

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.135 Transportation. The commission proposes to amend section (1), add new sections (2) and (3), add new subsections (2)(A)-(2)(H) and (3)(A)-(3)(I), renumber subsequent sections, and amend new section (4) and the authority section of this rule.

PURPOSE: This amendment limits transportation of cervid carcasses into and within the state, provides provisions for transporting cervid carcasses to processors and taxidermists, and moves the requirement for processors and taxidermists to discard cervid tissue in a properly permitted landfill to another rule. This amendment also includes the addition of an allowance to transport elk hides and corrects an inaccurate reference in the authority section of the rule.

(1) Wildlife legally taken by sport hunting and fishing may be possessed and transported into, within, or out of this state as personal baggage of the taker, who has in his/her possession the required permit, or by other lawful possessor. Except for *[deer]* cervids and turkeys taken in Missouri, persons possessing wildlife taken by another shall plainly label that wildlife with the full name, address, and permit number of the taker and the date taken, except that Missouri limits shall apply on Missouri waters unless otherwise provided by reciprocal agreement. ***[Deer]* Except as otherwise provided in this rule, cervids and turkeys reported in accordance with established procedures, when labeled with the full name, address, date taken, and Telecheck confirmation number of the taker, may be possessed, transported, and stored by anyone. *[Wildlife legally taken and exported from another state or country may also be shipped into Missouri by common carrier, except cervid carcasses or cervid carcass parts. The importation, transportation, or possession of cervid carcasses or cervid carcass parts taken from or obtained outside of Missouri is prohibited, except for meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached; hides or capes from which all excess tissue has been removed; antlers; antlers attached to skull plates or skulls cleaned of all muscle and brain tissue; upper canine teeth; and finished taxidermy products. Carcasses or parts of carcasses with the spinal column or head attached may be transported into the state only if they are reported to an agent of the department within twenty-four (24) hours of entering the state and then taken to a licensed meat processor or taxidermist within seventy-two (72) hours of entry. Licensed meat processors and taxidermists shall dispose of the discarded tissue in a properly permitted landfill.]***

(2) Any cervid taken from the wild in Chronic Wasting Disease Management Zone counties (see 3 CSR 10-4.200(1)) shall be reported through the Telecheck Harvest Reporting System as required by 3 CSR 10-7.431 prior to transporting the carcass (or parts thereof) outside the county of harvest. Carcasses (or parts thereof) from all cervids taken in Chronic Wasting Disease Management Zone counties that are transported outside the county of harvest shall be delivered to a licensed meat processor or taxidermist within forty-eight (48) hours of exit from the county of harvest, except—

- (A) Meat that is cut and wrapped;
- (B) Meat that has been boned out;
- (C) Quarters or other portions of meat with no part of the spinal column or head attached;
- (D) Hides from which all excess tissue has been removed;
- (E) Antlers;
- (F) Antlers attached to skull plates or skulls cleaned of all muscle and brain tissue;
- (G) Upper canine teeth; and
- (H) Finished taxidermy products.

(3) Wildlife legally taken and exported from another state or country may also be shipped into Missouri by common carrier, except cervid carcasses (or parts thereof). Cervid carcasses (or parts thereof) taken from or obtained outside of Missouri may not be imported, transported, or possessed in Missouri, except—

- (A) Meat that is cut and wrapped;
- (B) Meat that has been boned out;
- (C) Quarters or other portions of meat with no part of the spinal column or head attached;
- (D) Hides from which all excess tissue has been removed;
- (E) Antlers;
- (F) Antlers attached to skull plates or skulls cleaned of all muscle and brain tissue;

- (G) Upper canine teeth;
- (H) Finished taxidermy products; and
- (I) Head with cape and not more than six inches (6") of neck attached, only if taken to a licensed taxidermist within forty-eight (48) hours of entry.

[(2)](4) In addition to personal transportation, legally possessed commercial fish, frogs, [deer] cervid hides, squirrel and rabbit pelts, and furbearer pelts and carcasses may be shipped by mail, express and freight, when truly labeled with the names and addresses of shipper and addressee, shipper's permit number, or Telecheck confirmation number, as required, and the contents of each package. Wildlife breeders, taxidermists, fur dealers, and tanners may ship according to regulations specifically provided for such permittees. Wildlife shall not be accepted for shipment unless the shipper shall have complied with the provisions of this rule.

[(3)](5) Notwithstanding other provisions of this rule, the transportation of waterfowl and other migratory birds shall be in accordance with applicable federal regulations.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed Aug. 14, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.200 Chronic Wasting Disease; Management Zone. The commission proposes to amend section (3) of this rule.

PURPOSE: This amendment removes the specific requirement that all deer presented for Chronic Wasting Disease sample collection have least six inches (6") of neck attached.

(3) The head [with at least six inches (6") of neck attached] from any deer taken within a designated county of the Chronic Wasting Disease (CWD) Management Zone on the first Saturday and Sunday of the November portion of the deer firearms hunting season must be presented by the taker to a designated disease surveillance sampling station on the day taken. See the current Fall Deer & Turkey Hunting Regulations and Information booklet, hereby incorporated in this Code by reference, for designated counties and sampling station locations. This booklet is published annually in August by, and a printed copy can be obtained from, the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments

or additions.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Dec. 15, 2015, effective May 30, 2016. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.250 Daily Hunting or Fishing Tags. The commission proposes to amend this rule.

PURPOSE: This amendment formalizes the fee description that was previously included as a parenthetical within the Wildlife Code and increases the fee for a daily trout fishing tag required at the four (4) trout parks.

Required in addition to the prescribed permit to pursue, take, possess, and transport any wildlife on special management areas where daily permits or tags are required by regulation. **Fee: Daily trout fishing tag required from March 1 through October 31 for Bennett Spring, Montauk, and Roaring River state parks and Maramec Spring Park; four dollars (\$4) for adults and three dollars (\$3) for persons fifteen (15) years of age or younger.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Aug. 14, 1958, effective Dec. 31, 1958. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

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 an estimated three hundred seventy-nine thousand nine hundred thirty-four dollars (\$379,934) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.250 Daily Hunting or Fishing Tags
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 379,934 individuals	Individuals purchasing an area daily trout tag	\$379,934 annual aggregate

III. WORKSHEET

379,934 (individuals purchasing an area daily trout tag) X \$1.00 (increase in area daily trout tag price based on 75% CPI) = \$379,934

IV. ASSUMPTIONS

For the permit year 2020, we estimate 379,934 individuals acquired an area daily trout tag. We used a 75% of Consumer Price Index (CPI) to adjust the area daily trout tag. This would increase an area daily trout tag price by \$1.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.430 Trout Permit. The commission proposes to amend section (1) and the authority section of this rule.

PURPOSE: This amendment updates the fee for a Trout Permit to reflect a more current cost based on changes in the Consumer Price Index and corrects an inaccurate reference in the authority section of the rule.

(1) Required in addition to the prescribed fishing permit to possess and transport trout, except in areas where a daily trout fishing tag is required or as prescribed in 3 CSR 10-6.535(5). Fee: *[seven dollars (\$7)]* **ten dollars (\$10)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] **252.040**, RSMo 2016. This rule was previously filed as 3 CSR 10-5.237. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 29, 2019.

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 an estimated two hundred eighty-three thousand three hundred fifty dollars (\$283,350) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.430 Trout Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 98,718 individuals	Individuals purchasing a trout permit	\$283,350 annual aggregate

III. WORKSHEET

[90,182 (adults purchasing a trout permit) X \$3.00 (increase in trout permit price based on 75% CPI) + [8,536 (youths purchasing a trout permit) X \$1.50 (youths receive permit at 50% rate of full price permit)] = \$283,350

IV. ASSUMPTIONS

For the permit year 2020, we estimate 90,182 adults and 8,536 youths acquired a trout permit. We used a 75% of Consumer Price Index (CPI) to adjust the full trout permit price from price initiation or last adjustment to current year. This would increase a trout permit price by \$3.00 for adults and \$1.50 for youths (receive reduced rate by 50% of full price permit).

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.440 Daily Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Daily Fishing Permit to reflect a more current cost based on changes in the Consumer Price Index. Nonresidents purchase ninety-seven percent (97%) of all daily fishing permits.

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: *[seven dollars (\$7)]* **eight dollars (\$8)** per day. A permit may be purchased for multiple days.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

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 an estimated two hundred twenty-four thousand three hundred twenty-eight dollars (\$224,328) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.440 Daily Fishing Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 122,605 individuals	Individuals purchasing a daily fishing permit	\$224,328 annual aggregate

III. WORKSHEET

[66,670 (individuals purchasing a 1-day permit) X \$1.00 (daily fish permit price increase for 1-day based on 100% CPI)] + [24,452 (individuals purchasing a 2-day permit) X \$2.00 (daily fish permit price increase for 2-day based on 100% CPI)] + [21,008 (individuals purchasing a 3-day permit) X \$3.00 (daily fish permit price increase for 3-day based on 100% CPI)] + [6,645 (individuals purchasing a 4-day permit) X \$4.00 (daily fish permit price increase for 4-day based on 100% CPI)] + [3,830 (individuals purchasing a 5-day permit) X \$5.00 (daily fish permit price increase for 5-day based on 100% CPI)] = \$224,328

IV. ASSUMPTIONS

For the permit year 2020, we estimate 66,670, 24,452, 21,008, 6,645, and 3,830 individuals purchasing a 1-day, 2-day, 3-day, 4-day, and 5-day daily fishing permit, respectively. We used a 100% of Consumer Price Index (CPI) to adjust the daily permit price from price initiation or last adjustment to current year. This would increase a daily fishing permit price by \$1.00 per day.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.445 Daily Small Game Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Daily Small Game Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index and adds elk to the list of mammals that cannot be taken with this permit. Nonresidents purchase one hundred percent (100%) of all daily small-game hunting permits.

To chase, pursue, take, possess, and transport birds (except wild turkey), mammals (except deer, elk, and furbearers), and frogs, and to chase furbearers for training dogs during the closed season. Fee: [*eleven dollars (\$11)*] **fourteen dollars (\$14)** per day. A permit may be purchased for multiple days.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 29, 2019.

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 an estimated seventy-three thousand five hundred sixty-nine dollars (\$73,569) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.445 Daily Small Game Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 13,935 individuals	Individuals purchasing a daily small game hunting permit	\$73,569 annual aggregate

III. WORKSHEET

[7,816 (individuals purchasing a 1-day permit) X \$3.00 (daily small game hunting permit price increase for 1-day based on 100% CPI)] + [2,908 (individuals purchasing a 2-day permit) X \$6.00 (daily small game hunting permit price increase for 2-day based on 100% CPI)] + [2,376 (individuals purchasing a 3-day permit) X \$9.00 (daily small game hunting permit price increase for 3-day based on 100% CPI)] + [564 (individuals purchasing a 4-day permit) X \$12.00 (daily small game hunting permit price increase for 4-day based on 100% CPI)] + [196 (individuals purchasing a 5-day permit) X \$15.00 (daily small game hunting permit price increase for 5-day based on 100% CPI)] + [68 (individuals purchasing a 6-day permit) X \$18.00 (daily small game hunting permit price increase for 6-day based on 100% CPI)] + [17 (individuals purchasing a 7-day permit) X \$21.00 (daily small game hunting permit price increase for 7-day based on 100% CPI)] = \$73,569

IV. ASSUMPTIONS

For the permit year 2020, we estimate 7,816, 2,908, 2,376, 564, 196, 68, and 7 individuals purchasing a 1-day, 2-day, 3-day, 4-day, 5-day, 6-day, and 7-day daily small game hunting permit, respectively. We used a 100% of Consumer Price Index (CPI) to adjust the daily permit price from price initiation or last adjustment to current year. This would increase a daily small game hunting permit price by \$3.00 per day.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.540 Nonresident Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Fishing Permit to reflect a more current cost based on changes in the Consumer Price Index.

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: [*forty-two dollars (\$42)*] **forty-nine dollars (\$49)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.245. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

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 an estimated three hundred fifty-three thousand eight hundred ninety-two dollars (\$353,892) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.540 Nonresident Fishing Permit
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 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:
Approximately 50,556 individuals	Nonresidents purchasing a nonresident fishing permit	\$353,892 annual aggregate

III. WORKSHEET

50,556 (individuals purchasing a nonresident fishing permit) X \$7.00 (increase in nonresident fishing permit price based on 100% CPI) = \$353,892

IV. ASSUMPTIONS

For the permit year 2020, we estimate 50,556 nonresidents acquired a nonresident fishing permit. We used a 100% of Consumer Price Index (CPI) to adjust the nonresident fishing permit price from price initiation or last adjustment to current year. This would increase a nonresident fishing permit price by \$7.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.545 Nonresident Small Game Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Small Game Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index and adds elk to the list of mammals that cannot be taken with this permit.

To chase, pursue, take, possess, and transport birds (except wild turkey), mammals (except deer, **elk**, and furbearers), and frogs, and to chase furbearers for training dogs during the closed season. Fee: *[eighty dollars (\$80)]* **ninety-four dollars (\$94)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.270. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

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 an estimated eighty-three thousand four hundred forty dollars (\$83,440) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.545 Nonresident Small Game Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 5,960 individuals	Nonresidents purchasing a nonresident small game hunting permit	\$83,440 annual aggregate

III. WORKSHEET

5,960 (nonresidents purchasing a nonresident small game hunting permit) X \$14.00 (small game hunting permit price increase based on 100% CPI) = \$83,440

IV. ASSUMPTIONS

For the permit year 2020, we estimate 5,960 nonresidents purchasing a nonresident small game hunting permit. We used a 100% of Consumer Price Index (CPI) to adjust the nonresident small game hunting permit price from price initiation or last adjustment to current year. This would increase a nonresident small game hunting permit price by \$14.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit.
The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Firearms Any-Deer Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index.

To pursue, take, possess, and transport one (1) deer of either sex statewide during the firearms deer hunting season. Fee: *[two hundred twenty-five dollars (\$225)] two hundred sixty-five dollars (\$265).*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

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 an estimated six hundred eighty-five thousand one hundred twenty dollars (\$685,120) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 17,128 individuals	Nonresidents purchasing a Nonresident Firearms Any-Deer Hunting Permit	\$685,120 annual aggregate

III. WORKSHEET

[17,128 (nonresidents purchasing a Nonresident Firearms Any-Deer Hunting Permit) X \$40.00 (increase in Nonresident Firearms Any-Deer Hunting Permit price based on 100% CPI) = \$685,120

IV. ASSUMPTIONS

For the permit year 2020, we estimate 17,128 nonresidents acquiring a Nonresident Firearms Any-Deer Hunting Permit. The number of individuals reflects a reduction based on the estimate of the number of individuals that would now be eligible for the new reduced-rate nonresident landowner firearm deer permit. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a Nonresident Firearms Any-Deer Hunting Permit by \$40.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.552 Nonresident Firearms Antlerless Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment adds a Nonresident Landowner Firearms Any-Deer Hunting Permit to the list of prerequisites to be able to purchase a Nonresident Firearms Antlerless Deer Hunting Permit.

To pursue, take, possess, and transport one (1) antlerless deer during the firearms deer hunting season. A Nonresident Firearms Any-Deer Hunting Permit *[or a]*, Nonresident Managed Deer Hunting Permit, or a Nonresident Landowner Firearms Any-Deer Hunting Permit is required as a prerequisite to this permit. Fee: twenty-five dollars (\$25).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 29, 2019.

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 Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Managed Deer Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index.

To pursue, take, possess, and transport deer during a prescribed managed deer hunt. Fee: *[two hundred twenty-five dollars (\$225)]* two hundred sixty-five dollars (\$265).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 29, 2019.

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 an estimated eight hundred dollars (\$800) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 20 individuals	Nonresidents purchasing a Nonresident Managed Deer Hunting Permit	\$800 annual aggregate

III. WORKSHEET

[20 (nonresidents purchasing a Nonresident Managed Deer Hunting Permit) X \$40.00 (increase in Nonresident Managed Deer Hunting Permit price based on 100% CPI) = \$800

IV. ASSUMPTIONS

For the permit year 2020, we estimate 20 individuals acquiring a Nonresident Managed Deer Hunting Permit. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a Nonresident Managed Deer Hunting Permit by \$40.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.560 Nonresident Archer's Hunting Permit. The commission proposes to amend this rule

PURPOSE: This amendment increases the fee for a Nonresident Archer's Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index.

To pursue, take, possess, and transport deer and wild turkey during the fall deer and turkey archery season and small game (except furbearers) during prescribed seasons. Fee: *[two hundred twenty-five dollars (\$225)]* **two hundred sixty-five dollars (\$265)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.275. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 29, 2019.

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 an estimated three hundred forty-one thousand five hundred twenty dollars (\$341,520) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.560 Nonresident Archer's Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 8,538 individuals	Nonresidents purchasing a Nonresident Archer's Hunting Permit	\$341,520 annual aggregate

III. WORKSHEET

[8,538 (nonresidents purchasing a Nonresident Archer's Hunting Permit) X \$40.00 (increase in Nonresident Archer's Hunting Permit price based on 100% CPI) = \$341,520

IV. ASSUMPTIONS

For the permit year 2020, we estimate 8,538 nonresidents acquiring a Nonresident Archer's Hunting Permit. The number of individuals reflects a reduction based on the estimate of the number of individuals that would now be eligible for the new reduced-rate nonresident landowner archer's hunting permit. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a Nonresident Archer's Hunting Permit by \$40.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract term

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.565 Nonresident Turkey Hunting Permits. The commission proposes to amend subsections (1)(A) and (1)(B) of this rule.

PURPOSE: This amendment increases the fee for a Nonresident Turkey Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index.

(1) To pursue, take, possess, and transport wild turkey during the prescribed season.

(A) Spring Season Permit. Fee: *[one hundred ninety dollars (\$190)]* **two hundred twenty-four dollars (\$224).**

(B) Fall Season Permit. Fee: *[one hundred ten dollars (\$110)]* **one hundred thirty dollars (\$130).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.267. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

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 an estimated two hundred thirty thousand seven hundred dollars (\$230,700) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.565 Nonresident Turkey Hunting Permits
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 6,852 individuals	Nonresidents purchasing a Nonresident Turkey Hunting Permits	\$230,700 annual aggregate

III. WORKSHEET

[6,690 (individuals purchasing a spring Nonresident Turkey Hunting Permits) X \$34.00 (increase in spring Nonresident Turkey Hunting Permits price based on 100% CPI)] + [162 (individuals purchasing a fall Nonresident Turkey Hunting Permits) X \$20.00 (increase in fall Nonresident Turkey Hunting Permits price based on 100% CPI)] = \$230,700

IV. ASSUMPTIONS

For the permit year 2020, we estimate 6,690 individuals acquiring a spring Nonresident Turkey Hunting Permit and 162 individuals acquiring a fall Nonresident Turkey Hunting Permit. The number of individuals reflects a reduction based on the estimate of the number of individuals that would now be eligible for the new reduced-rate nonresident landowner turkey permits. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a spring Nonresident Turkey Hunting Permit and fall Nonresident Turkey Hunting Permit by \$34.00 and \$20.00, respectively.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.567 Nonresident Conservation Order Permit. The commission proposes to amend this rule and the authority section of the rule.

PURPOSE: This amendment increases the fee for a Nonresident Conservation Order Permit to reflect a more current cost based on changes in the Consumer Price Index and corrects an inaccurate reference in the authority section of the rule.

To pursue, take, possess, and transport blue, snow, or Ross's geese during the Conservation Order in accordance with federal regulations and as prescribed in 3 CSR 10-7.440. Fee: [~~Forty (\$40)~~] **forty-seven dollars (\$47)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] **252.040**, RSMo 2016. Original rule filed Oct. 10, 2008, effective July 1, 2009. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 29, 2019.

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 an estimated twenty-nine thousand six hundred twenty-four dollars (\$29,624) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.567 Nonresident Conservation Order Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 4,232 individuals	Nonresidents purchasing a Nonresident Conservation Order Permit	\$29,624 annual aggregate

III. WORKSHEET

4,232 (individuals purchasing a Nonresident Conservation Order Permit) X \$7.00 (increase in Nonresident Conservation Order Permit price based on 100% CPI) = \$29,624

IV. ASSUMPTIONS

For the permit year 2020, we estimate 4,232 individuals acquiring a Nonresident Conservation Order Permit. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a Nonresident Conservation Order Permit by \$7.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Furbearer Hunting and Trapping Permit to reflect a more current cost based on changes in the Consumer Price Index.

To chase, pursue, take, possess, transport, and sell furbearers. Fee: *[one hundred thirty dollars (\$130)]* **one hundred ninety-two dollars (\$192)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.292. Original rule filed June 29, 1981, effective Oct. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 29, 2019.

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 an estimated twenty-one thousand six hundred thirty-eight dollars (\$21,638) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 349 individuals	Nonresidents purchasing a Nonresident Furbearer Hunting and Trapping Permit	\$21,638 annual aggregate

III. WORKSHEET

[349 (individuals purchasing a Nonresident Furbearer Hunting and Trapping Permit) X \$62.00 (increase in Nonresident Furbearer Hunting and Trapping Permit price based on 100% CPI) = \$21,638

IV. ASSUMPTIONS

For the permit year 2020, we estimate 349 individuals acquiring a Nonresident Furbearer Hunting and Trapping Permit. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a Nonresident Furbearer Hunting and Trapping Permit by \$62.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED RULE

3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit. The commission proposes to add this rule.

PURPOSE: This rule creates a new Nonresident Landowner Firearms Any-Deer Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Any-Deer Hunting Permit.

To pursue, take, possess, and transport one (1) deer of either sex from qualifying land statewide during the firearms deer hunting season, by nonresident landowners as defined in this Code. Fee: one hundred ninety-five dollars (\$195).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. For intervening history, please consult the Code of State Regulations. Readopted: Filed May 29, 2019.

PUBLIC COST: This proposed rule will cost the Missouri Department of Conservation an estimated three thousand three hundred fifty dollars (\$3,350) 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 amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit
Type of Rulemaking:	Proposed Rule

II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$3,350

III. **WORKSHEET**

One-time \$3,350 vendor payment to modify the department's licensing platform system.

IV. **ASSUMPTIONS**

This is a one-time payment, no additional costs associated with this change are anticipated for the life of the rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED RULE

3 CSR 10-5.579 Nonresident Landowner Firearms Turkey Hunting Permits. The commission proposes to add this rule.

PURPOSE: This rule creates a new Nonresident Landowner Firearms Turkey Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Turkey Hunting Permit.

(1) To pursue, take, possess, and transport wild turkey from qualifying land during the prescribed season, by nonresident landowners as defined in this Code.

(A) Spring Season Permit. Fee: one hundred sixty-five dollars (\$165).

(B) Fall Season Permit. Fee: ninety-six dollars (\$96).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. For intervening history, please consult the Code of State Regulations. Readopted: Filed May 29, 2019.

PUBLIC COST: This proposed rule will cost the Missouri Department of Conservation an estimated three thousand three hundred fifty dollars (\$3,350) 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 amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.579 Nonresident Landowner Firearms Turkey Hunting Permits
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$3,350

III. WORKSHEET

One-time \$3,350 vendor payment to modify the department's licensing platform system.

IV. ASSUMPTIONS

This is a one-time payment, no additional costs associated with this change are anticipated for the life of the rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED RULE

3 CSR 10-5.580 Nonresident Landowner Archer's Hunting Permit. The commission proposes to add this rule.

PURPOSE: This rule creates a new Nonresident Landowner Archer's Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Archer's Hunting Permit.

To pursue, take, possess, and transport deer and wild turkey from qualifying land during the fall deer and turkey archery season and small game (except furbearers) from qualifying land during prescribed seasons, by nonresident landowners as defined in this Code. Fee: one hundred ninety-five dollars (\$195).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. For intervening history, please consult the *Code of State Regulations*. Readopted: Filed May 29, 2019.

PUBLIC COST: This proposed rule will cost the Missouri Department of Conservation an estimated three thousand three hundred fifty dollars (\$3,350) 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 amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.580 Nonresident Landowner Archer's Hunting Permit
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$3,350

III. WORKSHEET

One-time \$3,350 vendor payment to modify the department's licensing platform system.

IV. ASSUMPTIONS

This is a one-time payment, no additional costs associated with this change are anticipated for the life of the rule.

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

PROPOSED AMENDMENT

3 CSR 10-10.744 Commercial Deer Processing: Permit, Privileges, Requirements. The commission proposes to amend sections (1), (2), and (3) of this rule.

PURPOSE: This amendment establishes a requirement for commercial processors to dispose of unused cervid parts in a sanitary landfill or transfer station and clarifies record retention requirements. This amendment also allows for processors to process and store elk taken from the wild stock of the state.

(1) To commercially process and store legally acquired [*deer*] **cervids** taken from the wild stock of the state at the specific location indicated on the permit. Fee: twenty-five dollars (\$25).

(2) The commercial processor shall post a notice and inform patrons of the provisions of this rule and shall keep accurate records of all [*deer*] **cervids** processed and stored. **The commercial processor shall dispose of all cervid carcasses (or parts thereof) not returned to patrons in a sanitary landfill or transfer station permitted by the Missouri Department of Natural Resources, and retain proof of disposal. [These] The records of all cervids processed and stored, and proof of disposal,** shall be retained for twelve (12) months. All records and stored deer shall be made available for inspection by an authorized agent of the department at any reasonable time.

(3) For the purposes of processing specialty [*deer*] **cervid** meats, commercial processors are exempt from provisions of 3 CSR 10-4.137. For purposes of storing specialty [*deer*] **cervid** meats, commercial processors are exempt from provisions of 3 CSR 10-4.137 and 3 CSR 10-4.140(2), but only from September 15 through March 31. These exemptions do not apply to raw, packaged venison.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed April 28, 1992, effective Dec. 3, 1992. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

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 one hundred fifteen thousand one hundred forty-four dollars (\$115,144) in the aggregate annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

Rule Number and Name:	3 CSR 10-10.744 Commercial Deer Processing: Permit, Privileges, Requirements
Type of Rulemaking:	Proposed Amendment

II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
74	Commercial Deer Processors	\$115,144 annual aggregate

III. **WORKSHEET**

[(74 commercial deer processors) * (\$356 cost of dumpster delivery, removal, and cleaning)]+[(74 commercial deer processors)*(\$75 cost for dumpster exchange)*(16 weeks of dumpster need)]

[\$26,344] +[\$88,800] = \$115,144 annual aggregate

IV. **ASSUMPTIONS**

For 2019, there are 237 permitted commercial deer processors. We estimate that 31% (74) of deer processors do not use a permitted landfill for disposing of unused cervid carcass parts. We assume they will only use a rental dumpster for 16 weeks. We estimate dumpster delivery, removal, and cleaning to cost \$356. We estimate that each dumpster will need to be replaced with an empty dumpster at a cost of \$75 each week.

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

PROPOSED AMENDMENT

3 CSR 10-10.767 Taxidermy; Tanning: Permit, Privileges, Requirements. The commission proposes to amend section (5) of this rule.

PURPOSE: This amendment establishes a requirement for licensed taxidermists and tanners to dispose of unused cervid parts in a sanitary landfill or transfer station and clarifies record retention requirements.

(5) All licensed taxidermists and tanners shall keep accurate, up-to-date records of the number and species of all wildlife received, the full name and address of the consignor (or seller of furbearers), the dates of all transactions and disposition of all wildlife, and the specific locations where all tanned or mounted wildlife is being exhibited or displayed on a form approved or provided by the department. Printed copies of this form can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. **Licensed taxidermists and tanners shall dispose of all cervid carcasses (or parts thereof) not returned to patrons and carrion beetles and their waste in a sanitary landfill or transfer station permitted by the Missouri Department of Natural Resources, and retain proof of disposal.** These records and wildlife shall be available for inspection by an authorized agent of the department at any reasonable time. All completed records required by this rule, **including proof of disposal of cervid carcass parts**, shall be retained for three (3) years. Renewal of a permit shall be conditioned upon compliance with this rule.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

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 two hundred and six thousand four hundred ninety-six dollars (\$206,496) in the aggregate annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

Rule Number and Name:	3 CSR 10-10.767 Taxidermy, Tanning: Permit, Privileges, Requirements
Type of Rulemaking:	Proposed Amendment

II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
216	Taxidermists	\$206,496 annual aggregate

III. **WORKSHEET**

$[(216 \text{ taxidermists}) * (\$356 \text{ cost of dumpster delivery, removal, and cleaning})] + [(216 \text{ taxidermists}) * (\$75 \text{ cost for dumpster exchange}) * (8 \text{ weeks of dumpster need})]$

$[\$76,896] + [\$259,200] = \$206,496 \text{ annual aggregate}$

IV. **ASSUMPTIONS**

For 2019, there are 697 permitted taxidermists. We estimate that 31% (216) of taxidermists do not use a permitted landfill for disposing of unused cervid carcass parts. We assume they will only use a rental dumpster for 8 weeks. We estimate dumpster delivery, removal, and cleaning to cost \$356. We estimate that each dumpster will need to be replaced with an empty dumpster at a cost of \$75 each week.

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

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to add new sections (3) and (23), renumber subsequent sections, amend new section (31), add new section (43), renumber subsequent sections, and amend new section (52) of this rule.

PURPOSE: This amendment adds definitions for antlered elk and drowning sets, amends the species list for game mammals, adds a nonresident landowner definition, and amends the minimum acreage within the resident landowner definition.

(3) Antlered elk: An elk having at least one (1) antler not less than six inches (6") long.

[(3)](4) Arm of lake: An inlet or bay of a water impoundment, including all impounded tributaries, smaller arms, and coves thereof other than those specifically excepted.

[(4)](5) Atlatl: A rod or narrow board-like device used to launch, through a throwing motion of the arm, a dart five to eight feet (5'-8') in length.

[(5)](6) Backwater: Any flowing or nonflowing water lying exclusively within the floodplain of a river and connected to that river at any water level below official flood stage, as designated by the U.S. Army Corps of Engineers for the portion of the river where backwater is occurring. Backwater shall not include tributary streams and ditches, but may include side channels, chutes, sloughs, bayous, oxbows, and blew holes.

[(6)](7) Bow: A device drawn and held by hand and not fastened to a stock nor to any other mechanism that maintains the device in a drawn position. This definition includes longbows, recurve bows, and compound bows.

[(7)](8) Cable restraint device: A device for the live-capture of certain furbearers in a non-water set by use of a cable loop made of stranded steel cable, not greater than five feet (5') long (not including extensions), with a diameter of not less than five sixty-fourths inch (5/64") and equipped with a commercially manufactured breakaway rated at three hundred fifty pounds (350 lbs.) or less, a relaxing-type lock, a stop device that prevents it from closing to less than two and one-half inches (2 1/2") in diameter, and an anchor swivel, but shall not be equipped with a compression-type choke spring, or be otherwise mechanically-powered.

[(8)](9) Cervid: All species of the deer family (family *Cervidae*) including those commonly known as white-tailed, mule, fallow, sika, red, musk, Pere David's deer, moose, caribou, reindeer, elk, or wapiti, and all deer-hybrids.

[(9)](10) Chase or chased: The act of using dogs to follow wildlife for the purpose of recreation or dog training, but not for the purpose of catching or taking that wildlife.

[(10)](11) Circus: A scheduled staged event in which entertainment includes performances by trained wildlife, either native or nonnative to the continental United States, and in which physical contact between wildlife and humans is restricted to the handlers, performers, or other circus employees.

[(11)](12) Closed season: That period of time during which the pursuit or taking of wildlife is prohibited by this Code.

[(12)](13) Commercial establishment: Any place of business, owned or operated by any person or group of persons, or business concern of any kind, where ordinary trade or business practices are conducted. This term shall include, but is not restricted to, any club, association, or society where meals, lodging, or other services or facilities are furnished for a consideration, price, or fee.

[(13)](14) Commercial fish: All fish except endangered species as listed in 3 CSR 10-4.111(3) and game fish as defined in this rule. Includes those species for which sale is permitted when legally obtained. For purposes of this Code, packaged salt water species or freshwater species not found in waters of this state, when the processed fish are truly labeled as to content, point of origin, and name and address of the processor, are exempt from restrictions applicable to native commercial fish. Commercial fish include crayfish taken from waters open to commercial fishing. In the Mississippi River and that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, commercial fish also include channel, blue, and flathead catfish at least fifteen inches (15") in total length. In the Mississippi River only, commercial fish also include paddlefish at least twenty-four inches (24") in length (measured from eye to fork of tail) and shovelnose sturgeon twenty-four inches to thirty-two inches (24"-32") in length (measured from tip of snout to fork of tail) upstream from Melvin Price Locks and Dam.

[(14)](15) Commercial waters: The flowing portions of the Missouri River, the Mississippi River except in Sand Chute below the mouth of the Salt River in Pike County, and that part of the St. Francis River which forms a boundary between the states of Arkansas and Missouri, and also waters which exist temporarily through overflow from the Mississippi River east of the Missouri Pacific Railroad between Cape Girardeau and Scott City, and east of the Mississippi River mainline and setback levees between Commerce and the Arkansas state line.

[(15)](16) Commission: The Conservation Commission as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of the *Constitution of Missouri* (see also Article IV, Section 12).

[(16)](17) Crossbow: A device for discharging quarrels or bolts, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by release of a trigger.

[(17)](18) Days or dates: All days and dates shall be inclusive. A day shall begin or end at midnight, unless otherwise specified.

[(18)](19) Department: The Department of Conservation as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of *Constitution of Missouri* (see also Article IV, Section 12).

[(19)](20) Director: The director of the Department of Conservation.

[(20)](21) Ditch: Any artificial drainageway, tributary to a stream or body of water, and containing sufficient water to support fish.

[(21)](22) Domicile: The place where a person has his/her true, fixed, and permanent home and principal establishment and to which whenever s/he is absent s/he has the intention of returning. It is his/her legal residence, as distinguished from his/her temporary place or abode; or his/her home, as distinguished from a place to which business or pleasure may temporarily call him/her.

(23) Drowning set: Trap or snare sets constructed with a solid fiber or steel rod or cable, anchored at each end, having a drowning lock attached to the trap or snare allowing the trap or snare

to only slide one (1) way, and located in water at a depth sufficient for drowning.

[(22)](24) Established field trial area: One (1) contiguous tract of privately-owned land that is fenced or enclosed in a manner to reasonably prevent dogs pursuing or chasing wildlife from leaving the area, where the primary use of the land is for training dogs to pursue and chase wildlife or to conduct field trials.

[(23)](25) Field trial: An organized event, contest, demonstration, or trial of dogs whether or not prizes or awards of any kind are offered, and where dogs may be used to chase, locate, pursue, or retrieve wildlife.

[(24)](26) Firearms: Pistols, revolvers, and rifles propelling a single projectile at one (1) discharge including those powered by spring, air, or compressed gas, and shotguns not larger than ten (10) gauge.

[(25)](27) Flies, lures, and baits: The following are authorized for use except where restricted in 3 CSR 10-6.415, 3 CSR 10-6.535, 3 CSR 10-11.205, 3 CSR 10-12.135, and 3 CSR 10-12.150.

(A) Natural and scented baits—A natural fish food such as bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn, and other food substances not containing any ingredient to stupefy, injure, or kill fish. Does not include flies or artificial lures. Includes dough bait, putty or paste-type bait, any substance designed to attract fish by taste or smell, and any fly, lure, or bait containing or used with such substances.

(B) Soft plastic bait (unscented)—Synthetic eggs, synthetic worms, synthetic grubs, and soft plastic lures.

(C) Artificial lure—A lure constructed of any material excluding soft plastic bait and natural and scented bait as defined in (A) or (B) above.

(D) Fly—An artificial lure constructed on a single-point hook, using any material except soft plastic bait and natural and scented bait as defined in (A) or (B) above, that is tied, glued, or otherwise permanently attached.

[(26)](28) Furbearing animals: Furbearers: Badger, beaver, black bear, bobcat, coyote, gray fox, long-tailed weasel, mink, mountain lion, muskrat, nutria, opossum, raccoon, red fox, river otter, spotted skunk, and striped skunk.

[(27)](29) Game birds: American coot, American woodcock, crows, ducks, Eurasian collared dove, geese, gray partridge, mourning dove, northern bobwhite quail, ring-necked pheasant, ruffed grouse, sora rail, Virginia rail, white-winged dove, wild turkey, and Wilson's snipe.

[(28)](30) Game fish: Shall include the following in which the common names are to be interpreted as descriptive of, but not limiting, the classification by Latin names.

(A) *Ambloplites*, all species of goggle-eye (commonly known as Ozark bass, rock bass, shadow bass) and their hybrids.

(B) *Esox*, all species commonly known as muskellunge, tiger muskie, muskie-pike hybrid, northern pike, chain pickerel, grass pickerel.

(C) *Ictalurus*, all species except bullheads, commonly known as channel catfish, blue catfish, Mississippi cat, Fulton cat, spotted cat, white cat, willow cat, fiddler cat.

(D) *Lepomis gulosus*, commonly known as warmouth.

(E) *Micropterus*, all species of black bass and their hybrids, commonly known as largemouth bass, lineside bass, smallmouth bass, brown bass, Kentucky bass, spotted bass.

(F) *Morone*, all species and their hybrids, commonly known as white bass, yellow bass, striped bass.

(G) *Oncorhynchus*, *Salvelinus*, and *Salmo*, all species commonly known as salmon, char, and trout.

(H) *Polyodon*, all species, commonly known as paddlefish, spoon-bill.

(I) *Pomoxis*, all species, commonly known as crappie, white crappie, black crappie.

(J) *Pylodictis*, commonly known as flathead catfish, goujon, yellow cat, river cat.

(K) *Sander*, all species and their hybrids, commonly known as walleye, pike perch, jack salmon, sauger.

(L) *Scaphirhynchus platyrhynchus*, commonly known as shovelnose sturgeon, hackleback, sand sturgeon.

[(29)](31) Game mammals: Cottontail rabbit, deer, elk, fox squirrel, gray squirrel, groundhog (woodchuck), jackrabbit, swamp rabbit, and furbearers as defined.

[(30)](32) Grab: The act of snagging or attempting to snag a fish by means of a pole, line, and hook manipulated by hand.

[(31)](33) Hook: Single- or multiple-pronged hooks and the ordinary artificial lures with attached single- or multiple-pronged hooks and dropper flies. A multiple-pronged hook or two (2) or more hooks employed to hold a single bait, shall be considered a single hook in counting the allowable total in use.

[(32)](34) Invertebrate: Any animal lacking a backbone; this includes all animal phyla other than *Chordata*. (Examples include insects and other arthropods, flatworms, roundworms, segmented worms, and mollusks.)

[(33)](35) Length of fish: Total length is measured from the tip of the snout to the end of the tail, with the fish laid flat on the rule with mouth closed and tail lobes pressed together. The length of paddlefish is measured from the eye to the fork of the tail. The length of sturgeon is measured from the tip of the snout to the fork of the tail.

[(34)](36) Limit: The maximum number or quantity, total length, or both, of any wildlife permitted to be taken or held in possession by any person within a specified period of time according to this Code.

[(35)](37) Managed deer hunt: A prescribed deer hunt conducted on a designated area for which harvest methods, harvest quotas, and numbers of participants are determined annually and presented in the deer hunting rules (3CSR 10-7.431 and 3 CSR 10-7.436).

[(36)](38) Mouth of stream or ditch: The point at which a line projected along the shore of a main stream or ditch at the existing water level at time of measurement crosses any incoming stream or ditch.

[(37)](39) Multi-use Trail: A trail upon which hiking and at least one (1) of the following other activities are allowed concurrently: bicycling and equestrian use.

[(38)](40) Mussels: All species of freshwater mussels and clams. Includes all shells and alive or dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel.

[(39)](41) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.

[(40)](42) Night vision equipment: Optical devices (that is, binoculars or scopes) using light amplifying circuits that are electrical or battery powered.

(43) Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) contiguous tract in the state of Missouri, or any member of the immediate household whose legal residence and domicile is the same as the nonresident landowner's for at least thirty (30) days last past.

[(41)](44) Open season: That time when the pursuing and taking of wildlife is permitted.

[(42)](45) Other fish: All species other than those listed as endangered in 3 CSR 10-4.111 or defined in this rule as game fish.

[(43)](46) Persons with disabilities: A person who is blind, as defined in section 8.700, RSMo, or a person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician as follows: The person cannot ambulate or walk fifty (50) or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or the person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or the person is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mmHg on room air at rest; or the person uses portable oxygen; or the person has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association. (A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled.)

[(44)](47) Poisons, contaminants, pollutants: Any substances that have harmful effect upon wildlife.

[(45)](48) Pole and line: Fishing methods using tackle normally held in the hand, such as a cane pole, casting rod, spinning rod, fly rod, or ice fishing tackle commonly known as a tip-up, to which not more than three (3) hooks with bait or lures are attached. This fishing method does not include snagging, snaring, grabbing, or trotlines or other tackle normally attached in a fixed position.

[(46)](49) Possessed and possession: The actual and constructive possession and control of things referred to in this Code.

[(47)](50) Public roadway: The right of way which is either owned in fee or by easement by the state of Missouri or any county or municipal entity, or which is used by the general public for travel and is also regularly maintained by Department of Transportation, federal, county, or municipal funds or labor.

[(48)](51) Pursue or pursued: Includes the act of trying to find, to seek, or to diligently search for wildlife for the purpose of taking this wildlife.

[(49)](52) Resident landowner: Any Missouri resident who is the owner of at least *five (5) twenty (20)* acres in one (1) contiguous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. In the case of corporate ownership of land, persons defined as landowners include Missouri residents who are:

(A) General partners of resident limited liability partnerships, limited partnerships, or limited liability limited partnerships, and general partners of general partnerships formed by written agreement;

(B) Officers of resident or foreign corporations;

(C) Managing members of resident limited liability companies; **and**

(D) Officers of benevolent associations organized pursuant to Chapter 352 of the *Revised Statutes of Missouri*.

[(50)](53) Sell: To exchange for compensation in any material form, and the term shall include offering for sale.

[(51)](54) Snare: A device for the capture of furbearers in a water-

set by use of a cable loop. Snares must be constructed of cable that is at least five sixty-fourths inch (5/64") and no greater than one-eighth inch (1/8") in diameter, and must be equipped with a mechanical lock and anchor swivel.

[(52)](55) Speargun: A mechanically powered device that propels a single- or multiple pronged spear underwater.

[(53)](56) Store and storage: Shall also include chilling, freezing, and other processing.

[(54)](57) Take or taking: Includes killing, trapping, snaring, netting, or capturing in any manner, any wildlife, and also refers to pursuing, molesting, hunting, wounding; or the placing, setting, or use of any net, trap, device, contrivance, or substance in an attempt to take; and every act of assistance to every other person in taking or attempting to take any wildlife.

[(55)](58) Transgenic: Any organism, or progeny thereof, that contains DNA from a species that was not a parent of that organism.

[(56)](59) Transport and transportation: All carrying or moving or causing to be carried or moved from one point to another, regardless of distance, vehicle, or manner, and includes offering or receiving for transport or transit.

[(57)](60) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

[(58)](61) Ungulate: Hoofed animals.

[(59)](62) Waters of the state: All rivers, streams, lakes, and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

[(60)](63) Zoo: Any publicly owned facility, park, building, cage, enclosure, or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

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 an estimated maximum of one million four hundred seventy thousand five hundred seventy-two dollars (\$1,470,572) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 20—Wildlife Code: Definitions**

Rule Number and Name:	3 CSR 10-20.805 Definitions
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Up to 35,513 individuals receiving no-cost hunting privileges	Residents that received no-cost landowner hunting privileges that own property < 20 Acres	Annual-aggregate maximum estimate of \$1,470,572

III. WORKSHEET

[28,410 (firearms deer hunters) X \$17 (cost of one resident any-deer firearms hunting permit)] + [13,850 (archery deer hunters) X (\$19 (cost of one archer's hunting permit))] + [23,793 (spring turkey hunters) X (\$17 (cost of one spring turkey hunting permit))] + [6,037 (fall turkey hunters) X (\$13 (cost of one fall turkey hunting permit))] + [24,149 (small-game hunters) X \$10 (cost of one small-game hunting permit)] = \$1,470,572

IV. ASSUMPTIONS

Landowners with < 20 acres of property account for 19% (35,513) of the individuals that receive no-cost landowner hunting permits.

From our 2017 post-season survey of hunters having a no-cost landowner deer hunting permit, 20% of firearms permit holders did not hunt and 61% of archery permit holders did not hunt. Therefore, we estimate 28,410 (35,513 x (1-0.2)) of individuals that previously were issued a no-cost landowner firearm deer hunting permit would be impacted by this rule amendment. We also estimate that 13,850 (35,513 x (1-0.61)) of individuals that previously were issued a no-cost landowner archer's hunting permit would be impacted by this amendment.

From our 2018 post-season survey of hunters having a no-cost landowner spring turkey hunting permit, 33% of permit holders did not hunt. Therefore, we estimate 23,793 (35,513 x (1-0.33)) of individuals that previously were issued a no-cost landowner spring turkey hunting permit would be impacted by this amendment.

From our 2017 post-season survey of hunters having a no-cost landowner fall turkey hunting permit, 83% of permit holders did not hunt. Therefore, we estimate 6,037 (35,513 x (1-0.83)) of individuals that previously were issued a no-cost landowner spring turkey hunting permit would be impacted by this amendment.

Based on public input in 2019 regarding landowner acreage cutoff for receiving no-cost landowner hunting privileges, about 32% of landowners did not hunt small-game on their properties. Using the 35,513 landowners receiving no-cost landowner deer and turkey hunting

permits as a base for an estimate of landowners that hunt on their property, then approximately 24,149 ($35,513 \times (1 - 0.32)$) individuals could be impacted by this amendment.

Although not used in our estimate, it is prudent to note a 2016 USDA survey of Missouri production landowners/operators (claiming more than \$1,000 of agriculture product from property) with at least 5-acres of land responded with only 43% hunted deer on their property.

This maximum estimate is based on 2017 and 2018 surveys and 2008 and 2019 public input, the impact could be substantially less based upon hunting decisions made by impacted landowners.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators. The commission proposes to amend subsection (2)(A) and sections (3) and (4). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Plan for Designated Facilities and Pollutants pursuant to section 111(d) of the Clean Air Act for Hospital, Medical, and Infectious Waste Incinerators. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website www.dnr.mo.gov/proposed-rules.

PURPOSE: This rule establishes emission limits for existing hospital, medical, and infectious waste incinerators. The pollutants regulated include metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. This rule includes requirements for operator training and qualification, waste management, compliance and performance testing, monitoring, and reporting/record keeping. This amendment cleans up the federal reference information in this rule to address the U.S. Environmental Protection Agency (EPA) concerns. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is an EPA email, dated September 18, 2018.

(2) Definitions.

(A) The definitions of 40 CFR 60.31e apply *[as specified in 10 CSR 10-6.030(22)]*.

(3) General Provisions. Owners and operators of HMIWI subject to this rule must comply with the provisions listed below. The following references to 40 CFR 60.33e through 60.37e and 40 CFR 60 Subpart Ce Tables 1A through 2B apply *[as specified in 10 CSR 10-6.030(22)]*:

(4) Reporting and Record Keeping. Owners and operators of HMIWI subject to this rule must comply with the following reporting and record keeping provisions. The provisions of 40 CFR 60.38e apply *[as specified in 10 CSR 10-6.030(22)]*.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed Oct. 13, 2000, effective July 30, 2001. Amended: Filed Nov. 26, 2010, effective Aug. 30, 2011. Amended: Filed Nov. 1, 2013, effective July 30, 2014. Amended: Filed April 13, 2018, effective Jan. 30, 2019. Amended: Filed May 30, 2019.

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: A public hearing on this proposed amendment will begin at 9:00 a.m., August 29, 2019. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level,

Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., September 5, 2019. Send online comments via the proposed rules web page www.dnr.mo.gov/proposed-rules, email comments to apcprulespn@dnr.mo.gov, or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations

PROPOSED AMENDMENT

11 CSR 45-11.020 Deposit Account—Taxes and Fees. The commission is amending section (4).

PURPOSE: This amendment corrects a typographical error and removes the requirement to file a Claim for Refund or Credit Form for overpayments of less than one hundred dollars (\$100).

(4) Licensees. Beginning in the first month, second day of operation, each licensee, as a condition of its license, shall deposit daily into the operating account an amount sufficient to cover the estimated tax and fee liabilities for the previous day. The licensee then shall timely remit from the operating account to the commission the gaming tax and admissions fee for each daily period that is defined as the business day for the purpose of establishing the estimated tax and fee liabilities.

(D) In the event *[that]* an overpayment of the licensee's adjusted gross receipts *[result in a negative tax due or if overpayment]* tax is made *[and amended with the commission]* and discovered within the same weekly period which, for purposes of this section, means Wednesday of each week through the following Tuesday, the licensee may adjust *[their]* its payment by the overpaid amount on the next gaming day's *[subsequent]* payment **if it falls within that weekly period.**

(E) In the event an overpayment of the licensee's adjusted gross receipts tax is made and is discovered in a subsequent weekly period, the licensee may reduce its payment by the overpaid amount on the next gaming day's payment only if the amount of the overpayment is under one hundred dollars (\$100). If the amount of the overpayment is one hundred dollars (\$100) or more, the licensee shall file a Claim for Refund or Credit Form, included herein, along with the tax return.

(F) If an overpayment is due to an error in the tax remittal, an amended return must be filed with the commission.

(G) In the event that the licensee's adjusted gross receipts results in a negative tax due, *[or if overpayment is made and amended in a subsequent week,]* **whether within the same weekly period or not,** the licensee shall *[file a Claim for Refund or Credit Form, included herein, along with the tax return]* **adjust its next gaming day's payment by the negative tax due amount.**

[(E)](H) Every Claim for Refund or Credit Form must be in writing under oath and must state the specific grounds upon which the claim is founded.

[(F)](I) The Claim for Refund or Credit Form shall be made available on the commission's website at www.mgc.dps.mo.gov and may be requested by writing to: Missouri Gaming Commission, *P[ost]/O[ffice]* Box 1847, Jefferson City, MO 65102-1847.

AUTHORITY: sections 313.004, 313.800, 313.805, 313.807, 313.820, 313.822, and 313.835, RSMo 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994.

Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history please consult the *Code of State Regulations*. Amended: Filed May 30, 2019.

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 Tuesday, July 30, 2019 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 11—Taxation Regulations**

PROPOSED AMENDMENT

11 CSR 45-11.110 Refund—Claim for Refund. The commission is amending section (1).

PURPOSE: This amendment removes the requirement of duplicates from copies for filing claims.

(1) If a tax or fee, penalty or interest has been paid by a licensee that is in excess of the amount owed, the licensee may file a claim for refund or credit. No such claim for refund or credit shall be allowed unless [duplicate copies] a copy of the claim [are] is filed within three (3) years from the date of overpayment. The three (3) year period of limitation for the credit or refund begins with the date the licensee pays taxes to the commission on account of the adjusted gross receipts in question or with the date the licensee pays fees to the commission on account of the tickets of admission in question.

AUTHORITY: sections 313.004, 313.800, [RSMo Supp. 2006] 313.805, and 313.822, RSMo [2000] 2016. 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. Emergency amendment filed June 5, 2000, effective June 16, 2000, expired Feb. 22, 2001. Amended: Filed June 23, 2000, effective Jan. 30, 2001. Amended: Filed Aug. 30, 2006, effective March 30, 2007. Amended: Filed May 30, 2019.

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 Tuesday, July 30, 2019 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 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.090 Additional Application Information for Bingo and Pull-Tab Licenses. The commission is amending section (2).

PURPOSE: This amendment changes the membership period requirement for management, conduct, and operation of the bingo game from two (2) years to six (6) months, which is consistent with the change to the constitution that went into effect on December 6, 2018.

(2) Also required with the initial application, each organization shall submit for approval a complete list of the officers of the applicant organization and a complete list of all [two (2)-year] six- (6)-month bona fide members that will assist with the management, conduct, and operation of the bingo game. These lists shall include each individual's Social Security number and date of birth. A copy of each individual's drivers license shall also be provided for each officer or worker. Changes to the lists shall be reported to the commission as they occur. Any request to add an officer or worker to the list shall include the individual's Social Security number, date of birth, and a copy of the individual's drivers license.

AUTHORITY: sections 313.015, [RSMo Supp. 2013, and sections] 313.020, and 313.065, RSMo [2000] 2016. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed May 30, 2019.

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 Tuesday, July 30, 2019 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 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.130 Member(s) in Charge. The commission is amending section (1).

PURPOSE: *This amendment changes the length of membership requirement for a person to be responsible for the overall conduct of a bingo occasion from two (2) years to six (6) months, which is consistent with the change to the constitution that went into effect on December 6, 2018.*

(1) Every licensed organization shall designate a bona fide, active member of the organization to be in charge of, and primarily responsible for, each bingo occasion. The member in charge may change from occasion to occasion. The individual shall have been a member in good standing of the licensed organization for the last [two (2) years] **six (6) months** and shall supervise all activities and be responsible for the conduct of all bingo games of which s/he is in charge. The member in charge shall be continually present on the premises during the occasion and shall be familiar with the provisions of the bingo law, applicable ordinances, these regulations, and the licensee's house rules.

AUTHORITY: *section 313.040, RSMo Supp. [2013] 2018, and section 313.065, RSMo [2000] 2016. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed May 30, 2019.*

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 Tuesday, July 30, 2019 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 3—Unclaimed Property**

PROPOSED AMENDMENT

15 CSR 50-3.010 Unclaimed Property—General Considerations. The State Treasurer's Office is correcting two (2) appearances of a misspelled term and one (1) grammatical error.

PURPOSE: *This amendment corrects two (2) misspellings and one (1) grammatical error.*

(2) Communications. The division will conduct business and the public record is available for inspection during normal business hours Monday through Friday, of all state government work days, in Room 156 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, [MO] Missouri 65101. In-person visits to the [division] **division** are permitted, but appointments are not required. The public record is available for sale in printout form. The public record shall not be subject to public inspection or available for copying, reproduction, or scrutiny by commercial or professional locators of property presumed abandoned who charge any service or finders' fees until ninety (90) days after the names of the people to

whom property is owed have been published or officially disclosed. Any written inquiries regarding the Act or the availability of the public record should be directed to: Unclaimed Property Division, P[.JO.] Box 1004, Jefferson City, MO 65102. The [division] **division** telephone number is (573) 751-0840. For Relay Missouri/Deaf TTY, please use (800) 735-2966. Absolutely no collect calls will be accepted.

(3) Information Made Public. Notwithstanding the limitations included in section (2), the public record available for review shall include the name and last known address of each person appearing in a holder's report, and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number and the name of the corporation, and the amount due. No other information provided to the treasurer, including Social Security numbers or other identifying information, shall be made available, except that if the amount turned over to the state is less than fifty dollars (\$50), the amount reported may be made available as public information.

AUTHORITY: *sections 447.543 [and], 447.572, [RSMo Supp. 1998] and 447.579, RSMo [1994] 2016. This rule was previously filed as 4 CSR 25-1.010. Original rule filed June 3, 1985, effective Sept. 27, 1985. Amended: Filed Oct. 3, 1991, effective May 14, 1992. Amended: Filed April 15, 1999, effective Sept. 30, 1999. Amended: Filed May 30, 2019.*

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

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

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the State Treasurer's Office, PO Box 210, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 3—Unclaimed Property**

PROPOSED AMENDMENT

15 CSR 50-3.070 Reporting and Delivery of Property Presumed Abandoned. The State Treasurer's Office is amending subsection (4)(F) and subsection (6)(B).

PURPOSE: *This amendment specifies a holder reporting fifty (50) or more owners must do so electronically, and corrects a grammatical error.*

(4) Form of Reports to the Division. Report forms will be supplied by the division and shall be verified by the person filing who shall be—a partner, if the holder is a partnership, or an officer, if the holder is a corporation. The report shall clearly and concisely declare—

(F) *[Computer printouts or computer disks containing owner information are acceptable in lieu of the holder report form. However, the printouts or disks must include the same information as outlined in section (4). Holders submitting a computer disk in lieu of the report form must contact the division to obtain data processing standards. The division will accept disks utilizing Missouri Automated Reporting System (MARS) and National Association of Unclaimed*

Property Administrators (NAUPA) formats;] Any holder submitting a report concerning the property of fifty (50) or more owners shall do so electronically. Information concerning acceptable electronic reporting format may be obtained by contacting the Missouri State Treasurer's Office by mail: 301 W. High Street, Room 157, Jefferson City, MO, 65101; by telephone: 573-751-0123; by facsimile: 573-526-6027; by email: ucp@treasurer.mo.gov; or by visiting its public website at www.treasurer.mo.gov. Holders submitting reports concerning the property of fewer than fifty (50) owners may choose to do so electronically rather than by paper report. Any holder failing to report as required under this provision may be subject to the penalties set forth in section 447.577, RSMo;

(6) Late Identification of Owner.

(B) Holders who have remitted money to the state should notify the state if an owner appears to claim the property. The state will reimburse the holder, if the state has not already made payment on the account, upon proof of payment and proof that the payee was entitled to the money. Holders may refer owners to the state for payment. Payments made to claimants after remitting money to the [the] state should be made with caution, as the burden of proof will shift from the claimant to the holder.

AUTHORITY: sections 447.505, 447.520, 447.539, 447.543, 447.545 [and], 447.547, 447.558, [RSMo Supp. 1998, and 447.547, 447.562,] 447.579, and 447.587, RSMo [1994] 2016, and section 447.562, RSMo Supp. 2018. This rule was previously filed as 4 CSR 25-1.070. Original rule filed June 3, 1985, effective Sept. 27, 1985. Amended: Filed Sept. 15, 1986, effective Dec. 12, 1986. Amended: Filed Oct. 3, 1991, effective May 14, 1992. Amended: Filed April 15, 1999, effective Sept. 30, 1999. Amended: Filed May 30, 2019.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Treasurer's Office, PO Box 210, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 3—Unclaimed Property**

PROPOSED AMENDMENT

15 CSR 50-3.100 Sale Of Abandoned Property. This amendment corrects one (1) misspelled term.

PURPOSE: This amendment corrects one (1) misspelled term.

(2) No employee of the Office of the State Treasurer or immediate members of an employee's family, directly or indirectly, shall [knowly] knowingly become the purchaser of any property sold at a sale under the provisions of sections 447.500-447.595, RSMo, nor shall the employee bid at any such sale, or be personally interested in the sale, or directly benefit from the sale in any manner whatsoever.

AUTHORITY: sections 447.541 and 447.558, RSMo [Supp. 1998] 2016. This rule was previously filed as 4 CSR 25-1.100. Original rule filed Oct. 3, 1991, effective May 14, 1992. Amended: Filed April 15, 1999, effective Sept. 30, 1999. Amended: Filed May 30, 2019.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Treasurer's Office, PO Box 210, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.010 Definitions

PURPOSE: This rule defines terms used in Chapter 95.

(1) "Administer" means the direct application of marijuana to a qualifying patient by way of any of the following methods:

(A) Ingestion of capsules, teas, oils, and other marijuana-infused products;

(B) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;

(C) Application of ointments or balms;

(D) Transdermal patches and suppositories;

(E) Consuming marijuana-infused food products; or

(F) Any other method recommended by a qualifying patient's physician.

(2) "Affiliate" means any entity effectively controlling or controlled by another entity or associated with other entities under common ownership or control, including a parent or subsidiary.

(3) "Batch" means a specifically identified quantity of medical marijuana, from immature plant stage to harvest, that is uniform in strain and cultivated utilizing the same growing practices.

(4) "Canopy space" means a space measured from the outermost point of a mature flowering plant in a designated growing area and continuing around the outside of all mature flowering plants in that designated growing area but not including space allocated for walkways or ancillary equipment. This space may be spread over a single level or multiple levels.

(5) "Church" means a permanent building primarily and regularly used as a place of religious worship.

(6) "Daycare" means a child-care facility, as defined by section 210.201, RSMo, that is licensed by the state of Missouri.

(7) "Department" means the Department of Health and Senior Services, or its successor agency.

(8) “Disqualifying felony offense” means a violation of, and conviction of or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that—

(A) The person’s conviction was for the medical use of marijuana or assisting in the medical use of marijuana;

(B) The person’s conviction was for a non-violent crime for which he or she was not incarcerated and that is more than five (5) years old; or

(C) More than five (5) years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses.

(9) “Dried, unprocessed marijuana or its equivalent” means the marijuana flower after it has been cured and trimmed or its equivalent amount of marijuana concentrate or tetrahydrocannabinol (THC). For purposes of purchase and possession limitations, one (1) ounce of dried, unprocessed marijuana is equivalent to eight (8) grams of medical marijuana concentrate or eight hundred (800) milligrams of THC in infused products.

(10) “Economic interest” means rights to either the capital or profit interests therein, or a combination thereof; or, in the case of a corporation, rights to some portion of all classes of outstanding stock of the corporation.

(11) “Elementary or secondary school” means any public school as defined in section 160.011, RSMo, or any private school giving instruction in a grade or grades not higher than the twelfth grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

(12) “Enclosed, locked facility” means—

(A) An indoor stationary closet, room, garage, greenhouse, or other comparable fully enclosed space equipped with locks or other functioning security devices that permit access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana; or

(B) An outdoor stationary structure—

1. That is enclosed on all sides, except at the base, by chain-link fencing, wooden slats, or a similar material that is anchored, attached, or affixed to the ground and that cannot be accessed from the top;

2. In which the plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure at any level; and

3. That is equipped with locks or other security devices that restrict access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana.

(13) “Entity” means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

(14) “Flowering plant” means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(15) “Harvest lot” means a specifically identified quantity of marijuana that is uniform in strain, cultivated utilizing the same growing practices, harvested within a seventy-two- (72-) hour period at the same location, and cured under uniform conditions.

(16) “Identification card” means a document, whether in paper or

electronic format, issued by the department that authorizes a qualifying patient, primary caregiver, or employee or contractor of a licensed facility to access medical marijuana as provided by law.

(17) “Liquid capital” means any asset in the form of cash or that can be converted into cash quickly with little or no loss in value, including stocks and marketable securities, government bonds, mutual funds, money market funds, and certificates of deposit.

(18) “Majority owned” means more than fifty percent (50%) of the economic interests and more than fifty percent (50%) of the voting interests of an entity, including any parent and subsidiary entities.

(19) “Marijuana” or “Marihuana” means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (0.3%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

(20) “Marijuana-infused products” means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.

(21) “Medical marijuana cultivation facility” means a facility licensed by the department, to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

(22) “Medical marijuana dispensary facility” means a facility licensed by the department, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

(23) “Medical marijuana-infused products manufacturing facility” means a facility licensed by the department, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

(24) “Medical marijuana testing facility” means a facility certified by the department to acquire, test, certify, and transport marijuana.

(25) “Medical marijuana transportation facility” means a facility certified by the department to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana-transportation facility.

(26) “Medical use” means the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient’s qualifying medical condition.

(27) “Non-emancipated qualifying patient” means a qualifying patient under the age of eighteen (18) who has not been emancipated

under Missouri law.

(28) “Physician” means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

(A) A license is in good standing if it is registered with the Missouri Board of Healing Arts as current, active, and not restricted in any way, such as by designation as temporary or limited.

(B) Practice of medicine or osteopathy means practice by persons who hold a physician and surgeon license pursuant to Chapter 334 RSMo, including those who are admitted to practice in Missouri by reciprocity pursuant to 334.043, RSMo.

(29) “Physician certification” means a document, whether handwritten, electronic, or in another commonly used format, signed by a physician and stating that, in the physician’s professional opinion, the patient suffers from a qualifying medical condition.

(30) “Primary caregiver” means an individual twenty-one (21) years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver’s application for an identification card under this section or in other written notification to the department.

(31) “Principal officers or managers” means persons who, regardless of title, have responsibility for supervising the management, administration, or operation of an entity, including, but not limited to: presidents, vice presidents, or general counsels; chief executive, financial, or operating officers; general partners, managing partners, or controlling partners; managing-members; or trustees.

(32) “Process lot” means, once production is complete, any amount of medical marijuana concentrate or extract of the same type and processed using the same extraction methods, standard operating procedures, and harvest lots; or any amount of medical marijuana infused product of the same type and processed using the same ingredients, standard operating procedures, and harvest lots.

(33) “Public place” means any public or private property, or portion of public or private property, that is open to the general public, including, but not limited to, sidewalks, streets, bridges, parks, schools, and businesses. However, for purposes of designating a non-public place within a public place, the owner or entity with control of any such property may, but is not required to, provide one (1) or more enclosed, private spaces where one (1) qualifying patient and, if required by the owner or entity with control of any such property, a representative of such owner or entity, may congregate for the qualifying patient to consume medical marijuana. The qualifying patient may be accompanied by the family of the qualifying patient, the qualifying patient’s primary caregiver, and/or the qualifying patient’s physician. The owner or entity with control of any such property may provide such a space by individual request or designate such a space for ongoing use and may limit use of medical marijuana in that space to uses that do not produce smoke. Any such permission shall be given in writing and provided to the qualifying patient or publicly posted prior to a qualifying patient’s use of medical marijuana in that space.

(34) “Qualifying medical condition” means the condition of, symptoms related to, or side-effects from the treatment of—

- (A) Cancer;
- (B) Epilepsy;
- (C) Glaucoma;
- (D) Intractable migraines unresponsive to other treatment;
- (E) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including, but not limited to, those associated with multiple sclerosis, seizures, Parkinson’s disease, and Tourette’s syndrome;
- (F) Debilitating psychiatric disorders, including, but not limited

to, post-traumatic stress disorder, if diagnosed by a state-licensed psychiatrist;

(G) Human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS);

(H) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;

(I) Any terminal illness; or

(J) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn’s disease, Huntington’s disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer’s disease, cachexia, and wasting syndrome.

(35) “Qualifying patient” means a Missouri resident diagnosed with at least one (1) qualifying medical condition.

(36) “Seed-to-sale tracking system” means a software system, including the statewide track and trace system, designed to perform functions necessary to fulfill a licensed or certified facility’s responsibilities in tracking medical marijuana from either the seed or immature plant stage until the medical marijuana is sold to a qualifying patient or primary caregiver.

(37) “Signature” means a handwritten or electronic signature.

(38) “Statewide track and trace system” means the system the department uses to track medical marijuana from either the seed or immature plant stage until the medical marijuana is sold to a qualifying patient or primary caregiver to ensure that all medical marijuana sold in Missouri was cultivated or manufactured in Missouri, that all medical marijuana cultivated or manufactured in Missouri is sold only by dispensaries and only to individuals in possession of a valid qualifying patient or primary caregiver identification card, and that any given qualifying patient or primary caregiver is only purchasing the amount of medical marijuana he or she is approved to purchase at any given time.

(39) “Substantially common control, ownership, or management” means—

(A) The possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an entity, by any means, including ownership, contract, financing, or otherwise;

(B) The legal or beneficial ownership, directly or indirectly through ownership of an affiliate entity, of ten percent (10%) or more of an entity’s outstanding voting stock or other ownership interest;

(C) The ownership, directly or indirectly through the ownership of an affiliate entity, of a majority of the capital assets, real property assets, or leasehold interests; or

(D) The ability to make policy decisions, operating decisions, or decisions regarding the allocation of income and expenses for the entity, whether directly or by a management agreement.

AUTHORITY: Sections 1.3.(1)(b), 1.3.(2), 1.3.(3), and 1.3.(4) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less 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 Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.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 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.025 Generally Applicable Provisions

PURPOSE: The Department of Health and Senior Services has the authority to promulgate rules for the enforcement of Article XIV, Section 1 of the Missouri Constitution. This rule explains what general provisions are necessary for the enforcement of the Article.

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.

(1) Patient Registry Access. Qualifying patient and primary caregiver information collected by the department shall not be released to anyone outside the department except for purposes authorized by federal law or Article XIV, Section 1 of the *Missouri Constitution*, including:

(A) Upon request and for purposes of verifying whether a particular individual is lawfully in possession of a qualifying patient, primary caregiver, or patient cultivation identification card or lawfully in possession of a particular amount of marijuana, state and local law enforcement personnel shall have access to patient and caregiver information such as names, addresses, dates of birth, and purchase limitations; and

(B) For the purposes of verifying whether a particular qualifying patient or primary caregiver may purchase an amount of medical marijuana or medical marijuana seeds or plants, dispensary facilities shall have access to patient and primary caregiver names and purchase limitations.

(2) Variances.

(A) The department may waive, for good cause, provisions of this chapter on its own initiative or by request.

(B) Requests for variance from the requirements of any provision of this chapter shall be made in writing and will be granted or denied by the director of the department's medical marijuana program. Requests shall include:

1. A list of each requirement for which a variance is requested, with citation to the specific rule in which the requirement can be found; and

2. An explanation for why the requirement cannot be met or why meeting the requirement would impose an undue burden on the applicant.

(C) Denial of variance requests shall be issued by the department in writing and shall include the specific reasons for the denial.

(3) Complaints. All complaints against licensed or certificated medical marijuana facilities must be submitted through the department's website at <http://medicalmarijuana.mo.gov>. Complaints shall include

the name and address of the facility against which the complaint is made and a clear description of what violation the complainant believes the facility has committed.

(A) Upon complaint against a facility, the department will determine whether an inspection is warranted to investigate the allegations in the complaint.

(B) If the department conducts an inspection, the facility will receive a copy of the complaint.

(C) Employees of a facility who report potential violations by a facility to the department may not be subjected to retaliation of any kind, including termination, because of their report.

(4) Facility Evaluation Criteria. All applicants for cultivation, dispensary, manufacturing, testing, or transportation licenses or certifications will be evaluated for whether they meet minimum standards as described in subsection (A) of this section. During application time periods where more qualified applicants apply for cultivation, dispensary, manufacturing, or testing licenses or certifications than there are licenses or certificates available in that category, the department will use a system of numerically scoring ten (10) additional evaluation criteria to rank the applications in each such license or certification category against each other.

(A) The minimum standards for licenses and certifications can be met by providing all material required by 19 CSR 30-95.040(2) in order to show, as applicable—

1. Authorization to operate as a business in Missouri;

2. That the entity is majority owned by natural persons who have been residents of Missouri for at least one (1) year;

3. That the entity is not under substantially common control as another entity or a combination of other entities in violation of 19 CSR 20-95.040(3)(C)-(D);

4. That the entity is not within one thousand (1000) feet of an existing elementary or secondary school, daycare, or church, or, if a local government allows for closer proximity to schools, daycares, and churches, that the entity complies with the local government's requirements;

5. Eligibility to operate in a local jurisdiction; and

6. That the entity will not be owned, in whole or in part, or have as an officer, director, board member, or manager, any individual with a disqualifying felony offense.

(B) The additional evaluation criteria, which will be numerically scored, are—

1. The character, veracity, background, qualifications, and relevant experience of principal officers or managers;

2. The business plan proposed by the applicant, which in the case of cultivation facilities and dispensaries shall include the ability to maintain an adequate supply of medical marijuana, plans to ensure safety and security of qualifying patients and the community, procedures to be used to prevent diversion, and any plan for making medical marijuana available to low-income qualifying patients;

3. Site security;

4. Experience in a legal cannabis market;

5. In the case of testing facilities, the experience of the facility's personnel with the health care industry and with testing marijuana, food, or drugs for toxins and/or potency;

6. The potential for the facility to have a positive economic impact in the site community;

7. In the case of cultivation facilities, capacity or experience with agriculture, horticulture, and health care;

8. In the case of dispensary facilities, capacity or experience with health care, the suitability of the proposed location, and its accessibility for patients;

9. In the case of infused products manufacturing facilities, capacity or experience with food and beverage manufacturing; and

10. Maintaining competitiveness in the medical marijuana marketplace.

(C) When applicable, numerical scoring of evaluation criteria will be conducted as follows:

1. Applications will be separated from their identifying information, including facility business names, and names, addresses, and Social Security numbers of individuals, and assigned a numerical identifier for use during scoring;

2. Applications will be scored based on responses to evaluation criteria questions. Responses may take the form of written answers or written answers with attachments.

A. Each type of facility or certification application will be scored and ranked against the other applications of the same type. For dispensaries, applications will be scored and ranked against other dispensary applications in the same congressional district.

B. Applications will be scored without reference to the identities of the facilities or of individuals named in an application. Written responses to evaluation criteria questions must not refer to facility business names, either legal or fictitious, and must refer to individuals by title and initials only, e.g. "Owner A.E.M." or "Principal Officer R.W.M." Any attachments to evaluation criteria question responses shall be redacted so as to obscure the facility business names and the names, addresses, and Social Security numbers of any individuals mentioned in the application. Unredacted versions of those same documents will be submitted separately in a section of the application designated for this purpose.

C. Responses to evaluation criteria questions in which a business or individual is identified by name will not be scored;

3. Evaluation criteria questions and initial scoring shall be as delineated in the Evaluation Criteria Questions and Points table, the Evaluation Criteria Scoring table, and the Evaluation Criteria Topics and Values table, which are incorporated by reference in this rule as published by the department and available on the department's website at <http://medicalmarijuana.mo.gov>. This rule does not incorporate any subsequent amendments or additions;

4. The same evaluation criteria question in each application will be scored by the same individual, if possible, and scores that vary significantly from other scores for the same questions may be rescored. If rescored, the first score will be discarded, and the second score will stand;

5. Once all applications have been assigned an initial rank and score, the department will reconnect the applications with their identifying information;

6. After evaluation criteria questions have been initially scored, and in order to award points to applicants that seek to locate in economically distressed areas, thereby supporting a potential for positive economic impact in the site community, the rankings of such facilities will be further adjusted by awarding additional points as follows:

A. Any facility seeking a license to locate within a zip code area that has an employment rate of eighty-five percent to eighty-nine and nine tenths percent (85-89.9%) will receive a scoring increase of thirty percent (30%) of the average initial score of all applicants of the same facility type within the evaluation criteria topic regarding potential for positive economic impact in the site community; and

B. Any facility seeking a license to locate within a zip code area that has an employment rate of zero to eighty-four and nine tenths percent (0-84.9%) will receive a scoring increase of forty percent (40%) of the average initial score of all applicants of the same facility type within the evaluation criteria topic regarding potential for positive economic impact in the site community; and

C. For the purposes of this paragraph, zip code employment data was obtained from the "U.S. Census Bureau, American Community Survey 2013-2017, Employment Status, Population 16 years and over," published by the Missouri Census Data Center. The applicable zip codes are listed in the table included herein;

7. For cultivation, manufacturing, and testing facilities, the score following any adjustments under paragraph 6. of this subsection is the final score;

8. For dispensary facilities, after evaluation criteria questions have been initially scored and adjusted as applicable under paragraph 7. of this subsection, and in order to facilitate patient access to medical marijuana, the rankings of dispensary facilities will be further

adjusted by awarding additional points due to geographic location as follows:

A. First, the highest scoring dispensary facility in each of the one hundred sixty-three (163) Missouri House of Representatives districts as drawn and in effect on December 6, 2018, will receive an increase to its score pursuant to subparagraph C. of this paragraph, and all dispensary facility applicants' rankings will then be reordered. A map of the state of Missouri showing the applicable boundary lines of Missouri's house districts is available on the department's website;

B. Finally, any dispensary facility applicant with a location more than twenty-five (25) miles, measured in a straight line, from any other dispensary facility applicant or existing dispensary facility will receive an additional increase to its score pursuant to subparagraph C. of this paragraph, and all dispensary facility applicants' rankings will again be reordered. The resulting rank and score will be each dispensary facility's final rank and score;

C. Scoring increases due to geographic location will be equal to five percent (5%) of the average initial score of the top twenty-four (24) ranked facilities in each congressional district that has at least twenty-four (24) dispensary facility applicants; and

D. In cases where a house district is segmented by the boundary lines of two (2) or more congressional districts, for purposes of the adjustments in this paragraph, only the segment of that house district with the highest population, as of the 2010 United States Population Census, will be utilized; and

9. In the case of a tie for the last available license or certification in any category, the license or certification will go to—

A. The facility with the highest score in the topic specifically relating to that facility type;

B. If a tie remains, then the facility with the highest score in the business plan topic;

C. If a tie remains, then the facility with the highest score in the character topic;

D. If a tie remains, then the facility with the highest score in the site security topic;

E. If a tie remains, then the facility with the highest score in the economic impact topic;

F. If a tie remains, then the facility with the highest score in the legal cannabis market experience;

G. If a tie remains, then the facility will be chosen by lottery.

(D) Licenses and certifications will be issued as follows:

1. When the numerical scoring system is used, the highest ranked facilities for each type of facility and, for dispensaries, in each congressional district, will receive licenses or certifications, except in cases where an entity under substantially common control, ownership, or management has applied for more than three (3) cultivation, three (3) manufacturing, or five (5) dispensary licenses. In those cases, the department will only issue licenses to the highest ranked facilities associated with that entity, up to the maximum number allowable in each category of license; and

2. When the numerical scoring system is not used, all facilities that meet the minimum standards for licenses or certifications will be issued licenses or certifications, except in cases where an entity under substantially common control, ownership, or management has applied for more than five (5) dispensary licenses and some of those dispensaries are located in congressional districts that were numerically scored. In those cases, the department will first issue licenses to the dispensaries associated with that entity in congressional districts that were not numerically scored. Any remaining dispensaries associated with that entity will be issued licenses according to that dispensary's rank and score.

(5) The department will impose penalties as follows:

(A) For possessing marijuana in amounts between the possessor's legal limit and twice the legal limit, in addition to revocation of identification card(s) pursuant to 19 CSR 30-95.030(3)(B)1.D., the possessor will incur a penalty of two hundred dollars (\$200);

(B) For failure to package medical marijuana consistent with 19 CSR 30-95.040(4)(K), a facility will incur a penalty of five thousand dollars (\$5,000) for each category of improperly packaged product, and the improperly packaged medical marijuana will be recalled for repackaging or disposal, at the department's discretion; and

(C) Any person or facility that extracts resins from marijuana using combustible gases or other dangerous materials without a manufacturing facility license, shall incur a penalty.

1. In addition to revocation of identification cards pursuant to 19 CSR 30-95.030(3)(B)1.I., any patients or primary caregivers who extract resins in this manner will incur a penalty of two hundred dollars (\$200).

2. In addition to suspension of license pursuant to 19 CSR 30-95.040(1)(E)7., facilities that extract resins in this manner will incur a penalty of ten thousand dollars (\$10,000).

(6) Appeals.

(A) The following department decisions shall be appealable to the administrative hearing commission:

1. Denial, revocation, or suspension of licenses or certifications; and

2. Denial or revocation of patient, primary caregiver, patient cultivation, or facility agent identification cards.

(B) Any person or entity entitled to appeal to the administrative hearing commission under this rule must file a petition with the administrative hearing commission within thirty (30) days after the date the department decision is sent to the person or entity. An untimely appeal will not be considered.

(C) Notwithstanding the limits on licenses and certifications set forth in 19 CSR 30-95.050(1)(A), 19 CSR 30-95.060(1)(A), 19 CSR 30-95.070(1), and 19 CSR 30-95.080(1)(A)-(B), the department may grant additional facility licenses or certifications as a remedy to timely appeals when:

1. Ordered to do so by the administrative hearing commission or a court of competent jurisdiction; or

2. The department determines doing so in settlement of such an appeal best serves implementation of Article XIV, Section 1 of the *Missouri Constitution*.

(7) Statewide Track and Trace System.

(A) No entity holding a contract with the state of Missouri for a statewide track and trace system or any affiliates of that entity may sell seed-to-sale services or services related to compliance with seed-to-sale tracking regulations to a licensed or certified facility.

(B) Unless otherwise addressed or prohibited by contract or law, an entity holding a contract with the state of Missouri for a statewide track and trace system and any affiliates of that entity may charge a price to a licensed or certified facility for plant/product tracking labels, but no such price shall exceed the cost of producing the label in an amount that would create more than thirty percent (30%) net profit on each label.

(8) Unless otherwise stated, any reference to days in Chapter 95 will mean calendar days.

US Census Bureau 2013-2017 American Community Survey 5-Year Estimates
 Missouri Employment Data by Zip Code Tabulation

63633	89.9
63937	89.9
63964	89.9
64132	89.9
64620	89.9
63463	89.8
63655	89.8
65622	89.8
65664	89.8
65752	89.8
64847	89.7
65326	89.7
63873	89.6
64650	89.6
65583	89.5
65733	89.5
64053	89.4
64733	89.4
64848	89.4
65462	89.4
63135	89.3
64744	89.3
65629	89.3
64857	89.2
65722	89.2
63770	89.1
65473	89.1
65605	89.1
63673	89
65232	89
65739	89
63071	88.9
63629	88.9
65037	88.9
65017	88.8
63347	88.7
64109	88.7
64633	88.7

65237	88.7
63851	88.6
64126	88.6
65243	88.5
65571	88.5
65625	88.5
65626	88.5
64431	88.4
65555	88.4
63382	88.3
63561	88.3
63121	88.2
64639	88.2
64867	88.2
63540	88.1
63653	87.9
65656	87.9
64866	87.8
63041	87.7
65737	87.7
63782	87.5
63343	87.4
64127	87.4
64776	87.4
63665	87.3
65774	87.3
63118	87.1
64740	87.1
65067	87.1
65250	87
65535	86.9
63023	86.8
63137	86.8
63868	86.8
64130	86.8
65464	86.8
63134	86.7
64128	86.7

65453	86.7
63112	86.6
63834	86.6
65785	86.6
63458	86.4
63846	86.4
63636	86.3
63869	86.3
63472	86.2
63961	86.1
63443	86
63547	86
63824	86
64090	86
63860	85.7
64499	85.7
65755	85.6
63830	85.5
63138	85.4
63431	85.4
63944	85.2
65667	85.2
65777	85.2
64163	85
63932	84.9
63862	84.8
64136	84.7
63853	84.5
65247	84.5
63147	84.4
65634	84.4
65338	84.3
65760	84.3
63136	84.2
65463	84.2
63952	83.8
63829	83.5
63622	83.4
65674	83.4
65724	83.3
63787	83

65767	83
63087	82.8
63107	82.8
63966	82.3
64743	82.2
64861	81.9
63113	81.6
63866	81.4
64125	80.9
63626	80.4
65079	80.3
63133	80
63955	79.3
63115	79
64676	78.7
64433	77.9
65543	77.8
63120	76.2
63663	75.9
63106	75.8
63849	75.7
65618	75.6
64654	75
65623	75
65702	75
65534	73.7
63945	73
63784	70.6
64147	70.6
63878	69.2
65529	68.6
65768	67.7
65456	64.2
63847	63.6
63047	53.3
63774	50
63674	44.3
63962	0

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

PUBLIC COST: This proposed rule has an estimated cost to state agencies or political subdivisions of \$2,029,442 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 Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.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.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana**

Rule Number and Title:	19 CSR 30-95.025 Generally Applicable Provisions
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health & Senior Services' costs =	\$2,029,442 for the first three year period and \$272,208 for annually thereafter
Total =	\$2,029,442 for the first three year period and \$272,208 for annually thereafter

III. WORKSHEET

Facility Licensing & Compliance Director

One quarter (1/4) of one (1) FTE with an annual salary of \$18,750 and with estimated fringe benefits of \$8,866.

One quarter (1/4) of One-Time First Year expense (computer, office, furniture etc.) for one FTE listed above - \$1,165

One quarter (1/4) of On-going expenses (including travel, office supplies, network, printing, etc.) for one FTE - \$3,320

$\$18,750$ (salary) + $\$8,866$ (fringe benefits) + $\$3,320$ (on-going expenses) X three (3) = $\$92,808$ + $\$1,165$ (one-time first year expense) = $\$93,973$ for the first three year period.

$\$18,750$ (salary) + $\$8,866$ (fringe benefits) + $\$3,320$ (on-going expenses) = $\$30,936$ annually thereafter.

Facility Licensing Managers

Half (1/2) of one (1) FTE with an annual salary of \$30,000 and with estimated fringe benefits of \$15,447.

One-Time First Year expense (computer, office, furniture etc.) for half (1/2) of one (1) FTE listed above - \$2,331

On-going expenses (including travel, office supplies, network, printing, etc.) for half (1/2) of one (1) FTE - \$6,639

$\$30,000$ (salary) + $\$15,447$ (fringe benefits) + $\$6,639$ (on-going expenses) X three (3) = $\$156,258$ - $\$2,331$ (one-time first year expense) = $\$158,589$ for the first three year period.

$\$30,000$ (salary) + $\$15,447$ (fringe benefits) + $\$6,639$ (on-going expenses) = $\$52,086$ annually thereafter.

Facility Licensing Specialists

Two (2) FTE's with total annual salaries of $\$104,000$ and with estimated fringe benefits of $\$56,913$.

One-Time First Year expense (computer, office, furniture etc.) for two (2) FTEs listed above - $\$9,322$

On-going expenses (including travel, office supplies, network, printing, etc.) for two (2) FTEs - $\$28,273$

$\$104,000$ (salary) - $\$56,913$ (fringe benefits) + $\$28,273$ (on-going expenses) X three (3) = $\$567,558$ + $\$9,322$ (one-time first year expense) = $\$576,880$ for the first three year period.

$\$104,000$ (salary) + $\$56,913$ (fringe benefits) + $\$28,273$ (on-going expenses) = $\$189,186$ annually thereafter.

Application Scoring Contract

Estimated One-Time contract cost of $\$750,000$ to $\$1.2$ million.

IV. ASSUMPTIONS

In order to process the variance requests, complaints, and pre- and post-scoring application review described in this proposed rule, the department will need a Facility Licensing Manager, who will also perform other duties not covered by this proposed rule, and two (2) Facility Licensing Specialists.

In order to supervise the work of the Facility Licensing Manager and to process and issue penalties, the department will need a Facility Licensing & Compliance manager, who will also perform other duties not covered by this proposed rule.

The department will require an independent, third-party entity to perform the blind scoring of Facility Evaluation Criteria described in the proposed rule. The cost of contracting with such an entity is unknown but, based on research of similar projects conducted in other states, the cost is estimated to be between $\$750,000$ and $\$1.2$ million.