, and *[accomplishments]* **correspondence** prepared, furnished, or completed by the *[test laboratory]* ITL for or on behalf of the commission shall be retained until its disposal is approved in writing by the commission;

[(K)](J) Upon the *[test laboratory]* ITL's certification of gaming equipment, a unique identification code or signature acceptable to and approved by the commission shall be assigned to each CPSM as defined by 11 CSR 45-1.090 **using a commission approved tool which possesses the ability to export results.** The assigned identification code or signature and the means for generating such code or signature shall be included in all documents, reports, and databases **as determined by the commission.**

1. The *[test laboratory]* ITL shall provide the commission with step-by-step verification procedures for each tool, device, or mechanism used to assign the unique identification codes or signatures.

2. The *[test laboratory]* ITL shall provide to the commission, at no charge, in quantities determined by the commission, any verification tool, device, or mechanism that is required for commission agents to verify the code or signature of any approved CPSM. The *[test laboratory]* ITL may charge the supplier for expenses associated with such verification tools.

3. The *[test laboratory]* ITL must support the verification tools, devices, or mechanisms and replace, repair, update, or upgrade them as deemed necessary by the commission. The *[test laboratory]* ITL may charge the supplier for expenses associated with such verification tools.

4. All equipment, procedures, software or other intellectual property developed, or owned and protected by United States/' patents, copyrights, or trademark laws in conjunction with the unique identification signature process shall be closed record under section 313.847, RSMo, provided such information is mutually agreed upon between the commission and the *[test laboratory]* ITL and labeled as proprietary;

[(L)](K) The *[test laboratory]* ITL shall provide, in a commission approved format:

1. A verification manual, including tables and color photographs, of *[all]* **recommended** critical components *[identified by the test laboratory or commission must]* to be verified and sealed.];

2. Flow charts and diagrams of each system and its associated hardware and software approved by the *[test laboratory]* ITL on behalf of the commission, depicting the interrelationship of system components, identifying components which are **recommended** to be field tested and verified by commission agents.]; **and**

3. The supplier of the equipment to be verified shall be responsible for all expenses associated with providing the verification manuals and diagrams. Failure of the supplier to pay the necessary

expenses shall in no way release the [test laboratory] ITL from providing to the commission current documentation [as outlined in paragraphs (4)(L)1. and 2.];

[(M)](L) The [test laboratory] ITL shall develop and maintain a database, acceptable to the commission, of all [approved, obsolete, and revoked] gaming equipment certified by the ITL for the state of Missouri.

1. The [test laboratory] ITL shall maintain a quality assurance mechanism to ensure uniform data and data entry processes.

2. The database and report(s) must be current as of the end of the previous business day, and in a commission approved format;

[(N)] The test laboratory shall, within five (5) business days after the certification, rejection, or withdrawal of any submission, issue a letter to the commission describing the testing that was performed on the gaming equipment and the result of such testing. All letters or documentation must be submitted in a commission approved format. All certifications are subject to review by the commission. The commission, through the executive director, reserves the right to immediately suspend, revoke or reject any test laboratory certifications with or without cause. The test laboratory may request, in writing, a hearing within thirty (30) days of the occurrence. The executive director will exercise authority to resolve all issues at hearing subject to appeal to the commission;

[(O)](M) Should the [test laboratory] ITL be informed of any situation or incident involving the integrity of any gaming equipment presently approved for Missouri, the [test laboratory] ITL shall [immediately] notify the commission of the incident within forty-eight (48) hours of being apprised of the situation or incident. The notification shall be in a format approved by the commission;

[(P)](N) The [test laboratory] ITL shall directly invoice the licensee, [supplier] manufacturer, entity, or individual for whom the testing services were provided;

(O) The ITL shall annually, or as changes occur, provide documentation to the commission of all possible billable hourly rates for services offered, including nights, weekend, or holiday rates. Documentation shall include discounted rates that may be offered;

[(Q)](P) The [test laboratory] ITL shall not receive any bonus[, premium], or other compensation from any licensee, [supplier] manufacturer, entity, or individual(s) above the provided billable hourly rates [pursuant to subsection (4)(Y)] provided to the commission for services provided;

[(R)](Q) The [test laboratory] ITL shall, upon request, provide the commission a summary report of all invoices to licensees, [suppliers,] manufacturers, entities, or individuals [during the previous month]. The report shall include for each submission the item submitted—

1. The date on which the submission was received in the laboratory;
2. The date rejected, withdrawn, or certified;
3. The invoice number;
4. Invoice date;
5. Name of licensee, [supplier] manufacturer, entity, or individual for whom the services were rendered;
6. Billable hours;
7. Hourly rates; and
8. Invoice total;

[9. The test laboratory shall be subject to commission audits, the costs for which shall be borne by the test laboratory;]

[(S)](R) The [test laboratory] ITL shall possess and maintain all online computerized [data] monitoring systems approved by the commission which are utilized in Missouri licensed gaming establishments. Such online computerized data monitoring systems shall

be used in the interoperability testing [as set forth in 11 CSR 45-5.190];

[(T)](S) The [test laboratory] ITL shall provide, free of charge to the commission, [twenty-four (24) hours a day,] technical and regulatory compliance support. The [test laboratory] ITL shall provide responses and follow-up [within twelve (12) hours] as directed by the MGC. In instances where the [test laboratory] ITL providing the support is also conducting the testing for the device, the time allocated for support shall be considered part of the testing process and the [test laboratory] ITL may bill the [supplier] manufacturer for the cost of the technical support. In instances where the [test laboratory] ITL providing the support is not conducting the testing for the device, the commission may require the [supplier] manufacturer of the device to reimburse the [test laboratory] ITL at the rate the [test laboratory] ITL charges [suppliers] manufacturers for such support;

[(U)](T) The [test laboratory] ITL shall, as required by the commission, perform on-site field testing or inspections of gaming equipment. During [on-site inspections] these visits, the [test laboratory:] ITL personnel shall—

1. [Inspection personnel shall n]Not socialize with gaming operators' or [suppliers'] manufacturers' staff;

2. [Shall f]Furnish all necessary material and equipment to perform the required services;

3. [Shall provide] Be competent and properly trained personnel in accordance with testing standards, Missouri laws, regulations, and [internal policies] minimum internal control standards;

4. [Shall i]Invoice for actual and reasonable travel and travel-related expenses consistent with ordinary and prudent business practices given the circumstances of the travel required for the project. The commission shall not be liable for reimbursement for such travel and travel-related expenses. The licensee, for whom the on-site inspection occurred, shall be responsible for the payment of travel and related travel expenses;

5. [Inspection personnel shall o]Obtain a Missouri Level II occupational license prior to performing any actions on the gaming floor;

6. Not consume alcohol while performing in their official capacity at the Class B licensee's property; and

7. Not participate in gambling activities while performing in their official capacity at the Class B licensee's property;

[(V)](U) The [test laboratory] ITL shall provide, free of charge to the commission, additional consulting services for commission personnel on an as needed[, if needed] basis. Such additional services at a minimum shall include, but not be limited to:

1. Providing consultation to the commission and assisting the commission in drafting rules and procedures regarding the establishment of uniform operating procedures for gaming equipment testing;

2. Providing training to commission employees on gaming equipment testing, new technology, and auditing procedures;

[(W)](V) The [test laboratory] ITL shall [create] draft and maintain gaming equipment test scripts [and test plans which measure adherence] to address Missouri statutes, regulations, minimum internal control standards, and adopted technical standards for testing a specific device. In addition, the ITL shall create specific testing procedures (test cases) that shall be used to assess compliance with the applicable test scripts. All gaming equipment shall be tested in accordance with said test scripts and test [plans] cases. Each test script shall have a unique version number. [The commission will assess the test laboratory's test scripts' and test plans' adequacy in measuring compliance with Missouri laws, regulation, and adopted technical standards.] The [test laboratory] ITL shall modify the test scripts and test [plans] cases to adapt to new technology, rule changes, or as directed by the commission. Anytime a Missouri test script is revised, a copy with the effective date shall be forwarded to the commission. The [test laboratory] ITL and commission will conduct an annual review of the test scripts [and test plans,] and the

ITL shall modify them as necessary. All documents, procedures or other intellectual property employed by an *[test laboratory]* ITL in conjunction with the development of Missouri test *[script is]* case(s) shall be deemed to be proprietary information and a closed record under section 313.847, RSMo, unless otherwise determined by the commission;

[(X)](W) The *[test laboratory]* ITL shall conduct forensic evaluations or analyses on gaming equipment (whether legal or illegal) as directed by the commission. A final forensic report must be drafted outlining all testing performed, the cause of the problem, and the outcome of the investigation, if specifically identified, **and shall remain a closed record under section 313.847, RSMo, unless otherwise determined by the commission;**

[(Y)] The test laboratory shall annually, or as changes occur, provide documentation to the commission of all possible billable hourly rates for services offered;

[(Z)](X) The *[test laboratory]* ITL shall employ a staff of full-time skilled professionals of such number to afford a separation of responsibilities that provides independent work product verification and fulfills the requirements stated herein to the satisfaction of the commission. The *[test laboratory]* ITL shall, at a minimum, employ personnel in the disciplines of mathematics, engineering (mechanical, electrical, and software), systems and communication protocol, compliance and quality assurance, and field inspections;

[(AA)] The test laboratory shall only utilize personnel in performance of services who are authorized to work in the United States in accordance with applicable federal and state laws and regulations; and

[(BB)](Y) The *[test laboratory]* ITL shall provide all services using competent *[and]* personnel who are properly trained *[personnel]* in *[accordance with the highest testing standard of the gaming industry.]* Missouri test scripts and test cases before performing work for or on behalf of the commission. All training shall be documented and such documentation shall be available upon request;

[(Z)] The ITL shall be subject to commission audits, the costs for which shall be borne by the ITL;

[(AA)] The ITL shall maintain all commercial test equipment in accordance with manufacturer's specifications and recommendations, and shall provide the commission with evidence of such upon request;

[(BB)] If an ITL hires an individual who was previously employed by, or performed any work for any licensee, the ITL shall not permit that individual to inspect, test, or certify any gaming equipment produced by the licensee for use in Missouri, for a period of one (1) year from the individual's date of termination from the licensee;

[(CC)] ITLs shall not participate, consult, or otherwise be involved in the design, development, programming, or manufacturing of any game, gaming equipment, cashless wagering system or any component thereof, or online monitoring system or any component thereof or modification thereto;

[(DD)] All test cases conducted and the results of those procedures shall be documented by the ITL. Such documentation shall be made available to the commission upon request;

[(EE)] The ITL shall maintain copies of the results of any International Organization of Standardization/International Electrotechnical Commission (ISO/IEC) 17025 audits or reviews and shall forward a copy of the results to the commission within fifteen (15) days of when they become available to the ITL;

[(FF)] All source code and binary images tested by the ITL shall be maintained and provided to the commission upon request;

[(GG)] The ITL shall provide the commission with all forensic procedures and utilities for electronic gaming devices currently in operation in Missouri; and

[(HH)] The ITL shall report to the commission, within forty-eight (48) hours any known laboratory testing deficiency against any Missouri standard that has been identified for any hardware or software that is currently certified for the Missouri jurisdiction. The ITL shall perform an investigation and report the find-

ings to the commission within seven (7) days of the ITL being apprised of the testing deficiency.

AUTHORITY: section[s] 313.004, RSMo 2000, and sections 313.805 and 313.807, RSMo Supp. 2013. Emergency rule filed Feb. 3, 1995, effective Feb. 13, 1995, expired June 12, 1995. Original rule filed Feb. 3, 1995, effective Aug. 30, 1995. Amended: Filed Dec. 3, 2007, effective May 30, 2008. Amended: Filed Jan. 30, 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 have a one (1)-time cost to one (1) private entity of two thousand three hundred forty dollars (\$2,340).

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 Wednesday, April 9, at 10:00 a.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: 4—Licenses**

Rule Number and Title:	11 CSR 45-4.230 Supplier's License Criteria
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the 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)(J)—1 independent testing laboratory	independent testing laboratory	\$2,340 one-time cost

III. WORKSHEET

(4)(J)—One independent testing laboratory (ITL) × 12 hours of programming time × \$195 per hour = \$2,340

IV. ASSUMPTIONS

(4)(J)—This amendment will require ITLs to modify existing testing tools to include a specific export format. Such modification will be designed in a format acceptable to the commission, which permits the exporting of electronic gaming device and gaming equipment verification signatures. The commission anticipates this cost will be a one-time cost.

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

PROPOSED AMENDMENT

11 CSR 45-5.190 Minimum Standards for Electronic Gaming Devices. The commission is amending section (1) by dividing it into three (3) separate sections, and renumbering the remaining sections accordingly; and amending subsection (3)(J) and section (4).

PURPOSE: This amendment adds the confidence level for payout of wagers, requires the minimum payout percentage to apply to each wagering combination, and changes the class designation.

(1) Electronic gaming devices *[must]* **shall not be programmed to pay out *[not]* less than eighty percent (80%) of all wagers, *[during the expected lifetime of the game,]* including bonus games, within the first ten (10) million handle pulls and thereafter. The minimum payout percentage requirement shall be met regardless of the amount wagered per game.**

(2) Electronic gaming devices that may be affected by player skill must meet *[this standard]* **the minimum payout percentage requirement even when *[using a method of play that will provide the greatest]* the skill of the player provides the lowest possible return to the player *[over a period of continuous play]* from the skill portion of the game.**

(3) The probability of obtaining the maximum payout on any electronic gaming device shall not be *[greater]* less than one (1) in fifty (50) million.

[(2)](4) Electronic gaming devices shall—

(A) Be subject to testing prior to implementation within the state and at any time thereafter by the commission or an independent testing laboratory designated by the commission, and subject to review and approval by the commission for adherence to the regulatory and technical standards adopted or approved by the commission;

(B) Be controlled by a microprocessor or the equivalent in such a manner that the game outcome is completely controlled by the microprocessor or equivalent device as approved by the commission;

(C) Utilize a communication protocol that is compatible with and interfaces with the communication protocol used by all online computerized data monitoring, data management, and ticket validation systems approved by the commission for use at licensed gaming establishments. Electronic gaming devices and any peripheral equipment or devices, including the equipment's or device's operating systems and software, shall, prior to approval for use within the state, be tested for interoperability by a commission-approved independent testing laboratory to ensure compliance with this subsection. Once approved, no modifications shall be made to said gaming devices, peripheral equipment, systems, or software that would cause them to be non-compliant with this subsection;

(D) Have a logic area in a separate locked internal enclosure within the device which houses electronic components that have the potential to significantly influence the operation of the gaming device. Electronic components required to be housed within the logic area include computer processor units (CPUs) and all critical program storage media;

(E) After January 1, 2006, clearly and accurately display, via Attendant Menu, the identification number and version, as applicable, of all software and firmware contained within the electronic gaming device and its top box which are involved in game communication or the operation and calculation of game play, game display, or game result determination;

(F) Be able to recover to the state the gaming devices were in immediately prior to the occurrence of a program interruption or

power loss and continue a game with no data loss. Upon program resumption, the following procedures must be performed:

1. Any communications to an external device shall not begin until the program resumption routine, including self-tests, is completed successfully;

2. Gaming device control programs test themselves for possible corruption due to failure of the program storage media; and

3. The integrity of all critical memory is checked;

(G) Have game data recall capable of providing all information required to fully reconstruct at least the last five (5) games, retrievable upon the operation of an external key-switch or other secure method not available to the player. The five (5)-game recall shall reflect bonus rounds in their entirety. For games that may have infinite free games, there shall be a minimum of fifty (50) games recallable;

(H) Have a random selection process that must not produce detectable patterns of game elements or detectable dependency upon any previous game outcome, the amount wagered, or upon the style or method of play;

(I) Clearly and accurately display applicable rules of play and the award that will be paid to the player when the player obtains a specific win, including mystery awards. The displays shall clearly indicate whether awards are designated in denominational units, currency, credits or some other unit. All pay-table information must be able to be accessed by a player prior to the player committing to a wager. Pay glass and its corresponding artwork for mechanical displays must be submitted to an independent testing laboratory designated by the commission for review and approval prior to implementation within the state;

(J) Display an accurate representation of each game outcome. After selection of the game outcome, the electronic gaming device must not make a variable secondary decision which affects the result shown to the player;

(K) Have a complete set of nonvolatile meters including amount-in, amount-out, amount dropped, total amount wagered, total amount won, number of games played and jackpots paid, or their equivalent as approved by the commission;

(L) Have available for random selection at the initiation of each play, each possible permutation or combination of game elements which produce winning or losing game outcomes; and

(M) Not automatically alter pay-tables or any function of the electronic gaming device based on internal computation of the hold percentage.

[(3)](5) When an electronic gaming device is unable to automatically provide payment of jackpots requiring the payment to be made by the riverboat, jackpot payout tickets must be prepared either by the computerized slot monitoring system or manually by casino personnel containing the following information:

(A) The location of the electronic gaming device;

(B) The date;

(C) The time of day;

(D) The electronic gaming device number;

(E) The denomination of the game played;

(F) The amount of the jackpot payout in written and numeric form;

(G) Total before taxes and taxes withheld, if applicable;

(H) Amount to patron;

(I) Total amount played and game outcome of award, if applicable;

(J) The signature of a holder of a Class *[A]* **B** license or the licensee employee making the payment, as approved by the commission; and

(K) A signature of at least one (1) other riverboat gaming operation employee attesting to the accuracy of the form.

[(4)](6) In addition to the requirements of this rule, all licensees shall comply with Chapter E of the Minimum Internal Control Standards as authorized by 11 CSR 45-9.*030/105*.

AUTHORITY: section[s] 313.004, RSMo 2000, and sections 313.800[,] and 313.805, RSMo Supp. [2006] 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 Jan. 30, 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 Wednesday, April 9, at 10:00 a.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 RULE

11 CSR 45-5.225 Request for Gaming Devices and Associated Equipment Approval

PURPOSE: This rule establishes the process for requesting approval of gaming equipment for use in Missouri. Suppliers, Class A and Class B licensees are required to provide the documentation listed herein to be considered a valid request. All suppliers and Class A and Class B licensees must receive an authorization letter from the commission for gaming devices and associated equipment and slot accounting systems to be considered approved for use within the state of Missouri.

(1) Prior to any new technology being certified for the Missouri jurisdiction, the manufacturer shall consult with the commission to assure such new technology would be compliant with Missouri's regulations.

(2) Effective September 30, 2014, the commission will become the sole approval authority for all gaming devices and associated equipment and slot accounting systems. Suppliers, Class A, and Class B licensees must receive an authorization letter from the commission before such gaming equipment and slot accounting systems are considered "approved" for use in the state of Missouri.

(3) Effective September 30, 2014, all existing certifications from independent testing laboratories (ITLs) will be considered valid. Gaming equipment and slot accounting systems currently utilized at Class B licensees' facilities will remain in an approved status. Supplier, Class A, or Class B licensees must notify the commission prior to placing any gaming equipment or slot accounting system into service which has been previously certified by an ITL, but not actively in service on September 30, 2014, to be reviewed for approval by the commission. The commission will issue approval for such request, provided such gaming equipment or slot accounting system does not contain any known malfunctions or anomalies.

(4) The supplier, Class A, or Class B licensee submitting a request for approval of gaming equipment or a slot accounting system shall do so through the commission's electronic portal.

(A) All information in the request shall be complete and accurate. Should such request be determined inaccurate, the commission shall be notified immediately. The request shall include the following:

1. ITL's certification documentation;
2. A complete list of hardware and software modifications requested for approval;
3. Test Script version number used by the ITL for testing;
4. Probability Accounting Report (PAR) sheets, if applicable;
5. Documentation describing the installation and configuration procedures;
6. The applicable functionality being requested; and
7. Any additional supplemental documentation clarifying the technology requested for approval (e.g., white paper).

(B) Additional information may be requested by the commission at any time, including the digital image(s) (critical executable files) of the production version of the device.

(C) The submitting supplier, Class A, or Class B licensee shall digitally sign a statement that the product meets all regulatory requirements.

(5) The commission may make a preliminary, nonbinding determination whether any new gaming equipment or slot accounting system meets the Missouri rules, regulations, and statutes. At the commission's sole discretion, the commission may require any new gaming equipment or slot accounting system to be tested in a field trial environment(s) at a licensed gaming establishment(s). Each field trial shall be conducted for at least sixty (60) calendar days and no more than one hundred eighty (180) calendar days under terms and conditions that the commission may approve or require. The supplier shall submit a report to the commission every thirty (30) days detailing the performance of the product being tested, exception reports outlining any exception codes triggered, a list of customer complaints and inquires regarding the performance, and other items as determined by the commission. A field trial may be terminated at any time, in which case the new gaming equipment or slot accounting system will not be approved as a result of such field trial.

AUTHORITY: section 313.004, RSMo 2000, and section 313.805, RSMo Supp. 2013. Original rule filed Jan. 30, 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 fourteen (14) private entities two hundred thirty-seven thousand sixty-two dollars (\$237,062).

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 Wednesday, April 9, at 10:00 a.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: 5—Conduct of Gaming**

Rule Number and Title:	11 CSR 45-5.225 Request for Gaming Devices and Associated Equipment Approval
Type of Rulemaking:	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 annually by the affected entities:
14 Licensed Manufacturers	Manufacturers of Gaming Equipment	\$237,062

III. WORKSHEET

1,677 (3 year average of certified components submittals) × 2.33 hours per component submittal × \$60.67 per hour = \$237,062

IV. ASSUMPTIONS

This rule will require each manufacturer to submit information to the Commission for each electronic device equipment or gaming system which is submitted for approval to the Commission.

It is estimated that gathering and submitting this information will take on average approximately 2.29 hours per request. This average is based on a weighted average from time estimates submitted by manufacturers. The salaries plus benefits for the individuals performing this work is estimated at \$60.67 per hour based on a weighted average. The weighted average was based on the percentage of submissions per manufacturer. On average the Commission receives 1677 individual components submitted per year. Each submission by a licensed manufacturer will cost \$141.36. The estimated annual cost is \$237,062 for all manufacturers in the aggregate. The Commission anticipates this cost will recur annually for the life of the rule.