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SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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IN THIS ISSUE:

EMERGENCY RULES

Department of Agriculture
 Office of the Director1293

Department of Social Services
 Children's Division1295
 Division of Family Services1297

EXECUTIVE ORDERS1298

PROPOSED RULES

Department of Agriculture
 Office of the Director1306

Department of Economic Development
 Office of Athletics1310

Department of Public Safety
 Missouri Gaming Commission1313

Department of Revenue
 Director of Revenue1319

Department of Social Services
 Children's Division1319
 Division of Family Services1324
 Division of Medical Services1326

Elected Officials
 Secretary of State1327

ORDERS OF RULEMAKING

Department of Labor and Industrial Relations
 Division of Workers' Compensation1328

Department of Revenue
 Director of Revenue1328
 State Tax Commission1328

Department of Social Services
 Division of Medical Services1329

IN ADDITIONS

Department of Economic Development
 Missouri State Board of Accountancy1330
 Acupuncturist Advisory Committee1330
 Missouri Board for Architects, Professional Engineers,
 Professional Land Surveyors, and Landscape Architects1331
 Office of Athletics1332
 Athlete Agents1333

State Banking Board1333
 State Board of Barber Examiners1333
 Endowed Care Cemeteries1333
 State Board of Chiropractic Examiners1334
 State Board of Cosmetology1334
 Committee for Professional Counselors1335
 Division of Credit Unions1335
 Credit Union Commission1336
 Missouri Dental Board1336
 State Committee of Dietitians1337
 State Board of Embalmers and Funeral Directors1337
 Division of Finance1337
 Missouri Board of Geologist Registration1339
 State Board of Registration for the Healing Arts1340
 Board of Examiners for Hearing Instrument Specialists1342
 Interior Design Council1342
 Board of Therapeutic Massage1342
 State Board of Nursing1343
 Missouri Board of Occupational Therapy1344
 State Board of Optometry1344
 State Board of Pharmacy1344
 State Board of Podiatric Medicine1345
 Division of Professional Registration1346
 Missouri State Committee of Interpreters1346
 State Committee of Marital and Family Therapists1346
 State Committee of Psychologists1346
 Real Estate Appraisers1347
 Missouri Real Estate Commission1348
 Missouri Board for Respiratory Care1349
 State Committee for Social Workers1349
 Office of Tattooing, Body Piercing and Branding1350
 Missouri Veterinary Medical Board1350

CONTRACTOR DEBARMENT LIST1352

DISSOLUTIONS1353

SOURCE GUIDES

RULE CHANGES SINCE UPDATE1354
EMERGENCY RULES IN EFFECT1361
EXECUTIVE ORDERS1362
REGISTER INDEX1365

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
June 1, 2006 June 15, 2006	July 3, 2006 July 17, 2006	July 31, 2006 July 31, 2006	August 30, 2006 August 30, 2006
July 3, 2006 July 17, 2006	August 1, 2006 August 15, 2006	August 31, 2006 August 31, 2006	September 30, 2006 September 30, 2006
August 1, 2006 August 15, 2006	September 1, 2006 September 15, 2006	September 30, 2006 September 30, 2006	October 30, 2006 October 30, 2006
September 1, 2006 September 15, 2006	October 2, 2006 October 16, 2006	October 31, 2006 October 31, 2006	November 30, 2006 November 30, 2006
October 2, 2006 October 16, 2006	November 1, 2006 November 15, 2006	November 30, 2006 November 30, 2006	December 30, 2006 December 30, 2006

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

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

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

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

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

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

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

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

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

**Title 2—DEPARTMENT OF AGRICULTURE
Division 110—Office of the Director
Chapter 2—Missouri Qualified Biodiesel Producer
Incentive Program**

EMERGENCY RULE

2 CSR 110-2.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Biodiesel Producer Incentive Program

PURPOSE: This rule describes the operation of the program; defines terms; establishes requirements for eligibility, licensing, and application for grants; describes procedures for grant disbursement; and establishes record keeping requirements and verification procedures.

*EMERGENCY STATEMENT: This emergency rule allows the Department of Agriculture to implement the Missouri Qualified Biodiesel Producer Incentive Program. Recent statutory changes have made this program ready to be utilized by Missouri biodiesel producers. Since these biodiesel producers are ready to begin production and help meet the motor fuel needs of the state and the nation, the Department of Agriculture finds a compelling governmental interest for these rules. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this*

*emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Agriculture believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed July 20, 2006, effective August 28, 2006, expires February 23, 2007.*

(1) General Organization.

(A) The director of the Department of Agriculture is authorized to administer the Missouri Qualified Biodiesel Producer Incentive Fund and, subject to appropriations for this purpose, shall provide economic subsidies to Missouri qualified biodiesel producers (MQBP). To obtain a grant from the fund, an MQBP must be eligible, licensed, must submit a formal grant application, and conform to the requirements of this rule in all other ways.

(B) All submissions or requests for information regarding the Missouri Qualified Biodiesel Producer Incentive Fund should be directed to the Missouri Department of Agriculture, Qualified Biodiesel Producer Incentive Fund, PO Box 630, Jefferson City, MO 65102.

(2) Definitions.

(A) Actively engaged in agricultural production for commercial purposes—A person, partnership, corporation, trust, or limited liability company whose main purpose is agricultural production and who:

1. Bears the risk of production for agricultural products;
2. Bears the risk of price change with respect to production; and
3. Has a level of involvement in management sufficient to establish material participation.
4. Generally, a person who receives a fixed rental or other fixed compensation (without reference to production) is NOT actively engaged in agricultural production for commercial purposes.

(B) Biodiesel—Fuel that meets the American Society for Testing and Materials (ASTM) Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels.

(C) Department—The Missouri Department of Agriculture.

(D) Director—The director of the Missouri Department of Agriculture.

(E) Feedstock—An agricultural, horticultural, viticultural, or vegetable product, grapes grown to be processed into wine, bees, honey, fish or other aquacultural product, planting seed, livestock or a livestock product, a forestry product, poultry or a poultry product, either in its natural form or processed form, that has been produced, processed, or otherwise had value added to it in this state;

(F) Material participation—An agricultural producer shall materially participate only if the producer is involved in the agricultural production operation on a basis which is regular, continuous, and substantial.

(G) Missouri qualified biodiesel producer (MQBP)—A facility located in Missouri that produces biodiesel and is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, where:

1. One hundred percent (100%) of the feedstock used by the facility originates in the United States; and
2. At least eighty percent (80%) of the feedstock used by the facility originates in the state of Missouri, or the facility is at least fifty-one percent (51%) owned by agricultural producers who are residents of Missouri and who are actively engaged in agricultural production for commercial purposes.

(H) Qualified biodiesel—Biodiesel produced by an MQBP.

(3) Criteria for Classification as a Missouri Qualified Biodiesel Producer. To be classified as an MQBP by the department a biodiesel production facility must:

- (A) Be located in Missouri;
- (B) Be registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79;
- (C) Have at least fifty-one percent (51%) of the owners be residents of Missouri who are actively engaged in agricultural production for commercial purposes, or at least eighty percent (80%) of the feedstock used by the facility must originate in the state of Missouri;
- (D) Use only feedstock that originates in the United States;
- (E) Be licensed by the department to produce biodiesel;
- (F) Make formal application for monthly grants from the Missouri Qualified Biodiesel Producer Incentive Fund; and
- (G) Conform to all other requirements of this rule.

(4) Procedures for Obtaining a Missouri Qualified Biodiesel Producer License.

(A) Application for a Missouri Qualified Biodiesel Producer License must be made on the form provided by the department. Such forms can be obtained by requesting them from the Missouri Department of Agriculture, Qualified Biodiesel Producer Incentive Fund, PO Box 630, Jefferson City, MO 65102.

(B) The license application must include:

1. The biodiesel producer's registration number from the United States Environmental Protection Agency according to the requirements of 40 CFR 79;
2. The biodiesel producer's federal employer identification number or Social Security number;
3. If incorporated, a copy of the biodiesel producer's Certificate of Good Standing issued by the Missouri Secretary of State;
4. Complete name and address of the biodiesel producer's owner, or, if a partnership, the names and addresses of the partners, or, if a corporation, the names and addresses of the principal officers;
5. Certification by the biodiesel producer's board of directors that:
 - A. One hundred percent (100%) of the feedstock to be used by the facility will originate in the United States; and
 - B. At least eighty percent (80%) of the feedstock to be used by the facility will originate in the state of Missouri, or the facility is at least fifty-one percent (51%) owned by agricultural producers who are residents of Missouri and who are actively engaged in agricultural production for commercial purposes;
6. Diagram of the premises (location of the production plant, etc.);
7. Description of the production facilities, including the plant's capacity;
8. Description of the laboratory analyses protocol that will be followed to ensure the biodiesel conforms to ASTM Standard D-6751 specifications;
9. The amount and source (i.e., name, address, phone number) of the feedstocks to be used annually by the facility;
10. The maximum number of gallons of biodiesel to be produced annually by the facility; and
11. The amount and source of funds invested in the facility.

(C) The department will strive to act upon all original license applications within ninety (90) days of receipt.

(D) The original license shall be issued effective from the date all required information has been received and approved by the department and shall expire when the MQBP has received sixty (60) months of grants or no longer complies with the provisions of section 142.031, RSMo and this rule.

(5) Grant Application Procedures.

(A) An MQBP may apply for a producer incentive grant by requesting a monthly grant application form from the Missouri Department of Agriculture, Qualified Biodiesel Producer Incentive Fund, PO Box 630, Jefferson City, MO 65102.

(B) To obtain a producer incentive grant for a particular month, an MQBP must complete the prescribed grant application form.

(C) The MQBP must submit the completed grant application form to the department no later than fifteen (15) days following the last day of the month for which the grant is sought. Any information or documents submitted by an MQBP to the department will be considered received by the department on the—

1. Postmark date for items delivered by the United States Postal Service;
2. Actual date received by the department for items delivered by any other carrier service; or
3. Actual date received for information received by facsimile or e-mail within the department's Jefferson City, Missouri central office.

(D) The grant application must include the:

1. Complete name and address of the owner, or the complete names and addresses of the partners if the MQBP is a partnership, or the complete names and addresses of the principal officers if the MQBP is a corporation;
2. Address and location of all biodiesel plants owned by the MQBP. Each MQBP must include all Missouri plants as well as plants outside Missouri;
3. Production capacity of each biodiesel plant;
4. Estimated number of employees needed to reach the production capacity of each biodiesel plant;
5. Estimated production in the July 1–June 30 time period at each biodiesel plant;
6. Total number of employees and the number of Missouri citizens employed by the MQBP during the preceding month;
7. Number of bushel equivalents of Missouri agricultural products used by the MQBP in the production of biodiesel during the preceding month;
8. Gallons of biodiesel produced during the month for which the grant is applied;
9. Gallons of biodiesel produced from Missouri feedstock during the month for which the grant is applied;
10. Quantity of all feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;
11. Quantity and source (i.e., name, address, phone number) of Missouri-produced feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;
12. Quantity and source (i.e., name, address, phone number) of United States-produced feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;
13. If the feedstock used by the MQBP was purchased from an out-of-state source, the out-of-state source must provide certification of:
 - A. The quantity of Missouri agricultural products purchased to produce the biodiesel feedstock; and
 - B. The volume of feedstock produced from Missouri agricultural products;
14. Total amount of biodiesel produced by the MQBP during the current fiscal year (July 1 through June 30); and
15. A copy of the most recent laboratory analyses verifying that the biodiesel conforms to ASTM Standard D-6751 specifications.

(6) Grant Disbursement Procedures.

(A) Each fiscal year the department shall make available to MQBPs all monies appropriated to the "Missouri Qualified Biodiesel Producer Incentive Fund" by the general assembly and signed into law by the governor, less any governor's reserve and/or withholding.

(B) An MQBP shall be eligible for a monthly grant from the Missouri Qualified Biodiesel Producer Incentive Fund, except that an MQBP shall only be eligible for the grant for a total of sixty (60) months.

(C) The amount of each monthly grant is calculated by first determining the number of gallons of qualified biodiesel produced from Missouri agricultural products in the preceding month of the fiscal year, as certified by the department. That number is then multiplied by the per gallon credit established in section 142.031, RSMo and

this rule. Each MQBP shall be eligible for a total grant in any fiscal year equal to thirty cents (30¢) per gallon for the first fifteen (15) million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year, plus ten cents (10¢) per gallon for the next fifteen (15) million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year. All such qualified biodiesel produced by an MQBP in excess of thirty (30) million gallons in a fiscal year shall not be applied to the computation of a grant.

(D) If available monies are insufficient to pay all MQBPs the maximum monthly grant allowed by law, available monies will be apportioned so that each MQBP receives a share of monies proportionate to the eligible biodiesel production of all MQBPs for that month.

(E) The department will strive to pay all grants for a particular month within thirty (30) days of receipt and approval of the grant application form.

(7) Record Keeping Requirements and Verification Procedures.

(A) Each MQBP shall keep accurate purchase and production records and source documents for at least three (3) years. The records and source documents must be sufficient to verify the—

1. Actual monthly production, inventory, and disposition of biodiesel for each Missouri biodiesel plant;
2. Actual monthly quantities of Missouri agricultural products purchased and used to produce biodiesel at each Missouri biodiesel plant;
3. Name, address, zip code, phone number of and quantity purchased from every source of purchased Missouri agricultural products used to produce biodiesel.
4. Laboratory analyses conducted to ensure the biodiesel complies with ASTM Standard D-6751 specifications;

(B) The department is authorized to examine records, documents, books, premises, and products of the MQBP to determine the validity of all information and reports submitted by the MQBP.

(C) The department is authorized to examine any other information it deems necessary to ensure that grants shall be made only to Missouri qualified biodiesel producers.

AUTHORITY: section 142.031, RSMo Supp. 2005. Emergency rule filed July 20, 2006, effective Aug. 28, 2006, expires Feb. 23, 2007. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes**

EMERGENCY RULE

13 CSR 35-60.010 Family Homes Offering Foster Care

PURPOSE: This rule explains that the Children’s Division is responsible for licensing foster homes. Terms used for this purpose are defined. The rule also gives procedures for approval, denial or revocation of a license.

EMERGENCY STATEMENT: In order to adequately protect the children who have been placed in the division’s custody, the division must set criteria and standards for the foster homes which care for these children. These homes provide twenty-four (24)-hour care for children and safety of the children must be assured at all times. The current rule does not sufficiently state the requirement that the division make placement decisions based on the compelling issue of the child’s best interest. This emergency rule is necessary to address court decisions that have held that in order for a policy of general applicability to have effect, it must be promulgated as a rule (Eileen Reed v. Mo. Department of Social Services, Family Support

Division, Case No. ED87348, 6/20/2006) and by a court decision that found certain criteria used by the Children’s Division in the licensing process to be unconstitutional. (Lisa Johnston v. Mo. Department of Social Services, et al, Case No. 0516CV09517 Jackson County Circuit Court 2/17/06). The promulgation of this emergency rule is necessary to preserve the compelling governmental interest in protecting children by establishing in rule the procedures for licensing of foster parent homes and placement of children. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed July 18, 2006, effective August 4, 2006, expires January 30, 2007.

(1) Approval of License.

(A) As required in sections 210.481–210.536, RSMo 2000, any individual(s) planning to offer twenty-four (24)-hour care to one (1) or more foster children must submit signed application forms.

(B) Any applicant and any household member age seventeen (17) and older and any child less than seventeen (17) who has been certified as an adult for the commission of a crime, or has been convicted or pled guilty or *nolo contendere* to any crime, shall submit signed release forms and two (2) sets of fingerprints for the purpose of obtaining background screening for Child Abuse and Neglect, criminal and circuit court records.

1. Two (2) sets of fingerprints shall be sent to the Missouri Highway Patrol for criminal background checks.

2. Subject to appropriation, the total cost of fingerprinting required by section 210.487, RSMo Supp. 2005 may be paid by the state, including reimbursement of persons incurring the cost of fingerprinting under this section.

(C) Upon compliance with licensing law and regulations, the director shall authorize issuance of a license for a term not to exceed two (2) years, subject to renewal on expiration.

1. The license is not transferable and applies only to the individual(s) to whom it is issued. A license will be issued to either married couples or a single individual. Only one (1) license can be issued per household. All adults in the household who will have child care responsibility will be required to attend state approved foster parent training.

2. The license is the property of the division and is subject to suspension and/or revocation upon failure of the individual(s) to comply with the licensing requirements.

3. The license shall be kept on the premises of the home.

4. The number, sex and age range of foster children the home is authorized to accept for care shall be specified on the license and shall not be exceeded except for the temporary placement of sibling or mother and child family groups. The foster family shall be able to indicate age and gender preference.

5. There shall be no fee for the license or investigations conducted by the personnel of the division or providers contracted by the division.

6. An identification card shall be issued to each foster parent at the time of initial licensure or renewal, verifying current licensing status.

(2) Denial, Suspension, or Revocation of License.

(A) Any person aggrieved by a final decision of the division made with regard to license issuance, license suspension, license revocation or license denial shall be entitled to a hearing and review by the director or his/her designee.

(B) Written notice, specifying the reasons for denial, suspension, or revocation, shall be provided. Any notice for suspension or revocation shall be given ten (10) days prior to the effective date of the action. If a written request for a hearing is received within thirty (30) calendar days from the date of the notice, a hearing will be provided.

(C) The division will retain the option not to renew a foster home license in cases where there has been a voluntary suspension for one (1) year or more or if a licensed foster home has not accepted a placement over a two (2)-year period.

(D) Any person wishing to appeal the administrative decision of the division shall be entitled to judicial review thereof provided in section 210.526, RSMo 2000.

(3) Utilization of Home.

(A) The granting of a license does not guarantee placement of a child.

(B) Placement decisions shall be made at the discretion of the Children's Division and/or Juvenile Court in the best interest of the child based on a totality of circumstances. Parental preferences will be taken into consideration in selecting the placement provider.

(4) Exemption. Any foster home that is exempt from licensing under sections 210.481–210.536, RSMo 2000 but receives a payment from the division under section 207.020.1(17), RSMo 2000 shall comply with these rules.

AUTHORITY: sections 207.020 and 210.506, RSMo 2000. Emergency rule filed July 18, 2006, effective Aug. 4, 2006, expires Jan. 30, 2007. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 60—Licensing of Foster Family Homes**

EMERGENCY RULE

13 CSR 35-60.030 Minimum Qualifications of Foster Parent(s)

PURPOSE: This rule explains who can qualify to be a foster parent. It gives the health requirements, standards of living and personal information required.

EMERGENCY STATEMENT: In order to adequately protect the children who have been placed in the division's custody, the division must set criteria and standards for the foster homes which care for these children. These homes provide twenty-four (24)-hour care for children and safety of the children, must be assured at all times. The current rule does not sufficiently state the requirement that the division make placement decisions based on the compelling issue of the child's best interest. This emergency rule is necessary to address court decisions that have held that in order for a policy of general applicability to have effect, it must be promulgated as a rule (Eileen Reed v. Mo. Department of Social Services, Family Support Division, Case No. ED87348, 6/20/2006) and by a court decision that found certain criteria used by the Children's Division in the licensing process to be unconstitutional. (Lisa Johnston v. Mo. Department of Social Services, et al, Case No. 0516CV09517 Jackson County Circuit Court 2/17/06). The promulgation of this emergency rule is necessary to preserve the compelling governmental interest in protecting children by establishing in rule the procedures for licensing of foster parent homes and placement of children. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed July 18, 2006, effective August 4, 2006, expires January 30, 2007.

(1) Age of Foster Parent(s). Applicant(s) shall not receive a license when one or both are younger than twenty-one (21) except as provided for relative care in section 210.565, RSMo Supp. 2005.

(2) Citizenship Status of Foster Parent(s). Applicants to provide foster care must be a citizen of the United States, either through birth or naturalization or be able to verify lawful immigration status.

(3) Personal Qualifications Required of Foster Parent(s).

(A) Foster parent(s) must be able to acquire skills and demonstrate performance based competence in the care of children including but not limited to:

1. Protecting and nurturing;
2. Meeting developmental needs and addressing developmental delays;
3. Supporting relationships between children and families;
4. Connecting children to lifetime relationships; and
5. Working as a member of a professional team.

(B) Foster parents shall cooperate with the division in all inquiries involving the care of the foster children. The foster parents' ability to meet these competencies shall be re-evaluated at each relicensure.

(C) Foster parent(s) shall be responsible, mature individual(s) of reputable character who exercise sound judgment, display the capacity to provide good care for children and display the motivation to foster.

(4) Health of Foster Family.

(A) At the time of application for an initial license, foster parents shall authorize their physician to submit a statement on a prescribed form, regarding his/her opinion of the mental health of each foster family member and certifying that a physical examination was completed within the past year and that all household members were free from communicable disease or are not a threat to the health of foster children and are up to date on all immunizations. A tuberculosis (TB) test and a chest X ray shall be completed, if recommended by the physician.

(B) Foster parents and all foster family members must be determined by a physician to be in good physical and mental health. The licensing agency shall review the examination reports.

(C) If the licensing agency has reason to question the physical or mental health of any member of the foster family, the agency shall require additional mental or physical evaluations.

(5) Foster Parent Training.

(A) Preservice Training. Prior to licensure each adult with parenting responsibilities is required to successfully complete a competency based training approved by the licensing agency.

(B) In-Service Training. To maintain a foster home license each foster parent shall meet performance based criteria as part of a professional family development plan and complete a prescribed number of foster parent training hours as approved by the licensing authority during each two (2)-year licensure period. The subject of training shall be directly tied to the foster parent professional development plan and related to the needs and ages of children in their care.

(6) Personal information elicited in the homestudy shall include but not be limited to:

- (A) Family size and household composition of the foster family;
- (B) Ethnic and racial background of the foster family;
- (C) Religious preferences and practices of the foster family;
- (D) Lifestyles and practices, including sexual orientation, of the foster parents;
- (E) Educational practices of the foster family; and
- (F) Employment of the foster parents.

(7) Parenting Skills Information Elicited in the Homestudy.

(A) Foster parent structures environment so that it is safe and healthy for the child.

(B) Foster parent expresses positive feelings toward the child verbally and physically.

(C) Foster parent recognizes and responds appropriately to the child's verbal and physical expressions of needs and wants.

(D) Foster parent consistently uses basic behavior management techniques in dealing with the child.

(E) Foster parent consistently uses appropriate techniques to discipline the child and does not use or will not use corporal punishment on any child in the custody of the division.

(F) Foster parent guides the child toward increasing independence.

(G) Foster parent behaves in a way that recognizes the immaturity of the child.

(8) All information which is collected by the division in the licensing study will comprise a foster home portfolio which will be available to team members when children are placed into the care of the division, in order for placement decisions to be made in the best interests of the child based on a totality of the circumstances.

AUTHORITY: sections 207.020 and 210.506, RSMo 2000. Emergency rule filed July 18, 2006, effective Aug. 4, 2006, expires Jan. 30, 2007. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 60—Licensing of Foster Family Homes**

EMERGENCY RESCISSION

13 CSR 40-60.010 Family Homes Offering Foster Care. This rule explained that the Division of Family Services was responsible for licensing foster homes.

PURPOSE: This rule is being rescinded and a new rule for provision of services is being promulgated in Division 35—Children’s Division as the Children’s Division is responsible for licensing of foster family homes.

EMERGENCY STATEMENT: In order to adequately protect the children who have been placed in the division’s custody, the division must set criteria and standards for the foster homes which care for these children. These homes provide twenty-four (24)-hour care for children and safety of the children, must be assured at all times. The current rule does not sufficiently state the requirement that the division make placement decisions based on the compelling issue of the child’s best interest. This emergency rescission is necessary to address court decisions that have held that in order for a policy of general applicability to have effect, it must be promulgated as a rule (Eileen Reed v. Mo. Department of Social Services, Family Support Division, Case No. ED87348, 6/20/2006) and by a court decision that found certain criteria used by the Children’s Division in the licensing process to be unconstitutional. (Lisa Johnston v. Mo. Department of Social Services, et al, Case No. 0516CV09517 Jackson County Circuit Court 2/17/06). The promulgation of this emergency rescission is necessary to preserve the compelling governmental interest in protecting children by establishing in rule the procedures for licensing of foster parent homes and placement of children. A proposed rescission, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The division believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emergency rescission was filed July 18, 2006, effective August 4, 2006, expires January 30, 2007.

AUTHORITY: sections 210.221 and 210.486, RSMo 1986. Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed June 28, 1983, effective Nov. 11, 1983. Amended: Filed July 6, 1988, effective Sept. 29, 1988. Emergency rescission filed July 18, 2006, effective Aug. 4, 2006, expires Jan. 30, 2007. A proposed rescission, which covers the same material, is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
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AUTHORITY: sections 210.221 and 210.486, RSMo 1986. Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed Dec. 14, 1982, effective March 11, 1983. Amended: Filed June 28, 1983, effective Nov. 11, 1983. Emergency amendment filed Dec. 19, 1984, effective Dec. 29, 1984, expired April 19, 1985. Amended: Filed Dec. 19, 1984, effective April 11, 1985. Amended: Filed June 2, 1988, effective Aug. 25, 1988. Emergency rescission filed July 18, 2006, effective Aug. 4, 2006, expires Jan. 30, 2007. A proposed rescission, which covers the same material, is published in this issue of the Missouri Register.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2005.

EXECUTIVE ORDER 06-25

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that a severe storm system causing damages associated with high winds and torrential rain has impacted communities in the east central part of the State of Missouri, including but not limited to St. Louis County and the City of St. Louis; and

WHEREAS, there have been reports of approximately 30 injuries as a result of this storm system; and

WHEREAS, the severe storm that began on July 19, 2006 has caused the loss of power to approximately 500,000 residents in the impacted areas, and has created a hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, the heat index is expected to exceed 110 degrees; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, protection of the safety and welfare of the citizens of the State requires an invocation of the provisions of Section 44.032, Section 44.100, and Section 44.110 RSMo.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.032, 44.100, and 44.110 RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

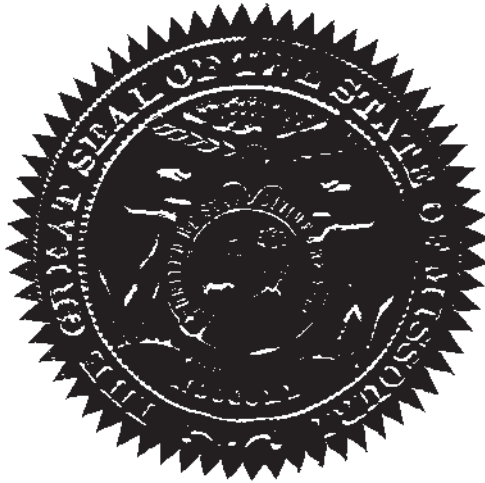
This order shall terminate on August 19, 2006, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 20th day of July 2006.



Matt Blunt
Governor

ATTEST:



Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
06-26**

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that a severe storm system causing damages associated with high winds and torrential rain has impacted communities in the east central part of the State of Missouri, including but not limited to, St. Louis County and the City of St. Louis; and

WHEREAS, there have been reports of approximately 30 injuries as a result of this storm system; and

WHEREAS, the severe storm that began on July 19, 2006 has caused the loss of power to approximately 500,000 residents in the impacted areas, and has created a hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, the heat index is expected to exceed 110 degrees; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, protection of the safety and welfare of the citizens of the State requires an invocation of the provisions of Section 41.480.2 RSMo.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Section 41.480.2 RSMo, order and direct the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this State.

This order shall terminate on August 19, 2006, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 20th day of July 2006.



Matt Blunt
Governor

ATTEST:



Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
06-27**

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that a severe storm system causing damages associated with high winds and torrential rain has impacted communities in the east central part of the State of Missouri, including but not limited to, St. Louis County and the City of St. Louis; and

WHEREAS, the severe storm that began on July 19, 2006 has caused the loss of power to approximately 500,000 residents in the impacted areas, and has created a hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, the Missouri Department of Natural Resources is charged by law with protecting and enhancing the quality of Missouri's environment and with enforcing a variety of environmental rules and regulations; and

WHEREAS, to respond to the emergency and to expedite the cleanup and recovery process, it is necessary to adjust certain environmental rules and regulations on a temporary and short-term basis; and

WHEREAS, Executive Order 06-25 was issued on July 20, 2006, declaring Missouri to be in a State of Emergency; and

WHEREAS, pursuant to section 44.110, RSMo the Governor may order the suspension, in whole or in part, of the activities, functions and duties of any administrative agency, officer or employee of the state or of any political subdivision thereof and may direct the personnel of any agency and any officer and employee of the state or any political subdivision thereof to render services and to provide facilities as may be needed for the carrying out of emergency management functions within or without this state. In the event of any such order, any law requiring specific performance of civil duties by any officer or employee shall be suspended as long as the officer or employee is engaged in emergency management functions.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by Chapter 44, RSMo, do hereby issue the following order:

The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interest of the public health and safety during the period of the emergency and the subsequent recovery period. The authority granted by the Order shall terminate on August 19, 2006 unless extended in whole or in part.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 21st day of July 2006.

Matt Blunt
Governor

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
06-28**

WHEREAS, emergencies may arise at any time, including but not limited to power outage due to tornado, rain, snow or ice storm, propane or gas shortages due to extremely cold conditions requiring carriers to travel out of state to haul fuel and distribute such fuel upon their return, flooding conditions, potential terrorist attack, or other unforeseen emergencies; and

WHEREAS, many of these emergencies occur after normal working hours or on holidays; and

WHEREAS, the safety and welfare of the inhabitants of the affected area may require the rapid identification of an emergency situation that necessitates the need to suspend federal commercial driver laws; and

WHEREAS, Section 390.23 of Title 49, Code of Federal Regulations, provides that a Governor of a State, or the Governor's authorized representatives having authority to declare emergencies, may declare an emergency thereby exempting motor carriers or drivers operating a commercial vehicle from the Federal Motor Carrier Safety Regulations, including the drivers' hours of service regulations in Part 395 of Title 49, Code of Federal Regulations, both while providing assistance to the emergency relief efforts during the emergency, and while returning empty to the motor carrier's terminal or driver's normal work reporting location.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order as follows:

- (1) The Director of the Missouri Department of Transportation is authorized to issue an emergency declaration of a regional emergency within the meaning of 49 CFR section 390.23(a)(1) or a local emergency within the meaning of 49 CFR section 390.23(a)(2) for the limited purpose of temporarily suspending the usual requirements of Part 395 of Title 49, Code of Federal Regulations, with reference to motor carriers and operators of commercial motor vehicles, when such official determines that an emergency situation exists which requires the suspension of federal commercial driver laws. An emergency declaration issued pursuant to this order shall not exceed the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or five days from the date of the initial declaration of the emergency, whichever is less.
- (2) The Director of the Missouri Department of Transportation shall notify the Governor's office as soon as possible of any emergency declarations issued pursuant to this order.

This order shall terminate on July 22, 2007, unless extended or revoked in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 22nd day of July 2006.



Matt Blunt
Governor

ATTEST:



Robin Carnahan
Secretary of State

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

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

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

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

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

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

(1) General Organization.

(A) The director of the Department of Agriculture is authorized to administer the Missouri Qualified Biodiesel Producer Incentive Fund and, subject to appropriations for this purpose, shall provide economic subsidies to Missouri qualified biodiesel producers (MQBP). To obtain a grant from the fund, an MQBP must be eligible, licensed, must submit a formal grant application, and conform to the requirements of this rule in all other ways.

(B) All submissions or requests for information regarding the Missouri Qualified Biodiesel Producer Incentive Fund should be directed to the Missouri Department of Agriculture, Qualified Biodiesel Producer Incentive Fund, PO Box 630, Jefferson City, MO 65102.

(2) Definitions.

(A) Actively engaged in agricultural production for commercial purposes—A person, partnership, corporation, trust, or limited liability company whose main purpose is agricultural production and who:

1. Bears the risk of production for agricultural products;
2. Bears the risk of price change with respect to production; and
3. Has a level of involvement in management sufficient to establish material participation.

4. Generally, a person who receives a fixed rental or other fixed compensation (without reference to production) is NOT actively engaged in agricultural production for commercial purposes.

(B) Biodiesel—Fuel that meets the American Society for Testing and Materials (ASTM) Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels.

(C) Department—The Missouri Department of Agriculture.

(D) Director—The director of the Missouri Department of Agriculture.

(E) Feedstock—An agricultural, horticultural, viticultural, or vegetable product, grapes grown to be processed into wine, bees, honey, fish or other aquacultural product, planting seed, livestock or a livestock product, a forestry product, poultry or a poultry product, either in its natural form or processed form, that has been produced, processed, or otherwise had value added to it in this state;

(F) Material participation—An agricultural producer shall materially participate only if the producer is involved in the agricultural production operation on a basis which is regular, continuous, and substantial.

(G) Missouri qualified biodiesel producer (MQBP)—A facility located in Missouri that produces biodiesel and is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, where:

1. One hundred percent (100%) of the feedstock used by the facility originates in the United States; and
2. At least eighty percent (80%) of the feedstock used by the facility originates in the state of Missouri, or the facility is at least fifty-one percent (51%) owned by agricultural producers who are residents of Missouri and who are actively engaged in agricultural production for commercial purposes.

(H) Qualified biodiesel—Biodiesel produced by an MQBP.

(3) Criteria for Classification as a Missouri Qualified Biodiesel Producer. To be classified as an MQBP by the department a biodiesel production facility must:

- (A) Be located in Missouri;
- (B) Be registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79;
- (C) Have at least fifty-one percent (51%) of the owners be residents of Missouri who are actively engaged in agricultural production for commercial purposes, or at least eighty percent (80%) of the feedstock used by the facility must originate in the state of Missouri;

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 2—DEPARTMENT OF AGRICULTURE
Division 110—Office of the Director
Chapter 2—Missouri Qualified Biodiesel Producer
Incentive Program**

PROPOSED RULE

2 CSR 110-2.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Biodiesel Producer Incentive Program

PURPOSE: This rule describes the operation of the program; defines terms; establishes requirements for eligibility, licensing, and application for grants; describes procedures for grant disbursement; and establishes record keeping requirements and verification procedures.

- (D) Use only feedstock that originates in the United States;
- (E) Be licensed by the department to produce biodiesel;
- (F) Make formal application for monthly grants from the Missouri Qualified Biodiesel Producer Incentive Fund; and
- (G) Conform to all other requirements of this rule.

(4) Procedures for Obtaining a Missouri Qualified Biodiesel Producer License.

(A) Application for a Missouri Qualified Biodiesel Producer license must be made on the form provided by the department. Such forms can be obtained by requesting them from the Missouri Department of Agriculture, Qualified Biodiesel Producer Incentive Fund, PO Box 630, Jefferson City, MO 65102.

(B) The license application must include:

1. The biodiesel producer's registration number from the United States Environmental Protection Agency according to the requirements of 40 CFR 79;
2. The biodiesel producer's federal employer identification number or Social Security number;
3. If incorporated, a copy of the biodiesel producer's Certificate of Good Standing issued by the Missouri Secretary of State;
4. Complete name and address of the biodiesel producer's owner, or, if a partnership, the names and addresses of the partners, or, if a corporation, the names and addresses of the principal officers;
5. Certification by the biodiesel producer's board of directors that:
 - A. One hundred percent (100%) of the feedstock to be used by the facility will originate in the United States; and
 - B. At least eighty percent (80%) of the feedstock to be used by the facility will originate in the state of Missouri, or the facility is at least fifty-one percent (51%) owned by agricultural producers who are residents of Missouri and who are actively engaged in agricultural production for commercial purposes;
6. Diagram of the premises (location of the production plant, etc.);
7. Description of the production facilities, including the plant's capacity;
8. Description of the laboratory analyses protocol that will be followed to ensure the biodiesel conforms to ASTM Standard D-6751 specifications;
9. The amount and source (i.e., name, address, phone number) of the feedstocks to be used annually by the facility;
10. The maximum number of gallons of biodiesel to be produced annually by the facility; and
11. The amount and source of funds invested in the facility.

(C) The department will strive to act upon all original license applications within ninety (90) days of receipt.

(D) The original license shall be issued effective from the date all required information has been received and approved by the department and shall expire when the MQBP has received sixty (60) months of grants or no longer complies with the provisions of section 142.031, RSMo and this rule.

(5) Grant Application Procedures.

(A) An MQBP may apply for a producer incentive grant by requesting a monthly grant application form from the Missouri Department of Agriculture, Qualified Biodiesel Producer Incentive Fund, PO Box 630, Jefferson City, MO 65102.

(B) To obtain a producer incentive grant for a particular month, an MQBP must complete the prescribed grant application form.

(C) The MQBP must submit the completed grant application form to the department no later than fifteen (15) days following the last day of the month for which the grant is sought. Any information or documents submitted by an MQBP to the department will be considered received by the department on the—

1. Postmark date for items delivered by the United States Postal Service;
2. Actual date received by the department for items delivered by any other carrier service; or

3. Actual date received for information received by facsimile or email within the department's Jefferson City, Missouri central office.

(D) The grant application must include the:

1. Complete name and address of the owner, or the complete names and addresses of the partners if the MQBP is a partnership, or the complete names and addresses of the principal officers if the MQBP is a corporation;
2. Address and location of all biodiesel plants owned by the MQBP. Each MQBP must include all Missouri plants as well as plants outside Missouri;
3. Production capacity of each biodiesel plant;
4. Estimated number of employees needed to reach the production capacity of each biodiesel plant;
5. Estimated production in the July 1–June 30 time period at each biodiesel plant;
6. Total number of employees and the number of Missouri citizens employed by the MQBP during the preceding month;
7. Number of bushel equivalents of Missouri agricultural products used by the MQBP in the production of biodiesel during the preceding month;
8. Gallons of biodiesel produced during the month for which the grant is applied;
9. Gallons of biodiesel produced from Missouri feedstock during the month for which the grant is applied;
10. Quantity of all feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;
11. Quantity and source (i.e., name, address, phone number) of Missouri-produced feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;
12. Quantity and source (i.e., name, address, phone number) of United States-produced feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;
13. If the feedstock used by the MQBP was purchased from an out-of-state source, the out-of-state source must provide certification of:
 - A. The quantity of Missouri agricultural products purchased to produce the biodiesel feedstock; and
 - B. The volume of feedstock produced from Missouri agricultural products;
14. Total amount of biodiesel produced by the MQBP during the current fiscal year (July 1 through June 30); and
15. A copy of the most recent laboratory analyses verifying that the biodiesel conforms to ASTM Standard D-6751 specifications.

(6) Grant Disbursement Procedures.

(A) Each fiscal year the department shall make available to MQBPs all monies appropriated to the "Missouri Qualified Biodiesel Producer Incentive Fund" by the general assembly and signed into law by the governor, less any governor's reserve and/or withholding.

(B) An MQBP shall be eligible for a monthly grant from the Missouri Qualified Biodiesel Producer Incentive Fund, except that an MQBP shall only be eligible for the grant for a total of sixty (60) months.

(C) The amount of each monthly grant is calculated by first determining the number of gallons of qualified biodiesel produced from Missouri agricultural products in the preceding month of the fiscal year, as certified by the department. That number is then multiplied by the per gallon credit established in section 142.031, RSMo and this rule. Each MQBP shall be eligible for a total grant in any fiscal year equal to thirty cents (30¢) per gallon for the first fifteen (15) million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year, plus ten cents (10¢) per gallon for the next fifteen (15) million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year. All such qualified biodiesel produced by an MQBP in excess of thirty (30) million gallons in a fiscal year shall not be applied to the computation of a grant.

(D) If available monies are insufficient to pay all MQBPs the maximum monthly grant allowed by law, available monies will be apportioned so that each MQBP receives a share of monies proportionate to the eligible biodiesel production of all MQBPs for that month.

(E) The department will strive to pay all grants for a particular month within thirty (30) days of receipt and approval of the grant application form.

(7) Record Keeping Requirements and Verification Procedures.

(A) Each MQBP shall keep accurate purchase and production records and source documents for at least three (3) years. The records and source documents must be sufficient to verify the—

1. Actual monthly production, inventory, and disposition of biodiesel for each Missouri biodiesel plant;

2. Actual monthly quantities of Missouri agricultural products purchased and used to produce biodiesel at each Missouri biodiesel plant;

3. Name, address, zip code, phone number of and quantity purchased from every source of purchased Missouri agricultural products used to produce biodiesel;

4. Laboratory analyses conducted to ensure the biodiesel complies with ASTM Standard D-6751 specifications.

(B) The department is authorized to examine records, documents, books, premises, and products of the MQBP to determine the validity of all information and reports submitted by the MQBP.

(C) The department is authorized to examine any other information it deems necessary to ensure that grants shall be made only to Missouri qualified biodiesel producers.

AUTHORITY: section 142.031, RSMo Supp. 2005. Emergency rule filed July 20, 2006, effective Aug. 28, 2006, expires Feb. 23, 2007. Original rule filed July 20, 2006.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions six (6) million dollars 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 Missouri Department of Agriculture, Attention: Robin Perso, 1616 Missouri Blvd., PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

<u>Rule Number and Name</u>	2 CSR 110-2.010 Missouri Qualified Biodiesel Producer Incentive Program
<u>Type of Rulemaking</u>	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

<u>Affected Agency or Political Subdivision</u>	<u>Estimated Cost of Compliance in the Aggregate</u>
Missouri Department of Agriculture	\$6,000,000

III. WORKSHEET

Plant Location	FY 2007 Gallons Produced	\$ / Gallon Incentive	FY 2007 Total Incentive Paid
Bethel, MO	2,500,000	\$0.30	\$750,000
Mexico, MO	15,000,000	\$0.30	\$4,500,000
Mexico, MO	7,500,000	\$0.10	\$750,000
Total	25,000,000		\$6,000,000

IV. ASSUMPTION

The Missouri Department of Agriculture administers the Missouri Qualified Biodiesel Producer Incentive Fund, which was established to encourage biodiesel production in Missouri. Section 142.031 RSMo states that, subject to appropriation, biodiesel produced in the state by a facility that is at least 51 percent owned by Missouri agricultural producers or which uses feedstock that is at least 80 percent of Missouri origin, is eligible for a grant in any fiscal year equal to thirty cents per gallon for the first 15 million gallons produced from Missouri agricultural products and ten cents per gallon for the next 15 million gallons. One-hundred percent of the feedstock must originate in the United States. The maximum grant per fiscal year is \$6 million per plant. Biodiesel producers are eligible for such grants for a total of sixty months. To obtain a grant from the fund, biodiesel producers must be eligible, licensed, and must submit a formal grant application.

This fiscal note assumes that two biodiesel production facilities will meet the eligibility requirements necessary to receive incentive payments in Fiscal Year 2007.

[Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT]

[Division 40—Office of Athletics]

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2040—Office of Athletics

Chapter 4—Licensees and Their Responsibilities

PROPOSED AMENDMENT

[4 CSR 40-4.040] 20 CSR 2040-4.040 **Physicians for Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate.** The board is amending section (3).

PURPOSE: The amendment changes the provisions regarding physical examinations for contestants participating in professional boxing, professional kickboxing and professional full-contact karate to require that contestants disclose all medical conditions and history to their examining physicians during the physical examination that is currently required before a contestant participates as a contestant in a professional bout.

(3) Within forty-eight (48) hours before a contest, contestants for professional boxing, professional kickboxing and professional full-contact karate shall be given a physical examination by a physician appointed and licensed by the office. **Contestants shall disclose all medical history and conditions to the physician during the physical examination, including, whether or not the contestant is pregnant.**

AUTHORITY: sections 317.006 and 317.015, RSMo 2000. Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Rescinded and readopted: Filed Nov. 15, 2001, effective May 30, 2002. Amended: Filed Aug. 2, 2006.

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

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

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

[Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT]

[Division 40—Office of Athletics]

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2040—Office of Athletics

Chapter 4—Licensees and Their Responsibilities

PROPOSED AMENDMENT

[4 CSR 40-4.090] 20 CSR 2040-4.090 **Contestants.** The board is replacing section (5) and adding section (27).

PURPOSE: This amendment changes the medical testing requirements for contestants participating in professional boxing, professional wrestling, professional kickboxing and professional full-contact karate by allowing alternative forms of pregnancy testing, requiring updated testing for certain infectious diseases and prohibiting the licensure of contestants for specified medical conditions.

(5) [Submit a written statement from a physician with the designation “medical doctor” or “doctor of osteopathy” verifying a negative pregnancy if the applicant is female. The test shall be within seven (7) days of the scheduled contest.] **Within forty-eight (48) hours before competing in any professional boxing, professional kickboxing, professional full-contact karate or professional wrestling bout or contest, each contestant shall:**

(A) Submit certified copies of medical tests performed by a laboratory verifying the applicant is not infected with the human immunodeficiency virus (HIV) or hepatitis B or C virus. The medical tests shall not be dated more than one hundred eighty (180) days before the scheduled bout or contest in which the contestant will compete; and

(B) Female contestants shall verify in writing that the contestant has taken a reliable means of pregnancy testing and that the contestant is aware of her pregnancy status.

1. For purposes of this rule, a “reliable means of pregnancy testing” shall consist of a pregnancy test administered by a state or local health department or a licensed medical doctor or licensed doctor of osteopathy. A “reliable means of pregnancy testing” may also include a self-administered pregnancy test that has been approved by the United States Food and Drug Administration or that is able to detect or determine the presence of human chorionic gonadotropin (hCG).

2. Verification shall be in a form approved by the office.

3. The office strongly cautions against participating in any professional full-contact sport regulated by the office while pregnant.

(C) A contestant who fails to comply with the requirements of this rule shall not be allowed to compete as a contestant in any professional boxing, professional kickboxing, professional full-contact karate or professional wrestling bout or contest. The office may discipline any contestant who fails to provide truthful and accurate information as required by this section.

(27) The office may deny a contestant a license if their license to participate or compete as a boxer, wrestler, kickboxer or full-contact karate participant has been denied, refused or disciplined for a medical condition by another state, tribal athletic commission, territory, federal agency or country. The office shall not issue a license to a contestant who has suffered a cerebral hemorrhage of any type.

AUTHORITY: sections 317.006 and 317.015, RSMo 2000. Original rule filed April 30, 1982, effective Sept 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989. Amended: Filed Nov. 15, 2001, effective May 30, 2002. Rescinded and readopted: Filed May 13, 2005, effective Nov. 30, 2005. Amended: Filed Aug. 2, 2006.

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 approximately eleven thousand eight hundred forty dollars (\$11,840) annually and approximately three hundred one thousand eight hundred twenty-one dollars (\$301,821) biennially with a continuous

biennial increase of one thousand nine hundred ninety-two dollars and sixteen cents (\$1,092.16). It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

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

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 4 -Department of Economic Development****Division 40 - Office of Athletics****Chapter 4—Licensees and Their Responsibilities****Proposed Amendment - 4 CSR 40-4.090 Contestants**

Prepared February 18, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT**Annual Cost**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
45	Female Wrestling Contestants (Pregnancy Test @ \$10 twice per month)	\$10,800
52	Female Boxing Contestants (Pregnancy Test @ \$10 twice per year)	\$1,040
	Estimated Annual Cost of Compliance for the Life of the Rule	\$11,840

Biennial Cost

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the amendment by affected entities:
923	Contestants (Medical Tests @ \$109 three times during the license period)	\$301,821
	Estimated Biennial Cost of Compliance for the Life of the Rule:	\$301,821

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures were based on FY06 actuals. Although the fiscal note appears to reflect an increase to private entities, the office believes female contestants will experience a cost savings based on the proposed amendment as the rule amendment would allow for cheaper methods of pregnancy testing. The increase is due to the increased number of currently licensed female wrestling and boxing contestants.
2. The proposed amendment would require a contestant to provide the office with updated HIV and Hepatitis-B results approximately three times during the licensing period. Due to the substantial risk of bleeding while participating in a full-contact sport, the office believes the increased testing and related costs are necessary to ensure informed consent and to protect the public health and safety. Costs associated with medical testing could decrease should a contestant decided not to compete multiple times during the licensing period.
3. The board does not anticipate any growth in the number of applications received each year.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance

PROPOSED AMENDMENT

11 CSR 45-7.030 Required Surveillance Equipment. The commission is amending section (1).

PURPOSE: This amendment requires excursion gambling boats to upgrade surveillance systems to digital video recording within five (5) years and requires other changes to surveillance cameras and coverage.

(1) Each licensee shall install, maintain and operate in the riverboat a closed circuit television system in accordance with the specifications in this rule and shall provide access and override access for the system to the commission or commission's agent. The closed circuit television system must meet or exceed the following:

(A) Solid-state, black-and-white cameras with minimum four hundred plus (400+) line resolution installed in fixed positions with matrix control and with pan, tilt and zoom capabilities, or a combination of them, secreted from public and non-surveillance personnel view to effectively and clandestinely monitor in detail, from various vantage points, *[all views required by 11 CSR 45-7.040]* **non-gaming areas set forth in the licensee's surveillance system plan required by 11 CSR 45-7.120 and approved by the commission;**

(B) Individual solid-state, color television cameras with minimum *[three] four* hundred *[twenty] seventy* plus *[(320/470+)]* line resolution with matrix or pan, tilt and zoom capabilities, or a combination of them, secreted from public and non-surveillance personnel view which is augmented with appropriate color corrected lighting to effectively and clandestinely monitor in detail from, various vantage points, *[the following:]* **all views required by 11 CSR 45-7.040;**

[1. Baccarat and roulette tables, in a manner to clearly observe the wagers, patrons and the outcome of each game;

2. The operations conducted at the fill and credit area of the cashier's cage(s); and

3. Other areas as the commission designates.]

(C) All closed circuit cameras must be routed through a central processor before reaching the recorders, and must be equipped with lenses of sufficient magnification to allow the *[camera]* **surveillance** operator to clearly distinguish the value of the chips, tokens, **cash, ticket-in/ticket-out tickets, promotional tickets/coupons** and playing cards;

(D) Video monitors that meet or exceed the resolution requirement for video cameras with solid-state circuitry, and time and date insertion capabilities for recording the images viewed by any camera in the system. Each video monitor screen must be of such size that all images depicted are clearly, *[,]* discernable by the surveillance operator from his/her normal working position, provided, however, every monitor screen must measure diagonally at least twelve inches (12") and all controls must be front-mounted;

(J) Video recorders capable of producing high quality first generation pictures with a minimum horizontal resolution of three hundred fifty plus (350+) lines for black and white and three hundred plus (300+) lines for color. Recorders shall be of non-consumer, professional or industrial grade recording on a standard one-half (1/2) high, VHS tape format or other format approved by the commission, with high speed scanning and flickerless playback capability. No recorder shall have a recording interval of less than twenty (20) frames per second; except those recording four (4) cameras, as provided in subsection (1)(K) of this rule, which shall record at no less than fifteen (15) frames per second. **By July 1, 2011 and thereafter, digital video recording (DVR) systems are required to be utilized which are capable of storage and playback of images at thirty (30) images per second for each camera at four (4) Common Intermediate Format (CIF) resolution, ensuring the video com-**

pression technology used shall not cause any degradation of the images recorded. All DVR equipment and systems shall have:

1. A failure notification system that provides an audible, as well as a visual notification of any failure in the surveillance system or the DVR media storage system;

2. A media storage system failover configured with full redundancy so that a failure of any single component will not result in the loss of any data;

3. Simultaneous playback and live viewing while recording live images; and

4. **On any storage media produced from the system, the time and date it was recorded superimposed thereon, the media player software necessary to view the images, and a video verification encryption code (watermark);**

(K) **Until July 1, 2011, [U]**unless otherwise approved by the commission, one (1) video recorder is required for each video camera viewing entry and exit turnstiles; areas within cashier cages and booths, main banks and slot change booths; vaults; count rooms; table games; and all stationary fill/change banks on the gaming floor. No more than four (4) video cameras shall be recorded on any one (1) video recorder in all other areas;

(M) Adequate lighting in all areas where camera coverage is required. The lighting shall be of sufficient intensity to produce clear video *[tape or digital]* recording and still picture production, and correct color correction where color camera recording is required. Video output must demonstrate a clear picture, in existing light under normal operating conditions.

AUTHORITY: sections 313.004, 313.805 and 313.824, RSMo 2000 and 313.800, RSMo Supp. 2005. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed July 2, 1997, effective Feb. 28, 1998. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed Feb. 26, 2001, effective Sept. 30, 2001. Amended: Filed July 28, 2006.

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 excursion gambling boats approximately \$16,744,800 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 10:00 a.m. on Thursday, October 19, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 45-7.030 – Required Surveillance Equipment
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Eleven	Riverboat Casinos	\$16,744,800.00

III. WORKSHEET

(Assumed equipment and supplies required per entity.)

Digital Video Recording (DVR) Systems (cost per camera) – 557 cameras @ \$2500.00 = \$1,392,500.00
 PTZ Camera upgrade to color – 37 @ \$1400.00 = \$51,800.00
 Fixed Camera upgrade to color – 71 @ \$400.00 = \$28,400.00
 Misc. equipment/supplies -- \$50,000

IV. ASSUMPTIONS

Conversion from analog to digital video recording equipment combined with transition to an all color environment required by this proposed amendment drives the fiscal impact. The exact amount of additional equipment will vary by licensed entity, size of property, and present equipment; therefore, costs to entities will vary greatly. Some properties already utilize digital video recording systems, so their costs will be limited to camera upgrades. Professional-grade VHS recorders presently required are no longer available causing licensed entities to experience an industry-driven technological transition to a digital environment. Aggregate costs were calculated on the assumption all entities are at base-level and will experience costs related to total transition to the proposed standards. Hence, some 6,124 cameras in MO licensed riverboat casinos will be converted to digital systems at a cost of approximately \$2,500.00 per camera. Additionally, some 410 existing pan, tilt and zoom (PTZ) cameras will need to be upgraded to color at a cost of approximately \$1,400.00 each, along with another 777 fixed cameras at \$400.00 each. The miscellaneous equipment and supplies to effectuate these upgrades was arbitrarily estimated at \$50,000.00 per entity. Individual entity costs were calculated by dividing the above numbers evenly among the eleven properties.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance**

PROPOSED AMENDMENT

11 CSR 45-7.040 Required Surveillance. The commission is amending sections (1) and (2).

PURPOSE: This amendment adds locations on an excursion gambling boat that must be under surveillance coverage.

(1) Every licensee shall conduct and record surveillance which allows clear, unobstructed views in the following areas of the riverboat and the land-based facilities—

(B) All gaming or card table surfaces, including table bank trays, with sufficient clarity to permit identification of all chips, cash and card values, and the outcome of the game. Each gaming table shall have the capability of being viewed by no less than two (2) cameras, and *[all tables open for play]* must be continuously viewed by at least one (1) camera;

(D) All roulette tables and wheels, *[capable of being]* recorded *[on a split screen to permit views of both the table and the wheel on one (1) monitor screen]* in a manner that permits the viewer to observe game outcome and payouts;

(E) Continuous views of all areas within cashier cages and booths, including, but not limited to, customer windows, employee windows, cash drawers, vaults, safes, counters, chip and token storage and fill windows. Every transaction occurring within or at the casino cashier cages must be recorded with sufficient clarity to permit identification of currency, chips, tokens, **ticket-in/ticket-out tickets, promotional tickets/coupons, jackpot slips**, fill slips, paperwork, employees and patrons;

(H) Continuous views of all areas within a softcount room, including walls, doors, drop boxes, vaults, safes and counting surfaces which shall be transparent; **including all areas where currency is sorted, stacked, counted, verified or stored, with sufficient clarity to view the currency input, output, and reject areas of currency counters and currency sorters;**

(2) Every licensee who exposes slot machines for play shall install, maintain, and operate at all times a casino surveillance system that possesses the capability to monitor and record clear, unobstructed, overall and continuous views of all areas that contain slot machines, recorded with sufficient clarity to read external meters, and permit identification of slot machine numbers, reel positions, all players, employees, patrons and spectators; and shall conduct and record surveillance:

(A) *[w/]*Which allows clear, unobstructed overall and continuous views of all slot change booths, including their cash drawers, countertops, counting machines, customer windows and employee windows, recorded with sufficient clarity to permit identification of all transactions, cash, paperwork, patrons and employees.*./;* and

(B) **Of each slot machine offering a payout of more than two hundred fifty thousand dollars (\$250,000).**

AUTHORITY: sections 313.004, 313.805 and 313.824, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Feb. 26, 2001, effective Sept. 30, 2001. Amended: Filed July 28, 2006.

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 excursion gambling boats approximately five hundred eleven thousand five hundred dollars (\$511,500) 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 10:00 a.m. on Thursday, October 19, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 45-7.040 – Required Surveillance
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Eleven	Riverboat Casinos	\$511,500.00

III. WORKSHEET

(Assumed equipment and supplies required per entity.)

Cameras – 12 fixed cameras @ \$400.00 ea. and 3 PTZ cameras @ \$1400.00 ea. = \$9,000.00

Digital Video Recording (DVR) Systems (cost per camera) – 15 cameras @ \$2500.00 ea. = \$37,500.00

IV. ASSUMPTIONS

The exact amount of additional equipment will vary by licensed entity, size of property, and present equipment; therefore, aggregate cost and costs to entities will vary greatly. Some properties already provide the required coverage, so their costs will be minimal to none. Aggregate costs were calculated on the assumption all entities do not provide the required coverage and will experience costs related to total implementation to meet the requirements of the proposed amendments. Hence, some 15 cameras may need to be added at each casino to meet the proposed amendment, 10-12 on the casino floor to provide coverage on electronic gaming devices offering payouts in excess of \$250,000.00, and three to five in the count rooms to address coverage of currency counters and sorters. No more than three of the additional cameras should necessitate pan, tilt and zoom (PTZ) capability, the balance being fixed cameras. Digital video recording modules will cost approximately \$2500.00 per camera for those cameras on the casino floor, while those in the count rooms will cost approximately \$5000.00 per camera to provide the 30-day recording retention required by 11 CSR 45-7.080. Individual entity costs were calculated by dividing the above numbers evenly among the eleven properties.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance**

PROPOSED AMENDMENT

11 CSR 45-7.080 Storage and Retrieval. The commission is amending section (1).

PURPOSE: This amendment increases the amount of time that excursion gambling boats must retain surveillance recordings.

(1) All video recordings **from cameras covering the turnstiles and areas within the cashier cages, main banks, and count rooms shall be retained for at least thirty (30) days, and all other video recordings** shall be retained for at least fourteen (14) days, unless a longer period is required by the commission or its agents[, and]. **Storage media that must be copied or removed from the recording device to comply with these requirements** shall be listed on a log by casino surveillance personnel with the date, times and identification of the person monitoring or changing the recording medium in the recorder. Original video recordings will be released to the commission upon demand. A receipt will be issued at that time.

AUTHORITY: sections 313.004, 313.805 and 313.824, RSMo 2000 and 313.800, RSMo Supp. 2005. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Emergency amendment filed Dec. 7, 1995, effective Dec. 17, 1995, expired June 13, 1996. Amended: Filed Dec. 7, 1995, effective June 30, 1996. Amended: Filed Feb. 26, 2001, effective Sept. 30, 2001. Amended: Filed July 28, 2006.

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 excursion gambling boats approximately three (3) million dollars 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 10:00 a.m. on Thursday, October 19, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 45-7.080 – Storage and Retrieval
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Eleven	Riverboat Casinos	\$3,000,000.00

III. WORKSHEET

(Assumed equipment and supplies required per entity.)

DVR Expansion Modules for areas requiring 30-day retention – 109 @ \$2500.00 = \$272,500.00
(Cages, Main Banks and Count Rooms +/- 1,114; Turnstiles +/- 88)

IV. ASSUMPTIONS

Increasing the retention period of video recordings in those areas specified in the amendment will necessitate an additional digital storage device for each affected camera. The exact amount of additional equipment will vary by licensed entity, size of property, and present equipment; therefore, costs to entities will vary greatly. Some properties already utilizing digital video recording systems presently retain recordings in these areas for thirty days; therefore, their costs will be limited to those cameras where retention is at fourteen days. Aggregate costs were calculated on the assumption all entities are at base-level and will experience costs related to total transition to the proposed standards. Hence, some 1,200 cameras in MO licensed riverboat casinos will be affected at a cost of approximately \$2,500.00 per camera. Individual entity costs were calculated by dividing the camera numbers evenly among the eleven properties.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance**

PROPOSED AMENDMENT

11 CSR 45-7.120 Surveillance System Plans. The commission is adding section (5).

PURPOSE: This amendment sets forth the requirements for maintaining and updating surveillance system plans.

(5) The licensee shall, in its surveillance department, maintain a copy of its surveillance system plan which shall be kept current, documenting any changes to the surveillance system, placement of equipment, or the description of procedures utilized in its operation. Surveillance system plans or a copy thereof shall be made immediately available to any agent of the commission upon request.

AUTHORITY: sections 313.004, 313.805 and 313.824, RSMo 2000 and 313.800, RSMo Supp. 2005. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed July 28, 2006.

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 10:00 a.m. on Thursday, October 19, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 42—General Department Policies**

PROPOSED RESCISSION

12 CSR 10-42.070 Sales Tax Financial Report. This rule informed those local taxing authorities imposing a sales tax what information would be contained in the Sales Tax Financial Reports issued by the Department of Revenue and when the reports would be issued.

PURPOSE: This rule is being rescinded because it is no longer needed.

AUTHORITY: sections 32.057, 66.620.5, 67.525.3, 67.570.3, 67.594.3, 67.712.3, 92.410.3, 94.556.3, 94.550.3, 94.625.3, 94.725.3 and 144.122, RSMo 1986. Original rule filed April 1, 1987, effective July 11, 1987. Amended: Filed July 17, 1989, effective Oct. 27, 1989. Rescinded: Filed July 27, 2006.

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 the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 60—Licensing of Foster Family Homes**

PROPOSED RULE

13 CSR 35-60.010 Family Homes Offering Foster Care

PURPOSE: This rule explains that the Children's Division is responsible for licensing foster homes. Terms used for this purpose are defined. The rule also gives procedures for approval, denial or revocation of a license.

(1) Approval of License.

(A) As required in sections 210.481–210.536, RSMo 2000, any individual(s) planning to offer twenty-four (24)-hour care to one (1) or more foster children must submit signed application forms.

(B) Any applicant and any household member age seventeen (17) and older and any child less than seventeen (17) who has been certified as an adult for the commission of a crime, or has been convicted or pled guilty or *nolo contendere* to any crime, shall submit signed release forms and two (2) sets of fingerprints for the purpose of obtaining background screening for Child Abuse and Neglect, criminal and circuit court records.

1. Two (2) sets of fingerprints shall be sent to the Missouri Highway Patrol for criminal background checks.

2. Subject to appropriation, the total cost of fingerprinting required by section 210.487, RSMo Supp. 2005 may be paid by the state, including reimbursement of persons incurring the cost of fingerprinting under this subsection.

(C) Upon compliance with licensing law and regulations, the director shall authorize issuance of a license for a term not to exceed two (2) years, subject to renewal on expiration.

1. The license is not transferable and applies only to the individual(s) to whom it is issued. A license will be issued to either married couples or a single individual. Only one (1) license can be issued per household. All adults in the household who will have child care responsibility will be required to attend state approved foster parent training.

2. The license is the property of the division and is subject to suspension and/or revocation upon failure of the individual(s) to comply with the licensing requirements.

3. The license shall be kept on the premises of the home.

4. The number, sex and age range of foster children the home is authorized to accept for care shall be specified on the license and shall not be exceeded except for the temporary placement of sibling or mother and child family groups. The foster family shall be able to indicate age and gender preference.

5. There shall be no fee for the license or investigations conducted by the personnel of the division or providers contracted by the division.

6. An identification card shall be issued to each foster parent at the time of initial licensure or renewal, verifying current licensing status.

(2) Denial, Suspension, or Revocation of License.

(A) Any person aggrieved by a final decision of the division made with regard to license issuance, license suspension, license revocation or license denial shall be entitled to a hearing and review by the director or his/her designee.

(B) Written notice, specifying the reasons for denial, suspension, or revocation, shall be provided. Any notice for suspension or revocation shall be given ten (10) days prior to the effective date of the action. If a written request for a hearing is received within thirty (30) calendar days from the date of the notice, a hearing will be provided.

(C) The division will retain the option not to renew a foster home license in cases where there has been a voluntary suspension for one (1) year or more or if a licensed foster home has not accepted a placement over a two (2)-year period.

(D) Any person wishing to appeal the administrative decision of the division shall be entitled to judicial review thereof provided in section 210.526, RSMo 2000.

(3) Utilization of Home.

(A) The granting of a license does not guarantee placement of a child.

(B) Placement decisions shall be made at the discretion of the Children's Division and/or Juvenile Court in the best interest of the child based on a totality of circumstances. Parental preferences will be taken into consideration in selecting the placement provider.

(4) Exemption. Any foster home that is exempt from licensing under sections 210.481–210.536, RSMo 2000 but receives a payment from the division under section 207.020.1(17), RSMo 2000 shall comply with these rules.

AUTHORITY: sections 207.020 and 210.506, RSMo 2000. Emergency rule filed July 18, 2006, effective Aug. 4, 2006, expires Jan. 30, 2007. Original rule filed July 18, 2006.

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 Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 60—Licensing of Foster Family Homes**

PROPOSED RULE

13 CSR 35-60.020 Number of Children

PURPOSE: This rule tells the ages and number of children to be kept in a foster home. It also lists the exceptions.

(1) The maximum number of children in a foster home shall not exceed six (6) including any of the foster parents' own children. A child counts as any individual under age eighteen (18), with the following exceptions:

- (A) Foster children sibling groups; and
- (B) Minor mother and child family groups.

(2) Foster parent(s) shall not provide care for more than two (2) children under age two (2) and no more than four (4) children under the age of five (5) unless necessary to accommodate a sibling group on a temporary basis.

(3) Any foster home exceeding the regulated total numbers at the time these regulations are adopted shall continue to qualify for license if all other requirements are met. Additional foster children shall not be placed in these homes until such time as they can comply to this rule.

(4) Foster parents shall notify the division of all contracts for the care of children held at the time of application for an initial license or gained after licensure.

(5) If a licensed foster parent is dually licensed as a child care provider, no foster child under the age of seven (7) may be placed in that home unless necessary to accommodate a sibling group on a temporary basis. The number of foster children shall not cause the dually licensed provider to exceed child care licensed capacity.

AUTHORITY: sections 207.020 and 210.506, RSMo 2000. Original rule filed July 18, 2006.

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 Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 60—Licensing of Foster Family Homes**

PROPOSED RULE

13 CSR 35-60.030 Minimum Qualifications of Foster Parent(s)

PURPOSE: This rule explains who can qualify to be a foster parent. It gives the health requirements, standards of living and personal information required.

(1) Age of Foster Parent(s). Applicant(s) shall not receive a license when one or both are younger than twenty-one (21) except as provided for relative care in section 210.565, RSMo Supp. 2005.

(2) Citizenship Status of Foster Parent(s). Applicants to provide foster care must be a citizen of the United States, either through birth or naturalization or be able to verify lawful immigration status.

(3) Personal Qualifications Required of Foster Parent(s).

(A) Foster parent(s) must be able to acquire skills and demonstrate performance based competence in the care of children including but not limited to:

1. Protecting and nurturing;
2. Meeting developmental needs and addressing developmental delays;
3. Supporting relationships between children and families;
4. Connecting children to lifetime relationships; and
5. Working as a member of a professional team.

(B) Foster parents shall cooperate with the division in all inquiries involving the care of the foster children. The foster parents' ability to meet these competencies shall be re-evaluated at each relicensure.

(C) Foster parent(s) shall be responsible, mature individual(s) of reputable character who exercise sound judgment, display the capacity to provide good care for children and display the motivation to foster.

(4) Health of Foster Family.

(A) At the time of application for an initial license, foster parents shall authorize their physician to submit a statement on a prescribed form, regarding his/her opinion of the mental health of each foster family member and certifying that a physical examination was completed within the past year and that all household members were free from communicable disease or are not a threat to the health of foster children and are up to date on all immunizations. A tuberculosis (TB) test and a chest X ray shall be completed, if recommended by the physician.

(B) Foster parents and all foster family members must be determined by a physician to be in good physical and mental health. The licensing agency shall review the examination reports.

(C) If the licensing agency has reason to question the physical or mental health of any member of the foster family, the agency shall require additional mental or physical evaluations.

(5) Foster Parent Training.

(A) Preservice Training. Prior to licensure each adult with parenting responsibilities is required to successfully complete a competency based training approved by the licensing agency.

(B) In-Service Training. To maintain a foster home license each foster parent shall meet performance based criteria as part of a professional family development plan and complete a prescribed number of foster parent training hours as approved by the licensing authority during each two (2)-year licensure period. The subject of training shall be directly tied to the foster parent professional development plan and related to the needs and ages of children in their care.

(6) Personal information elicited in the homestudy shall include but not be limited to:

- (A) Family size and household composition of the foster family;
- (B) Ethnic and racial background of the foster family;
- (C) Religious preferences and practices of the foster family;
- (D) Lifestyles and practices, including sexual orientation, of the foster parents;
- (E) Educational practices of the foster family; and
- (F) Employment of the foster parents.

(7) Parenting Skills Information Elicited in the Homestudy.

(A) Foster parent structures environment so that it is safe and healthy for the child.

(B) Foster parent expresses positive feelings toward the child verbally and physically.

(C) Foster parent recognizes and responds appropriately to the child's verbal and physical expressions of needs and wants.

(D) Foster parent consistently uses basic behavior management techniques in dealing with the child.

(E) Foster parent consistently uses appropriate techniques to discipline the child and does not use or will not use corporal punishment on any child in the custody of the division.

(F) Foster parent guides the child toward increasing independence.

(G) Foster parent behaves in a way that recognizes the immaturity of the child.

(8) All information which is collected by the division in the licensing study will comprise a foster home portfolio which will be available to team members when children are placed into the care of the division, in order for placement decisions to be made in the best interests of the child based on a totality of the circumstances.

AUTHORITY: sections 207.020 and 210.506, RSMo 2000. Emergency rule filed July 18, 2006, effective Aug. 4, 2006, expires Jan. 30, 2007. Original rule filed July 18, 2006.

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 Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 60—Licensing of Foster Family Homes**

PROPOSED RULE

13 CSR 35-60.040 Physical Standards for Foster Homes

PURPOSE: This rule explains what is required in a physical structure. It further describes sleeping arrangements and fire and safety requirements.

(1) General Requirements.

(A) The foster parent(s) shall be so located that they have access to schools, recreational, religious or other community resources.

(B) The home shall be so constructed, arranged and maintained as to provide adequately for the health and safety of all occupants. It shall be of size and space and shall have furnishings and equipment to accommodate comfortably both the foster family and foster children in their care.

(C) The division may require inspection of the home by fire, health, sanitation or safety officials when in the agency's judgment such expert opinion is needed to assist in making a decision about the safety of the home for the care of foster children. The home must comply with all local, county and state ordinances.

(D) All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, or other hazardous items shall be stored so as to be inaccessible to the children, taking into consideration the age and mental capacities of the children.

(E) Private water supply shall be safe for human consumption and testing may be required at the time of licensing. The cost of testing will be covered by the applicant. If the private water supply is found to be unsafe for human consumption, an alternative source for drinking water shall be made available.

(F) The interior of the home shall be free from an accumulation of visible dirt and any evidence of vermin and rodent infestations.

(G) All rooms shall have proper lighting and ventilation. Windows and doors shall be screened as needed unless the area is air conditioned.

(H) All interior doors shall be designed to permit the opening of a locked door from the outside in an emergency.

(I) The home shall have space for indoor play and access to outdoor play space. The outdoor play space shall be fenced when in the judgment of the division, nearby street traffic, railroad tracks, lake, river, swimming pool, or other potential hazards suggest the necessity for such protections.

(J) Mobile Homes.

1. There shall be an exit(s) at each end(s) of the home.

2. The mobile home shall be skirted with latticed or solid skirting and securely anchored by cable to the ground.

(2) Sleeping Arrangements.

(A) Foster children shall not be permitted to sleep in any building, apartment or other structure which is separate from the foster family home; nor shall any foster child be permitted to sleep in an unfinished attic, in an unfinished basement or in a hall or any other room which is normally used for other than sleeping arrangements.

(B) Foster children shall not be permitted to sleep in finished basement bedrooms or in bedrooms above the second floor of a single family dwelling unless suitable provision has been made for heating, ventilation and humidity control and all exits from these bedrooms have been approved by the division.

(C) At night a responsible adult shall sleep within call of the foster children.

(D) Foster children of the opposite sex, who are six (6) years of age or older, shall not sleep in the same room. The best interest of the child in terms of safety and appropriateness must be considered with the age of any child.

(E) Foster children two (2) years of age or older shall not sleep in the bedroom of the foster parents except for special temporary care, such as during a child's illness. Foster children should never sleep in a bed with foster parents.

(F) Each bed or crib shall be of a size as to insure comfort of the foster child, shall have a firm mattress or an orthopedic supportive surface, in good, clean condition with waterproof covering, if needed, and suitable covers adequate to the season.

(G) Each foster child under age two (2) shall have a separate bed. Each foster child over age two (2) shall have bed space equivalent to one-half (1/2) of a full-size bed. The abuse and neglect history of each child should be taken into consideration before allowing them to share a bed with another child.

(H) Separate and accessible drawer space for personal belongings and closet space for clothing shall be available for each foster child.

(3) Fire and Safety Requirements.

(A) All foster homes shall have a working telephone in the home or an agency approved form of emergency contact.

(B) In all foster homes the telephone numbers of the fire department, police, doctor and ambulance shall be posted at all times. The house number shall be plainly visible from the street in case of emergency.

(C) The foster family shall have a plan for evacuation in case of fire. Foster children shall be instructed in the evacuation plan. The plan shall be posted. Fire drills shall be held.

(D) Every room used for sleeping, living or dining purposes shall have at least two (2) means of exit. At least one (1) of which shall be a door or stairway providing a means of unobstructed travel to the outside. An operable window will be considered as one (1) means of exit.

(E) No room or space shall be occupied for living or sleeping purposes which is accessible only by a ladder, folding stairs or through a trap door.

(F) In apartment buildings where the foster family residence is second floor or above there shall be an exit stairway.

(G) An operable smoke detector, with battery installed, shall be installed at a location where sleeping areas can be alerted.

(H) A charged portable ABC fire extinguisher of at least five (5) pound capacity shall be located near the kitchen area.

(I) Heating appliances shall not be located in a place which blocks escape in case of malfunctioning which could result in a fire.

(J) Fireplaces, wood stoves, heaters, radiators or floor furnaces shall be protected as required by the fire inspector.

(K) A carbon monoxide detector shall be required in all homes with gas appliances.

(4) Weapons Requirements.

(A) Any and all firearms and ammunition shall be stored so as to be inaccessible to children. Foster parents shall store ammunition separately from any weapons. Firearms and ammunition shall be stored in locked areas or cabinets with keys secured so as to be inaccessible to children.

(B) No firearms shall be kept in any vehicle transporting (unless weapons are inaccessible to the foster child—i.e., in a locked glove box or other locked container or in the trunk of the vehicle) or on any person providing care or supervision to foster children. (An exception will be made for any person transporting a foster child who must carry a weapon as part of their job responsibilities—i.e., law enforcement officers.) No firearms possessed in violation of a state or federal law or a local government ordinance shall be present at any time in the home, on any household member, or in any vehicle in which the children are riding.

(C) Weapons storage shall be made available for external viewing by Children's Division staff in order to assure weapons are inaccessible to children.

AUTHORITY: sections 207.020 and 210.506, RSMo 2000. Original rule filed July 18, 2006.

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 Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 35—Children's Division Chapter 60—Licensing of Foster Family Homes

PROPOSED RULE

13 CSR 35-60.050 Care of Children

PURPOSE: This rule describes the quality of care to be provided by foster parents. It further lists the division's expectations concerning education and training, moral and religious training, discipline, chores and work, recreation and leisure, earning and spending money, supervision and transportation. Responsibilities of foster parents to the legal custodian are also listed.

(1) Foster parents shall cooperate in the division's delivery of social services to the foster child's family.

(A) Foster parent(s) shall actively participate in the Family Support Team Meetings either through attendance or, in lieu of physical attendance, written or oral input.

(B) The foster parent(s) shall notify the licensing agency within two (2) weeks of any pertinent change in family situation including but not limited to, a change in address, telephone number, employment, household composition, marital status, arrest, convictions or guilty pleas.

(2) Physical Care.

(A) The foster parent(s) shall work with the agency to provide all necessary medical and dental care for each child.

1. The foster parent(s) shall obtain medical and dental examinations for the child immediately following placement and at least annually thereafter in cooperation with the placing agency.

2. The foster parent(s) shall keep the agency informed of any health needs of the child.

3. The foster parent(s) shall respond to emergency medical needs in accordance with agency policies and procedures and/or local legal requirements.

4. The foster parent(s) shall not disclose confidential medical and social information.

5. The foster parent(s) shall maintain a medical file on each foster child placed in the home. The file is to follow the child in the event of removal from the foster home.

(B) The foster parent(s) shall provide a routine for foster children for the establishment of good personal hygiene.

(C) The foster parent(s) shall provide food of quality and quantity sufficient to meet the nutritional requirements of the foster child according to his/her age and activities. All foods shall be prepared, served and stored under sanitary conditions.

(D) The foster parent(s) shall provide clothing appropriate to the foster child's age and of quality and quantity similar to other children in the community. Where it is appropriate and possible, foster children shall be allowed to participate in the selection of their own clothing. The possessions and clothing of the foster child shall follow the child in the event of removal from the foster home.

(E) Care of foster children shall not be combined with regular part- or full-time care of other children, nonrelated aged individuals or with any other service or business conducted in the home without the written approval of the licensing agency.

(3) Education and Training.

(A) The educational and vocational plan for the foster child shall be determined by the Family Support Team, including at minimum the legal custodian (the individual or agency having responsibility for the care, custody and control of a child) or the representative of the licensed child placing agency, the parent(s), foster parent(s), juvenile officer, and child of appropriate age, twelve (12) and above. Planning will be focused on what is in the best interest of the child and in accordance with section 167.031, RSMo.

(B) The Children's Division and Juvenile Office shall be informed of any educational plan other than that which takes place in the traditional public school setting.

(C) Foster parent(s) shall observe the legal requirements and the plan of school attendance developed by the Family Support Team in accordance with state law.

(D) Foster parent(s) may "act as the parent" on behalf of the foster child in the development of an Individual Education Plan (IEP). The foster parent acting as the parent may represent a child in all matters relating to the identification, evaluation, educational placement and the provision of a free, appropriate, public education for the child.

(E) Foster parent(s) shall maintain a school file for the foster child. The file is to follow the child in the event of removal from the home.

(4) Moral and Religious Training.

(A) Foster parent(s) shall provide for the moral training of foster children in care and shall make opportunities available for religious education and attendance of services compatible with the child's religious heritage, provided that this training would not be injurious to the foster child's physical, mental or emotional health.

(B) Foster parent(s) shall support a foster child's cultural identity and individuality in foster care.

(5) Discipline.

(A) Discipline shall be used in a constructive, fair and consistent manner. Foster parents shall not use corporal punishment against foster children.

(B) No foster child shall be subjected to verbal abuse, threats of corporal punishment, derogatory remarks about him/herself or members of his/her family, threats to withhold family visits, threats to expel the child from the foster home or the withholding of food, shelter or clothing.

(C) No foster child shall be subjected to abuse or neglect as defined in sections 210.110-210.165, RSMo Supp. 2005.

(D) One (1) child shall not be permitted to discipline another child in a foster home.

(E) No foster child shall be deprived of mail or family visits as a form of discipline.

(6) Chores and Work.

(A) No foster child shall be used for soliciting funds or in any other manner exploited by the foster family.

(B) The foster parent(s) shall provide work and chore experience for foster children that is appropriate to the age, health and abilities of each individual child. Chores and work shall not interfere with the foster child's time for school, study periods, play, sleep, normal community contacts or visits with his/her family.

(C) The foster parent(s) shall differentiate between chores which foster children are expected to perform as their share in family living and specific work assignments or opportunities as a means of earning money either in or outside the foster family.

(D) The foster parent(s) shall not require or permit work which requires the foster child to operate dangerous or hazardous equipment or machinery unless adequate safety equipment and proper adult supervision are provided.

(E) Foster children shall not be required to perform chores or work which is different in amount and type from the community standard for other children.

(7) Recreation and Leisure. Foster parent(s) shall provide opportunities for social and physical development through recreation and leisure time activities.

(8) Earning and Spending Money.

(A) The foster parent(s) shall make every reasonable effort to provide opportunities for experience in earning, spending and saving money based on age and individual requirements of each foster child.

(B) The foster parent(s) shall not require an employed foster child to pay room and board.

(C) Foster children shall not be permitted to drive any vehicle without insurance coverage and a proper operator's license.

(D) Foster children shall not be permitted to own or operate firearms or motor vehicles without written authorization from the legal custodian and proper training.

(9) Supervision.

(A) The foster parent(s) shall provide and ensure safe and adequate supervision at all times appropriate to the foster child's age and individual needs.

(B) The foster parent(s) shall comply with all Family Support Team recommendations and court orders regarding visitation plans; any exceptions require prior approval from the legal custodian.

(10) Transportation.

(A) The foster parent(s) shall provide proper insurance coverage if foster children are transported in a private vehicle. Safety standards for the vehicle shall be within the minimum requirements of the law and the vehicle shall be operated by a person with a valid operating license.

(B) All children shall be secured in the car by car seats or seat belts as required by law.

(C) The foster parent(s) shall cooperate with the agency in providing transportation as indicated by the individual needs of each foster child including but not limited to medical and dental appointments, educational or training programs and counseling.

(11) Responsibility of Foster Parent(s) to Child's Legal Custodian.

(A) The foster parent(s) shall keep the legal custodian informed of the foster child's progress while in their care. They shall consult with the legal custodian regarding care, training and plans for the foster child whenever more than the day-to-day routine is involved.

(B) The foster parent(s) shall consult with the legal custodian before taking or allowing the foster child to go on vacation trips or visits to the foster child's relatives.

(C) The foster parent(s) shall secure the approval of the Children's Division worker, supervisor or designated case manager before making plans for the care of the foster child by other persons for any period in excess of twenty-four (24) hours.

(D) The foster parent(s) shall notify the legal custodian immediately of emergencies involving the foster child. This requirement in no way relieves the foster parent(s) from first taking action, such as obtaining emergency medical treatment for the child before notifying his/her legal custodian. This includes serious illness or injury requiring medical treatment, unauthorized absence from the home or other situations in which sound judgment dictates that the legal custodian be notified.

(E) The foster parent(s) shall allow the legal custodian a reasonable period of time in which to make suitable plans for the foster child when the foster parents have requested the child's removal. The foster parent(s) shall give the legal custodian two (2) weeks' advance written notice when requesting removal of a child unless there is an emergency. The advance written notice must include an explanation of the reason why the foster parent is requesting the child's removal.

(F) Foster children shall not be permitted to use or be known by the foster parent(s) surname, unless the child, child's parent(s) and legal guardian give their consent in writing.

(G) The foster parent(s) shall notify the legal custodian at least thirty (30) days prior to moving out-of-state.

AUTHORITY: sections 207.020 and 210.506, RSMo 2000. Original rule filed July 18, 2006.

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 Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 60—Licensing of Foster Family Homes**

PROPOSED RULE

13 CSR 35-60.060 Records and Reports

PURPOSE: This rule requires that foster parents keep records on children placed in their care. The division's assistance is required in this matter. The record's contents are listed in this rule.

(1) General. A record shall be developed by the division on each foster child and given to the foster parents at the time of placement. As additional information is available, it shall be given to foster parent(s). This record shall be maintained by the foster parent(s) throughout the placement and shall follow the child in the event of removal from the foster home.

(2) Contents.

(A) Foster child's name, birth date, date of placement, county of original jurisdiction, placement county, case manager's name and office telephone number and an after hours telephone number for the case manager.

(B) Full name and address of the biological and/or legal parent(s) and other interested and responsible relatives where appropriate.

(C) All medical and dental information, including but not limited to diseases, surgical history, allergies, immunizations, psychosocial history and mental health history.

(D) The foster child's school records, rewards, pictures, church records or any special items that will help to document the child's background.

AUTHORITY: sections 207.020 and 210.506, RSMo 2000. Original rule filed July 18, 2006.

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 Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 60—Licensing of Foster Family Homes**

PROPOSED RESCISSION

13 CSR 40-60.010 Family Homes Offering Foster Care. This rule explained that the Division of Family Services was responsible for licensing foster homes.

PURPOSE: This rule is being rescinded and a new rule for provision of services is being promulgated in Division 35—Children's Division as the Children's Division is responsible for licensing of foster family homes.

AUTHORITY: sections 210.221 and 210.486, RSMo 1986. Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed June 28, 1983, effective Nov. 11, 1983. Amended: Filed July 6, 1988, effective Sept. 29, 1988. Emergency rescission filed July 18, 2006, effective Aug. 4, 2006, expires Jan. 30, 2007. Rescinded: Filed July 18, 2006.

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 the Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 60—Licensing of Foster Family Homes**

PROPOSED RESCISSION

13 CSR 40-60.020 Number of Children. This rule specified the ages and number of children to be kept in the foster home and exceptions.

PURPOSE: This rule is being rescinded and a new rule for provision of services is being promulgated in Division 35—Children's Division as the Children's Division is responsible for licensing of foster family homes.

AUTHORITY: sections 210.221 and 210.486, RSMo 1986. Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed June 28, 1983, effective Nov. 11, 1983. Rescinded: Filed July 18, 2006.

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 the Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 60—Licensing of Foster Family Homes**

PROPOSED RESCISSION

13 CSR 40-60.030 Minimum Qualifications of Foster Parent(s). This rule explained who could qualify to be a foster parent.

PURPOSE: This rule is being rescinded and a new rule for provision of services is being promulgated in Division 35—Children's Division as the Children's Division is responsible for licensing of foster family homes.

AUTHORITY: sections 210.221 and 210.486, RSMo 1986. Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed Dec. 14, 1982, effective March 11, 1983. Amended: Filed June 28, 1983, effective Nov. 11, 1983. Emergency amendment filed Dec. 19, 1984, effective Dec. 29, 1984, expired April 19, 1985. Amended: Filed Dec. 19, 1984, effective April 11, 1985. Amended: Filed June 2, 1988, effective Aug. 25, 1988. Emergency rescission filed July 18, 2006, effective Aug. 4, 2006, expires Jan. 30, 2007. Rescinded: Filed July 18, 2006.

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 the Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 60—Licensing of Foster Family Homes**

PROPOSED RESCISSION

13 CSR 40-60.040 Physical Standards for Foster Homes. This rule explained what was required in a physical structure.

PURPOSE: This rule is being rescinded and a new rule for provision of services is being promulgated in Division 35—Children's Division as the Children's Division is responsible for licensing of foster family homes.

AUTHORITY: section 210.221, RSMo 1986. Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed June 28, 1983, effective Nov. 11, 1983. Rescinded: Filed July 18, 2006.

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 the Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 60—Licensing of Foster Family Homes**

PROPOSED RESCISSION

13 CSR 40-60.050 Care of Children. This rule described the quality of care to be provided by foster parents.

PURPOSE: This rule is being rescinded and a new rule for provision of services is being promulgated in Division 35—Children's Division as the Children's Division is responsible for licensing of foster family homes.

AUTHORITY: section 210.221, RSMo 2000. Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed June 28, 1983, effective Nov. 11, 1983. Amended: Filed Jan. 8, 2002, effective July 30, 2002. Rescinded: Filed July 18, 2006.

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 the Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 60—Licensing of Foster Family Homes**

PROPOSED RESCISSION

13 CSR 40-60.060 Records and Reports. This rule required foster parents to keep records on children placed in their care.

PURPOSE: This rule is being rescinded and a new rule for provision of services is being promulgated in Division 35—Children's Division as the Children's Division is responsible for licensing of foster family homes.

AUTHORITY: section 210.221, RSMo 1986. Original rule filed May 10, 1978, effective Sept. 11, 1978. Rescinded: Filed July 18, 2006.

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 the Children's Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 6—Emergency Ambulance Program**

PROPOSED AMENDMENT

13 CSR 70-6.010 Emergency Ambulance Program. The division is amending sections (1), (2), (5), and (6).

PURPOSE: This amendment updates the materials incorporated by reference and clarifies that a fixed-wing air ambulance may be used to transport an emergency patient when the weather at the time of transport prohibits the use of a rotary wing air ambulance.

(1) Administration. The Missouri Medicaid ambulance program shall be administered by the Department of Social Services, Division of Medical Services. The ambulance program services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the Division of Medical Services and shall be included in the ambulance program provider manual, which is incorporated by refer-

ence in this rule and made part of this rule as published by the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109, at its website at www.dss.mo.gov/dms, [February 10, 2006] **September 1, 2006**. This rule does not incorporate any subsequent amendments or additions.

(2) Eligible Providers. To be eligible for participation in Missouri Medicaid, the following requirements shall be met:

(B) Air Ambulance. Air ambulance is defined as any privately or publicly owned conventional air service, rotary wing or fixed-wing specially designed, constructed or modified, maintained or equipped with the intent to be used for the transportation of patients as defined in Federal Aviation Regulations, Part 135.

1. The air ambulance provider must have a current valid air ambulance license, be licensed by the state regulating authority if located outside of Missouri, have submitted a copy of the current Federal Aviation Regulations, Part 135, (FFA) Air Carrier Certificate issued by the United States Department of Transportation.

2. The air ambulance provider must have a signed and accepted Participation Agreement for the air ambulance program in effect with the Missouri Department of Social Services, Division of Medical Services.

(5) Services Covered and Service Limitations. The Medicaid ambulance manual shall provide the detailed listing of procedure codes and pricing information covered by the Missouri Medicaid ambulance program.

(D) Missouri Medicaid covers emergency rotary wing air ambulance only when:

1. [t]Transportation by ground ambulance is contraindicated [and when]; or

2. [t]The patient's medical condition is such that immediate and rapid ambulance transportation is essential and cannot be provided by ground ambulance[,]; or

3. [g]Great distances or other obstacles are involved in getting the patient to the nearest hospital with appropriate facilities[,]; or

4. [t]The patient's medical condition is such that the time needed to transport by land, or the instability of transportation by land poses a threat to the patient's survival or seriously endangers the patient's health[,]; or

5. [t]The point of pickup is inaccessible by land vehicle[,]; and

6. [a]All other Medicaid requirements for coverage are met.

(E) Missouri Medicaid covers emergency fixed-wing air ambulance only when:

1. The weather situation at the time of transport prohibits the use of a rotary wing ambulance; and

2. Transportation by ground ambulance is contraindicated; or

3. The patient's medical condition is such that immediate and rapid ambulance transportation is essential and cannot be provided by ground ambulance; or

4. Great distances or other obstacles are involved in getting the patient to the nearest hospital with appropriate facilities; or

5. The patient's medical condition is such that the time needed to transport by land, or the instability of transportation by land poses a threat to the patient's survival or seriously endangers the patient's health; or

6. The point of pickup is inaccessible by land vehicle; and

7. All other Medicaid requirements for coverage are met.

(6) Services Not Covered.

(B) Air Ambulance. The following services are not covered under the air ambulance program:

1. Air ambulance trip for the patient's personal preference;

2. Patient not transported to the nearest hospital with appropriate facilities;

3. Transports by fixed-wing aircraft **unless the weather at the time of transport prohibits the use of a rotary wing air ambulance in situations where all other air ambulance criteria have been met;**

4. Ambulance trips ordered by the Veteran's Administration Hospital;

5. Transport of medical team (or other medical professionals) to meet a patient;

6. Ground mileage;

7. Transport to a facility that is not an acute care hospital, such as a nursing facility or physician's office;

8. If a recipient is pronounced dead before the air ambulance is called; or

9. Ancillary services and supplies are not covered when the patient is not transported.

AUTHORITY: sections 208.152, RSMo Supp. 2005 and 208.201, RSMo 2000. Original rule filed Feb. 10, 2006, effective Sept. 30, 2006. Amended: Filed Aug. 1, 2006.

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 Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State**

Chapter 54—Exemptions and Federal Covered Securities

PROPOSED AMENDMENT

15 CSR 30-54.060 Stock Exchange Listed Securities. The commissioner is amending section (1) of this rule.

PURPOSE: This amendment specifies the correct statute exempting certain securities from the registration requirements of the Missouri Securities Act of 2003.

(1) Stock exchanges specified by or approved under section [409.2-202(6)] **409.2-201(6)** of the Missouri Securities Act of 2003 are as follows:

AUTHORITY: sections [409.2-202(6)] 409.2-201(6) and 409.6-605, RSMo Supp. [2003] 2005. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed July 26, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Matt Kitzi, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 50—Division of Workers' Compensation
Chapter 2—Procedure**

ORDER OF RULEMAKING

By the authority vested in the Division of Workers' Compensation under sections 287.610.2 and 287.610.10, RSMo Supp. 2005 and 287.650, RSMo 2000, the division rescinds a rule as follows:

8 CSR 50-2.060 Performance Standards for Administrative Law Judges and Legal Advisors **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 15, 2006 (31 MoReg 770-771). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 50—Division of Workers' Compensation
Chapter 2—Procedure**

ORDER OF RULEMAKING

By the authority vested in the Division of Workers' Compensation under sections 287.610.2 and 287.610.10, RSMo Supp. 2005 and 287.650, RSMo 2000, the division adopts a rule as follows:

8 CSR 50-2.060 Performance Standards for Administrative Law Judges **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2006 (31 MoReg 771). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 200—Corporate Income Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 143.961, RSMo 2000 and 143.431, RSMo Supp. 2005, the director withdraws a proposed rule as follows:

12 CSR 10-200.010 State Tax Add Back **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2006 (31 MoReg 727-730). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The department is withdrawing this proposed rule at the request of the director of revenue.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 1—General Organization**

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo 2000, the commission amends a rule as follows:

12 CSR 30-1.010 General Organization **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2006 (31 MoReg 771-772). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 1—General Organization**

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo 2000, the commission amends a rule as follows:

12 CSR 30-1.020 Meetings and Hearings **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2006 (31 MoReg 772). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and
Appeals From Local Boards of Equalization**

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo 2000, the commission adopts a rule as follows:

12 CSR 30-3.090 Determining Class Life for Tangible Personal Property is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2006 (31 MoReg 772). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 1—Organization**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under section 208.201, RSMo 2000, the division amends a rule as follows:

13 CSR 70-1.010 Organization and Description is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2006 (31 MoReg 772-776). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The division received one (1) comment on the proposed amendment.

COMMENT: The Missouri Health Care Association sent a comment requesting clarification if current policies regarding nursing facility reviews and if responsibility for the reviews were to change as a result of the amendment to the organization and description for the Division of Medical Services.

RESPONSE: The proposed amendment does not change any policies or rules regarding how policies are currently developed or how specific programs are reviewed. No changes have been made to the rule as a result of this comment.