

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 the 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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 rule-making 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 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 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 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 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

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

PROPOSED AMENDMENT

3 CSR 10-4.110 General Prohibitions; Applications. The department proposes to amend section (1).

PURPOSE: This amendment clarifies the types of animals that are covered by this rule.

(1) No bird, fish, **amphibian, reptile**, mammal or other form of wildlife, including their homes, dens, nests and eggs in Missouri shall be molested, pursued, taken, hunted, trapped, tagged,

marked, enticed, poisoned, killed, transported, stored, served, bought, sold, given away, accepted, possessed, propagated, imported, exported or liberated to the wild in any manner, number, part, parcel or quantity, at any time, except as specifically permitted by these rules and any laws consistent with Article IV, sections 40–46 of the *Constitution of Missouri*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 10-4.113 Ginseng. The department proposes to amend sections (1) and (2).

PURPOSE: This amendment mandates ginseng harvest practices and clarifies inclusive dates.

(1) Wild ginseng (*Panax quinquefolium*) may be harvested from September 1 through December 31. **Wild ginseng plants or roots harvested must possess three (3) or more true leaves (prongs) or flowering/fruitle stalks. The entire stalk, minus the mature fruits, shall be kept with the plants until they are taken to the harvester's home or place of business. When harvesting wild ginseng, harvesters shall plant all seeds from harvested plants within one hundred feet (100') of the parent plants.** Plants or roots of ginseng taken in Missouri, or acquired from outside the state, may be purchased, sold, transported or exported only from September 1 *[to]* **through** March 15; provided, certified roots may be possessed, purchased, sold, transported or exported throughout the year in accordance with this rule.

(2) Wild and cultivated Missouri ginseng plants or roots exported from the state must be accompanied by a numbered certificate of origin on forms provided by the department. Roots may be imported from other states, territories or countries only with appropriate certification of origin. Uncertified roots that have been received from outside the state must be returned to that state for certification within thirty (30) days of receipt. Uncertified Missouri roots may be possessed only from September 1 *[to]* **through** March 15.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 29, 1983, effective Jan. 1, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 10-4.115 Special Regulations for Department Areas.
The department proposes to amend provisions of this rule.

PURPOSE: This amendment sets public use hours for August A. Busch Memorial Conservation Area, removes the prohibition of pets on Conservation Commission Headquarters, opens Ronald and Maude Hartell Conservation Area to public use, removes Swiftwater Bend from the list of conservation areas where hunting is prohibited and clarifies inclusive dates for season.

(1) The special regulations in this rule apply on all lands and waters (referred to as areas) owned, leased or managed under formal cooperative agreement by the Department of Conservation. The director may issue temporary written exceptions to provisions of this rule for emergency or special events and for other compatible uses.

(B) Closed Hours. All areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this rule. Parking or storage of watercraft and commercial vehicles is prohibited during the closed hours.

1. On Blind Pony Lake Conservation Area, Little Dixie Lake Conservation Area and Riverwoods Conservation Area, all public use is prohibited from 10:00 p.m. to 4:00 a.m. daily.

2. On August A. Busch Memorial Wildlife Area, all public use is prohibited from 10:00 p.m. to 6:00 a.m. daily.

[2.] 3. On Donaldson Point Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat only, when the Mississippi River water level is at or above thirty-four feet (34') on the New Madrid gauge.

[3.] 4. On Seven Island Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat only, when the Mississippi River water level is at or above forty-three feet (43') on the Cairo gauge.

[4.] 5. On Hornersville Swamp Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat only, when the water level is at or above two hundred thirty-nine feet (239') on the Hornersville gauge.

[5.] 6. On [August A. Busch Memorial Conservation Area,] Columbia Bottom Conservation Area, **Ronald and Maude Hartell Conservation Area** and James A. Reed Memorial Wildlife Area, all public use is prohibited from 10:00 p.m. to 6:00 a.m. daily from April 1 to September 30, and from 7:00 p.m. to 6:00 a.m. daily from October 1 to March 31, except for authorized hunting and fishing activities or as otherwise provided.

[6.] 7. On Bellefontaine Conservation Area, Conservation Commission Headquarters, Powder Valley Conservation Nature Center and Runge Conservation Nature Center, all public use is prohibited from 8:00 p.m. to 6:00 a.m. daily from April 1 [to] **through** October 31, and from 6:00 p.m. to 6:00 a.m. daily from November [to] **through** March 31, except as otherwise provided.

[7.] 8. On Springfield Conservation Nature Center, all public use is prohibited from 9:00 p.m. to 6:00 a.m. daily from March 1 [to] **through** October 31, and from 6:00 p.m. to 6:00 a.m. daily from November 1 [to] **through** February 28, except that specifically authorized meetings, programs and special events are permitted at any time on the area.

[8.] 9. On Rockwoods Range and Rockwoods Reservation, all public use is prohibited from one-half (1/2) hour after sunset to sunrise daily.

(D) Pets, Dogs and Field Trials. Pets are permitted but must be on a leash or confined at all times, except that dogs may be used for hunting and training **for the purposes of locating, tracking or retrieving game as defined by the Wildlife Code**, on areas where and when hunting and dog training are permitted. Field and retriever trials are permitted only with a special use permit.

1. On Thomas S. Baskett Wildlife Research and Education Center, Bellefontaine Conservation Area, Burr Oak Woods Conservation Area, [Conservation Commission Headquarters,] Engelmann Woods Natural Area, Powder Valley Conservation Nature Center, Rockwoods Reservation, Runge Conservation Nature Center and Springfield Conservation Nature Center, all pets are prohibited.

2. On Duck Creek Conservation Area, dog training is permitted only by holders of a valid area dog training permit during dates and hours established for this activity.

(L) Use of Boats and Motors. Boats, including sailboats, may be used on waters designated as open to boats, except as further restricted in this rule. Boats may not be left unattended overnight. Houseboats are prohibited. Registration and a fee are required for rental of department-owned boats. Fees must be paid prior to use.

1. Except as otherwise provided, only electric motors are permitted on impoundments of less than seventy (70) acres. Electric motors and outboard motors are permitted on impoundments of seventy (70) or more acres and on certain areas in conjunction with waterfowl hunting, except that only electric motors are permitted on Robert G. DeLaney Lake Conservation Area. Outboard motors in excess of ten (10) horsepower must be operated at slow, no-wake speed, except as otherwise provided in paragraph (1)(L)5.

2. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, only department-owned boats may be used and only electric motors are permitted.

3. On **Bellefontaine Conservation Area**, Hunnewell Lake Conservation Area and Weldon Spring Conservation Area, use of privately-owned boats is prohibited on impounded waters.

4. On waters managed under cooperative agreements with other governmental entities, only electric motors are permitted; except that on Confederate Memorial State Park Lakes boats are prohibited; and only outboard motors not in excess of ten (10) horsepower may be used on Agate Lake, Wakonda State Park Lake and Watkins Mill State Park Lake. Outboard motors in excess of ten (10) horsepower may be used on Council Bluff Lake but must be operated at slow, no-wake speed.

5. On Thomas Hill Reservoir, sailboarding, scuba diving and water skiing are permitted, except water skiing is prohibited north of Highway T on the Stinking Creek Arm of the lake and on the warm water arm of the lake upstream from the marker buoys. All boating is prohibited on the main arm of the lake above Highway T from October 15 through January 15. Where boating is permitted, no horsepower restrictions apply. Boats may be left unattended overnight.

(O) Hunting. Hunting, under statewide seasons, methods and limits, is permitted except as further restricted in this rule.

1. Hunting may be further restricted on designated portions of areas which include, but are not limited to, refuges, wildlife sanctuaries, shooting ranges, residences, work areas, campgrounds and other public use or service areas.

2. Firearms may not be used to take bullfrogs and green frogs.

3. Hunting is prohibited on all public fishing access areas less than forty (40) acres in size.

4. Hunting is prohibited on the following conservation areas:

- A. Allred Lake Natural Area
- B. Austin Community Lake
- C. Louis H. Bangert Memorial Wildlife Area
- D. Thomas S. Baskett Wildlife Research and Education

Center

- E. Bellefontaine
- F. Binder Community Lake
- G. Bird's Blue Hole
- H. Bittern Bottoms
- I. Robert L. Blattner

J. Marguerite Bray

K. Caldwell Memorial Wildlife Area

- [J.] L. Camdenton Office
- [K.] M. Caruthersville Rookery
- [L.] N. Climax Springs Towersite
- [M.] O. Conservation Commission Headquarters
- [N.] P. Robert G. DeLaney Lake
- [O.] Q. Doniphan Towersite
- [P.] R. Drovers Prairie
- [Q.] S. Engelmann Woods Natural Area
- [R.] T. Eugene Towersite
- [S.] U. Ella Ewing Lake
- [T.] V. Foxglove
- [U.] W. Friendly Prairie
- [V.] X. Gay Feather Prairie
- [W.] Y. Gravois Mills Access

Z. Ronald and Maude Hartell

- [X.] AA. James R. Harter
- [Y.] BB. Ruth and Paul Henning
- [Z.] CC. Hinkson Woods
- [AA.] DD. Hunkah Prairie
- [BB.] EE. Hurricane Deck Towersite
- [CC.] FF. Joplin Towersite
- [DD.] GG. LaPetite Gemme Prairie
- [EE.] HH. Lebanon Towersite
- [FF.] II. Lichen Glade
- [GG.] JJ. Limpin Community Lake
- [HH.] KK. Little Osage Prairie
- [II.] LL. Lower Tatum Sauk Lake
- [JJ.] MM. Maple Flats Access
- [KK.] NN. Miller Community Lake
- [LL.] OO. Mint Spring
- [MM.] PP. Mo-Ko Prairie
- [NN.] QQ. Mount Vernon Prairie
- [OO.] RR. Niawathe Prairie
- [PP.] SS. Pawhuska Prairie
- [QQ.] TT. Perry County Community Lake
- [RR.] UU. Pickle Springs Natural Area
- [SS.] VV. Plad Towersite
- [TT.] WW. Port Hudson Lake
- [UU.] XX. Powder Valley Conservation Nature Center
- [VV.] YY. Redman
- [WW.] ZZ. Sterling Price Community Lake
- [XX.] AAA. Ray County Community Lake
- [YY.] BBB. Riverwoods
- [ZZ.] CCC. Rockwoods Reservation
- [AAA.] DDD. F. O. and Leda J. Sears Memorial Wildlife

Area

[BBB.] EEE. Shawnee Mac Lakes

[CCC.] FFF. Sims Valley Community Lake

[DDD.] GGG. Springfield Conservation Nature Center

[EEE.] HHH. Julian Steyermark Woods

[FFF.] Swiftwater Bend

[GGG.] III. Thirtyfour Corner Blue Hole

[HHH.] JJJ. Tri-City Community Lake

[III.] KKK. Tywappity Community Lake

[JJJ.] LLL. Tzi-Sho Prairie

[KKK.] MMM. Ulman Towersite

[LLL.] NNN. Upper Mississippi Conservation Area

(Clarksville Refuge)

[MMM.] OOO. Vandalia Community Lake

[NNN.] PPP. Wah-Kon-Tah Prairie (only on portion owned

by the Nature Conservancy)

[OOO.] QQQ. Wah-Sha-She Prairie

[PPP.] RRR. Warrenton Towersite

[QQQ.] SSS. Wildcat Glade Natural Area

[RRR.] TTT. Walter Woods

[SSS.] UUU. Mark Youngdahl Urban

5. Firearms firing single projectiles are prohibited on the following conservation areas:

- A. Beaver Creek
- B. Bennett Spring Access
- C. Bois D'Arc
- D. Branch Towersite
- E. Brickley Hollow Access
- F. Catawissa

G. West Central Regional Office (Golden Valley Archery Range)

- [G.] H. Charity Access
- [H.] I. Crooked Creek
- [I.] J. Diamond Grove Prairie
- [J.] K. Dorris Creek Prairie
- [K.] L. Dorsett Hill Prairie
- [L.] M. Arthur Dupree Memorial
- [M.] N. Eagle Bluffs
- [N.] O. Peter A. Eck
- [O.] P. Earthquake Hollow
- Q. Ferguson-Herold**
- [P.] R. Larry R. Gale Access
- [Q.] S. Grand Bluffs
- [R.] T. Horse Creek Prairie
- [S.] U. Anthony and Beatrice Kendzora
- [T.] V. Little Bean Marsh
- [U.] W. Little Dixie Lake
- [V.] X. Little Prairie
- [W.] Y. Little River
- [X.] Z. Caroline Sheridan Logan Memorial Wildlife Area
- [Y.] AA. Lone Jack Lake
- [Z.] BB. Lost Valley Fish Hatchery
- [AA.] CC. Alice Ahart Mansfield Memorial
- DD. Marais Temps Clair**
- [BB.] EE. Mo-No-I Prairie
- [CC.] FF. Mon-Shon Prairie
- [DD.] GG. Pacific Palisades
- [EE.] HH. Guy B. Park
- [FF.] II. Reform
- [GG.] JJ. Rocky Barrens
- [HH.] KK. Dr. O.E. and Eloise Sloan
- [II.] LL. Sunbridge Hills
- [JJ.] MM. Tipton Ford Access
- [KK.] NN. Treaty Line Prairie
- [LL.] OO. Valley View Glades Natural Area
- [MM.] PP. Archie and Gracie VanDerhoef Memorial State

Forest

[NN.] QQ. Victoria Glades

[OO.] RR. Vonaventure Memorial Forest and Wildlife

Area

[PP.] **SS.** George O. White State Forest Nursery

[QQ.] **TT.** White River Trace

[RR.] **UU.** Young

6. On August A. Busch Memorial Conservation Area, Platte Falls Conservation Area, James A. Reed Memorial Wildlife Area, Saint Stanislaus Conservation Area and Weldon Spring Conservation Area, firearms firing single projectiles are prohibited, except during special deer hunts, and except that raccoons may be taken with a twenty-two (.22) caliber firearm on the August A. Busch Memorial Conservation Area, Platte Falls Conservation Area and Weldon Spring Conservation Area when treed with the aid of dogs.

7. Firearms hunting is prohibited on Boston Ferry Conservation Area, Jamesport Community Lake, J. Thad Ray Memorial Wildlife Area, Lon Sanders Canyon Conservation Area and Henry J. Waters II and C.B. Moss Memorial Wildlife Area.

8. Deer hunting with firearms and muzzleloading firearms is prohibited on the following conservation areas:

A. Wilbur Allen Memorial

B. Blind Pony Lake

C. Bois D'Arc

D. Coon Island

E. Corkwood

F. Cuivre Island (mainland portion)

G. Duck Creek (south of Highway Z)

[H.] **Ferguson-Herold**

[I.] **H.** Nannie B. Floyd Memorial

[J.] **I.** Fountain Grove

[K.] **J.** Four Rivers (north of Little Osage River)

[L.] **K.** Grand Pass

[M.] **L.** Hite Prairie

[N.] **M.** Hornersville Swamp

[O.] **N.** Indigo Prairie

[P.] **O.** Lake Girardeau

[Q.] **P.** B. K. Leach Memorial

[R.] **Q.** Lost Valley Fish Hatchery

[S.] **R.** Mingo National Wildlife Refuge (Pool 8)

[T.] **S.** Monegaw Prairie

[U.] **T.** Montrose

[V.] **U.** Mound View Access

[W.] **V.** Old Town Access

[X.] **W.** Otter Slough

[Y.] **X.** Prairie Slough

[Z.] **Y.** Redwing Prairie

[AA.] **Z.** Shell-Osage

[BB.] **AA.** Ted Shanks

[CC.] **BB.** Sky Prairie

[DD.] **CC.** Sni-A-Bar

[EE.] **DD.** Sunrise Access

[FF.] **EE.** Ten Mile Pond

[GG.] **FF.** Upper Mississippi Conservation Area (Bay

Island Unit)

[HH.] **GG.** Warbler Woods

9. Deer hunting is permitted on the following conservation areas only during the archery season and the December muzzleloading portion of the firearms deer season:

A. Bilby Ranch

B. Bob Brown

C. Dresser Island Unit of Upper Mississippi Conservation Area

D. Bradley A. Hammer Memorial

E. Loutre Lick Access

F. Moore's Mill Access

G. Nodaway Valley

H. Rocky Fork Lakes

I. Seven Island

10. During firearms and the December muzzleloading portion of the firearms deer season, only deer having at least one (1) antler

not less than three inches (3") long may be taken or possessed on the following conservation areas:

A. Apple Creek

B. Buffalo Hills

C. Busiek State Forest and Wildlife Area

D. Compton Hollow

E. Crooked River

F. Cuivre Island (island portion)

G. Daniel Boone

H. Danville

I. Davisdale

J. General Watkins

K. Indian Trail

L. J.N. "Turkey" Kearn Memorial Wildlife Area

M. Lamine River

N. Little Indian Creek

O. Little Lost Creek

P. William R. Logan

Q. Magnolia Hollow

R. Ralph and Martha Perry Memorial

S. Pleasant Hope

T. Ranacker

U. Frank Reifsnider State Forest

V. River 'Round

W. Settle's Ford

X. Robert E. Talbot

Y. William G. and Erma Parke White Memorial Wildlife

Area

11. Deer may be hunted under statewide regulations, except only deer having at least one (1) antler not less than three inches (3") long may be taken or possessed during the first two (2) days of the November portion of the firearms season on the following conservation areas:

A. Brickyard Hill

B. Bunch Hollow

C. Charlie Heath Memorial

D. Honey Creek

E. Lake Paho

F. Locust Creek

G. Moniteau Creek

H. Monkey Mountain

I. Mussel Fork

J. Rebel's Cove

12. Deer may be hunted under statewide regulations on the following conservation areas, except that centerfire firearms are prohibited:

A. Belcher Branch Lake

B. Buffalo Wallow Prairie

C. Bushwhacker Lake

D. Clear Creek

E. Comstock Prairie

F. Lester R. Davis Memorial

G. Grandfather Prairie

H. Harmony Mission Lake

I. Hi Lonesome Prairie

J. Howell Island

K. King Lake

L. Wilfrid V. and Anna C. Kneib Memorial

M. Little Compton Lake

N. Jamerson C. McCormack

O. Nodaway County Community Lake

P. Osage Prairie

Q. Paint Brush Prairie

R. Peabody

S. Pigeon Hill

T. The Edward B. and Marie O. Risch

U. Sears Community Lake

V. Shawnee Trail

W. Stony Point Prairie
X. Swift Ditch Access
Y. Taberville Prairie

Z. Wah-Kon-Tah Prairie (only portion owned by Conservation Commission west of Mo. Highway H and north of Mo. Highway 82)

AA. Wolf Bayou

13. Special hunts: Special hunts may be held on designated areas in accordance with seasons and methods established by regulation. All residents participating in a managed deer hunt must possess a Resident Managed Deer Hunting Permit. All nonresidents participating in a managed deer hunt must possess a Nonresident Managed Deer Hunting Permit.

A. On August A. Busch Memorial Conservation Area, Weldon Spring Conservation Area, Forest 44 Conservation Area, Charles W. Green Conservation Area, James A. Reed Memorial Wildlife Area, Burr Oak Woods Conservation Area, Peck Ranch Conservation Area (fenced portion), Rockwoods Range, Whetstone Creek Conservation Area and Caney Mountain Conservation Area (fenced portion), deer hunting is only permitted during managed hunts, except that antlerless deer may be taken only by archery methods and limits on James A. Reed Memorial Wildlife Area each Monday through Friday from December 1 *[to]* through the close of the statewide archery deer hunting season.

B. On Drury-Mincy Conservation Area, Platte Falls Conservation Area and Yellow Creek Conservation Area, firearms and muzzleloading firearms deer hunting are only permitted during managed hunts.

C. All persons hunting during a managed deer hunt, except archery-only hunts, shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as daylight fluorescent orange, blaze orange or hunter orange, which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement.

D. During managed deer hunts, historic weapons shall include only longbows, crossbows and muzzleloading or cap-and-ball firearms not smaller than forty caliber (.40) capable of loading only from the muzzle and firing only a single projectile at one (1) discharge.

E. During special hunts, doves may be hunted on Bois D'Arc Conservation Area and waterfowl may be hunted on August A. Busch Memorial Conservation Area and Charles W. Green Conservation Area.

14. Fall firearms turkey hunting is prohibited on Duck Creek Conservation Area (south of Highway Z), Eagle Bluffs Conservation Area and Grand Pass Conservation Area.

15. On designated portions of Peck Ranch Conservation Area, spring turkey hunting is permitted only with a special permit; fall turkey hunting is prohibited.

16. On Caney Mountain Conservation Area (fenced portion) and Drury-Mincy Conservation Area (Drury portion), spring turkey hunting is permitted only with a longbow.

17. On the fenced portion of Caney Mountain Conservation Area, turkey and squirrel hunting with muzzleloading shotguns and longbows is permitted during the fall firearms turkey season.

18. On August A. Busch Memorial Conservation Area:

A. Rabbits may be hunted in designated areas with shotgun or longbow from sunrise to 4:30 p.m., *[Monday through Friday,]* from January 1 *[to]* through February 15, *[except during special deer hunts]*. The daily limit is four (4) rabbits.

B. Doves may be hunted from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

C. Squirrels and groundhogs may be hunted only with shotgun **from the fourth Saturday in May through October 15.**

D. Rabbit, squirrel and dove hunters may also take coyotes.

E. Raccoon, skunks and opossum may be hunted from 6:00 p.m. to 1:00 a.m. from December 15 *[to]* through December 31.

F. Spring turkey hunting is permitted only with a special permit; fall firearms turkey hunting is prohibited.

G. Quail *[and pheasant hunting are prohibited]* **hunting is permitted only during managed hunts.**

19. On James A. Reed Memorial Wildlife Area:

A. Rabbits may be hunted in designated areas with shotgun or longbow from 8:00 a.m. to 4:30 p.m. daily from December 1 *[to]* through the end of the statewide season by holders of a valid area daily hunting tag.

B. Doves may be hunted in assigned areas from assigned shooting stations from noon to sunset each Monday through Friday, except Labor Day, during the statewide season by holders of a valid area daily hunting tag.

C. Squirrels may be hunted in designated areas with shotgun or longbow from 8:00 a.m. to 4:30 p.m. daily from December 1 *[to]* through December 31 by holders of a valid area daily hunting tag.

D. Turkey, furbearer and quail hunting are prohibited except during special hunts.

E. Waterfowl may be hunted by reservation only by holders of a valid area daily hunting tag on designated days and only in designated areas, except that hunters may retrieve dead birds and shoot downed cripples.

20. On Weldon Spring Conservation Area, spring turkey hunting and fall archery turkey hunting are permitted only by holders of a special permit.

21. On Bois D'Arc Conservation Area and White River Trace Conservation Area, quail and dove hunting are permitted only until 1:00 p.m. daily. During the first seven (7) days of dove season, doves may be taken in assigned areas only by holders of a valid area daily hunting tag. Quail may be taken only by holders of a valid area daily hunting tag until the area is posted closed based on harvest surveys.

22. On Lake Girardeau Conservation Area, hunting is permitted only from November 1 *[to]* through April 1.

23. On Marais Temps Clair Conservation Area, doves, rails and snipe may be hunted during that part of the season which falls prior to October 15, **and deer and rabbits may be hunted from after the area's prescribed duck season through the end of the statewide seasons** by holders of a valid area daily hunting tag, except in areas closed by posting. Dove hunting is permitted only until 1:00 p.m. daily. Quail, pheasant, squirrel, groundhog, *[rabbit, deer,]* turkey, crow and furbearers hunting are prohibited. Waterfowl hunting is permitted only on Friday, Saturday, Sunday and Monday during the prescribed waterfowl hunting season, except the area is open daily until 1:00 p.m. for teal hunting during the early season.

24. On Robert E. Talbot Conservation Area, quail may be taken only by holders of a valid area daily hunting tag.

25. On Capps Creek Conservation Area, Reform Conservation Area, Dr. O.E. and Eloise Sloan Conservation Area, Robert E. Talbot Conservation Area and Whetstone Creek Conservation Area, quail hunting is permitted only until 1:00 p.m. daily from November 1 *[to]* through December 15.

26. On Otter Slough Conservation Area, rabbit, deer and turkey hunting are prohibited.

27. On Big Creek Conservation Area, deer may not be taken with rifles or pistols firing centerfire cartridges.

28. On Jim Bridger Urban Conservation Area, Forest 44 Conservation Area and Rockwoods Range, hunting is prohibited except for deer and turkey during special hunts, except that antlerless deer may be taken only by archery methods and limits on Jim Bridger Urban Conservation Area each Monday through Friday from October 1 to the opening of statewide firearms deer hunting season. On Pelican Island Natural Area, hunting is prohibited except for deer during special hunts.

29. Waterfowl hunting is permitted under statewide regulations, except as further restricted in this rule.

A. Waterfowl hunting is prohibited on the following conservation areas:

- (I) Blind Pony Lake
- (II) Cooley Lake
- (III) Grand Glaize Waterfowl Refuge
- (IV) Hunnewell Lake
- (V) Lake Girardeau
- (VI) Lake Paho
- (VII) Lone Jack Lake

B. Waterfowl hunting is prohibited after 1:00 p.m. on designated portions of the following conservation areas:

- (I) Amarugia Highlands
- (II) Bob Brown
- (III) Columbia Bottom**
- [[III]]* (IV) Coon Island
- [[IV]]* (V) Duck Creek
- [[V]]* (VI) Eagle Bluffs
- [[VI]]* (VII) Fountain Grove
- [[VII]]* (VIII) Grand Pass
- [[VIII]]* (IX) B. K. Leach Memorial
- (X) Little River**
- [[IX]]* (XI) Long Branch Lake
- [[X]]* (XII) Marais Temps Clair
- [[XI]]* (XIII) Mingo National Wildlife Refuge
- [[XII]]* (XIV) Otter Slough
- [[XIII]]* (XV) James A. Reed Memorial Wildlife Area
- [[XIV]]* (XVI) Schell-Osage
- [[XV]]* (XVII) Ted Shanks
- [[XVI]]* (XVIII) Swan Lake National Wildlife Refuge
- [[XVII]]* (XIX) Ten Mile Pond
- [[XVIII]]* (XX) Yellow Creek

C. Waterfowl may be taken on the following conservation areas by holders of a valid area daily hunting tag only from a blind or in a designated area, except that hunters may retrieve dead birds and pursue and shoot downed cripples. Waterfowl hunters must check out immediately after the close of their hunting trip and prior to processing birds; these conservation areas are closed to waterfowl hunting on December 25. Nonhunters are prohibited within the shooting areas during the waterfowl hunting season unless they are members of and remain with a party authorized to use the area, except that portions of these conservation areas may be open to fishing during all or part of the waterfowl season. Hunting of other wildlife is prohibited, except in designated areas, from October 15 *[to]* **through** the end of the area's prescribed waterfowl season.

- (I) Bob Brown
- (II) Columbia Bottom**
- [[II]]* (III) Coon Island
- [[III]]* (IV) Duck Creek
- [[IV]]* (V) Eagle Bluffs
- [[V]]* (VI) Fountain Grove
- [[VI]]* (VII) Grand Pass
- [[VII]]* (VIII) B. K. Leach Memorial
- [[VIII]]* (IX) Marais Temps Clair
- [[IX]]* (X) Mingo National Wildlife Refuge
- [[X]]* (XI) Montrose
- [[XI]]* (XII) Nodaway Valley
- [[XII]]* (XIII) Otter Slough
- [[XIII]]* (XIV) Schell-Osage
- [[XIV]]* (XV) Ted Shanks
- [[XV]]* (XVI) Swan Lake National Wildlife Refuge

(geese only)

- [[XVI]]* (XVII) Ten Mile Pond

D. On Fountain Grove Conservation Area, Grand Pass Conservation Area, Swan Lake National Wildlife Refuge and Yellow Creek Conservation Area, no more than ten (10) shotgun shells daily may be fired at Canada geese by each hunter.

E. Special waterfowl refuges:

(I) On Bull Shoals Waterfowl Refuge, all hunting, fishing, trapping, boating and vehicles are prohibited from November 15 *[to]* **through** February 15 on the lands and waters of the Theodosia Arm of Bull Shoals Lake—to include all of Section 13 and South Half of Section 12, T22N, R16W; all of Section 17, South Half of Sections 7 and 8, and that part of Sections 19 and 20 North of Highway 160 bridge, all in T22N, R15W.

(II) On Stockton Lake Waterfowl Refuge, all hunting, fishing, trapping and boating are prohibited from October 15 through the area's prescribed duck and Canada goose seasons on all Corps of Engineers lands and waters on and adjacent to the Little Sac Arm from the Highway 123 bridge to the county road bridge crossing Little Sac River in Section 11, T32N, R24W.

(III) On Smithville Lake Waterfowl Refuge, all hunting, fishing, trapping and boating are prohibited from October 15 through January 15 in units designated by posting.

[[IV]] On Grand River Bottoms Waterfowl Refuge of Truman Reservoir, as posted, all hunting, fishing, boating, trespassing and vehicles are prohibited on Corps of Engineers lands and waters from December 1 to March 15.]

[[V]] (IV) On Dehn Marsh and Sac River Marsh of Truman Reservoir, waterfowl hunting is prohibited.

[[VI]] (V) On Thomas Hill Reservoir, waterfowl hunting is prohibited on the lands and waters of the main arm between Highway T and county road 462, three and one-half (3 1/2) miles north of Highway T from October 15 *[to]* **through** the close of the waterfowl season.

[[VII]] (VI) On Ralph and Martha Perry Memorial Conservation Area Waterfowl Refuge, as posted, all hunting, fishing, boating, trespassing and vehicles are prohibited from October 15 *[to]* **through** the close of the waterfowl season.

F. Use or possession of lead shot is prohibited for all hunting in designated zones on the following conservation areas:

- (I) Bob Brown
- (II) Columbia Bottom**
- [[II]]* (III) Cooley Lake
- [[III]]* (IV) Coon Island
- [[IV]]* (V) Duck Creek
- [[V]]* (VI) Eagle Bluffs
- [[VI]]* (VII) Fountain Grove
- [[VII]]* (VIII) Four Rivers
- [[VIII]]* (IX) Grand Pass
- [[IX]]* (X) B. K. Leach Memorial
- [[X]]* (XI) Little Bean Marsh
- [[XI]]* (XII) Little River
- [[XII]]* (XIII) Marais Temps Clair
- [[XIII]]* (XIV) Montrose
- [[XIV]]* (XV) Nodaway Valley
- [[XV]]* (XVI) Otter Slough
- [[XVI]]* (XVII) Schell-Osage
- [[XVII]]* (XVIII) Settle's Ford
- [[XVIII]]* (XIX) Ted Shanks
- [[XIX]]* (XX) Ten Mile Pond

G. On *[Four Rivers Conservation Area]* **Settle's Ford Conservation Area**, hunting of other wildlife is permitted except in designated waterfowl hunting areas from October 15 through the end of the prescribed Canada goose season. Waterfowl hunters must preregister and check out daily at designated hunter record boxes prior to and immediately after completing the hunt. Nonhunters are prohibited within the waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.

H. On Little River Conservation Area, *[duck hunting is prohibited. Goose hunting is permitted in designated areas only after the end of the prescribed zone duck hunting season]* **waterfowl hunting is permitted only during special hunts or by holders of a valid area daily hunting tag.**

I. On Four Rivers Conservation Area, in designated waterfowl hunting areas, waterfowl hunters must register before hunting and check out daily at Area Headquarters. On the remaining portions of the area, waterfowl hunters must register before hunting at designated hunter record boxes and check out immediately after completion of the hunt. In designated waterfowl hunting areas, hunting is closed on December 25. Nonhunters are prohibited within the designated waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.

30. On Eagle Bluffs Conservation Area, B. K. Leach Memorial Conservation Area, William R. Logan Conservation Area and William G. and Erma Parke White Memorial Wildlife Area, doves may be hunted only in assigned areas from an assigned shooting station on designated days from 1:00 p.m. to 5:00 p.m. during the September portion of the statewide season by holders of a valid area daily hunting tag.

31. On Columbia Bottom Conservation Area and Saint Stanislaus Conservation Area, hunting is permitted only during special hunts or by holders of a valid daily hunting tag.

32. On Lake Paho Conservation Area, doves may be hunted from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

(P) Fishing. Fishing, under statewide seasons, methods and limits, is permitted, except as further restricted in this rule.

1. Fishing may be further restricted on designated portions of conservation areas.

2. Fishing is prohibited on the following conservation areas or individually named lakes:

- A. Allred Lake Natural Area
- B. Rudolf Bennitt Lake
- C. Robert L. Blattner
- D. Burr Oak Woods
- E. Gama Grass Prairie
- F. Gay Feather Prairie
- G. Charles W. Green
- H. Happy Holler Lake
- I. Hunkah Prairie
- J. Little Osage Prairie
- K. Chloe Lowry Marsh Natural Area
- L. Mo-Ko Prairie
- M. Mon-Shon Prairie
- N. Mount Vernon Prairie
- O. Niawathe Prairie
- P. Pawhuska Prairie
- Q. Powder Valley Conservation Nature Center
- R. Springfield Conservation Nature Center
- S. Turtle Rock Lake
- T. Tzi-Sho Prairie
- U. Wah-Kon-Tah Prairie (only on portion owned by the

Nature Conservancy)

V. Wah-Sha-She Prairie

W. Henry J. Waters II and C.B. Moss Memorial Wildlife Area

3. On all impounded waters, fish may be taken only with pole or rod with attached line and not more than three (3) poles or rods with attached line may be used by one (1) person at any time, except as further provided in this rule.

A. On Forest Lake, Montrose Conservation Area, Schell-Osage Conservation Area, Ted Shanks Conservation Area and Thomas Hill Reservoir, fish may be taken with limb lines and bank lines.

B. Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following conservation areas or individually named lakes:

- (I) Atlanta
- (II) Bismarck
- (III) Blackjack Access

- (IV) Bob Brown
- (V) Cooley Lake
- (VI) Deer Ridge
- (VII) Deroin Bend
- (VIII) Duck Creek
- (IX) Eagle Bluffs
- (X) Connor O. Fewel
- (XI) Fountain Grove
- (XII) Four Rivers
- (XIII) Forest Lake
- (XIV) Franklin Island
- (XV) Grand Pass
- (XVI) Hunnewell Lake
- (XVII) King Lake
- (XVIII) Kings Prairie Access
- (XIX) Lake Paho
- (XX) Lamine River
- (XXI) B. K. Leach Memorial
- (XXII) Limpp Community Lake
- (XXIII) Little Compton Lake
- (XXIV) Locust Creek
- (XXV) Manito Lake
- (XXVI) Marais Temps Clair
- (XXVII) Nodaway Valley
- (XXVIII) Otter Lake
- (XXIX) Peabody
- (XXX) Ralph and Martha Perry Memorial
- (XXXI) Haysler A. Poague
- (XXXII) Pony Express Lake
- (XXXIII) Rebel's Cove
- (XXXIV) Schell-Osage
- (XXXV) Henry Sever
- (XXXVI) Settle's Ford
- (XXXVII) Ted Shanks
- (XXXVIII) Thurnau
- (XXXIX) Truman Reservoir
- (XL) Wakonda State Park Lakes
- (XLI) Worth County Community Lake
- (XLII) Worthwine Island

4. On *[August A. Busch Memorial Conservation Area,]* Conservation Commission Headquarters and James A. Reed Memorial Wildlife Area, fishing is permitted in designated waters from 6:00 a.m. to 6:00 p.m., October 1 *[to]* through March 31 and from 6:00 a.m. to 9:00 p.m., April 1 *[to]* through September 30. **On August A. Busch Memorial Conservation Area, fishing is permitted on designated waters from 6:00 a.m. to 9:00 p.m. daily.** On designated lakes at Conservation Commission Headquarters, only flies and artificial lures may be used, and all fish must be returned to the water unharmed immediately after being caught. On Coot Lake on James A. Reed Memorial Wildlife Area, from November 1 *[to]* through February 19, only flies, artificial lures and soft plastic baits (unscented) may be used and all fish must be returned to the water unharmed immediately after being caught.

5. On Ronald and Maude Hartell Conservation Area, fishing is permitted on designated waters. Only flies, artificial lures and soft plastic baits (unscented) may be used and all fish must be returned to the water unharmed immediately after being caught. Possession of fish on the area is prohibited except by special use permit.

[5.] 6. Fishing is permitted, except in designated areas, on the following conservation areas.

- A. Bellefontaine
- B. Bilby Ranch Lake
- C. Bob Brown
- D. Cooley Lake
- E. Coon Island
- F. Duck Creek

- G. Eagle Bluffs
- H. Fountain Grove
- I. Four Rivers
- J. Grand Pass
- K. Hornersville Swamp
- L. B. K. Leach Memorial
- M. Maple Leaf Lake
- N. Marais Temps Clair
- O. Monegaw Prairie
- P. Montrose
- Q. Osage Prairie
- R. Otter Slough
- S. Pony Express Lake
- T. Schell-Osage
- U. Settle's Ford
- V. Seven Island
- W. Ted Shanks
- X. Taberville Prairie
- Y. Ten Mile Pond
- Z. Wah-Kon-Tah Prairie (only on portion owned by

Conservation Commission west of Mo. Highway H and north of Mo. Highway 82)

[6.] 7. On Binder Community Lake, fishing is prohibited from 11:00 p.m. to 3:00 a.m. daily.

[7.] 8. On Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park:

A. Fishing is permitted in designated waters during posted hours. Not more than one (1) pole or rod with attached line may be used by one (1) person at any time. Giggling, snaring, snagging, frogging and the taking of live bait are prohibited. Flies, artificial lures, unscented soft plastic baits and natural and scented baits may be used, except in waters posted as restricted to specific baits or lures. The use of any foods to attract fish, except when placed on a hook, is prohibited.

B. Trout fishing is permitted from March 1 *to* through October 31. The daily limit is five (5) trout, and no person shall continue to fish for any species after having five (5) trout in possession. Fishing in the designated trout waters is permitted only by holders of a signed valid area daily trout fishing tag.

C. On a designated portion of Montauk State Park and Roaring River State Park, catch and release trout fishing only is permitted from March 1 *to* through October 31. Only flies may be used, and all trout must be returned to the water unharmed immediately after being caught. Trout may not be possessed in these designated areas, and no person with five (5) trout already in possession may fish there.

D. Trout fishing is permitted from 8:00 a.m. to 4:00 p.m. on Fridays, Saturdays and Sundays from the second Friday in November *to* through the second Sunday in February. Fishing in designated trout waters is permitted only by holders of a valid area winter trout fishing tag. Only flies may be used, and all trout must be returned to the water unharmed immediately after being caught. Trout may not be possessed on these waters.

[8.] 9. On Jerry J. Presley Conservation Education Center, fishing is permitted only by holders of a valid area special use permit. Except as otherwise provided on the special use permit, all fish must be returned to the water unharmed immediately after being caught.

[9.] 10. Daily and possession limits. Statewide daily and possession limits shall apply for all species, except that: In impounded waters, daily limits are catfish in the aggregate (channel catfish, blue catfish, flathead catfish), four (4); black bass, six (6); crappie, thirty (30); and all other fish, statewide limits, but not to exceed twenty (20) in the aggregate; except as further restricted in this rule.

A. The daily limit for black bass shall be two (2) on the following conservation areas:

- (I) Amarugia Highlands

- (II) Arrow Rock State Historic Site
- (III) Atkinson Lake
- (IV) Baltimore Bend
- (V) Belcher Branch Lake
- (VI) Bellefontaine
- (VII) August A. Busch Memorial
- (VIII) Confederate Memorial State Park Lakes
- (IX) Robert G. DeLaney Lake
- (X) Lake Paho
- (XI) Lone Jack Lake
- (XII) Manito Lake
- (XIII) Maple Leaf Lake
- (XIV) Port Hudson Lake
- (XV) James A. Reed Memorial Wildlife Area
- (XVI) Schell Lake
- (XVII) Watkins Mill State Park Lake
- (XVIII) Weldon Spring

B. On Bellefontaine Conservation Area, Che-Ru Lake, Hazel Hill Lake and Schell-Osage Conservation Area, the daily limit for crappie shall be fifteen (15).

C. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, the daily limit for white bass, striped bass and their hybrids in the aggregate shall be four (4); on James A. Reed Memorial Wildlife Area, the aggregate daily limit for all other fish shall be ten (10).

D. On Duck Creek Conservation Area, statewide limits shall apply for all nongame fish.

E. At Blind Pony Lake Conservation Area, the daily limit for black bass shall be one (1).

F. At Tobacco Hills Lake, the daily limit for bluegill shall be eight (8).

G. On Bellefontaine Conservation Area and Port Hudson Lake, the daily limit for other fish (those not listed by name in this paragraph) shall be (10) in the aggregate.

[10.] 11. Length limits. Statewide length limits shall apply for all species, except as further restricted in this rule.

A. On all impoundments, except as authorized in parts (1)(P)10.A.(I)-(V), all black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(I) All black bass less than twelve inches (12") total length must be returned to the water unharmed immediately after being caught on the following conservation areas:

- (a) Bois D'Arc
- (b) Knob Noster State Park Lakes
- (c) Malta Bend Community Lake
- (d) Painted Rock
- (e) Peabody
- (f) Haysler A. Poague
- (g) Robert E. Talbot
- (h) Van Meter State Park Lake

(II) All black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following conservation areas:

- (a) Amarugia Highlands
- (b) Arrow Rock State Historic Site
- (c) Atkinson Lake
- (d) Baltimore Bend
- (e) Big Oak Tree State Park
- (f) Bilby Ranch lake
- (g) Binder Community lake
- (h) Bismarck
- (i) Buffalo Bill Lake
- (j) August A. Busch Memorial (except Lakes 33 and

35)

- (k) Che-Ru Lake
- (l) Jerry P. Combs Lake
- (m) Confederate Memorial State Park Lakes

- (n) Deer Ridge Lake
- (o) Fourche Lake
- (p) General Watkins
- (q) Huzzah Pond**
- [(q)]* (r) Jamesport Community Lake
- [(r)]* (s) Limpp Community Lake
- [(s)]* (t) Little Compton Lake
- [(t)]* (u) Loggers Lake
- [(u)]* (v) Lone Jack Lake
- [(v)]* (w) Maple Leaf Lake
- [(w)]* (x) McCormack Lake
- [(x)]* (y) Noblett Lake
- [(y)]* (z) Nodaway County Community Lake
- [(z)]* (aa) Perry County Community Lake
- [(aa)]* (bb) Pershing State Park Ponds
- [(bb)]* (cc) Pony Express
- [(cc)]* (dd) Ray County Community Lake
- [(dd)]* (ee) James A. Reed Memorial Wildlife Area
- [(ee)]* (ff) Rinquelin Trail Community Lake
- [(ff)]* (gg) Roby Lake
- [(gg)]* (hh) Schell Lake
- [(hh)]* (ii) Ted Shanks
- [(ii)]* (jj) Tobacco Hills Lake
- [(jj)]* (kk) Union Ridge Lake
- [(kk)]* (ll) Vandalia Community Lake
- [(ll)]* (mm) Watkins Mill State Park Lake
- [(mm)]* (nn) Weldon Spring
- [(nn)]* (oo) Worth County Community Lake

(III) On Bellefontaine Conservation Area, August A. Busch Memorial Lakes 33 and 35, Belcher Branch Lake, Robert G. DeLaney Lake, Lake Paho, Manito Lake and Port Hudson Lake, all black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught.

(IV) On Blind Pony Lake Conservation Area, all black bass less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught.

(V) On Hazel Hill Lake, all black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught.

B. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, all white bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught.

C. On Blind Pony Lake Conservation Area, Hazel Hill Lake and Manito Lake Conservation Area, all channel catfish and all blue catfish less than fifteen (15") total length must be returned to the water unharmed immediately after being caught.

D. On August A. Busch Memorial Conservation Area, Che-Ru Lake, James A. Reed Memorial Wildlife Area and Schell-Osage Conservation Area, all flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught.

E. On Tobacco Hills Lake, all bluegill less than eight inches (8") total length must be returned to the water unharmed immediately after being caught.

F. On Lake Girardeau Conservation Area and Henry Sever Conservation Area, all muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught.

[(11.)] **12.** Salvage seining of nongame fish may be permitted seasonally for personal use with written permission of the department.

[(12.)] **13.** Seining or trapping live bait, including tadpoles, is prohibited on streams in Mule Shoe Conservation Area and on all

impounded waters and their discharge channels, except as further defined in this rule.

A. Seining or trapping live bait, including tadpoles, is permitted on designated impoundments on Bob Brown Conservation Area, Fountain Grove Conservation Area, Grand Pass Conservation Area and Nodaway Valley Conservation Area.

B. On designated waters on Schell-Osage Conservation Area, gizzard shad may be taken by live bait methods.

[(13.)] **14.** On Wire Road Conservation Area, nongame fish may be taken by snagging, snaring, or grabbing from March 15 *[/to]* through May 15. A daily limit of twenty (20) and a possession limit of forty (40) shall apply to fish taken by these methods.

[(14.)] **15.** On Prairie Lake on Weldon Spring Conservation Area, fishing is prohibited during the area's prescribed waterfowl hunting season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Dec. 15, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 10-4.116 Special Regulations for Areas Owned by Other Entities. The department proposes to amend paragraphs (2)(A)2., (2)(D)9. and subsections (4)(A) and (B).

PURPOSE: This amendment will permit the use of electronic motors on Warrensburg (Lion's Lake) and clarifies inclusive dates.

(2) The special regulations in this section apply on all lands and waters included in the department's Urban Fishing Program and Community Assistance Program.

(A) Boats and Motors. Boats with electric motors may be used except as follows:

1. Boats are prohibited on the following areas:
 - A. Bridgeton (Kiwanis Lake)
 - B. California (Proctor Park Lake)
 - C. Cole County (Jaycee Park Lake)
 - D. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods)
 - E. Dexter City Lake
 - F. Farmington City Lake
 - G. Jackson (Rotary Park Lake)
 - H. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Fleming Pond, Scherer Lake, Wyatt Lake)
 - I. Jefferson City (McKay Park Lake)
 - J. Mexico (Kiwanis Lake)
 - K. Mineral Area College (Quarry Pond)
 - L. Mount Vernon (Williams Creek Park Lake)

- M. Overland (Wild Acres Park Lake)
 N. Rolla (Schuman Park Lake)
 O. Saint Louis County (Bee Tree Lake)
 P. Sedalia (Clover Dell Park Lake, Liberty Park Lake)
 Q. The James Foundation (Scioto Lake)
 R. University of Missouri (South Farm R-1 Lake)
2. Only boats without motors may be used on Columbia (Twin Lake) *[and Warrensburg (Lion's Lake)]*.
3. Outboard motors must be operated at slow, no-wake speed on Concordia (Edwin A. Pape Lake).
4. No boat motor restrictions apply on Harrison County Lake and Maryville (Mozingo Lake).
5. Outboard motors not in excess of forty (40) horsepower may be used on Springfield City Utilities (Fellows Lake).
6. Outboard motors not in excess of ten (10) horsepower may be used on the following areas:
- Bethany (North Bethany City Reservoir)
 - Fayette (D. C. Rogers Lake, Fayette City Lake No. 2)
 - LaBelle City Lake
 - LaPlata City Lake
 - Macon City Lake
 - Moberly (Rothwell Park Lake, Water Works Lake)
 - Odessa (City Lake)
 - Springfield City Utilities (Lake Springfield)
 - Unionville City Lake
7. Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:
- Brookfield City Lake
 - Cameron (Grindstone Reservoir)
 - Fredericktown City Lake
 - Higginsville City Lake
 - Holden City Lake
 - Iron Mountain City Lake
 - Marceline City Lake
 - Memphis (Lake Showme)
 - Milan (Elmwood Lake)
- (D) Fishing. Fishing, under statewide seasons, methods and limits, is permitted except as further restricted in this section.
1. Fishing may be further restricted on designated portions of areas.
2. Bullfrogs and green frogs may be taken during the statewide season by hand, handnet, gig, longbow or hook and line except as follows:
- Longbows may not be used to take frogs on Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake) Farmington City Lake, Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake), Mexico (Lakeview Lake, Kiwanis Lake), Moberly (Rothwell Park Lake, Water Works Lake) and The James Foundation (Scioto Lake).
 - Only pole and line may be used to take frogs on Bridgeton (Kiwanis Lake), Butler City Lake, Kirkwood (Walker Lake), Mineral Area College (Quarry Pond), Overland (Wild Acres Park Lake), Saint Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake), Sedalia (Clover Dell Park Lake, Liberty Park Pond), Warrensburg (Lion's Lake), Wentzville (Community Club Lake) and Windsor (Farrington Park Lake).
 - Fishing is prohibited on Jackson County (Fleming Pond).
 - Fish may be taken from lakes only with pole and line with lure or bait and not more than three (3) poles may be used by one (1) person at any time, except as follows:
 - Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following lakes:
 - Brookfield City Lake
 - Bethany (North Bethany City Reservoir)

- Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)
- Fayette (D. C. Rogers Lake, Fayette City Lake No. 2)
 - Hamilton City Lake
 - Harrison County Lake
 - Jackson County (Lake Jacomo, north of Colbern Road)
 - Kirksville (Hazel Creek Lake)
 - Maryville (Mozingo Lake)
 - Macon City Lake
 - Saint Louis County (Sunfish Lake)
 - Unionville City Lake
- Carp, buffalo, suckers and gar may be taken by gig during statewide seasons on Jackson County (Prairie Lee Lake).
- Carp, buffalo, gar and shad may be taken by longbow from sunrise to midnight throughout the year on Concordia (Edwin A. Pape Lake) and Higginsville City Lake.
- Fishing is permitted, except in designated areas, on Concordia (Edwin A. Pape Lake), Higginsville City Lake and Odessa (City Lake, Upper Lake).
- Statewide daily limits shall apply for all species, except as follows:
 - The daily limit for black bass is two (2) on the following lakes:
 - Ballwin (New Ballwin Lake, Vlasik Park Lake)
 - Bridgeton (Kiwanis Lake)
 - Butler City Lake
 - California (Proctor Park Lake)
 - Columbia (Twin Lake)
 - Concordia (Edwin A. Pape Lake)
 - Ferguson (January-Wabash Lake)
 - Higginsville City Lake
 - Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
 - Jefferson City (McKay Park Lake)
 - Kirksville (Hazel Creek Lake)
 - Kirkwood (Walker Lake)
 - Macon (Blees Lake)
 - Mineral Area College (Quarry Pond)
 - Overland (Wild Acres Park Lake)
 - Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
 - St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)
 - University of Missouri (South Farm R-1 Lake)
 - Warrensburg (Lion's Lake)
 - Wentzville (Community Club Lake)
 - Windsor (Farrington Park Lake)
 - The daily limit for bullheads is ten (10) on the following lakes:
 - Ballwin (New Ballwin Lake, Vlasik Park Lake)
 - Ferguson (January-Wabash Lake)
 - Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
 - Saint Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

C. The daily limit for carp is four (4) on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Ferguson (January-Wabash Lake)

(III) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(IV) Saint Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

D. The daily limit for channel catfish, blue catfish and flat-head catfish in the aggregate is four (4).

E. The daily limit for crappie is fifteen (15) on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Ferguson (January-Wabash Lake)

(III) Kirksville (Hazel Creek Lake)

(IV) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(V) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(VI) Springfield City Utilities (Fellows Lake)

F. The daily limit for white bass, striped bass and their hybrids in the aggregate is four (4) on Cameron (Reservoir No. 3) and Saint Louis County (Creve Coeur Lake).

G. The daily limit for gizzard shad for bait on Jackson County (Lake Jacomo, Prairie Lee Lake) and Concordia (Edwin A. Pape Lake) is one hundred fifty (150).

H. The daily limit for other fish (those not included in rules 3 CSR 10-6.505 through 3 CSR 10-6.545 and 3 CSR 10-4.111) is twenty (20) in the aggregate, except on the following lakes where the daily limit in the aggregate is ten (10), and except for those fish included in (2)(D)6.B., C. and G.:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Bridgeton (Kiwanis Lake)

(III) Ferguson (January-Wabash Lake)

(IV) Kirkwood (Walker Lake)

(V) Mineral Area College (Quarry Pond)

(VI) Overland (Wild Acres Park Lake)

(VII) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(VIII) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(IX) Wentzville (Community Club Lake)

7. Statewide length limits shall apply for all species, except that all black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

A. All black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes.

(I) Bethany (Old Bethany City Reservoir)

(II) Butler City Lake

(III) California (Proctor Park Lake)

(IV) Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)

(V) Carthage (Kellogg Lake)

(VI) Concordia (Edwin A. Pape Lake)

(VII) Dexter City Lake

(VIII) Hamilton City Lake

(IX) Harrison County Lake

(X) Higginsville City Lake

(XI) Holden City Lake

(XII) Iron Mountain City Lake

(XIII) Jackson (Rotary Park Lake)

(XIV) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)

(XV) Jefferson City (McKay Park Lake)

(XVI) Lancaster City Lake

(XVII) Maryville (Mozingo Lake)

(XVIII) Maysville (Willow Brook Lake)

(XIX) Mineral Area College (Quarry Pond)

(XX) Warrensburg (Lion's Lake)

(XXI) Windsor (Farrington Park Lake)

(XXII) Unionville City Lake

(XXIII) University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake)

B. All black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Bridgeton (Kiwanis Lake)

(III) Columbia (Twin Lake)

(IV) Ferguson (January-Wabash Lake)

(V) Kirksville (Hazel Creek Lake)

(VI) Kirkwood (Walker Lake)

(VII) Macon (Blees Lake)

(VIII) Overland (Wild Acres Park Lake)

(IX) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(X) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(XI) University of Missouri (South Farm R-1 Lake)

(XII) Wentzville (Community Club Lake)

C. All black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on LaBelle City Lake.

D. All white bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on Cameron (Reservoir No. 3) and Saint Louis County (Creve Coeur Lake).

E. All bluegill less than nine inches (9") total length must be returned to the water unharmed immediately after being caught on University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake).

F. All channel catfish less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on Macon City Lake and Marceline City Lake.

G. All flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught on Concordia (Edwin A. Pape Lake), Higginsville City Lake and Saint Louis County (Bee Tree Lake, Sunfish Lake).

H. All muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught on Kirksville (Hazel Creek Lake).

I. All walleye less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on Memphis (Lake Showme) and Maryville (Mozingo Lake).

8. Netting or trapping live bait is prohibited, except that on Concordia (Edwin A. Pape Lake), Jackson County (Lake Jacomo, Prairie Lee Lake) gizzard shad may be taken with dip net or throw net.

9. All trout must be returned to the water unharmed immediately after being caught and only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 [to] through January 31 on Kirkwood (Walker Lake), Overland (Wild Acres Park Lake) and Saint Louis County (Tilles Park Lake). Trout may not be possessed on these waters during this season.

(4) On Mingo National Wildlife Refuge—

(A) Fishing is permitted under statewide regulations from March 15 [to] through September 30 on all waters and from October 1 [to] through March 14 on designated waters only.

(B) Nongame fish may be taken for personal use only by nets and seines from March 15 [to] through September 30. All gear shall be plainly labeled on a durable material with the name and address of the person using the equipment.

(D) Squirrels may be taken from the opening of the statewide season [to] through September 30 in designated areas by hunters properly registered at the refuge or Duck Creek Conservation Area.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 31, 1990, effective Jan. 1, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping**

PROPOSED AMENDMENT

3 CSR 10-5.205 Permits Required; Exceptions. The department proposes to add subsection (1)(P).

PURPOSE: This amendment allows anglers to fish without permit on a licensed trout fishing area.

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(P) A customer or guest of a licensed trout fishing area may fish for trout without permit (see 3 CSR 10-9.645).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening

history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping**

PROPOSED AMENDMENT

3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable. The department proposes to amend section (5).

PURPOSE: This amendment changes the Migratory Bird Hunting Permit season to July 1 through June 30.

(5) Permits are nontransferable and are valid from date of purchase through the last day of February of the prescribed permit year; except the Migratory Bird Hunting Permit shall be valid through [March 10] **June 30**, and the Resident Trapping Permit and Nonresident Furbearer Hunting and Trapping Permit shall be valid through April 10. Except as provided for permits purchased by telephone, or through the Internet, no affidavit, receipt or other document may be issued or used in lieu of the required permit. Temporary permit authorization number(s) allowing immediate use of permit privileges may be provided for permits (except deer and turkey permits) purchased through the department's authorized telephone or Internet sales service provider. The temporary permit authorization number(s) and picture identification must be carried at all times while hunting, fishing or trapping until the actual permit(s) is received. Any permit issued or obtained by false statement or through fraud, or while privileges are revoked or denied by the commission, shall be invalid.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping**

PROPOSED RULE

3 CSR 10-5.535 White River Border Lakes Permit

PURPOSE: This rule creates a White River Border Lakes Permit that will allow Arkansas and Missouri residents to fish the other state's portion of Bull Shoals, Norfolk and Table Rock lakes without purchasing a Nonresident Fishing Permit.

Required for an Arkansas resident who is licensed to sport fish in Arkansas, or who is legally exempted from the sport fishing license requirements of Arkansas, to pursue, take, possess (with the exception of trout) and transport fish, frogs, mussels, clams, turtles, crayfish and live bait from the Missouri portion of the impounded waters of Bull Shoals, Norfolk and Table Rock lakes without a Nonresident Fishing Permit; or, required for a Missouri resident who is licensed to sport fish in Missouri, or who is legally exempted from the sport fishing license requirements of Missouri, to pursue, take, possess (with the exception of trout) and transport fish, frogs, mussels, clams, turtles, crayfish and live bait from the Arkansas portion of the impounded waters of Bull Shoals, Norfolk and Table Rock lakes without an Arkansas Nonresident Fishing License. Fee: ten dollars (\$10).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 24, 2000.

PUBLIC COST: Allowing Arkansas resident anglers to fish these specified waters without a nonresident fishing permit is expected to cost the Missouri Department of Conservation approximately \$54,000 in nonresident fishing permit fees. This is the estimated net amount of lost revenue from nonresident permits, offset by sales of a \$10 Border Lakes Permit.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. Allowing Arkansas resident anglers to fish these specified waters with a Border Lakes Permit will cost an estimated 3,500 Arkansas anglers \$10 each, but will give them additional fishing opportunities at a lower cost than they are now paying under a \$35 nonresident permit. For anglers who can benefit under this rule, the proposed change is expected to give additional fishing opportunities at no additional cost to the angler.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3 - DEPARTMENT OF CONSERVATION
Division 10 -- Conservation Commission
Chapter 5 - Wildlife Code: Permits for Hunting, Fishing, Trapping

FISCAL NOTE
PUBLIC ENTITY COSTS

Proposed Rule: **3 CSR 10-5.535 White River Border Lakes Permit**
Prepared: April 24, 2000 by the Department of Conservation
Affected Public Entities: Department of Conservation

Allowing Arkansas resident anglers to fish these specified waters without a nonresident fishing permit is expected to cost the Department of Conservation approximately \$54,000 in nonresident fishing permit fees. This is the estimated net amount of lost revenue from nonresident permits, offset by sales of a \$10.00 Border Lakes permit.

<u>CLASSIFICATION</u>	<u>ANNUAL COST¹</u>	<u>FIVE-YEAR AGGREGATE COST²</u>
DECREASE IN STATE REVENUE:		
(from nonresident anglers)	\$54,000	\$270,000

¹Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

²Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

PROPOSED AMENDMENT

3 CSR 10-6.405 General Provisions. The department proposes to amend subsections (1)(A), (1)(B) and (1)(C).

PURPOSE: This amendment modifies reciprocal fishing privileges on the Mississippi River and establishes a prohibition on the culling of mussels and clams, bullfrogs and green frogs, turtles and live bait.

(1) Fish, mussels and clams, bullfrogs and green frogs, turtles and live bait may be taken only as provided in this chapter or as further restricted in 3 CSR 10-4.115, 3 CSR 10-4.116 or other rules as noted.

(A) Permits Required.

1. Any person, to exercise the privileges of this chapter, must obtain and have on his/her person the prescribed permit, temporary permit authorization number(s) or evidence of exemption. The temporary permit authorization number(s) and picture identification must be carried at all times while fishing until the actual permit(s) is received.

2. Any person possessing a valid sport fishing license issued by the state of *[Illinois,]* Kentucky, Tennessee, Arkansas or Kansas, or who is legally exempted from those license requirements, without further permit or license, may fish with hook and line in the flowing portions of the Mississippi, St. Francis or Missouri */R/rivers* within the boundary of Missouri adjacent to the state where that person is licensed.

3. Any person possessing a valid sport fishing license issued by the state of **Illinois or** Nebraska, or who is legally exempted from those license requirements, without further permit or license, may fish with hook and line in the flowing portions and backwaters of the **Mississippi and** Missouri *[River]* **rivers** within the boundary of Missouri adjacent to the state *[of Nebraska]* **where that person is licensed.** These anglers may also fish with hook and line in the Missouri portion of any oxbow lakes through which the *[Missouri-Nebraska]* **state** boundary passes.

(B) Limits and Possession.

1. Any *[fish]* **species** taken into actual possession, unless released unharmed immediately after being caught, shall continue to be included in the daily limit of the taker for the day when taken except as authorized in paragraph (1)(B)5. of this rule.

2. A person may possess only the daily limit of any species while on the waters or banks thereof to which the limit applies.

3. Regardless of where taken, no fish less than the specified minimum length limit shall be possessed on the waters or banks thereof to which length limits apply. The head, tail and skin must remain attached to all fish for which length limits are established while those fish are on the waters to which length limits apply or until the fish have been checked by an agent of the department.

4. Fish held live for release by the sponsor after a bona fide fishing tournament need not be kept separate and identifiable following tournament judging if released unharmed to the waters from which taken on the day taken.

5. During the months of September through June, black bass released unharmed by participants in a bona fide catch-and-release fishing tournament, which requires entrants to have a boat livewell with adequate capacity and a pump constantly adding fresh or recirculating water, shall not be included in the daily limit, however, at no time may the daily limit be exceeded.

6. A person may possess no more than two (2) statewide daily limits of any species at any time.

(C) Reciprocal Privileges: Mississippi, Missouri and St. Francis Rivers.

1. All reciprocal privileges outlined in this rule shall be contingent upon a grant of like privileges by the appropriate neighboring state to the licensed or exempted hook and line anglers of Missouri.

2. Regulations of the state where the angler is licensed shall apply in Arkansas and Tennessee boundary waters. Missouri regulations shall apply in the Missouri portion of Illinois, Kentucky, Nebraska and Kansas boundary waters. Anglers licensed in Illinois and Nebraska, when fishing in waters in which they are not licensed to fish by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

3. Anglers must be licensed in Missouri to fish in tributaries of the Mississippi, Missouri and St. Francis */R/rivers*.

4. Anglers licensed in Arkansas, *[Illinois,]* Kansas, Kentucky or Tennessee may not fish from or attach any device or equipment to land under the jurisdiction of Missouri.

5. Anglers licensed in **Illinois or** Nebraska may fish from or attach any device or equipment to land under the jurisdiction of Missouri.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.410 Fishing Methods. The department is amending sections (1)–(3), (5) and (6), and adding sections (4) and (9) and renumbering the remaining sections.

PURPOSE: This amendment modifies fishing methods on the Mississippi River; clarifies the prohibition on the use of spears powered by explosives; and establishes a requirement that jug lines be personally attended to at all times.

(1) Fish may be taken by the use of pole and line, trotline, throwline, limb line, bank line, jug line, gig, longbow, crossbow, underwater *[speargun]* **spearfishing**, snagging, snaring, grabbing and falconry, but only as specifically authorized in 3 CSR 10-6.415 through 3 CSR 10-6.620. No person may attempt to take fish by rock or hand fishing, with or without hook.

(2) **Number of Poles and Hooks.**

(A) Not more than three (3) unlabeled poles *[may be used by any person at one (1) time. Not]* **and not** more than thirty-three (33) hooks in the aggregate, for any or all methods, may be used by any person at one *[[1]]* time. *[Minnow traps, hooks,*

trotlines, throwlines, limb lines, bank lines or jug lines may not be left unattended for more than twenty-four (24) hours or must be completely removed.]

(B) On the Mississippi River, not more than two (2) unlabeled poles and not more than fifty (50) hooks in the aggregate may be used by any person at one time. While fishing concurrently on the Mississippi River and other Missouri waters, not more than fifty (50) hooks in the aggregate may be used and not more than thirty-three (33) of those hooks may be used in waters other than the Mississippi River.

(C) Trotlines and throwlines of more than one (1) individual may be joined together, but the number of hooks in the aggregate shall not exceed the prescribed number for one (1) individual on the waters that are being fished and the lines must be labeled with each person's full name and address.

(3) Hooks attached to throwlines or trotlines shall be staged not less than two feet (2') apart. *[Trotlines and throwlines of more than one (1) individual may be attached together but the number of hooks in the aggregate shall not exceed thirty-three (33) and the lines must be labeled with each person's full name and address.]*

(4) Minnow traps, hooks, trotlines, throwlines, limb lines or bank lines may not be left unattended for more than twenty-four (24) hours or must be completely removed. Jug lines must be personally attended at all times.

[(4)] (5) No person may use any explosive, poison, chemical, electrical device or equipment capable of transmitting underwater signals to kill, attempt to kill, or stupefy fish, and no material and equipment may be possessed for those purposes on waters of the state or adjacent banks.

[(5)] (6) Fish not hooked in the mouth or jaw, except those legally taken by snagging, snaring, grabbing, gig, longbow, crossbow, underwater [speargun] spearfishing or falconry must be returned to the water unharmed immediately.

[(6)] (7) Fish legally taken by snagging, snaring, grabbing, gig, longbow, crossbow, [or] underwater [spear fishing] spearfishing or falconry shall be retained by the taker and included in the prescribed daily limit.

[(7)] (8) Minnow traps, trotlines, throwlines, limb lines, bank lines, jug lines and live boxes shall be plainly labeled on a durable material with the full name and address of the person using the equipment.

(9) Spears propelled by explosive substances may not be used.

[(8)] (10) Spearguns may not be possessed on unimpounded waters or adjacent banks.

[(9)] (11) As an aid to fishing methods, an artificial light may be used only above the water surface, except that underwater lights may be used to attract fish while fishing by pole and line.

[(10)] (12) Endangered species and fish included in 3 CSR 10-6.505 through 3 CSR 10.6.545, their parts or eggs, may not be used for bait.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.415 Restricted Zones. The department is amending sections (1)–(5).

PURPOSE: This amendment modifies fishing methods on the Osage River between Bagnell Dam and U.S. Highway 54; and restricts fishing methods on a portion of Little Piney Creek in Phelps County.

(1) The following zones are closed to all fishing:

[(E) Osage River within seventy-five (75) yards of Bagnell Dam from March 15 through April 30.]

[(F)] (E) Osage River/Lake of the Ozarks within five hundred twenty-five feet (525') on the left descending bank and nine hundred seventy-seven feet (977') on the right descending bank below Truman Dam in the U.S. Army Corps of Engineers' restricted zone.

[(G)] (F) St. Francis River within two hundred twenty-five feet (225') below Wappapello Dam.

(2) Fish may be taken only by pole and line from:

[(A) Osage River within seventy-five (75) yards of Bagnell Dam from May 1 through March 14.]

[(B)] (A) Blue Springs Lake, except that shad may be taken by dip net or throw net.

[(C)] (B) Clarence Cannon Reregulation pool from the posted powerline crossing upstream to the no-boating zone four hundred feet (400') below Clarence Cannon Dam.

[(D)] (C) Little Platte River between Smithville Dam and U.S. Highway 169.

[(E)] (D) Longview Lake, except that shad may be taken by dip net or throw net.

[(F)] (E) Sac River from below Stockton Dam to Highway 32.

[(G)] (F) Salt River from below Clarence Cannon Reregulation Pool Dam to Route A.

[(H)] (G) Lake Taneycomo between the closed zone seven hundred sixty feet (760') below Table Rock Dam to the mouth of Fall Creek.

(3) Fish may be taken by all prescribed methods except trotlines, throwlines and limb lines from:

(B) Osage River [from seventy-five (75) yards] below Bagnell Dam to U.S. Highway 54. Snagging, snaring and grabbing are also excluded in this zone [from March 15 through April 30].

(4) Fish may be taken by all prescribed methods except gig, crossbow and longbow on the following waters and as further restricted in subsections (5)(D), *[(E), (I) and (J)] (F), (H), (K) and (L)* of this rule. Fish taken by gig, crossbow and longbow may not be possessed on these waters or the banks thereof.

(C) **Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access.**

[(C)] (D) North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to Blair Bridge.

[(D)] (E) Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River.

(5) Fish may be taken by all prescribed methods except that only flies and artificial lures may be used when fishing, and soft plastic baits and natural and scented baits are specifically prohibited in:

(H) **Little Piney Creek from the Phelps County Line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access.**

[(H)] (I) Meramec River in Crawford and Phelps counties from Highway 8 bridge to Scott's Ford.

[(I)] (J) Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney River including Wilkins Spring and spring branch.

[(J)] (K) North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to Blair Bridge.

[(K)] (L) Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River.

[(L)] (M) Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.505 Black Bass. The department proposes to amend subsections (1)(C) and (4)(A) and (B).

PURPOSE: This amendment establishes more restrictive harvest of largemouth bass on Montrose Lake and clarifies geographic location of statewide 12 inch minimum length limit on black bass.

(1) Daily Limit: Six (6) in the aggregate, including smallmouth bass, largemouth bass, spotted bass and all black bass hybrids, except:

(C) **The daily limit is two (2) black bass on Montrose Lake.**

(4) Length Limits.

(A) Streams: All black bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from the unimpounded portion of any stream, **including Pools 20-26 on the Mississippi River**, except as follows:

1. On Big River from the Highway 21 bridge (near Washington State Park) to its confluence with the Meramec River and Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River, there is no length limit on spotted (Kentucky) bass.

2. On the Big Piney River from Slabtown Access to Ross Access, the Eleven Point River from Thomasville Access to the Arkansas line, the Meramec River from Scott's Ford to the railroad crossing at Bird's Nest, the Big River from the Highway 21 bridge (near Washington State Park) to its confluence with the Meramec River, Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River, Osage Fork of the Gasconade River from the Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River and Tenmile Creek from the Highway B bridge (Carter County) to its confluence with Cane Creek, all smallmouth bass less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught.

3. On the Jacks Fork River from Highway 17 bridge to Highway 106 bridge and the Gasconade River from Highway Y bridge (Pulaski County) to Highway D bridge (Phelps County), all smallmouth bass less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught.

4. On the James River from Hooten Town bridge (Stone County Road A-90) to Highway 13 bridge, all smallmouth bass and largemouth bass less than fifteen inches (15") must be returned to the water unharmed immediately after being caught.

(B) Impoundments: No length limits, except:

1. All black bass less than fifteen (15") in total length must be returned to the water unharmed immediately after being caught from Blue Springs Lake, Long Branch Lake, Longview Lake, Mark Twain Lake, [Montrose Lake,] Smithville Lake, Table Rock Lake, Thomas Hill Lake, Truman Lake or Stockton Lake.

2. All black bass less than thirteen inches (13") in total length must be returned to the water unharmed immediately after being caught from Pomme de Terre Lake.

3. All black bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from the Clarence Cannon Reregulation Pool (below Mark Twain Lake dam).

4. All largemouth bass and smallmouth bass less than fifteen inches (15") and all spotted (Kentucky) bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from Bull Shoals Lake, Lake of the Ozarks or Norfork Lake.

5. **All black bass less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught from Montrose Lake.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with

John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.510 Channel Catfish, Blue Catfish, Flathead Catfish. The department proposes to add subsection (1)(C).

PURPOSE: This amendment liberalizes the daily limits on channel catfish, blue catfish and flathead catfish on the Mississippi River.

(1) Daily Limit: Ten (10) channel catfish and blue catfish in the aggregate and five (5) flathead catfish, except:

(C) On the Mississippi River, the daily and possession limit is twenty (20) channel catfish and blue catfish in the aggregate and ten (10) flathead catfish.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.525 Paddlefish. The department proposes to amend section (3).

PURPOSE: This amendment lengthens the paddlefish snagging season on the Mississippi River.

(3) Seasons: March 15 [to] through April 30, except on the Mississippi River where the season is March 15 through May 15 and September 15 through December 15.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.530 Rock Bass (goggle-eye) and Warmouth. The department proposes to amend section (4).

PURPOSE: This amendment adds the popular name of rock bass (goggle-eye) and establishes minimum length limits in portions of the Eleven Point River and Osage Fork of the Gasconade River.

(4) Length Limits: No length limits, except:

(A) [a] All rock bass less than nine inches (9") in total length must be returned to the water unharmed immediately after being caught on the Big Piney River from Highway 17 bridge to Sand Shoals bridge on the county road linking Routes AA and E.

(B) All rock bass less than eight inches (8") in total length must be returned to the water unharmed immediately after being caught on the Eleven Point River from Thomasville access to the Arkansas line and the Osage Fork of the Gasconade River from Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.535 Trout. The department proposes to amend subsections (1)(C) and (4)(C).

PURPOSE: This amendment establishes more restrictive harvest regulations on trout in a portion of the Little Piney Creek.

(1) Daily Limit: Five (5) [rainbow trout and brown] trout in the aggregate, except/—/:

(C) The daily limit is one (1) trout in: Blue Spring Creek in Crawford County from Blue Spring to its confluence with Meramec River; Eleven Point River in Oregon County from its confluence with Greer Spring Branch to Turner Mill; **Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access**; Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River; Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney Creek including Wilkins Spring and spring branch; and the North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to Blair Bridge.

(4) Length Limits: No length limits, except/—/:

(C) All trout less than eighteen inches (18") in total length must be released unharmed immediately after being caught from Blue Spring Creek in Crawford County from Blue Spring to its confluence with Meramec River; Eleven Point River in Oregon County from its confluence with Greer Spring Branch to Turner Mill; **Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access**; Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River; Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney Creek including Wilkins Spring and spring branch; and North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to Blair Bridge.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.545 White Bass, Yellow Bass, Striped Bass. The department proposes to amend sections (1) and (4) and add subsections (1)(B) and (4)(B).

PURPOSE: This amendment liberalizes the harvest restrictions on white bass, yellow bass, striped bass and their hybrids on the Mississippi River.

(1) Daily Limit: Fifteen (15) white bass, yellow bass, striped bass and their hybrids in the aggregate, except:

(A) /o/On Thomas Hill Lake where the daily limit is four (4) in the aggregate.

(B) On the Mississippi River where the daily and possession limit is thirty (30) in the aggregate.

(4) Length Limits: No length limits, except the daily limit of white bass, yellow bass, striped bass and their hybrids may include not more than four (4) fish more than eighteen inches (18") in total length.

(A) On Thomas Hill Lake, all white bass, yellow bass, striped bass and their hybrids less than twenty inches (20") in total length must be returned to the water **unharmed** immediately after being caught.

(B) On the Mississippi River, there is no length limit on white bass, yellow bass, striped bass and their hybrids.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.550 Other Fish. The department proposes to amend section (1), subsections (2)(B), (D), (E) and (F).

PURPOSE: This amendment liberalizes the daily limits on other fish and lengthens the season during which they may be taken by snagging, snaring or grabbing on the Mississippi River; clarifies inclusive dates and terminology.

(1) Daily Limit: The daily limit for fish, other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish, is fifty (50)/,/ in the aggregate, if taken by pole and line, trotline, throwline, limb line, bank line, jug line or /by/ underwater spearfishing. The daily limit if taken by gig, longbow, crossbow, snaring, snagging, grabbing and falconry is twenty (20) in the aggregate.

(A) In the Current River from Cedar Grove, downstream to the Arkansas line, the daily limit may include no more than five (5) hogsuckers.

(B) In the Mississippi River, the daily and possession limit for fish included in this rule is one hundred (100) in the aggregate.

(2) Methods and Seasons.

(B) Fish included in this rule may be taken by snagging, snaring or grabbing from March 15 /to/ through May 15 and from September 15 /to/ through January 31, except /that in/:

1. In the Osage River downstream from U.S. Highway 54 to its confluence with the Missouri River and in the impounded

waters of Lake of the Ozarks and Truman Lake, fish may be taken by these methods only from March 15 [to] through April 30.

2. In the Mississippi River, fish may be taken by these methods from March 15 through May 15 and from September 15 through December 15.

3. On Lake of the Ozarks and its tributaries, Osage River below U.S. Highway 54 and Truman Lake and its tributaries, no person shall continue to snag, snare or grab for any species after taking a daily limit of two (2) paddlefish.

(D) Fish included in this rule may be taken by gig from streams and impoundment between sunrise and midnight from September 15 [to] through January 31, and from impounded waters between sunrise and sunset throughout the remainder of the year.

(E) Fish included in this rule may be taken by crossbow or underwater spearfishing from impounded waters between sunrise and sunset throughout the year.

(F) Fish included in this rule may be taken from waters existing temporarily through overflow outside the banks of a river or ditch by gig, underwater spearfishing, longbow, crossbow, snagging or grabbing between sunrise and sunset throughout the year.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.615 Bullfrogs and Green Frogs. The department proposes to amend section (3).

PURPOSE: This amendment clarifies inclusive dates.

(3) Seasons: Sunset June 30 [to midnight] through October 31.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.410 Hunting Methods. The department proposes to amend subsections (1)(D), (H) and (I).

PURPOSE: This amendment corrects information relating to firearms deer hunting season.

(1) Wildlife may be hunted and taken only in accordance with the following:

(D) Dogs. Dogs may be used during the prescribed open seasons to chase, pursue or take wildlife except deer, turkey, mink, muskrat, beaver and river otter. All dogs used to hunt, chase or pursue wildlife shall wear a collar while hunting that contains the full name and address or complete telephone number of the owner, except this provision does not apply to dogs used by waterfowl and game bird hunters. Furbearers, squirrels and rabbits may not be chased, pursued or taken with dogs during daylight hours of the **November portion of the** firearms deer season in Bollinger, Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon and Wayne counties.

(H) Special Firearms Provision. During the **November and January portions of the** firearms deer season, other wildlife may be hunted only with a shotgun and shot not larger than No. 4, except that this provision does not apply to waterfowl hunters, trappers or to a landowner on his/her land or to a lessee on the land on which s/he resides.

(I) Bows. Longbows and crossbows may be used to take wildlife during the prescribed hunting seasons. Arrows and bolts containing any drug, poison, chemical or explosive are prohibited, but illuminated sights, scopes and quickpoint sights may be used. **Hand-held string releasing mechanisms are permitted with longbows.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.415 Quail: Seasons, Limits. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Quail may be taken from November 1 [to] through January 15. Daily limit: eight (8) quail; possession limit: sixteen (16) quail.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1973, effective Oct. 15, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.417 Ruffed Grouse: Seasons, Limits. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Ruffed grouse may be taken from October 15 [to] through January 15 in those parts of Boone, Callaway, Montgomery and Warren counties south of Interstate Highway 70, in that part of Macon County north of Highway 36, and in Adair, Carter, Crawford, Iron, Madison, Oregon, Putnam, Reynolds, Ripley, Ste. Genevieve, Shannon, Sullivan, Schuyler and Washington counties. Daily limit: two (2) ruffed grouse; possession limit: four (4) ruffed grouse.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Nov. 29, 1982, effective March 11, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.420 Rabbits: Seasons, Limits. The department proposes to amend section (1).

PURPOSE: This amendment clarifies inclusive dates.

(1) Cottontail and swamp rabbits may be taken between sunrise and sunset, from October 1 [to] through February 15. Daily limit: six (6) rabbits; including no more than two (2) swamp rabbits; possession limit: twelve (12) rabbits; including no more than four (4) swamp rabbits.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 23, 1970, effective Dec. 31, 1970. Amended: Filed Aug. 8, 1989, effective Sept. 11, 1989. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.425 Squirrels: Seasons, Limits. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Squirrels may be taken from the fourth Saturday in May [to] through January 15. Daily limit: six (6) squirrels; possession limit: twelve (12) squirrels.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.430 Pheasants: Seasons, Limits. The department proposes to amend sections (1) and (2).

PURPOSE: This amendment clarifies inclusive dates.

(1) Male pheasants may be taken from November 1 *[to]* through January 15 north of U.S. Highway 36 from the Kansas line to the Illinois line, and those portions of DeKalb and Buchanan counties lying south of U.S. Highway 36, and all of Platte and St. Charles counties. Daily limit: two (2) male pheasants; possession limit: four (4) male pheasants.

(2) Male pheasants only may be taken from December 1 *[to]* through December 12 in Dunklin, New Madrid, Pemiscot and Stoddard counties. Daily limit: one (1) male pheasant; possession limit: one (1) male pheasant.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.441 Crows: Seasons, Methods, Limits. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Crows may be taken in any numbers by shotgun, rifle, handguns, archery and falconry from November 1 *[to]* through March 3.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1973, effective Oct. 10, 1973. Amended: Filed Aug. 1, 1980, effective Sept. 13, 1980. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.445 Bullfrogs: Seasons, Methods, Limits. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Bullfrogs and green frogs may be taken, possessed and transported from sunset, June 30, *[to]* midnight, through October 31 by the holder of a hunting permit by means of a .22 caliber rimfire rifle or pistol or by pellet gun, longbow, crossbow, hand or hand-net. An artificial light may be used. Daily limit: eight (8) frogs in the aggregate; possession limit: sixteen (16) frogs in the aggregate. Only the daily limit of frogs may be possessed upon the waters and banks thereof where daily limits apply.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 18, 1971, effective Dec. 31, 1971. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.450 Furbearers: Hunting Seasons, Methods. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Striped skunk, raccoon, opossum, badger, red fox, gray fox and bobcat may be taken in any numbers by hunting from November 20 *[to]* through January 20 provided that bobcat may be taken only in that part of the state west and south of a line running west from the Illinois border on Interstate Highway 70 to U.S. Highway 63; north on U.S. Highway 63 to U.S. Highway 36; west on U.S. Highway 36 to U.S. Highway 65; north on U.S. Highway 65 to the Iowa border. Pelts of furbearers may be possessed, transported, consigned for processing and sold only by the taker from November 20 *[to]* through February 4, except that bobcats or their pelts shall be delivered by the taker to an agent of the department in the county of harvest or any open county for registration or tagging before selling, transferring, tanning or mounting, but not later than February 4. Tagged bobcats or their pelts may be possessed throughout the year. It shall be illegal to purchase or sell untagged bobcats or their pelts. Other pelts may be delivered or shipped and consigned by the taker to a licensed taxidermist or

tanner before the close of the possession season for pelts. These pelts must be recorded by the taxidermist or tanner and shall not enter the raw fur market. After tanning, pelts may be possessed, bought or sold without permit. Skinned carcasses of legally taken furbearers may be sold by the taker throughout the year. Coyotes may be taken by hunting, and pelts and carcasses may be possessed, transported and sold in any numbers throughout the year; except that coyotes may not be chased, pursued or taken during daylight hours from April 1 through the day prior to the beginning of the prescribed spring turkey hunting season, and may not be chased, pursued or taken through the prescribed spring turkey hunting season, and no furbearers may be chased, pursued or taken during daylight hours with the aid of dogs from November 1 through the prescribed November portion of the firearms deer hunting season, during any extended firearms deer hunting season in deer management units open to hunting or with firearms from a boat at night, or be taken with the aid of an electronic call at night. The dens or nests of furbearers shall not be molested or destroyed. No person shall accept payment for furbearers taken by another.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1972, effective Dec. 31, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

PROPOSED AMENDMENT

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits. The department proposes to amend subsection (1)(C) of this rule.

PURPOSE: This amendment corrects an error in the current paragraph.

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

(C) Fall Archery Season. A person possessing the prescribed archer's hunting permit may take two (2) turkeys of either sex from October 1 through January 15, excluding the dates of the **November portion of the firearms deer season.** Turkeys may be taken only by longbow; without the use of dogs, bait, recorded calls or live decoys; from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. An archer, while in the act of pursuing or hunting turkey on an archer's permit, shall not have a firearm on his/her person.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The department proposes to amend sections (1), (2) and paragraph (3)(D)1.

PURPOSE: This amendment clarifies a cross-reference, deletes reference to a specific variety of species of pheasants, and adds three species to the Approved Aquatic Species List.

(1) A maximum of five (5) specimens of any native wildlife not listed in 3 CSR 10-4.110(4) or 3 CSR 10-9.240, except endangered species, bats, hellbenders and alligator snapping turtles, may be taken and possessed alive by a resident of Missouri without permit, but these animals shall not be bought or sold. Bones, skins, shells and other parts of such wildlife may be possessed for personal use without permit, but these wildlife parts in any form shall not be bought or sold.

(2) Except for federally-designated endangered species and species listed in 3 CSR 10-9.240, the following may be bought, sold, possessed, transported and exhibited without permit: bison; amphibians, reptiles, and mammals not native to Missouri; and those birds (except ring-necked [and Korean] pheasants and gray partridge/s) not native to the continental United States.

(3) Fish, crayfish and salamanders may be bought, sold, transported, propagated, taken and possessed by any person without permit throughout the year in any number or size and by any method providing—

(D) That the privileges of this section apply only to species listed in the Approved Aquatic Species List (including all subspecies, varieties and hybrids of the same bought, sold, transported, propagated, taken and possessed for purposes of aquaculture), species frozen or processed for sale as food products, species incapable of surviving in fresh water, species held only in aquaria or other closed containers having water discharged only into approved municipal waste treatment facilities or on-site waste treatment systems that include sand filtration or chlorination, or with written authorization of the director.

1. Fishes.
 - A. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)
 - B. Paddlefish (*Polyodon spathula*)
 - C. Spotted gar (*Lepisosteus oculatus*)
 - D. Longnose gar (*Lepisosteus osseus*)
 - E. Shortnose gar (*Lepisosteus platostomus*)
 - F. Bowfin (*Amia calva*)
 - G. Gizzard shad (*Dorosoma cepedianum*)
 - H. Threadfin shad (*Dorosoma petenense*)
 - I. Rainbow trout (*Oncorhynchus mykiss*)
 - J. Golden trout (*Oncorhynchus aquabonita*)

- K. Cutthroat trout (*Oncorhynchus clarkii*)
 L. Brown trout (*Salmo trutta*)
 M. Brook trout (*Salvelinus fontinalis*)
 N. Coho salmon (*Oncorhynchus kisutch*)
 O. Northern pike (*Esox lucius*)
 P. Muskellunge (*Esox masquinongy*)
 Q. Goldfish (*Carassius auratus*)
 R. Grass carp (*Ctenopharyngodon idella*)
 S. Common carp (*Cyprinus carpio*)
 T. Golden shiner (*Notemigonus crysoleucas*)
 U. Bluntnose minnow (*Pimephales notatus*)
 V. Fathead minnow (*Pimephales promelas*)
W. Blue Sucker (*Cycleptus elongatus*)
 [W.] **X. Bigmouth buffalo (*Ictiobus cyprinellus*)**
 [X.] **Y. Black bullhead (*Ameirus melas*)**
 [Y.] **Z. Yellow bullhead (*Ameirus natalis*)**
 [Z.] **AA. Brown bullhead (*Ameirus nebulosus*)**
 [AA.] **BB. Blue catfish (*Ictalurus furcatus*)**
 [BB.] **CC. Channel catfish (*Ictalurus punctatus*)**
 [CC.] **DD. Flathead catfish (*Pylodictis olivaris*)**
 [DD.] **EE. Mosquitofish (*Gambusia affinis*)**
 [EE.] **FF. White bass (*Morone chrysops*)**
 [FF.] **GG. Striped bass (*Morone saxatilis*)**
 [GG.] **HH. Green sunfish (*Lepomis cyanellus*)**
 [HH.] **II. Pumpkinseed (*Lepomis gibbosus*)**
 [II.] **JJ. Warmouth (*Lepomis gulosus*)**
 [JJ.] **KK. Orangespotted sunfish (*Lepomis humilis*)**
 [KK.] **LL. Bluegill (*Lepomis macrochirus*)**
 [LL.] **MM. Longear sunfish (*Lepomis megalotis*)**
 [MM.] **NN. Redear sunfish (*Lepomis microlophus*)**
 [NN.] **OO. Smallmouth bass (*Micropterus dolomieu*)**
 [OO.] **PP. Spotted bass (*Micropterus punctulatus*)**
 [PP.] **QQ. Largemouth bass (*Micropterus salmoides*)**
 [QQ.] **RR. White crappie (*Pomoxis annularis*)**
 [RR.] **SS. Black crappie (*Pomoxis nigro maculatus*)**
 [SS.] **TT. Yellow perch (*Perca flavescens*)**
UU. Sauger (*Stizostedion canadense*)
 [TT.] **VV. Walleye (*Stizostedion vitreum*)**
WW. Freshwater drum (*Aplodinotus grunniens*)
 [UU.] **XX. Bighead carp (*Hypophthal-michthys nobilis*)**
2. Crustaceans.
 A. Northern crayfish (*Orconectes virilis*)
 B. White river crayfish (*Procambarus acutus*)
 C. Red swamp crayfish (*Procambarus clarkii*)
3. Amphibians.
 A. Tiger salamander larvae (*Ambystoma tigrinum*)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-4.110(5), (6) and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.230 Class I Wildlife. The department proposes to amend provisions of this rule.

PURPOSE: This amendment deletes reference to a specific variety of pheasants.

Class I wildlife shall include bullfrogs and green frogs and birds (including ring-necked [and Korean] pheasants and gray partridge/s) native to the continental United States, and those species of mammals (except bison and those listed in 3 CSR 10-9.240) and nonvenomous reptiles and amphibians native to Missouri.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed June 5, 1996, effective Dec. 30, 1996. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.420 Wildlife Hobby Permit. The department proposes to amend section (1).

PURPOSE: This amendment deletes reference to a specific variety of species of pheasants.

(1) A wildlife hobby permit authorizes the holder to purchase, possess and propagate not more than fifty (50) ring-necked [or Korean] pheasants and bobwhite quail, in the aggregate, for personal use only and not for sale; and to hold in captivity not more than one (1) game mammal purchased from a Missouri wildlife breeder permit holder, except that Class II wildlife, hoofed mammals and skunks may not be held under this permit. Game mammals may be held in captivity but may not be propagated or sold. This permit shall be obtained prior to receipt of wildlife. The permittee must furnish proof that game mammals and birds were legally obtained. Wildlife must be confined in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220. Wildlife may be disposed of only in accordance with instructions of an agent of the department but may not be released, sold or given away. The permittee is subject to all provisions of section 578.023, RSMo.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.620. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.625 Field and Retriever Trial Permit. The department proposes to amend sections (1) and (5).

PURPOSE: This amendment clarifies the use of dogs to chase and pursue wildlife.

(1) To conduct a field or retriever trial, application for a permit must be made to the department by a resident, and postmarked not less than ten (10) days prior to the trial. The application shall specify location of trial headquarters in Missouri, area where the trial will be held, type of wildlife to be **chased or** pursued, approximate number of hunters, approximate number of dogs and starting and closing dates, extending through a period of not more than ten (10) consecutive days for any single trial permit. Permits and conditions for trials at August A. Busch Memorial Conservation Area, St. Charles County, James A. Reed Memorial Wildlife Area, Jackson County, Pony Express Conservation Area, DeKalb County and Whetstone Creek Conservation Area, Callaway County, may be obtained from the respective area manager upon receipt of proper application postmarked not less than thirty (30) days prior to the trial.

(5) Except as otherwise provided in this rule, permits will not be valid for hound field trials during or five (5) days prior to the spring turkey or firearms deer hunting seasons except on established field trial areas. Permits for raccoon field trials will be valid during nighttime hours and provide for casting no more than four (4) dogs at one time during or five (5) days prior to the spring turkey hunting season. In field trials under permit, wildlife not prohibited in 3 CSR 10-7.410 may be *[pursued]* **chased** by dogs under control but may be **pursued and** taken only during the open seasons and only by persons possessing a valid hunting permit. The sponsoring organization shall issue identification bearing the field trial permit number to all persons without a valid hunting permit who enter dogs in a trial; provided, that this identification shall not be required for trials held entirely on one (1) contiguous tract of land where an agent of the department is provided with a complete list of the names and addresses of all participants before the trial.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.627 Dog Training Area Permit. The department proposes to amend provisions of this rule.

PURPOSE: This amendment reduces confusion among dog trainers that chukars are exotic partridge.

A dog training area permit is required to operate a dog training area, and to purchase, hold, release and shoot on the training area legally acquired pheasants, *[chukars]* **exotic partridge** and quail as an aid to dog training. Dog training areas shall be a single tract of land not more than twenty (20) acres in size and posted with signs, **which sign is incorporated into this rule by reference**, specified by the department. Shooting privileges shall be limited to the individual permittee and not more than two (2) training assistants, whose names shall be listed on the permit application and specified in the permit. All shooters shall possess the prescribed hunting permit. The permittee shall attach to each game bird killed on the area a leg band obtained from the department at a cost of ten dollars (\$10) per hundred (100) bands, and no game birds shall be transported from the area without the prescribed leg band. Fee: twenty dollars (\$20).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 31, 1965, effective Dec. 31, 1965. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED RULE

3 CSR 10-9.640 Licensed Trout Fishing Area Permit

PURPOSE: This rule establishes a Licensed Trout Fishing Area Permit.

To maintain and operate a licensed trout fishing area, and to stock legally acquired trout. Fee: one hundred dollars (\$100).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 24, 2000.

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

PRIVATE COST: The permit established under this proposed rule will cost those business operations covered under the rule \$100 per year. It is expected that ten to twelve existing businesses will be affected by this requirement, for a total estimated private entity cost of \$1,000 to \$1,200.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 9 - Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

FISCAL NOTE
PRIVATE ENTITY COSTS

Proposed Rule: **3 CSR 10-9.640 Licensed Trout Fishing Area Permit**
Prepared: April 24, 2000 by Department of Conservation
Affected Private Entities: Businesses operating a Licensed Trout Fishing Area

This permit will cost those business operations covered under the rule \$100 per year. It is expected that ten to twelve existing businesses will be affected by this requirement, for a total estimated private entity cost of \$1,000 to \$1,200.

<u>CLASSIFICATION</u>	<u>ANNUAL COST¹</u>	<u>FIVE-YEAR AGGREGATE COST²</u>
Licensed Trout Fishing Area Permittees	\$1,200.00	\$6,000.00

¹ Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

² Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED RULE

3 CSR 10-9.645 Licensed Trout Fishing Area Permit:
Privileges, Requirements

PURPOSE: This rule delineates the privileges and requirements associated with the Licensed Trout Fishing Area Permit.

(1) A representative of the department shall inspect each proposed licensed trout fishing area to determine that it meets all requirements of this rule before a permit is issued.

(2) Permits will not be issued for water areas where:

(A) The department manages trout populations that are maintained by stocking or natural reproduction.

(B) The release of trout is likely to jeopardize any wildlife designated as a state or federal threatened or endangered species.

(C) There is not year-round trout habitat.

(3) A permittee may release legally acquired rainbow trout or brown trout for fishing and harvest throughout the year, under the following conditions:

(A) The immediate source of the trout to be stocked must be certified as negative for Viral Hemorrhagic Septicemia, Infectious Pancreatic Necrosis, Infectious Hematopoietic Necrosis, *Myxobolus cerebralis* or other diseases which may threaten fish stocks within the state. Certification will only be accepted from federal, state or industry personnel approved by the department and only in accordance with provisions of the fish importation permit regulations (see 3 CSR 10-9.110(4)).

(B) The permittee shall keep an accurate record of all trout of each species acquired, propagated, sold, held and released. These records shall be subject to inspection by an authorized agent of the department at any reasonable time. The permittee shall provide each customer or guest with a receipt indicating the date and number of trout taken. Customers or guests must retain this receipt during transport and storage of the trout.

(4) Customers or guests may fish for and take rainbow trout and brown trout in any numbers within the licensed trout fishing area without additional permits.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.707 Fur Dealer's Permit. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

To buy, sell, possess, process, transport and ship the pelts and carcasses of furbearers from July 1 [to] through June 30. Fee: three hundred dollars (\$300).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.782 Commercial Musseling: Seasons, Methods. The department proposes to amend section (1).

PURPOSE: This amendment clarifies inclusive dates.

(1) Mussels may be taken for commercial purposes from sunrise to sunset from April 1 [to] through August 31, only by hand or brail. Brails must be less than twenty feet (20') in length and only three (3) brails per boat may be possessed. Mussels may not be possessed on waters open to commercial musseling during hours closed to harvest. Commercial musselers may possess mussels only from April 1 [to] through September 15. All endangered species, regardless of size, all washboard mussels (*Megaloniaias nervosa*), all threeridge mussels (*Amblema plicata*) that can pass through a ring with an inside diameter of three inches (3"), all mapleleaf mussels (*Quadrula quadrula*) that can pass through a ring with an inside diameter of two and three-fourths inches (2 3/4") and all other mussels that can pass through a ring with an inside diameter of two and one-half inches (2 1/2") must be returned unharmed immediately to the bed where taken. Mussels may be taken in any numbers by the holder of a commercial musseling permit from commercial waters. Mussels may not be taken or possessed in Pool 24 of the Mississippi River west of the navigation channel.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 28, 1992, effective Feb. 26, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Definitions**

PROPOSED AMENDMENT

3 CSR 10-11.805 Definitions. The department proposes to amend sections (11), (14) (18) and (20)–(49).

PURPOSE: This amendment clarifies several definitions and improves the consistency of wording within the Wildlife Code.

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

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

(18) Field or retriever trials: An organized contest, demonstration or trial of dogs where prizes or awards of any kind are offered and where dogs under control are used to **chase**, pursue or retrieve wildlife.

(20) Flies, lures and baits: The following are authorized for use except where restricted in 3 CSR 10-4.115, 3 CSR 10-4.116, 3 CSR 10-6.415, and 3 CSR 10-6.535:

(A) Fly—A lure constructed on a single-point hook, of feathers, tinsel, chenille, yarn, fur, hair, silk, rayon or nylon thread or floss, with or without spinner.

(B) Artificial lure—A manufactured lure other than a fly or soft plastic bait (unscented).

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

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

[(20)] (21) Furbearing animals: furbearers: Mink, muskrat, opossum, river otter, striped skunk, spotted skunk [(civet cat)], bad-

ger, beaver, raccoon, [weasel (ermine)] long-tailed weasel, red fox, gray fox, bobcat, mountain lion, black bear and coyote.

[(21)] (22) Game birds: Geese, ducks, ring-necked [and Korean] pheasant, gray partridge, ruffed grouse, wild turkey, northern bobwhite quail, Virginia rail, sora rail, American coot, American woodcock, common snipe, mourning dove and crows.

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

(A) *Ambloplites*, all species of **rock bass**, commonly known as *[rock bass] goggle-eye*, redeye, *[goggle-eye] shadow bass*, **Ozark bass**.

(B) *Lepomis gulosus*, commonly known as warmouth bass.

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

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

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

(F) *Polyodon*, all species, commonly known as paddlefish, spoonbill.

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

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

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

(J) *Oncorhynchus* and *Salmo*, all species commonly known as salmon and trout.

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

[(23)] (24) Game mammals: Deer, fox squirrel, gray squirrel, groundhog (woodchuck), cottontail rabbit, swamp rabbit, jack rabbits, [bears and also the following furbearers: mink, muskrat, opossum, otter, striped skunk, spotted skunk (civet cat), badger, beaver, raccoon, weasel (ermine), red fox, gray fox, bobcat and coyote] and furbearers as defined.

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

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

[(26)] (27) Landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) continuous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. Except as provided in 3 CSR 10-7.435, in the case of corporate ownership, this definition shall apply only to those corporate shareholders who reside on lands held by the corporation.

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

[[28]] (29) Lessee: Any Missouri resident who resides on at least five (5) acres of land in one (1) continuous tract owned by others, or any member of the immediate household whose legal residence *[or]* and domicile is the same as the lessee's for at least thirty (30) days last past.

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

[[30]] (31) Longbow: A bow drawn and held by hand and not fastened to a stock nor to any other device which maintains the bow in a drawn position. *[Hand-held string releasing mechanisms are permitted.]* This definition includes compound bows.

[[31]] (32) Managed deer hunt: A prescribed deer hunt conducted on a designated *[conservation areas, state parks, national wildlife refuges, military bases and city or county properties]* area for which harvest methods, harvest quotas and numbers of participants are determined annually and presented in the deer hunting rule (3 CSR 10-7.435).

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

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

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

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

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

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

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

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

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

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

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

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

[[44]] (45) Speargun: A mechanically powered device that propels a single- or multiple-pronged spear underwater, *but does not include devices powered by explosive substances*.

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

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

[[47]] (48) Transport and transportation: All carrying or moving or causing to be carried or moved from one (1) point to another, regardless of distance, vehicle or manner, and includes offering or receiving for transport or transit.

[[48] Trout lures: *The following classes of lures are authorized for use in trout fishing waters, except where restricted in 3 CSR 10-4.115, 3 CSR 10-4.116, 3 CSR 10-6.415 and 3 CSR 10-6.535:*

(A) Fly—*A lure constructed on a single-point hook, of feathers, tinsel, chenille, yarn, fur, hair, silk, rayon or nylon thread or floss, with or without spinner.*

(B) Artificial lure—*A manufactured lure other than a fly or soft plastic bait (unscented).*

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

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

(49) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear. *[Spears propelled by explosive substances may not be used.]*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

PROPOSED AMENDMENT

4 CSR 240-2.125 Procedures for Alternative Dispute Resolution. The commission is adding section (7).

PURPOSE: This amendment will establish procedures for arbitrations conducted by the commission, particularly pursuant to the Telecommunications Act of 1996, 47 U.S.C. section 252.

(7) Arbitration.

(A) The commission may arbitrate a dispute between two (2) or more parties, either pursuant to statutory authority or with the consent of all parties.

(B) An arbitration shall not be conducted as a contested case. Except as otherwise provided herein, no other sections of the commission's procedural rules shall apply to an arbitration. No intervention or briefs *amicus curiae* shall be allowed in an arbitration. No discovery shall be allowed in an arbitration except as the commission may order. On its own motion or on the motion of any party, the commission may issue a protective order to safeguard confidential or proprietary information from disclosure. An arbitration shall be closed to the public and records concerning an arbitration shall be closed records.

(C) An arbitration shall be commenced by the filing of a unanimous agreement to arbitrate or, in cases in which arbitration is mandated by law, by the filing of a petition requesting arbitration.

1. A unanimous agreement to arbitrate shall be executed by all parties and shall include:

A. A waiver by each party of its rights under the statutes and the commission's practice rules pertaining to contested cases to engage in discovery, to have an evidentiary hearing, to present evidence, to cross-examine witnesses, and to seek rehearing or reconsideration;

B. A statement setting out the commission's jurisdiction over the parties and the issues, including any applicable dates or time limits relevant to the arbitration;

C. A statement of the issue or issues presented to the commission for arbitration; and

D. A proposed procedural schedule suggesting a date for all significant procedural events, which shall include an initial arbitration conference, the filing of position statements, the submission of a staff report and recommendation, an oral presentation, and the filing of briefs.

2. A petition for arbitration shall be served by the petitioner upon the respondent prior to filing with the commission and shall include:

A. A statement setting out the commission's jurisdiction over the parties and the issues, including any applicable dates or time limits relevant to the arbitration, and a citation to any provisions authorizing the commission to arbitrate the parties' dispute without their consent;

B. A statement of the issue or issues presented to the commission for arbitration;

C. A statement of the position of each party on each issue presented to the commission for arbitration, so far as known;

D. A statement of the facts and authorities considered by petitioner to support its position;

E. A certificate signed by the petitioner or the petitioner's attorney showing the date and manner of service of the petition upon the respondent; and

F. Any other matter required or permitted by law.

(D) In an arbitration initiated by filing a petition, the respondent or respondents shall have twenty-five (25) days from the date the petition is filed with the commission within which to file an answer.

1. The answer shall be served by the respondent upon the petitioner prior to filing with the commission and shall include:

A. A response to the statement setting out the commission's jurisdiction contained in the petition;

B. A response to the statement of the issue or issues presented to the commission for arbitration contained in the petition, including any additional issue or issues, the resolution of which is necessary for resolution of the issue or issues presented by the petition;

C. A response to the statement of the positions of the parties on each issue, including such correction or amplification as may be desired;

D. A statement of the facts and authorities considered by the respondent to support its position;

E. A certificate signed by the respondent or the respondent's attorney showing the date and manner of service of the answer upon the petitioner; and

F. Any other matter required or permitted by law.

2. In any arbitration in which the answer presents additional issues for resolution, the petitioner shall, not later than ten (10) days after the filing of the answer, file a reply to those additional issues and serve the reply upon the respondent. The reply need not include a statement of jurisdiction or a response thereto.

3. Upon the filing of the answer, or upon the filing of the reply in an arbitration in which a reply is filed, the commission shall issue a procedural schedule setting dates for all significant procedural events, including the submission of a staff report and recommendation, an oral presentation, and the filing of briefs.

(E) In any arbitration:

1. The commission's staff shall not be a party but shall serve solely in an advisory capacity to the commission.

2. The commission may direct the staff to investigate and consider the positions of the parties on each issue and the facts and authorities referred to by the parties in support of their positions, rendering a report and recommendation to the commission on or before the date set in the procedural schedule.

A. The staff shall serve a copy of its report and recommendation upon each party and any party may file a response to the staff's report and recommendation within ten (10) days of receipt thereof. Any such response shall include a certificate signed by the party or the party's attorney showing the date and manner of service of the response upon all other parties.

B. In its investigation and consideration of the positions of the parties on each issue and the facts and authorities referred to by the parties in support of their positions, the staff shall have authority to seek discovery from any party pursuant to commission rule.

3. The commission may designate a special master or neutral third party to preside over the arbitration. Such special master or neutral third party may be any person deemed qualified and appropriate by the commission, whether or not the person is an employee of the commission. The order designating the special master or neutral third party shall state the scope of the authority delegated to the special master or neutral third party.

(F) In any arbitration, the commission may convene an oral presentation at which each party shall be permitted to make a statement in support of its position on each issue, in opposition to any other party's position on any issue, and in support or opposition to staff's report and recommendation, if any. The length of the statements of the parties shall be set by the com-

mission. The commission may question the parties and their representatives and may question staff concerning its report and recommendation, if any.

(G) In any arbitration, the commission may permit each party to file written arguments or briefs in support of its position on each issue, in opposition to any other party's position on any issue, and in support or opposition to staff's report and recommendation. The scheduling for the filing of such written arguments or briefs, and the length and format thereof, shall be set by the commission.

(H) In any arbitration, the commission shall render a decision resolving each issue submitted for arbitration by adopting the position proposed by one of the parties according to the information available to it and the standards imposed by law. The position adopted by the commission shall be the best of those proposed by the parties.

AUTHORITY: section 386.410, RSMo Supp. [1998] 1999. Original rule filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed April 25, 2000.

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

PRIVATE COST: This proposed amendment will not cost private entities more than \$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 Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. Comments should refer to Case No. AX-2000-644 and be filed with an original and eight copies. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Urban and Teacher Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RESCISSION

5 CSR 80-800.010 Certification Standards for Teachers in Missouri Public Schools. This rule detailed the application process, certification standard and qualification for certificates of license to teach.

PURPOSE: This rule is being rescinded and resubmitted as other rules are being proposed.

AUTHORITY: sections 161.092, 168.011, 168.021 and 168.400, RSMo 1994. Original rule filed June 27, 1972, effective July 7, 1972. Amended: Filed May 21, 1976, effective Oct. 1, 1976. Amended: Filed June 27, 1977, effective Oct. 17, 1977. Amended: Filed Feb. 27, 1978, effective Sept. 1, 1978. Amended: Filed Oct. 31, 1978, effective Feb. 15, 1979. Amended: Filed July 13, 1979, effective Oct. 12, 1979. Amended: Filed Dec. 28, 1979, effective April 14, 1980. Amended: Filed July 1, 1980, effective Nov. 14, 1980. Amended: Filed May 11, 1983, effective Aug. 15, 1983. Amended: Filed March 20, 1984, effective Aug. 13, 1984. Amended: Filed March 8, 1985, effective July 1, 1985. Amended: Filed Sept. 16, 1985, effective Dec. 26, 1985. Amended: Filed Oct. 29, 1986, effective Feb. 12, 1987. Amended: Filed Oct. 30, 1987, effective March 25, 1988. Amended: Filed Aug. 1, 1988, effective Nov. 25, 1988. Amended: Filed Dec. 22, 1988, effective

April 27, 1989. Amended: Filed Aug. 1, 1989, effective Nov. 27, 1989. Amended: Filed Nov. 30, 1989, effective March 26, 1990. Amended: Filed Feb. 27, 1990, effective June 28, 1990. Emergency amendment filed Aug. 17, 1990, effective Aug. 27, 1990, expired Dec. 25, 1990. Amended: Filed Aug. 17, 1990, effective Feb. 14, 1991. Amended: Filed May 23, 1991, effective Dec. 9, 1991. Amended: Filed Jan. 28, 1992, effective Aug. 6, 1992. Amended: Filed Sept. 23, 1992, effective May 5, 1993. Amended: Filed April 28, 1994, effective Nov. 30, 1994. Amended: Filed May 24, 1995, effective Dec. 30, 1995. Amended: Filed July 17, 1996, effective Feb. 28, 1997. Amended: Filed Jan. 25, 1998, effective Sept. 30, 1998. Rescinded: Filed April 26, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Urban and Teacher Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

5 CSR 80-800.200 Application for Certificate of License to Teach and/or Endorsement

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a certificate of license to teach where the applicant has a recommendation from a state-approved teacher preparation program or has earned a Doctor of Philosophy degree.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) An applicant for a Missouri certificate of license to teach who possesses good moral character and has successfully completed a state-approved teacher preparation program or earned a Doctor of Philosophy degree may be granted an initial Missouri certificate of license to teach in their major area of study subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education and may be obtained by writing the Teacher

Certification Section of the Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or department staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(4) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(5) An applicant for a Missouri certificate of license to teach who has successfully completed a state-approved teacher preparation program must comply with the following additional criteria:

(A) The applicant must possess a baccalaureate degree from an accredited college or university;

(B) The applicant must possess an overall grade point average of 2.5 or higher on a 4.0 scale;

(C) The applicant must request and obtain the recommendation of the designated certification official from a state-approved baccalaureate or higher level teacher preparation program; and

(D) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to the Department of Elementary and Secondary Education (DESE).

(6) In addition to the above criteria, an applicant for a Missouri certificate of license to teach who has successfully obtained certification by the National Board for Professional Teaching Standards (NBPTS) and possesses good moral character may be granted a Missouri certificate of license to teach in their area of NBPTS certification most closely aligned with the current areas of certification approved by the board. The certificate of license to teach will be a professional classification II (PC II) or a continuous professional classification (CPC), if the applicant possesses a masters degree.

(7) An applicant for an initial Missouri certificate of license to teach who has earned a Doctor of Philosophy degree (Ph.D.) from an institution of higher education accredited by a regional accreditation agency including but not limited to North Central Association of Colleges and Schools must comply with the following additional criteria:

(A) The applicant must have completed and provide documentation of a valid Ph.D. degree being conferred in their major area of post-graduate study;

(B) The applicant may only be granted a professional classification I (PC I) level and/or a PC II level certificate of license to teach pursuant to the rules promulgated by the board. A CPC level certificate of license to teach will not be issued; and

(C) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(8) Endorsements or additional certificates of license to teach may be granted as follows:

(A) The applicant may take the appropriate content knowledge or specialty area exit assessment(s) for certification and must achieve a score equal to or in excess of the qualifying score on the content knowledge or specialty area exit assessment(s) as defined in the rules promulgated by the board; or

(B) If the board has not designated a content knowledge or specialty area exit assessment(s) for a particular certification area or grade level or the applicant chooses not to take the appropriate content knowledge or specialty area exit assessment(s), the applicant must meet the certification standards for the area of certification and/or endorsement area as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(9) Following review by the department, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(10) The holder of a certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.081, 168.400, 168.405 and 168.409, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$17,390 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities, the applicants for a certificate of license to teach, \$414,380 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 16,515 new applicants. The cost for the life of the rule for each individual in-state applicant is \$22 and \$47 for each individual out-state applicant. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.200 Application for Certificate of License to Teach and/or Endorsement

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$ 17,390 per year for the life of the rule

III. WORKSHEET

\$17,390 includes the cost for approximately 16,515 applications, printing, duplication, and mailing, associated with certificate of license to teach applications.

IV. ASSUMPTIONS

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.200 Application for Certificate of License to Teach and/or Endorsement

II: SUMMARY OF FISCAL IMPACT

Estimate the number of entities which would likely be affected by the adoption of the proposed rule:	Classification of 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:
16,515 per year	Applicants for Certificates of License to Teach including provisional and PhD. applicants	\$ 414,380 per year for the life of the rule or \$22.00 per individual in-state applicant and \$47.00 per individual out-state applicant for the life of the rule.

III. WORKSHEET

In-State Applicants

\$22.00 for fingerprinting x 14,473 in-state applications = \$318,406 per year for in-state applications.

Out-State Applicants

\$22.00 for fingerprinting + \$25.00 application processing fee = \$47.00 x 2042 applications = \$95,974 per year for out-state applications.

Total

\$318,406 + \$95,974 = \$414,380 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant for the life of the rule.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Urban and Teacher Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RESCISSION

5 CSR 80-800.210 Application for Certificate of License to Teach and/or Endorsement for Individuals Possessing a Certificate of License to Teach from Another State. This rule detailed the application process for out-of-state certificates of license to teach.

PURPOSE: This rule is being rescinded and resubmitted as other rules are being proposed.

AUTHORITY: sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1998. Emergency rule filed March 22, 1999, effective April 1, 1999, expired Sept. 27, 1999. Original rule filed March 22, 1999, effective Sept. 30, 1999. Rescinded: Filed April 26, 2000.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Urban and Teacher Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

5 CSR 80-800.220 Application for Certificate of License to Teach and/or Endorsement for Administrators

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a certificate of license to teach for school administrators including superintendent, principal, advanced principal, special education administrator and vocational director.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) An applicant for an administrator may be granted an administrator certificate of license to teach in the following areas subject to the specific certification requirements found in the *Compendium*

of Missouri Certification Requirements which is incorporated by reference and made a part of this rule and criteria established in the rules promulgated by the board, to an individual who possesses good moral character:

- (A) Superintendent, grades K-12;
- (B) Principal, grades K-8; grades 5-9; and/or grades 9-12;
- (C) Advanced principal, grades K-8; grades 5-9; and/or grades 9-12;
- (D) Special education administrator, grades K-12; and/or
- (E) Vocational director.

(2) Applications for an administrator Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education and may be obtained by writing the Teacher Certification Section of the Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or department staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(4) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved baccalaureate or higher level teacher preparation program.

(5) The applicant must possess a baccalaureate degree from a state-approved teacher preparation program.

(6) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to the Department of Elementary and Secondary Education (DESE).

(7) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(8) The applicant for an administrator certificate of license to teach as a superintendent must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official from a state-approved educational specialist or advanced degree program for the preparation of superintendents; and

(B) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(9) The applicant for an administrator certificate of license to teach as a principal must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters in educational administration or higher level program for the preparation of principals;

(B) The applicant must possess a masters degree or higher from a state-approved program for the preparation of principals;

(C) The applicant must possess two (2) years of teaching experience; and

(D) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(10) The applicant for an administrator certificate of license to teach as an advanced principal must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters in educational administration or higher level program for the preparation of principals;

(B) The applicant shall complete a planned program of at least thirty (30) semester hours of graduate credit culminating in an educational specialist or doctoral degree with a major emphasis in educational administration from a state-approved program for the preparation of principals;

(C) The applicant must possess two (2) years of teaching experience; and

(D) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(11) The applicant for an administrator certificate of license to teach as a special education administrator must comply with the following additional criteria:

(A) The applicant must possess a masters degree or higher from a state-approved program in educational administration, special education or a related field;

(B) The applicant must possess or be eligible to possess a certificate of license to teach in an area of special education;

(C) The applicant must possess two (2) years of teaching experience;

(D) The applicant shall submit an official transcript showing completion of nine (9) semester hours of graduate course work in special education, with two (2) of the nine (9) semester hours focused on special education administration; and

(E) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(12) The applicant for an administrator certificate of license to teach as a vocational director must comply with the following additional criteria:

(A) The applicant must possess a masters degree or higher from a state-approved college or university;

(B) The applicant must possess a valid Missouri certificate of license to teach in the content area of secondary education and/or vocational-technical;

(C) The applicant must possess three (3) years of full-time teaching experience at the level grade 7–adult, as approved by the department;

(D) The applicant must possess two (2) years of full-time teaching experience in practical arts or vocational-technical education; and

(E) The applicant must possess two (2) years of full-time work experience outside of education.

(13) An applicant for a Missouri administrator certificate of license to teach who possesses a valid administrator certificate of license to teach from another state and possesses good moral char-

acter may be granted a Missouri administrator certificate of license to teach.

(A) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(14) Following review by the department, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(15) An administrator certificate of license to teach may be issued for a principal for a period of five (5) years and may be renewed once for an additional five (5) years. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Submission of an official transcript showing fifteen (15) graduate semester hours toward a two (2)-year graduate program culminating in an educational specialist or doctoral degree with a major emphasis in educational administration from a state-approved program for the preparation of principals; and

(C) Submission of a letter from the designated certification official at a state-approved college or university that the individual has completed the fifteen (15) hours towards their educational specialist or doctoral degree with a major emphasis in educational administration.

(16) An administrator certificate of license to teach may be issued for an advanced principal and/or superintendent for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach; and

(B) Documentation of five (5) years experience in school administration during the previous ten (10) years.

(17) If a superintendent or advanced principal seeks to renew an administrator certificate of license to teach, however, the individual has not been employed as a school administrator for five (5) years of the previous ten (10) years, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing six (6) graduate semester hours appropriate for administrators from a state-approved college or university or documentation verifying a professional development plan equivalent to six (6) graduate semester hours as approved by DESE.

(18) An administrator certificate of license to teach may be issued for a special education administrator for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach; and

(B) Documentation of five (5) or more years of experience as a special education administrator during the previous ten (10) years.

(19) If a special education administrator seeks to renew their administrator certificate of license to teach, however, the individual has not been employed as a special education administrator for five (5) years in the previous ten (10) years, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing six (6) graduate semester hours appropriate for administrators from a state-approved college or university.

(20) An administrator certificate of license to teach may be issued for a vocational director for a period of five (5) years and may be renewed for an additional five (5) years. The requirements for renewal are as follows:

(A) Completion of the Vocational Leadership Academy focused upon general and vocational administration from a state-approved college or university to prepare vocational education administrators. The Vocational Leadership Academy shall include the competencies identified for the certificate of license to teach;

(B) Achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE;

(C) Annual memberships in the state and national vocational school administrators' professional organizations, Missouri Council of Vocational Administrators (MCVA) and National Council of Local Administrators (NCLA), including participation in at least three (3) annual state and/or national meetings of professional, vocational education organizations;

(D) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least thirty (30) clock hours; and

(E) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(21) A ten (10)-year administrator certificate of license to teach as a vocational director may be issued to the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Annual memberships in the state and national vocational school administrators' professional organizations, MCVA and NCLA, including participation in at least eight (8) annual state and/or national meetings of professional, vocational education organizations;

(B) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least sixty (60) clock hours;

(C) Participation in two (2) accreditation-evaluations of schools by the North Central Association or DESE evaluation teams; and

(D) Evidence of six (6) graduate semester hours toward an advanced degree from a state-approved college or university.

(22) The ten (10)-year administrator certificate of license to teach as a vocational director may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Possession of five (5) years experience in school administration during the previous ten (10) years;

(B) Annual memberships in the state and national vocational school administrators' professional organizations, MCVA and NCLA, including participation in at least eight (8) annual state

and/or national meetings of professional, vocational education organizations;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least sixty (60) clock hours;

(D) Participation in two (2) accreditation-evaluations of schools by the North Central Association or DESE evaluation teams; and

(E) Completion of one of the following:

1. An advanced degree; or

2. A Professional Development Agreement approved by the assistant commissioner of Vocational and Adult Education that includes graduate courses and/or professional development activities equivalent to nine (9) semester hours of graduate credit.

(23) The holder of an administrator certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of an administrator certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an administrator certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.081, 168.400, 168.405 and 168.409, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$1,363.64 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities, the applicants for an administrator certificate of license to teach, \$35,415 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 1,295 new applicants. The cost for the life of the rule for each individual in-state applicant is \$22.00 and \$47.00 for each individual out-state applicant. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.220 Application for Certificate of License to Teach and/or Endorsement for Administrators

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$ 1,363.64 per year for the life of the rule

III. WORKSHEET

\$1,363.64 per year includes the cost for approximately 1,295 applications, printing, duplication, and mailing associated with administrator applications.

IV. ASSUMPTIONS

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.220 Application for Certificate of License to Teach and/or Endorsement for Administrators

II: SUMMARY OF FISCAL IMPACT

Estimate the number of entities which would likely be affected by the adoption of the proposed rule:	Classification of 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:
1,295 per year	Applicants for an Administrator Certificate of License to Teach	\$35,415 per year for the life of the rule or \$22.00 per individual in-state applicant and \$47.00 per individual out-state applicant for the life of the rule.

III. WORKSHEET

In-State Applicants

\$22.00 for fingerprinting x 1018 in-state applications = \$22,396.00 per year for in-state applications.

Out-State Applicants

\$22.00 for fingerprinting + \$25.00 application processing fee = \$47.00 x 277 applications = \$13,019.00 per year for out-state applications.

Total

\$22,396.00 + \$13,019.00 = \$35,415.00 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant for the life of the rule.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Urban and Teacher Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

**5 CSR 80-800.230 Application for a Pupil Personnel Services
Certificate of License to Teach and/or Endorsement**

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a pupil personnel services certificate of license to teach for counselors, advanced counselors, school psychological examiners, school psychologists, vocational adult education supervisors, post-secondary vocational counselors, placement coordinators and vocational evaluators.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) An applicant for a pupil personnel services certificate of license to teach may be granted in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and criteria established in the rules promulgated by the board, to an individual who possesses good moral character:

- (A) School counselor, grades K-8, grades 9-12, and/or K-12;
- (B) Advanced school counselor, grades K-12;
- (C) School psychological examiner, grades K-12;
- (D) School psychologist, grades K-12 ;
- (E) Vocational adult education supervisor;
- (F) Post-secondary vocational counselor;
- (G) Placement coordinator; and/or
- (H) Vocational evaluator.

(2) Applications for a pupil personnel services Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education and may be obtained by writing the Teacher Certification Section of the Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or department staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(4) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a

certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(5) The applicant for a pupil personnel services certificate of license to teach as a school counselor, advanced school counselor, school psychological examiner, and/or school psychologist must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters or higher level school counselor, school psychological examiner, or school psychologist preparation program;

(B) The applicant must possess a masters or higher degree from a state-approved school counselor, school psychological examiner, or school psychologist preparation program; and

(C) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to the Department of Elementary and Secondary Education (DESE).

(6) The applicant for a pupil personnel services certificate of license to teach as an advanced school counselor must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters in guidance and counseling or higher level program for the preparation of school counselors;

(B) The applicant shall complete a planned program of at least thirty (30) semester hours of graduate credit culminating in an educational specialist or doctoral degree with a major emphasis in guidance and counseling from a state-approved program for the preparation of school counselors; and

(C) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(7) The applicant for a pupil personnel services certificate of license to teach as a vocational adult education supervisor must comply with the following additional criteria:

(A) The applicant must possess a baccalaureate level or higher degree from a state-approved college or university; and

(B) The applicant must possess two (2) years of full-time work experience outside of teaching.

(8) The applicant for a pupil personnel services certificate of license to teach as a post-secondary vocational counselor must comply with the following additional criteria:

(A) The applicant must possess a masters or higher level degree in guidance and counseling, rehabilitation counseling or educational and counseling psychology from a state-approved college or university;

(B) The applicant must possess two (2) years of teaching or counseling experience; and

(C) The applicant must possess one (1) year of paid employment other than teaching or counseling.

(9) The applicant for a pupil personnel services certificate of license to teach as a placement coordinator must comply with the following additional criteria:

(A) The applicant must possess a minimum of one (1) year of appropriate business or industrial experience, which uniquely qualifies the individual for the position of a placement coordinator; and

(B) The applicant must possess a valid, unencumbered, undisciplined professional license or certificate from Missouri as a counselor; or

(C) The applicant must possess a Missouri certificate of license to teach as a counselor; or

(D) The applicant must possess a Missouri certificate of license to teach as a vocational teacher.

(10) The applicant for a pupil personnel services certificate of license to teach as a vocational evaluator must comply with the following additional criteria:

(A) The applicant must possess a masters or higher level degree in vocational evaluation, counseling, or a closely related area from a state-approved college or university or possess a baccalaureate degree in rehabilitation services with an emphasis in vocational evaluation from a state-approved college or university; and

(B) The applicant must possess twenty-four (24) months of full-time work experience outside of education.

(11) Additional certificates of license to teach may be granted pursuant to rules promulgated by the board.

(12) An applicant for a Missouri pupil personnel services certificate of license to teach who possesses a valid certificate of license to teach from another state closely aligned to a current certification area approved by the board and possesses good moral character may be granted a Missouri certificate of license to teach.

(A) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(13) Following review by the department, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(14) A pupil personnel services certificate of license to teach may be issued for a school counselor, school psychological examiner and/or school psychologist for a period of five (5) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor, school psychological examiner, or school psychologist in a school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by the department; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university; or documentation verifying ninety (90) clock hours

of professional workshops/in-services appropriate for school counselors, school psychological examiners, or school psychologists.

(15) A pupil services certificate of license to teach may be issued for an advanced school counselor for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor in school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by the department; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to counselors from a state-approved college or university appropriate to school counselors or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors.

(16) If a school counselor, advanced school counselor, school psychological examiner, and/or school psychologist seeks to renew their pupil personnel services certificate of license to teach, however, the individual has not been employed in a school setting, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing eight (8) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university.

(17) A pupil personnel services certificate of license to teach may be issued for a vocational adult education supervisor, for a period of five (5) years and may be renewed once by meeting the following criteria:

(A) Completion of the Vocational Leadership Academy focused upon general and vocational administration from a state-approved college or university to prepare vocational education supervisors. The Vocational Leadership Academy shall include the competencies identified for the certificate of license to teach;

(B) Annual memberships in the state and national vocational school administrators' professional organizations, Missouri Council of Vocational Administrators (MCVA) and National Council of Local Administrators (NCLA), including participation in at least three (3) annual state and/or national meetings of professional, vocational education organizations;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours; and

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(18) A ten (10)-year pupil personnel services certificate of license to teach as a vocational adult education supervisor may be issued to the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Annual memberships in the state and national vocational school administrators' professional organizations, MCVA and NCLA, including participation in at least eight (8) annual state and/or national meetings of professional, vocational education organizations;

(B) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours; and

(C) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(19) The ten (10)-year pupil personnel services certificate of license to teach as a vocational adult education supervisor may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Possession of five (5) years experience in school supervision during the previous ten (10) years;

(B) Annual memberships in the state and national vocational school administrators' professional organizations, MCVA and NCLA, including participation in at least eight (8) annual state and/or national meetings of professional, vocational education organizations;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours;

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams; and

(E) Completion of two (2) graduate semester hours related to adult vocational education.

(20) A nonrenewable pupil personnel services certificate of license to teach may be issued for a post-secondary vocational counselor for a period of five (5) years. A ten (10)-year pupil personnel certificate of license to teach as a post-secondary vocational counselor may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of two (2) years out of the previous five (5) years experience in counseling at the post-secondary level;

(B) Successful completion of a course in vocational education (if not taken as part of the individual's masters or higher level program);

(C) Annual memberships in the state and national school professional organization, including participation in at least five (5) annual state and/or national meetings of vocational school professional organizations; and

(D) Completion of one (1) of the following requirements:

1. Attendance at eight (8) professional workshops/seminars totaling fifteen (15) clock hours, appropriate for post-secondary counselors servicing individuals enrolled in vocational education; or

2. Completion of six (6) hours of graduate credit appropriate for post-secondary counselors.

(21) A nonrenewable pupil personnel services certificate of license to teach may be issued for a placement coordinator for a period of five (5) years. A ten (10)-year pupil personnel certificate of license to teach as a placement coordinator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of a Missouri certificate of license to teach as a counselor or in a vocational-technical area;

(B) Possession of two (2) years out of the previous five (5) years experience as a placement coordinator;

(C) Successful completion of a course in vocational education (if not taken as part of the individual's masters or higher level program); and

(D) Completion of one (1) of the following requirements:

1. Attendance at three (3) of the five (5) previous Missouri Association of Career and Technical Education summer conferences and at least three professional workshops/seminars, totaling fifteen (15) clock hours, appropriate to placement coordinators; or

2. Attendance at three (3) of the five (5) previous Missouri Association of Career and Technical Education summer confer-

ences and a minimum of three (3) semester hours of graduate credit appropriate for post-secondary counselors.

(22) A nonrenewable pupil personnel services certificate of license to teach may be issued for a vocational evaluator for a period of five (5) years. A ten (10)-year pupil personnel certificate of license to teach as a vocational evaluator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Completion of two (2) years full-time employment as a vocational evaluator;

(B) Completion of the following course work:

1. Standardized testing;

2. Occupational information or job analysis; and

3. Two (2) courses with a primary focus in at least one (1) of the following content areas:

A. Philosophy and process of vocational evaluation and assessment;

B. Individualized vocational evaluation planning;

C. Vocational evaluation report development and communication;

D. Work samples and systems;

E. Situational and community-based assessment;

F. Behavioral observation;

G. Functional aspects of disability;

H. Vocational interviewing;

I. Assessment of learning;

J. Functional skills assessment; and/or

K. Modifications and accommodations.

(23) The holder of a pupil personnel services certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a pupil personnel services certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a pupil personnel services certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$588.63 in Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities, the applicants for a pupil personnel services certificate of license to teach, \$17,198 in Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 559 new applicants. The cost for the life of the rule for each individual in-state applicant is \$22 and \$47 for each individual out-state applicant. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City,

*MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.230 Application for a Pupil Personnel Services Certificate of License to Teach and/or Endorsement

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$ 588.63 per year for the life of the rule

III. WORKSHEET

\$588.63 includes the cost for approximately 559 applications, printing, duplication, and mailing, associated with pupil personnel services applications.

IV. ASSUMPTIONS

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.230 Application for a Pupil Personnel Services Certificate of License to Teach and/or Endorsement

II: SUMMARY OF FISCAL IMPACT

Estimate the number of entities which would likely be affected by the adoption of the proposed rule:	Classification of 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:
559 per year	Applicants for a Pupil Personnel Services Certificate of License to Teach	\$17,198 per year for the life of the rule or \$22.00 per individual in-state applicant and \$47.00 per individual out-state applicant for the life of the rule.

III. WORKSHEETIn-State Applicants

\$22.00 for fingerprinting x 363 in-state applications = \$7,986 per year for in-state applications.

Out-State Applicants

\$22.00 for fingerprinting + \$25.00 application processing fee = \$47.00 x 196 applications = \$9,212 per year for out-state applications.

Total

\$7,986 + \$9,212 = \$17,198 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant for the life of the rule.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Urban and Teacher Education
Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

**5 CSR 80-800.260 Alternative Certification and Special
Assignment Certificate of License to Teach**

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for alternative certification by application for a special assignment certificate of license to teach when the applicant is employed by a Missouri public school district.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) An applicant for a special assignment Missouri certificate of license to teach who possesses good moral character may be granted a certificate of license to teach in one (1) of the areas of special assignment upon joint application with a Missouri public school district. The special assignment certificate of license to teach is limited to the employing Missouri public school district. Endorsements will not be granted.

(2) Applications for a special assignment Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education and may be obtained by writing the Teacher Certification Section at the Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or department staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(4) The applicant must possess a baccalaureate or higher degree from an accredited college or university

(5) The applicant must possess an overall grade point average of 2.5 or higher on a 4.0 scale.

(6) Applicants must document a minimum of three (3) years of work experience in which the content of their baccalaureate or higher degree major is significantly applied in the area of special assignment. Exceptions may be made on the school district's recommendation and approved by the Department of Elementary and Secondary Education (DESE).

(7) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(8) The employing school district must develop a mentoring program to provide adequate support to the special assignment certificate of license to teach holders to ensure proper transition into the classroom environment.

(9) The applicant for a special assignment certificate of license to teach under the five percent (5%) program must comply with the following additional criteria:

(A) Submission of a joint application with a Missouri public school district whose total classroom teachers with a special assignment certificate of license to teach reported semi-annually to DESE core data does not exceed five percent (5%);

(B) The applicant must not hold, have held or be eligible to hold a certificate of license to teach;

(C) The five percent (5%) special assignment certificate of license to teach is limited to the baccalaureate major or higher degree area of study. The major area of study must be listed as an area of secondary and/or middle school education certification in the rules promulgated by the board. In addition, a five percent (5%) special assignment certificate of license to teach may be granted in art, music or foreign language, grades kindergarten through twelve (K-12), if the area was the applicant's baccalaureate or higher degree major area of study. Five percent (5%) special assignment certificates of license to teach will not be issued in early childhood education, elementary education, special education, pupil personnel services, and/or administrator; and

(D) The five percent (5%) special assignment certificate of license to teach is limited to the baccalaureate major or higher degree area of study and the original sponsoring Missouri public school district. The five percent (5%) special assignment certificate of license to teach may only be used in the original sponsoring Missouri public school district.

(10) The five percent (5%) special assignment certificate of license to teach is valid for up to one (1) school year. The five percent (5%) special assignment certificate of license to teach may be renewed annually for a maximum total of three (3) school years by joint application from the original sponsoring Missouri public school district and the five percent (5%) certificate holder and documentation by the school district administrator that the five percent (5%) certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the area of assignment as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule. A five percent (5%) special assignment certificate of license to teach may only be issued for a maximum of three (3) years and the holder is ineligible for consideration of another five percent (5%) special assignment certificate of license to teach.

(11) The applicant for a special assignment certificate of license to teach under the alternative teacher certification program must comply with the following additional criteria:

(A) Documentation of the applicant's acceptance into an Alternative Teacher Certification Program offered by Missouri colleges/universities with state-approved teacher education programs. Early childhood, elementary education and administrators will not be included in the Alternative Teacher Certification Program;

(B) Verification of the completion of a general education background satisfactory to the teacher education institution;

(C) Documentation of participation in a structured interview selected by the teacher education institution. The interview should assess the candidate's beliefs regarding the nature of teaching, the nature of students and the goals and mission of education as a profession. The interview may be utilized for screening purposes (for example, the Missouri preprofessional teacher interview) or for diagnostic and counseling purposes (for example, the selection research, incorporated preservice teacher perceiver);

(D) Documentation of a contract between the applicant and the higher education institution which has an Alternative Teacher Certification Program approved by the board. The contract should permit the applicant to enroll in course work demonstrating understanding of the following:

1. Adolescent development;
2. The psychology of learning; and
3. Teaching methodology in the content area. The course work must be completed prior to special assignment certification and employment; and

(E) Documentation of a four (4)-party contract with the applicant, the employing Missouri school district, the recommending teacher preparation program, and DESE upon the completion of the course work outlined above.

(12) The alternative teacher certification special assignment certificate of license to teach is valid for a period of one (1) school year and may be renewed by joint application from the original sponsoring Missouri public school district and the certificate holder and documentation by the school district administrator that the certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the area of assignment as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(13) The applicant for a special assignment certificate of license to teach under the critical needs program must comply with the following additional criteria:

(A) Submission of a letter from the school district's superintendent documenting a critical need in the area of certification as approved by DESE;

(B) Documentation of a plan of an academic program of study from a state-approved teacher preparation program;

(C) Documentation of a four (4)-party contract with the applicant, the employing school district, the recommending teacher preparation program, and DESE.

(14) The critical needs special assignment certificate of license to teach is valid for up to one (1) school year and may be renewed by joint application from the original sponsoring Missouri public school district and the certificate holder and documentation by the school district administrator that the certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the area of assignment as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(15) The applicant for a special assignment certificate of license to teach under the foreign exchange program must comply with the following additional criteria:

(A) Possession of a valid certificate of license to teach or similar title from a country with which DESE has a memorandum of understanding; and

(B) The applicant must obtain a criminal history and background check similar to the FBI check from the applicant's country of origin.

(16) The foreign exchange special assignment certificate of license to teach is valid for up to one (1) school year and may be renewed pursuant to the memorandum of understanding and the criteria as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(17) The applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(18) The holder of a special assignment certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a special assignment certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a special assignment certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$158 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities, the applicants for a special assignment certificate of license to teach, \$4,725 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 150 new applicants. The cost for the life of the rule for each individual in-state applicant is \$22 and \$47 for each individual out-state applicant. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.260 Alternative Certification and Special Assignment
Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$ 158 per year for the life of the rule

III. WORKSHEET

\$158 includes the cost for approximately 150 applications, printing, duplication, and mailing, associated with special assignment applications.

IV. ASSUMPTIONS

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.260 Alternative Certification and Special Assignment Certificate of License to Teach

II: SUMMARY OF FISCAL IMPACT

Estimate the number of entities which would likely be affected by the adoption of the proposed rule:	Classification of 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:
150 per year	Applicants for a Special Assignment Certificate of License to Teach	\$4,725 per year for the life of the rule or \$22.00 per individual in-state applicant and \$47.00 per individual out-state applicant for the life of the rule.

III. WORKSHEET

In-State Applicants

\$22.00 for fingerprinting x 93 in-state applications = \$2,046 per year for in-state applications.

Out-State Applicants

\$22.00 for fingerprinting + \$25.00 application processing fee = \$47.00 x 57 applications = \$2,679 per year for out-state applications.

Total

\$2,046 + \$2,679 = \$4,725 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant for the life of the rule.

IV. ASSUMPTIONS