

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

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

**Title 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**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 17, 2020 (45 MoReg 1228-1236). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received one (1) comment from the Regulatory Environmental Group for Missouri (REGFORM), which provided written comments in addition to providing testimony at the public hearing.

COMMENT #1: REGFORM is a business association that works closely with regulated facilities in Missouri on environmental policy and regulatory issues in all media. REGFORM supports fees necessary to properly administer the Title V program in Missouri. In addition, they support the proposed increase in the emissions fee rate

from forty-eight dollars (\$48) per ton of chargeable emissions to fifty-three dollars (\$53) per ton of chargeable emissions in 2021, and fifty-five dollars (\$55) per ton of chargeable emissions in 2022 and beyond.

RESPONSE: The department thanks REGFORM for providing comments for this amendment and appreciates the support to increase the emission fee. The department made no changes to the proposed amendment language as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 16—Drinking Water Fees**

ORDER OF RULEMAKING

By the authority vested in the department's Safe Drinking Water Commission under section 640.100, RSMo 2016, the commission amends a rule as follows:

10 CSR 60-16.010 Levy and Collection of the Missouri Primacy Fee **is amended**.

A notice of the proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 17, 2020 (45 MoReg 1237-1241). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **January 1, 2022**, after publication in the November 30, 2021 *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held September 18, 2020 and the public comment period ended September 25, 2020. At the public hearing, staff from the department's public drinking water branch provided testimony on the proposed amendment. The department received one (1) comment during the public comment period.

COMMENT #1: Mr. Paul Calamita, with the Association of Missouri Cleanwater Agencies (AMCA), submitted a comment in support of the proposed amendment. He stated that AMCA supports the proposed amendment, which was based upon a compromise between the department and stakeholders, including water systems who are AMCA members. AMCA recognizes that the increased fees and associated revenue of \$6.4 million are necessary to allow the department to continue to implement an appropriate statewide drinking water program.

RESPONSE: The department appreciates Mr. Calamita's comments in support of the amendment. No change was made to the amendment as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 16—Drinking Water Fees**

ORDER OF RULEMAKING

By the authority vested in the department's Safe Drinking Water Commission under section 640.100, RSMo 2016, the commission amends a rule as follows:

10 CSR 60-16.020 Laboratory Certification Fee **is amended**.

A notice of the proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 17, 2020 (45 MoReg 1242-1243). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **January 1, 2022**, after publication in the

November 30, 2021 *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 16—Drinking Water Fees**

ORDER OF RULEMAKING

By the authority vested in the department's Safe Drinking Water Commission under section 640.100, RSMo 2016, the commission amends a rule as follows:

10 CSR 60-16.030 Laboratory Services and Program Administration Fees **is amended**.

A notice of the proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 17, 2020 (45 MoReg 1244-1245). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **January 1, 2022**, after publication in the November 30, 2021 *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 16—Drinking Water Fees**

ORDER OF RULEMAKING

By the authority vested in the department's Safe Drinking Water Commission under section 640.100, RSMo 2016, the commission adopts a rule as follows:

10 CSR 60-16.040 Operator Certification Fees **is adopted**.

A notice of the proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 17, 2020 (45 MoReg 1246-1248). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **January 1, 2022**, after publication in the November 30, 2021 *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 10—Amber Alert**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 210.1014, RSMo Supp. 2020, the director amends a rule as follows:

11 CSR 30-10.020 Law Enforcement Agency Procedures for Activating an Amber Alert **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2020 (45 MoReg 1410-1411). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publica-

tion in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.065, RSMo 2016, the director adopts a rule as follows:

12 CSR 10-2.076 Allocation and Apportionment (Beginning on or After January 1, 2020) **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1604-1608). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Revenue received one (1) comment on the proposed rule from Financial Institutions State Tax Coalition (FIST).

COMMENT: The Financial Institutions State Tax Coalition (FIST) suggested the department model this regulation after the Multistate Tax Commission's model regulation for bank holding companies and subsidiaries.

RESPONSE: The department appreciates the comment from FIST but has chosen not to incorporate its comment in the current regulation. The department, instead, will draft a regulation specifically for financial institutions.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.065, RSMo 2016, the director adopts a rule as follows:

12 CSR 10-2.255 Allocation and Apportionment for Nonresident Shareholders of S Corporations and Nonresident Partners of Partnerships (Beginning on or After January 1, 2020) **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1608). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section

32.065, RSMo 2016, the director adopts a rule as follows:

12 CSR 10-2.260 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1608-1609). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Revenue received one (1) comment on the proposed rule from the Associated Industries of Missouri (AIM).

COMMENT: The Associated Industries of Missouri (AIM) commented that they would like the words “or a television broadcast station” added to the end of the definition of “Broadcaster” in subsection (2)(A).

RESPONSE AND EXPLANATION OF CHANGE: The department appreciates the comment from AIM and has chosen to incorporate their comment in the definition of broadcaster.

12 CSR 10-2.260 Apportionment Method for Broadcasters (Beginning on or After January 1, 2020)

(2) Definitions.

(A) “Broadcaster” is a taxpayer that is a television broadcast network, a cable program network, or a television distribution company. The term “broadcaster” does not include a platform distribution company or a television broadcast station.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 102—Sales/Use Tax—Taxpayers Rights**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.065, RSMo 2016, the director amends a rule as follows:

12 CSR 10-102.016 Refunds and Credits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1609-1611). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 5—Nonemergency Medical Transportation
(NEMT) Services**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.201 and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-5.010 Nonemergency Medical Transportation (NEMT) Services is amended.

A notice of proposed rulemaking containing the text of the proposed

amendment was published in the *Missouri Register* on October 1, 2020 (45 MoReg 1411-1412). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement, and Procedure of General Applicability**

IN ADDITION

Proposed rule 13 CSR 70-3.320 was published in the August 17, 2020 issue of the *Missouri Register* (45 MoReg 1249-1254). In the order of rulemaking that was published in the December 15, 2020 issue of the *Missouri Register* (45 MoReg 1974-1976), the Department of Social Services (DSS) made a change to subsection (2)(G) without explaining the reasons for the change, and that was not pursuant to any of the submitted formal comments. Since the DSS did not have the authority to make the change, the DSS is restoring the portion of subsection (2)(G) that was incorrectly changed:

13 CSR 70-3.320 Electronic Visit Verification (EVV)

(2) Provider Agency Responsibilities regarding Electronic Visit Verification.

(G) Any adjustment or exception requires the provider agency to enter justification documentation into the EVV system, which may include an editor program, within documentation timeframe requirements established by 13 CSR 70-3.030(3)(A)38. Information must include the date and time of the entry and/or update, the reason for the entry and/or update, and the identification of the person making the entry and/or update.

This change will appear in the February 28, 2021 update to the *Code of State Regulations*.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities
Review Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for February 22, 2021. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

12/09/2020

#5825 HT: Mercy Hospital-Springfield (Moved from the Jan. 22nd Expedited Meeting)
Springfield (Greene County)
\$1,978,825, Replace robotic surgery system

12/10/2020

#5824 HT: Phelps Health (Moved from the Jan. 22nd Expedited Meeting)
Rolla (Phelps County)
\$1,329,715, Replace magnetic resonance imaging (MRI) unit

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by February 11, 2021. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102
For additional information contact Alison Dorge at
alison.dorge@health.mo.gov.