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February 1, 2023

MISSOURI



REGISTER

John R. Ashcroft  Secretary of State



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October 3, 2022 October 17, 2022	November 1, 2022 November 15, 2022	November 30, 2022 November 30, 2022	December 30, 2022 December 30, 2022
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please see the website at sos.mo.gov/adrules/pubsched.

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The *Missouri Register* and *Code of State Regulations* (CSR) are available on the Internet. The Register address is sos.mo.gov/adrules/moreg/moreg and the CSR is sos.mo.gov/adrules/csr/csr. The Administrative Rules Division may be contacted by email at rules@sos.mo.gov.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.

HOW TO CITE RULES AND RSMO

RULES

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

Title	CSR	Division	Chapter	Rule
3 Department	<i>Code of State Regulations</i>	10- Agency division	4 General area regulated	115 Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

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

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

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

**TITLE 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 2 – Income Tax**

EMERGENCY RULE

12 CSR 10-2.436 SALT Parity Act Implementation

PURPOSE: This rule explains how a partnership or an S corporation may elect to become an affected business entity under section 143.436, RSMo, the timing of affected business entity tax return filing, how to designate an affected business entity representative for a tax year, the estimated tax obligations and withholding obligations of an affected business entity, and an aspect of the tax credit under the SALT Parity Act.

EMERGENCY STATEMENT: The Director of Revenue (the "Director") finds that an emergency rule is necessary to preserve a compelling governmental interest that requires an early effective date, as the SALT Parity Act (section 143.436, RSMo) applies to the tax year ending December 31, 2022, and authorizes the Director to prescribe by rule how an election to become subject to the tax imposed by the SALT Parity Act may be made, and authorizes the Director to promulgate other rules to implement the SALT Parity Act. Because the SALT Parity Act became law on August 28, 2022, is not possible for a rule to become effective prior to the end of the tax year to which the rule would apply. Failure to have a rule in place as soon possible would constitute a substantial

hardship to taxpayers who may wish to elect to become subject to the SALT Parity Act, as no rule would prescribe how or when such an election could be made. Moreover, failure to have a rule in place as soon as possible would cause significant compliance difficulties for taxpayers who are considering becoming subject to the SALT Parity Act, as they may be otherwise unaware of material information about the affected business entity return filing and any extensions thereof, how to designate an affected business entity representative, the withholding obligations and lack of estimated tax payment requirements of an affected business entity, and an aspect of the tax credit under the SALT Parity Act. This emergency rule mitigates such substantial hardship and helps to reduce those compliance difficulties. As a result, the Director finds a compelling governmental interest, which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The director believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 27, 2022, becomes effective January 11, 2023, and expires July 9, 2023.

(1) For tax years ending on or after December 31, 2022, a partnership or S corporation electing to become an affected business entity for a tax year shall make such election on its affected business entity tax return (Form MO-PTE). A separate election must be made for each tax year.

(2) An election to become an affected business entity for a tax year shall not be effective if the partnership or S corporation has not successfully designated a person as an affected business entity representative for that tax year at or before the time the partnership or S corporation attempts to make such election. For an election to be effective, the affected business entity tax return (Form MO-PTE) on which the election is made must include the signatures of either:

(A) Each member of the electing entity who is a member at the time the affected business entity tax return is filed; or

(B) An officer, manager, or member of the electing entity who is authorized to make the election and who attests to having such authorization under penalty of perjury.

(3) The deadline for making an election to become an affected business entity for a tax year is the filing deadline for the affected business entity tax return (Form MO-PTE). No election can be made after the deadline, including any approved extension.

(4) If an election to become an affected business entity has been made for a tax year, the election cannot be revoked for that tax year.

(5) At or before the time that a partnership or S corporation files its affected business entity tax return (Form MO-PTE) on which the election is made, the partnership or S corporation shall designate an affected business entity representative for that tax year. Only one natural person may serve as an affected business entity representative for a tax year.

(A) To designate a person as an affected business entity representative, the partnership or S corporation must file with the department a Power of Attorney (Form 2827) designating that person as an appointed representative and giving that person the title of "Affected Business Entity Representative."

(B) The Power of Attorney (Form 2827) must include the

signature of an officer, manager, or member of the partnership or S corporation who is authorized to designate an affected business entity representative and who attests to having such authorization under penalty of perjury. Alternatively, the Power of Attorney (Form 2827) must include the signatures of partners or shareholders who together hold the majority of the voting power of the partnership or S corporation. In lieu of adding signature(s) in the signature box of the Power of Attorney (Form 2827), an attachment shall be included with the filing of the Power of Attorney (Form 2827), containing such signature(s) under the following statement: "Under penalties of perjury, I (we) hereby certify that I (we) am (are) members of, or an officer or manager of, the taxpayer named on this Form 2827, and that I (we together) am (are) authorized to designate an affected business entity representative for the taxpayer."

(C) As necessary qualifications to be designated as an affected business entity representative for a tax year, a person must have a working e-mail address, telephone number, and physical address at which to receive mail.

(D) The Power of Attorney (Form 2827) must include a current working e-mail address, telephone number, and physical mailing address of the person to be designated as the affected business entity representative. A filing lacking any information required by subsections (B) or (D) of this section will be ineffective to designate a person as an affected business entity representative.

(E) If a Power of Attorney (Form 2827) is filed with the signatures required by subsection (B) above, but the filing lacks one or more items of information required by subsection (D) above, or the person who would otherwise serve as affected business entity representative lacks one of the qualifications required by subsection (C) above, that person shall nevertheless be considered an authorized representative of the partnership or S corporation for purposes of receiving and discussing the partnership or S corporation's confidential tax information otherwise protected by section 32.057, RSMo. By way of example, the department may communicate with that person to share what items or qualifications were lacking in the attempt to make that person an affected business entity representative.

(F) If a person has already been designated as an affected business entity representative for an affected business entity's prior tax year, in lieu of the other requirements of this section, that person may be re-designated as an affected business entity representative for a later tax year by the filing of that tax year's affected business entity tax return (Form MO-PTE) and the checking of a box on that return indicating the affected business entity's intent to re-designate that representative.

(6) An affected business entity representative may be removed from the role of affected business entity representative for a tax year if the partnership or S corporation designates a new affected business entity representative for that tax year. The removal of an affected business entity representative does not change the binding effect of any prior actions taken by that affected business entity representative.

(7) An affected business entity is not subject to an estimated income tax declaration filing requirement, or an estimated income tax payment requirement. An affected business entity may choose to make an early payment of its anticipated tax liability for a tax year, even if the tax year is not yet complete.

(8) The election to become an affected business entity does not relieve a partnership or S corporation of its withholding obligations under section 143.411.5, RSMo, or section 143.471.6, RSMo, respectively.

(9) The affected business entity's tax under section 143.436, RSMo, is due at the same time the affected business entity's return is due, that is, by the fifteenth day of the fourth month following the end of the partnership or S corporation's tax year. By this same date, the affected business entity shall file an affected business entity tax return (Form MO-PTE) unless a filing extension is approved by the department. If an affected business entity is approved for a filing extension of the affected business entity tax return (Form MO-PTE), the affected business entity is likewise granted an equal extension of time for the payment of the tax due under Section 143.436, RSMo. Pursuant to Section 143.731.2, RSMo, interest on this tax will continue to accrue regardless of any extension of time for payment.

(10) If a partnership or S corporation has received a federal extension for filing its annual partnership or S corporation federal return, that partnership or S corporation is hereby granted an equal extension of time for filing its affected business entity tax return (Form MO-PTE), except that this extension will be no longer than six months. The partnership or S corporation must attach a copy of the approved federal extension to its affected business entity tax return (Form MO-PTE). This section applies only to partnerships or S corporations that have an original affected business entity tax return due date that matches the original due date of their annual partnership or S corporation federal return.

(11) The tax credits granted to a member of an affected business entity by sections 143.436.8 and 143.436.10, RSMo, shall be computed based on the member's direct and indirect pro rata share of the tax actually paid pursuant to section 143.436, RSMo, by any affected business entity of which such member is directly or indirectly a member. If an affected business entity reduces its tax liability under section 143.436, RSMo, by use of tax credits, other than a credit for payment or overpayment of this tax, the affected business entity's tax actually paid will generally be reduced.

AUTHORITY: sections 32.057.2, 136.120, and 143.961, RSMo 2016, and section 143.436, RSMo Supp. 2022. Emergency rule filed Dec. 27, 2022, effective Jan. 11, 2023, expires July 9, 2023. A proposed rule covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency rule will cost state agencies or political subdivisions less than eleven thousand dollars (\$11,000) in the time the emergency is effective.

PRIVATE COST: This emergency rule will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Revenue
Division Title: Director of Revenue
Chapter Title: Chapter 2 – Income Tax**

Rule Number and Name:	12 CSR 10.2436 SALT Parity Act Implementation
Type of Rulemaking:	New

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	Less than \$11,000

III. WORKSHEET

IV. ASSUMPTIONS

The SALT Parity Act allows the Department to create an entity level income reporting tax return for S Corps and Partnerships. Additionally, members of the S Corps and Partnerships will receive a tax credit on their individual income tax return for the amount of tax paid by the entity. This program will result in the Department adding a line to the MO-1040, the MO-TC and creating the entity level return. These changes are being done by in-house staff who make changes to our tax forms annually. These changes are not expected to result in a fiscal impact.

The Department's internal tax reporting computer system will need to be updated to accept the changes on the MO-1040, MO-TC and the new entity reporting form. The Department has a vendor that makes changes to our system as needed. These changes are expected to result in one-time computer upgrades costs of less than \$11,000.

No other political subdivision or state agency is impacted by the SALT Parity Act.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2110 – Missouri Dental Board
Chapter 2 – General Rules**

EMERGENCY RULE

20 CSR 2110-2.133 Telehealth Dental Pilot Project in Medically Underserved Populations

PURPOSE: This rule implements the provisions of Section 332.325, RSMo, and creates temporary waivers of provisions of Chapter 332 and previously promulgated regulations pursuant to Section 332.325, RSMo.

EMERGENCY STATEMENT: Section 332.325, RSMo, was passed during the 101st General Assembly, 2022, and became effective August 28, 2022. This legislation created an authorization for the Missouri Dental Board to work with the Missouri Department of Health and Senior Services (DHSS) to create pilot projects designed to examine new methods of extending dental care to underserved populations in Missouri. The legislation authorizes the board to promulgate rules creating temporary waivers of existing sections of Chapter 332 and current rules in order to facilitate the delivery of dental care in these limited pilot projects. The legislation specifies that the provisions of section 332.325, RSMo, expire on August 28, 2026, and requires the Missouri Dental Board to provide a final report on the data and findings of the pilot projects by no later than December 31, 2025.

The Board has collaborated with DHSS to create a pilot project that will collect data on the delivery of dental care to residents of nursing homes and long-term care facilities utilizing telehealth technology. In order to obtain a valid and relevant sample of data on the effectiveness of these new delivery methods, an earlier effective date of these proposed waivers is necessary.

*As a result, the Missouri Dental Board finds there is a compelling governmental interest that requires this emergency action. Specifically, this emergency rule is necessary to preserve a compelling governmental interest by enabling an earlier effective date to allow for adequate time to provide care using these new delivery methods and collect relevant data regarding their effectiveness. A proposed rule covering the same material is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Missouri Dental Board believe this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 28, 2022, becomes effective January 12, 2023, and expires July 10, 2023.*

(1) Pursuant to the provisions of section 332.325, RSMo, the board is collaborating with the Office of Dental Health (ODH) within the Missouri Department of Health and Senior Services (DHSS) to create a pilot project designed to examine new methods of extending dental care to residents in assisted living facilities, intermediate care facilities, residential care facilities, skilled nursing facilities, and homebound special needs patients.

(2) This pilot project, as set forth in section (1) above, will necessitate a waiver of the following provisions of Chapter 332, RSMo, and previously promulgated regulations pursuant to section 332.325, RSMo.

(A) Specific provisions of sections 332.093 and 332.098, RSMo, and 20 CSR 2110-2.120 in order to allow a dentist to supervise a dental assistant, certified dental assistant, or expanded functions dental assistant using telehealth technology. A

supervising dentist may delegate to an expanded functions dental assistant any expanded function duties that dental assistant has a board issued permit for.

(B) Specific provisions of 20 CSR 2110-2.130 to allow a licensed dental hygienist to administer local anesthetic under the supervision of a dentist using telehealth technology.

(C) Specific provisions of sections 332.071 and 332.093, RSMo, and 20 CSR 2110-2.120 and temporary restorations or caries arresting fluoride under the supervision of a dentist using telehealth technology subsequent to an examination and diagnosis by the supervising dentist.

(D) Specific provisions of 20 CSR 2110-2.001 and 20 CSR 2110-2.130 to allow a licensed dental hygienist to provide scaling and polishing, root planning, and nonsurgical periodontal procedures prior to the supervising dentist performing an examination pursuant to standing orders written by the supervising dentist.

(3) The provisions of this rule shall only apply to dental healthcare workers providing services pursuant to a pilot project created through a collaboration between ODH and the board and shall expire on August 28, 2026, in accordance with section 332.325, RSMo.

*AUTHORITY: section 332.031, RSMo 2016, and section 332.325, RSMo Supp. 2022. Emergency rule filed Dec. 28, 2022, effective Jan. 12, 2023, expires July 10, 2023. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

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

PRIVATE COST: This emergency rule will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

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

EXECUTIVE ORDER

22-09

WHEREAS, I have been advised by the State Emergency Management Agency that the forecasted severe winter storm systems have the potential to cause damage associated with snow, freezing rain, sleet, ice, and dangerously low temperatures, impacting communities throughout the State of Missouri; and

WHEREAS, many citizens of Missouri and other states will travel across Missouri in the coming days to celebrate the holidays with their loved ones; and

WHEREAS, the severe winter storm systems reaching Missouri on December 21, 2022 and continuing will likely create a condition of distress and hazard to the safety, welfare, and property of the people of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, the State of Missouri must continue to be proactive where the health and safety of its citizens are concerned; and

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

WHEREAS, a State of Emergency is currently in place under Executive Order 22-08.

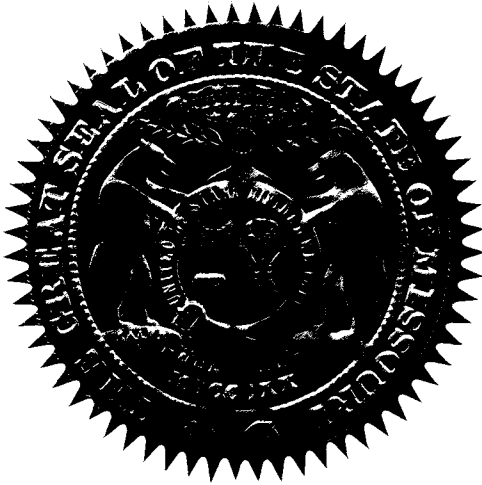
NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that the State of Emergency in effect under Executive Order 22-08 shall continue until the expiration of this Executive Order and direct the Missouri State Emergency Operations Plan be activated contemporaneously.

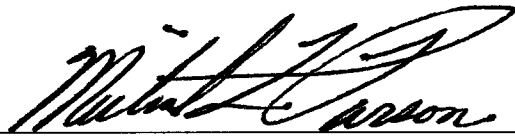
I further order, pursuant to Sections 41.480 and 41.690, RSMo, the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this State.

I further authorize state agencies to provide assistance as needed.

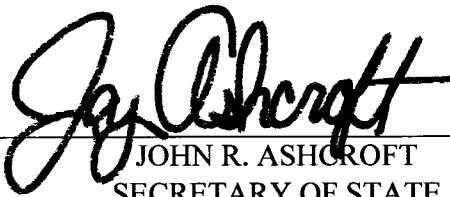
This Order shall terminate on January 9, 2023 unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 20th day of December, 2022.




MICHAEL L. PARSON
GOVERNOR

ATTEST:


JOHN R. ASHCROFT
SECRETARY OF STATE

**EXECUTIVE ORDER
22-10**

WHEREAS, Missourians depend on propane supplies to heat their homes, businesses, and other buildings during winter months; and

WHEREAS, I issued Executive Orders 22-08 and 22-09 to ensure Missourians receive access to propane and other State support to address winter weather and conditions; and

WHEREAS, the increased demand and decreased supply for propane has created significant delays for carriers to acquire propane for transport to and across Missouri; and

WHEREAS, action is needed to provide regulatory relief and assistance to ensure timely access to propane is not interrupted for Missouri residents and businesses; and

WHEREAS, a temporary suspension of current regulations on maximum driving times is necessary to the safety and welfare of the citizens of the State of Missouri in order to ensure that operators of commercial motor carriers who are assisting in the aforementioned efforts within the State of Missouri; and

WHEREAS, the State of Missouri is currently in a State of Emergency under Executive Orders 22-08 and 22-09 within the meaning of Title 49, Code of Federal Regulations Section 390.23.

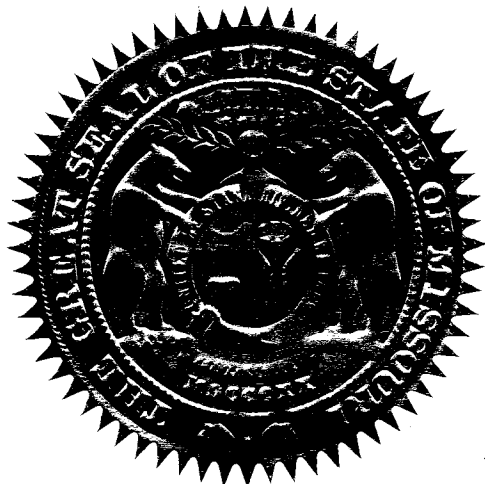
NOW, THEREFORE, I, MICHAEL PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby declare that the State of Emergency currently in effect under Executive Orders 22-08 and 22-09 and Title 49, Code of Federal Regulations Section 390.23 shall permit vehicles used in support of the aforementioned efforts be exempt from the hours of service requirements in Title 49, Code of Federal Regulations, Parts 390 through 399, as incorporated in state law, including but not limited to Sections 307.400, 390.201, and 622.550, RSMo, and 11 CSR 30-6.010, for the duration of this Order.

This order applies only to propane fuel. No other fuels are covered by the exemption and suspension under this Order.

Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. Part 382, the commercial driver's license requirements in 49 C.F.R. Part 383, the financial responsibility requirements in 49 C.F.R. Part 387, applicable size and weight requirements, or any portion of Federal and State regulations not specifically identified.

Additionally, nothing in this Order shall require or allow an ill or fatigued driver to operate a commercial motor vehicle as described in 49 C.F.R. § 390.23(b). Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.

This Order shall remain in effect until January 3, 2023 unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21st day of December, 2022.

A handwritten signature in black ink, appearing to read "Michael L. Parson", written over a horizontal line.

MICHAEL L. PARSON
GOVERNOR

ATTEST:

A handwritten signature in black ink, appearing to read "John R. Ashcroft", written over a horizontal line.

JOHN R. ASHCROFT
SECRETARY OF STATE

**EXECUTIVE ORDER
22-11**

WHEREAS, on December 15, 2022, I declared a State of Emergency and waived Section 323.030, RSMo, and 2 C.S.R. 90-10.019 to allow other entities registered to fill liquefied petroleum gas containers in this state to fill containers owned by Gygr-Gas through Executive Order 22-08; and

WHEREAS, Gygr-Gas has been unresponsive to customers for months, resulting in low or empty propane tanks for many of their customers and leaving them without the ability to heat their homes and businesses; and

WHEREAS, Executive Order 22-08 is set to expire on January 1, 2023; and

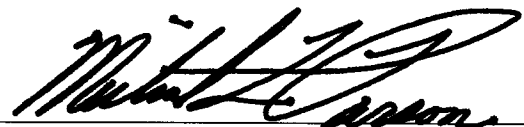
WHEREAS, extending Executive Order 22-08 is necessary to assist customers abandoned by Gygr-Gas until there is a permanent propane supplier for those affected; and

WHEREAS, individuals across Missouri will need access to propane to heat their homes and business during the upcoming winter months; and

WHEREAS, continued assistance from other propane companies is requested to ensure affected Missouri families and businesses are not negatively impacted.

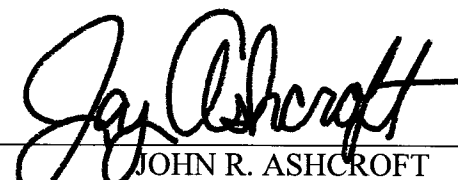
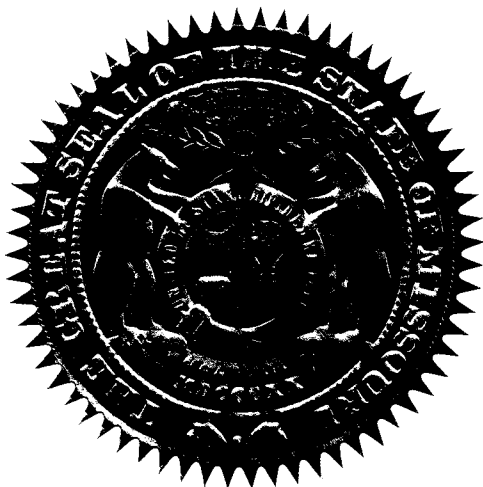
NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby extend Executive Order 22-08, and the State of Emergency and waivers declared therein, until January 31, 2023, unless terminated or extended by subsequent order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29th day of December, 2022.



MICHAEL L. PARSON
GOVERNOR

ATTEST:



JOHN R. ASHCROFT
SECRETARY OF STATE

The text of proposed rules and changes will appear under this heading. A 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 explanation is set out in the PURPOSE section of each rule. A citation of the legal authority to make rules is also required, and appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology 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 that 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, 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 7 – Wildlife Code: Hunting: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits. The commission proposes to amend subsections (1)(A)–(D).

PURPOSE: This amendment clarifies the use of a blood-tracking dog for the recovery of wounded turkey.

(1) Turkeys may be pursued, taken, killed, possessed, or transported only as permitted in this rule.

(A) Spring Season. A person possessing the prescribed turkey hunting permit may take two (2) male turkeys or turkeys with visible beards from April 17 through May 7, 2023; provided only one (1) turkey may be taken before April 24, 2023, and only

one (1) turkey may be taken per day. A turkey taken during a managed hunt will count towards an individual's spring season bag limit. Turkeys may be taken only by shotgun[,] with shot no larger than No. 4, atlatl, crossbow, or bow; without the use of dogs (**except for the recovery of wounded turkey as specifically authorized by 3 CSR 10-7.410**), bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to 1:00 p.m. Central Daylight Time (CDT). Possession of electronic calls or shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

(B) Fall Firearms Season. Fall season annually will be October 1 through October 31. A person possessing the prescribed turkey hunting permit may take two (2) turkeys of either sex during the season. Turkeys may be taken only by shotgun[,] with shot no larger than No. 4, atlatl, bow, or crossbow; without the use of dogs (**except for the recovery of wounded turkey as specifically authorized by 3 CSR 10-7.410**), bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to sunset in all counties except: Dunklin, McDonald, Mississippi, New Madrid, Newton, Pemiscot, and Scott. Possession of electronic calls or shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys. A person, while in the act of pursuing or hunting turkey on a fall firearms permit, shall not have both a firearm and an atlatl, bow, or crossbow on his/her person except any person may carry concealable firearms, as defined in Chapter 571, RSMo, on or about his/her person while hunting. Firearms possessed under this exception may not be used to take wildlife while hunting with an atlatl, bow, or crossbow.

(C) Fall Archery Season. A person possessing the prescribed archer's hunting permit may take two (2) turkeys of either sex from September 15 through January 15, excluding the dates of the November portion of the firearms deer season. Turkeys may be taken only by atlatls, bows, and crossbows; without the use of dogs (**except for the recovery of wounded turkey as specifically authorized by 3 CSR 10-7.410**), bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. Possession of electronic calls is prohibited while hunting turkeys. An archer, while in the act of pursuing or hunting turkey on an archer's permit, shall not have a firearm on his/her person except any person may carry concealable firearms, as defined in Chapter 571, RSMo, on or about his/her person while hunting. Firearms possessed under this exception may not be used to take wildlife while hunting with an atlatl, bow, or crossbow.

(D) Youth Spring Season. The two- (2-) day youth spring season will be from April 1 through April 2, 2023. Any person possessing the prescribed turkey hunting permit and who is at least six (6) but not older than fifteen (15) years of age on the opening day of the youth spring season may take only one (1) male turkey or turkey with visible beard during the youth spring season. A turkey harvested during the youth spring season will count towards an individual's spring season bag limit; individuals hunting under the prescribed turkey hunting permit may not harvest a second bird before April 24, 2023. Turkeys may be taken only by shotgun with shot no larger than No. 4, atlatl, crossbow, or bow; without the use of dogs (**except for the recovery of wounded turkey as specifically authorized by 3 CSR 10-7.410**), bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to sunset. Possession of electronic calls or shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State

Regulations. Amended: Filed Dec. 21, 2022.

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 <https://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 11 – Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.110 General Provisions. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment references new sections of Chapter 11, clarifies exceptions to the prohibition of digging, excavating, and using trail cameras, and clarifies rules about special use permits.

(1) Department areas may be used only as authorized by this chapter, except these rules shall not restrict department employees or their designees when conducting official events or activities. Department areas may be used only in accordance with the following:

(B) The following activities are allowed on department areas as further authorized by this chapter:

1. Commercial use (See 3 CSR 10-11.111);

2. Photography and videography (See 3 CSR 10-11.112);

[1.]3. Entering or remaining on department areas, or designated portions of department areas (See 3 CSR 10-11.115);

[2.]4. Possession of pets and hunting dogs (See 3 CSR 10-11.120);

[3.]5. Field ~~[T]~~trials (See 3 CSR 10-11.125);

[4.]6. Use of vehicles, bicycles, horses, and horseback riding (See 3 CSR 10-11.130);

[5.]7. Collecting of nuts, berries, fruits, edible wild greens, and mushrooms (See 3 CSR 10-11.135);

[6.]8. Camping (See 3 CSR 10-11.140);

[7.]9. Tree stands (See 3 CSR 10-11.145);

[8.]10. Target shooting and use of shooting ranges (See 3 CSR 10-11.150);

[9.]11. Decoys and ~~[B]~~blinds (See 3 CSR 10-11.155);

[10.]12. Use of boats and motors (See 3 CSR 10-11.160);

[11.]13. Taking bullfrogs and green frogs (See 3 CSR 10-11.165);

[12.]14. Hunting (See 3 CSR 10-11.180 through 3 CSR 10-11.186 and 3 CSR 10-11.190 through 3 CSR 10-11.191);

[13.]15. Trapping (See 3 CSR 10-11.187);

[14.]16. Fishing (See 3 CSR 10-11.200 through 3 CSR 10-11.215);

[15.]17. Taking feral swine (See 3 CSR 10-11.220);

(C) The following activities are prohibited on department areas and may not be authorized by a special use permit:

1. Destruction, defacing, or removal of department

property;

2. Digging or excavating, **except for scientific purposes as authorized by a Letter of Authorization for Plant Collecting;**

3. Guiding for pay;

4. Military or law enforcement training by nongovernment entities;

5. Placing of grain, salt products, minerals, and other consumable products on land;

6. Placing or using trail or game cameras or other similar devices, **except for scientific purposes as authorized by a Wildlife Collector's Permit;**

7. Use of paint ball, airsoft, or similar projectile weapons not specifically authorized by this Code;

8. Placement of honey bee apiaries;

9. Parking or storage of watercraft and commercial vehicles during closed hours;

10. Use of fireworks;

11. Use of remote-controlled boats or land vehicles;

12. Prospecting, exploring, mining, or extracting minerals, metals, oil, natural gas, or other nonrenewable resources, except as specifically approved by the commission; and

13. Commercial or political advertising, except for commercial advertising by authorized concessionaires or by vendors participating in department events;

(D) Activities not listed in subsections (1)(A), (1)(B), or (1)(C) of this rule, *including commercial use and vending,* may be authorized by a special use permit when the activity is compatible with other authorized activities. *[Special use permits may be issued only by the area manager or their designee.]*

(E) Issuance of a special use permit is at the discretion of the department. Application for a special use permit **as required by this chapter** does not guarantee that one will be issued. All persons entering, remaining on, or using a department area pursuant to a special use permit shall abide by the specific conditions stated on the permit;

~~[(E)](F)~~ Signs, posted regulations, or area maps may further restrict activities in accordance with this chapter, including designating portions of department areas as open or closed to public use. Area managers may temporarily close or change regulations on department areas through posting to protect the public from hazardous conditions and threats to public safety, to protect fish and wildlife resources, and for special events or resource management activities where public use conflicts are likely to occur. All persons entering, remaining on, or using a department area shall abide by signs, posted regulations, and area maps;

~~[(F)](G)~~ Collecting or possessing wild plants and wild animals (including invertebrates) and unprocessed parts thereof must be authorized by a Letter of Authorization for Plant Collecting or a Wildlife Collector's Permit, respectively, except as otherwise authorized in this *[Code] Code*;

~~[(G)](H)~~ Waste containers may be used only for disposal of garbage, trash, refuse, or rubbish generated on the department area;

~~[(H)](I)~~ Possession of food and beverage containers made of glass are prohibited on the following conservation areas:

1. Amidon Memorial Conservation Area within the Castor River Shut-Ins Natural Area; and

2. Lon Sanders Canyon Conservation Area;

~~[(I)](J)~~ On Thomas Hill Reservoir, swimming, sailboarding, scuba diving, and water skiing are permitted, except water skiing is prohibited north of Highway T on the Stinking Creek Arm of the lake and on the warm water arm of the lake upstream from the marker buoys; and

~~[(J)](K)~~ On Rockwoods Reservation, rock climbing is allowed only in designated and posted areas.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 21, 2022.

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 <https://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 11 – Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.111 Commercial Use. The commission proposes to amend section (1) and remove section (4).

PURPOSE: This amendment removes section (4) from the Commercial Use rule. Photography and videography will now be covered in a new rule, 3 CSR 10-11.112, that includes commercial and non-commercial photography and videography. Changes to this rule also allow exemptions to the requirement of a permit for certain commercial uses.

(1) Certain commercial uses are permitted on department areas and require a commercial use permit or a special use permit, **except** as **otherwise** provided in this chapter. Commercial use is defined as any activity that directly or indirectly results in financial benefit or gain, or where money is exchanged in connection with the activity.

[(4) Photography/Videography. A commercial use permit is required for any person or entity engaged in commercial photography or videography, such as professional photography, commercials, advertising, promotionals, television, or documentaries. No commercial use permit is required for news agencies. A permit may be denied if the use is determined to be incompatible with the department's mission, in conflict with other uses, or potentially harmful to persons or property. Permit fees may be waived for conservation-related organizations where the project will promote or benefit conservation interests. A separate approval is required when using an unmanned aerial system (UAS) or drone for photography or videography. Liability insurance may be required for any commercial photography or videography permit.

(A) A Commercial Photography Permit is required for commercial photographers taking photographs on department areas. Fee: one-hundred dollars (\$100) annually.

1. Photographers using the Commercial Photography Permit must also possess an approved special use permit for photography involving special accommodations, use of an unmanned aerial system (UAS) or drone, use of props, when

more than ten (10) people are involved, or on department lands associated with nature and education centers, staffed ranges, offices, and on the following department areas:

- A. Burr Oak Woods Conservation Area;
- B. Busch (August A.) Memorial Conservation Area;
- C. Reed (James A.) Memorial Wildlife Area; and
- D. Rockwoods Reservation.

(B) A Commercial Videography Permit is required for all commercial videography on department areas. Fee: five-hundred dollars (\$500) per day.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. Original rule filed Sept. 4, 2020, effective July 1, 2021. Amended: Filed Dec. 21, 2022.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately fifteen thousand eight hundred dollars (\$15,800) in lost revenue annually. There will be a corresponding reduction in staff time and expenses to issue permits since commercial photography permits and commercial videography permits will no longer be issued.

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 <https://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 11—Wildlife Code: Special Regulations for Department Areas

Rule Number and Name:	3 CSR 10-11.111 Commercial Use
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$15,800 – approximate annual loss of revenue

III. WORKSHEET

158 commercial photography permits annually x \$100 per permit fee = \$15,800 in lost annual revenue

15 videography permits x \$0 per permit fee (fees were waived if promoting conservation areas or conservation related activities) = \$0 in lost annual revenue

IV. ASSUMPTIONS

It is assumed that the number of permits issued annually would remain the same as in FY21. It is also assumed that fees would continue to be waived for commercial videography permits if they promoted conservation areas or conservation related activities.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 11 – Wildlife Code: Special Regulations for
Department Areas**

PROPOSED RULE

3 CSR 10-11.112 Photography and Videography

PURPOSE: This rule establishes the requirements and conditions for allowing photography and videography on department areas.

(1) Photography and videography are authorized on department areas without a permit, except a special use permit is required for photography and videography involving:

(A) Access during closed hours or to portions of areas closed to public use;

(B) Use of an unmanned aerial system (UAS) or drone;

(C) Use of a prop, set, or equipment larger than a single person can carry; or

(D) The total daily number of people participating with a photographer or videographer for the primary purpose of photography and videography is more than ten (10).

(2) Photography and videography specifically exclude the use or placement of a trail and game camera, or another similar device.

(3) Photography and videography activities authorized by this rule and meeting the definition of a commercial use as defined in 3 CSR 10-11.111 (except photography or videography classes for pay) are exempt from the permit requirements of 3 CSR 10-11.111 for commercial use on department areas.

(4) A fee, up to five hundred dollars (\$500) each day, may be charged for a special use permit for photography and videography that involves more than twenty-five (25) people or has the potential to harm resources or create user conflict.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. Original rule filed Dec. 21, 2022.

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

PRIVATE COST: This proposed rule will cost private entities approximately one thousand dollars (\$1,000) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://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 COST

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 11—Wildlife Code: Special Regulations for Department Areas

Rule Number and Name:	3 CSR 10-11.112 Photography and Videography
Type of Rulemaking:	Proposed Rule

II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Individuals, organizations, or businesses being allowed to conduct high-impact photography or videography on conservation areas may require up to a \$500/day fee.	\$1,000 - approximate annual cost

- III. **WORKSHEET**
2 high-impact photography/videography special use permits annually x \$500 = \$1,000 annually
- IV. **ASSUMPTIONS**
It is assumed that 0-2 permits annually will meet the high-impact qualifications that would warrant charging \$500/day. Typically, these types of permits are not allowed; however, there may be situations where the activity may impact the resource or create user conflict and yet we still decide to allow.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 300 – Office of Special Education**

PROPOSED AMENDMENT

5 CSR 20-300.110 Individuals with Disabilities Education Act, Part B. The State Board of Education (board) is amending the purpose, section (2), and the incorporation by reference material.

PURPOSE: The purpose of the amendment is to update the incorporation by reference materials.

PURPOSE: The Department of Elementary and Secondary Education is eligible to apply for and receive federal funds under the Individuals with Disabilities Education Act (IDEA), Part B, for the provision of special education and related services to eligible children and youth. This rule incorporates by reference changes to the [annual program] state plan required by [new] federal statutes for the provision of the services to eligible children.

(2) The content of this state plan for the Individuals with Disabilities Education Act (IDEA), Part B (revised [March] **December** 2022), which is hereby incorporated by reference and made a part of this rule, meets the federal statute and Missouri's compliance in the following areas. A copy of the IDEA, Part B, is published by and can be obtained from the Department of Elementary and Secondary Education, Office of Special Education, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480, and at its website at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials/IDEAPartB-2014>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092 and 162.685, RSMo 2016. This rule previously filed as 5 CSR 70-742.140. Original rule filed April 11, 1975, effective April 21, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 3, 2023.

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 Department of Elementary and Secondary Education, Office of Special Education, PO Box 480, Jefferson City, MO 65102-0480, via email at IDEA.comments@dese.mo.gov. 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 March 6, 2023, from 10 a.m. to 11 a.m. (virtual) at <https://www.zoomgov.com/j/1617899871>.

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
[Chapter 400–Office of Educator Quality]
Chapter 100–Office of Quality Schools**

PROPOSED AMENDMENT

5 CSR 20-[400.400]100.340 School Board Member Orienta-

tion and Training. The State Board of Education is amending the administrative rule number, chapter, and sections (1)-(5), adding new sections and renumbering.

PURPOSE: This amendment moves this rule to Chapter 100, modifies training requirements, and provides clarification to the language to comply with revisions to state law.

(1) [Beginning with Fiscal Year 1994 and for all fiscal years after that, t]The State Board of Education may expend funds as provided in section 160.530, RSMo, for the benefit of members of boards of education.

(A) Training [of members of boards of education] in areas deemed important for [the training of] effective board members should include[.]-

1. Issues of policy including purpose, development, adoption, and [management] maintenance of [policy and] policies, procedures, regulations, and rules[.];

2. Relationships between board members and with [various] constituents [such as], including but not limited to the superintendent[s and], staff, parents/guardians, patrons, [the] media, and other governmental entities;

3. [Board] Long-range and annual planning including developing a vision, [long-range and annual planning] mission, and evaluation of progress toward goals;

4. Approval of a budget sufficient to ensure funding to meet district goals;

[4.]5. General procedures including topics such as ethics, Missouri's open meetings and records law, parliamentary procedure, duties of officers, agenda setting, and participatory decision making; [and]

[5.]6. Information [on] related to student learning and performance [techniques and reporting.] measures;

7. Information about state and federal laws governing public schools;

8. Information about preventing the sexual abuse of children; and

9. Information about emergency preparedness, safety, and security of schools.

(2) [All b]Board members [initially elected or appointed after August 28, 1993.] shall successfully complete orientation and must comply with training requirements outlined in section 162.203, RSMo, within one (1) year of the date of the election or appointment.

(3) Board members must annually complete a minimum of one (1) hour of refresher training consistent with section 162.203, RSMo.

[(3)](4) The board member orientation and training shall be offered by a statewide association organized for the benefit of members of boards of education or be approved annually by the State Board of Education. All providers must provide the Department of Elementary and Secondary Education (department) sufficient documentation regarding program content.

(5) All providers must provide documentation of board members' successful completion of content as determined by the department.

[(4)](6) Board members who fail to successfully complete any component of the [sixteen (16)] eighteen and one-half (18.5) hours of orientation and training shall retake the component [which] that was not successfully completed at the earliest available training session and at no additional cost to the district.

[(5)](7) The State Board of Education *[shall]* **may** consider *[the results of board members']* **a district's failure to complete required annual orientation and training for board members** when classifying a school district.

AUTHORITY: sections 160.530 and 162.203, RSMo Supp. [1993] 2022, and section 161.092, RSMo 2016. This rule previously filed as 5 CSR 80-850.060. Original rule filed Nov. 30, 1993, effective July 10, 1994. Moved to 5 CSR 20-400.400, effective Aug. 16, 2011. Moved to 5 CSR 20-100.340 and amended: Filed Dec. 27, 2022.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Jocelyn Strand, Improvement and Accountability Administrator, Office of Quality Schools, PO Box 480, Jefferson City, MO 65102-0480 or by email to qualityschools@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30 – Division of Financial and Administrative Services
Chapter 261 – Pupil Transportation**

PROPOSED AMENDMENT

5 CSR 30-261.045 Pupil Transportation in Vehicles Other Than School Buses. The State Board of Education (board) is amending subsections (2)(E) and (F).

PURPOSE: This amendment modifies the definition of a school bus and subsequent licensure requirements in accordance with legislative changes to section 304.060, RSMo.

(2) Requirements for transportation of students in vehicles designed for transporting ten (10) passengers or *[less]* **fewer** including the driver.

(E) The driver of a district-owned or district-contracted vehicle shall have a valid Missouri operator's license for the motor vehicle *[and comply with section 302.272, RSMo, and 5 CSR 30-261.010(2)(A)1.-3., not to include a parent or guardian transporting only their children under a written contract with the district and who is not compensated by the district. The parent or guardian shall have a valid Missouri operator's license for the vehicle operated as per 5 CSR 30-261.010(2)(A)].*

(F) The driver of a privately owned vehicle *[who is not compensated by the school district to]* transporting students to and from school or school-related events **on the school district's behalf** shall have a valid Missouri operator's license for the vehicle operated *[as per 5 CSR 30-261.010(2)(A)]. This shall include any person who transports school children as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator as per section 302.010 (19), RSMo. Compensation shall be defined for the purpose of this section as any reimbursement received by*

the driver that exceeds the average cost of operating a car per mile as established by the American Automobile Association].

*AUTHORITY: section 161.092, RSMo 2016, and section 304.060, RSMo Supp. [2019] 2022. This rule was previously filed as 5 CSR 40-261.045. Original rule filed Sept. 15, 1977, effective Jan. 16, 1978. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 28, 2022.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Kari Monsees, Deputy Commissioner, School Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102-0480 or by email to DESE.AdminRules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 30 – Office of the Director
Chapter 1 – General Organization**

PROPOSED AMENDMENT

11 CSR 30-1.010 Organization and Operations. The director is amending section (3).

PURPOSE: This rule is amended to accurately describe the current organization and methods of operation of the Department of Public Safety.

(3) The Department of Public Safety carries out its programs through the following major administrative divisions and units:

[(G)](G) Office of the Adjutant General, in cooperation with the Department of Public Safety, is responsible for the development and implementation of plans to prepare against civil disturbances, natural disasters and other emergency situations, and provides assistance during and following these events;]

[(H)](G) State Emergency Management Agency teaches Missourian[']s how to prepare for natural disasters, responds with assistance during a disaster, and provides recovery resources following a disaster; and

[(I)](H) Veterans Commission provides benefits, assistance, skilled nursing care, and interment of eligible veterans in Missouri.

AUTHORITY: section 536.023, RSMo 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Nov. 16, 1993, effective June 6, 1994. Amended: Filed March 1, 2019, effective Oct. 30, 2019. Amended: Filed Dec. 28, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 30 – Office of the Director
Chapter 8 – Local Government/School District
Partnership Program**

PROPOSED RESCISSION

11 CSR 30-8.010 Definitions. This rule defined terms used in the rules which pertain to the administration and operations of the Local Government/School District Partnership Program.

PURPOSE: The Director's Office has determined that this rule is no longer necessary because money has not been appropriated to this fund since 2003.

AUTHORITY: sections 589.300–589.310, RSMo (1994) and (Cum. Supp. 1996). Emergency rule filed Aug. 6, 1996, effective Aug. 16, 1996, expired Feb. 11, 1997. Original rule filed Sept. 20, 1996, effective April 30, 1997. Rescinded: Filed Dec. 28, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 30 – Office of the Director
Chapter 8 – Local Government/School District
Partnership Program**

PROPOSED RESCISSION

11 CSR 30-8.020 Eligible Applicants. This rule established criteria to determine the eligibility of applicant agencies to receive assistance from the Local Government/School District Partnership Program.

PURPOSE: The Director's Office has determined that this rule is no longer necessary because money has not been appropriated to this fund since 2003.

AUTHORITY: sections 589.300–589.310, RSMo (1994) and (Cum. Supp. 1996). Emergency rule filed Aug. 6, 1996, effective Aug. 16, 1996, expired Feb. 11, 1997. Original rule filed Sept. 20, 1996, effective April 30, 1997. Rescinded: Filed Dec. 28, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 30 – Office of the Director
Chapter 8 – Local Government/School District
Partnership Program**

PROPOSED RESCISSION

11 CSR 30-8.030 Notification and Filing Procedure. This rule established the procedure for applying for assistance from the Local Government/School District Partnership Program.

PURPOSE: The Director's Office has determined that this rule is no longer necessary because money has not been appropriated to this fund since 2003.

AUTHORITY: section 589.307, RSMo (1994). Emergency rule filed Aug. 6, 1996, effective Aug. 16, 1996, expired Feb. 11, 1997. Original rule filed Sept. 20, 1996, effective April 30, 1997. Rescinded: Filed Dec. 28, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 30 – Office of the Director
Chapter 8 – Local Government/School District
Partnership Program**

PROPOSED RESCISSION

11 CSR 30-8.040 Contract Awards, Monitoring and Review. This rule established the procedure for awarding, monitoring, and reviewing programs funded by the Local Government/School District Partnership Program.

PURPOSE: The Director's Office has determined that this rule is no longer necessary because money has not been appropriated to this fund since 2003.

AUTHORITY: sections 589.300–589.310, RSMo (1994) and (Cum. Supp. 1996). Emergency rule filed Aug. 6, 1996, effective Aug. 16, 1996, expired Feb. 11, 1997. Original rule filed Sept. 20, 1996, effective April 30, 1997. Rescinded: Filed Dec. 28, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies

or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 30 – Office of the Director
Chapter 9 – Operation Payback**

PROPOSED RESCISSION

11 CSR 30-9.010 Definition. This rule defined a crime tip organization as it applies under Operation Payback.

PURPOSE: The Director's Office has determined that this rule is no longer necessary because money has not been appropriated to this fund since 2002.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expired Aug. 26, 2000. Original rule filed Feb. 28, 2000, effective Aug. 30, 2000. Rescinded: Filed Dec. 28, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 30 – Office of the Director
Chapter 9 – Operation Payback**

PROPOSED RESCISSION

11 CSR 30-9.020 Participation Eligibility Requirements. This rule established the criteria for a crime tip organization to be registered with the Missouri Department of Public Safety and thus be eligible to request reimbursement funds through Operation Payback.

PURPOSE: The Director's Office has determined that this rule is no longer necessary because money has not been appropriated to this fund since 2002.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expired Aug. 26, 2000. Original rule filed Feb. 28, 2000, effective Aug. 30, 2000. Rescinded: Filed Dec. 28, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 30 – Office of the Director
Chapter 9 – Operation Payback**

PROPOSED RESCISSION

11 CSR 30-9.030 Reimbursement Criteria. This rule established the criteria for a crime tip organization receiving reimbursement funds through Operation Payback.

PURPOSE: The Director's Office has determined that this rule is no longer necessary because money has not been appropriated to this fund since 2002.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expired Aug. 26, 2000. Original rule filed Feb. 28, 2000, effective Aug. 30, 2000. Rescinded: Filed Dec. 28, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 30 – Office of the Director
Chapter 9 – Operation Payback**

PROPOSED RESCISSION

11 CSR 30-9.040 Operation Payback Restrictions. This rule stipulated prohibited use of reimbursement funds through Operation Payback.

PURPOSE: The Director's Office has determined that this rule is no longer necessary because money has not been appropriated to this fund since 2002.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expired Aug. 26, 2000. Original rule filed Feb. 28, 2000, effective Aug. 30, 2000. Rescinded: Filed Dec. 28, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 30 – Office of the Director
Chapter 9 – Operation Payback**

PROPOSED RESCISSION

11 CSR 30-9.050 Organization Disqualification. This rule established the criteria for which a crime tip organization may be removed from, or denied entry into, the Operation Payback program.

PURPOSE: The Director's Office has determined that this rule is no longer necessary because money has not been appropriated to this fund since 2002.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expired Aug. 26, 2000. Original rule filed Feb. 28, 2000, effective Aug. 30, 2000. Rescinded: Filed Dec. 28, 2022.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102-0749. 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 12 – DEPARTMENT OF REVENUE
Division 10 – Director of Revenue
Chapter 2 – Income Tax**

PROPOSED RULE

12 CSR 10-2.436 SALT Parity Act Implementation

PURPOSE: This rule explains how a partnership or an S corporation may elect to become an affected business entity under section 143.436, RSMo, the timing of affected business entity tax return filing, how to designate an affected business entity representative for a tax year, the estimated tax obligations and withholding obligations of an affected business entity, and an aspect of the tax credit under the SALT Parity Act.

(1) For tax years ending on or after December 31, 2022, a partnership or S corporation electing to become an affected

business entity for a tax year shall make such election on its affected business entity tax return (Form MO-PTE). A separate election must be made for each tax year.

(2) An election to become an affected business entity for a tax year shall not be effective if the partnership or S corporation has not successfully designated a person as an affected business entity representative for that tax year at or before the time the partnership or S corporation attempts to make such election. For an election to be effective, the affected business entity tax return (Form MO-PTE) on which the election is made must include the signatures of either –

(A) Each member of the electing entity who is a member at the time the affected business entity tax return is filed; or

(B) An officer, manager, or member of the electing entity who is authorized to make the election and who attests to having such authorization under penalty of perjury.

(3) The deadline for making an election to become an affected business entity for a tax year is the filing deadline for the affected business entity tax return (Form MO-PTE). No election can be made after the deadline, including any approved extension.

(4) If an election to become an affected business entity has been made for a tax year, the election cannot be revoked for that tax year.

(5) At or before the time that a partnership or S corporation files its affected business entity tax return (Form MO-PTE) on which the election is made, the partnership or S corporation shall designate an affected business entity representative for that tax year. Only one natural person may serve as an affected business entity representative for a tax year.

(A) To designate a person as an affected business entity representative, the partnership or S corporation must file with the department a Power of Attorney (Form 2827) designating that person as an appointed representative and giving that person the title of "Affected Business Entity Representative."

(B) The Power of Attorney (Form 2827) must include the signature of an officer, manager, or member of the partnership or S corporation who is authorized to designate an affected business entity representative and who attests to having such authorization under penalty of perjury. Alternatively, the Power of Attorney (Form 2827) must include the signatures of partners or shareholders who together hold the majority of the voting power of the partnership or S corporation. In lieu of adding signature(s) in the signature box of the Power of Attorney (Form 2827), an attachment shall be included with the filing of the Power of Attorney (Form 2827), containing such signature(s) under the following statement: "Under penalties of perjury, I (we) hereby certify that I (we) am (are) members of, or an officer or manager of, the taxpayer named on this Form 2827, and that I (we together) am (are) authorized to designate an affected business entity representative for the taxpayer."

(C) As necessary qualifications to be designated as an affected business entity representative for a tax year, a person must have a working email address, telephone number, and physical address at which to receive mail.

(D) The Power of Attorney (Form 2827) must include a current working email address, telephone number, and physical mailing address of the person to be designated as the affected business entity representative. A filing lacking any information required by subsections (B) or (D) of this section will be ineffective to designate a person as an affected business entity representative.

(E) If a Power of Attorney (Form 2827) is filed with the

signatures required by subsection (B) above, but the filing lacks one (1) or more items of information required by subsection (D) above, or the person who would otherwise serve as affected business entity representative lacks one (1) of the qualifications required by subsection (C) above, that person shall nevertheless be considered an authorized representative of the partnership or S corporation for purposes of receiving and discussing the partnership or S corporation's confidential tax information otherwise protected by section 32.057, RSMo. By way of example, the department may communicate with that person to share what items or qualifications were lacking in the attempt to make that person an affected business entity representative.

(F) If a person has already been designated as an affected business entity representative for an affected business entity's prior tax year, in lieu of the other requirements of this section, that person may be re-designated as an affected business entity representative for a later tax year by the filing of that tax year's affected business entity tax return (Form MO-PTE) and the checking of a box on that return indicating the affected business entity's intent to re-designate that representative.

(6) An affected business entity representative may be removed from the role of affected business entity representative for a tax year if the partnership or S corporation designates a new affected business entity representative for that tax year. The removal of an affected business entity representative does not change the binding effect of any prior actions taken by that affected business entity representative.

(7) An affected business entity is not subject to an estimated income tax declaration filing requirement, or an estimated income tax payment requirement. An affected business entity may choose to make an early payment of its anticipated tax liability for a tax year, even if the tax year is not yet complete.

(8) The election to become an affected business entity does not relieve a partnership or S corporation of its withholding obligations under section 143.411.5, RSMo, or section 143.471.6, RSMo, respectively.

(9) The affected business entity's tax under section 143.436, RSMo, is due at the same time the affected business entity's return is due, that is, by the fifteenth day of the fourth month following the end of the partnership or S corporation's tax year. By this same date, the affected business entity shall file an affected business entity tax return (Form MO-PTE) unless a filing extension is approved by the department. If an affected business entity is approved for a filing extension of the affected business entity tax return (Form MO-PTE), the affected business entity is likewise granted an equal extension of time for the payment of the tax due under section 143.436, RSMo. Pursuant to section 143.731.2, RSMo, interest on this tax will continue to accrue regardless of any extension of time for payment.

(10) If a partnership or S corporation has received a federal extension for filing its annual partnership or S corporation federal return, that partnership or S corporation is hereby granted an equal extension of time for filing its affected business entity tax return (Form MO-PTE), except that this extension will be no longer than six (6) months. The partnership or S corporation must attach a copy of the approved federal extension to its affected business entity tax return (Form MO-PTE). This section applies only to partnerships or S corporations that have an original affected business entity tax return due date that matches the original due date of their annual partnership or S corporation federal return.

(11) The tax credits granted to a member of an affected business entity by sections 143.436.8 and 143.436.10, RSMo, shall be computed based on the member's direct and indirect pro rata share of the tax actually paid pursuant to section 143.436, RSMo, by any affected business entity of which such member is directly or indirectly a member. If an affected business entity reduces its tax liability under section 143.436, RSMo, by use of tax credits, other than a credit for payment or overpayment of this tax, the affected business entity's tax actually paid will generally be reduced.

AUTHORITY: sections 32.057.2, 136.120, and 143.961, RSMo 2016, and section 143.436, RSMo Supp. 2022. Emergency rule filed Dec. 27, 2022, effective Jan. 11, 2023, expires July 9, 2023. Original rule filed Dec. 27, 2022.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than eleven thousand dollars (\$11,000) in the aggregate.

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legislative Office, 301 W. High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Revenue
Division Title: Director of Revenue
Chapter Title: Chapter 2 – Income Tax**

Rule Number and Name:	12 CSR 10.2436 SALT Parity Act Implementation
Type of Rulemaking:	New

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	Less than \$11,000

III. WORKSHEET

IV. ASSUMPTIONS

The SALT Parity Act allows the Department to create an entity level income reporting tax return for S Corps and Partnerships. Additionally, members of the S Corps and Partnerships will receive a tax credit on their individual income tax return for the amount of tax paid by the entity. This program will result in the Department adding a line to the MO-1040, the MO-TC and creating the entity level return. These changes are being done by in-house staff who make changes to our tax forms annually. These changes are not expected to result in a fiscal impact.

The Department's internal tax reporting computer system will need to be updated to accept the changes on the MO-1040, MO-TC and the new entity reporting form. The Department has a vendor that makes changes to our system as needed. These changes are expected to result in one-time computer upgrades costs of less than \$11,000.

No other political subdivision or state agency is impacted by the SALT Parity Act.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2040 – Office of Athletics
Chapter 5 – Rules for Professional Boxing,
Professional Wrestling, Professional and Amateur
Kickboxing, and Professional Full-Contact Karate**

PROPOSED AMENDMENT

20 CSR 2040-5.070 Fouls. The office is deleting section (9) and renumbering as necessary.

PURPOSE: This rule is being amended to remove the prohibition of using a twisting leg submission maneuver during an amateur mixed martial arts contest.

[(9) No twisting leg submissions.]

[(10)](9) An amateur mixed martial arts contestant will be required to have a minimum of six (6) sanctioned amateur bouts with a winning record prior to being permitted to compete as a professional mixed martial arts contestant in Missouri.

[(11)](10) Amateur contestants shall not receive any valuable consideration for their participation in an amateur event including but not limited to a purse, percentage of ticket sales, and/or discounts for gym training fees. No more than one hundred (\$100) dollars may be paid to an amateur contestant for travel expenses for participation in a bout.

[(12)](11) Injuries Sustained by Fouls.

(A) Intentional Fouls.

1. If an intentional foul causes an injury, and the injury is severe enough to terminate a bout immediately, the contestant causing the injury shall lose by disqualification.

2. If an intentional foul causes an injury and the bout is allowed to continue, the referee may notify the authorities and deduct two (2) points from the contestant who caused the foul. Point deductions for intentional fouls are mandatory.

3. If an intentional foul causes an injury and the injury results in the bout being stopped in a later round, the injured contestant shall win by technical decision if he/she is ahead on the scorecards or the bout shall result in a technical draw if the injured contestant is behind or even on the scorecards.

4. If a contestant injures himself/herself while attempting to intentionally foul his/her opponent, the referee shall not take any action in his/her favor, and this injury shall be the same as one produced by a fair blow.

5. If the referee feels that a contestant has conducted himself/herself in an unsportsmanlike manner he/she may stop the bout and disqualify the contestant; *and*.

(B) Accidental Fouls.

1. If an accidental foul causes an injury severe enough for the referee to stop the bout immediately, the bout is a no contest if stopped before half of the scheduled rounds have been completed.

2. If an accidental foul causes an injury severe enough for the referee to stop the bout immediately after half of the scheduled rounds have been completed, the bout may result in a technical decision awarded to the contestant who is ahead on the scorecards at the time the bout is stopped. A partial or incomplete round is scored. If no action has occurred, the round is scored as an even round. This is at the discretion of the judges.

3. A contestant who is hit with an accidental low blow must continue after a reasonable amount of time, but no more than five (5) minutes, or he/she may lose the bout by technical

knockout.

[(13)](12) Except as provided herein, any contestant guilty of foul tactics in a round shall be given an immediate warning or points may be deducted from the contestant's total score, or both, as determined by the referee. The use of foul tactics may also result in the disqualification of the contestant.

[(14)](13) A contestant who intentionally refuses to engage an opponent for a prolonged period of time may receive an immediate warning from the referee. If the contestant continues these tactics after a warning, a point(s) may be deducted by the referee.

AUTHORITY: section 317.001, RSMo 2016, and section 317.006, RSMo Supp. [2018] 2022. This rule originally filed as 20 CSR 2040-8.140. Original rule filed April 3, 2007, effective Oct. 30, 2007. Amended: Filed March 20, 2018, effective Sept. 30, 2018. Moved to 20 CSR 2040-5.070 and amended: Filed Jan. 25, 2019, effective Aug. 30, 2019. Amended: Filed Dec. 28, 2022.

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

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

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

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2110 – Missouri Dental Board
Chapter 2 – General Rules**

PROPOSED RULE

20 CSR 2110-2.133 Telehealth Dental Pilot Project in Medically Underserved Populations

PURPOSE: To implement the provisions of section 332.325, RSMo.

(1) Pursuant to the provisions of section 332.325, RSMo, the board is collaborating with the Office of Dental Health (ODH) within the Missouri Department of Health and Senior Services (DHSS) to create a pilot project designed to examine new methods of extending dental care to residents in assisted living facilities, intermediate care facilities, residential care facilities, skilled nursing facilities, and homebound special needs patients.

(2) This pilot project, as set forth in section (1) above, will necessitate a waiver of the following provisions of Chapter 332, RSMo, and previously promulgated regulations pursuant to section 332.325, RSMo.

(A) Specific provisions of sections 332.093 and 332.098, RSMo, and 20 CSR 2110-2.120 in order to allow a dentist to supervise a dental assistant, certified dental assistant, or expanded functions dental assistant using telehealth technology. A supervising dentist may delegate to an expanded functions dental assistant any expanded function duties that the dental

assistant has a board issued permit for.

(B) Specific provisions of 20 CSR 2110-2.130 to allow a licensed dental hygienist to administer local anesthetic under the supervision of a dentist using telehealth technology.

(C) Specific provisions of sections 332.071 and 332.093, RSMo, and 20 CSR 2110-2.120 to allow temporary restorations or caries-arresting fluoride under the supervision of a dentist using telehealth technology subsequent to an examination and diagnosis by the supervising dentist.

(D) Specific provisions of 20 CSR 2110-2.001 and 20 CSR 2110-2.130 to allow a licensed dental hygienist to provide scaling and polishing, root planing, and nonsurgical periodontal procedures prior to the supervising dentist performing an examination pursuant to standing orders written by the supervising dentist.

(3) The provisions of this rule shall only apply to dental healthcare workers providing services pursuant to a pilot project created through a collaboration between ODH and the board and shall expire on August 28, 2026, in accordance with section 332.325, RSMo.

AUTHORITY: section 332.031, RSMo 2016, and section 332.325, RSMo Supp. 2022. Emergency rule filed Dec. 28, 2022, effective Jan. 12, 2023, expires July 10, 2023. Original rule filed Dec. 28, 2022.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at (573) 751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*