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SALUS POPULI SUPREMA LEX ESTO

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



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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June 1, 2016 June 15, 2016	July 1, 2016 July 15, 2016	July 31, 2016 July 31, 2016	August 30, 2016 August 30, 2016

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 check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2014.

EXECUTIVE ORDER

15-09

WHEREAS, the State of Missouri is committed to ensuring that all Missourians are treated on equal terms; and

WHEREAS, at the direction of the Women's Foundation, the University of Missouri Harry S Truman School of Public Affairs recently conducted a study entitled the Status of Women in Missouri; and

WHEREAS, this study found that a gender wage gap exists in Missouri, resulting in women not receiving equal pay for equal work, and that a gender wage gap exists across all age ranges, racial groups, ethnic groups, and educational training levels; and

WHEREAS, to address these findings, the Women's Foundation has contracted with the Harry S Truman School of Public Affairs to develop Pay Equity Best Practices Guidelines to identify and address the gender wage gap in both the public and private sectors; and

WHEREAS, the development of Pay Equity Best Practices Guidelines is a necessary step that will be beneficial to all Missourians; and

WHEREAS, while the final guidelines are not expected to be published until April 2016, the Harry S Truman School of Public Affairs has recently released several preliminary guidelines and principles to help identify and address gender wage gaps in Missouri's public and private sectors; and

WHEREAS, the preliminary guidelines specifically call for public and private entities to determine whether a gender wage gap exists within their organization, to re-evaluate their current compensation system in order to create an employment structure that promotes equal pay for equal work, and to ensure transparency concerning organizational compensation policies; and

WHEREAS, to remain competitive in the 21st century's global economy, action is needed to address Missouri's gender wage gap to ensure a skilled, inclusive, and competitive workforce; and


WHEREAS, Missouri state government has an obligation to support and promote equal treatment for all of its citizens.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, in recognition of the obligations of the State of Missouri and by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby declare that Missouri is committed to the elimination of the aforementioned gender wage gap and direct all Executive Branch agencies, as well as strongly encourage all private employers, to review and determine how the practices, contained in the preliminary guidelines and, eventually, the Pay Equity Best Practices Guidelines, can be utilized by their agency or business and to identify and address any gender wage gap in order to ensure that all Missourians receive equal pay for equal work.

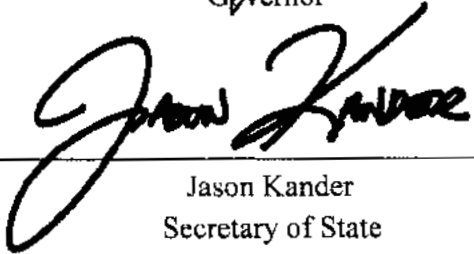
IN WITNESS WHEREOF, I have hereunto
set my hand and cause to be affixed the Great
Seal of the State of Missouri, in the City of
Jefferson, on this 4th day of December, 2015.



ATTEST:



Jeremiah W. (Jay) Nixon
Governor



Jason Kander
Secretary of State

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

Entirely new rules are printed without any special 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 which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 25—Pesticides

PROPOSED AMENDMENT

2 CSR 70-25.065 Acceptable Insurance and Bond Forms for Commercial Applicators. The director is amending subsections (1)(A) and (B), amending section (2) and adding sections (3), (4), and (5).

PURPOSE: *This amendment changes commercial applicator insurance requirements to meet updated provisions of 281.065, RSMo.*

(1) Commercial applicators must use one (1) of the following methods for providing evidence of financial responsibility:

(A) *[Acceptable i]*Insurance or bond forms *[will be]* provided by the *[Bureau of Pesticide Control, Missouri Department of*

Agriculture, PO Box 630, Jefferson City, MO 65102] director. These forms must be completed and signed by an insurance company representative or a bonding agent. Acceptable bonds must have power of attorney, or authority to bind surety, attached;

(B) Certificates of insurance provided by insurance companies. **These forms must *[shall]* include the following information for the commercial pesticide business:**

1. *[Applicator's name, b]*Business name*[,]* and business address;
2. Policy number;
3. Effective and expiration dates;
4. Limits of liability; and
5. Insurance company representative's signature; or

(2) [Only bond forms provided by the director are acceptable.] **Before the completion of an inspection, the commercial pesticide business establishment or certified commercial applicator must make available for inspection by the director a valid form of financial responsibility that has an effective date of coverage prior to or on the date of inspection and a future expiration date.**

(3) If a valid form of financial responsibility is not made available to the director for inspection before the completion of the inspection, the commercial pesticide business establishment will receive a Notice of Warning for being in violation of section 281.065, RSMo. All commercial use of pesticides, supervision of the use of pesticides, and determining the need for the use of pesticides by licensed certified applicators, licensed technicians, and noncertified applicators working from the commercial pesticide business establishment must immediately cease upon receipt of the Notice of Warning.

(4) If the Jefferson City office of the Bureau of Pesticide Control does not receive an acceptable form of financial responsibility within sixty (60) days of the issuance of a Notice of Warning, the director will issue a Notice of Cancellation in accordance with section 281.065 (3), RSMo, cancelling all certified commercial applicator licenses at the commercial pesticide business establishment.

(5) Employers of certified commercial applicators must notify the director within ten (10) working days of the discontinued employment of a certified commercial applicator or when the company's liability insurance or surety bond no longer provides coverage for a certified commercial applicator. Notification shall include: the employer's business name and address; the certified commercial applicator's name and license number; and the date of discontinued employment or discontinued liability coverage.

AUTHORITY: *section 281.065, RSMo [2000] Supp. 2015. Original rule filed July 8, 1977, effective Oct. 14, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990. Amended: Filed March 8, 2012, effective Sept. 30, 2012. Amended: Filed Dec. 15, 2015.*

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

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

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

PROPOSED AMENDMENT

3 CSR 10-4.110 General Prohibition; Applications. The commission proposes to remove section (10) of this rule.

PURPOSE: This amendment removes a section that is redundant with verbiage contained in 3 CSR 10-4.200 Chronic Wasting Disease; Management Zones.

[(10) Within the Chronic Wasting Disease (CWD) Containment Zone (comprising Adair, Chariton, Linn, Macon, Randolph, and Sullivan counties), the placement of grain, salt products, minerals, and other consumable natural and manufactured products is prohibited. The following exceptions apply:

(A) Feed placed within one hundred (100) feet of any residence or occupied building; or

(B) Feed placed in such a manner to reasonably exclude access by deer; or

(C) Feed and minerals present solely as a result of normal agricultural or forest management or crop and wildlife food production practices.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 15, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-4.200 Chronic Wasting Disease; Management Zone

PURPOSE: This rule establishes Chronic Wasting Disease (CWD) Management Zones and places a restriction on activities that are likely to unnaturally concentrate white-tailed deer, thus increase the potential spread and prevalence of CWD. This rule also requires mandatory disease sampling during designated dates within CWD Management Zones.

(1) For purposes of this section, a Chronic Wasting Disease (CWD) Management Zone will consist of all counties within twenty-five (25) miles of a confirmed Chronic Wasting Disease-positive test result for any cervid.

(2) Within a Chronic Wasting Disease (CWD) Management Zone, the placement of grain, salt products, minerals, and other consumable natural and manufactured products is prohibited. The following exceptions apply:

(A) Feed placed within one hundred (100) feet of any residence or occupied building; or

(B) Feed placed in such a manner to reasonably exclude access by deer; or

(C) Feed and minerals present solely as a result of normal agricultural or forest management or crop and wildlife food production practices.

(3) The head with at least six inches (6") of neck attached from any deer taken within a Chronic Wasting Disease (CWD) Management Zone on the first Saturday and Sunday of the November portion of the deer firearms hunting season must be presented by the taker to a designated disease surveillance sampling station (see current Fall Deer and Turkey Regulations and Information booklet) on the day taken.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. Original rule filed Dec. 15, 2015.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions four hundred ninety-four thousand one hundred thirty-seven dollars (\$494,137) in the aggregate annually for costs of disease sampling stations in the Chronic Wasting Disease (CWD) management zones. It is anticipated that disease sample costs will vary with inflation and market and aggregate cost will further vary with the annual number of deer submitted for sampling.

PRIVATE COST: This proposed amendment will cost private entities approximately one hundred ninety-nine thousand eight hundred dollars (\$199,800) in the aggregate annually, an average of six dollars and sixty-six cents (\$6.66) per individual, for cost of hunters within the Chronic Wasting Disease (CWD) management zones to travel to disease sampling stations. It is anticipated the number, cost, and distance for hunters to travel will vary annually but numbers provided are assuming an average estimate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. 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 ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 4 General Provisions
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-4.200 Chronic Wasting Disease; Management Zone

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Conservation	\$494,137

III. WORKSHEET

{[[360 Full-Time Employees (FTEs)] x [24 hours each on opening weekend of deer firearms season] x [\$21.09/ hour (average wage)]] + [[3 part-time hourly CWD Assistants Hourly employees] x [\$9.86/hour] x [487.5 hours each]] + [[17,500 samples] x [\$17]]}

$${\$182,217.60} + {\$14,420.25} + {\$297,500} = \$494,137.85$$

IV. ASSUMPTIONS

Sampling stations would be staffed primarily by MDC FTEs from 8:00am-8:00pm on the first Saturday and Sunday of the November portion of the firearms deer season. There are 27 counties in the proposed CWD Management Zones, with an average of 2 sampling stations per county expected and 6 staff per sampling station. A total of three Chronic Wasting Disease hourly assistants will be utilized. We assume the need of 487.5 hours of work time for each assistant. We assume an average salary of \$21.09 per hour for a FTE and \$9.86 per hour for CWD hourly assistants. The estimated 17,500 samples collected through mandatory sampling was based on the estimated number of adult deer checked in the CWD Management Zone counties on opening weekend in previous years. We assume a cost per test of \$17.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 4 General Provisions
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-4.200 Chronic Wasting Disease; Management Zone

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
30,000	Individual deer hunters	\$199,800

III. WORKSHEET

[30,000 individual deer hunters] X [18 miles] X [\$0.37 per mile] = \$199,800

IV. ASSUMPTIONS

Approximately 30,000 deer are harvested annually on opening weekend of the November portion of the firearms deer season in the 27 counties in the CWD Management Zone. We used the mileage rate of \$0.37 per mile as state reimbursement rate established by the Office of Administration. Additionally, survey data indicated that hunters traveled approximately 18 miles round trip when check stations were in place prior until 2005. Therefore we calculated the expense by approximating harvest on opening weekend multiplied by the average round trip drive and state reimbursement rate.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools**

PROPOSED RULE

5 CSR 20-100.270 Charter Sponsorship Inflation Adjustment

PURPOSE: This rule establishes the method of adjustment for inflation for charter sponsorship payment as required by the Department of Elementary and Secondary Education (department). The inflation adjustment serves to keep current the funding for the sponsor oversight for sponsors remaining in good standing by fulfilling the obligations under sections 160.400 to 160.425, 161.092, and 167.349, RSMo.

(1) Section 160.400.11, RSMo, requires that the expenses of charter school sponsorship shall be defrayed by the department retaining one and five-tenths percent (1.5%) of the amount of state and local funding allocated to a charter school, not to exceed one hundred twenty-five thousand dollars (\$125,000), adjusted for inflation.

(2) Beginning with the 2016-17 school year, the Consumer Price Index (CPI) will be used to calculate the inflation adjustment for only those charter sponsors that have reached the maximum one hundred twenty-five thousand dollars (\$125,000). The department will calculate the rate of inflation to be applied to the one hundred twenty-five thousand dollar (\$125,000) limit as follows:

(A) The base for the calculation is the December 2006 CPI as calculated by the U.S. Bureau of Labor Statistics;

(B) The CPI for December 2006 will be divided into the CPI as calculated by the U.S. Bureau of Labor Statistics for the December immediately preceding the beginning of the current fiscal year; and

(C) The quotient derived will be multiplied by one hundred twenty-five thousand dollars (\$125,000) and the result will be the maximum payment to sponsors for the current year.

AUTHORITY: sections 160.400 to 160.425 and 167.349, RSMo Supp. 2013, and section 161.092, RSMo Supp. 2014. Original rule filed Dec. 9, 2015.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions one hundred forty thousand four hundred thirty-four dollars and thirty-two cents (\$140,434.32) 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 Department of Elementary and Secondary Education, ATTN: Educational Support Services, Office of Quality Schools, PO Box 480, Jefferson City, MO 65102-0480, or by email to webreplyimprcharter@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.

**FISCAL NOTE
PUBLIC COST**

- I. Title: 5 - Department of Elementary and Secondary Education**
Division: 20 - Division of Learning Services
Chapter: 100 - Office of Quality Schools

Rule Number and Name:	5 CSR 20-100.270 - Charter Sponsorship Inflation Adjustment
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public Charter Schools	\$140,434.32

III. WORKSHEET

		Projected Annualized Funding	1.5% of Annualized Funding	Projected Sponsor Payment Based Upon Adjustment to \$125,000	Projected Increase in Sponsor Payment above \$125,000
2015-16	University Academy	\$9,902,649.00	\$148,539.74	\$147,535.34	\$22,535.34
2015-16	Alta Vista Charter School	\$11,902,114.00	\$178,531.71	\$147,535.34	\$22,535.34
2015-16	Hogan Preparatory Academy	\$9,845,444.00	\$147,681.66	\$147,535.34	\$22,535.34
2015-16	Academie Lafayette	\$8,460,429.00	\$126,906.44	\$126,906.44	\$1,906.44
2015-16	Frontier School of Innovation	\$15,840,845.00	\$237,612.68	\$147,535.34	\$22,535.34
2015-16	Premier Charter	\$8,554,389.00	\$128,315.84	\$128,315.84	\$3,315.84
2015-16	Confluence Academy	\$28,338,410.00	\$425,076.15	\$147,535.34	\$22,535.34
2015-16	Gateway Science Academy/St. Louis	\$10,214,365.00	\$153,215.48	\$147,535.34	\$22,535.34
	Projected Estimated Costs to Charters				\$140,434.32

IV. ASSUMPTIONS

Based on the CPI of 2006 and the CPI of December 2015* (estimated on the September 2015 CPI), inflation has increased one-hundred eighteen and three-hundredths percent (118.03%). Using the percent of inflation, the sponsor payment (capped at one-hundred and twenty-five thousand dollars (\$125,000)) for those sponsors that currently have reached the statutory cap, the sponsorship fees for the eight (8) charters would increase a total of one-hundred forty thousand, four-hundred and thirty-four dollars and thirty-two cents (\$140,434.32) for projected first-year cost.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.125 Actions of the State Board of Education Relating to Applications for Educator Certificates. The State Board of Education is proposing to amend the purpose, sections (1)–(3), and adding a new section (4).

PURPOSE: This amendment clarifies procedures for the review of applications of individuals convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed; applicants whose certificate has been revoked in Missouri or in another jurisdiction; and applicants seeking to appeal a denial of a certificate by the Office of Educator Quality.

PURPOSE: The State Board of Education is authorized to grant educator certification in any of the public schools of the state and to establish requirements and qualifications for those certificates. This rule establishes procedures for review of applications of individuals convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed; applicants whose [license] certificate of license to teach has been revoked in Missouri or in another jurisdiction; and applicants seeking to appeal a denial of [license] a certificate of license to teach by the Office of Educator Quality.

(1) Any application for a [n educator] certificate of license to teach (certificate) for an individual who has [been convicted] pleaded to or has been found guilty of a felony or crime involving moral turpitude, whether or not sentence is imposed, including candidates for a Missouri educator certificate who are currently enrolled in professional education courses in conjunction with state-approved teacher preparation programs, shall be reviewed by the Office of Educator Quality within the Department of Elementary and Secondary Education (department) and recommendations made to the State Board of Education (board). [However, certificates may only be issued upon motion of the board adopted by a unanimous affirmative vote of those members present and voting.]

[(A) Conviction for purposes of this rule does not include offenses, other than those listed in section 168.071.6, RSMo, for which the applicant has successfully completed a suspended imposition of sentence.]

[(B)](A) If requested, [A] applicants [with a criminal conviction] shall provide the following:

1. Information relating to being found guilty, a plea of guilty which includes an Alford plea, receipt of a suspended imposition of sentence, receipt of a suspended execution of sentence, or entering a plea of *nolo contendere* for any violation of any laws of a state, the United States, or any other country, other than a traffic violation; including information [on] about the date of the court action, the applicant's age at the time of the underlying offense, the facts of the crime, and whether the conduct that was the basis for the conviction was in the scope of the applicant's duties while employed by a public or private school or school district; and

2. A statement [by affidavit or under oath] or other related documentation as to rehabilitative steps completed by the applicant relating to applicant's criminal conduct; and].

[(3) A completed background check processed by the Missouri State Highway Patrol (Highway Patrol) and/or the Federal Bureau of Investigation (FBI).]

(B) The Office of Educator Quality shall review all applications.

1. A complete application shall include:

A. Information regarding teaching certificates or similar titles and/or other professional licenses or similar titles held,

including, but not limited to, disciplinary actions, denials, restrictions, revocations, voluntary surrenders, suspensions, reprimands, and/or investigations;

B. A consent authorizing the department, as it deems necessary or appropriate, to make contact with, interview, consult, obtain documentation and verification from other persons and sources within or without Missouri with respect to the applicant and the applicant's request for certification;

C. Transcripts and other evidence necessary to show compliance with all the requirements for certification that are in effect at the time application for certification or recertification is made;

D. Other information including recent employment and references requested by the department that may be deemed relevant to the request for recertification;

E. A completed background check processed by the Missouri State Highway Patrol (MSHP) and/or the Federal Bureau of Investigation (FBI);

F. Information relating to any criminal history including being found guilty, a plea of guilty, receipt of a suspended imposition of sentence, receipt of a suspended execution of sentence, or entering a plea of *nolo contendere* for any violation of any laws of a state, the United States, or any other country, other than a traffic violation; including information about the date of the court action, the applicant's age at the time of the underlying offense, the facts of the crime, and whether the conduct that was the basis for the conviction was in the scope of the applicant's duties while employed by a public or private school or school district; and

G. A statement as to rehabilitative steps completed by the applicant relating to applicant's criminal conduct.

2. The Office of Educator Quality may issue a certificate based on standards adopted by the board; or

3. The Office of Educator Quality may deny an application. If the application is denied, the applicant may appeal to the commissioner; or

4. Applicants who have been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, who have neither been denied nor issued a certificate by the Office of Educator Quality, shall be placed on the agenda of the board as soon as reasonably possible after submitting a complete application. The applicant will be notified of the date, time, and place of the board meeting. Consideration by the board will consist of a review of the application and additional documents. The applicant will not have the opportunity to present additional evidence or testify. The applicant will be notified in writing of the decision of the board. Certification may only be issued upon motion of the board adopted by a unanimous affirmative vote of those members present and voting.

[(C) The application shall be placed on the agenda of the board as soon as reasonably possible. The applicant will be notified of the date, time, and place of the board meeting. Consideration by the board will consist of a record review of the application and additional documents. The applicant will not have the opportunity to present additional evidence or testify. The applicant will be notified in writing of the decision of the board.]

(2) Any application for an educator certificate submitted by an individual who has been subject to previous disciplinary action by the board or by a licensing authority in another state or political jurisdiction shall only be granted by affirmative vote of the board.

[(A) Applicants for a Missouri educator certificate who have had an educator certificate revoked by another certifying authority will not be eligible to be considered for Missouri certification until such time as they have the revocation cleared by the certifying authority and the applicant holds a valid certificate from that authority.]

[(B) Recommendation to the board by the commissioner of

education for certification under this section shall be based only on a)

(A) An application must be complete to go to the board. A completed application [which] shall include:

1. Information regarding teaching certificates or similar titles and/or other professional licenses or similar titles held, including but not limited to, disciplinary actions, denials, restrictions, revocations, voluntary surrenders, suspensions, reprimands, and/or investigations;

2. A consent authorizing the department, as it deems necessary or appropriate, to make contact with, interview, consult, obtain documentation and verification from other persons and sources within or without Missouri with respect to the applicant, and the applicant's request for certification;

3. Transcripts and other evidence necessary to show compliance with all the requirements for certification that are in effect at the time application for certification or recertification is made; [and]

4. Other information including recent employment and references requested by the [board] department that may be deemed relevant to the request for certification or recertification[.]; and

5. A completed background check processed by the MSHP and/or the FBI.

[(C)](B) The completed application shall be placed on the agenda of the board as soon as reasonably possible. The applicant will be notified of the date, time, and place of the board meeting. Consideration by the board will consist of a record review of the application and related documents. The applicant will not have the opportunity to present additional evidence or testify. The applicant will be notified in writing of the decision of the board.

(3) [Issuance of certificates not otherwise addressed under sections (1) and (2) of this rule shall be made by the Office of Educator Quality based upon the standards adopted by the board.] Applicants [that] who are denied by the Office of Educator Quality will be advised in writing of the reason(s) why certification is denied and at the same time will receive notice of the process for appeal.

(4) Applications denied by the board are subject to judicial review by the circuit court.

AUTHORITY: sections 161.092 and 168.021, RSMo Supp. [2012] 2014, and section 168.011, RSMo 2000. Original rule filed Feb. 27, 2013, effective Sept. 30, 2013. Amended: Filed Dec. 9, 2015.

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: Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email at educatorquality@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 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 5—General Program Procedures**

PROPOSED RULE

9 CSR 10-5.250 Screening and Assessment for Behavioral Changes

PURPOSE: This rule establishes guidelines for the screening and assessment of individuals receiving services from state owned or operated facilities to determine whether changes in behavior or mental status are caused by or associated with a medical condition.

(1) Definitions—

(A) Department—Department of Mental Health (DMH);

(B) Interdisciplinary team (IDT)—staff who know the individual well and possess the knowledge, skills, and expertise necessary to accurately identify a comprehensive array of the individual's needs and design a program responsive to those needs; and

(C) State owned or operated facilities—includes state Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) as defined in 42 CFR section 440.150, RSMo, psychiatric residential treatment facilities, and state operated home and community-based waiver services.

(2) The provisions of this rule do not apply to long-term care facilities licensed under Chapter 198, RSMo, hospitals licensed under Chapter 197, RSMo, or hospitals as defined in section 197.020, RSMo.

(3) Members of the IDT who are supporting individuals in state owned or operated facilities shall document and collect data.

(4) Based on a review of the data, the department shall first assess whether there is a relationship between a physiological event and/or illness and behavior. If a medical condition is suspected as the possible cause of the behavior change, medical assessment and treatment shall be accessed. After treating the medical condition or ruling out a medical or physiological event, the department shall then take other actions regarding psychiatric consultation and treatment.

AUTHORITY: section 630.050, RSMo Supp. 2013, and section 630.167, RSMo Supp. 2014. Original rule filed Dec. 10, 2015.

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 by writing Amber L. Daugherty, Assistant General Counsel, Department of Mental Health, PO Box 687, 1706 E. Elm Street, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, or by courier within thirty (30) days after publication in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm, Jefferson City, Missouri. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Developmental Disabilities
Chapter 3—Care and Habilitation**

PROPOSED RESCISSION

9 CSR 45-3.020 Individualized Supported Living Services—Definitions. This rule provided definitions for the following regulations pertaining to requirements for certification as a provider of individualized supported living services reimbursed under Missouri's Medicaid waiver for persons with mental retardation or other developmental disabilities.

PURPOSE: This rule is being rescinded as the definitions included therein for individualized supported living services are no longer

accurate. Individualized supported living services are just one (1) of many services available under home and community-based waivers for individuals with intellectual and developmental disabilities. These waiver services are defined in the current home and community-based waiver approved by the Centers for Medicare and Medicaid Services within the United States Department of Health and Human Services. Additionally, waiver services are further defined in the **MO HealthNet DD Waivers Manual** and incorporated by reference into 13 CSR 70-3.030.

AUTHORITY: section 630.050, RSMo 1994. This rule was previously filed as 9 CSR 30-5.010. Emergency rule filed Aug. 4, 1992, effective Sept. 1, 1992, expired Dec. 29, 1992. Original rule filed Aug. 4, 1992, effective Feb. 26, 1993. Amended: Filed May 25, 1995, effective Dec. 30, 1995. Rescinded: Filed Dec. 8, 2015.

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 by writing to Amber L. Daugherty, Assistant General Counsel, Department of Mental Health, PO Box 687, 1706 E. Elm Street, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, or by courier within thirty (30) days after publication in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm, Jefferson City, Missouri. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Developmental Disabilities
Chapter 5—Standards for Community-Based Services**

PROPOSED RESCISSION

9 CSR 45-5.040 Missouri Alliance for Individuals with Developmental Disabilities. This rule established the Missouri Alliance for Individuals with Developmental Disabilities (MOAIDD) and its governing board, and describes its activities. The functions of MOAIDD were previously promulgated under 9 CSR 45-5.010. This new rule separates the MOAIDD functions from the certification process. MOAIDD is an organization of volunteers with developmental disabilities or immediate family members of persons with developmental disabilities which shall conduct visits with individuals receiving services from the Division of Mental Retardation and Developmental Disabilities. This rule defines terms, establishes principles and sets out the process by which MOAIDD will conduct visits.

PURPOSE: This rule is being rescinded as MOAIDD was discontinued in 2007 when the Division of Developmental Disabilities began participating in the National Core Indicators (NCI). NCI™ enables state developmental disabilities agencies to measure and track their own performance, and also to measure and track performance in comparison to other states. The core indicators are standard measures used across states to assess the outcomes of services provided to individuals and families. Indicators address key areas of concern including employment, rights, service planning, community inclusion, choice, and health and safety.

AUTHORITY: section 633.010, RSMo 1994. Original rule filed Feb. 15, 2000, effective Aug. 30, 2000. Rescinded: Filed Dec. 8, 2015.

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 by writing to Amber L. Daugherty, Assistant General Counsel, Department of Mental Health, PO Box 687, 1706 E. Elm Street, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, or by courier within thirty (30) days after publication in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm, Jefferson City, Missouri. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and
Training Program
Chapter 14—Basic Training Centers**

PROPOSED AMENDMENT

11 CSR 75-14.020 Minimum Requirements for Basic Training Centers. The department is amending section (1).

PURPOSE: This amendment is being made to modify the record retention requirements for basic training centers.

(1) A basic training center shall[/:]—

(F) Maintain facilities and equipment adequate to deliver safe and effective basic training; *[and]*

(G) Deliver all training in a manner that is safe, effective, and in strict compliance with these rules; *[and]*

(H) Retain complete records on each basic training course for a period of *[seventy-five (75)]* six (6) years following completion of the course, including:

1. The designation of the course pursuant to 11 CSR 75-14.040(2)(A);

2. The lesson plans used to teach the course;

3. The class schedule, including the date, time, and instructor for all training, both mandatory and supplemental;

4. With respect to each objective designated pursuant to 11 CSR 75-14.050(3)(B)2. to be taught only by a specialist instructor with a valid, current third-party or secondary license, a copy of the appropriate third-party or secondary license; **and**

[5. With respect to each trainee: name, Social Security number, date of birth, attendance record, all grades, and final course score.]

(I) Retain permanent records regarding each trainee to include: name, Social Security number, date of birth, attendance record, all grades, final course score, and hours of training completed.

AUTHORITY: sections 590.060 and 590.190, RSMo Supp. [2007] 2013. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed July 1, 2008, effective Dec. 30, 2008. Amended: Filed Dec. 3, 2015.

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 Jeremy Spratt, Missouri Department of Public Safety Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and
Training Program
Chapter 14—Basic Training Centers**

PROPOSED AMENDMENT

11 CSR 75-14.030 Standard Basic Training Curricula and Objectives. The director of public safety is amending section (1), by eliminating the Class A-WP peace officer license. The director of public safety is amending section (2) by adding subsection (E). The director of public safety is amending section (3) by amending the physical address of the Peace Officer Standards and Training Commission.

PURPOSE: This amendment eliminates the Class A-WP peace officer license, which is no longer needed since the Missouri State Water Patrol and its licensed training center merged with the Missouri State Highway Patrol; it requires basic training centers to incorporate within the basic training curriculum the topic areas of: officer well-being, including mental health awareness, fair and impartial policing practices including implicit bias recognition, handling persons with mental health and cognitive impairment issues, and tactical training to include de-escalation techniques, crisis management, critical thinking and social intelligence; and it updates the physical location of the (POST) Commission.

(1) The Peace Officer Standards and Training (POST) Commission shall develop a mandatory basic training curriculum for each class of peace officer license. The minimum number of training hours for each class of peace officer license shall be as follows:

- [(C)]* Class A-WP. One thousand (1,000) hours; *[(D)]*(C) Class A-CC. One thousand (1,000) hours;
- [(E)]*(D) Class B. Four hundred eighty (480) hours;
- [(F)]*(E) Class C. One hundred twenty (120) hours;
- [(G)]*(F) Class R. Two hundred ninety-seven (297) hours; **and**
- [(H)]*(G) Class S. Four hundred eighty (480) hours.

(2) The mandatory basic training curriculum for each license class shall:—

(C) Assign each training objective to a specific subject area (rules of evidence, civil process, cardiopulmonary resuscitation (CPR), shotgun qualification, fingerprint evidence, etc.); *[and]*

(D) Specify the minimum number of hours of instruction required to complete each subject area, with each hour equal to fifty (50) minutes of classroom instruction.; **and**

(E) **Include training in the subject areas of—**

- 1. Officer well-being, including mental health awareness;**
- 2. Fair and impartial policing practices, including implicit bias recognition;**
- 3. Handling persons with mental health and cognitive impairment issues; and**
- 4. Tactical training to include de-escalation techniques, crisis management, critical thinking, and social intelligence.**

(3) The director shall retain at the headquarters of the Department of Public Safety a document entitled “Mandatory Basic Training Curricula,” which shall set forth all basic training curricula developed pursuant to this rule, and which is hereby incorporated by reference into this rule. A copy of the “Mandatory Basic Training Curricula”

shall be made available to any interested person at a cost not to exceed the actual cost of the reproduction of a copy. The publisher: Missouri Peace Officer Standards and Training Commission, [Harry S Truman Building, 301 W. High, Jefferson City, MO 65101] Lewis and Clark State Office Building, 4th Floor West, Jefferson City, MO 65101, dated December 15, 2004. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 590.040, RSMo Supp. 2014, and sections 590.030[,] and 590.190, RSMo Supp. [2007] 2013. Original rule filed May 1, 2002, effective Oct. 30, 2002. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 3, 2015.

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 Jeremy Spratt, Missouri Department of Public Safety Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 15—Continuing Education**

PROPOSED AMENDMENT

11 CSR 75-15.010 Continuing Education Requirement. The director of public safety is amending sections (1), (2), (5), (6), and (8) by changing the continuing education reporting period of peace officers from a three (3) year requirement to an annual requirement and changing the required number of training hours to twenty-four (24) per year. The director of public safety is amending section (2) to allow a licensee to carry over eight (8) hours of continuing education training from one (1) annual reporting period to the next annual reporting period. The director of public safety is amending section (3) to allow a one (1) reporting period waiver of the continuing education requirements for a person who successfully graduates from a basic training course in its entirety. The director of public safety is amending section (4) by eliminating the requirement that pre-approved sources of continuing education be out-of-state. The director of public safety is amending section (5) by clarifying the requirement that sources submitting courses for approved provider credit are non-law enforcement agencies. The director is amending sections (7) and (11) to allow for the one (1) time continuing education transition of peace officers licensed prior to January 1, 2015. The director is amending section (9) to allow racial profiling training to come from any source. The director is amending section (10) to add the additional continuing education sub-categories of: officer well-being, including mental health awareness; fair and impartial policing practices including implicit bias recognition; handling persons with mental health and cognitive impairment issues; and tactical training to include de-escalation techniques, crisis management, critical thinking, and social intelligence, and to allow the additional sub-category training obtained in 2016 to be carried over to the 2017 reporting period.

PURPOSE: This amendment changes the continuing education

reporting period for peace officers from a three (3) year reporting period to an annual reporting period, which begins on January 1, 2017; it allows for a one (1) time transition of reporting periods for those persons licensed prior to January 1, 2015; it allows peace officers to transfer eight (8) hours of continuing education training from one (1) reporting period to the next; it allows racial profiling training to come from any source; and it adds the additional continuing education sub-categories of: officer well-being, including mental health awareness; fair and impartial policing practices including implicit bias recognition; handling persons with mental health and cognitive impairment issues; and tactical training to include de-escalation techniques, crisis management, critical thinking, and social intelligence.

(1) Continuing law enforcement education (CLEE) shall be obtained and monitored on a fixed, *[three (3)-year]* annual cycle, with the first annual CLEE period beginning January 1, 2017, and ending December 31, *[1999] 2017*, and successive CLEE periods ending December 31 every *[third]* year thereafter. For the three- (3-) year period commencing January 1, 2015, and ending December 31, 2017, every peace officer licensed prior to January 1, 2015, shall complete not less than forty-eight (48) hours of CLEE credit, not less than twenty-four (24) hours of which credit shall be completed in the period beginning January 1, 2017, and ending December 31, 2017.

(2) Every licensed peace officer shall obtain *[forty-eight (48)]* twenty four (24) hours of CLEE credit during each annual CLEE period. A maximum of eight (8) hours of CLEE credit may be carried over from one (1) annual CLEE period to the next CLEE period.

(3) A peace officer shall be exempt from the CLEE requirement for the remainder of a CLEE period during which the officer receives a new license pursuant to 11 CSR 75-13.020 *[or]*, receives a license upgrade pursuant to 11 CSR 75-13.030*[,]*, or successfully completes a Missouri basic training course in its entirety.

(4) CLEE credit may be obtained from the following sources:
(D) From a pre-approved *[out-of-state]* source pursuant to 11 CSR 75-15.050;

(5) Commencing for the reporting period beginning January 1, 2017, and ending December 31, 2017, and for reporting periods thereafter, *[D]*during each CLEE period, every peace officer shall obtain at least *[twenty-four (24)]* eight (8) hours of CLEE credit from some combination of the following sources:

- [1.]*(A) Licensed CLEE providers;
- [2.]*(B) Licensed basic training centers; and
- [3.]*(C) Non-law enforcement agency *[S]*sources approved to provide a specific CLEE course pursuant to 11 CSR 75-15.040.

(6) *[During any single CLEE period,]* Commencing for the reporting period beginning January 1, 2017, and ending December 31, 2017, and for successive reporting periods, no peace officer shall receive:

- (A) More than *[twenty-four (24)]* sixteen (16) hours of CLEE credit for in-service training;
- (B) More than *[eighteen (18)]* eight (8) hours of CLEE credit for accredited college *[credit]* or university courses; or
- (C) More than *[twenty-four (24)]* twelve (12) hours of CLEE credit for serving as a CLEE or basic training instructor.

(7) The provisions of sections (5) and (6) notwithstanding, for the final three (3) year reporting period commencing January 1, 2015, and ending December 31, 2017, the following provisions shall apply:

(A) No peace officer shall receive more than twenty-four (24) hours of CLEE credit for in-service training;

(B) No peace officer shall receive more than eighteen (18) hours of CLEE credit for accredited college or university courses;

(C) No peace officer shall receive more than twenty four (24) hours of CLEE credit for serving as a CLEE or basic training instructor; and

(D) Each peace officer shall obtain at least twenty-four (24) hours of CLEE credit from some combination of the following sources:

1. Licensed CLEE providers;
2. Licensed basic training centers; and
3. Non-law enforcement agency sources approved to provide a specific CLEE course pursuant to 11 CSR 75-15.040.

[(7)](8) During each CLEE period, every peace officer shall, pursuant to 11 CSR 75-15.020(1), obtain at least:*[-]*

- (A) *[Four (4)]* Two (2) credit hours of legal studies;
- (B) *[Four (4)]* Two (2) credit hours of technical studies;
- (C) *[Four (4)]* Two (2) credit hours of interpersonal perspectives; and
- (D) *[Four (4)]* Two (2) credit hours of firearms skill development training. Except that during the three (3) year reporting period ending December 31, 2017, every peace officer shall obtain at least four (4) hours of each subject area listed in subsections (A)–(D) above.

[(8)](9) Every peace officer with the authority to enforce motor vehicle or traffic laws shall obtain CLEE training regarding racial profiling. *[Racial profiling training may be obtained from:*

- (A) A CLEE provider licensed pursuant to 11 CSR 75-15.030;*
- (B) A basic training center licensed pursuant to 11 CSR 75-14.010; or*
- (C) A source approved to provide a specific CLEE course pursuant to 11 CSR 75-15.060.]*

(10) Commencing for the reporting period beginning January 1, 2017, and ending December 31, 2017, and for successive reporting periods. Every peace officer shall obtain annual CLEE training covering the following topics, which shall fit within one (1) of the four (4) curricula areas outlined in 11 CSR 75-15.020(1):

- (A) Two (2) credit hours of training on officer well-being, including mental health awareness;
- (B) Two (2) credit hours of training on fair and impartial policing practices including implicit bias recognition;
- (C) Two (2) credit hours of training on handling persons with mental health and cognitive impairment issues; and
- (D) Two (2) credit hours of training on tactical training to include de-escalation techniques, crisis management, critical thinking, and social intelligence. Except that, for the reporting period commencing January 1, 2017, and ending December 31, 2017, the CLEE training required in subsections (A), (B), (C), and (D) hereinabove, may be satisfied by qualifying training obtained by the peace officer in 2016 or 2017, but that such hours obtained in 2016 shall not be used to satisfy the overall twenty-four (24) hours of CLEE training required to be obtained in 2017, by the provisions of section (1) hereinabove.

[(9)](11) At the conclusion of each CLEE period, the *[D]*director shall determine the compliance of each peace officer pursuant to this rule. Each peace officer shall be responsible for reporting and demonstrating compliance to the *[D]*director. For the three (3) year reporting period ending December 31, 2017—

(A) Within thirty (30) days after the end of each CLEE period, the *[D]*director shall send to the chief executive officer of each agency that commissions any peace officer a listing of its commissioned officers and a form for certifying which officers are in compliance with this rule, which officers are not in compliance, and which officers are exempt pursuant to section (3) of this rule. If the chief executive

officer certifies a peace officer pursuant to this rule, this shall satisfy the officer's obligation to report CLEE compliance to the */D/director/*;

(B) Every peace officer whose chief executive officer does not certify CLEE compliance to the */D/director* and every peace officer who does not hold a commission at the conclusion of the CLEE period shall report CLEE compliance to the */D/director* on a report of continuing law enforcement education form.

/(10)/(12) A peace officer may apply to the */D/director* for a modification or waiver of the CLEE requirement for any CLEE period in which the officer takes official state or federal military leave of absence or in which the */D/director* determines that the officer was unable to comply with the CLEE requirement due to a documented medical condition. Any determination made by the */D/director* pursuant to this rule shall be subject to review only pursuant to section 536.150, RSMo.

/(11)/(13) Any peace officer who fails to comply with this rule shall be subject to discipline pursuant to section 590.080.1(6), RSMo.

AUTHORITY: sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. [2007] 2013. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed Aug. 2, 2004, effective Jan. 30, 2005. Amended: Filed July 1, 2008, effective Dec. 30, 2008. Amended: Filed Dec. 3, 2015.

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 annually cost licensed peace officers two million seven hundred thirty-four thousand eight hundred eighty dollars (\$2,734,880) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Jeremy Spratt, Missouri Department of Public Safety Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: DEPARTMENT OF PUBLIC SAFETY
Division Title: Peace Officer Standards and Training Program
Chapter Title: Continuing Education**

Rule Number and Title:	11 CSR 75-15.010 Continuing Education Requirement
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
17,093 Licensed and Commissioned Peace Officers	661 Missouri Law Enforcement Agencies	The cost for 17,093 Licensed and Commissioned Peace Officers to obtain 8 additional hours of continuing education training will be two million seven hundred thirty four thousand eight hundred eighty dollars (\$2,734,880)

III. WORKSHEET

The estimated cost of seventeen thousand ninety-three (17,093) licensed and commissioned peace officers to obtain an additional eight (8) hours of continuing education training every calendar year will be two million seven hundred thirty four thousand eight hundred eighty dollars (\$2,734,880).

IV. ASSUMPTIONS

In speaking with representatives of the Missouri Sheriffs' Association Training Academy, which offers both computer-based continuing education training and live continuing education training at twelve (12) separate locations throughout Missouri, we learned that they provide continuing education training at a cost of twenty

dollars (\$20) per credit hour, per student. Therefore, the estimated cost for seventeen thousand ninety-three (17,093) licensed and commissioned peace officers to obtain an additional eight (8) hours of continuing education training every calendar year will be two million seven hundred thirty four thousand eight hundred eighty dollars (\$2,734, 880). However, this additional 8 hours of training can be offered by the officer's employing agency and we annually distribute approximately one million three hundred thousand dollars (\$1,300,000) to law enforcement agencies to help offset the cost of continuing education training, so we believe the actual cost to the officer will be much lower, but the responsibility to obtain continuing education training is ultimately the officer's, so we included the training cost figures for an individual to pay for the eight (8) hours of additional annual training from a licensed provider.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 15—Continuing Education**

PROPOSED AMENDMENT

11 CSR 75-15.020 Minimum Standards for Continuing Education Training. The director of public safety is amending section (1) by further clarifying and defining what training fits within the four (4) curricula areas of continuing education. The director of public safety is amending section (2) to note that if a specific subcategory of continuing education is being offered, the course needs to be designated as such. The director of public safety is amending section (4) to require the training provider to report to the director when a trainee has successfully completed a continuing education course, and that the certificate of course completion needs to indicate if a specific subcategory of continuing education was offered. The director of public safety is amending section (5) by eliminating the requirement that continuing education providers provide a detailed course lesson plan to the director and replacing it with a requirement to simply provide a detailed synopsis or a detailed overview of the course to be offered. The director of public safety is amending section (7) to allow for easier methods of reporting continuing education course completion records.

PURPOSE: This amendment clarifies the types of training that fit within one (1) of the four (4) designated continuing education curricula areas; it requires that if training is being offered in a specific subcategory, it has to be designated as such; we are changing the requirement that a detailed continuing education lesson plan be submitted for approval and have changed it to simply require a detailed synopsis or detailed overview of the course; and we are allowing for easier methods of reporting when an officer completes a continuing education course.

(1) All Continuing Law Enforcement Education (CLEE) training shall relate to one (1) of the following curricula areas:

(A) Legal Studies – Described as training that focuses on updates or familiarization of federal or state criminal laws, case law updates, or any type of legal issues;

(B) Technical Studies – Described as training that focuses on specialized studies or activities which directly relate to the job description and performance, such as crash investigation, traffic stops, and agency policy updates;

(C) Interpersonal Perspectives – Described as training that focuses on interpersonal or communication skills, such as implicit bias, racial profiling, cultural diversity, ethics, fair and impartial policing practices, conflict management, victim sensitivity, critical thinking, social intelligence, mental health awareness, and stress management; or

(D) Skill development – Described as training that focuses on activities that develop physical skill proficiency and demonstrative tasks such as defensive tactics, firearm training, driver training, first aid, and CPR training.

(2) All CLEE training shall be designated according to curricula area. CLEE training relating to racial profiling, firearms, officer well-being, including mental health awareness; fair and impartial policing practices, including implicit bias recognition; handling persons with mental health and cognitive impairment issues; and tactical training to include de-escalation techniques, crisis management shall also be designated as such, in addition to being designated by curricula area.

(4) Upon successful completion of the requirements of any CLEE course, the provider of the training shall report to the director the successful completion of the CLEE course by the trainee in a

method to be determined by the director and shall present each trainee a certificate bearing:/—

(A) The provider's name [and the phrase "Approved Provider"];

(E) The number of racial profiling, firearms, officer well-being, including mental health awareness; fair and impartial policing practices, including implicit bias recognition; handling persons with mental health and cognitive impairment issues; and tactical training to include de-escalation techniques, crisis management CLEE credit hours earned, if any;

(G) The name of the individual [responsible for general administration of] instructing the course; and

(5) A CLEE provider shall retain, for a period of six (6) years after each CLEE training course, the following records:

(D) A list of all training objectives[, which must be identified within the lesson plan];

(E) [All lesson plans] A detailed synopsis or a detailed overview of the course;

[[F)] All source documents;]

[[G)](F) All instructor records;

[[H)](G) The course evaluation plan; and

[[I)](H) The course attendance policy.

(7) A source approved to provide a specific CLEE course pursuant to 11 CSR 75-15.040 shall file with the [D]director a complete attendance list within two (2) weeks following the completion of the course in a method to be determined by the director.

AUTHORITY: sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. [2007] 2013. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed July 1, 2008, effective Dec. 30, 2008. Amended: Filed Dec. 3, 2015.

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 Jeremy Spratt, Missouri Department of Public Safety Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 15—Continuing Education**

PROPOSED AMENDMENT

11 CSR 75-15.030 Procedure to Obtain a Continuing Education Provider License. The director of public safety is amending section (4) by eliminating the requirement to maintain course source documents and eliminating the requirement that continuing education providers maintain a detailed course lesson plan and replacing it with a requirement that they maintain a detailed synopsis or a detailed overview of the course offered. The director of public safety is amending section (10) by requiring licensed providers to make at least one (1) continuing education course available as a computer-based training course, or to deliver at least thirty percent (30%) of their total contact hours of live continuing education instruction at a

location away from their main training center office(s).

PURPOSE: This amendment eliminates the requirement that course source documents be maintained; it eliminates the requirement that a detailed continuing education lesson plan be maintained and replaces it with a requirement that the licensed provider maintain a detailed synopsis or detailed overview of the course; and it requires the licensed training provider to either offer some computer-based training or to deliver at least thirty percent (30%) of their total contact hours of live continuing education instruction at a location away from their main training center office(s).

(4) If an applicant receives preliminary approval from the POST Commission, the *[D]director shall*:—

(C) Review the applicant's proposed courses, including training objectives, *[lesson plans] a detailed synopsis or a detailed overview of the courses, [source documents] evaluation plan, and instructor qualifications; and*

(10) With the exception of those department-based training centers licensed pursuant to 11 CSR 75-14.010, as a condition of continued licensure as a CLEE provider, the licensed provider shall—

(A) Make available some computer-based CLEE training pursuant to 11 CSR 75-15.070; or

(B) Deliver at least thirty percent (30%) of their total contact hours of live CLEE instruction at a location away from their main training center office(s).

[(10)](11) An applicant aggrieved by a decision of the *[D]director* pursuant to this rule may appeal pursuant to section 590.060.2, RSMo.

AUTHORITY: sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. [2007] 2013. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed Oct. 31, 2002, effective April 30, 2003. Amended: Filed July 1, 2008, effective Dec. 30, 2008. Amended: Filed Dec. 4, 2015.

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 Jeremy Spratt, Missouri Department of Public Safety Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 15—Continuing Education**

PROPOSED AMENDMENT

11 CSR 75-15.040 Procedure to Obtain Approval for an Individual CLEE Course. The director of public safety is amending section (3) by eliminating the requirement to submit course source documents and eliminating the requirement to submit a detailed course lesson plan by replacing it with a requirement to submit a detailed synopsis or a detailed overview of the course to be offered.

The director of public safety is amending section (5) by requiring that any change to a previously submitted detailed synopsis or a detailed overview of a course would necessitate a resubmission of the course.

PURPOSE: This amendment eliminates the requirement that course source documents be submitted to the director; it eliminates the requirement that a detailed continuing education lesson plan be submitted to the director and replaces it with a requirement that the provider submit a detailed synopsis or detailed overview of the course; and it requires the training provider to resubmit a course if they change their detailed synopsis or their detailed overview of their previously submitted course.

(3) The *[D]director* shall determine the qualification of the applicant. The *[D]director* may consider any relevant factor, including the applicant's history, facilities and equipment, academic qualifications, financial qualifications, attendance policy, evaluation plan, training objectives, *[lesson plan] detailed synopsis or detailed overview of the course, and instructor record(s), and source documents*.

(5) Any change to the training objectives, **the detailed synopsis or the detailed overview of the course**, or instructor of an individual CLEE course shall require prior approval of the *[D]director*.

AUTHORITY: sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. [2007] 2013. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed July 1, 2008, effective Dec. 30, 2008. Amended: Filed Dec. 3, 2015.

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 Jeremy Spratt, Missouri Department of Public Safety Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 15—Continuing Education**

PROPOSED AMENDMENT

11 CSR 75-15.050 Out-of-State, Federal, and Organizations Continuing Education. The director of Public Safety is adding a new section (2) that adds that all recognized sources of continuing education training are subject to audit by the director. The director of public safety is amending new section (3) by requiring that an officer wishing to obtain continuing education credit must provide evidence to the director that the officer successfully completed a continuing course offered by a recognized federal or out-of-state provider.

PURPOSE: This amendment adds the requirement that all recognized sources of continuing education training are subject to audit by the director and it requires officers that attend federal or out-of-state training to provide evidence to the director that they successfully completed the course before they can receive continuing education training credit.

(2) All recognized sources of CLEE training shall be subject to audit by the director.

[(2)](3) In order to receive credit for attending the CLEE training approved pursuant to this rule, an officer shall [maintain] provide evidence to the director that:—

(A) The training was approved for continuing education by the state or federal agency providing the training or by the state in which the training was located; and

(B) The officer successfully completed the training.

AUTHORITY: sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. [2007] 2013. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed July 1, 2008, effective Dec. 30, 2008. Amended: Filed Dec. 3, 2015.

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 Jeremy Spratt, Missouri Department of Public Safety Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 15—Continuing Education**

PROPOSED AMENDMENT

11 CSR 75-15.060 In-Service Continuing Education Training. The director of public safety is amending section (1) by allowing law enforcement agencies to offer in-service CLEE credit to officers not commissioned by their agency. The director of public safety is amending sections (2) and (3) by requiring law enforcement agencies to submit their continuing education course information to the director.

PURPOSE: This amendment allows a law enforcement agency to provide in-service continuing education training to officers not commissioned by their agency; the amendment requires law enforcement agencies to submit their continuing education courses to the director, where they previously only had to maintain their courses at their agency, which was then subject to audit by the director. These continuing education course records can be submitted electronically to the director.

(1) Any law enforcement agency may provide in-service Continuing Law Enforcement Education (CLEE) training [to its licensed peace officers].

(2) In order for in-service training to qualify for CLEE credit, the law enforcement agency providing the training shall submit their proposed course to [in-service training audits, during which the agency shall provide the Director free access to all records retained pursuant to 11 CSR 75-15.020(5)] the director and comply with the submission and reporting requirements of 11 CSR 75-15.040.

(3) The [D]director may refuse to recognize CLEE credit from any in-service provider that:—

(A) Refuses to [cooperate with an audit pursuant] comply with the course delivery and officer attendance reporting requirements pursuant to this rule; or

AUTHORITY: sections 590.030.5(1), 590.050, and 590.190, RSMo Supp. [2007] 2013. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed July 1, 2008, effective Dec. 30, 2008. Amended: Filed Dec. 3, 2015.

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 Jeremy Spratt, Missouri Department of Public Safety Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 98—Behavioral Health Services**

PROPOSED RULE

13 CSR 70-98.030 Applied Behavior Analysis Services

PURPOSE: This rule establishes the regulatory basis for coverage and reimbursement for applied behavior analysis services under the Medicaid state plan.

(1) The following definitions will be used in administering this rule:

(A) Applied Behavior Analysis (ABA)—the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior. ABA does not include psychological testing, personality assessment, intellectual assessment, neuropsychological assessment, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, family therapy, or counseling;

(B) Autism Spectrum Disorder (ASD)—as defined in the most recent edition of *Diagnostic and Statistical Manual of Mental Disorders* of the American Psychiatric Association;

(C) Best practice guidelines—guidelines described in the Missouri Autism Guidelines Initiative’s publications entitled *Autism Spectrum Disorders: Missouri Best Practice Guidelines for Screening, Diagnosis, and Assessment* and *Autism Spectrum Disorders: Guide to Evidence-Based Interventions*;

(D) Diagnostic evaluation—evaluation conducted according to best practice guidelines in order to determine if an ASD is present;

(E) Licensed Behavior Analyst (LBA)—an individual who is currently licensed by the Missouri Behavior Analyst Advisory Board to practice ABA independently;

(F) ABA qualified Licensed Psychologist (LP)—an individual who is currently licensed by Missouri to practice psychology and who has ABA in the scope of his/her education, training, and competence;

(G) Licensed Assistant Behavior Analyst (LABA)—an individual who is currently licensed by Missouri to practice applied behavior analysis under the supervision of an LBA;

(H) Technician—an individual who is credentialed by the Behavior Analyst Certification Board (BACB) as a Registered Behavior Technician™ (RBT™);

(I) ABA Assessment for Intervention Planning—assessment that is conducted according to best practice guidelines and considers the individual's specific strengths and concerns to inform the intervention planning process; and

(J) ABA intervention—involves directly and objectively measuring potential target behaviors and environmental events that influence them; constructing detailed, individualized behavior analytic treatment plans; using reinforcement and other scientifically validated procedures to build functional skills and reduce behaviors that jeopardize health, safety, and independent functioning; managing treatment environments to maximize client progress; implementing treatment protocols repeatedly, frequently, and consistently; measuring target behaviors directly and frequently; and adjusting treatment protocols based on data.

(2) Recipient Criteria.

(A) In order to qualify for and receive ABA services, a MO HealthNet participant must meet all of the following criteria. The participant must—

1. Be under 21 years of age;
2. Exhibit the presence of excesses and/or deficits of behaviors that significantly interfere with home or community activities (examples include, but are not limited to, aggression, self-injury, elopement);
3. Have a diagnostic evaluation performed by a licensed physician or licensed psychologist, resulting in a diagnosis of ASD, and recommending ABA services as medically necessary.

(3) Provider Criteria.

(A) To direct, supervise, and render ABA services, a professional shall meet the following specifications:

1. Be currently licensed by Missouri as an LBA or LP;
2. Be covered by professional liability insurance to limits of one (1) million dollars per occurrence, three (3) million dollars aggregate;
3. Have no sanctions or disciplinary actions by the applicable state licensing board or the BACB;
4. Have no current overpayment(s) due MO HealthNet and no Medicare or Medicaid sanctions or exclusions from participation in federally funded programs; and
5. Be currently enrolled with MO HealthNet as a provider.

(B) Assistant behavior analysts who render or supervise ABA services shall meet the following qualifications:

1. Be currently licensed by Missouri as an LBA;
2. Be currently supervised by a Missouri LBA;
 - A. The supervisory relationship must be documented in writing;
3. Be covered by professional liability insurance to limits of one (1) million dollars per occurrence, three (3) million dollars aggregate;
4. Have no sanctions or disciplinary actions by the state licensing board or BACB;
5. Have no current overpayment(s) due MO HealthNet and no Medicaid or Medicare sanctions or exclusions from participation in federally funded programs; and
6. Be currently enrolled with MO HealthNet as a provider.

(C) Technicians who render ABA services shall—

1. Be credentialed by the BACB as an RBT;
2. Work under the supervision of an LBA, LP (if officially granted supervisory privileges by the BACB), or LBA to the extent allowed for holders of the latter credential and at the discretion of the supervising LBA. RBTs are required by the BACB to be supervised by LBAs who are also Board Certified Behavior Analysts, Board Certified Behavior Analysts-Doctoral, Board Certified Assistant Behavior Analysts, or members of a professional group officially

granted supervisory privileges by the BACB;

A. The supervisory relationship must be documented in writing; and

3. Have no current overpayment(s) due MO HealthNet and no Medicaid or Medicare sanctions or exclusions from participation in federally funded programs.

(4) Covered Services and Limitations.

(A) MO HealthNet covered ABA services (ABA assessment for intervention planning and ABA intervention) must be—

1. Medically necessary;
2. Precertified by MO HealthNet or its designee;
3. Delivered in accordance with the recipient's treatment plan; and
4. Overseen and delivered by providers who meet criteria specified herein.

(B) Medical necessity for ABA assessment for intervention planning shall be determined based on a diagnostic evaluation. Medical necessity for ABA intervention shall be determined based on an ABA assessment for intervention planning for initial intervention. Medical necessity for continued ABA intervention beyond the initial precertification period shall be determined based upon requested documentation including, but not limited to, updated treatment plan and progress graphs.

(C) ABA intervention services may be precertified for a time period not to exceed one hundred-eighty (180) days. Services provided without precertification shall not be considered for reimbursement, except in the case of retroactive MO HealthNet eligibility.

(D) Service Limitations.

1. Services shall be based upon the individual needs of the child and must give consideration to the child's age, school attendance requirements, and other daily activities as documented in the treatment plan.

2. Services must be delivered in a clinically appropriate setting for the behavior being treated.

(5) Not Medically Necessary/Non-Covered Services. The following services do not meet medically necessity criteria, nor qualify as MO HealthNet covered ABA services:

(A) Intervention services rendered when measurable functional improvement is not expected and services are not necessary to maintain function or prevent deterioration;

(B) Services that are solely educational are not covered. ABA treatment goals, objectives, and procedures that may be related in some way to educational activities but are medically necessary to address the deficits and symptoms of ASD in an individual are covered;

(C) Educational services provided under an individualized family service plan (IFSP) or an individualized educational program (IEP), as required under the federal Individuals with Disabilities Education Act (IDEA);

(D) Services that are solely vocational or recreational are not covered. ABA treatment goals, objectives, and procedures that may be related in some way to vocational or recreational activities but are medically necessary to address the deficits and symptoms of ASD in an individual are covered; and

(E) Custodial care is not an ABA service and is not covered as part of this benefit. Developing, restoring, or maintaining self-help, daily living, or safety skills as part of an ABA treatment plan does not constitute custodial care and are covered.

(6) ABA Treatment Plan.

(A) ABA intervention services shall be rendered in accordance with the individual's treatment plan. The treatment plan shall—

1. Be person centered and individualized;
2. Be developed by an LBA or LP;
3. Be based on the ABA assessment for intervention planning
4. Delineate the baseline levels of target behaviors;

5. Specify long- and short-term objectives that are defined in observable, measurable, behavioral terms;
6. Specify the criteria that will be used to determine achievement of objectives;
7. Include assessment and treatment protocols for addressing each of the target behaviors;
8. Clearly identify the schedule of services planned and the individuals responsible for delivering the services, including frequent review of data on target behaviors and adjustments in the treatment plan and/or protocols by the LBA or LP as needed;
9. Include training to enable LABAs and RBTs to implement assessment and treatment protocols.
10. Include training and support to enable parents and other caregivers to participate in treatment planning and treatment plan implementation;
11. Include care coordination involving the parents or caregiver(s), school, state disability programs, and others as applicable; and
12. Be consistent with applicable professional standards and guidelines relating to the practice of ABA as well as state Medicaid laws and regulations and applicable Missouri licensure laws and regulations.

(7) Reimbursement Methodology.

(A) MO HealthNet shall provide reimbursement for ABA services to enrolled LBAs or LPs who are currently licensed and in good standing with the state. Payment for services rendered by LABAs shall be made to the LBA supervising and employing these personnel. Payment for services rendered by technicians shall be made to the LBA or LP supervising and employing these personnel. If the LBA or LP operates through an agency or corporate entity, payment may be made to that agency or entity. Reimbursement for ABA services shall not be made to or for services rendered by a parent, a legal guardian, or other legally responsible person.

(B) Reimbursement for ABA services is made on a fee-for-services basis. The maximum allowable fee for a unit of service has been determined by the MO HealthNet to be a reasonable fee, consistent with efficiency, economy, and quality of care. Payment for covered services is the lower of the provider's actual billed charge (should be the provider's usual and customary charge to the general public for the service), or the maximum allowable per unit of service. Reimbursement shall only be made for services authorized by the Medicaid agency or its designee.

(C) The fee schedule and any annual/periodic adjustments to the fee schedule are published at <http://www.dss.mo.gov/mhd/providers/index.htm>.

AUTHORITY: section 208.201, RSMo Supp. 2013. Original rule filed Dec. 14, 2015.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twelve million, sixty-nine thousand, two hundred ninety-two dollars (\$12,069,292) annually 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 Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 98 – Behavioral Health Services**

Rule Number and Name:	13 CSR 70-98.030 - Applied Behavior Analysis Services
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services, MO HealthNet Division	Annual Fiscal Year Impact – \$12,069,292

III. WORKSHEET

Total cost for Applied Behavior Analysis (ABA) services during SFY 2016 is estimated at \$12,069,292.

IV. ASSUMPTIONS

In SFY 2016, MO HealthNet will begin to cover Applied Behavioral Analysis services for Autism Spectrum Disorder. The services covered will be for a diagnostic evaluation, a functional behavioral assessment, and behavioral treatment. Listed below are the anticipated costs of the services. The total anticipated cost per eligible will be \$27,093 per year. MO HealthNet estimates 444 children will use these services annually.

Diagnostic Evaluation	\$ 420
Functional Behavioral Assessment	\$ 593
Behavioral Treatment	
Treatment by Tech	\$15,840
Treatment by Pro	<u>\$10,240</u>
Total Cost Per Participant Per Year	\$27,093
Estimated Number of Eligibles FY 16	<u>x 444</u>
Total Annual Cost of Services	\$12,029,292
ABA Consultant Cost	<u>\$40,000</u>
Total Annual Cost	\$12,069,292
GR	\$ 4,426,654
Federal	\$ 7,642,638

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 8—Unfair Practices**

PROPOSED RULE

15 CSR 60-8.100 Threatening to File or Filing Suit on Certain Consumer Debt

PURPOSE: The attorney general administers and enforces the provisions of the Merchandising Practices Act, Chapter 407, RSMo. The attorney general may make rules necessary to the administration and enforcement of the provisions of Chapter 407, RSMo and, in order to provide notice to the public, may specify meanings of terms used in the Act.

This rule specifies the settled meanings of certain terms used in the enforcement of the Act and provides notice to the public of their application. Practices specified are not intended to be an all inclusive list of practices which are unfair, but this rule enumerates specific practices which are unfair and are violative of section 407.020, RSMo.

(1) It is an unfair practice for any person to threaten to file a civil action, or to file a civil action, for a debt that is primarily for personal, family, or household purposes, if such debt has been—

- (A) In default for a period of time such that the statute of limitation to file a civil action for collection of the debt has expired;
- (B) Discharged by a bankruptcy court;
- (C) Declared void by a court of competent jurisdiction; or
- (D) Deemed fully satisfied pursuant to an agreement with the consumer and the creditor or its assigns.

AUTHORITY: section 407.020, RSMo Supp. 2013, and section 407.145, RSMo 2000. Original rule filed Nov. 30, 2015.

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 submit a written statement in support of or in opposition to this proposed rule. Written statements shall be sent to the attention of General Counsel, Office of the Attorney General, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 8—Unfair Practices**

PROPOSED RULE

15 CSR 60-8.110 Reaffirmation of Consumer Debt Without Valuable Consideration

PURPOSE: The attorney general administers and enforces the provisions of the Merchandising Practices Act, Chapter 407, RSMo. The attorney general may make rules necessary to the administration and enforcement of the provisions of Chapter 407, RSMo and, in order to provide notice to the public, may specify meanings of terms used in the Act.

This rule specifies the settled meanings of certain terms used in the enforcement of the Act and provides notice to the public of their

application. Practices specified are not intended to be an all inclusive list of practices which are unfair, but this rule enumerates specific practices which are unfair and are violative of section 407.020, RSMo.

(1) It is an unfair practice to seek or obtain without valuable consideration a reaffirmation of an obligation arising out of any debt that is primarily for personal, family, or household purposes, and—

- (A) For which the statute of limitation to file a civil action for collection of the debt has expired;
- (B) That has been discharged in bankruptcy;
- (C) That has been declared void by a court of competent jurisdiction; or
- (D) That has been deemed fully satisfied pursuant to an agreement with the consumer and the creditor or its assigns.

AUTHORITY: sections 407.020, RSMo Supp. 2013, and section 407.145, RSMo 2000. Original rule filed Nov. 30, 2015.

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 submit a written statement in support of or in opposition to this proposed rule. Written statements shall be sent to the attention of General Counsel, Office of the Attorney General, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 2270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

PROPOSED AMENDMENT

20 CSR 2270-2.052 Faculty Licensure. The board is amending sections (1), (3), (4), and (6).

PURPOSE: This amendment updates the requirements for faculty licensure and deletes the reference to state board examination fees.

(1) The board may issue a veterinary faculty license to any qualified applicant associated with the University of Missouri-Columbia, College of Veterinary Medicine, and involved in the instructional program of either undergraduate or graduate veterinary medical students. In order to qualify for a faculty license, the applicant must[/:]—

- (B) Have been actively engaged in the practice of veterinary medicine for at least five (5) consecutive years immediately prior to making application in Missouri. [*“Actively engaged,” shall mean that the applicant has regularly and consistently practiced veterinary medicine. The board may request the applicant produce records demonstrating the regular and consistent practice of veterinary medicine.*] **This may include academic or institutional practice under a faculty license; or**
- (C) Have completed a[n] **clinical** internship [*at an American Veterinary Medical Association (AVMA) accredited veterinary school.*] of twelve (12) months or longer; or
- (D) Have completed a residency recognized and approved by the appropriate American Board of Veterinary Specialties organization.

(3) *[A faculty license does not meet the requirements of licensure for federal accreditation with the United States Department of Agriculture (USDA) or deputyship with the Missouri Department of Agriculture.] A faculty license will qualify a veterinarian to apply for federal accreditation with the United States Department of Agriculture (USDA) or deputyship with the Missouri Department of Agriculture. However, the accreditation is only valid under the umbrella of the university as to the restriction of the license.*

(4) A license issued under this rule shall restrict the licensee to practice only *[within the university setting] on behalf of the University of Missouri* where s/he is employed as a member of the faculty. *[The setting shall include only the university buildings and the large animal ambulatory facility.] This shall include both on-site and ambulatory practice settings.*

(6) The applicant shall submit the registration fee*[, the state board examination fee]* and the *[restricted] faculty* license fee.

AUTHORITY: sections 340.210 and 340.247, RSMo 2000. This rule originally filed as 4 CSR 270-2.052. Original rule filed Oct. 10, 1995, effective April 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 10, 2015.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, or via email at vets@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.*

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

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

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for Enforcement Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo Supp. 2015, the commission amends a rule as follows:

1 CSR 50-2.015 Initiation of Enforcement Case **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1255–1256). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for Enforcement Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo Supp. 2015, the commission amends a rule as follows:

1 CSR 50-2.020 Pleadings **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1256). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for Enforcement Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo Supp. 2015, the commission amends a rule as follows:

1 CSR 50-2.030 *Ex Parte* Communications **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1256). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for Enforcement Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo Supp. 2015, the commission amends a rule as follows:

1 CSR 50-2.040 Prehearing Conferences **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1256–1257). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for Enforcement Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under sections 105.959 and 105.961, RSMo Supp. 2013, the commission adopts a rule as follows:

1 CSR 50-2.075 Motions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1257). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for Enforcement Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo Supp. 2015, the commission amends a rule as follows:

1 CSR 50-2.100 The Record at the Hearing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1257). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for Enforcement Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo Supp. 2015, the commission amends a rule as follows:

1 CSR 50-2.110 Stipulation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1257-1258). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for Enforcement Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo Supp. 2015, the commission amends a rule as follows:

1 CSR 50-2.120 Default is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1258). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for Enforcement Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo Supp. 2015, the commission amends a rule as follows:

1 CSR 50-2.130 Post-Hearing Procedure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1258-1259). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for Enforcement Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under section 105.955.14(7), RSMo Supp. 2015, the commission amends a rule as follows:

1 CSR 50-2.140 Orders is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1259). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 4—Investigative Process**

ORDER OF RULEMAKING

By the authority vested in the Missouri Ethics Commission under sections 105.959 and 105.961, RSMo Supp. 2013, the commission adopts a rule as follows:

1 CSR 50-4.010 Representation by a Licensed Attorney; When Required is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1259). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 1—Wildlife Code: Organization**

ORDER OF RULEMAKING

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

**3 CSR 10-1.010 Organization and Methods of Operation
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1259–1261). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received three (3) comments on proposed changes to 3 CSR 10-1.010 Organization and Methods of Operation.

COMMENT #1: Ronald Files, Jr., Warrenton, indicated support of updates to the department's organization structure as proposed.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENT #2: Ronald Novak, St. Louis, indicated support for updates to the rule as proposed; however, Mr. Novak's comments addressed archery season dates and do not pertain to the changes proposed.

RESPONSE: The commission appreciates input from citizens on any conservation-related topic.

COMMENT #3: James Elder, Sibley, indicated opposition to updates to the rule as proposed; however, Mr. Elder's comments addressed the proposal to include crossbows as an approved method for the archery deer season and outlined his preferences for deer season dates. These comments do not pertain to the changes proposed.

RESPONSE: The proposed changes reflect existing organizational structure and methods of operation and are being made to update and clarify the regulation.

No changes to the rule have been made as a result of this comment.

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

ORDER OF RULEMAKING

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

3 CSR 10-5.205 Permits Required; Exceptions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1261). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received seven (7) comments on proposed changes to 3 CSR 10-5.205 Permits Required; Exceptions.

COMMENTS: William Martin, Sunrise Beach; Brian Callaghan, Adrian; and Ronald Files, Warrenton, indicated support for clarification of terms used to describe individuals with mental disabilities.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: William Martin, Sunrise Beach, and Brent Murphy, Lake Ozark, indicated support for updates to the rule as proposed; however, their specific comments addressed the proposal to add crossbows as an approved method for all hunters during the archery deer season. These comments do not pertain to the changes proposed.

RESPONSE: The commission appreciates input from citizens on any conservation-related topic.

COMMENT: Tracy Dunkin, St. Joseph, indicated support for updates to the rule as proposed; however, Mr. Dunkin's comments included suggestions for allocation of nonresident deer hunting permits and timing of the youth portion of the fall firearms deer season. These comments do not pertain to the changes proposed.

RESPONSE: The commission appreciates input from citizens on any conservation-related topic.

COMMENT: John Stipek, St. Louis, indicated opposition to updates to the rule as proposed; however, Mr. Stipek's comments specifically addressed permit pricing and do not pertain to the changes proposed.

RESPONSE: The commission appreciates input from citizens on any conservation-related topic.

No changes to the rule have been made as a result of these comments.

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

ORDER OF RULEMAKING

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

3 CSR 10-6.505 Black Bass is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1261–1262). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received five (5) comments on proposed changes to 3 CSR 10-6.505 Black Bass.

COMMENTS: Ronald Files, Jr., Warrenton; Randall Coffey, Branson West; and Rich Durban, Foristell, indicated support for a reduction in the minimum length limit for spotted bass at Truman Lake from fifteen inches (15") to twelve inches (12").

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENT: James McKown, Trimble, indicated support for a reduction in the minimum length limit for spotted bass at Truman Lake from fifteen inches (15") to twelve inches (12") and suggested the rule be expanded to include Stockton Lake.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes. While the commission is not currently considering expansion of the rule to include Stockton Lake, this request will be evaluated in the future.

COMMENT: Eric Biller, Agency, suggested that the department provide barbless, easy-release hooks to anglers. Mr. Biller's suggestion does not pertain to the changes proposed.

RESPONSE: The commission appreciates input from citizens on any conservation-related topic.

No changes have been made to the rule as a result of these comments.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

ORDER OF RULEMAKING

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

3 CSR 10-7.410 Hunting Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1262). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received two hundred seventy-two (272) comments on proposed changes to 3 CSR 10-7.410 Hunting Methods. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received one hundred nineteen (119) comments from individuals who expressed general support for removal of the Hunter Method Exemption requirement during the archery deer and turkey season.

RESPONSE: The commission thanks those individuals who voiced support for the regulation change.

COMMENTS: The commission received one hundred sixteen (116) comments from individuals who indicated general opposition to removal of the Hunter Method Exemption requirement during the archery deer and turkey season.

RESPONSE: Participation during the archery deer season has been steadily increasing over the past couple of decades. As a result of the growing popularity of archery hunting, the department has received an increasing number of requests to expand the season to include crossbows, which are currently only allowed with a Hunting Method Exemption.

Currently, more than ten thousand (10,000) Hunting Method Exemptions are in effect to allow persons with disabilities to use a crossbow during the archery deer season. A 2008 report on archery deer hunters found that, similar to other types of hunting activity, many hunters begin at an early age, then decline in participation during the late teen and college years, followed by a return in the mid-to-late twenties with somewhat stable participation until around the

age of forty (40). Once hunters reach that age group, archery participation diverges from firearms deer hunter participation. It appears this is the age when Missouri archery hunters begin to "drop out" of archery hunting. If, as suspected, physical limitations further the decline in participation of middle-aged archery hunters, allowing the use of crossbows would prolong participation for several years for those that still retain a desire to hunt.

Support and requests for allowance of crossbows during the archery season have increased significantly over the last several years. A 2012 survey of eighteen thousand (18,000) Missouri deer hunters indicated that forty-six percent (46%) approve and thirty-three percent (33%) disapprove of allowing crossbows during the archery season. Results from the 2014 archery deer season hunter survey indicated that fifty percent (50%) of respondents agree, thirty-five percent (35%) disagree, and sixteen percent (16%) neither agree nor disagree with allowing crossbows as a legal method during the archery deer season. Similarly, results from the 2014 firearms deer season hunter survey indicated that forty-seven percent (47%) of respondents agree, thirty-three percent (33%) disagree, and twenty percent (20%) neither agree nor disagree with allowing crossbows as a legal method during the archery deer season. Over time, support has increased for the allowance of crossbows during the archery season. Given increasing support for including crossbows as an approved method for use during the archery deer season, no changes have been made to the rule as a result of these comments.

COMMENTS: Twenty-six (26) individuals indicated general support for discontinuation of the urban zones portion of the fall firearms deer season.

RESPONSE: The commission thanks those individuals who voiced support for this regulation change.

COMMENTS: Eleven (11) individuals indicated general opposition to the discontinuation of the urban zones portion of the fall firearms deer season.

RESPONSE: The goal of the urban deer management program is to provide individuals and communities with information about deer management and to assist, as requested, in the management of white-tailed deer by providing management expertise, deer management plans, and population control options that provide residents and communities with effective ways to manage deer.

The department has taken a progressive and proactive approach to urban and suburban deer management by adding tools in the toolbox to help urban and suburban communities meet their deer management objectives. The urban zones portion of the firearms deer season was implemented as one tool to address issues associated with overabundant urban deer populations. Department staff work closely with local communities to implement management strategies that have led to ordinance changes allowing the use of archery equipment and controlled hunts in cities across the state, both of which have proven to be far more effective at managing urban deer populations than the implementation of the urban zones portion of the firearms deer season. The allowance of an additional firearms hunting opportunity in urban zones does little to manage deer populations where the ability to use firearms is limited due to city ordinances or safety concerns. As a result, the majority of harvest during the urban zones portion occurs in the most rural portions and does not ensure adequate deer harvest in the locations where urban deer conflicts occur. No changes have been made to the rule as a result of these comments.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections

40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.431 Deer Hunting Seasons: General Provisions
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1262–1263). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received nine hundred seventy-two (972) comments on proposed changes to 3 CSR 10-7.431 Deer Hunting Seasons: General Provisions. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received three hundred eleven (311) comments in general support of the proposal to add crossbows as an approved method for use during the archery deer and turkey season.
RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: One hundred five (105) individuals indicated general support of the proposal to reduce the combined limit for antlered deer from three (3) to two (2) during the fall firearms and archery deer seasons.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: Three hundred eighty-six (386) individuals indicated general opposition to the proposal to add crossbows as an approved method for use during the archery deer and turkey season and one hundred twenty-five (125) individuals expressed general opposition to the proposal to reduce the combined limit for antlered deer from three (3) to two (2) during the fall firearms and archery deer seasons.
RESPONSE: To the extent there were specific comments provided, the commission has addressed them below.

COMMENTS: One hundred thirty-one (131) individuals indicated opposition to inclusion of the crossbow as an approved method for use during the fall archery deer and turkey season, arguing that crossbows are not archery equipment.

RESPONSE: The commission does not propose to include crossbows in the definition of archery equipment; crossbows will be allowed as a method approved for use during the archery deer and turkey season, similar to the allowance of different methods during the firearms deer season. No changes to the rule have been made as a result of these comments.

COMMENTS: One hundred thirty-nine (139) individuals indicated opposition to inclusion of the crossbow as an approved method for use during the fall archery deer and turkey season but support maintaining the privilege for individuals who obtain a Hunting Method Exemption.

RESPONSE: The Hunting Method Exemption requirement will be removed because it is no longer necessary if crossbows are allowed as a legal method during the archery deer and turkey season. No changes to the rule have been made as a result of these comments.

COMMENTS: Fifty (50) individuals indicated opposition to inclusion of the crossbow as an approved method for use during the fall archery deer and turkey season but support allowing the use of this method by youths and/or senior citizens.

RESPONSE: A 2008 report on archery deer hunters found that, similar to other types of hunting activity, many hunters begin at an early age, then decline in participation during the late teen and college

years, followed by a return in the mid-to-late twenties with somewhat stable participation until around the age of forty (40). Once hunters reach that age group, archery participation diverges from firearms deer hunter participation. It appears this is the age when Missouri archery hunters begin to “drop out” of archery hunting. If, as suspected, physical limitations further the decline in participation of middle-aged archery hunters, allowing the use of crossbows would prolong participation for several years for those that still retain a desire to hunt.

During 2014, twenty-five (25) states allowed crossbow use for hunters of all ages throughout the entire archery season. Data from other states indicates that crossbow users are inherently older than vertical bow users. Therefore, an age-specific requirement is an unnecessary complication of the regulations. No changes to the rule have been made as a result of these comments.

COMMENTS: Eighteen (18) individuals indicated opposition to inclusion of the crossbow as an approved method for use during the fall archery deer and turkey season, citing concerns about increased poaching.

RESPONSE: Given experiences of states that allow the use of crossbows, there is no reason to believe that use of this method will increase poaching. No changes to the rule have been made as a result of these comments.

COMMENTS: Fifty-two (52) individuals indicated opposition to inclusion of the crossbow as an approved method for use during the fall archery deer and turkey season, citing concerns about increased harvest and pressure on the state’s deer herd.

RESPONSE: During 2014, twenty-five (25) states allowed crossbow use throughout the entire archery season. By examining harvest surveys and through personal communication with deer biologists, data shows that increased success rates and harvest have not occurred in those states. The following examples were obtained: Michigan hunter success for crossbows, vertical bows, and firearms were thirty-two percent (32%), thirty-one percent (31%), and thirty-two percent (32%), respectively; Wisconsin had hunter success for crossbows, vertical bows, and firearms at twenty-nine point nine percent (29.9%), twenty-three percent (23%), and twenty-nine point four percent (29.4%), respectively; and Pennsylvania observed a sixteen percent (16%) and seventeen percent (17%) hunter success for crossbows and vertical bows. Furthermore, an examination of Indiana’s deer harvest data from 2009-2014 shows that harvest using a crossbow is actually a shift from other methods with no increase in overall deer harvest. No changes to the rule have been made as a result of these comments.

COMMENTS: Twenty (20) individuals indicated opposition to inclusion of the crossbow as an approved method for use during the fall archery deer and turkey season, citing concerns about hunters taking unethical shots that will result in an increase in lost/wounded deer.

RESPONSE: Published data suggests similar or even greater recovery rates for deer shot with a crossbow compared to vertical bows. No changes to the rule have been made as a result of these comments.

COMMENTS: Twenty-one (21) individuals indicated opposition to inclusion of the crossbow as an approved method for use during the fall archery deer and turkey season, citing safety concerns.

RESPONSE: Data from other states does not indicate any increase in hunting incidents as a result of crossbow use during archery deer season. For example, Ohio first legalized crossbows in 1976. Through the 2003–04 season, they experienced nineteen (19) incidents involving crossbows with fifteen (15) being self-inflicted and twelve (12) longbow incidents during the same period with seven (7) being self-inflicted. The result was an incident rate well below one (1) incident per one (1) million trips for both crossbows and longbows. There is no reason to believe that the allowance of crossbows during the archery deer and turkey season will result in an increased safety concern. Additionally, crossbows have been a legal method for Missouri

firearms deer hunters for a number of years and the safety of crossbows has never been an area of concern. No changes to the rule have been made as a result of these comments.

COMMENTS: Marvin Cochran, Harrisonville; Irene Walker, Kirbyville; and David Helms, Park Hills, indicated opposition to inclusion of the crossbow as an approved method for use during the fall archery deer and turkey season, citing concerns about reduced opportunity for disabled hunters who currently hold Hunting Method Exemptions to hunt with this method during the archery season.

RESPONSE: The removal of the crossbow-hunting method exemption and the allowance of crossbows for archery season would not take away opportunity for disabled individuals to use this method for deer hunting. No changes to the rule have been made as a result of these comments.

COMMENTS: Twelve (12) individuals indicated opposition to inclusion of the crossbow as an approved method for use during the fall archery deer and turkey season but would support implementation of a separate crossbow portion of the fall deer season.

RESPONSE: Support and requests for allowance of crossbows during the archery deer season have increased significantly over the last several years. A 2012 survey of eighteen thousand (18,000) Missouri deer hunters indicated that forty-six percent (46%) approve and thirty-three percent (33%) disapprove of allowing crossbows during the archery season. Results from the 2014 archery deer season hunter survey indicated that fifty percent (50%) of respondents agree, thirty-five percent (35%) disagree, and sixteen percent (16%) neither agree nor disagree with allowing crossbows as a legal method during the archery deer season. Similarly, results from the 2014 firearms deer season hunter survey indicated that forty-seven percent (47%) of respondents agree, thirty-three percent (33%) disagree, and twenty percent (20%) neither agree nor disagree with allowing crossbows as a legal method during the archery deer season. Over time, support has increased for the allowance of crossbows during the archery season. Creation of a separate crossbow portion of the archery deer season would unnecessarily complicate regulations. No changes to the rule have been made as a result of these comments.

COMMENTS: Seven (7) individuals indicated opposition to inclusion of the crossbow as an approved method for use during the fall archery deer and turkey season but would support allowing use during the second portion of the archery season.

RESPONSE: During 2014, twenty-five (25) states allowed crossbow use throughout the entire archery season. By examining harvest surveys and through personal communication with deer biologists, data shows that increased success rates and harvest have not occurred in those states. The following examples were obtained: Michigan hunter success for crossbows, vertical bows, and firearms were thirty-two percent (32%), thirty-one percent (31%), and thirty-two percent (32%), respectively; Wisconsin had hunter success for crossbows, vertical bows, and firearms at twenty-nine point nine percent (29.9%), twenty-three percent (23%), and twenty-nine point four percent (29.4%), respectively; and Pennsylvania observed a sixteen percent (16%) and seventeen percent (17%) hunter success for crossbows and vertical bows. Furthermore, an examination of Indiana's deer harvest data from 2009-2014 shows that harvest using a crossbow is actually a shift from other methods with no increase in overall deer harvest.

Because crossbows are not expected to have a negative impact on the deer population, the allowance of crossbows during a portion of the archery season would unnecessarily complicate regulations. No changes to the rule have been made as a result of these comments.

COMMENT: Greg Wolff, Florissant, indicated opposition to inclusion of the crossbow as an approved method for use during the fall archery deer and turkey season but would support allowing use on private land only during the season.

RESPONSE: The commission currently implements conservation

area-specific restrictions on methods that may be used based on hunting pressure, safety, and local deer management objectives. Additionally, approximately ninety-five percent (95%) of Missouri is in private ownership. Therefore, limiting the allowance of crossbows to private land only would unnecessarily complicate regulations. No changes to the rule have been made as a result of this comment.

COMMENTS: Twenty-seven (27) individuals indicated opposition to a reduction in the combined limit for antlered deer from three (3) to two (2) during the fall firearms and archery deer seasons, arguing that it is not a valid tool for population management because so few hunters take three (3) antlered deer.

RESPONSE: As population management objectives shifted toward encouraging antlerless harvest and an increasing number of hunters expressed their desire to see more bucks in older age-classes, wildlife biologists began to consider restrictions on buck harvest as a tool to manage the sex ratio and age structure of the deer population. For example, the antler-point restriction was implemented to shift harvest pressure from bucks to does and improve age structure of the buck segment of the populations. The point restriction has reduced the harvest of bucks one and one half (1½) years old, but has not greatly reduced total buck harvest. Therefore, another option is a reduction in the total number of bucks an individual can harvest to reduce pressure on the buck segment of the population. This is particularly important as we explore ways to ensure appropriate antlerless harvest and meet hunter desires for more bucks in older age classes, particularly in areas where the antler-point restriction is not biologically or socially appropriate.

The allowance of two (2) bucks during the archery season was established at a time when there were relatively few archers, archery harvest made up a relatively small proportion of the total harvest, and deer populations were rapidly expanding. Each year, archery harvest makes up a larger proportion of the total antlered buck and overall deer harvest. For example, in 2000, archery deer harvest made up ten percent (10%) of the total deer harvest and eleven percent (11%) of the antlered buck harvest; by 2013, those numbers had increased to twenty percent (20%) and nineteen percent (19%), respectively.

Results from the 2014 archery deer season hunter survey indicated that twenty-four percent (24%) of respondents agree, sixty-six percent (66%) disagree, and eleven percent (11%) neither agree nor disagree with limiting hunters to one (1) antlered deer for all seasons combined. Similarly, results from the 2014 firearms deer season hunter survey indicated that thirty-three percent (33%) of respondents agree, fifty-four percent (54%) disagree, and thirteen percent (13%) neither agree nor disagree with limiting hunters to one (1) antlered deer during all seasons combined. However, public input indicates that many hunters would be accepting of both a one (1) archery antlered deer and one (1) firearm antlered deer limit; or limit of two (2) antlered bucks with no more than one (1) with a firearm. Results from the 2014 archery deer season hunter survey indicated that fifty-nine percent (59%) of respondents agree, twenty-nine percent (29%) disagree, and twelve percent (12%) neither agree nor disagree with limiting hunters to one (1) antlered deer during the archery season. Public input indicated that many of the archery hunters that were opposed to the change value the opportunity to take a second antlered deer with archery equipment. No changes to the rule have been made as a result of these comments.

COMMENTS: Joseph Cater, location unknown, and Michael Berry, Lebanon, indicated opposition to a reduction to the combined limit for antlered deer from three (3) to two (2) during the fall firearms and archery deer seasons but would support the change if archers were allowed to take two (2) antlered deer during the first portion of the season.

RESPONSE: A reduction in the number of antlered deer an individual could take would not change this long-standing rule. Limiting archery hunters to one (1) antlered deer prior to the November portion of the firearms deer season has been in place to fairly allocate

buck harvest opportunities. No changes to the rule have been made as a result of these comments.

COMMENTS: Dave (last name unknown), Flemington; Doug Henke, Columbia; Roger Thompson, Viburnum; Ron Thornburgh, Patterson; and Wayne Grein, Perryville, indicated opposition to a reduction to the combined limit for antlered deer from three (3) to two (2) during the fall firearms and archery deer seasons; instead, they suggested that the limit should be reduced from three (3) to one (1) per hunter.

RESPONSE: The commission initially considered reducing the limit of antlered deer to one (1) per hunter during the combined deer hunting season. However, the 2014 archery deer season hunter survey indicated that twenty-four percent (24%) of respondents agree, sixty-six percent (66%) disagree, and eleven percent (11%) neither agree nor disagree with limiting hunters to one (1) antlered deer during all seasons combined. Similarly, results from the 2014 firearms deer season hunter survey indicated that thirty-three percent (33%) of respondents agree, fifty-four percent (54%) disagree, and thirteen percent (13%) neither agree nor disagree with limiting hunters to one (1) antlered deer during all seasons combined. However, public input indicates that many hunters would be accepting of both a one (1) archery antlered deer and one (1) firearm antlered deer limit; or a limit of two (2) antlered bucks with no more than one (1) with a firearm. Results from the 2014 archery deer season hunter survey indicated that fifty-nine percent (59%) of respondents agree, twenty-nine percent (29%) disagree, and twelve percent (12%) neither agree nor disagree with limiting hunters to one (1) antlered deer during the archery season. Public input indicated that many of the archery hunters that were opposed to the change value the opportunity to take a second antlered deer with archery equipment. No changes to the rule have been made as a result of these comments.

COMMENT: Joe Macomber, location unknown, indicated opposition to a reduction to the combined limit for antlered deer from three (3) to two (2) during the fall firearms and archery deer seasons but voiced support for enforcing the limit for nonresidents.

RESPONSE: Approximately twenty-seven thousand (27,000) nonresidents hunt deer in Missouri annually; however, fewer than three thousand (3,000) nonresidents hunt both the archery and firearms deer seasons. Therefore, limiting only nonresidents would have little to no biological impact and unnecessarily complicate regulations. No changes to the rule have been made as a result of this comment.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

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

3 CSR 10-7.433 is amended.

This rule establishes the firearms deer hunting season, limits, and provisions for hunting and is exempted by sections 536.021, RSMo from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.433 by establishing firearms deer hunting seasons.

3 CSR 10-7.433 Deer: Firearms Hunting Season

(1) The firearms deer hunting season is comprised of five (5) portions.

(A) Youth portions: October 29 through 30, 2016 and November 25 through 27, 2016; for persons at least six (6) but not older than fifteen (15) years of age; use any legal deer hunting method to take one (1) deer statewide during the October 29 through 30, 2016, portion; use any legal deer hunting method to take deer statewide during the November 25 through 27, 2016, portion.

(B) November portion: November 12 through 22, 2016; use any legal deer hunting method to take deer statewide.

(C) Antlerless portion: December 2 through 4, 2016; use any legal deer hunting method to take antlerless deer in open counties.

(D) Alternative methods portion: December 24, 2016, through January 3, 2017; use muzzleloader and archery methods, crossbows, atlatl, handguns, and air-powered guns as defined in 3 CSR 10-7.431 to take deer statewide.

(2) Firearms Deer Hunting Permits.

(A) Resident or Nonresident Firearms Any-Deer Hunting Permit: valid for one (1) deer statewide, except that only antlerless deer may be taken during the antlerless portion of the season.

(3) Other wildlife may be hunted during the firearms deer hunting season except as further restricted in this section—

(A) During the November portion statewide and the antlerless portion in open counties, other wildlife (except furbearers) may be hunted only with pistol, revolver, or rifle firing a .22 caliber or smaller rimfire cartridge, or a shotgun and shot not larger than No. 4; except that waterfowl hunters, trappers, or landowners on their land or lessees on land upon which they reside may use other methods as specified in 3 CSR 10-7.410(1)(G);

(B) During the November portion statewide and the antlerless portion in open counties, furbearers may be hunted within the established furbearer hunting seasons during daylight hours using any legal deer hunting method by persons holding an unfilled Firearms Deer hunting permit, and—

1. A Resident Small Game Hunting Permit; or

2. A Nonresident Furbearer Hunting and Trapping Permit;

(C) Furbearers may not be chased, pursued, or taken with the aid of dogs during daylight hours from November 1 through the end of the November portion statewide and the antlerless portion in open counties; and

(D) Squirrels and rabbits may not be chased, pursued, or taken with the aid of dogs during daylight hours of the November portion in Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon, and Wayne counties.

(4) Feral hogs, defined as any hog, including Russian and European wild boar, not conspicuously identified by ear tags or other forms of identification and roaming freely on public or private lands without the landowner's permission (refer to section 270.400 of *Missouri Revised Statutes*), may be taken in any number during the firearms deer hunting season as follows:

(A) Hunters must possess a valid small game hunting or unfilled firearms deer hunting permit and abide by the methods of pursuit allowed for deer as well as any other restrictions that may apply on specific public areas;

(B) During the November portion statewide and the antlerless portion in open counties—

1. Firearms deer permittees may only use methods allowed for deer;

2. Small game permittees may only use pistol, revolver, or rifle firing a .22 caliber or smaller rimfire cartridge, or a shotgun with shot not larger than No. 4; and

3. Dogs may not be used;

(C) During the youth and alternative methods portions—

1. Deer permittees may only use methods allowed for deer; and
2. Small game permittees may only use methods allowed for small game;

(D) Resident landowners and lessees on qualifying land are not

required to have any permit and may use any method to take feral hogs throughout the year.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment was filed December 15, 2015, becomes effective **March 1, 2016**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

ORDER OF RULEMAKING

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

3 CSR 10-7.434 Deer: Landowner Privileges is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1263). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received ninety-eight (98) comments on proposed changes to 3 CSR 10-7.434 Deer: Landowner Privileges. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received forty (40) comments in general support of the proposal to reduce the combined limit for antlered deer from three (3) to two (2) for landowners and lessees during the fall firearms and archery deer seasons.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: Fifty-eight (58) individuals indicated general opposition to a reduction in the combined limit for antlered deer from three (3) to two (2) for landowners and lessees during the fall firearms and archery deer seasons.

RESPONSE: As population management objectives shifted toward encouraging antlerless harvest and an increasing number of hunters expressed their desire to see more bucks in older age-classes, wildlife biologists began to consider restrictions on buck harvest as a tool to manage the sex ratio and age structure of the deer population. For example, the antler-point restriction was implemented to shift harvest pressure from bucks to does and improve age structure of the buck segment of the populations. The point restriction has reduced the harvest of bucks one and one half (1½) years old, but has not greatly reduced total buck harvest. Therefore, another option to consider is a reduction in the total number of bucks an individual could harvest to reduce pressure on the buck segment of the population. This is particularly important as we explore ways to ensure appropriate antlerless harvest and meet hunter desires for more bucks in older age classes, especially in areas where the antler-point restriction is not biologically or socially appropriate.

The allowance of two (2) bucks during the archery season was established at a time when there were relatively few archers and archery harvest made up a fairly small proportion of the total harvest and deer populations were rapidly expanding. Each year, archery

harvest makes up a larger proportion of the total antlered buck and overall deer harvest. For example, in 2000, archery deer harvest made up ten percent (10%) of the total deer harvest and eleven percent (11%) of the antlered buck harvest; by 2013, those numbers had increased to twenty percent (20%) and nineteen percent (19%), respectively.

Results from the 2014 archery deer season hunter survey indicated that twenty-four percent (24%) of respondents agree, sixty-six percent (66%) disagree, and eleven percent (11%) neither agree nor disagree with limiting hunters to one (1) buck all methods combined. Similarly, results from the 2014 firearms deer season hunter survey indicated that thirty-three percent (33%) of respondents agree, fifty-four percent (54%) disagree, and thirteen percent (13%) neither agree nor disagree with limiting hunters to one (1) buck all methods combined. However, public input indicates that many hunters would be accepting of both a one (1) archery antlered deer and one (1) firearm antlered deer limit; or a limit of two (2) antlered bucks with no more than one (1) with a firearm. Results from the 2014 archery deer season hunter survey indicated that fifty-nine percent (59%) of respondents agree, twenty-nine percent (29%) disagree, and twelve percent (12%) neither agree nor disagree with limiting hunters to one (1) buck during the archery season. Public input indicated that many archery hunters were opposed to the reduction in the number of antlered bucks taken because they value the opportunity to take a second deer with archery equipment. No changes to the rule have been made as a result of these comments.

COMMENTS: Nine (9) individuals indicated opposition to a reduction in the combined limit for antlered deer from three (3) to two (2) for landowners and lessees during the fall firearms and archery deer seasons, arguing that it is not a valid tool for population management because so few hunters take three (3) antlered deer.

RESPONSE: As population management objectives shifted toward encouraging antlerless harvest and an increasing number of hunters expressed their desire to see more bucks in older age-classes, wildlife biologists began to consider restrictions on buck harvest as a tool to manage the sex ratio and age structure of the deer population. For example, the antler-point restriction was implemented to shift harvest pressure from bucks to does and improve age structure of the buck segment of the populations. The point restriction has reduced the harvest of bucks one and one half (1½) years old, but has not greatly reduced total buck harvest. Therefore, another option to consider is reducing the total number of bucks an individual could harvest to reduce pressure on the buck segment of the population. This is particularly important as we explore ways to ensure appropriate antlerless harvest and meet hunter desires for more bucks in older age classes, especially in areas where the antler-point restriction is not biologically or socially appropriate.

The allowance of two (2) bucks during the archery season was established at a time when there were relatively few archers, archery harvest made up a relatively small proportion of the total harvest, and deer populations were rapidly expanding. Each year, archery harvest makes up a larger proportion of the total antlered buck and overall deer harvest. For example, in 2000, archery deer harvest made up ten percent (10%) of the total deer harvest and eleven percent (11%) of the antlered buck harvest; by 2013, those numbers had increased to twenty percent (20%) and nineteen percent (19%), respectively.

Results from the 2014 archery deer season hunter survey indicated that twenty-four percent (24%) of respondents agree, sixty-six percent (66%) disagree, and eleven percent (11%) neither agree nor disagree with limiting hunters to one (1) antlered deer for all seasons combined. Similarly, results from the 2014 firearms deer season hunter survey indicated that thirty-three percent (33%) of respondents agree, fifty-four percent (54%) disagree, and thirteen percent (13%) neither agree nor disagree with limiting hunters to one (1) antlered deer during all seasons combined. However, public input indicates that many hunters would be accepting of both a one (1) archery antlered deer and one (1) firearm antlered deer limit; or limit

of two (2) antlered bucks with no more than one (1) with a firearm. Results from the 2014 archery deer season hunter survey indicated that fifty-nine percent (59%) of respondents agree, twenty-nine percent (29%) disagree, and twelve percent (12%) neither agree nor disagree with limiting hunters to one (1) antlered deer during the archery season. Public input indicated that many of the archery hunters that were opposed to the change value the opportunity to take a second antlered deer with archery equipment. No changes to the rule have been made as a result of these comments.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

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

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1263–1264). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received sixty-seven (67) comments on proposed changes to 3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received fifty-two (52) comments in general support of the proposal to add crossbows as an approved method for use during the fall firearms and archery turkey season.
RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: The commission received fifteen (15) comments in general opposition to the proposal to add crossbows as an approved method for use during the fall firearms and archery turkey season.
RESPONSE: To the extent there were specific comments provided, the commission has addressed them below.

COMMENTS: Scott Larimore, Warrensburg; Zachary Rice, Eldridge; Brian Arvey, Arnold; Michael Baker, Camdenton; and Rita Hawkins, Washington, indicated opposition to inclusion of the crossbow as an approved method for use during the fall firearms and archery turkey season, arguing that crossbows are not archery equipment.

RESPONSE: The commission has tended to allow all lesser methods during firearms hunting seasons. Therefore, with the proposed allowance of crossbows as a legal method during archery deer and turkey hunting season it is natural to allow crossbows during the fall firearms turkey season. This change would be consistent with method allowances for other firearms hunting seasons and the spring turkey season. No changes to the rule have been made as a result of these comments.

COMMENTS: Shawn Satterfield, Cuba, and Jason Midyett, Salem, indicated opposition to inclusion of the crossbow as an approved method for use during the fall firearms and archery turkey season but

supports maintaining the privilege for youths and individuals who obtain a Hunting Method Exemption.

RESPONSE: A 2008 report on archery deer hunters found that, similar to other types of hunting activity, many hunters begin at an early age, then decline in participation during the late teen and college years, followed by a return in the mid-to-late twenties with somewhat stable participation until around the age of forty (40). Once hunters reach that age group, archery participation diverges from firearms deer hunter participation. It appears this is the age when Missouri archery hunters begin to “drop out” of archery hunting. If, as suspected, physical limitations further the decline in participation of middle-aged archery hunters, allowing the use of crossbows would prolong participation for several years for those that still retain a desire to hunt.

During 2014, twenty-five (25) states allowed crossbow use for hunters of all ages throughout the entire archery season. Data from other states indicates that crossbow users are inherently older than vertical bow users. Therefore, an age-specific requirement is an unnecessary complication of the regulations. No changes to the rule have been made as a result of these comments.

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

ORDER OF RULEMAKING

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

3 CSR 10-10.722 Resident Roe Fish Commercial Harvest Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1264). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for Department Areas

ORDER OF RULEMAKING

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

3 CSR 10-11.115 Closings is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1264–1265). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-11.130 Vehicles, Bicycles, Horses, and Horseback Riding is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1265). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-11.130 Vehicles, Bicycles, Horses, and Horseback Riding.

COMMENT: Michael Priesendorf, Orrick, requested that all conservation area access roads currently closed to all but foot traffic be opened to allow use of bicycles to retrieve harvested game.

RESPONSE: The commission appreciates citizen input on all proposed changes to the *Wildlife Code*; however, Mr. Priesendorf's comments do not pertain to the changes proposed.

No changes have been made to the rule as a result of this comment.

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

ORDER OF RULEMAKING

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

3 CSR 10-11.180 Hunting, General Provisions and Seasons is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1265–1267). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-11.186 Waterfowl Hunting is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1267–1268). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-11.205 Fishing, Methods and Hours is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1268). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.109 Closed Hours is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1268–1269). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

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

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1269). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

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

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1269). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.125 Hunting and Trapping **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1270). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-12.125 Hunting and Trapping.

COMMENT: Andy Schwent, Ste. Genevieve, indicated opposition to updates to the rule as proposed; however, Mr. Schwent's comments addressed the current length of the coyote season and do not pertain to the changes proposed.

RESPONSE: The commission appreciates input from citizens on any conservation-related topic.

No changes to the rule have been made as a result of this comment.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.135 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1270–1273). Those sections with changes are reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-12.135 Fishing, Methods.

COMMENT: Anonymous, Fulton, noted an inaccurate calculation in the public entity cost and fiscal note portion of the proposed amendment published in the October 1, 2015, *Missouri Register*.

RESPONSE AND EXPLANATION OF CHANGES: The commission recognizes the error and has revised the public entity cost statement and fiscal note to accurately describe cost to public entities.

3 CSR 10-12.135 Fishing, Methods

PUBLIC COST: This proposed amendment will cost the Department of Conservation an estimated four thousand seven hundred twenty-two dollars and thirty-three cents (4,722.33) to purchase and stock trout for the two (2) new proposed winter trout fisheries. It will cost the two (2) partnering municipalities one thousand one hundred twenty dollars and six cents (\$1,120.06) each to cost share fifty percent (50%) of the trout purchase cost.

**FISCAL NOTE
PUBLIC COST**

- I. **Department Title: Title 3 – Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 12 – Wildlife Code: Special Regulations for Areas Owned by Other Entities**

Rule Number and Name:	3 CSR 10-12.135 Fishing, Methods
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	\$4,722.33
City of Farmington	\$1,120.06
City of Fulton	\$1,120.06

III. **WORKSHEET**

Department of Conservation

Fish Cost (Farmington): 2 acres * 400 fish/acre * \$2.24/trout*.50 percent = \$896.00
 Fish Cost (Fulton): 2 acres * 400 fish/acre * \$2.24/trout*.50 percent = \$896.00
 Mileage (Farmington Delivery): 220 miles * \$1.385/mile = \$304.70
 Mileage (Fulton Delivery): 278 miles * \$1.385/mile = \$385.03
 Staff Time (Delivery – Farmington): 2 staff*3/4 day*\$448.12/day = \$672.18
 Staff Time (Delivery – Fulton): 2 staff*3/4 day*\$448.12/day = \$672.18
 Staff time for Other Coordination: 2 cities*2 staff * ½ day*\$448.12/day = \$896.24
 Subtotal: \$4,722.33

City of Farmington

Fish Cost: 2 acres * 400 fish/acre * \$2.24/trout*.50 [percent] = \$896.00
 Coordination/Administration: 1 staff*1/2 day*\$448.12/day = \$224.06
 Subtotal:\$1,120.06

City of Fulton

Fish Cost: 2 acres * 400 fish/acre * \$2.24/trout*.50 [percent] = \$896.00
 Coordination/Administration: 1 staff*1/2 day*\$448.12/day = \$224.06
 Subtotal: \$1,120.06

Total of Above: \$ 6,962.45 (Annual Cost)

IV. **ASSUMPTIONS**

- The department will share fifty percent (50%) of the cost for the purchase of the trout with the cities.
- The cities will cover the other fifty percent (50%) of the cost of the trout.

- The cost per trout is two dollars and twenty-four cents (\$2.24). (Contract Price: Crystal Lakes Inc. beginning May 2015)
- Stocking rate is four hundred (400) per acre. (Source: A Plan for Allocation and Stocking Trout in MO (July 2009))
- Farmington (Giessing Lake) is two (2) acres.
- Fulton (Veterans Park Lake) is two (2) acres.
- The Department will provide for the delivery of the trout to the cities.
- The operation cost for a truck (road tractor – tandem axle) to deliver trout is one dollar and thirty-eight point five cents (\$1.385) per mile. (Source: MDC Operating Costs FY2013 vs.FY2014).
- Round trip from Montauk State Fish Hatchery to Farmington is two hundred twenty (220) miles (two (2) staff – three-fourths (3/4) of a day).
- Roundtrip from Bennett Spring State Fish Hatchery to Fulton is two hundred thirty-two (232) miles (two (2) staff – three-fourths (3/4) of a day).
- Coordination for program administration and stocking (one-half (1/2) day for each city).
- Estimated cost for Fisheries personnel (four hundred forty-eight dollars and twelve cents (\$448.12) per day; fifty-six dollars and two cents (\$56.02) per hour) (Source: Fiscal Year 2015 Daily Investigative Costs for MDC staff). Used same rates for municipal staff.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.140 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1274-1276). Those sections with changes are reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-12.140 Fishing, Daily and Possession Limits.

COMMENT: Anonymous, Fulton, noted an inaccurate calculation in the public entity costs and fiscal note portion of the proposed amendment published in the October 1, 2015, *Missouri Register*.

RESPONSE AND EXPLANATION OF CHANGES: The commission recognizes the error and has revised the public entity cost statement and fiscal note to accurately describe cost to public entities.

3 CSR 10-12.140 Fishing, Daily and Possession Limits

PUBLIC COST: This proposed amendment will cost the Department of Conservation an estimated four thousand seven hundred twenty-two dollars and thirty-three cents (4,722.33) to purchase and stock trout for the two (2) new proposed winter trout fisheries. It will cost the two (2) partnering municipalities one thousand one hundred twenty dollars and six cents (\$1,120.06) each to cost share fifty percent (50%) of the trout purchase cost.

**FISCAL NOTE
PUBLIC COST**

- I. **Department Title: Title 3 – Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 12 – Wildlife Code: Special Regulations for Areas Owned by Other Entities**

Rule Number and Name:	3 CSR 10-12.140 Fishing, Daily and Possession Limits
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	\$4,722.33
City of Farmington	\$1,120.06
City of Fulton	\$1,120.06

III. **WORKSHEET**

Department of Conservation

Fish Cost (Farmington): 2 acres * 400 fish/acre * \$2.24/trout*.50 percent = \$896.00
 Fish Cost (Fulton): 2 acres * 400 fish/acre * \$2.24/trout*.50 percent = \$896.00
 Mileage (Farmington Delivery): 220 miles * \$1.385/mile = \$304.70
 Mileage (Fulton Delivery): 278 miles * \$1.385/mile = \$385.03
 Staff Time (Delivery – Farmington): 2 staff*3/4 day*\$448.12/day = \$672.18
 Staff Time (Delivery – Fulton): 2 staff*3/4 day*\$448.12/day = \$672.18
 Staff time for Other Coordination: 2 cities*2 staff * 1/2 day*\$448.12/day = \$896.24
 Subtotal: \$4,722.33

City of Farmington

Fish Cost: 2 acres * 400 fish/acre * \$2.24/trout*.50 [percent] = \$896.00
 Coordination/Administration: 1 staff*1/2 day*\$448.12/day = \$224.06
 Subtotal:\$1,120.06

City of Fulton

Fish Cost: 2 acres * 400 fish/acre * \$2.24/trout*.50 [percent] = \$896.00
 Coordination/Administration: 1 staff*1/2 day*\$448.12/day = \$224.06
 Subtotal: \$1,120.06

Total of Above: \$6,962.45 (Annual Cost)

IV. **ASSUMPTIONS**

- The Department will share fifty percent (50%) of the cost for the purchase of the trout with the cities.
- The cities will cover the other fifty percent (50%) of the cost of the trout.

- The cost per trout is two dollars and twenty-four cents (\$2.24). (Contract Price: Crystal Lakes Inc. beginning May 2015)
- Stocking rate is four hundred (400) per acre. (Source: A Plan for Allocation and Stocking Trout in MO (July 2009))
- Farmington (Giessing Lake) is two (2) acres.
- Fulton (Veterans Park Lake) is two (2) acres.
- The Department will provide for the delivery of the trout to the cities.
- The operation cost for a truck (road tractor – tandem axle) to deliver trout is one dollar and thirty-eight point five cents (\$1.385) per mile. (Source: MDC Operating Costs FY2013 vs.FY2014).
- Round trip from Montauk State Fish Hatchery to Farmington is two hundred twenty (220) miles (two (2) staff – three-fourths (3/4) of a day).
- Roundtrip from Bennett Spring State Fish Hatchery to Fulton is two hundred thirty-two (232) miles (two (2) staff – three-fourths (3/4) of a day).
- Coordination for program administration and stocking (one-half (1/2) day for each city).
- Estimated cost for Fisheries personnel (four hundred forty-eight dollars and twelve cents (\$448.12) per day; fifty-six dollars and two cents (\$56.02) per hour) (Source: Fiscal Year 2015 Daily Investigative Costs for MDC staff). Used same rates for municipal staff.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

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

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1277). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2016**.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-12.145 Fishing, Length Limits.

COMMENT: John Dougan, location unknown, voiced opposition to the proposal to correct the names of lakes and ponds owned by various municipalities, asserting that the Missouri Board on Geographic Names and the U.S. Board on Geographic Names set the names for geographic features.

RESPONSE: The *Wildlife Code* reflects common names used by communities for lakes and reservoirs owned by those entities. The commission will continue to recognize the authority of communities to designate names for lakes and ponds within their boundaries.

No changes to the rule have been made as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-13.051 Bingo Hearings is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 930-931). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under

section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-13.065 Settlements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 931-932). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.025 Bingo Promotions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 932). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission rescinds a rule as follows:

11 CSR 45-30.060 Operator(s) is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 3, 2015 (40 MoReg 932). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rescission on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.070 Regular Bingo License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 932–933). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.090 Additional Application Information for Bingo and Pull-Tab Licenses is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 933). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.130 Member(s) in Charge is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 933–934). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This pro-

posed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.140 Worker—Player is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 934). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission rescinds a rule as follows:

11 CSR 45-30.145 Premises Required to be Open for Inspection is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 3, 2015 (40 MoReg 934). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rescission on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.150 Information to be Posted is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 934-935). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.155 Bingo Equipment Defined is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 935). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.175 Organization (Operator) Record Keeping Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 935-936). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.180 Inventory, Ownership, and Leasing of Bingo Equipment is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 936). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.190 Rules of Play is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 936-937). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.200 Merchandise Prizes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 937). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.235 Hall Provider License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 937-938). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission rescinds a rule as follows:

**11 CSR 45-30.250 Subsidiary Body—Application for License
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 3, 2015 (40 MoReg 938). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rescission on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

**11 CSR 45-30.270 Premises Defined, Inspections, All Gambling
and Gambling Devices Prohibited is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 938-939). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission rescinds a rule as follows:

**11 CSR 45-30.280 Net Receipts from Bingo and Bank Account
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 3, 2015 (40 MoReg 939). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rescission on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission adopts a rule as follows:

**11 CSR 45-30.280 Net Receipts from Bingo and Bank Account
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 3, 2015 (40 MoReg 939-940). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received. One (1) oral comment was received prior to the public hearing.

COMMENT #1: A bingo worker requested the rule be changed to allow spouses of convention attendees' expenses to be paid by the licensed organization from bingo funds.

RESPONSE: The commission does not believe spousal expenses constitute a bingo gaming cost or qualify as a religious, charitable, or philanthropic purpose. No changes have been made to this rule as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.340 Participation of Full-Time Employee, Full-Time Staff Member, or Ordained Member of Clergy is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 940). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.355 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 940-941). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing and no comments were made. MGC staff noted a change is required regarding the cost of a pull-tab ticket. One (1) written comment was also received from Mary B. Magnuson on behalf of the National Association of Fundraising Ticket Manufacturers.

Due to the similarity of the following two (2) comments, they are addressed with one (1) response.

COMMENT #1: Missouri Gaming Commission staff commented that section 313.040(6), RSMo only allows pull-tabs to be sold for one dollar (\$1) or less. The change to five dollars (\$5) needs to be removed from the proposed amendment.

COMMENT #2: Ms. Magnuson stated this rule change proposes to increase the maximum ticket price for a pull-tab ticket from one dollar (\$1) to five dollars (\$5). The association does not support this

proposed change. Charitable gaming in Missouri, and indeed across the country, is comprised mainly of volunteers who work hard to raise funds for charitable and social causes. Charitable gaming works because it has traditionally involved "low-stakes" games, with controlled pricing and reasonable prize limits. The only purpose served by increasing the price of a pull-tab ticket to five dollars (\$5) is to increase the amount of the prizes as much as possible or increase the number of prizes at the highest permitted level. Both undermine the notion of the low-stakes, social gaming activity that has been the hallmark of charitable gaming for so many years.

That said, the association notes that section 313.040(6), RSMo limits the price of a single pull-tab to one dollar (\$1). Therefore, the association believes that any proposed increase in the ticket price beyond one dollar (\$1) would require legislative approval by way of a statutory change.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees and the cost of a pull-tab ticket will not be changed. Section (2) will be revised to state the pull-tab card may not exceed one dollar (\$1).

11 CSR 45-30.355 Sale of Pull-Tab Cards by Bingo Licensees

(2) The price for a single pull-tab card may not exceed one dollar (\$1).

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission adopts a rule as follows:

11 CSR 45-30.357 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 3, 2015 (40 MoReg 941). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on September 9, 2015. Two (2) people attended the public hearing and no written comments were received. MGC staff also received information from a manufacturer demonstrating a new product that would be regulated by this rule.

COMMENT #1: The Missouri Gaming Commission staff suggested adding the definition of a cashboard event ticket game and the restrictions for that game. The manufacturer requested the commission review this new product for possible inclusion in the proposed event ticket rule.

RESPONSE AND EXPLANATION OF CHANGE: The commission agreed to revise the proposed rule to include the cashboard event ticket games.

11 CSR 45-30.357 Event Ticket

PURPOSE: This rule defines a pull-tab and a cashboard event ticket game.

(2) A cashboard event ticket game is a type of pull-tab game which is comprised of subsets with each subset containing a series of hold tickets and may include instant winners. Either bingo selection equipment or the verify window on the subset flare is used to determine the winning hold ticket. Each subset's hold ticket winner selects a

prize window from a cashboard, which reveals the winning amount for that subset.

(3) All rules governing the sale of pull-tab cards by bingo licensees shall apply to event ticket games and cashboard event ticket games.

(4) Event ticket games shall comply with the following:

(A) The sale and play of a pull-tab event ticket game shall be started and completed during a single occasion;

(B) Even if all tickets have not been sold during the occasion, the pull-tab event ticket game shall be played during that occasion in such a manner to ensure at least sixty percent (60%) of the gross revenues generated by the ultimate sale of the entire game is paid out in prizes; and

(C) Any unsold pull-tab event tickets shall be reported to the commission and retained until approved for disposal.

(5) Cashboard event ticket games shall comply with the following:

(A) Each subset shall be sold and played during the occasion in which it is opened;

(B) A cashboard event ticket game may not contain more than twenty-four (24) subsets;

(C) The cashboard event ticket game shall be played in such a manner to ensure at least sixty percent (60%) of the gross revenues generated by the ultimate sale of the entire game, which includes all subsets, is paid out in prizes;

(D) All subsets shall have the same serial number, which corresponds to the serial number on the cashboard used for that game;

(E) The number of prize windows on the cashboard shall equal the number of subsets in the game;

(F) The hold ball tickets and any instant winners shall be randomly disbursed within each subset;

(G) No hold tickets from open subsets can carry over from one occasion to the next; and

(H) Any unsold pull-tab event tickets shall be reported to the commission and retained until approved for disposal.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.370 Progressive Games is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 941–942). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under

section 313.805, RSMo Supp. 2013, the commission adopts a rule as follows:

11 CSR 45-30.523 Supplier License is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 3, 2015 (40 MoReg 942). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

**11 CSR 45-30.525 Supplier Record Keeping Requirements
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 942–943). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.535 Penalties is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 943). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.540 Approval of Bingo Paraphernalia is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 944). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing. One (1) written comment was received from Mary B. Magnuson on behalf of the National Association of Fundraising Ticket Manufacturers.

COMMENT: Ms Magnuson states the association supports the proposed change which permits manufacturers to submit electronic versions of the pull-tab flares, tickets, and payout sheets to the commission for approval.

RESPONSE: The commission appreciates the support for the proposed change. No changes have been made to the proposed amendment as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.545 Contraband is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 944). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.550 Licensee's Duty to Report and Prevent Misconduct is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 944-945). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.575 Pull-Tab Packaging, Assembly, and Distribution is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 945). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.580 Procedure for Entry of Names to the List of Ineligible Persons is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 945-946). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.590 Duty of Licensee to Exclude Ineligible Persons **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 946). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.600 Electronic Bingo Card Monitoring Devices **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 947-948). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2013, the commission amends a rule as follows:

11 CSR 45-30.610 Wireless Technology **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 3, 2015 (40 MoReg 948-949). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This pro-

posed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 9, 2015. Two (2) people attended the public hearing. No comments were made at the public hearing and no written comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 44—Miscellaneous Fees and Taxes**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 479.359, RSMo Supp. 2015, the director amends a rule as follows:

12 CSR 10-44.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1284-1285). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Revenue received one (1) letter from Carl J. Lumley of Curtis, Heinz, Garrett & O'Keefe with three (3) comments on the proposed amendment.

COMMENT #1: One (1) commenter requested the department clarify and explain those violations included within the statutory definition of "minor traffic violation."

RESPONSE: The statutory definition of "minor traffic violation" includes municipal or county ordinance traffic violations, except those that involve any one (1) of the following: 1) an accident; 2) an injury; 3) the operation of a commercial motor vehicle; 4) authorization for DOR to assess five (5) or more points to a person's driving record upon conviction; 5) exceeding the speed limit by more than nineteen (19) miles per hour; or 6) occurring within a construction zone or school zone.

COMMENT #2: One (1) commenter requested the rule clarify the due date for transfer of excess revenues to DOR.

RESPONSE AND EXPLANATION OF CHANGE: The regulation has been clarified to show that the payment need not be made at exactly the same time, but rather postmarked by that same date.

COMMENT #3: One commenter requested deletion of the section of the rule regarding penalties.

RESPONSE AND EXPLANATION OF CHANGE: The section clarifies that the payment of excess revenues must be paid by the deadline established in the previous section, for which the department has rule making authority, or else the county, city, town, or village will be subject to the statutory consequences. The amendment has been revised to delete the surplus language that repeated the consequences in the statute.

12 CSR 10-44.100 Excess Traffic Violation Revenue

(2) Submission of Excess Revenue.

(A) If the city, town, village, or county received more than the applicable statutory percentage of its annual general operating revenues from fines, bond forfeitures, and court costs for minor traffic violations, the amount in excess of the applicable statutory percentage must be remitted to the department.

(B) Any city, town, village, or county shall remit the amount in

excess of the applicable statutory percentage to the Department of Revenue postmarked no later than the date that the addendum is filed with the state auditor. The city, town, village, or county must clearly mark the payment as “Excess Traffic Fees” and must include a copy of the addendum required by section 479.359, RSMo, with the payment.

(C) Any city, town, village, or county that fails to remit the correct amount of revenue in excess of the applicable statutory percentage with a payment postmarked no later than the date that the addendum is filed with the state auditor, shall be subject to the penalties and remedies set forth in sections 479.350 to 479.372, RSMo.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 15—Division of Senior and Disability Services
Chapter 9—Electronic Visit Verification**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 208.909 and 660.023, RSMo Supp. 2013, the department adopts a rule as follows:

19 CSR 15-9.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1312). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received three (3) comments from the Missouri Alliance for Home Care (MAHC) and the Missouri Council for In-Home Services (MCIHS).

COMMENT #1: The MAHC inquired as to whether 19 CSR 15-7 was the correct citation in section (5).

RESPONSE AND EXPLANATION OF CHANGE: Section (5) defines “task” as including all tasks for all Home and Community Based Services (HCBS) service types, not just those provided under 19 CSR 15-7 and 19 CSR 15-8. Section (5) has been amended to include 13 CSR 70-91 in order to clarify that those tasks are included in this definition.

COMMENT #2: The MAHC requested clarification of section (5) as it applies to Consumer Directed Services (CDS). The MAHC asked if vendors could continue using the routine tasks listed or if they would need to use a more comprehensive list of tasks that could be listed on the participant’s care plan (for example, laundry, trash, clean or maintain equipment, correspondence, medications, etc.).

RESPONSE: CDS vendors must document all tasks delivered, not just those listed under routine tasks in 19 CSR 15-8.100(1)(O). No changes have been made to the rule as a result of this comment.

COMMENT #3: The MCIHS asked whether the documentation of the tasks should reflect the specific tasks that can be listed on a CDS participant’s care plan or the routine task groups listed under 19 CSR 15-8.100(1)(O).

RESPONSE: CDS vendors must document all tasks delivered, not just those listed under routine tasks in 19 CSR 15-8.100(1)(O). No changes have been made to the rule as a result of this comment.

19 CSR 15-9.100 Definitions

(5) Task. Tasks for all HCBS service types, including, but not limited to, tasks defined in 13 CSR 70-91, 19 CSR 15-7, and 19 CSR 15-8.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 15—Division of Senior and Disability Services
Chapter 9—Electronic Visit Verification**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 208.909 and 660.023, RSMo Supp. 2013, the department adopts a rule as follows:

19 CSR 15-9.200 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2015 (40 MoReg 1312–1313). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services (DHSS) received ten (10) comments from the Missouri Alliance for Home Care (MAHC) and the Missouri Council for In-Home Services (MCIHS).

COMMENT #1: The MAHC suggested removing the word “auditable” from subsection (1)(E). The MAHC and MCIHS suggested the department modify subsection (1)(E) to allow alternative technology to be utilized as long as it meets the requirements under section (2).

RESPONSE AND EXPLANATION OF CHANGE: The DHSS has revised subsection (1)(E) to clarify that other types of technology may be used if they meet the requirements in section (2) of the rule.

COMMENT #2: The MAHC commented that In-Home and Consumer Directed Services (CDS) providers are not currently required to document the location of service delivery on paper timesheets. CDS services are often provided at locations other than the consumer’s home. In addition, MAHC and MCIHS commented that documentation of the location of service delivery is not required by sections 660.023.1 or 208.909.1, RSMo. They asked that this requirement in subsection (2)(C) be eliminated.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees. Subsection (2)(C) has been deleted and the other subsections in section (2) have been renumbered thereafter.

COMMENT #3: The MAHC requested subsection (2)(D) be placed in subsection (2)(J), as it is a report requirement.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has deleted subsection (D), renumbered section (2) thereafter, and added the requirement to document vendor/provider’s identity to subsection (2)(H) (formerly (2)(J)).

COMMENT #4: The MAHC commented that the word “service” used in subsection (2)(J) should be replaced by “services” to be consistent with how the term is used in subsection (2)(E)–(F). The MAHC believes that the goal of the Electronic Visit Verification (EVV) system is not to require the exact times each type of personal care is provided but to document the arrival and departure time of the aide.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has changed the word “service” to “services” and changed “delivery” to “delivered” in the last word of the first sentence in subsection (2)(H) (formerly subsection (2)(J)).

COMMENT #5: The MAHC requested clarification as to whether the report must document each service type (PC, HC, APC, etc.) that will be billed. Providers and vendors need clear guidance on what the report needs to contain.

RESPONSE: Existing regulations require submission of time sheets that include the dates and times of services delivery and the types of activities performed at each visit. The intent of this rule is to provide a system for electronic verification and reporting of services delivered in place of current paper documentation. No changes have been made to the rule as a result of this comment.

COMMENT #6: The MAHC commented that the information provided under subsection (2)(J) should include the attendant's unique personal identification number and identity.

RESPONSE: The inclusion of this information would be helpful for auditing purposes, however, as it is not required by statute, the department does not plan to amend the rule and require information beyond the scope of the statutory requirements. The department considered the need for this information for auditing purposes as well as concerns regarding the security of the attendant's unique personal identification number and determined the department could verify the attendant's identity through information already available. No changes have been made to the rule as a result of this comment.

COMMENT #7: The MAHC requested clarification regarding the requirement in subsection (3)(B) to document the services provided to each participant and what constitutes appropriate documentation of services delivered. The MAHC recommends listing of all tasks but not by service type. The MAHC recommends documenting the tasks delivered to each participant.

RESPONSE AND EXPLANATION OF CHANGE: The department recognizes that currently certain vendors/providers document tasks delivered and bill by service type accordingly. By documenting time spent on tasks, providers such as Home and Community Based Services (HCBS) providers are documenting the services delivered. The department has added "and tasks" in subsection (3)(B) for those providers. There are vendors/providers for services that do not have an applicable task, such as Respite Care services. Those providers should document services provided rather than tasks.

COMMENT #8: The MAHC requested that subsection (3)(C) clarify that manual time modification may be to change not just what was entered, but also to add something that was not entered.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will add the language "or failed to enter" to subsection (3)(C).

COMMENT #9: The MAHC and MCIHS suggested subsection (3)(C) be modified to require the documentation of any manual modifications, adjustments, or exceptions after the attendant has entered the information into the EVV system.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended subsection (3)(C) to require documentation of any modifications, adjustments, or exceptions, not just those regarding time.

COMMENT #10: The MCIHS suggested that the requirement in subsection (2)(J) that the EVV system be capable of retrieving current and archived data to produce reports of tasks performed be removed since it is not a requirement for EVV systems under section (2).

RESPONSE: The EVV system is required by statute to be able to produce reports of tasks performed. The vendor/provider must document which tasks were performed; however, the beginning and ending times of each task performed are not required. No changes have been made to the rule as a result of this comment.

19 CSR 15-9.200 Electronic Visit Verification

(1) The Electronic Visit Verification (EVV) system must utilize one (1) or more of the following:

- (A) The participant's personal landline or personal cellular phone;
- (B) Location technologies including Near Field Communication

(NFC), Global Position System (GPS), and Bluetooth Low Energy (BLE);

- (C) An affixed electronic device at the participant's location;
- (D) A biometric verification system which utilizes voice pattern identifications; or
- (E) Alternative technology which meets the requirements in section (2) of this rule.

(2) At a minimum, the EVV system must meet the following requirements:

(A) Document and verify the participant's identity, either by the participant's personal telephone, a unique number assigned to the participant, or through alternative technology;

(B) Document and verify the attendant by the assignment of a personal identification number unique to the attendant or through alternative technology;

(C) Document the exact date of services delivered;

(D) Document the exact time the services begin;

(E) Document the exact time the services end;

(F) Support changes in the care plan which are approved by the Department of Health and Senior Services;

(G) Allow for the addition of services approved by the Department of Health and Senior Services;

(H) Be capable of retrieving current and archived data to produce reports of services delivered, tasks performed, participant identity, beginning and ending times of service, and date of services in summary fashion that constitute adequate documentation of services delivered. Any report shall include an explanation of codes utilized by the provider/vendor (e.g., 10 – Personal Care) and include the vendor/provider's identity by either name of vendor/provider and/or National Provider Identifier (NPI); and

(I) Maintain reliable backup and recovery processes that ensure that all data is preserved in the event of a system malfunction or disaster situation.

(3) Providers/Vendors, shall, either through EVV or other documentation—

(A) Accommodate more than one (1) participant and/or attendant in the same home or at the same phone number;

(B) Document the services and tasks delivered to each participant;

(C) Document the justification of manual modifications, adjustments, or exceptions after the attendant has entered or failed to enter the information as required in subsections (2)(A)–(E) of this rule; and

(D) Retain all data regarding the delivery of services for a minimum of six (6) years.

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

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

IN ADDITION

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits

As a matter of public information, the following dates and bag limits shall apply to turkey hunting seasons for 2016. These are based on the formula for season dates set out in subsections (1)(A), (1)(B), and (1)(D) of this rule in the *Code of State Regulations*, and actions of the Conservation Commission on December 11, 2015, to annually establish the season length and bag limit of the spring, fall, and youth hunting seasons.

The 2016 spring turkey hunting season will be twenty-one (21) days in length (April 18–May 8, 2016). A person possessing the prescribed turkey hunting permit may take two (2) male turkeys or turkeys with a visible beard during the season; provided, only one (1) turkey may be taken the first seven (7) days of the season (April 18–April 24, 2016) and only one (1) turkey may be taken per day from April 25–May 8, 2016. Shooting hours: one-half (1/2) hour before sunrise to 1:00 p.m., Central Daylight Saving Time.

Youth Spring Season Dates: April 9–10, 2016. Shooting hours: one-half (1/2) hour before sunrise to sunset, Central Daylight Saving Time. (Opening date for the youth spring turkey hunting season is set in the *Wildlife Code* as the Saturday nine (9) days prior to the Monday opening of the spring turkey hunting season, except that when the youth season would overlap with Easter the season will open on the Saturday prior to Easter weekend.)

The 2016 fall turkey hunting season will be thirty-one (31) days in length (October 1–October 31, 2016). Two turkeys of either sex may be taken during the season. Shooting hours: one-half (1/2) hour before sunrise to sunset, Central Daylight Saving Time.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification require-

ments in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, February 16, 2016.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* Pamela.lueckenotto@modot.mo.gov
- *Mail:* PO Box 270, Jefferson City, MO 65102
- *Hand Delivery:* 830 MoDOT Drive, Jefferson City, MO 65102
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants**Application #291**

New Applicant's Name & Age: Stanley B. Tibbles, 59

Relevant Physical Condition: Vision impaired.

Mr. Tibbles has Amblyopia (Lazy Eye) in his left eye since birth and his best uncorrected visual acuity in his left eye is 20/500 Snellen (corrected is 20/50). His best uncorrected visual acuity in his right eye is 20/400 Snellen (corrected is 20/20). Mr. Tibbles has had this visual impairment since December 3, 1956.

Relevant Driving Experience: Mr. Tibbles has approximately thirty-five (35) years of commercial motor vehicle experience. Mr. Tibbles currently has a Class B license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in August 2015, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Tibbles has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: December 14, 2015

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

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

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for March 7, 2016. These applications are available for public inspection at the address shown below:

Date Filed

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

12/23/15

#5273 HS: Columbia Behavioral Health
Columbia, (Boone County)
\$12,678,000, Establish 60-bed hospital

#5278 RS: Shelbourne Senior Living
Chesterfield, (St. Louis County)
\$11,416,574, Establish 67-bed ALF

12/24/15

#5277 RS: Valley Park West
California, (Moniteau County)
\$1,850,000, Add 12 RCF beds

#5275 RS: Benton House of Blue Springs
Blue Springs, (Jackson County)
\$1,988,710, Add 15 ALF beds

#5276 NS: McClay Health and Rehab
St. Peters, (St. Charles County)
\$6,750,000, Establish 64-bed SNF

#5272 HS: Barnes Jewish Hospital-Siteman Cancer Center
St. Louis, (St. Louis City)
\$3,707,753, Acquire additional linear accelerator

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by January 27, 2016. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102
For additional information contact Alicia Wieberg, (573) 751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST CIVIC INVESTMENT CORP.

On November 24, 2015, Civic Investment Corp., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution became effective on November 24, 2015.

You are hereby notified that if you believe you have a claim against Civic Investment Corp., you must submit a summary in writing of the circumstances surrounding your claim to: Gary L. Myers, 4810 S. Lakewood Dr., St. Joseph, MO 64506. The summary of your claim must include the following information:

1. The name, address, and telephone number of the claimant.
2. The amount of the claim.
3. The date the claim accrued or will accrue.
4. A brief description of the nature of the debt or the basis for the claim.
5. Whether the claim is secured, and if so, the collateral used as security.

All claims against Civic Investment Corp. will be barred unless a proceeding to enforce the claim is commenced within two years after publication of this notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST THE AUDIOLOGY CENTER, L.L.C

On December 8, 2015, The Audiology Center, L.L.C., a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

You are hereby notified that if you believe you have a claim against The Audiology Center, L.L.C., you must submit a summary in writing of the circumstances surrounding your claim to: Bradshaw, Steele, Cochran, Berens & Billmeyer, L.C., Attn: Craig M. Billmeyer, P.O. Box 1300, Cape Girardeau, MO 63702-1300. The summary of your claim must include the following information: (1) the name, address and telephone number of the claimant, (2) the amount of the claim, (3) the date the event on which the claim is based occurred, and (4) a brief description of the nature of the debt or the basis for the claim.

All claims against The Audiology Center, L.L.C. will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF CORPORATE DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
BACK IN THE SWING USA
A MISSOURI NONPROFIT CORPORATION**

On 20th day of November, 2015, Back in the Swing USA, a Missouri Nonprofit corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on November 25, 2015.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at: Back in the Swing USA, c/o Stan Johnston, Lewis Rice LLC, 1010 Walnut, Suite 500, Kansas City, Missouri 64106.

All claims must include: the name and address of claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which is the claim is based occurred.

NOTICE: Because of the dissolution of Back in the Swing USA, any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP AND DISSOLUTION OF
LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
TANENGER PROPERTIES, LLC**

On December 1, 2015, Tanenger Properties, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective the date of the filing. All claims against Tanenger Properties, LLC should be presented in accordance with this notice. Written claims are to be addressed to Tanenger Properties, LLC, c/o Steven W. Scott, 4000 Main Street, Kansas City, Missouri 64111. Each claim shall include the following: (1) the claimant's name, address and telephone number, (2) the amount of the claim, (3) the date on which the claim arose, (4) the basis of the claim and any documents related to the claim. Any and all claims against Tanenger Properties, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

**NOTICE OF CORPORATE DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
LAW OFFICES OF STEPHEN R. BOUGH, P.C.
A MISSOURI CORPORATION**

On 23rd day of November, 2015, Law Offices of Stephen R. Bough, P.C., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on December 1, 2015.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at: Law Offices of Stephen R. Bough, c/o Stan Johnston, Lewis Rice LLC, 1010 Walnut, Suite 500, Kansas City, Missouri 64106.

All claims must include: the name and address of claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of Law Offices of Stephen R. Bough, P.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION
TO ALL CREDITORS AND CLAIMANTS AGAINST
RFP TESTING LLC**

RFP TESTING LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company on December 11, 2015. Any and all claims against RFP TESTING LLC should be forwarded to Elizabeth O'Brien, 600 Washington Avenue, Suite 2500, St. Louis, Missouri 63101. Each claim should include the following: (i) the name, address and telephone number of the claimant; (ii) the amount of the claim; (iii) the basis for the claim; and (iv) the date(s) on which the event(s) on which the claim is based occurred. All claims against RFP TESTING LLC must be received within three years of the publication of this notice, and any claims against RFP TESTING LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

Notice of Dissolution
To All Creditors of and
Claimants Against
Patriot Place Apartments, LLC

On December 15, 2015, Patriot Place Apartments, LLC, a Missouri limited liability company, filed its Articles of Dissolution with the Secretary of State. Dissolution was effective December 10, 2015.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at:

Patriot Place Apartments, LLC
c/o Teresa J. Durant
30200 Heidelberger Road
Buckner, MO 64016

All claims must include the name and address of claimant, amount claimed, basis or the claim, and date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or basis for the claim.

NOTICE: Because of the dissolution of Patriot Place Apartments, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

Notice of Dissolution
To All Creditors of and
Claimants Against
Three Trails Apartments, LLC

On December 15, 2015, Three Trails Apartments, LLC, a Missouri limited liability company, filed its Articles of Dissolution with the Secretary of State. Dissolution was effective December 10, 2015.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at:

Three Trails Apartments, LLC
c/o Teresa J. Durant
30200 Heidelberger Road
Buckner, MO 64016

All claims must include the name and address of claimant, amount claimed, basis or the claim, and date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or basis for the claim.

NOTICE: Because of the dissolution of Three Trails Apartments, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL
CREDITORS OF AND CLAIMANTS AGAINST BARBERRY INVESTMENTS,
LLC**

On November 25, 2015, Barberry Investments, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. All persons and organizations with claims against the Company must submit a written summary of any claims against the Company to Barberry Investments, LLC Claims Administrator, c/o Evans & Dixon, LLC, 501 West Cherry Street Suite 200, Columbia, MO 65201, which summary shall include the name, address, and telephone numbers of the claimant, the amount of the claim, date(s) the claim accrued, a brief description of the nature and basis for the claim, and any documentation of the claim. Claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

MISSOURI
REGISTER

January 15, 2016
Vol. 41, No. 2

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—39 (2014) and 40 (2015). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR	Office of Administration				40 MoReg 851
1 CSR 10	State Officials' Salary Compensation Schedule				38 MoReg 2053 39 MoReg 2074 40 MoReg 1836
1 CSR 10-15.010	Commissioner of Administration	40 MoReg 1345	40 MoReg 1346		
1 CSR 50-2.015	Missouri Ethics Commission		40 MoReg 1255	This Issue	
1 CSR 50-2.020	Missouri Ethics Commission		40 MoReg 1256	This Issue	
1 CSR 50-2.030	Missouri Ethics Commission		40 MoReg 1256	This Issue	
1 CSR 50-2.040	Missouri Ethics Commission		40 MoReg 1256	This Issue	
1 CSR 50-2.075	Missouri Ethics Commission		40 MoReg 1257	This Issue	
1 CSR 50-2.100	Missouri Ethics Commission		40 MoReg 1257	This Issue	
1 CSR 50-2.110	Missouri Ethics Commission		40 MoReg 1257	This Issue	
1 CSR 50-2.120	Missouri Ethics Commission		40 MoReg 1258	This Issue	
1 CSR 50-2.130	Missouri Ethics Commission		40 MoReg 1258	This Issue	
1 CSR 50-2.140	Missouri Ethics Commission		40 MoReg 1259	This Issue	
1 CSR 50-4.010	Missouri Ethics Commission		40 MoReg 1259	This Issue	
DEPARTMENT OF AGRICULTURE					
2 CSR	Department of Agriculture				40 MoReg 851
2 CSR 30-10.010	Animal Health	40 MoReg 1623			
2 CSR 70-25.065	Plant Industries		This Issue		
2 CSR 90-10	Weights and Measures				39 MoReg 1399 40 MoReg 1046
2 CSR 100-2.020	Missouri Agricultural and Small Business Development Authority		40 MoReg 1089	40 MoReg 1831	
2 CSR 100-2.040	Missouri Agricultural and Small Business Development Authority		40 MoReg 1089	40 MoReg 1831	
DEPARTMENT OF CONSERVATION					
3 CSR	Department of Conservation				40 MoReg 851
3 CSR 10-1.010	Conservation Commission		40 MoReg 1259	This Issue	
3 CSR 10-4.110	Conservation Commission		This Issue		
3 CSR 10-4.200	Conservation Commission		This Issue		
3 CSR 10-5.205	Conservation Commission		40 MoReg 1261	This Issue	
3 CSR 10-6.505	Conservation Commission		40 MoReg 1261	This Issue	
3 CSR 10-7.410	Conservation Commission		40 MoReg 1262	This Issue	
3 CSR 10-7.431	Conservation Commission		40 MoReg 1262	This Issue	
3 CSR 10-7.433	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.434	Conservation Commission		40 MoReg 1263	This Issue	
3 CSR 10-7.455	Conservation Commission		40 MoReg 1263	This Issue	This Issue
3 CSR 10-10.722	Conservation Commission		40 MoReg 1264	This Issue	
3 CSR 10-11.115	Conservation Commission		40 MoReg 1264	This Issue	
3 CSR 10-11.130	Conservation Commission		40 MoReg 1265	This Issue	
3 CSR 10-11.180	Conservation Commission		40 MoReg 1265	This Issue	
3 CSR 10-11.186	Conservation Commission		40 MoReg 1267	This Issue	
3 CSR 10-11.205	Conservation Commission		40 MoReg 1268	This Issue	
3 CSR 10-12.109	Conservation Commission		40 MoReg 1268	This Issue	
3 CSR 10-12.110	Conservation Commission		40 MoReg 1269	This Issue	
3 CSR 10-12.115	Conservation Commission		40 MoReg 1269	This Issue	
3 CSR 10-12.125	Conservation Commission		40 MoReg 1270	This Issue	
3 CSR 10-12.135	Conservation Commission		40 MoReg 1270	This Issue	
3 CSR 10-12.140	Conservation Commission		40 MoReg 1274	This Issue	
3 CSR 10-12.145	Conservation Commission		40 MoReg 1277	This Issue	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR	Department of Economic Development				40 MoReg 851
4 CSR 85-11.010	Division of Business and Community Services		40 MoReg 871	40 MoReg 1831	
4 CSR 85-11.020	Division of Business and Community Services		40 MoReg 871	40 MoReg 1831	
4 CSR 340-2	Division of Energy				40 MoReg 1046
4 CSR 340-4.010	Division of Energy	40 MoReg 1863	40 MoReg 1877		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR	Department of Elementary and Secondary Education				40 MoReg 851
5 CSR 20-100.270	Division of Learning Services		This Issue		
5 CSR 20-400.125	Division of Learning Services		This Issue		
5 CSR 30-4.030	Division of Financial and Administrative Services		40 MoReg 1277		
5 CSR 30-640.200	Division of Financial and Administrative Services		40 MoReg 834	40 MoReg 1832	
DEPARTMENT OF HIGHER EDUCATION					
6 CSR	Department of Higher Education				40 MoReg 851
6 CSR 10-3.010	Commissioner of Higher Education		40 MoReg 1533		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-25.010	Missouri Highways and Transportation Commission				40 MoReg 1839 41 MoReg 40 41 MoReg 41 41 MoReg 41 This Issue
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 30-3.010	Division of Labor Standards	40 MoReg 1864	40 MoReg 1878		
8 CSR 50-2.025	Division of Workers' Compensation		40 MoReg 930	41 MoReg 36	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.250	Director, Department of Mental Health		This Issue		
9 CSR 45-3.020	Division of Developmental Disabilities		This IssueR		
9 CSR 45-5.040	Division of Developmental Disabilities		This IssueR		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-6.060	Air Conservation Commission		40 MoReg 1142		
10 CSR 10-6.065	Air Conservation Commission		40 MoReg 1155		
10 CSR 10-6.241	Air Conservation Commission		40 MoReg 1013	41 MoReg 37	
10 CSR 10-6.250	Air Conservation Commission		40 MoReg 1023	41 MoReg 37	
10 CSR 25-12.010	Hazardous Waste Management Commission		40 MoReg 872	40 MoReg 1897	
10 CSR 40-10.020	Land Reclamation Commission		40 MoReg 1173	41 MoReg 37	
10 CSR 50-1.010	Oil and Gas Council		40 MoReg 1420		
10 CSR 50-1.020	Oil and Gas Council		40 MoReg 1420		
10 CSR 50-1.030	Oil and Gas Council		40 MoReg 1421		
10 CSR 50-1.040	Oil and Gas Council		40 MoReg 1424		
10 CSR 50-1.050	Oil and Gas Council		40 MoReg 1427		
10 CSR 50-2.010	Oil and Gas Council		40 MoReg 1432		
10 CSR 50-2.020	Oil and Gas Council		40 MoReg 1436		
10 CSR 50-2.030	Oil and Gas Council		40 MoReg 1442		
10 CSR 50-2.040	Oil and Gas Council		40 MoReg 1444		
10 CSR 50-2.050	Oil and Gas Council		40 MoReg 1450		
10 CSR 50-2.055	Oil and Gas Council		40 MoReg 1451		
10 CSR 50-2.060	Oil and Gas Council		40 MoReg 1456		
10 CSR 50-2.065	Oil and Gas Council		40 MoReg 1458		
10 CSR 50-2.070	Oil and Gas Council		40 MoReg 1462R		
10 CSR 50-2.080	Oil and Gas Council		40 MoReg 1462		
10 CSR 50-2.090	Oil and Gas Council		40 MoReg 1466		
10 CSR 50-2.100	Oil and Gas Council		40 MoReg 1466		
10 CSR 50-2.110	Oil and Gas Council		40 MoReg 1467R		
10 CSR 50-2.120	Oil and Gas Council		40 MoReg 1467		
10 CSR 50-3.010	Oil and Gas Council		40 MoReg 1467		
10 CSR 50-3.020	Oil and Gas Council		40 MoReg 1469		
10 CSR 50-4.010	Oil and Gas Council		40 MoReg 1472		
10 CSR 50-4.020	Oil and Gas Council		40 MoReg 1472		
10 CSR 50-5.010	Oil and Gas Council		40 MoReg 1473		
10 CSR 60-2.015	Safe Drinking Water Commission		40 MoReg 1177		
10 CSR 60-4.020	Safe Drinking Water Commission		40 MoReg 1179		
10 CSR 60-4.022	Safe Drinking Water Commission		40 MoReg 1179		
10 CSR 60-4.025	Safe Drinking Water Commission		40 MoReg 1200		
10 CSR 60-4.055	Safe Drinking Water Commission		40 MoReg 1201		
10 CSR 60-5.010	Safe Drinking Water Commission		40 MoReg 1201		
10 CSR 60-7.010	Safe Drinking Water Commission		40 MoReg 1201		
10 CSR 60-8.010	Safe Drinking Water Commission		40 MoReg 1202		
10 CSR 60-8.030	Safe Drinking Water Commission		40 MoReg 1204		
10 CSR 60-9.010	Safe Drinking Water Commission		40 MoReg 1216		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 30-12.020	Office of the Director	40 MoReg 1689	40 MoReg 1758		
11 CSR 45-1.090	Missouri Gaming Commission		40 MoReg 1280		
11 CSR 45-4.020	Missouri Gaming Commission		40 MoReg 1280		
11 CSR 45-4.030	Missouri Gaming Commission		40 MoReg 1280		
11 CSR 45-5.070	Missouri Gaming Commission		40 MoReg 1878		
11 CSR 45-9.030	Missouri Gaming Commission		40 MoReg 1281		
11 CSR 45-9.050	Missouri Gaming Commission		40 MoReg 1283		
11 CSR 45-9.060	Missouri Gaming Commission		40 MoReg 1283		
11 CSR 45-9.101	Missouri Gaming Commission		40 MoReg 1283		
11 CSR 45-9.103	Missouri Gaming Commission		40 MoReg 1284		
11 CSR 45-9.117	Missouri Gaming Commission		40 MoReg 1879		
11 CSR 45-13.051	Missouri Gaming Commission		40 MoReg 930	This Issue	
11 CSR 45-13.065	Missouri Gaming Commission		40 MoReg 931	This Issue	
11 CSR 45-30.025	Missouri Gaming Commission		40 MoReg 932	This Issue	
11 CSR 45-30.060	Missouri Gaming Commission		40 MoReg 932R	This IssueR	
11 CSR 45-30.070	Missouri Gaming Commission		40 MoReg 932	This Issue	
11 CSR 45-30.090	Missouri Gaming Commission		40 MoReg 933	This Issue	
11 CSR 45-30.130	Missouri Gaming Commission		40 MoReg 933	This Issue	
11 CSR 45-30.140	Missouri Gaming Commission		40 MoReg 934	This Issue	
11 CSR 45-30.145	Missouri Gaming Commission		40 MoReg 934R	This IssueR	
11 CSR 45-30.150	Missouri Gaming Commission		40 MoReg 934	This Issue	
11 CSR 45-30.155	Missouri Gaming Commission		40 MoReg 935	This Issue	
11 CSR 45-30.175	Missouri Gaming Commission		40 MoReg 935	This Issue	
11 CSR 45-30.180	Missouri Gaming Commission		40 MoReg 936	This Issue	
11 CSR 45-30.190	Missouri Gaming Commission		40 MoReg 936	This Issue	
11 CSR 45-30.200	Missouri Gaming Commission		40 MoReg 937	This Issue	
11 CSR 45-30.235	Missouri Gaming Commission		40 MoReg 937	This Issue	
11 CSR 45-30.250	Missouri Gaming Commission		40 MoReg 938R	This IssueR	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 45-30.270	Missouri Gaming Commission		40 MoReg 938	This Issue	
11 CSR 45-30.280	Missouri Gaming Commission		40 MoReg 939R	This IssueR	
11 CSR 45-30.340	Missouri Gaming Commission		40 MoReg 939	This Issue	
11 CSR 45-30.355	Missouri Gaming Commission		40 MoReg 940	This Issue	
11 CSR 45-30.357	Missouri Gaming Commission		40 MoReg 941	This Issue	
11 CSR 45-30.370	Missouri Gaming Commission		40 MoReg 941	This Issue	
11 CSR 45-30.523	Missouri Gaming Commission		40 MoReg 942	This Issue	
11 CSR 45-30.525	Missouri Gaming Commission		40 MoReg 942	This Issue	
11 CSR 45-30.535	Missouri Gaming Commission		40 MoReg 943	This Issue	
11 CSR 45-30.540	Missouri Gaming Commission		40 MoReg 944	This Issue	
11 CSR 45-30.545	Missouri Gaming Commission		40 MoReg 944	This Issue	
11 CSR 45-30.550	Missouri Gaming Commission		40 MoReg 944	This Issue	
11 CSR 45-30.575	Missouri Gaming Commission		40 MoReg 945	This Issue	
11 CSR 45-30.580	Missouri Gaming Commission		40 MoReg 945	This Issue	
11 CSR 45-30.590	Missouri Gaming Commission		40 MoReg 946	This Issue	
11 CSR 45-30.600	Missouri Gaming Commission		40 MoReg 947	This Issue	
11 CSR 45-30.610	Missouri Gaming Commission		40 MoReg 948	This Issue	
11 CSR 75-14.020	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-14.030	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-15.010	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-15.020	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-15.030	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-15.040	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-15.050	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-15.060	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-18.010	Peace Officer Standards and Training Program		40 MoReg 232	40 MoReg 969	
11 CSR 75-18.020	Peace Officer Standards and Training Program		40 MoReg 233	40 MoReg 973	
11 CSR 75-18.030	Peace Officer Standards and Training Program		40 MoReg 234	40 MoReg 973	
11 CSR 75-18.040	Peace Officer Standards and Training Program		40 MoReg 234	40 MoReg 976	
11 CSR 75-18.050	Peace Officer Standards and Training Program		40 MoReg 235	40 MoReg 976	
11 CSR 75-18.060	Peace Officer Standards and Training Program		40 MoReg 235	40 MoReg 976	
11 CSR 75-18.070	Peace Officer Standards and Training Program		40 MoReg 236	40 MoReg 976	
DEPARTMENT OF REVENUE					
12 CSR 10-41.010	Director of Revenue	40 MoReg 1690	40 MoReg 1761		
12 CSR 10-44.100	Director of Revenue	40 MoReg 1243	40 MoReg 1284	This Issue	
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 5-1.030	Office of the Director		40 MoReg 1090	41 MoReg 38	
13 CSR 35-31.015	Children's Division <i>(Changed from 13 CSR 40-31.011)</i>		40 MoReg 1090	41 MoReg 38	
13 CSR 35-60.010	Children's Division		40 MoReg 1476		
13 CSR 35-60.020	Children's Division		40 MoReg 1477		
13 CSR 35-60.030	Children's Division		40 MoReg 1478		
13 CSR 35-60.040	Children's Division		40 MoReg 1478		
13 CSR 35-60.050	Children's Division		40 MoReg 1479		
13 CSR 35-60.060	Children's Division		40 MoReg 1479		
13 CSR 35-60.080	Children's Division		40 MoReg 1479		
13 CSR 35-60.090	Children's Division		40 MoReg 1480		
13 CSR 35-60.100	Children's Division		40 MoReg 1481		
13 CSR 35-60.110	Children's Division		40 MoReg 1482		
13 CSR 40-2.300	Family Support Division	40 MoReg 1244	40 MoReg 1285		
13 CSR 40-2.310	Family Support Division	40 MoReg 1245	40 MoReg 1286		
13 CSR 40-2.315	Family Support Division	40 MoReg 1247	40 MoReg 1299		
13 CSR 40-31.011	Family Support Division <i>(Changed to 13 CSR 35-31.015)</i>		40 MoReg 1090	41 MoReg 38	
13 CSR 40-31.012	Family Support Division		40 MoReg 1091R	41 MoReg 39R	
13 CSR 70-3.030	MO HealthNet Division		40 MoReg 1631		
13 CSR 70-10.015	MO HealthNet Division		40 MoReg 1633		
13 CSR 70-10.016	MO HealthNet Division		40 MoReg 1879		
13 CSR 70-10.110	MO HealthNet Division	40 MoReg 923	40 MoReg 951	40 MoReg 1833	
13 CSR 70-15.010	MO HealthNet Division	40 MoReg 923	40 MoReg 956	40 MoReg 1833	
13 CSR 70-15.020	MO HealthNet Division		40 MoReg 1639		
13 CSR 70-15.110	MO HealthNet Division	40 MoReg 924	40 MoReg 958	40 MoReg 1833	
13 CSR 70-15.220	MO HealthNet Division		40 MoReg 176	40 MoReg 977	
13 CSR 70-20.330	MO HealthNet Division		40 MoReg 1091	40 MoReg 1898	
13 CSR 70-20.340	MO HealthNet Division	40 MoReg 926	40 MoReg 964	41 MoReg 39	
13 CSR 70-98.030	MO HealthNet Division		This Issue		
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14 CSR 80-5.010	State Board of Probation and Parole		40 MoReg 1533		
14 CSR 80-5.020	State Board of Probation and Parole		40 MoReg 1534		
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15 CSR 30-200.010	Secretary of State		40 MoReg 1883		
15 CSR 40-3.030	State Auditor	40 MoReg 1250	40 MoReg 1307		
15 CSR 40-3.170	State Auditor	41 MoReg 5	40 MoReg 1307		
15 CSR 40-3.180	State Auditor	41 MoReg 9	40 MoReg 1310		
15 CSR 60-8.100	Attorney General		41 MoReg 22		
15 CSR 60-8.110	Attorney General		This Issue		
PUBLIC DEFENDER COMMISSION					
18 CSR 10-5.010	Office of State Public Defender		39 MoReg 1275		
18 CSR 10-6.010	Office of State Public Defender		40 MoReg 1483		
18 CSR 10-6.010	Office of State Public Defender		40 MoReg 1485		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 15-8.410	Division of Senior and Disability Services		40 MoReg 131		
19 CSR 15-9.100	Division of Senior and Disability Services		40 MoReg 1312	This Issue	

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19 CSR 15-9.200	Division of Senior and Disability Services		40 MoReg 1312	This Issue	
19 CSR 20-20.020	Division of Community and Public Health		40 MoReg 1883		
19 CSR 20-20.080	Division of Community and Public Health		40 MoReg 1885		
19 CSR 30-61.085	Division of Regulation and Licensure	40 MoReg 1865	40 MoReg 1885		
19 CSR 30-61.095	Division of Regulation and Licensure	40 MoReg 1865	40 MoReg 1886		
19 CSR 30-61.105	Division of Regulation and Licensure	40 MoReg 1867	40 MoReg 1886		
19 CSR 30-61.135	Division of Regulation and Licensure	40 MoReg 1867	40 MoReg 1887		
19 CSR 30-61.175	Division of Regulation and Licensure	40 MoReg 1869	40 MoReg 1888		
19 CSR 30-62.082	Division of Regulation and Licensure	40 MoReg 1870	40 MoReg 1889		
19 CSR 30-62.092	Division of Regulation and Licensure	40 MoReg 1870	40 MoReg 1890		
19 CSR 30-62.102	Division of Regulation and Licensure	40 MoReg 1872	40 MoReg 1890		
19 CSR 30-62.132	Division of Regulation and Licensure	40 MoReg 1872	40 MoReg 1891		
19 CSR 30-62.182	Division of Regulation and Licensure	40 MoReg 1874	40 MoReg 1892		
19 CSR 60-50	Missouri Health Facilities Review Committee				40 MoReg 1839 This Issue
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Applied Behavior Analysis Maximum Benefit				40 MoReg 280
20 CSR	Construction Claims Binding Arbitration Cap				39 MoReg 2149 41 MoReg 42
20 CSR	Sovereign Immunity Limits				39 MoReg 2149 41 MoReg 43
20 CSR	State Legal Expense Fund Cap				39 MoReg 2149 41 MoReg 43
20 CSR 100-9.100	Insurer Conduct		40 MoReg 1032	40 MoReg 1834	
20 CSR 200-6.700	Insurance Solvency and Company Regulation		40 MoReg 1036	40 MoReg 1834	
20 CSR 200-11.101	Insurance Solvency and Company Regulation	41 MoReg 11	41 MoReg 22		
20 CSR 400-11.140	Life, Annuities and Health	40 MoReg 1003	40 MoReg 1037	40 MoReg 1835	
20 CSR 2030-1	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-1.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		40 MoReg 1534		
20 CSR 2030-2	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-2.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		40 MoReg 1534		
20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		40 MoReg 1535		
20 CSR 2030-3	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-3.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		40 MoReg 1536		
20 CSR 2030-4	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-5	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-5.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		40 MoReg 1536		
20 CSR 2030-5.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		40 MoReg 1536		
20 CSR 2030-5.110	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		40 MoReg 1537		
20 CSR 2030-6	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-7	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-7.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		40 MoReg 1537		
20 CSR 2030-8	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-8.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		40 MoReg 1537		
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		40 MoReg 1538		
20 CSR 2030-10	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840

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20 CSR 2030-11	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-12	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-12.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		40 MoReg 1541		
20 CSR 2030-13	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-14	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-16	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-17	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-18	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-19	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-20	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2030-21	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects				40 MoReg 1840
20 CSR 2110-2.210	Missouri Dental Board		40 MoReg 268	40 MoReg 981	
20 CSR 2120-2.100	State Board of Embalmers and Funeral Directors	40 MoReg 1141	40 MoReg 1216	40 MoReg 1898	40 MoReg 1321
20 CSR 2150-3.010	State Board of Registration for the Healing Arts	40 MoReg 1087	40 MoReg 1094	40 MoReg 1898	
20 CSR 2193-4.010	Interior Design Council		41 MoReg 33		
20 CSR 2220-4.010	State Board of Pharmacy	40 MoReg 1009	40 MoReg 1893		
20 CSR 2230-2.070	State Board of Podiatric Medicine	40 MoReg 1875			
20 CSR 2255-1.040	Missouri Board for Respiratory Care		40 MoReg 1764		
20 CSR 2270-2.052	Missouri Veterinary Medical Board		This Issue		
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-2.010	Health Care Plan	40 MoReg 1691	40 MoReg 1767		
22 CSR 10-2.020	Health Care Plan	40 MoReg 1693	40 MoReg 1769		
22 CSR 10-2.030	Health Care Plan		40 MoReg 1772		
22 CSR 10-2.045	Health Care Plan	40 MoReg 1696	40 MoReg 1773		
22 CSR 10-2.051	Health Care Plan	40 MoReg 1698R	40 MoReg 1774R		
22 CSR 10-2.052	Health Care Plan	40 MoReg 1698	40 MoReg 1774		
22 CSR 10-2.052	Health Care Plan	40 MoReg 1699R	40 MoReg 1776R		
22 CSR 10-2.053	Health Care Plan	40 MoReg 1700	40 MoReg 1776		
22 CSR 10-2.055	Health Care Plan	40 MoReg 1701R	40 MoReg 1777R		
22 CSR 10-2.060	Health Care Plan	40 MoReg 1702	40 MoReg 1777		
22 CSR 10-2.070	Health Care Plan	40 MoReg 1704	40 MoReg 1779		
22 CSR 10-2.075	Health Care Plan	40 MoReg 1714	40 MoReg 1789		
22 CSR 10-2.089	Health Care Plan	40 MoReg 1715	40 MoReg 1791		
22 CSR 10-2.090	Health Care Plan	40 MoReg 1716	40 MoReg 1791		
22 CSR 10-2.094	Health Care Plan	40 MoReg 1719	40 MoReg 1794		
22 CSR 10-2.110	Health Care Plan	40 MoReg 1719	40 MoReg 1794		
22 CSR 10-2.120	Health Care Plan	40 MoReg 1250R	40 MoReg 1313R		
22 CSR 10-2.140	Health Care Plan	40 MoReg 1251	40 MoReg 1313		
22 CSR 10-2.150	Health Care Plan	40 MoReg 1252R	40 MoReg 1314R		
22 CSR 10-2.160	Health Care Plan	40 MoReg 1253	40 MoReg 1315		
22 CSR 10-3.010	Health Care Plan		40 MoReg 1801		
22 CSR 10-3.020	Health Care Plan	40 MoReg 1726	40 MoReg 1802		
22 CSR 10-3.045	Health Care Plan	40 MoReg 1728	40 MoReg 1803		
22 CSR 10-3.053	Health Care Plan	40 MoReg 1728	40 MoReg 1804		
22 CSR 10-3.055	Health Care Plan	40 MoReg 1729	40 MoReg 1804		
22 CSR 10-3.056	Health Care Plan	40 MoReg 1731	40 MoReg 1806		
22 CSR 10-3.057	Health Care Plan	40 MoReg 1733R	40 MoReg 1807R		
22 CSR 10-3.060	Health Care Plan	40 MoReg 1733	40 MoReg 1808		
22 CSR 10-3.070	Health Care Plan	40 MoReg 1735R	40 MoReg 1809R		
22 CSR 10-3.075	Health Care Plan	40 MoReg 1735	40 MoReg 1809		
22 CSR 10-3.090	Health Care Plan	40 MoReg 1736R	40 MoReg 1811R		
22 CSR 10-3.150	Health Care Plan	40 MoReg 1737	40 MoReg 1811		
22 CSR 10-3.160	Health Care Plan	40 MoReg 1738	40 MoReg 1812		
22 CSR 10-3.160	Health Care Plan	40 MoReg 1748	40 MoReg 1822		
22 CSR 10-3.160	Health Care Plan	40 MoReg 1750	40 MoReg 1823		
22 CSR 10-3.160	Health Care Plan	40 MoReg 1750	40 MoReg 1824		
22 CSR 10-3.160	Health Care Plan	40 MoReg 1753	40 MoReg 1826		
22 CSR 10-3.160	Health Care Plan	40 MoReg 1755	40 MoReg 1828		
22 CSR 10-3.160	Health Care Plan	40 MoReg 1756	40 MoReg 1830		

Emergency Rule Table

Agency	Publication	Effective	Expiration
Office of Administration			
Commissioner of Administration			
1 CSR 10-15.010 Cafeteria Plan	.40 MoReg 1345	Jan. 1, 2016	June 28, 2016
Department of Agriculture			
Animal Health			
2 CSR 30-10.010 Inspection of Meat and Poultry	.40 MoReg 1623	Oct. 12, 2015	April 8, 2016
Department of Economic Development			
Division of Energy			
4 CSR 340-4.010 Wood Energy Credit	.40 MoReg 1863	Nov. 26, 2015	May 23, 2016
Department of Labor and Industrial Relations			
Division of Labor Standards			
8 CSR 30-3.010 Prevailing Wage Rates for Public Works Projects	.40 MoReg 1864	Nov. 20, 2015	May 17, 2016
Department of Public Safety			
Office of the Director			
11 CSR 30-12.020 Payments for Child Physical Abuse Forensic Examinations	.40 MoReg 1689	Nov. 12, 2015	May 9, 2016
Department of Revenue			
Director of Revenue			
12 CSR 10-41.010 Annual Adjusted Rate of Interest	.40 MoReg 1690	Jan. 1, 2016	June 28, 2016
12 CSR 10-44.100 Excess Traffic Violation Revenue	.40 MoReg 1243	Sept. 11, 2015	March 8, 2016
Department of Social Services			
Family Support Division			
13 CSR 40-2.300 Definitions Which Are Applicable for Benefit Programs Funded by the Temporary Assistance for Needy Families (TANF) Block Grant	.40 MoReg 1244	Aug. 28, 2015	Feb. 23, 2016
13 CSR 40-2.310 Requirements as to Eligibility for Temporary Assistance	.40 MoReg 1245	Aug. 28, 2015	Feb. 23, 2016
13 CSR 40-2.315 Work Activity and Work Requirements for Recipients of Temporary Assistance	.40 MoReg 1247	Aug. 28, 2015	Feb. 23, 2016
Elected Officials			
State Auditor			
15 CSR 40-3.030 Annual Financial Reports of Political Subdivisions	.40 MoReg 1250	Sept. 11, 2015	March 8, 2016
15 CSR 40-3.170 Addendum Filed with the Auditor's Office	.41 MoReg 5	Dec. 10, 2015	Feb. 29, 2016
15 CSR 40-3.180 Municipal Court Certifications Filed with the Auditor's Office	.41 MoReg 9	Dec. 10, 2015	Feb. 29, 2016
Department of Health and Senior Services			
Division of Regulation and Licensure			
19 CSR 30-61.085 Physical Requirements of the Family Day Care Home	.40 MoReg 1865	Nov. 26, 2015	May 23, 2016
19 CSR 30-61.095 Furniture, Equipment, and Materials	.40 MoReg 1865	Nov. 26, 2015	May 23, 2016
19 CSR 30-61.105 The Day Care Provider and Other Day Care Personnel	.40 MoReg 1867	Nov. 26, 2015	May 23, 2016
19 CSR 30-61.135 Admission Policies and Procedures	.40 MoReg 1867	Nov. 26, 2015	May 23, 2016
19 CSR 30-61.175 Child Care Program	.40 MoReg 1869	Nov. 26, 2015	May 23, 2016
19 CSR 30-62.082 Physical Requirements of Group Day Care Homes and Day Care Centers	.40 MoReg 1870	Nov. 26, 2015	May 23, 2016
19 CSR 30-62.092 Furniture, Equipment, and Materials	.40 MoReg 1870	Nov. 26, 2015	May 23, 2016
19 CSR 30-62.102 Personnel	.40 MoReg 1872	Nov. 26, 2015	May 23, 2016
19 CSR 30-62.132 Admission Policies and Procedures	.40 MoReg 1872	Nov. 26, 2015	May 23, 2016
19 CSR 30-62.182 Child Care Program	.40 MoReg 1874	Nov. 26, 2015	May 23, 2016
Department of Insurance, Financial Institutions and Professional Registration			
Financial Examination			
20 CSR 200-11.101 Insurance Holding Company Regulation With Reporting Forms and Instructions	.41 MoReg 11	Jan. 1, 2016	June 29, 2016
Life, Annuities and Health			
20 CSR 400-11.140 Renewal Applications and Fees-Individual Navigators and Entity Navigators	.40 MoReg 1003	July 25, 2015	Feb. 25, 2016

Agency	Publication	Effective	Expiration
Board of Cosmetology and Barber Examiners			
20 CSR 2085-12.010 General Rules and Application Requirements for All Schools	.40 MoReg 829	June 7, 2015	Feb. 25, 2016
20 CSR 2085-12.035 Requirements for Barber Schools	.40 MoReg 830	June 7, 2015	Feb. 25, 2016
20 CSR 2085-12.060 Requirements for Cosmetology Schools	.40 MoReg 831	June 7, 2015	Feb. 25, 2016
State Board of Embalmers and Funeral Directors			
20 CSR 2120-2.100 Fees	.40 MoReg 1141	Aug. 21, 2015	Feb. 25, 2016
State Board of Registration for the Healing Arts			
20 CSR 2150-3.010 Applicants for Licensure as Professional Physical Therapists	.40 MoReg 1087	Aug. 6, 2015	Feb. 25, 2016
State Board of Podiatric Medicine			
20 CSR 2230-2.070 Fees	.40 MoReg 1875	Nov. 20, 2015	May 17, 2016
Missouri Consolidated Health Care Plan			
Health Care Plan			
22 CSR 10-2.010 Definitions	.40 MoReg 1691	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.020 General Membership Provisions	.40 MoReg 1693	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.045 Plan Utilization Review Policy	.40 MoReg 1696	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.051 PPO 300 Plan Benefit Provisions and Covered Charges (Res)	.40 MoReg 1698	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.051 PPO 300 Plan Benefit Provisions and Covered Charges	.40 MoReg 1698	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.052 PPO 600 Plan Benefit Provisions and Covered Charges (Res)	.40 MoReg 1699	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.052 PPO 600 Plan Benefit Provisions and Covered Charges	.40 MoReg 1700	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.053 Health Savings Account Benefit Provisions and Covered Charges (Res)	.40 MoReg 1701	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.053 Health Savings Account Benefit Provisions and Covered Charges	.40 MoReg 1702	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.055 Medical Plan Benefit Provisions and Covered Charges	.40 MoReg 1704	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.060 PPO 300 Plan, PPO 600 Plan, and Health Savings Account Plan Limitations	.40 MoReg 1714	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.070 Coordination of Benefits	.40 MoReg 1715	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.075 Review and Appeals Procedure	.40 MoReg 1716	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.089 Pharmacy Employer Group Waiver Plan for Medicare Primary Members	.40 MoReg 1719	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.090 Pharmacy Benefit Summary	.40 MoReg 1719	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations (Res)	.40 MoReg 1250	Oct. 1, 2015	March 28, 2016
22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations	.40 MoReg 1251	Oct. 1, 2015	March 28, 2016
22 CSR 10-2.110 General Foster Parent Membership Provisions	.40 MoReg 1722	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.120 Partnership Incentive Provisions and Limitations (Res)	.40 MoReg 1252	Oct. 1, 2015	March 28, 2016
22 CSR 10-2.120 Partnership Incentive Provisions and Limitations	.40 MoReg 1253	Oct. 1, 2015	March 28, 2016
22 CSR 10-2.150 Disease Management Services Provisions and Limitations	.40 MoReg 1726	Jan. 1, 2015	June 28, 2016
22 CSR 10-2.160 Pharmacy Lock-In Program	.40 MoReg 1728	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.010 Definitions	.40 MoReg 1728	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.020 General Membership Provisions	.40 MoReg 1729	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.045 Plan Utilization Review	.40 MoReg 1731	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.053 PPO 1000 Plan Benefit Provisions and Covered Charges (Res)	.40 MoReg 1733	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.053 PPO 1000 Plan Benefit Provisions and Covered Charges	.40 MoReg 1733	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.055 Health Savings Account Provisions and Covered Charges (Res)	.40 MoReg 1735	Jan. 1, 2015	June 28, 2016

Agency		Publication	Effective	Expiration
22 CSR 10-3.055	Health Savings Account Provisions and Covered Charges . . . . .	.40 MoReg 1735	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges (Res) . . . . .	.40 MoReg 1736	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges . . . . .	.40 MoReg 1737	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges . . . . .	.40 MoReg 1738	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.060	PPO 600 Plan, PPO 1000 Plan, and Health Savings Account Plan Limitations . . . . .	.40 MoReg 1748	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.070	Coordination of Benefits . . . . .	.40 MoReg 1750	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.075	Review and Appeals Procedure . . . . .	.40 MoReg 1750	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.090	Pharmacy Benefit Summary . . . . .	.40 MoReg 1753	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.150	Disease Management Services Provisions and Limitations . . . . .	.40 MoReg 1755	Jan. 1, 2015	June 28, 2016
22 CSR 10-3.160	Pharmacy Lock-In Program . . . . .	.40 MoReg 1756	Jan. 1, 2015	June 28, 2016

Executive Orders	Subject Matter	Filed Date	Publication
2016			
16-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 4, 2016	Next Issue
2015			
15-11	Activates the state militia in response to severe weather that began on December 22, 2015.	Dec. 29, 2015	Next Issue
15-10	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on December 22, 2015.	Dec. 27, 2015	Next Issue
15-09	Directs all Missouri Executive Branch agencies, as well as strongly encourages all private employers, to review and determine how the practices contained in the Harry S Truman School of Public Affairs preliminary guidelines and, eventually the Pay Equity Best Practices Guidelines, can be utilized by their agency or business and to identify and address any gender wage gap in order to ensure that all Missourians receive equal pay for equal work.	Dec. 4, 2015	This Issue
15-08	Closes state offices Nov. 27, 2015.	Nov. 6, 2015	40 MoReg 1630
15-07	Dedicates and renames the state office building located at 8800 East 63rd Street in Raytown, Missouri, in honor of Joseph Patrick Teasdale, the 48th governor of the state of Missouri.	Oct. 28, 2015	40 MoReg 1628
15-06	Lays out policies and procedures to be adopted by the Executive Branch of state government in procuring goods and services to enhances economic health and prosperity of Minority and Women Business Enterprises. This order supercedes Executive Order 05-30.	Oct. 21, 2015	40 MoReg 1624
15-05	Extends Executive Order 15-03 until August 14, 2015.	July 14, 2015	40 MoReg 1012
15-04	Orders all departments, agencies, boards, and commissions to comply with the Obergefell decision and rescinds Executive Order 13-14.	July 7, 2015	40 MoReg 1010
15-03	Declares a state of emergency exist in the State of Missouri and directs that the Missouri State of Emergency Operations Plan be activated.	June 18, 2015	40 MoReg 928
15-02	Extends Executive Order 14-06 and orders that the Division of Energy deliver a state energy plan to the governor by October 15, 2015.	May 22, 2015	40 MoReg 833
15-01	Appoints Byron M. Watson to the Ferguson Commission to fill the vacancy created by the resignation of Bethany A. Johnson-Javois.	Jan. 2, 2015	40 MoReg 173

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