

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

PROPOSED AMENDMENT

11 CSR 45-5.130 Exchange of Chips and Tokens. The commission is amending sections (1)–(3), adding section (4) and subsection (7)(C), and renumbering the remaining sections.

PURPOSE: This amendment updates the rule to provide for the use of chips to be accepted as payment for food or beverages on the excursion gambling floor. Additionally, the Class A designation is being changed to Class B.

(1) Chips shall be issued to a person only at the request of that person and shall not be given as change in any other transaction. Chips shall be issued to riverboat patrons at cashier's cages, at the live gaming devices, or at stations adjacent to the gaming area if approved by the commission. Chips may be redeemed at cashier's cages [or at stations adjacent to the gaming area if approved by the commission].

(2) Tokens shall only be issued upon the request of a patron from a cashier's cage[,] or from employees of the holder of a Class [A/B] license at the electronic gaming devices area [or at stations adjacent to the gaming area if approved by the commission]. Tokens may be redeemed at a cashier's cage [or at stations adjacent to the gaming area if approved by the commission].

(3) Chips or tokens shall only be redeemed by a holder of a Class [A/B] license for its patrons and shall not be knowingly redeemed from any nonpatron source; provided, however, that nongaming employees of the riverboat may redeem chips or tokens they have received as gratuities.

(4) Value chips may be accepted from patrons as payment at face value for food or beverages purchased on the gaming floor. Any change due back to the patron shall be provided in cash or U.S. coin. All value chips accepted as payment for food or beverages shall be exchanged for cash at the cage or main bank during the same shift they were accepted as payment. Non-value (roulette) and tournament chips shall not be used for purposes other than wagering on approved gambling games. Currency transaction reporting requirements shall apply to any qualifying dollar value exchanges of value chips for products or services.

[(4)](5) Each riverboat shall promptly redeem its own chips and tokens by cash or by check dated the day of the redemption on an account of the riverboat as requested by the patron, except when the chips and tokens were obtained or used unlawfully.

[(5)](6) Each riverboat may demand the redemption of its chips or tokens from any person in possession of them and that person shall redeem the chips or tokens upon presentation of an equivalent amount of cash by the riverboat.

[(6)](7) No riverboat shall knowingly accept, exchange, use or redeem gaming chips or tokens issued by another riverboat.

[(7)](8) Each riverboat shall cause to be posted and remain posted in a prominent place—

(A) On the front of a cashier's cage, a sign that reads as follows—“Gaming chips issued by another riverboat may not be used, exchanged or redeemed on this riverboat”; [and]

(B) On electronic gaming device token redemption booths, a sign that reads—“Tokens issued by another riverboat may not be used, exchanged or redeemed on this riverboat.”; and

(C) Near each entrance to the casino floor, a sign that reads—“State law prohibits the use of gaming chips for purchases off the

gaming floor.”

AUTHORITY: sections 313.004 and 313.807, RSMo [Supp. 1997] 2000 and sections 313.805[,] and 313.817, RSMo [1994] Supp. 2010. 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. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999. Amended: Filed Oct. 22, 2010.

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 January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED AMENDMENT

11 CSR 45-7.070 Surveillance Logs. The commission is amending section (1) and deleting subsections (1)(A)–(C).

PURPOSE: This amendment removes the requirements for the logs which were duplicated in the rule. The requirements for the logs may be found in Chapter M of the *Minimum Internal Control Standards*.

(1) The licensee shall be required to maintain a security log of all surveillance activities in the casino surveillance room. The log shall be maintained by casino surveillance room personnel. Only casino surveillance room personnel shall be allowed in the casino surveillance room. The commission shall have access at all times to the logs. [The log shall include the following:

(A) All persons entering and exiting the casino surveillance room;

(B) Summary, including date, time and duration, of the surveillance; and

(C) Record of any equipment or camera malfunctions.]

AUTHORITY: sections 313.004 and 313.824, RSMo [1994] 2000 and sections 313.800[,] and 313.805, RSMo Supp. 2010. 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 Oct. 22, 2010.

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 January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED RULE

11 CSR 45-9.102 Minimum Internal Control Standards (MICS)—Chapter B

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

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Minimum Internal Control Standards may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter B—Key Controls, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter B does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

AUTHORITY: section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. 2010. Original rule filed Oct. 22, 2010.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED RULE

11 CSR 45-9.105 Minimum Internal Control Standards (MICS)—Chapter E

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

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Minimum Internal Control Standards may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter E—Electronic Gaming Devices (EGDs), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter E does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

AUTHORITY: section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. 2010. Original rule filed Oct. 22, 2010.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED RULE

11 CSR 45-9.119 Minimum Internal Control Standards (MICS)—Chapter S

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

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The

Minimum Internal Control Standards may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter S—Management Information Systems, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter S does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

AUTHORITY: section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. 2010. Original rule filed Oct. 22, 2010.

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

PRIVATE COST: This proposed rule will cost six (6) casino corporate entities and two (2) manufacturer supplier entities between zero dollars (\$0) and one (1) million dollars to implement the new standards for this chapter. Data provided by the industry was used to quantify the cost associated with implementing the proposed standards. Initial cost estimates vary depending on the purchase cost of hardware and software, additional system development, and labor cost. Costs after the first year are estimated to range between zero dollars and one hundred fifty thousand dollars (\$0-\$150,000). A detailed fiscal note outlines these costs for each individual rule within the MICS Chapter S.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**FISCAL NOTE
 PRIVATE COST**

**I. Department Title: Missouri Department of Public Safety
 Division Title: Missouri Gaming Commission
 Chapter Title: 9 – Internal Control System**

Rule Number and Title:	11 CSR 45-9.119 Minimum Internal Control Standards – Chapter S (Management Information Systems)
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Six	Casino Corporate Entities* (6)	The chapter shown below consists of a series of rules, each of which has its own fiscal impact.
Two	Manufacturer Supplier Entities (2)	MICS, 2.07 Only – This rule will not cost a Manufacturer Supplier entity more than \$500 in the aggregate

*** Casino Corporate Entities – Missouri Class A licensees (Corporate) and their Missouri Class B licensee(s) (Riverboat Casinos) subsidiaries.**

III. WORKSHEET

Minimum Internal Control Standard (MICS), Ch. S (MIS):

2.07 – This rule will not cost a manufacturer supplier entity more than \$500 in the aggregate.

3.01 - This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at \$250,000, in one-time costs, with no recurring costs to implement. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

3.02 (A) - One-Time Cost: \$0 - \$10,000. Annual Recurring Cost: \$0

3 of 6 casino corporate entities indicate no cost to implement. Two of the remaining entities costs range from \$2,000 to \$10,000, with no annual recurring cost. The other entity submitted an amount of \$35,000, with an annual recurring cost of \$2,500. While it is not the intent of the Commission to refute the fiscal impact by the one corporate casino entity which submitted \$35,000, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated the cost to be no more than \$10,000.

3.02 (B) – One-Time Cost: \$0 - \$5,000. Annual Recurring Cost: \$0

3 of 6 casino corporate entities submitted a fiscal amount of \$0. The remaining entities submitted an amount from \$800 to \$5,000, with no annual recurring costs.

3.02 (D) – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at \$45,000 in one-time costs, and \$5,000 in recurring costs. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

3.04 – This rule will not cost a casino corporate entity more than \$500 in the aggregate.

3.05 – One-Time Cost: \$0 - \$50,000. Annual Recurring Cost: \$0

This fiscal amount derives from the purchasing and installation of surveillance equipment for 5 of 6 casino corporate entities.

4.02 – One-Time Cost \$0 - \$100,000. Annual Recurring Cost: \$0

2 of 6 casino corporate entities indicate no cost to implement. The other entities submitted amounts of: \$31,250, \$70,000, \$80,000, and \$100,000, with no recurring cost. These entities stated the following would be required: 1) purchase additional hardware for network infrastructure; and/or 2) develop new Slot Accounting System (SAS) or Casino Management Systems (CMS) software that complies with this MICS.

4.03 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one licensee estimated the cost at \$31,250, with no recurring costs to implement. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

4.05 – One-Time Cost: \$0 - \$1,000,000. Annual Recurring Cost: \$0 - \$150,000

3 of 6 casino corporate entities indicate no cost to implement. The other entities submitted amounts of: \$25,000, \$125,000, \$200,000, and \$1,000,000. The entity which submitted the amount of \$1,000,000, also submitted a recurring amount of \$150,000. These amounts are specific to each entity and shall be considered an independent business decision. These entities stated the following would be required: 1) purchase additional hardware for network infrastructure; and/or 2) develop new Slot Accounting System (SAS) or Casino Management Systems (CMS) software that complies with this MICS.

4.06 – One-Time Cost: \$0 - \$7,500. Annual Recurring Cost: \$0 - \$7,500

4 of 6 casino corporate entities submitted a fiscal amount of \$0. The remaining entities submitted amounts from \$1,560 to \$7,500, with annual recurring amounts from \$1,560 to \$7,500.

4.11 – One-Time Cost: \$0 - \$37,000. Annual Recurring Cost: \$0

4 of 6 casino corporate entities submitted a fiscal amount of \$0. The remaining entities submitted an amount from \$31,250 to \$37,000, with no annual recurring costs. These entities submitted costs specific to existing slot accounting system.

5.04 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at \$100,000, in one-time costs, and \$560 in recurring costs. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

5.05 – This rule will not cost a casino corporate entity more than \$500 in the aggregate.

6.04 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

8.02 - Annual Recurring Cost: \$0 - \$18,000

2 of 6 casino corporate entities submitted a fiscal amount of \$0. The other entities submitted annual recurring costs from \$0 - \$18,000. These entities submitted costs for additional storage and transporting back-up media to an offsite facility.

8.03 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

9.01 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

9.02 – Annual Recurring Cost: \$0 - \$10,000

3 of 6 casino corporate entities submitted a fiscal amount of \$0. The remaining entities submitted annual recurring costs from \$770 to \$10,000.

9.03 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

9.04 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

9.05 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

10.02 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

It shall be pointed out however, that one entity estimated the cost at \$10,000 in one-time costs, with no recurring cost. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

10.05 - This rule will not cost a casino corporate entity more than \$500 in the aggregate.

12.01 - Annual Recurring Cost: \$0 - \$6,500

4 of 6 casino corporate entities submitted a fiscal amount of \$0. One entity submitted annual recurring costs of \$6,500. The other entity submitted an amount of \$75,000, with annual recurring cost of \$15,000. While it is not the intent of the Commission to refute the fiscal impact by the one corporate casino entity which submitted \$75,000, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated the cost to be no more that \$6,500. These fiscal amounts are to purchase additional hardware and software for existing network infrastructure (Two-Factor authentication software).

12.02 – Annual Recurring Cost: \$0 - \$5,000

4 of 6 casino corporate entities submitted a fiscal amount of \$0. The remaining entities submitted annual recurring costs from \$0 to \$5,000.

13.01 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated \$45,000 of annual recurring cost. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

13.02 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated \$70,000 of annual recurring cost. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

14.01 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated \$25,000 of annual recurring cost. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

16.01 – One-Time Cost: \$25,000 - \$50,000.

4 of 6 corporate casino entities submitted fiscal amount from \$25,000 to \$50,000, with no annual recurring costs. The other 2 entities provided a fiscal amount of \$0, which in the opinion of the review is not accurate. These two entities will be required to comply with this MICS, all cost will be payable by the entity.

17.05 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at 31,250, in one-time costs, with no recurring costs to implement. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

17.06 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at 50,000, in one-time costs, and \$5,000 in recurring costs. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

17.07 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at 50,000, in one-time costs, and \$5,000 in recurring costs. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

17.10 – This rule will not cost a casino corporate entity more than \$500 in the aggregate. It shall be pointed out however, that one entity estimated the cost at 50,000, in one-time costs, and \$5,000 in recurring costs. While it is not the intent of the Commission to refute the fiscal impact by the one entity, the fiscal note remains minimal because 5 of the 6 casino corporate entities indicated no cost to implement.

FISCAL NOTE OVERVIEW

This fiscal note represents all data submitted to the MGC from each Missouri corporate casino entity. MICS, Ch. S, has been drafted to meet existing information technology industry standards, such as:

- 1) Gaming Laboratories International, Inc. (GLI) – 27, Gaming Industry Network Security Best Practices. Please note that GLI is the MGC licensed independent testing laboratory.
- 2) Payment Card Industry (PCI)
- 3) National Institute of Standards and Technology (NIST)

To alleviate the initial cost to comply with MICS, Ch. S, the MGC has allotted three years, from the date Ch. S is formally published by the Secretary of State, for the entities to budget, plan, develop, and implement any necessary changes.

IV. ASSUMPTIONS

All referenced quantitative data has been submitted to the Missouri Gaming Commission (MGC) by each Missouri licensee. Each Minimum Internal Control Standard (MICS), with an associated fiscal amount, has been independently referenced within the “WORKSHEET” section of this fiscal note. MICS not referenced are assumed to have zero fiscal impact for all entities, based on the information provided to the MGC.

Please note that each proposed MICS, Ch. S, applies to each entity differently. Factors such as the existing Slot Account and Casino Management System, number of Electronic Gaming Devices (EGDs) on the casino floor, and existing network architecture shall be considered and independently referenced.

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

PROPOSED RULE

11 CSR 45-9.121 Minimum Internal Control Standards (MICS)—Chapter U

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

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Minimum Internal Control Standards may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter U—Cashless, Promotional, and Bonusing Systems, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter U does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

AUTHORITY: section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. 2010. Original rule filed Oct. 22, 2010.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED RULE

11 CSR 45-9.122 Minimum Internal Control Standards (MICS)—Chapter V

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

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or

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

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter V—Server-Supported Game Systems, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter V does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

AUTHORITY: section 313.004, RSMo 2000 and sections 313.800 and 313.805, RSMo Supp. 2010. Original rule filed Oct. 22, 2010.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for January 5, 2011, at 10:00 a.m., 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 41—General Tax Provisions**

PROPOSED AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The department proposes to amend section (1).

PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2011 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2011.

(1) Pursuant to section 32.065, RSMo, the director of revenue, upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year, has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%

1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%
2010	3%
2011	3%

AUTHORITY: section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 22, 2010, effective Jan. 1, 2011, expires June 29, 2011. Amended: Filed Oct. 22, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. This proposed amendment will result in no change to the interest rate charged on delinquent taxes from that of 2010.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. This proposed amendment will result in no change in the interest rate charged on delinquent taxes from that of 2010. The actual number of affected taxpayers is unknown. See detailed fiscal note for further explanation.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, 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.

**FISCAL NOTE
 PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Counties	Because the 2011 interest rate imposed on delinquent taxes will be at the same rate imposed in 2010, the aggregate impact on public entities will be less than \$500.
Cities	
Special Taxing Districts	

III. WORKSHEET

The proposed amendment sets the rate of interest for 2011 at 3%, the same rate as 2010.

The future amount of past due taxes is unknown. Because the 2011 interest rate imposed on delinquent taxes will be the same rate imposed in 2010, there will be no additional fiscal impact for public entities.

	Current Rule – 3%	Proposed Amendment – 3%
Past due tax amount	\$100.00	\$100.00
Interest amount	3.00	3.00
Total Amount Due	\$103.00	\$103.00

IV. ASSUMPTIONS

Under Section 32.065, RSMo, the director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percentage.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by 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:
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	Because the 2011 interest rate imposed on delinquent taxes will be at the same rate imposed in 2010, the aggregate impact on private entities will be less than \$500.

III. WORKSHEET

The proposed amendment sets the rate of interest for 2011 at 3%, the same rate as 2010.

The future amount of past due taxes is unknown. Because the 2011 interest rate imposed on delinquent taxes will be the same rate imposed in 2010, there will be no additional cost to private entities.

	Current Rule – 3%	Proposed Amendment – 3%
Past due tax amount	\$100.00	\$100.00
Interest amount	3.00	3.00
Total Amount Due	\$103.00	\$103.00

IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percentage.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.030 Eligibility and Participation. The board is amending subsection (4)(B).

PURPOSE: This amendment clarifies service credit during military service.

(4) A participant shall be credited with hours of service for a calendar year in accordance with the following rules:

(B) Hours will be credited for military leave based on the participant's average hours paid during the last [six (6)] **twelve (12)** months worked prior to such leave;

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. Amended: Filed Dec. 9, 1997, effective June 30, 1998. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed April 26, 2001, effective Nov. 30, 2001. Amended: Filed June 4, 2010, effective Dec. 30, 2010. Amended: Filed Aug. 30, 2010.

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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 3—Creditable Service

PROPOSED AMENDMENT

16 CSR 50-3.010 Creditable Service. The board is amending section (1).

PURPOSE: This amendment clarifies the treatment of medical leave.

(1) General Rule. Creditable service means a participant's period of employment as an employee, including the participant's prior service, except as provided in section (2). In addition, absences for sickness and injury of less than twelve (12) months shall be counted as creditable service[, and any]. **For this purpose, a participant will be deemed to be absent for sickness and injury only to the extent certified by the county clerk on a form provided by the board or its designee to be on an approved leave of absence for medical reasons under the written policies of an employer.** Any periods of service in a uniformed service (as defined in section 414(u) of the *Internal Revenue Code* (Code)) shall be included in creditable service to the extent required by the Uniformed Services Employment and Reemployment Rights Act of 1994. A participant (other than a part-time or seasonal employee) shall receive credit for one-twelfth (1/12) of a year for each month in which the participant earns an hour of service. Elective or appointive county officials receive one (1) year of service for each year in office. A person may not earn more than one (1) year of creditable service in any plan year.

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct.

11, 1995, effective May 30, 1996. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Dec. 10, 2002, effective June 30, 2003. Amended: Filed Feb. 21, 2006, effective Sept. 30, 2006. Amended: Filed Dec. 22, 2008, effective July 30, 2009. Amended: Filed June 4, 2010, effective Dec. 30, 2010. Amended: Filed Aug. 30, 2010.

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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants

PROPOSED RULE

20 CSR 2150-7.010 Definitions

PURPOSE: This rule defines the terms used in Chapter 334, RSMo.

(1) The term "families" as used in section 334.747.1, RSMo, shall mean spouse, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nephew, nieces, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, and son-in-law. Adopted and step members are also included in this definition.

AUTHORITY: sections 334.125, 334.736, 334.738, and 334.743, RSMo 2000 and sections 334.735 and 334.747, RSMo Supp. 2010. Original rule filed Nov. 1, 2010.

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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants

PROPOSED AMENDMENT

20 CSR 2150-7.100 Applicants for Licensure. The board is proposing to delete section (4) and renumber the remaining sections accordingly.

PURPOSE: This amendment removes the requirement for physician assistants to provide their supervising physician's information prior to becoming licensed to be consistent with statute.

[(4)] Applicants shall, upon a form provided by the board, designate any and all physicians who will serve as their supervising physician. A change of physician supervision, for any reason, must be submitted to the board within fifteen (15) days of such occurrence.]

[(5)](4) Applicants shall have verification of passage of the certifying examination and active certification submitted to the board from the National Commission on Certification of Physician Assistants.

[(6)](5) Applicants are required to make application upon forms prepared by the board.

[(7)](6) No application will be considered unless fully and completely made out on the specified form and properly attested.

[(8)](7) Applicants shall attach to the application a recent unmounted photograph not larger than three and one-half inches by five inches (3 1/2" × 5").

[(9)](8) Applications shall be sent to the State Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102.

[(10)](9) Applicants shall submit the licensure application fee in the form of a cashier's check or money order drawn on or through a United States bank made payable to the State Board of Registration for the Healing Arts. Personal checks will not be accepted.

[(11)](10) Applicants shall have verification of licensure, registration, and/or certification submitted from every state and/or country in which the applicants have ever held privileges to practice. This verification must be submitted directly from the licensing agency and include the type of license, registration, or certification, the issue and expiration date, and information concerning any disciplinary or investigative actions.

[(12)](11) Applicants must submit a complete curriculum vitae from high school graduation to the date of application submission. This document shall include the name(s) and address(es) of all employers and supervisors, dates of employment, job title, and all professional and nonprofessional activities.

[(13)](12) When an applicant has filed an application and an appropriate fee, to be established by the board in conjunction with the director of the Division of Professional Registration for licensure and the application is denied by the board or subsequently withdrawn by the applicant, that fee will be retained by the board as a service charge.

[(14)](13) The board may require the applicant to make a personal appearance before the board and/or commission prior to rendering a final decision regarding licensure.

[(15)](14) An applicant may withdraw an application for licensure anytime prior to the board's vote on the applicant's candidacy for licensure.

AUTHORITY: sections 334.125, 334.738, 334.742, and 334.743, RSMo [Supp. 1999] 2000 and section 334.735, RSMo Supp. 2010. This rule originally filed as 4 CSR 150-7.100. Emergency rule

filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Moved to 20 CSR 2150-7.100, effective Aug. 28, 2006. Amended: Filed Nov. 1, 2010.

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 Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

PROPOSED AMENDMENT

20 CSR 2150-7.125 Late Registration and Reinstatement Applicants. The board is proposing to remove section (8) and renumber the remaining sections accordingly.

PURPOSE: This amendment removes the requirement for physician assistants to provide their supervising physician's information prior to becoming licensed to be consistent with statute.

[(8) All applicants shall, upon a form provided by the board, designate any and all physicians who will serve as their supervising physician.]

[(9)](8) Applicants whose license has been revoked, suspended, or inactive for more than two (2) years shall submit any other documentation requested by the board necessary to verify that the licensee is competent to practice and is knowledgeable of current medical techniques, procedures, and treatments, as evidenced by continuing education hours, reexamination, or other applicable documentation acceptable and approved by the board pursuant to the provisions of section 334.100.6, RSMo.

[(10)](9) The board may require an applicant to make a personal appearance before the board and/or commission prior to rendering a final decision regarding license renewal/reinstatement.

[(11)](10) An applicant may withdraw his/her application for license anytime prior to the board's vote on the applicant's candidacy for license renewal/reinstatement.

AUTHORITY: sections 334.125, 334.738, and 334.743, RSMo [Supp. 1999] 2000 and section 334.735, RSMo Supp. 2010. This rule originally filed as 4 CSR 150-7.125. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Moved to 20 CSR 2150-7.125, effective Aug.

28, 2006. Amended: Filed Nov. 1, 2010.

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 Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 7—Licensing of Physician Assistants

PROPOSED RULE

**20 CSR 2150-7.130 Applicants for Certificate of Controlled
Substance Prescriptive Authority**

PURPOSE: This rule sets forth the process for physician assistants to receive a certificate of controlled substance prescriptive authority.

(1) Applicants shall make application on a form prepared by the board.

(2) Applicants shall submit the application fee as stated in 20 CSR 2150-7.200.

(3) No application will be considered unless fully and completely made out on the specified form and properly attested. All application requirements must be met to the satisfaction of the board.

(4) Applications shall be sent to the State Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102.

(5) Applicants shall file with the board a supervision verification form, signed by their supervising physician, stating that the supervising physician has delegated the authority to prescribe Schedule III, IV, or V controlled substances to the physician assistant. The delegated authority to prescribe shall be consistent with each professional's education, knowledge, skill, and competence. Any limitations on the physician's or physician assistant's ability to prescribe shall be listed on the supervision verification form.

(6) Applicants shall provide an affidavit completed by their supervising physician documenting the completion of at least one hundred twenty (120) hours in a four (4)-month period by the physician assistant during which the physician assistant practiced with the supervising physician continuously present.

(7) Applicants shall fulfill the requirements of either subsection (A) or (B) below—

(A) Proof, in the form of educational transcripts, of a course or courses with—

1. Advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on

Education for the Physician Assistant or its predecessor; and

2. One (1) year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor agency; or

(B) Fulfilling both requirements from paragraphs 1. and 2. below—

1. Successful completion of an advanced pharmacology course which includes clinical training in the prescription of drugs, medicine, and therapeutic devices accredited by one (1) of the following—

A. Accreditation Review Commission on Education for Physician Assistants;

B. Liaison Committee on Medical Education sponsored by the Association of American Medical Colleges and the American Medical Association;

C. American Osteopathic Association's Commission on Osteopathic College Accreditation; or

D. Accreditation Council for Pharmacy Education; and

2. Proof, in the form of educational transcripts, certifications, or affidavits, of—

A. Completion of one (1) year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor agency, which includes pharmacotherapeutics as a component of clinical training; or

B. Completion of a minimum of three hundred (300)-clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices and proof of completion of a minimum of one (1) year of supervised clinical practice or supervised clinical rotations.

AUTHORITY: sections 334.125, 337.736, 334.738, and 334.743 RSMo 2000 and sections 334.735 and 334.747, RSMo Supp. 2010. Original rule filed Nov. 1, 2010.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four thousand eight hundred and two dollars (\$4,802) annually for the life of the rule. 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.

PRIVATE COST: This proposed rule will cost private entities approximately twenty-nine thousand seven hundred thirty-three dollars (\$29,733) annually for the life of the rule. 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 rule with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@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.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 7 - Licensing of Physician Assistants

Proposed Rule - 20 CSR 2150-7.130 Applicants for Certificate of Controlled Substance Prescriptive Authority

Prepared November 1, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
State Board of Registration for the Healing	\$4,802.00

**Total Annual Cost of Compliance
for the Life of the Rule \$4,802.00**

III. WORKSHEET

The Administrative Office Support Assistant reviews the application for completeness, prepares and sends follow-up email to applicant. The Executive Director approves the completed application. The Administrative Coordinator issues the license for each approved application.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF APPLICATIONS	TOTAL COST
Executive Director	\$76,283.04	\$113,577.82	\$54.60	\$0.91	3 minutes	\$2.73	567	\$1,548.04
Administrative Coordinator	\$37,968.00	\$56,530.56	\$27.18	\$0.45	1 minute	\$0.45	567	\$256.83
Administrative Office	\$28,596.00	\$42,576.58	\$20.47	\$0.34	20 minutes	\$6.82	567	\$388.92

Total Personal Services Cost \$2,193.80

Expense and Equipment Dollars

Item	Cost Per Item	Number of Items	Total
Application Printing	\$0.10	567	\$56.70
Application Envelope	\$2.00	567	\$1,134.00
Application Postage	\$2.50	567	\$1,417.50

**Total Expense and
Equipment \$2,608.20**

IV. ASSUMPTION

1. Figures are based on FY 09 actuals.
2. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 7 - Licensing of Physician Assistants
Proposed Rule - 20 CSR 2150-7.130 Applicants for Certificate of Controlled Substance Prescriptive Authority
 Prepared November 3, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
567	Applicants for Controlled Substance Prescriptive Authority (application fee @ \$50)	\$28,350
567	Applicants for Controlled Substance Prescriptive Authority (postage @ \$0.44)	\$249
567	Applicants for Controlled Substance Prescriptive Authority (notary @ \$2.00)	\$1,134
Estimated Annual Cost of Compliance for the Life of the Rule		\$29,733

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Figures are based on FY09 actuals.
2. The application fee reported in this fiscal note is the same application fee referenced in fiscal note for 20 CSR 2150-7.200 Applicants for Certificate of Controlled Substance Prescriptive Authority. The fiscal notes are being filed in accordance with the provisions of sections 536.200 and 536.205, RSMo. Applicants will only be required to pay the \$50.00 application fee as part of application process for obtaining a Controlled Substance Prescriptive Authority Certificate.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

PROPOSED AMENDMENT

20 CSR 2150-7.135 Physician Assistant Supervision Agreements.
The board is proposing to amend sections (2) and (4).

PURPOSE: This amendment requires a physician assistant to provide the board with their supervising physician's name and practice address(es) prior to commencing their practice.

(2) No physician assistant shall practice pursuant to the provisions of sections 334.735 through 334.748, RSMo, or to the provisions of this rule unless licensed and pursuant to a written physician assistant supervision agreement. **A physician assistant shall not practice until informing the board, in writing, of the supervising physician's name and practice address(es).**

AUTHORITY: section 334.735, RSMo Supp. [2008] 2010. This rule originally filed as 4 CSR 150-7.135. Original rule filed Jan. 3, 1997, effective July 30, 1997. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 1, 2010.

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 one dollar and thirty-two cents (\$1.32) biennially for the life of the rule. 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@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 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 7 - Licensing of Physician Assistants
Proposed Amendment - 20 CSR 2150-7.135 Physician Assistant Supervision Agreements
 Prepared November 1, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3	Physician Assistants seeking a Physician Assistant Supervision Agreement (postage @ \$0.44)	\$1.32
Estimated Biennial Cost of Compliance for the Life of the Rule		\$1.32

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY10 actuals.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**
**Division 2150—State Board of Registration for the
Healing Arts**
Chapter 7—Licensing of Physician Assistants

PROPOSED AMENDMENT

20 CSR 2150-7.136 Request for Waiver. The board is proposing to amend sections (7) and (10), add a new section (11), and renumber the remaining section accordingly.

PURPOSE: This amendment modifies the existing waiver requirements to comply with Senate Bill 296 (2009) of the 95th General Assembly.

(7) Once the advisory commission and the board approve a waiver for a physician-physician assistant team, the *[waiver will remain in effect for one (1) year from the date of issuance.]* **physician-physician assistant team shall only be required to seek a renewal of the waiver every five (5) years or when they move their primary location more than ten (10) miles from the location shown on the waiver application. If a waiver has been granted by the Board of Healing Arts to a physician-physician assistant team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no additional waiver shall be required, so long as the rural health clinic maintains its status as a rural health clinic under such federal act, and such physician assistant and supervising physician comply with federal supervision requirements.**

(10) The board may refuse to issue a waiver to a physician-physician assistant team if either applicant has previously violated the terms of a prior waiver granted pursuant to section 334.735.2, RSMo, or violated any section of Chapter 334, RSMo.

(11) Within thirty (30) days of the board's refusal to issue a waiver, the physician-physician assistant team may request a hearing before the board to contest the refusal to issue the waiver. After conducting this hearing, the board shall make a finding of fact to either uphold its prior refusal or to issue the waiver.

[(11)](12) The Board of Healing Arts may void a current waiver after conducting a hearing and upon a finding of fact that the physician-physician assistant team has failed to comply with the requirements of the waiver.

AUTHORITY: section 334.125, RSMo 2000 and section 334.735, RSMo Supp. [2008] 2010. Emergency rule filed Oct. 19, 2007, effective Oct. 29, 2007, expired April 25, 2008. Original rule filed Oct. 19, 2007, effective May 30, 2008. Amended: Filed April 3, 2009, effective Sept. 30, 2009. Amended: Filed Nov. 1, 2010.

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 Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**
**Division 2150—State Board of Registration for the
Healing Arts**
Chapter 7—Licensing of Physician Assistants

PROPOSED AMENDMENT

20 CSR 2150-7.137 Waiver Renewal. The board is proposing to amend section (8) and add a new subsection (10)(C).

PURPOSE: This amendment modifies the existing waiver renewal requirements to comply with Senate Bill 296 (2009) of the 95th General Assembly.

(8) Once the advisory commission and the board approve a request for renewal for a physician-physician assistant team, the *[waiver may be renewed for one (1) or three (3) years.]* **physician-physician assistant team shall only be required to seek a renewal of the waiver every five (5) years or when they move their primary location more than ten (10) miles from the location shown on the waiver application.**

(10) The Board of Healing Arts may refuse to renew a waiver for the following reasons:

(A) The applicants fail to continue to meet the eligibility requirements pursuant to section 334.735.2, RSMo./.;

(B) The applicants have previously failed to comply with the requirements of the prior waiver./.; and/or

(C) A member of the physician-physician assistant team has violated Chapter 334, RSMo.

AUTHORITY: section 334.125, RSMo 2000 and section 334.735, RSMo Supp. [2007] 2010. Original rule filed Oct. 19, 2007, effective May 30, 2008. Amended: Filed May 9, 2008, effective Dec. 30, 2008. Amended: Filed Nov. 1, 2010.

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 Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**
**Division 2150—State Board of Registration for the
Healing Arts**
Chapter 7—Licensing of Physician Assistants

PROPOSED AMENDMENT

20 CSR 2150-7.200 Fees. The board is proposing to add subsection (1)(H).

PURPOSE: This amendment adds a one (1)-time fee for a certificate of controlled substance prescriptive authority.

(1) The following fees are established by the Missouri State Board of Registration for the Healing Arts in conjunction with the director of the Division of Professional Registration:

**(H) Certificate of Controlled Substance
Prescriptive Authority Fee** **\$ 50.00**

AUTHORITY: sections 334.125, 334.736, 334.738, and 334.743, RSMo Supp. 2000 and section 334.735, RSMo Supp. 2010. This rule originally filed as 4 CSR 150-7.200. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed April 16, 1996, effective Nov. 30, 1996. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed April 30, 2002, effective Nov. 30, 2002. Moved to 20 CSR 2150-7.200, effective Aug. 28, 2006. Amended: Filed Nov. 1, 2010.

PUBLIC COST: This proposed amendment will increase revenue for state agencies or political subdivisions by approximately twenty-eight thousand three hundred fifty dollars (\$28,350) annually for the life of the rule. 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.

PRIVATE COST: This proposed amendment will cost private entities approximately twenty-eight thousand three hundred fifty dollars (\$28,350) annually for the life of the rule. 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@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.*

PUBLIC ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2150 - State Board of Registration for the Healing Arts****Chapter 7 - Licensing of Physician Assistants****Proposed Rule - 20 CSR 2150-7.200 Fees**

Prepared November 3, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Revenue	
State Board of Registration for the Healing Arts	\$28,350	
Total Estimated Annual Revenue For the Life of the Rule		\$28,350

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The total revenue is based on the cost reflected in the Private Entity Fiscal Note filed with this rule.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

REVISED PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 7 - Licensing of Physician Assistants
Proposed Rule - 20 CSR 2150-7.200 Fees
 Prepared November 3, 2010 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
567	Applicants for Controlled Substance Prescriptive Authority (application fee @ \$50)	\$28,350
Estimated Annual Cost of Compliance for the Life of the Rule		\$28,350

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Figures are based on FY09 actuals.
2. The application fee is also reported in the fiscal note accompanying the amendment to 20 CSR 2150-7.130 in accordance with the provisions of sections 536.200 and 536.205, RSMo. The Certificate of Controlled Substance Prescriptive Authority Application Fee is a one time fee submitted at the time the applicant submits the application for the initial Certificate of Controlled Substance Prescriptive Authority to the board office.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 334, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

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

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

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

3 CSR 10-6.505 Black Bass is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1400-1401). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

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

3 CSR 10-6.535 Trout is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1401). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.110 Use of Boats and Motors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1401-1402). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.115 Bullfrogs and Green Frogs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1402). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.125 Hunting and Trapping is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1402-1403). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.140 Fishing, Daily and Possession Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1403-1404). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.145 Fishing, Length Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1404). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.155 Fishing, Stone Mill Spring Branch is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1405). 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 2—Income Limitations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-2.010 Adjusted Gross Income is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 963). 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 2—Income Limitations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-2.100 Income Limitations is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 963-964). 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 3—Approved Mortgagor of Multiunit Housing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-3.010 Approved Mortgagor is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 964). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 3—Requirements for Qualification as an Approved Mortgagor of Multi-Family Rental Housing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-3.100 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 964). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 3—Requirements for Qualification as an Approved Mortgagor of Multi-Family Rental Housing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-3.200 Approved Mortgagor is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 964-965). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 4—Supervision of Mortgagors and Sponsors**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-4.010 Financial Reports and Limitations on Earnings is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 965). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 4—Supervision of Mortgagors**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-4.100 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 965-966). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 4—Supervision of Mortgagors**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-4.200 Rules and Limitations on Earnings, Dividends, and Other Distributions by Approved Mortgagors is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 966). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 4—Supervision of Mortgagors**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-4.300 Financial Reporting and Compliance Requirements for Approved Mortgagors **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 966-967). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-5.010 Definitions **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 967-968). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-5.020 Preparation of Application **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 968). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-5.030 Application and Notification Process **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 968). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-5.040 Issuance of the Tax Credit **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 968). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-5.050 Compliance Requirements **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 969). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 5—Affordable Housing Assistance Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-5.100 Introduction is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 969-970). 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 5—Affordable Housing Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-5.200 Application is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 970-971). 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 5—Affordable Housing Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-5.300 Approval and Reservation Process is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 971). 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 5—Affordable Housing Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-5.400 Issuance of the Tax Credit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 971-973). 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 5—Affordable Housing Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-5.500 Compliance Requirements and Recapture is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 973). 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 6—Missouri Low Income Housing Tax Credit**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 170-6.010 Criteria for Eligibility Statement is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2010 (35 MoReg 973). 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 6—Missouri Low Income Housing Tax Credit**

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-6.100 Criteria for Eligibility Statement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 973-975). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 170—Missouri Housing Development Commission
Chapter 6—Missouri Low Income Housing Tax Credit

ORDER OF RULEMAKING

By the authority vested in the Missouri Housing Development Commission under section 215.030, RSMo 2000, the commission adopts a rule as follows:

4 CSR 170-6.200 Additional Missouri Low Income Housing Tax Credit Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2010 (35 MoReg 975). 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 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under section 630.050, RSMo Supp. 2010 and sections 630.655 and 632.050, RSMo 2000, the director amends a rule as follows:

9 CSR 30-4.045 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2010 (35 MoReg 1022). The section with changes is reprinted here. This proposed amendment becomes effective on **February 24, 2011**.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed amendment.

COMMENT #1: Andy Greening of Preferred Family Healthcare forwarded a comment stating that the rule includes language indicating that the intensive level of treatment is time-limited and should be removed.

RESPONSE AND EXPLANATION OF CHANGE: The staff agrees with the comment and section (1) is changed accordingly.

COMMENT #2: Virginia Selleck of the Department of Mental Health also recommended that the proposed amendment language regarding time limitation should be changed/qualified by the phrase

“according to the needs of service recipients” to better describe the level of support.

RESPONSE AND EXPLANATION OF CHANGE: The staff agrees with the comment and section (1) reflects the change.

9 CSR 30-4.045 Intensive Community Psychiatric Rehabilitation

(1) Intensive Community Psychiatric Rehabilitation (CPR). A level of support designed to help consumers who are experiencing a severe and significant psychiatric condition, alleviating or eliminating the need to admit them into a psychiatric inpatient setting. It is a comprehensive community-based service, according to the needs of service recipients, delivered to consumers who are exhibiting symptoms that interfere with individual/family life in a highly disabling manner.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 140—Division of Energy
Chapter 8—Certification of Renewable Energy and Renewable Energy Standard Compliance Account

ORDER OF RULEMAKING

Pursuant to sections 393.1025(5) and 393.1030.4, RSMo Supp. 2010, the Department of Natural Resources adopts a rule as follows:

10 CSR 140-8.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 15, 2010 (35 MoReg 1022-1028). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held on this proposed rule, and the public comment period ended August 14, 2010. The Department of Natural Resources (department) received five (5) written comments.

COMMENT #1: Kansas City Power & Light and KCP&L Greater Missouri Operations (KCP&L Companies)

Question 1: Mr. Brad Lutz with KCP&L Companies asked whether new sources of renewable energy, included in SB 795 passed by the Missouri General Assembly and signed by the governor on July 9, 2010, should be included in the definition of renewable energy sources defined in subsection (2)(A) of the proposed rule.

RESPONSE: The department is unable to incorporate changes resulting from new legislation before the legislation takes effect. The proposed rule was filed July 15, 2010; the effective date of SB 795 was August 28, 2010. Because SB 795 was not in effect when this rule was proposed, the department is unable to include the new renewable energy sources approved by the General Assembly in SB 795. Those changes will need to be addressed in a separate proposed rulemaking subsequent to this one.

Question 2: Mr. Lutz suggested that the department publish a complete listing “of all certified renewable sources” in the *Missouri Register* instead of just new types of renewable energy sources certified by the department that become available after November 4, 2008.

RESPONSE: Section 393.1025(5), RSMo, requires that only new sources of energy that become available after November 4, 2008, are to be certified by the department by rule. Therefore, only new sources of renewable energy will be listed in the *Missouri Register*.

Question 3: Mr. Lutz requested that part (4)(C)4.B.(I), which concerns an electric utility’s failure to file its *Annual RES Compliance*

Report with the department, be deleted.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will delete part (4)(C)4.B.(I) and renumber the remaining parts. Electric utilities will still be required to provide the department a copy of the PSC Compliance Report pursuant to commission rule 4 CSR 240-20.100(7); however, the commission has adequate enforcement remedies that it can pursue for failure to file the *Annual RES Compliance Report*.

Question 4: Mr. Lutz stated support for Missouri Energy Development Association's (MEDA's) comments (shown later) that subsection (4)(A) of the proposed rule allow grandfathering of renewable electrical generation facilities that were licensed and operational prior to January 1, 2011, as meeting certification pursuant to this section of the rule. Additionally, both Mr. Lutz and MEDA suggest that "small scale wind and solar from residential, commercial, and industrial operations" be exempted from certification requirements "as the utilities are already monitoring these installations . . ."

RESPONSE: The department cannot mitigate the plain language of the statute, which provides for the department to "establish . . . a certification process for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section" (referring to the renewable energy portfolio requirements). Proposition C did not exempt any facilities from the department's certification process, and the department cannot shirk the obligations placed upon it by the voters of the state. There is no provision for grandfathering existing generating facilities, and the department is aware of no other alternative by which it can certify the "electricity generated" from facilities that are not certified under these rules, and no means for a utility to "use" electricity generated at non-certified facilities to meet the portfolio requirements. While the utilities' concerns are understandable, the department does not find any alternative to certifying existing facilities, and does not desire to expose the utilities to being prevented from counting production from these facilities toward their RES portfolio requirements. The same rationale applies to the utilities' suggestion that small scale wind and solar operations be exempted from certification. The statute does not grant the department the authority to exempt facilities from certification, and the department does not find an alternative method to certify the "electricity generated" from small scale facilities in a manner that would allow the utilities to count the electricity generated by small scale wind and solar facilities toward their portfolio requirements.

Question 5: Mr. Lutz commented that rule language in part (4)(C)4.A.(III) should define best practices and undue impacts.

RESPONSE: The enacting legislation is silent on how the department is to establish these criteria. The department has consulted with various state agencies in an attempt to quantify these matters. The department has determined that there are various federal regulations (e.g., U.S. Department of Agriculture and Environmental Protection Agency, etc.) and state programs (e.g., Missouri Departments of Agriculture and Conservation) that restrict agricultural and forestry land uses when receiving federal or state funds. These restrictions require that certain land management actions occur to receive funding. Additionally, the department's Division of Environmental Quality (DEQ) has programs that regulate how air, land, and water resources are impacted by development. These programs could potentially come into play if air, water, and land resources were adversely impacted by the installation of renewable electric generation facilities. The department will rely on all of these resources when it makes its determination of rule compliance.

COMMENT #2: Missouri Energy Development Association (MEDA)

Question 1: Mr. Warren T. Wood with MEDA suggests that the phrase "used to generate electricity" be inserted after the phrase "solar thermal sources" in paragraph (2)(A)2.

RESPONSE: This would be duplicative as subsection (2)(A) states that electricity must be generated from the following types of renewable energy sources and then lists solar thermal sources as one of those types.

Question 2: Mr. Wood stated that the SB 795's new renewable energy resources (methane from agricultural operations and energy from thermal polymerization and/or pyrolysis utilizing waste materials) should be included in the list of eligible renewable energy resources in the rule.

RESPONSE: See the department's response to KCP&L Companies' Comment #1, Question 1 above.

Question 3: Mr. Wood proposes that a sixty (60)-day maximum time frame for the department to review applications for certification should be added to section (4).

RESPONSE: The enacting legislation does not include this provision. Therefore, although the department intends to process applications as quickly as possible, it will not include a deadline for processing applications in the proposed rule.

Question 4: Mr. Wood stated that applicants that are not investor owned utilities should be exempt from filing an *Annual RES Compliance Report* under part (4)(C)3.D.(III).

RESPONSE: The rule language specifically states that only electric utilities, as defined in subsection (1)(C), are required to timely file the *Annual RES Compliance Report*.

Question 5: Mr. Wood requests that part (4)(C)4.B.(I) be deleted.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will delete the reference to failure to file report as a basis for decertifying a facility in part (4)(C)4.B.(I) and renumber the remaining parts, as previously stated in Comment #1, Question 3.

Question 6: Mr. Wood suggested that the phrase "and energy efficiency" be deleted from the last sentence of subsection (5)(B).

RESPONSE: The proposed rule contains the exact language from section 393.1030(2), RSMo, and will remain unchanged.

COMMENT #3: AmerenUE

Question 1: Mr. Thomas M. Byrne with AmerenUE raised the issue of clarifying paragraph (2)(A)2. in regard to the requirement for solar thermal sources to generate electricity.

RESPONSE: This would be duplicative as subsection (2)(A) requires the generation of electricity for renewable energy resources to qualify as *Eligible Renewable Energy Resources* listed under paragraphs (2)(A)1.-9.

Question 2: Mr. Byrne stated that the inclusion of the word "may" in the last sentence of paragraph (2)(A)8. implies the possibility that hydropower improvements would not qualify as renewable energy resources.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the eligibility of hydropower improvements should not be qualified with the word "may" and will delete the word "may" from the last sentence of paragraph (2)(A)8.

Question 3: Mr. Byrne also submitted comments on two (2) main issues contained in section (4) Certification of Renewable Energy Generation Facilities and Environmental Impact. The first comment concerned the need for electric generation facilities that have an inservice date prior to the passage of initiative petition Proposition C on November 4, 2008, to be certified under the proposed rule. AmerenUE believes these facilities should be "grandfathered in." The second comment concerned the requirement for "small facilities, under 100 kilowatts" to meet certification requirements the same as electric utilities.

RESPONSE: See the department's response to Mr. Lutz in Comment # 1, Question 4 above.

Question 4: Mr. Byrne would like the department to set a deadline under which it must either approve a certification application, under section (4), within sixty (60) days or have the application be deemed approved.

RESPONSE: The enacting legislation does not include this provision. Therefore, although the department intends to process applications as quickly as possible, it will not include a deadline for processing applications in the proposed rule.

Question 5: Mr. Byrne stated that part (4)(C)4.B.(I) should be clarified to show that the *Annual RES Compliance Report* applies only to electric utilities.

RESPONSE AND EXPLANATION OF CHANGE: See the department's responses to Comment #1, Question 3 and Comment #2, Question 5 in which the department agreed to delete part (4)(C)4.B.(I) and renumber the remaining parts.

Question 6: Mr. Byrne stated that part (4)(C)3.D.(III) needs clarification to show that the filing of the *Annual RES Compliance Report* is applicable to only electric utilities.

RESPONSE: The rule language specifically states that only electric utilities, as defined in subsection (1)(C), are required to timely file the *Annual RES Compliance Report*.

COMMENT #4: Missouri Forest Resources Advisory Council (MoFRAC)

Question 1: Mr. Scott Brundage with MoFRAC questions why the proposed rule does not specify how a renewable energy resource, defined in section 393.1025(5), RSMo, meets the criteria of being renewable. Mr. Brundage then gave an example about a hydropower facility that goes dry.

RESPONSE: By definition, any energy source defined in section 393.1025(5), RSMo, is a renewable resource. The statute does not provide that any renewable criteria must be met. Mere inclusion in the definition under section 393.1025(5), RSMo, is sufficient to classify the energy source as a renewable energy resource. A hydropower facility is a renewable resource by definition, regardless of its water supply level.

Question 2: Mr. Brundage questioned if the proposed rule, part (2)(A)6.A.(I), requires sustainable forestry harvesting practices, as it appears to require for agriculture in paragraph (2)(A)3. of the proposed rule.

RESPONSE: Paragraph (2)(A)3. of the proposed rule applies to both herbaceous and non-herbaceous crops as it regards their harvesting in a sustainable manner. This includes forest products.

Question 3: Mr. Brundage also commented on the lack of federal and state regulations regarding wood harvesting and that the state's forestry best management practice guidelines are voluntary and, thus, not enforceable. Additionally, the department does not define undue adverse air, water, or land impacts.

RESPONSE: The department reiterates its position as previously stated in the department's response to Mr. Lutz of KCP&L Companies Comment #1, Question 5.

Question 4: Mr. Brundage raised concerns about the harvesting of woody biomass and the length of time it takes harvesting to become carbon neutral.

RESPONSE: The enacting legislation does not require that the harvesting of renewable energy resources be carbon neutral. The department cannot prohibit the gathering of forest feedstocks for use as a renewable energy resource because it is clearly authorized under section 393.1025(5), RSMo.

Question 5: Mr. Brundage is critical of the proposed rule regarding what he believes to be excessive use of "self-verification" by the electrical generating facility for certification purposes and states that the

Missouri Department of Conservation should act as a third-party evaluator for forest-related harvesting activities.

RESPONSE: The requirement that a Missouri professional forester review woody biomass electric generating facilities' feedstock acquisition methods is an adequate verification criterion.

Question 6: Finally, Mr. Brundage questions if the proposed rule allows for adequate challenges to the department's certification of a generating facility.

RESPONSE: Paragraph (4)(C)6. of the proposed rule allows the public to challenge any certification approved by the department. All applications and supporting documents, as well as the department's decisions to certify, refuse to certify, or decertify facilities, shall be public records, if they do not come within an exception to the Open Records/Sunshine Law. The department will consider challenges to the certification of a facility or requests for decertification within the scope of its authority under the statute.

COMMENT #5: Renew Missouri

Question 1: Mr. Henry B. Robertson with Renew Missouri would like the department to add the definition of "renewable" to the rule to define that it is naturally recurring or regenerated over a short time scale and is not used at a rate faster than the rate of regeneration.

RESPONSE: The department cannot redefine or modify what is already defined by statute. Inclusion in the definition of "renewable energy resources" under section 393.1025(5), RSMo, is sufficient to classify the energy source as "renewable."

Question 2: Mr. Robertson seeks to clarify the definition of hydropower by striking four (4) words, "of the incremental capacity," from the last sentence of paragraph (2)(A)8.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this suggestion to strike the four (4) words "of the incremental capacity" in the last sentence of this paragraph.

Question 3: Mr. Robertson stated that "dead and downed forest products" is unnecessary and inappropriately broadens the definition of forest-related resources in part (2)(A)6.A.(I).

RESPONSE: The department included these items to clarify the totality of what are considered forest-related resources and they will remain in the rule.

Question 4: Mr. Robertson made several comments about the "Certification of Renewable Energy Generation Facilities and Environmental Impact" in section (4). Concerns centered around whether or not a generation facility actually has to file an application for certification; whether the test should be "has not caused" vs. "shall not cause" undue adverse environmental impacts; whether the rule should state "will obtain and/or maintain" vs. "has obtained and will maintain all applicable environmental permits"; lack of a specific time line for processing certification applications (suggested thirty (30) days to review); lack of an appeal process in case of certification denial; lack of a public complaint procedure; and lack of a requirement for certified facilities to report fuel switching.

RESPONSE AND EXPLANATION OF CHANGE: Renewable energy credits (RECs) can only be generated from a facility that has been certified. If a generating facility does not submit an application, then any RECs that would be generated from that facility will not be allowed to be used by the electric utilities to meet the RES portfolio standard. No change to the rule will be made. The department agrees that future potential undue adverse environmental impacts are to be considered instead of just past adverse impacts, and paragraph (4)(C)2. will be revised to reflect this. The proposed language regarding obtaining and maintaining licensing permits is clear and will not be changed. The statute does not set a time line for the department to review certification applications, and the department will not establish one by rule. The department's Division of Energy does not have a "commission" as found in other department programs, and the statute

does not provide guidance on appealing a Division of Energy application decision, and it would be beyond the scope of the department's authority to provide it, so there will be no change to the rule. An approved certification is only for the specific fuel type submitted in the application and a change in the source of fuel would not be permitted under the certificate. Fuel changes would require submission of a new application, so no change to the rule will be made.

Question 5: Mr. Robertson offered several suggestions related to biomass harvesting. These suggestions consisted primarily of sustainable harvesting guidelines (similar to Mr. Brundage's comments, see Comment #4), third-party certification by a Missouri Master Logger, best practices guidelines, and a suggestion to use Delaware standards.

RESPONSE: These concerns have been addressed in Comment #4, Question 2 above.

Question 6: Mr. Robertson suggested that the words "administration of" be struck from the last sentence in subsection (5)(B).

RESPONSE AND EXPLANATION OF CHANGE: The department will remove "administration of" from the proposed rule.

Question 7: Mr. Robertson pointed out an incorrect statutory reference in part (4)(C)3.D.(V).

RESPONSE AND EXPLANATION OF CHANGE: That correction will be made to reflect that the correct statutory reference in the rule should be section 640.155, RSMo, and not section 641.155, RSMo.

10 CSR 140-8.010 Certification of Renewable Energy and Renewable Energy Standard Compliance Account

(2) Eligible Renewable Energy Resources.

(A) Eligible Renewable Energy Resources. The electricity must be derived from one (1) of the following types of renewable energy resources or technologies, as defined in section 393.1025(5), RSMo:

1. Wind;
2. Solar thermal sources or solar photovoltaic cells and panels;
3. Dedicated crops grown for energy production—herbaceous and woody crops that are harvested specifically for energy production in a sustainable manner;
4. Cellulosic agricultural residues—organic matter remaining after the harvesting and processing of agricultural crops. They include—

A. Field residues, which are organic materials left on agricultural lands after the crops have been harvested, such as stalks, stubble, leaves, and seed pods; and

B. Process residues, which are organic materials left after the crops have been processed into a usable resource, such as husks, seeds, and roots;

5. Plant residues—the residues of plants that would be converted into energy, that otherwise would be waste material;

6. Clean and untreated wood—non-hazardous wood 1) that has not been chemically treated with chemical preservatives such as creosote, pentachlorophenol, or chromated copper arsenate; and 2) that does not contain resins, glues, laminates, paints, preservatives, or other treatments that would combust or off-gas, or mixed with any other material that would burn, melt, or create other residue aside from wood ash.

A. Eligible clean and untreated wood may include, but is not necessarily limited to, the following sources:

(I) Forest-related resources, such as pre-commercial thinning waste, slash (tree tops, branches, bark, or other residue left on the ground after logging or other forestry operations), brush, shrubs, stumps, lumber ends, trimmings, yard waste, dead and downed forest products, and small diameter forest thinning (twelve inches (12") in diameter or less);

(II) Non-chemically treated wood and paper manufacturing waste, such as bark, trim slabs, scrap, shavings, sawdust, sander dust, and pulverized scraps;

(III) Vegetation waste, such as landscape waste or right-of-way trimmings;

(IV) Wood chips, pellets, or briquettes derived from non-toxic and unadulterated wood wastes or woody energy crops;

(V) Municipal solid waste, construction and demolition waste, urban wood waste, and other similar sources only if wood wastes are segregated from other solid wastes or inorganic wastes; and

(VI) Other miscellaneous waste, such as waste pellets, pallets, crates, dunnage, scrap wood, tree debris left after a natural catastrophe, and recycled paper fibers that are no longer suitable for recycled paper production.

B. Ineligible clean and untreated wood may include, but is not necessarily limited to, the following sources:

(I) Post-consumer wastepaper;

(II) Wood from old growth forests (one hundred fifty (150) years old or older); and

(III) Unsegregated solid waste;

7. Methane from landfills or from wastewater treatment. Wastewater treatment is defined as physical, chemical, biological, and mechanical procedures applied to an industrial or municipal discharge or to any other sources of contaminated water to remove, reduce, or neutralize contaminants;

8. Hydropower, not including pumped storage, that does not require a new diversion or impoundment of water and that each generator has a nameplate rating of ten megawatts (10 MW) or less. If an improvement to an existing hydropower facility does not require a new diversion or impoundment of water and incrementally increases the nameplate rating of each generator, up to ten megawatts (10 MW) per generator, the improvement qualifies as an eligible renewable energy resource;

9. Fuel cells using hydrogen produced by one (1) of the above-named renewable energy resources. RECs based on generating electricity in fuel cells from hydrogen derived from an eligible energy resource are eligible for compliance purposes only to the extent that the energy used to generate the hydrogen did not create RECs; or

10. Other sources of energy, not including nuclear, that may become available after November 4, 2008, and are certified as eligible renewable energy resources as provided in section (3) of this rule.

(4) Certification of Renewable Energy Generation Facilities and Environmental Impact.

(C) Certification Review Process.

1. Certification reviews will be conducted by the department for renewable energy generation facilities upon application.

2. The certification review shall consider the eligibility of energy sources used by the facility to generate electricity. A determination will be made by the department as to whether the generation has caused or will cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks.

3. The certification review process may be initiated by an electric utility or by a facility by submitting an application for certification to the department. The department shall consider all such applications for certification and shall conduct a certification review process in response to all properly completed petitions. An application for certification must include:

A. A detailed technical description of energy sources, including fuel type, technology, and expected operating specifications, used by the facility to generate electricity and their conformity with the eligible renewable energy resources listed in section (2) and additional renewable energy resources certified by the department pursuant to section (3);

B. If any amount of fossil fuel is used in the generation process, a description of agreements or systems in place that assure sufficient data will be available to determine the portion of electrical output attributable to only the renewable energy resource;

C. An assessment of the facility's air, water, or land use

impacts, including impacts associated with the gathering of generation feedstocks. An assessment shall include, but is not limited to, demonstrating compliance with permits and agricultural and forestry best management practices, such as the "Missouri Woody Biomass Harvesting—Best Management Practices Manual" guidelines published by the Missouri Department of Conservation, found online at: <http://mdc4.mdc.mo.gov/Documents/18043.pdf>, if applicable, and verification of compliance from a Missouri professional forester, if applicable. This assessment shall also include information concerning any applications for approvals or permits, or reviews or investigations by governmental entities with regard to environmental impacts;

D. The application for certification shall also state the following:

(I) That the electric utility or facility will obtain and/or maintain all applicable environmental permits required by the department;

(II) That the facility is and will remain in substantial compliance with all federal and state air, water, and land environmental laws, regulations, and rules, and that the applicant will report to the department any instance in which the applicant or any member of its board of directors or principals is determined by any administrative agency or any court in connection with any judicial proceeding to be in noncompliance with any federal or state air, water, and land environmental laws, regulations, and rules, such report to be submitted within ten (10) working days following such determination;

(III) That the electric utility applicant will timely file its *Annual RES Compliance Report* with the commission pursuant to section 393.1030.2(3), RSMo;

(IV) That the utility will submit additional information that the department may require for its review of the facility's energy sources and environmental impact with appropriate provision for confidentiality of sensitive information; i.e., protection of energy information pursuant to section 640.155, RSMo;

(V) That contracts for the acquisition of renewable energy resources shall provide for release of information to the department with appropriate provision for confidential treatment of any sensitive information, such as pursuant to section 640.155, RSMo; and

(VI) To grant or obtain for the department access to facility sites and records for the purpose of verifying statements made in the petition; and

E. A statement signed by a designated official of the electric utility or renewable energy generation facility attesting that "I have personally examined the information submitted herein by [name of electric utility or renewable energy generation facility], I attest that this information is accurate and complete and that I am authorized to make this statement on behalf of [name of utility or facility]."

4. On completion of its review, the department shall certify the facility if all requirements herein have been met. The department may deny certifying the facility if those requirements are not met or for reasons stated in subparagraph (4)(C)4.A. The department may revoke certification as provided in subparagraph (4)(C)4.B.

A. The department may deny certification if the application is deficient or if the department finds—

(I) That the energy sources and technologies used to generate electricity are not eligible renewable energy resources as set forth in section (2) or additional renewable energy resources certified by the department pursuant to section (3); or

(II) That the facility has significant and unresolved violations of existing federal or state air, water, or land environmental regulations; or

(III) That the facility has not adhered to forestry or agricultural best management practices consequently resulting in undue adverse air, water, or land use impacts, and that agreement cannot be reached on actions that the utility or generation facility will undertake that are sufficient to offset or mitigate the adverse impacts.

B. Any of the following actions may result in revocation of certification as an eligible renewable energy generation facility:

(I) Falsification of or failure to disclose any required information in the application for certification;

(II) Failure to remain in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment;

(III) A significant increase in adverse environmental impacts resulting from electric generation at the renewable energy generation facility;

(IV) Failure to disclose information on a confidential basis that is essential for verifying the facility's compliance with requirements for certification as an eligible renewable generation facility;

(V) Re-marketing or reselling of REC(s) after it has been sold to an electric utility; or

(VI) Failure to obtain and/or maintain all applicable environmental permits required by the department.

5. A renewable energy generation facility which is denied certification or whose certification is revoked by the department shall not be eligible for use to meet the Renewable Energy Standard requirements in section 393.1030, RSMo, until such time as the facility has been certified or recertified by the department.

6. The public may file a complaint asking the department to conduct a revocation review of a certified renewable energy generation facility. The complaint must list alleged violation(s) by the facility, the facility's name, date of violation(s), types of violation(s), and the address of the facility.

(5) Renewable Energy Standard Compliance Account.

(B) Funds remitted to the department as a result of utilities' failure to comply with the Renewable Energy Standard as provided in subsection 393.1030.2.(2), RSMo, shall be deposited into the compliance account and shall be used to purchase a sufficient number of renewable energy credits to offset the deficit in RECs. Funds deposited in the compliance account in excess of the funds required for the purchase of RECs to offset the deficit in RECs shall be used by the department solely for renewable energy and energy efficiency projects.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 1—Organization and Administration

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2010, the commission amends a rule as follows:

11 CSR 45-1.010 Organization and Administration is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1095-1096). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 8, 2010, and the public comment period ended on September 1, 2010. No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2010, the commission adopts a rule as follows:

11 CSR 45-9.113 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1096-1097). Changes have been made to the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter M, and those changes are explained in the comments below. Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on September 8, 2010, and the public comment period ended on September 1, 2010. Written comments were received from the Missouri Gaming Association (MGA).

COMMENT #1: MGA requested a change to MICS, Chapter M, section 4.04 to allow for the supervisor on duty to also be able to review surveillance footage.

RESPONSE: MGC does not want front-line supervisors reviewing surveillance recordings. This review should be limited to management personnel. A casino shift manager on duty can review coverage when department managers are not present. No change will be made to the rule.

COMMENT #2: MGA requested a change to MICS, Chapter M, section 5.01(C)(10) to remove the requirement for surveillance personnel to log in and log out on the Surveillance Shift Log each time when entering and exiting the surveillance room.

RESPONSE AND EXPLANATION OF CHANGE: This requirement is further clarifying 11 CSR 45-7.070. The commission will revise MICS, Chapter M, section 5.01(C)(10) to exclude logging of surveillance and MGC personnel entering and exiting the surveillance room except for surveillance personnel at the beginning and ending of their shift which is now required by section 5.01(C)(11).

11 CSR 45-9.113 Minimum Internal Control Standards—Chapter M

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter M—Surveillance, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter M does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2010, the commission adopts a rule as follows:

11 CSR 45-9.114 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1098). Changes have been made to the *Minimum Internal*

Control Standards (MICS) as incorporated by reference in Chapter N, and those changes are explained in the comments below. Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on September 8, 2010, and the public comment period ended on September 1, 2010. Written comments were received from the Missouri Gaming Association (MGA).

COMMENT #1: MGA requested an additional phrase be added at the beginning of MICS, Chapter N, section 4.04 to read—"Using a method detailed in their internal controls . . ." MGA believes adding this new phrase will allow each licensee to detail in their internal controls how they intend to comply with this requirement.

RESPONSE AND EXPLANATION OF CHANGE: MGC will reword the section as requested.

COMMENT #2: MGA noted some of the same information as submitted by licensees in the Emergency Action Plan appears to also be required in MICS, Chapter N, section 5.01. MGA questions why it is necessary to restate information in the internal controls if it can be found in the Emergency Action Plan.

RESPONSE: MICS, Chapter N, section 5.01 requires the procedures for the role security plays in the activities and events listed in MICS, Chapter N, section 5.01 to secure public safety and to protect assets. No changes will be made as a result of this comment.

11 CSR 45-9.114 Minimum Internal Control Standards—Chapter N

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter N—Security, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter N does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2010, the commission adopts a rule as follows:

11 CSR 45-9.118 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1098-1099). Changes have been made to the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter R, and those changes are explained in the comment below. Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on September 8, 2010, and the public comment period ended on September 1, 2010. One (1) staff comment was received.

COMMENT: A staff member suggested a revision to Minimum Internal Control Standards (MICS), Chapter R, section 7.01(FF)7) to remove the requirement to have a surveillance agent sign each log entry.

RESPONSE AND EXPLANATION OF CHANGE: A variance, currently in effect, allows the name and Missouri Gaming Commission (MGC) license number of the surveillance agent in place of the signature of the surveillance agent. MICS, Chapter R, section 7.01(FF)7) will be revised to reflect the change allowed by the variance.

11 CSR 45-9.118 Minimum Internal Control Standards—Chapter R

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter R—Forms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter R does not incorporate any subsequent amendments or additions as adopted by the commission on September 29, 2010.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, 208.201, and 208.471, RSMo Supp. 2010, the division amends a rule as follows:

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1108-1110). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.201 and 208.453, RSMo Supp. 2010 and section 208.455, RSMo 2000, the division amends a rule as follows:

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

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1111-1113). 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—19 DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 1—Controlled Substances**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 195.017 and 195.417, RSMo Supp. 2010, and sections 195.030, 195.050, and 195.195, RSMo 2000, the department amends a rule as follows:

19 CSR 30-1.074 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1116-1123). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received one (1) letter from the National Association of Chain Drug Stores that contained four (4) comments on the proposed amendment.

COMMENT #1: The definition "valid photo identification" in subsection (1)(C) should be amended to match the federal definition in federal regulation 8 CFR 274a.2(b)(1)(v)(A) and (B), as long as the identification includes the purchaser's date of birth.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended the definition in subsection (1)(C) to match the federal definition.

COMMENT #2: There is a drafting error in paragraph (3)(L)1. where it refers to an exception to the quantity and age restrictions for sales in subsection (3)(D). The correct reference appears to be paragraph (3)(L)4. which allows a dispenser to override a stop sales alert in situations where the dispenser perceives imminent physical harm if he or she does not complete the sale.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended paragraph (3)(L)1. accordingly.

COMMENT #3: The language regarding the sales of methamphetamine precursor products to minors in paragraphs (3)(L)1. and 2. is duplicative.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has deleted the duplicative language in paragraph (3)(L)2.

COMMENT #4: The logbook requirements under subsections (3)(H), (J), (K), and (L) regarding documentation of alterations, changes, deletions, or records of sales when the system is down should be allowed to be maintained electronically or in a bound logbook.

RESPONSE: The department respectfully disagrees with this change. Discussions with law enforcement and regulatory representatives on the system's bid evaluation committee expressed concerns that a common and major source of drug diversion in pharmacies is from staff altering and deleting records in a computer. Sometimes these alterations occur without the supervision of a pharmacist. The rule requires a separate logbook where alterations can be noticed without an investigation into the pharmacy computer's access and software history. The rule also requires a pharmacist to review the logbook to note alterations. The logbook can also be verified against the system access and entries that have been recorded by the database provider.

19 CSR 30-1.074 Dispensing Without a Prescription

(1) Definitions. For the purposes of this rule, the following terms shall apply:

(C) “Valid photo identification” means a photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and showing the date of birth of the person, including forms of identification acceptable under federal regulations 8 CFR 274a.2(b)(1)(v)(A) and (B).

(3) Methamphetamine precursor products may be sold, dispensed, distributed, or otherwise provided only as follows:

(L) Denials of Sales and Dispensings.

1. Except as provided in subsection (D) of this section, if an individual attempts to purchase a methamphetamine precursor product in violation of the three and six-tenths (3.6) gram per day or nine (9) gram per month quantity restrictions or age restriction established by sections 195.017 and 195.417, RSMo, the dispenser shall refuse to make the sale. The purchaser must be at least eighteen (18) years of age.

2. Sales of methamphetamine precursor products shall be denied to purchasers who are not able to produce a valid government issued identification card with the required information displayed on it.

3. In the event that the dispenser perceives that refusal of the purchase may place him or her in imminent physical harm, then the dispenser may use the database safety override function to proceed with the transaction, provided that—

A. When jeopardy is no longer perceived, the dispenser shall immediately contact local law enforcement to report the purchase; and

B. The dispenser shall document in their manual log, the circumstance, the individual contacted at the local law enforcement agency, and the date and time of that contact;