Orders of Rulemaking

November 1, 1999 Vol. 24, No.21

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 or 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 days after the date of publication of the revision to the *Code of State Regulations*.

he 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-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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Registration for the Healing Arts under sections 334.090.1 and .2 and 334.580, RSMo 1994; 334.125, 334.507, 334.540, 334.550 and 334.560, RSMo Supp. 1998, the board amends a rule as follows:

4 CSR 150-3.080 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1497). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received no comments from the public relative to the proposed amendment to Rule 4 CSR 150-3.080 specifically the proposed amendments to Section (1), (1)(D), (1)(E), (1)(F) and the addition of (1)(G).

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Registration for the Healing Arts under sections 334.125 and 334.507, RSMo Supp. 1998, the board adopts a rule as follows:

4 CSR 150-3.200 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1497–1498). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received no comments from the public relative to this proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Registration for the Healing Arts under sections 334.100, 334.125, 334.507, 334.610 and 334.650, RSMo Supp. 1998, the board adopts a rule as follows:

4 CSR 150-3.201 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1498–1501). The sections of the proposed rule with changes are reprinted herein. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Board and the Advisory Commission received and reviewed all comments submitted bearing a postal mark of July 15, 1999 or before.

COMMENT: One (1) comment was received suggesting deletion of the phrase "as well as the category."

RESPONSE AND EXPLANATION OF CHANGE: The Board and the Advisory Commission agreed to this deletion noting that a majority of the physical therapy educational courses offered at the present time are not categorized as is common with other health professions. The deletion of this phrase is noted in this Order of Rulemaking.

COMMENT: One (1) comment was received relative to Section (4) was that this Section be deleted wherein licensees would not be required to maintain documentation of compliance; or that this Section be amended to require all licensees to submit documented

proof of compliance at the time of renewal in order to qualify for licensure registration renewal.

RESPONSE: The Board and the Advisory Commission did not vote to amend/delete Section (4) based on this comment due to the large volume of paperwork that would be required of each licensee, and the staff that would be necessary to process, calculate and determine if the hours were creditable during renewal cycle which would delay the processing of all licensure renewals.

COMMENT: Another comment expressed a personal feeling that the "honor system" was not acceptable, that all licensees should be required to submit proof of continuing education compliance prior to the renewal of their license. Another comment expressed that licensees should not have to retain documentation of compliance, but rather submit all documentation of compliance at the time of renewal in order to obtain licensure renewal.

RESPONSE: The Board and the Advisory Commission concluded that this requirement as opposed to Board/Commission random auditing plans, would require more employees to process the renewal forms in a timely fashion, counting the hours and determining if such hours meet criteria for acceptable hours; which would ultimately delay the processing of all licenses.

COMMENT: One (1) comment received brought attention to a typographical error in Section (5) of the Proposed Rule which read "physical therapy assistant" rather than "physical therapist assistant".

RESPONSE AND EXPLANATION OF CHANGE: The Board and the Advisory Commission acknowledged this typographical error and corrected the terminology in this Order of Rulemaking.

COMMENT: Numerous comments were received stating opposition to the statutorily mandated continuing education hours required for licensure registration renewal, the majority stating thirty (30) hours was excessive over a two (2) year period.

RESPONSE: The Board and the Advisory Commission refer such comments to Section 334.507, RSMo 1998 which mandates such requirements.

4 CSR 150-3.201 Continuing Education Requirements

- (4) All licensed physical therapists and physical therapist assistants shall retain records documenting attendance and completion of the required thirty (30) hours of continuing education for a minimum of four (4) years after the reporting period in which the continuing education was obtained. The records shall document the titles of the continuing education activity completed including the date, location and course sponsors and number of hours earned. The board may conduct an audit of licenses to verify compliance with the continuing education requirement. Licensees shall assist in this audit by providing timely and complete responses upon board request for such information and documentation.
- (5) Violation of any provision of this rule shall constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions and duties of a physical therapist and/or physical therapist assistant. In addition, a licensee who fails to complete and report in a timely fashion the required thirty (30) hours of continuing education and engages in active practice as a physical therapist and/or physical therapist assistant without the expressed written authority of the board shall be deemed to have engaged in the unauthorized practice of physical therapy and/or unauthorized practice as a physical therapist assistant consistent with the provisions of sections 334.510, 334.610 and 334.650, RSMo; furthermore such action may be deemed grounds for disciplinary action pursuant to section 334.100, RSMo.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Registration for the Healing Arts under sections 334.100, 334.125 and 334.507, RSMo Supp. 1998, the board adopts a rule as follows:

4 CSR 150-3.202 Continuing Education Extensions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1502–1505). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received no comments from the public relative to this proposed rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 10—Air Conservation Commission Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1998, the commission amends a rule as follows:

10 CSR 10-5.380 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1513–1520). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department received comments from the Environmental Protection Agency (EPA) and America Automobile Association (AAA).

COMMENT: EPA commented that in paragraph (1)(B)1., the definition of contractor should be revised to read—The State-contracted company responsible for implementing and operating... RESPONSE: The Department believes the definition for contractor is sufficient. No change was made as result of this comment.

COMMENT: EPA commented that in paragraph (1)(B)5., the word typically should be removed from the second sentence unless there are situations when the fee is not collected during the initial inspection. In which case, additional language would be required. RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has changed the proposed rule to remove the word typically from paragraph (1)(B)5.

COMMENT: EPA commented that the State may want to provide a transition period, once Federal regulations incorporate alternative fueled vehicles, into the rule. RESPONSE: The Department understands and will change the proposed rule when the Federal regulations incorporate alternative fueled vehicles. Until the Federal regulations are changed, the Department believes the rule does not need any additions or changes. No change was made as result of this comment.

COMMENT: EPA commented that in paragraph (3)(E)4., the phrase—for each individual fee paid by a vehicle owner or driver—should be added to the first sentence. They also questioned whether the fee requirements should be in the rule.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and, for clarification, has added the EPA's suggested language.

COMMENT: EPA commented that in paragraph (3)(F)2. should begin—A vehicle-rather than—Vehicles.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has changed the proposed rule language.

COMMENT: EPA commented that information should be provided to the motorist if the inspector refuses to perform the inspection pursuant to paragraph (3)(F)2. If an inspection is refused, the rule should clarify whether any subsequent inspection is an initial inspection or a reinspection.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has changed the proposed rule language.

COMMENT: EPA commented that nowhere is it mentioned that registration will be denied for motorists who do not provide a certificate of compliance at time of registration.

RESPONSE: The Department acknowledges EPA's concern. However, motor vehicles are registered with the Department of Revenue (DOR). DOR has regulations describing the registration process. DOR will deny a vehicle registration if a motorist does not have proper documentation including a certificate of compliance from the emission inspection program. No change was made as a result of this comment.

COMMENT: EPA commented that the term—department approved inspector—be defined. The reader could interpret the term to mean that the person could be either a State or contractor employee. They also recommend that the State require the inspectors to meet the requirements outlined in 40 CFR 51.367.

RESPONSE: The Department intended the term—department approved inspector—to be either a State or contractor employee. The Department will have State inspectors at the Quality Assurance Facility. This facility will handle disputes including waivers and questionable reinspections. The criteria for approving an inspector will include the requirements in 40 CFR 51.367 and is addressed in the contract. No change was made as a result of this comment.

COMMENT: EPA commented that clarification is needed for pressure and purge test terms used in the proposed rule. Only one reference mentions that an approved method must be developed before use. Perhaps each reference to pressure and purge testing should be clarified that only an approved test must be used.

RESPONSE: The Department believes the definition used in the proposed rule of evaporative pressure test and evaporative purge sufficiently covers any clarification needed. The proposed rule in subsections (5)(D) and (5)(E) use the term approved to describe the two evaporative tests. No change was made as a result of this comment.

COMMENT: EPA commented that subsection (3)(H) seems to improperly allow the issuance of waivers by the inspector. They state that only the State may issue waivers according to 40 CFR 51.360 (c). The State should clarify the distinction between issuance and delivery of a waiver.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees that clarification is needed. The term—department approved inspector—has been replaced with—department, assistant station manager, or station manager. The Department understands the requirements of 40 CFR 51.360 (c) and believes by allowing the station managers to issue waivers will not compromise the Federal requirements and keep public convenience secured.

COMMENT: EPA commented that subparagraph (3)(H)1.B. allows waiver expenditures which may be acceptable for basic inspection and maintenance programs but not for enhanced inspection and maintenance programs. This would have to be changed if an enhanced inspection and maintenance program is ever required. RESPONSE: The Department understands this requirement. Missouri law defines the waiver expenditures, which the proposed rule reflects. The State is not required to meet the enhanced inspection and maintenance program requirements. No change was made as a result of this comment.

COMMENT: EPA commented that subparagraph (3)(H)1.D. should provide that the—waiver affidavit—will be used on a form provided by the state delegated authority if a particular contractor form is to be used.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has revised subparagraph (3)(H)1.D.

COMMENT: EPA commented that subsection (3)(I) should be revised to make the following clarifications. The number of vehicles may be limited which may use the clean screen procedure in place of an emission test.

RESPONSE: The Department intends for all vehicles to be eligible for clean screen but the cutpoints will determine which vehicles will receive a notification of being clean screened. No change was made as a result of this comment.

COMMENT: EPA commented that the rule does not specify who performs the clean screen procedure.

RESPONSE: In the definition section the term contractor is defined as the contracted company who shall implement and operate the motor vehicle emissions inspection program. The clean screen program is part of the motor vehicle emissions inspection program so therefore the contractor operates the clean screen program by definition. No change was made as a result of this comment.

COMMENT: EPA commented that the term—state agency—is not defined.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has changed the language in paragraph (3)(I)1. to remove this term.

COMMENT: EPA commented that part (3)(I)1.A.(V) does not state who is responsible for determining or what is the criteria for the statement—potential for fraudulent exemption notification shall be minimized.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has removed this phrase because it is not needed for the purposes of this proposed rule.

COMMENT: EPA commented the clean screen fee reimbursed to the State needs to be clarified that it is \$2.50 per clean screen certificate issued.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has revised the language in paragraph (3)(I)3.

COMMENT: EPA commented that the term—vehicle in the fleet—may not be correct.

RESPONSE AND EXPLANATION OF CHANGE: The Department understands the concern and has revised the language

in subparagraph (3)(I)1.B. and part (3)(I)1.B.(I) to clarify that this includes all of the vehicles in the St. Louis Ozone Nonattainment Area

COMMENT: EPA commented that in subsection (5)(F) the phrase—Evaporative System Pressure Test—should be used consistently.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has revised the language in subsection (5)(F).

COMMENT: EPA commented that subsection (5)(G) needs clarification. They want to know who collects the on-board diagnostic information and who generates the reports from the information collected.

RESPONSE: The Department believes the definition of—Contractor—covers who will collect the on-board diagnostic information and generate the appropriate reports as required by the proposed rule. No change was made as a result of this comment.

COMMENT: EPA commented that the on-board diagnostic provision should be clarified whether or not the information is used in place of an emission inspection or as part of the emission inspection. They recommend that the on-board diagnostic provisions be consistent with 40 CFR 51.351 and 40 CFR 85.2207.

RESPONSE: The Department believes the proposed rule clearly states that the on-board diagnostic test is a part of the emission inspection and vehicles will not fail this test until January 1, 2001. The proposed rule also references 40 CFR 85.2207 for minimum requirements to be met. No change was made as a result of this comment.

COMMENT: AAA commented that requiring the vehicle owner to show proof that an emission recall notice has been complied with is impractical and unreasonable.

RESPONSE: The Department understands the difficulty that this requirement will impose but through the public information campaign vehicle owners will be educated. The goal of this program is to find and fix high emission vehicles. Just notifying the customer that there is an emission recall notice for their vehicle and then letting them pursue it on their own will not guarantee that compliance with the recall will be fulfilled. This requirement in the proposed rule will make sure the emission recall is completed. No change was made as a result of this comment.

COMMENT: AAA commented that the clean screen fee seemed too high.

RESPONSE: The Department believes that for equity issues and to maintain a high quality program that a fee of \$24 is fair. No change was made as a result of this comment.

COMMENT: AAA asked if remote sensing identifies a vehicle that should be inspected at a station, will that override a low-emission profile clean screen identification.

RESPONSE: The Department intends for the clean screen program to only identify vehicles that are low emission emitters or clean vehicles. This program will not identify gross polluters. If a vehicle is identified as a clean vehicle through low emission profiling then the vehicle owner will be mailed a clean screen notice. No change was made as a result of this comment.

10 CSR 10-5.380 Motor Vehicle Emissions Inspection

(1) Definitions.

- (B) Additional definitions specific to this rule are as follows:
- 1. Contractor—The state contracted company who shall implement and operate the motor vehicle emissions inspection program as specified in sections 643.300–643.355, RSMo;

- 2. Control chart—Statistical method of showing graphically, determining, forecasting, and maintaining performance conditions and parameters in the pursuit of appropriate quality control;
 - 3. Department—The Department of Natural Resources;
- 4. Gross Vehicle Weight Rating (GVWR)—The value specified by the manufacturer as the maximum design loaded weight of a single vehicle;
- 5. Initial inspection—An inspection consisting of the test series that occurs the first time a vehicle is inspected in an inspection cycle. The required test fee is collected upon an initial inspection;
- 6. Light duty truck (LDT)—Any motor vehicle rated at eight thousand five hundred pounds (8,500) GVWR or less which has a vehicle curb weight of six thousand pounds (6,000) or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is: designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or available with special features enabling off-street or off-highway operation and use;
- 7. Light duty vehicle (LDV)—A passenger car or passenger car derivative capable of seating twelve (12) passengers or less;
- 8. Qualifying repair—Any repair or adjustment performed on a vehicle's emission control system after failing an emissions inspection, that is appropriate to the test failure. Qualifying repairs shall include the repair or adjustment of emission control devices such that the requirements of parts (3)(H)1.B.(IV)–(3)(H)1.B.(XI) of this rule are satisfied;
 - 9. Recognized repair technician—any person who—
- A. Is professionally engaged in vehicle repair or employed by an ongoing business whose purpose is vehicle repair;
- B. Has valid certifications in National Institute for Automotive Service Excellence (ASE) Electrical Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1); and
- C. Has satisfactorily completed an independent or vehicle manufacturer's training course, approved by the department, or has passed a nationally-recognized test, approved by the department, which course or test covers the emissions tests given, diagnosis of the causes for failures, and repair work most frequently done for vehicles failing the transient emission test;
- 10. Steady state emission test—An engine exhaust emissions test in which the engine of a vehicle remains at a relatively uniform number of revolutions per minute;
- 11. Tier 1—New gaseous, particulate tailpipe, and emission standards established by United States Environmental Protection Agency (EPA) for use in certifying new light duty vehicles and light duty trucks phased in beginning with the 1994 model year;
- 12. Transient emission test—An engine exhaust emissions test in which the engine of a vehicle is put under changing load requirements intended to simulate actual driving conditions; and
- 13. Unsafe condition—The mechanical and physical condition of a motor vehicle which an emissions inspector believes has the potential to cause harm to persons or property during the course of an emissions inspection.

(3) General Requirements.

- (E) Emission Inspection Fee.
- 1. The vehicle owner or driver shall pay twenty-four dollars (\$24) to the centralized emission inspection station.
- 2. This fee shall also include free reinspections, provided the vehicle owner or driver complies with all reinspection requirements as required in subsection (3)(G) of this rule, and the reinspections are conducted within thirty (30) days of the initial inspection
- 3. The required test fee shall be reduced on days of operation, other than the last three (3) days of operation in each calendar

month, by an amount proportional to the time that the vehicle owner or driver is required to wait before the inspection begins.

- A. If the wait time is greater than fifteen (15) minutes, the fee shall be reduced by five dollars (\$5);
- B. If the wait time is greater than thirty (30) minutes, the fee shall be reduced by ten dollars (\$10); or
- C. If the wait time is greater than one (1) hour, the fee shall be reduced by twenty dollars (\$20).
- 4. The fee reimbursed to the State by the contractor shall be two dollars and fifty cents (\$2.50) for each individual fee paid by a vehicle owner or driver. The fee shall be remitted to the director of revenue on a weekly basis. The director of revenue shall deposit the fee into the "Missouri Air Emission Reduction Fund" as established by 643.350, RSMo.
- (F) Vehicle Inspection Process. The emission inspection shall consist of emission tests and functional tests which shall be subject to the following requirements:
- 1. If a subject vehicle is targeted for a voluntary or mandatory manufacturer's emission recall notice issued after July 1, 1995, the vehicle owner or operator shall present to the emission inspection station proof of compliance with the recall notice;
- 2. A vehicle shall not be tested if all or part of the exhaust system is missing, leaking, or if the vehicle is in an unsafe condition. If a motor vehicle is refused for inspection then the inspector shall give the motorist a form that identifies the reasons for inspection refusal. No fee shall be charged for this inspection;
- Upon entering the inspection station queuing area and prior to inspection commencement, the vehicle owner or driver shall be presented a time card for the verification of arrival time and wait time;
- 4. The vehicle owner or driver shall have access to an area in the inspection station that permits observation of the entire official inspection procedure of the vehicle tested. This access may be limited, but it shall not prevent observation;
- 5. Vehicles shall be tested in as-received condition. An official test, once initiated, shall be performed in its entirety regardless of immediate outcome, except in the case of an invalid test condition, unsafe conditions, or test completion via fast pass algorithms;
- 6. The initial inspection shall be performed without repair or adjustment at the emission inspection station prior to commencement of any tests, except as provided for in the evaporative system pressure and purge tests. Emission inspections performed after the initial inspection in an inspection cycle shall be considered a reinspection and are subject to provisions of subsection (3)(G) of this rule;
- 7. If a subject vehicle passes all emission inspection requirements within a complete inspection cycle, the emission inspection station shall issue the vehicle owner or driver an emission inspection certificate of compliance certifying that the vehicle has passed the emission inspection, and place an emission inspection sticker on the windshield of the subject vehicle. The positioning of the sticker on the windshield of the vehicle shall take place on the premises of the emission inspection station;
- 8. If a subject vehicle fails any phase of the emission inspection requirements, the emission inspection station shall provide the vehicle owner or driver with an emission inspection test report indicating which part(s) of the emission inspection that the vehicle failed, a list of repair facilities employing at least one (1) recognized repair technician, a repair data sheet, and a copy of the customer complaint procedure;
- If a subject vehicle fails any part of the emission inspection, the vehicle owner must have the vehicle repaired and complete a repair data sheet before submitting the vehicle for reinspection; and
- 10. If the subject vehicle fails a reinspection, the vehicle owner can apply for a compliance waiver. If all waiver requirements as prescribed in subsection (3)(H) of this rule are met, a

waiver shall be issued by the department-approved inspector at the emission inspection station.

- (H) Issuance of a Waiver.
- 1. The department, assistant station manager, or station manager at the emission inspection station shall issue an emission inspection certificate of compliance, with an indicator to show that the vehicle has received a waiver to the vehicle owner or driver, and an emissions inspection sticker shall be affixed to the subject vehicle provided the following waiver requirements are met:
- A. The subject vehicle has failed the initial emission inspection, and has failed a reinspection(s) after all qualifying repairs have been completed. As prescribed in paragraph (3)(G)2. of this rule, a completed repair data sheet for the failed initial inspection and for all failed reinspections in the applicable inspection cycle must also be presented to the department approved inspector at the emission inspection station when applying for a waiver;
 - B. The amount spent on qualifying repairs shall—
- (I) Exceed seventy-five dollars (\$75) for pre-1981 model year vehicles;
- (II) Exceed two hundred dollars (\$200) for 1981 to 1996 model year vehicles;
- (III) Exceed four hundred fifty dollars (\$450) for 1997 and later model year vehicles;
- (IV) Include parts costs and labor costs paid for qualifying emission repair services performed on the vehicle if paid by the vehicle owner and if the qualifying repairs were performed or supervised by a recognized repair technician as prescribed in part (3)(H)1.C.(IV) of this rule. For qualifying emission repair services performed by someone other than a recognized repair technician, parts costs, but not labor costs, shall be counted toward the minimum cost to qualify for a waiver;
 - (V) Be appropriate to the test failure;
- (VI) Not include expenses which are incurred for the repair of emission control devices which have been found to be tampered with, rendered inoperative, or removed;
- (VII) Not include costs for emissions repairs or adjustments covered by an automobile manufacturer's warranty, insurance policy, or contractual maintenance agreement. The emissions repair costs covered by warranty, insurance, or maintenance agreements shall be separated from other emissions repair costs and shall not be applied toward the waiver cost limitations. The operator of a vehicle within the statutory age and mileage coverage under subsection 207(b) of the federal Clean Air Act shall present a written denial of warranty coverage, with a complete explanation, from the manufacturer or authorized dealer in order for this provision to be waived;
 - (VIII) Not include the fee for an emission inspection;
- (IX) Not include charges for obtaining a written estimate of needed repairs;
- (X) Not include charges for checking for the presence of emission control devices; and
- (XI) Not include costs for repairs performed on the vehicle before the initial inspection failure;
- C. The vehicle owner or driver shall present the original of all repair receipts at the inspection station to demonstrate compliance with the qualifying dollar amount. The department-approved inspector issuing a waiver shall verify emission-related repairs by visually inspecting the vehicle and reviewing repair receipts. The receipts shall—
- (I) Include the name, address, and phone number of the repair facility;
 - (II) Describe the repairs that were performed;
- (III) State the labor costs (where applicable) and parts costs for each repair; and
- (IV) Include the name (printed or typed) and signature of the recognized repair technician that performed or supervised the repair work (where applicable); and

- D. The vehicle owner or driver shall present a completed, signed waiver affidavit provided by the contractor to department-approved inspector at the emission inspection station indicating the costs of repairs and stating that the repairs were made in an attempt to meet the appropriate emission standards. After the effective date of this rule, any revision to the contractor supplied forms will be presented to the regulated community for a forty-five (45)-day comment period.
- 2. The department-approved inspector shall issue an emission inspection certificate of compliance, with an indicator to show that the vehicle has received a waiver to the vehicle owner or driver and an emissions inspection sticker shall be affixed to the subject vehicle provided the vehicle owner or driver presents a completed, signed waiver affidavit to the department-approved inspector indicating that the vehicle will be operated exclusively in an area outside of the inspection area for a period of at least the next twenty-four (24) months.
- 3. The department-approved inspector shall issue an emission inspection certificate of compliance with an indicator to show that the vehicle has received a waiver to the vehicle owner or driver and an emissions inspection sticker shall be affixed to the subject vehicle provided the vehicle owner or driver presents proof, acceptable to the department-approved inspector, that the subject vehicle has successfully passed an emission inspection of another state within the previous twelve (12) months which has been deemed equivalent to Missouri's emission inspection by the department.
- (I) Clean Screening Requirements. Clean screening shall be used to exempt the cleanest subject vehicles from emissions testing at centralized emission inspection stations. All subject vehicles including federal, state, and local government agency vehicles shall be eligible for clean screening. Motorist participation shall be strictly voluntary.
- 1. All clean screening plans must be approved by the department. Clean screening plans shall meet at least one of the following requirements:
- A. Remote sensing device (RSD) requirements. The cutpoints shall be determined corresponding to vehicle model year and measure vehicle emission concentrations for hydrocarbons (HC), carbon monoxide (CO), and nitrogen oxides (NO $_{\rm X}$) according to the EPA guidelines in "Description and Documentation for Interim Vehicle Clean Screening Credit Utility" (Draft Report) May 1998. The cutpoints should minimize the potential of dirty vehicles being falsely identified as clean. The use of speed and acceleration analysis to define a valid test should also be used. Remote sensing data collection shall occur during each month of the year, weather permitting, so that clean screening exemptions due to remote sensing are distributed throughout the year.
- (I) Remote sensing units shall be designed, programmed, maintained, calibrated, and quality assured in keeping with good engineering practice.
- (II) Two (2) valid RSD tests with all three (3) pollutants on each test are required to exempt a vehicle with a clean screening determination. If a vehicle's record lacks any of the three (3) pollutant concentrations, that vehicle shall not be eligible for exemption based upon that record.
- (III) The two (2) valid RSD tests must be recorded no more than twelve (12) months before the vehicle's emission test. Test results must be recorded on two (2) different days. If the vehicle database accumulates more than two (2) records during the twelve (12)-month period, the two (2) most recent tests must be used for clean screening evaluation.
- (IV) Remote sensing sites must be selected and rotated to achieve broad vehicle fleet coverage. Remote sensing sites must also be selected using good engineering practice in terms of traffic flow, road grade, acceleration, speed, and other appropriate items. Sites should be selected that avoid vehicles still in cold start mode.
- (V) Record gathering for more recent RSD data shall cease one (1) month ahead of each vehicle's registration month.

- This cutoff allows time to match RSD tests, identify which vehicles can be exempted, and notify vehicle owners before the vehicle registration deadline.
- (VI) Owners of eligible vehicles shall be notified one (1) month prior to the vehicle's registration month that the clean screening database contains two (2) valid records meeting the required cutpoints.
- (a) The notification shall be sent to the subject vehicle owner's most current address on record.
- (b) The notification shall include the dates, locations and the two (2) valid test results compared to the appropriate cutpoints.
- (VII) A random sample of the vehicles that would be excused from emissions testing based on their remote sensing records shall undergo the emissions test during the normal inspection frequency. The EPA shall approve the size of the random sample. To assure these vehicles are truly random and not specially altered for the emissions testing, owners of these vehicles shall not be informed of their clean screening exemption status;
- B. Vehicle emissions profiling requirements. Low emitter profiling (LEP) shall be used to exempt the cleanest subject vehicles according to the EPA guidelines in "Description and Documentation for Interim Vehicle Clean Screening Credit" (Draft Report) May 1998. RSD and emissions testing information may be used to supplement the profiling process.
- (I) An LEP database shall be developed for the subject vehicles using sufficient information from both the Department of Revenue Motor Vehicle Bureau database and fleets in other states according to the EPA guidelines. The database shall have at least one (1) million vehicle records spanning a one (1)-to two (2)-year period.
- (II) The vehicle profiles shall identify all subject vehicles required to undergo emissions testing grouped by engine family, defined as vehicle model year, make, model, engine size, and fuel metering system, and the probability that a particular vehicle in each grouping would fail the relevant emissions test.
- (III) The LEP database shall be updated on a regular interval based on data gathered from the subject vehicles.
- (IV) Owners of eligible vehicles that meet the LEP requirements shall be notified one (1) month prior to the vehicle's registration month.
- (a) The notification shall be sent to the subject vehicle owner's most current address on record.
- (b) The notification shall list the LEP requirements for that engine family.
- (V) A random sample of the vehicles that would be excused from emissions testing based on their LEP shall undergo the emissions test during the normal inspection frequency; or
 - C. Alternative method requirements.
- (I) The EPA and the department shall approve the use of any alternative method or new technologies used for clean screening.
- (II) Owners of eligible vehicles that meet the department approved clean screen requirements shall be notified one (1) month prior to the vehicle's registration month.
- (III) The notification shall include information approved by the department. The notification shall be sent to the subject vehicle owner's most current address on record.
- (IV) A random sample of the vehicles that would be excused from emissions testing based on the alternative method shall undergo the emissions test during the normal inspection frequency.
- 2. The fee for a clean screen compliance certificate and sticker shall be twenty-four dollars (\$24) provided the requirements of paragraph (3)(I)1. of this rule are met.
- 3. The fee reimbursed to the state by the contractor shall be two dollars and fifty cents (\$2.50) per paid clean screen certificate. The fee shall be remitted to the director of revenue on a weekly

basis. The director of revenue shall deposit the fee into the "Missouri Air Emission Reduction Fund" as established by 643.350, RSMo.

4. An on-road testing program shall provide information about the emission performance of in-use subject vehicles by measuring on-road emissions through the use of remote sensing devices or roadside pullovers including tailpipe emission testing. The program shall collect and analyze on-road testing data. On-road testing is not required every season or on every vehicle but shall evaluate the emission performance of 0.5% of the subject fleet. Owners of subject vehicles that have previously been through the normal periodic emission inspection and passed the final retest that are found to be high emitters shall be notified that the vehicles are required to pass an out of cycle follow up emission inspection.

(5) Test Procedures.

- (F) Evaporative System Pressure Test. Until such time as the department approves an evaporative system pressure test that is more comprehensive, nonintrusive, and is approved by the EPA, the evaporative system pressure test procedure shall be as follows:
- 1. A gas cap test, done to the extent practical, shall be performed on all 1981 and newer model year subject vehicles;
- 2. The gas cap test sequence shall consist of the following steps:
- A. The gas cap will be connected to the adapter of the test equipment;
- B. The gas cap shall be pressurized with air to 30 \pm 0.5 inches of water;
- C. The gas cap leak rate shall be compared to an orifice with a flow rate of sixty (60) cubic centimeters per minute at thirty inches (30") of water;
- 3. Vehicles shall fail the gas cap test if the gas cap exceeds a flow rate of sixty (60) cubic centimeters per minute; and
- 4. A visual inspection of the evaporative emission system shall also be performed, where practical. Vehicles shall fail the visual inspection of the evaporative emission system if the canister is missing or obviously damaged, if the hoses are missing, damaged or obviously disconnected, or if the gas cap is missing.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1998, the commission amends a rule as follows:

10 CSR 10-6.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1520–1533). The section with changes is reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Air Pollution Control Program received one comment from the U.S. Environmental Protection Agency (EPA), Region VII.

COMMENT: EPA's comment expressed general concern related to whether Missouri may lose the ability to collect fees from past years in processing routine updates if the amendment to the Submission of Emission Data, Emission Fees and Process Information rule is adopted as proposed.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees. Establishing emission fees on an annual basis does not relieve emission sources from the payment of fees for previous years. Additional wording to the proposed amendment to this rule is in a new subsection. See the new subsection (5)(E) for clarification on fee collection.

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information

(5) Emission Fees.

(E) Fee Collection. The annual changes to this rule to establish emission fees for a specific year do not relieve any source from the payment of emission fees for any previous year.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805, and 313.817, RSMo 1994 and 313.807, RSMo Supp. 1998, the commission amends a rule as follows:

11 CSR 45-5.180 Tournament Chips, Tokens, and Promotional Coupons is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1534). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No 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 313.065, RSMo Supp. 1998, the commission amends a rule as follows:

11 CSR 45-30.525 Supplier Recordkeeping Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1534–1535). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received.

COMMENT: Roger D. Looney, Bingo Chairman, American Legion Post 217, supports the proposed change.

RESPONSE: The staff has reviewed the comment received and recommends that no change be made to the text of the proposed amendment at this time.

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 313.065, RSMo Supp. 1998, 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 June 15, 1999 (24 MoReg 1535). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three comments were received. Below is a summary of those comments:

COMMENT: Harry Swanger, Compton Heights Concert Band, St. Louis, Missouri, states after a few more weeks of using the EBCMD and in reviewing our figures for the two months of test use, we are urging you even more strongly than ever to please take immediate actions relative to the EBCMD rules: 1) eliminate the paper backup requirement; and 2) increase the limit from 54 cards to 108 cards.

The paper backup requirement creates a nightmare for the workers and is totally unnecessary for tax collection or the integrity of the game. It must be eliminated if the EBCMDs are going to make it.

More and more players are demanding the ability to play far more than the present 54 card limit. Many want a second unit and want to play 108 cards. The state is losing a lot of tax revenue by limiting the cards to 54. Increased bingo proceeds makes us more self-sufficient and less dependent on other forms of charitable support.

COMMENT: Robert Krieg, Captain, Knights of Columbus Council No. 6435, opposes the use of EBCMD although he did not submit any written changes to the text of the proposed amendment

COMMENT: Monty Biggerstaff, President, Northland Optimist, Gladstone, Missouri, opposes Section (25). A petition submitted with 36 additional signatures stating "We the undersigned, being registered voters in the State of Missouri, do hereby oppose the proposed changes to 11 CSR 45-30.600(25)." We strongly voice our opposition to requiring "Game Operators must require that all bingo paper used in conjunction with the game be turned in by every player to the game operator and destroyed." Game operators who fail to comply with this requirement are subject to discipline pursuant to Section 313.052.

RESPONSE: The staff has reviewed the comments and recommends that no changes be made to the text of the proposed amendment at this time. The bingo card per face tax is reported and collected from licensed suppliers. The EBCMD have not been tested to ensure the per face tax can be reported accurately without the use of the paper. If, at a later date, assurances that the taxes can be collected, without the paper as back up, the elimination of the paper could be considered. Additionally, it appears that section 313.040(17) requires the use of disposable paper bingo cards. Players who wish to play more than 54 cards can do so by purchasing additional cards and manually daubing the additional cards.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 20—Fiscal

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission amends a rule as follows:

12 CSR 40-20.040 Return of Tickets for the Instant Game is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1736). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 80—General Rules—Instant Game

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.230(2), RSMo 1994, the commission amends a rule as follows:

12 CSR 40-80.010 Definitions for All Instant Games is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1736–1737). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 80—General Rules—Instant Game

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission amends a rule as follows:

12 CSR 40-80.020 Manner of Selecting Winning Instant Tickets; Frequency of Drawings is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1737). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 80—General Rules—Instant Game

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission amends a rule as follows:

12 CSR 40-80.030 Limitation on Awarding Instant Prizes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1737–1738). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 80—General Rules—Instant Game

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission amends a rule as follows:

12 CSR 40-80.050 Instant Ticket Validation Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1738). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 80—General Rules—Instant Game

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission amends a rule as follows:

12 CSR 40-80.090 Ticket Responsibility is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1738). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 80—General Rules—Instant Game

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission amends a rule as follows:

12 CSR 40-80.100 Disputes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1738–1739). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission rescinds a rule as follows:

12 CSR 40-90.010 Instant Game Number 1 Theme is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1739). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission rescinds a rule as follows:

12 CSR **40-90.020** Rub-off Spots and Play Symbols for Instant Game Number 1 **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1739). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission rescinds a rule as follows:

12 CSR 40-90.030 Number and Value of Prizes is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1739). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission rescinds a rule as follows:

12 CSR 40-90.040 Symbol Captions for Instant Game Number 1 is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1739–1740). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission rescinds a rule as follows:

12 CSR 40-90.050 Retailer Validation Code for Instant Game Number 1 is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1740). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission rescinds a rule as follows:

12 CSR 40-90.060 Instant Game Number 2 Theme is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1740). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission rescinds a rule as follows:

12 CSR 40-90.070 Rub-off Spots and Play Symbols for Instant Game Number 2 is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1740). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission rescinds a rule as follows:

12 CSR 40-90.080 Number and Value of Prizes is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1740). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission rescinds a rule as follows:

12 CSR 40-90.090 Symbol Captions for Instant Game Number 2 is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1741). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission rescinds a rule as follows:

12 CSR 40-90.100 Retailer Validation Code for Instant Game Number 2 is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1741). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 1998, the commission amends a rule as follows:

12 CSR 40-90.110 Designation of Specifics for Each Instant Game **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1741). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 90—Specific Instant Game Rule

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.230, RSMo 1994, the commission rescinds a rule as follows:

12 CSR 40-90.120 State Fair Spin Game is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1741–1742). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri Chapter 3—Funds of Retirement System

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 1998, the board of trustees hereby amends a rule as follows:

16 CSR 10-3.010 Payment of Funds to the Retirement System is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1750–1751). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment will become effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri

Chapter 6—The Nonteacher School Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo Supp. 1998, the board of trustees hereby amends a rule as follows:

16 CSR 10-6.020 Source of Funds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1751–1753). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment will become effective thirty days after publication in the *Code of State Regulations*.

MISSOURI REGISTER

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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 100—Division of Credit Unions

APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo Supp. 1998, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Catholic Family Credit Union 222 West 85 th Street Kansas City, MO 64114	Staff, school, and family members of St. Louis Catholic Church
Tamour City, 110 OTT	Staff, school, and family members of St. Agnes Catholic Church

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, P.O. Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the Missouri Register.

OFFICE OF ADMINISTRATION Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: http://www.state.mo.us/oa/purch/purch.htm. Prospective bidders may receive specifications upon request.

B001079 Test Media 11/1/99;

B001080 Electrical Supplies-St. Louis Area 11/1/99;

B001081 Windshield: Autoglass & Repair 11/1/99;

B001077 Trout Feed 11/3/99;

B001079 Test Media 11/3/99;

B001082 Bakery Products-BCC 11/3/99;

B001083 Bakery Products-Marshall 11/3/99;

B002001 DP Services: Wage Order Data Entry 11/3/99;

B003046 Care Management Organization 11/3/99;

B001073 Truck Refrigerated 11/4/99;

B001084 Truck, Diesel, Vanbody, Trolley, Scale Cart 11/4/99;

B001091 Meats-November 11/4/99;

B003041 Medicaid Operations-Review & Investigation 11/4/99;

B001074 Truck, Flatbed/Platform//Stakebody 11/8/99;

B1Z00096 Equipment: Digital Plate Maker 11/8/99;

B003008 Accounting Investigative & Consulting Services 11/9/99;

B001093 Corrugated Cardboard Sheets 11/10/99;

B003057 Dental Consultant Services 11/10/99;

B001087 Food Service Equipment 11/12/99;

B002033 Facsimile Tranceivers-High Resolution 11/15/99;

B003045 HMO Quality of Services Review 11/18/99;

B003055 Videotape Production Services 11/24/99;

B003027 Health Care Review Services 11/30/99.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

"Best" Mortise Locksets, supplied by Best Access Systems

Seagull Software, supplied by Seagull J Walk and Winja

Joyce Murphy, CPPO, Director of Purchasing November 1, 1999 Vol. 24, No. 21

Rule Changes Since Update to Code of State Regulations

MISSOURI REGISTER

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—21 (1996), 22 (1997), 23 (1998) and 24 (1999). 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 and N.A. indicates not applicable.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
Ruic Pumber	Agency	Emergency	Troposeu	Oruci	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedu	ıle			23 MoReg 2473
1 CSR 10-15.010	Commissioner of Administration				
1 CSR 20-5.010 1 CSR 20-5.015	Personnel Advisory Board Personnel Advisory Board		24 MoReg 2578		
1 CSR 20-5.020	Personnel Advisory Board		24 MoReg 2579		
1 CSR 20-5.025	Personnel Advisory Board				
2 CSR 10-5.005	DEPARTMENT OF AGRICULTURE Market Development	24 MoReg 2260			
2 CSR 30-2.015	Animal Health				
2 CSR 70-13.010	Plant Industries		24 MoReg 1821		
2 CSR 70-13.015	Plant Industries				
2 CSR 70-13.020 2 CSR 70-13.025	Plant Industries				
2 CSR 70-13.025 2 CSR 70-13.030	Plant Industries				
2 CSR 70-13.035	Plant Industries				
2 CSR 70-13.040	Plant Industries		24 MoReg 1827		
2 CSR 90-30.050	Weights and Measures		24 MoReg 1195	24 MoReg 2505	
2 CSR 90-30.060	Weights and Measures				
2 CSR 90-30.070 2 CSR 90-30.080	Weights and Measures Weights and Measures		24 MoReg 1200 24 MoReg 1203	24 MoReg 2500	
2 CSR 90-30.090	Weights and Measures		24 MoReg 1203	24 MoReg 2509	
2 CSR 90-30.100	Weights and Measures		24 MoReg 1207	24 MoReg 2509	
2 CSR 100-8.010	Agricultural and Small Business Authority	24 MoReg 1787R .	24 MoReg 1829R		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.111	Conservation Commission		24 MoReg 1475	24 MoReg 2156	
3 CSR 10-4.113	Conservation Commission		24 MoReg 1475	24 MoReg 2156	
3 CSR 10-4.115	Conservation Commission			24 MoReg 2156	
3 CSR 10-4.116	Conservation Commission			24 MoPeg 2156	
3 CSK 10-4.110	Conservation Commission			24 Mokeg 2130	
3 CSR 10-4.125	Conservation Commission		24 MoReg 2583		
3 CSR 10-4.130	Conservation Commission				
3 CSR 10-4.136	Conservation Commission				
3 CSR 10-4.140 3 CSR 10-4.145	Conservation Commission		24 MoReg 1485 24 MoReg 1486	24 MoReg 2157	
3 CSR 10-4.145 3 CSR 10-5.205	Conservation Commission				
			24 MoReg 2583		
3 CSR 10-5.210	Conservation Commission		24 MoReg 2586		
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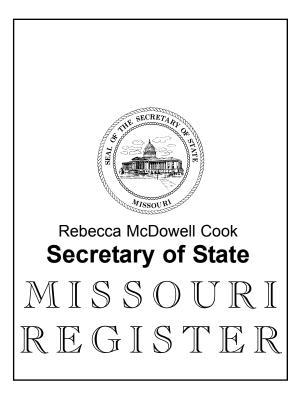
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