

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.172 Advertising Signs. This rule interpreted the sales tax law as it applied to advertising signs and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 74 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-81 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 2000.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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.248 Sales to the United States Government. This rule interpreted the sales tax law as it applied to sales to the United States government by citing a court case and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 2 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-1 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Amended: Filed Feb. 23, 1989, effective June 11, 1989. Rescinded: Filed May 24, 2000.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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.260 Nonappropriated Activities of Military Services. This rule interpreted the sales tax law as it applied to nonappropriated activities of military services and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 030-6 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.262 Government Suppliers and Contractors. This rule interpreted the sales tax law as it applied to the taxation of tangible personal property involving transactions of and to government suppliers and contractors, and interpreted and applied section 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 1 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-7 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION**

12 CSR 10-3.274 Farm Machinery and Equipment. This rule interpreted the sales tax law as it applied to farm machinery and equipment and interpreted and applied sections 144.010 and 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S. T. regulation 030-13 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Amended: Filed April 7, 1986, effective June 28, 1986. Amended: Filed Feb. 26, 1987, effective May 28, 1987. Amended: Filed Sept. 28, 1995, effective May 30, 1996. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION**

12 CSR 10-3.278 Agricultural Feed and Feed Additives. This rule interpreted the sales tax law as it applied to sellers of agricultural feed and feed additives and interpreted and applied section 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 60 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-15 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Emergency amendment filed Aug. 18, 1994, effective Aug. 28, 1994, expired Dec. 25, 1994. Emergency amendment filed Dec. 9, 1994, effective Dec. 26, 1994, expired April 24, 1995. Amended: Filed Aug. 18, 1994, effective Feb. 26, 1995. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION**

12 CSR 10-3.282 Sales of Seed, Pesticides and Fertilizers. This rule interpreted the sales tax law as it applied to sales of seed, pesticides and fertilizers and interpreted and applied section 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 62 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-17 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax
PROPOSED RESCISSION**

12 CSR 10-3.284 Poultry Defined. This rule provided a definition of the term poultry for purposes of the sales tax law and interpreted and applied section 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 030-18 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
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PROPOSED RESCISSION

12 CSR 10-3.286 Livestock Defined. This rule provided a definition of the term livestock for purposes of the sales tax law and interpreted and applied section 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 030-19 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
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PROPOSED RESCISSION

12 CSR 10-3.290 Sellers of Poultry. This rule interpreted the sales tax law as it applied to sellers of poultry and interpreted and applied sections 144.010 and 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 65 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 030-22 was last filed Dec. 5, 1975, effective Dec. 15, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
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PROPOSED RESCISSION

12 CSR 10-3.332 United States Government Suppliers. This rule provided when products sold to the United States government

would be exempt from sales tax and interpreted and applied sections 144.010 and 144.030.2(6), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 030-42 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
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PROPOSED RESCISSION

12 CSR 10-3.336 Animals Purchased for Feeding or Breeding Purposes. This rule covered the tax treatment of animals for feeding or breeding purposes and interpreted and applied sections 144.010, 144.020, and 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 030-44 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
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PROPOSED RESCISSION

12 CSR 10-3.590 Advertising Businesses. This rule defined what constituted the sale of advertising for purposes of section 144.034, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed June 13, 1984, effective Nov. 11, 1984. Amended: Filed Dec. 2, 1985, effective March 24, 1986. Rescinded and readopted: Filed April 18, 1990, effective June 28, 1990. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.834 Titling and Sales Tax Treatment of Boats. This rule clarified the treatment of sales tax on the sale and lease of boats, motorboats and watercraft.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1992. Original rule filed May 21, 1986, effective Aug. 25, 1986. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.850 Veterinary Transactions. This rule interpreted the sales tax law as it applied to veterinarians and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Feb. 23, 1989, effective June 11, 1989. Emergency amendment

filed Aug. 18, 1994, effective Aug. 28, 1994, expired Dec. 25, 1994. Emergency amendment filed Dec. 9, 1994, effective Dec. 26, 1994, expired April 24, 1995. Amended: Filed Aug. 18, 1994, effective Feb. 26, 1995. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.866 Bulldozers for Agricultural Use. This rule interpreted the sales tax law as it applied to bulldozers used for agricultural purposes and interpreted and applied sections 144.010 and 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Jan. 16, 1990, effective May 11, 1990. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax**

PROPOSED RESCISSION

12 CSR 10-4.145 Audit, No Credit. This rule provided that the director of revenue could permit deductions where exemption certificates are obtained after an audit and interpreted and applied section 144.620, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.705, RSMo 1994. U.T. regulation 640-2 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed May 24, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.100 Driver[s] License Procedures for Persons under the Age of Twenty-One. The director proposes to amend the Purpose section and sections (1), (2) and (3).

PURPOSE: This proposed amendment reflects procedure changes required with implementation of over-the-counter processing of driver licenses.

PURPOSE: This rule establishes the procedures to be followed for issuance of a driver[s] license to any person under the age of twenty-one.

(1) Application for a driver[s] license shall be completed in accordance with licensing requirements in Chapter 302, RSMo.

(2) An applicant under the age of twenty-one (21) shall receive a Missouri driver[s] license with the *[word MINOR printed diagonally across the face of the license.] applicant's photo image located on the left side of the driver license and the date that the individual reaches the age of twenty-one (21) printed in red on the driver license.*

[(A) If a person applies for a drivers license and shall become twenty-one (21) years of age within thirty (30) days after the application is made, the Missouri drivers license shall not contain the word MINOR. The department shall not mail the license until one (1) day before the person's twenty-first birthday.

(B) If a person reaches the age of twenty-one (21) during the three (3) years the MINOR drivers license is valid and that person requests a license without the word minor appearing on it, the required application and regular fee must be submitted.

(3) *The fee for a drivers license is as follows:*

- (A) *Class F—New, Renewal or Duplicate Fee* \$ 7.50;
- (B) *Class E—New, Renewal or Duplicate Fee* \$15.00;
- (C) *Class M—New, Renewal or Duplicate Fee* \$ 7.50;

and

- (D) *Class A, B, or C—New, Renewal or Duplicate Fee (If application is made before April 1, 1992)* \$23.00;
- On or after April 1, 1992* \$20.00

AUTHORITY: section 302.181, RSMo Supp. [1992] 1999. Emergency rule filed Jan. 5, 1987, effective Jan. 15, 1987, expired

May 15, 1987. Original rule filed Jan. 5, 1987, effective April 11, 1987. Amended: Filed Dec. 11, 1991, effective April 9, 1992. Amended: Filed May 31, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.110 Procedures for Issuance of a Nondriver License. The director proposes to amend sections (1) through (5).

PURPOSE: This proposed amendment reflects procedure changes required with implementation of over-the-counter processing of nondriver licenses.

(1) Application for a nondriver license shall be completed in accordance with the following procedures:

(A) *The applicant shall have a Missouri address or reside within the boundaries of Missouri; and*

(2) *An applicant under the age of twenty-one (21) shall receive a Missouri nondriver license with the [word MINOR printed diagonally across the face of the nondriver license. If a person—] applicant's photo image located on the left side of the nondriver license and the date that the individual reaches the age of twenty-one (21) printed in red on the nondriver license.*

[(A) Applies for a nondriver license and shall become twenty-one (21) years of age within thirty (30) days after the application is made, the Missouri nondriver license shall not contain the word MINOR. The department shall not mail the nondriver license until one (1) day before the person's twenty-first birthday; and

(B) Reaches the age of twenty-one (21) and requests a nondriver license without the word MINOR appearing on it, the required application and fee shall be submitted.

(3) *An applicant sixty-five (65) years of age or older shall receive a Missouri nondriver license without a photograph upon proper application and payment of one dollar (\$1).*

(4) *The fee for a Missouri nondriver license, except as specified in section (3), shall be seven dollars and fifty cents (\$7.50).*

(5) *A Missouri nondriver license shall expire three (3) years from the date of issuance.]*

AUTHORITY: section 302.181, RSMo Supp. [1991] 1999. Emergency rule filed Jan. 5, 1987, effective Jan. 15, 1987, expired May 15, 1987. Original rule filed Jan. 5, 1987, effective April 11, 1987. Amended: Filed July 19, 1991, effective Dec. 9, 1991. Amended: Filed Nov. 21, 1991, effective April 9, 1992. Amended:

Filed Sept. 11, 1992, effective April 8, 1993. Amended: Filed May 31, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.140 Procedures for Reissuance of a Missouri Driver/s] License or Nondriver License Not Received After Mailing by the Department. The director proposes to amend the Purpose section and sections (1) and (2).

PURPOSE: This proposed amendment reflects changes required with the passage of Senate Bill 19, 90th General Assembly and the implementation of over-the-counter license processing.

PURPOSE: This rule establishes the procedures to be followed when an applicant for a driver/s] license or nondriver license does not receive the document after mailing by the department.

(1) If an applicant for a Missouri driver/s] license or Missouri nondriver license does not receive the license or nondriver license, the following procedures apply:

(A) The applicant shall receive a duplicate driver/s] license or nondriver license if it not received within twenty-five (25) working days after mailing from Jefferson City, but not more than ninety (90) days from the date of application. The duplicate driver/s] license or nondriver license shall be processed at no additional cost to the applicant; **and**

[(B) The applicant shall complete a signed statement that the drivers license or nondriver license was never received; and]

[(C)] (B) The applicant shall complete the proper application [and be rephotographed at a licensing office] for a duplicate driver or nondriver license.

(2) If the applicant requests any changes on the duplicate Missouri driver/s] license or nondriver license, the fee of seven dollars and fifty cents (\$7.50) for a Class F or Class M license, fifteen dollars (\$15) for a Class E license, twenty dollars (\$20) for a Class A, B, or C license, or [seven dollars and fifty cents (\$7.50)] **three dollars (\$3) for a photo nondriver license shall be required. A one dollar (\$1) fee is required for a duplicate nonphoto nondriver license.**

AUTHORITY: sections 302.181, RSMo [Supp. 1992] Supp. 1999 and 302.185, RSMo [Supp. 1989] 1994. Original rule filed April 15, 1988, effective Sept. 29, 1988. Amended: Filed Dec. 11, 1991, effective April 9, 1992. Amended: Filed Sept. 11, 1992, effective April 8, 1993. Amended: Filed May 31, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.310 Social Security Number as Drivers License Number. This rule established that the Social Security number should be the drivers license number.

PURPOSE: This rule is being rescinded as with the passage of Senate Bill 19, 90th General Assembly, commercial drivers are allowed to object to the use of the Social Security number as the driver license number in the same manner as noncommercial drivers.

AUTHORITY: sections 302.171, RSMo Supp. 1991, 302.181, RSMo Supp. 1992 and 302.765, RSMo Supp. 1989. Original rule filed March 5, 1990, effective June 11, 1990. Amended: Filed April 8, 1991, effective Oct. 31, 1991. Emergency amendment filed July 15, 1991, effective July 25, 1991, expired Nov. 21, 1991. Amended: Filed July 15, 1991, effective Oct. 31, 1991. Amended: Filed Sept. 16, 1991, effective Jan. 13, 1992. Rescinded: Filed May 31, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED RULE

12 CSR 10-24.460 Driver's Privacy Protection Act

PURPOSE: This rule defines express consent and opt-in pursuant to the Federal Driver's Privacy Protection Act, section 2721(b)(11) and 2721(b)(12) of Title 18 of the *United States Code* and as amended by Public Law 106-69, section 350.

(1) A record holder is deemed to have given express consent to release his/her personal information when the Department of Revenue receives a written request from the record holder for the release of this information to another party. The Department of Revenue shall require express consent from the record holder each time a request for the record holder's personal information is submitted from another party who is not exempt under the Federal Driver's Privacy Protection Act.

AUTHORITY: section 32.091, RSMo Supp. 1999. Original rule filed May 31, 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 the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 25—Motor Vehicle Financial Responsibility

PROPOSED AMENDMENT

12 CSR 10-25.030 Hearings Held Pursuant to Section 303.290.1, RSMo. The director proposes to amend sections (1) through (5), (8) and (10) and to delete the forms that follow this rule in the *Code of State Regulations*.

PURPOSE: The purpose of this amendment is to clarify the requirements for hearing procedures.

(1) Parties must request a hearing by the compliance date as *[stated on the form published with this rule]* established by the **Department of Revenue**. Failure to request a hearing by the date will be considered a waiver of the right to an administrative hearing and will make final for the purposes of review of the director's decision.

(2) If any request for a hearing required to be filed on or before a prescribed date is delivered after that date by United States mail to the director of revenue, or the office or person in that office with which or with whom the request is required to be filed, the date of the United States postmark stamped on the envelope shall be deemed to be the date of filing. This shall apply only if the postmarked date falls on or before the *[prescribed]* **compliance date as [stated on] established by the [form published with this rule] Department of Revenue**. If any date for performing any act falls on a Saturday, Sunday or legal holiday in this state, the performance of the act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or legal holiday.

(3) Failure to request a hearing by the compliance date with the Department of Revenue, Drivers License Bureau, **or failure to appear at a hearing in person, by affidavit or by telephone**, will preclude that party from obtaining judicial review in the circuit court of the county of residence of the licensee. The filing of a petition for review under section 303.290.2, RSMo automatically will stay any decision of the director pending the decision of the court; provided, a copy of the petition is filed with the director.

(4) Hearings *[will be held in Jefferson City, Missouri. Cases will be placed on the administrative docket in the order in which they are received.]* **for officer notice sampling cases will be scheduled and conducted by telephone unless a request for an in-person hearing is made. All other hearings under Chapter 303, RSMo will be held in Jefferson City, Missouri.**

(5) Parties requesting hearings will be notified of the date and the time of the hearing by first class mail **at least ten (10) days prior**

to the hearing date. Copies of the notices will go to the attorneys of record and the parties involved.

(8) Hearing Procedures.

(A) The director or his/her representative shall state to the requesting party that the *[director has determined there is a reasonable possibility of a money judgment being rendered against the party and the basis of the decision of the director.]* **request for hearing for the Notice of Suspension has been received. Other uninsured parties involved in the case, if any, shall be notified that the Department of Revenue has made a preliminary determination that a party was an uninsured motorist and subject to the Motor Vehicle Financial Responsibility Law, and a request for an administrative hearing has been received. All other insured parties involved in the case, if any, shall be notified that the Department of Revenue has determined the uninsured parties driving and/or registration privileges may be suspended as required by the Motor Vehicle Financial Responsibility Law, and a request for an administrative hearing has been received.**

(B) The requesting party may present any new facts which s/he feels may show that there is no reasonable possibility of a money judgment being rendered **or that the percent of liability or amount of security required should be reduced. The party may also present any new facts that s/he feels may show why s/he should not be suspended for violation of the Motor Vehicle Financial Responsibility Law.**

(C) Parties may present testimony by affidavit. Affidavits may be filed at time of hearing or after notice of setting of hearing. *[Parties will submit original and three (3) copies of affidavits.]*

(D) Failure to appear at the hearing **in person, by affidavit or by telephone** at the stated time will make final the decision of the director as of that date.

(10) The effective date of the director's decision shall be the compliance date *[set out on]* established by the *[form (MO 860-1790) published with this rule]* **Department of Revenue** or the date set out in the hearing decision letter, whichever date is later.

AUTHORITY: section 303.290, RSMo [1986] 1994. Original rule filed Nov. 23, 1973, effective Dec. 3, 1973. Amended: Filed Jan. 17, 1974, effective Jan. 27, 1974. Amended: Filed July 3, 1981, effective Oct. 15, 1981. Amended: Filed May 31, 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 Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game/s/

PROPOSED AMENDMENT

12 CSR 40-85.005 Definitions for All On-Line Games. The commission proposes to amend sections (4), (5), (6), (7), and (12) and to delete section (13).

PURPOSE: The purpose of this amendment is to remove certain digits which may change from time-to-time.

(4) On-line game. A game played on an on-line terminal which is in communication with the lottery's computer [./]; **also known as a computer-generated game.**

(5) On-line lottery contractor. A licensed retailer who has contracted with the lottery to sell on-line [tickets] games.

(6) On-line system. The lottery's on-line computer system consisting of on-line terminals[,] **and related equipment which communicates with the** central processing equipment and a communication network.

(7) On-line terminal (OLT). Computer hardware through which an on-line lottery contractor enters the combination selected by a player and by which [on-line] game tickets are generated and claims may be validated.

(12) Validation number. The [thirteen (13) digit] number printed on the front of each on-line ticket which is used for validation.

[13] *Winning combination. Two (2) or more items selected by a drawing.]*

AUTHORITY: section 313.220, RSMo Supp. [1988] 1999. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed May 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game[s]**

PROPOSED AMENDMENT

12 CSR 40-85.010 On-Line Game Contract Provisions. The commission proposes to amend subsection (1)(A) and paragraphs (1)(D)7. and 8. and to delete the form following the rule in the Code of State Regulations.

PURPOSE: The purpose of this amendment is to further clarify provisions for the on-line game contract.

(1) In addition to provisions of the on-line contract unique to each contractor, the on-line game contract may provide the following provisions:

(A) A discount commission of [five percent (5%) a **percentage set by the executive director** of on-line tickets sold by the contractor[./].

(D) Requirements that the contractor—

1. Sell all on-line games offered;
2. Furnish players with proper claim forms provided by the

lottery;

3. Post winning numbers prominently;
4. Attend training provided by the lottery;
5. Allow only trained personnel to operate terminals;
6. Report malfunctions; [and]
7. Prominently display point-of-sale **and other game-related** materials; **and**
8. **Sell Scratcher games.**

AUTHORITY: section 313.220, RSMo Supp. [1988] 1999. Original rule filed June 4, 1986, effective June 14, 1986. Amended: Filed March 17, 1987, effective March 27, 1987. Amended: Filed March 1, 1988, effective May 26, 1988. Amended: Filed May 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game[s]**

PROPOSED AMENDMENT

12 CSR 40-85.030 On-Line Ticket Validation Requirements. The commission proposes to amend subsections (1)(I) and (J) and add subsection (1)(K).

PURPOSE: The purpose of this amendment is to allow the executive director the flexibility to react to various situations as they relate to ticket claims.

(1) All of the following requirements must be met for an on-line game ticket to be a valid on-line game winning ticket:

(I) The ticket may not be misregistered or defectively printed to an extent that it cannot be processed by the lottery; [and]

(J) The ticket shall pass all other confidential security checks of the lottery [./]; **and**

(K) Executive director may allow exceptions to the criteria in this rule.

AUTHORITY: section 313.220, RSMo Supp. [1988] 1999. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed May 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game/s/

PROPOSED AMENDMENT

12 CSR 40-85.050 Prize Amounts for On-Line Parimutuel Games. The commission proposes to amend sections (4) and (5).

PURPOSE: The purpose of this amendment is to clarify the prize claiming process for multiple prize winners on one winning ticket.

(4) In an on-line game, if no winning ticket qualifies for any of the prize categories, the amount allocated for prizes shall be carried over and added to the prize pool of the next drawing for that particular game *[as part of the prize pool for that category.]* or will be allocated to other prize levels according to the rules of that game.

(5) The amount allocated to the first prize *[will]* may be used to purchase *[an annuity] securities or an annuity* for each winning play. The first prize will be payable to winning tickets by an initial cash payment plus equal payments as established by the executive director *[occurring on the anniversary date of the drawing]*. Any winning ticket owned in shares by multiple owners shall be funded as outlined above to the owners as declared on the claim form for claiming the on-line prizes. As established by the executive director, the first prize may be payable to winning ticket holder(s) in a lump sum cash payment equal to the cash value of the first prize annuity or a percentage of the first prize. **The decision to accept a lump sum payment must be unanimously agreed to by all owners of the ticket.**

AUTHORITY: sections 313.220, RSMo Supp. [1997] 1999 and 313.230, RSMo 1994. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed May 14, 1987, effective Aug. 13, 1987. Amended: Filed Aug. 4, 1988, effective Oct. 27, 1988. Amended: Filed Sept. 15, 1997, effective March 30, 1998. Amended: Filed May 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game/s/

PROPOSED AMENDMENT

12 CSR 40-85.060 Further Limitations on On-Line Prizes. The commission proposes to amend sections (2), (4) and (6).

PURPOSE: The purpose of this amendment is to clarify that the rule applies to all on-line games.

(2) There may not be any *[other]* breach of the statutes or rules in relation to the ticket which, in the opinion of the executive director *[of the lottery,]* justifies disqualification.

(4) The *[contract] information* printed on the ticket stock shall not be interpreted as providing any prize or procedure other than authorized by the lottery statute contained in section 313.200, RSMo, *[and]* for that game the rules of the commission and the rules for that game.

(6) *[A Lotto] An on-line game* play may only be claimed for *[one (1)]* the highest prize category won.

AUTHORITY: section 313.220, RSMo Supp. [1988] 1999. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed May 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game/s/

PROPOSED AMENDMENT

12 CSR 40-85.080 Payments of Prizes *[up] Up to \$599* Authorized. The commission proposes to amend sections (4), (5) and (6).

PURPOSE: The purpose of this amendment is to clarify the games and prize amounts on-line contractors pay and the Lottery pays.

[[4] Free plays may be redeemed for thirty (30) days following the drawing.]

[[5]] (4) All winning tickets[, except winning first prize Lotto tickets,] up to \$599 may be processed at an on-line lottery contractor.

[[6]] (5) Winning [first prize Lotto] tickets over \$599 shall be processed at or with a lottery redemption center*[,]*, the location of which shall be published periodically by the Lottery.

AUTHORITY: section 313.220, RSMo Supp. [1988] 1999. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed May 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Games**

PROPOSED RESCISSION

12 CSR 40-85.110 Pick-3 Game. This rule defined certain terms for the Pick-3 on-line game.

PURPOSE: The rule is rescinded because the specifics for all on-line games are published according to 12 CSR 40-85.055.

AUTHORITY: section 313.220, RSMo Supp. 1997. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed Feb. 4, 1993, effective Aug. 9, 1993. Amended: Filed Sept. 15, 1997, effective March 30, 1998. Rescinded: Filed May 25, 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Games**

PROPOSED RESCISSION

12 CSR 40-85.120 Winning Tickets in Pick-3. This rule set the criteria for Pick-3 winning tickets.

PURPOSE: The rule is rescinded because the specifics for all on-line games are published according to 12 CSR 40-85.055.

AUTHORITY: section 313.220, RSMo Supp. 1997. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed Sept. 15, 1997, effective March 30, 1998. Rescinded: Filed May 25, 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Games**

PROPOSED RESCISSION

12 CSR 40-85.130 Prize Amounts for Pick-3. This rule determined the prize amounts for the Pick-3 Game.

PURPOSE: The rule is rescinded because the specifics for all on-line games are published according to 12 CSR 40-85.055.

AUTHORITY: section 313.220, RSMo Supp. 1997. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed May 3, 1988, effective Aug. 25, 1988. Amended: Filed Sept. 15, 1997, effective March 30, 1998. Rescinded: Filed May 25, 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game/s/**

PROPOSED AMENDMENT

12 CSR 40-85.140 Drawing and Selling Times. The commission proposes to amend the Purpose section and sections (1), (2) and (3).

PURPOSE: The purpose of this amendment is to give the executive director flexibility to set drawing times and places by game or event.

PURPOSE: This rule establishes the drawing and selling times for the on-line [and Pick-3] games.

[(1) Lotto drawing shall take place at least once weekly.]

[(2) Lotto America drawings shall take place at least once weekly.]

[(3)] (1) Drawings shall be conducted at times and places designated by the executive director.

AUTHORITY: section 313.220, RSMo Supp. [1988] 1999. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed Dec. 5, 1988, effective April 27, 1989. Amended: Filed May 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Games**

PROPOSED RESCISSION

12 CSR 40-85.150 Breakage. This rule defined the term breakage as it will be used in the Pick-3 and on-line games.

PURPOSE: The rule is rescinded because the specifics for all on-line games are published according to 12 CSR 40-85.055.

AUTHORITY: section 313.220, RSMo Supp. 1988. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Rescinded: Filed May 25, 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Games**

PROPOSED RESCISSION

12 CSR 40-85.160 Prize Pool for Pick-3. This rule provided that if the prize pool was not won on a particular day that prize should be added to the prize pool of the next Pick-3 draw.

PURPOSE: The rule is rescinded because the specifics for all on-line games are published according to 12 CSR 40-85.055.

AUTHORITY: section 313.220, RSMo Supp. 1988. Original rule filed Feb. 11, 1987, effective Feb. 21, 1987. Rescinded: Filed May 25, 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 Lottery, Terry Skinner, Director of Budget and Planning,

P.O. Box 1603, Jefferson City, MO 65102-1603. 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 95—Pull Tab Game**

PROPOSED AMENDMENT

12 CSR 40-95.010 Pull Tab Game. The commission proposes to amend subsections (1)(B) and (F).

PURPOSE: The purpose of this amendment is to allow the executive director to set prices for Pull Tab tickets and to set retailer commissions for Pull Tab tickets.

(1) The following rule shall define the game Pull Tab as a game for the Missouri Lottery:

(A) Pull Tab tickets are lottery tickets that are played by opening tabs to reveal if a prize was won. [Each pull tab shall have three (3), four (4) or five (5) tabs under which play symbols will appear.] A winning ticket will be determined by matching, aligning, adding or locating symbols or numbers under the tabs, or as specifically described on the ticket or in an individual game rule;

[(B) Pull Tab tickets shall not be sold for more than one dollar (\$1);]

(B) The price of Pull Tab tickets to retail licenses shall be established by the executive director;

(F) Compensation for the sale of Pull Tab tickets shall be paid by the lottery [in the form of an eight percent (8%)] at an amount to be determined by the executive director as a discount from the retail price of tickets in each carton. The executive director may institute an incentive program.

AUTHORITY: section 313.230, RSMo [(1986)] 1994. Original rule filed Feb. 16, 1990, effective April 26, 1990. Amended: Filed May 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 Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan**

PROPOSED RULE

16 CSR 50-10.010 Definitions

PURPOSE: This rule provides the definitions needed to describe the terms of the defined contribution plan authorized by sections 50.1210 to 50.1260, RSMo.

(1) Whenever used in this Chapter 10, the following terms shall have the meanings as set forth in this rule 16 CSR 50-10.010 unless a different meaning is clearly required by the context:

(A) Account means the individual bookkeeping account maintained for each Participant that represents his or her total proportionate interest in the Trust Fund, and shall include the following subaccounts of the Participant: seed account, matching account and rollover account.

(B) Beneficiary means the person, persons, or legal entity entitled to receive benefits under this Plan which become payable in the event of the Participant's death.

(C) Board means the Board of Directors of the County Employees' Retirement Fund.

(D) Code means the *Internal Revenue Code* of 1986, as amended, and includes any regulations thereunder.

(E) Compensation means all salary and other compensation paid by an Employer to a county employee for personal services rendered as a county employee, as shown on the Employee's Form W-2, plus amounts paid by an Employer but excluded from W-2 compensation by reason of Code sections 125, 402(g)(3), 414(h)(2), or 457, but not including travel and mileage reimbursement, and not including compensation in excess of the limit imposed by section 401(a)(17) of the Code.

(F) Employee means any person, an elective or appointive county official or employee regularly employed by a county who is under the direct control and supervision of a county or an elected or appointed county official and who is subject to continued employment, promotion, salary review or termination by a county or an elected or appointed county official and who is compensated directly from county funds and whose position requires the actual performance of duties during not less than one thousand (1,000) hours per calendar year, except county prosecuting attorneys covered under sections 56.800-56.840, RSMo, circuit clerks and deputy circuit clerks covered under the Missouri State Retirement System and county sheriffs covered under sections 57.949-57.997, RSMo, and employees who received some compensation from the county but who are subject to hiring, supervision, promotion or termination by an entity other than the county such as an extension council or the circuit court.

(G) Employer means each county in the state, except any city not within a county and counties of the first classification with a charter form of government.

(H) 457 Plan means the County Employees' Deferred Compensation Plan described in 16 CSR 50-20.010 et seq.

(I) Hardship means an immediate and heavy financial need of the Participant resulting from:

1. Expenses for medical care described in Code section 213(d), previously incurred by the Participant, the Participant's spouse, or any dependents of the Participant (as defined in Code section 152) or necessary for these persons to obtain medical care described in Code section 213(d));

2. Costs directly related to the purchase of a principal residence for the Participant (excluding mortgage payments);

3. Payment of tuition and related educational fees for the next 12 months of postsecondary education for the Participant, or the Participant's spouse, children, or dependents (as described in Code section 152); or

4. Payments necessary to prevent the eviction of the Participant from the Participant's principal residence or foreclosure on the mortgage on that residence. Payment may not be made in the event that the Hardship is or may be relieved through reimbursement or compensation by insurance or otherwise, by liquidation of the Participant's assets, to the extent the liquidation of such assets would not itself cause severe financial hardship, or by cessation of deferrals under the 457 Plan.

(J) Hour of Service means each hour for which an Employee is paid, or entitled to payment, for the performance of duties for the Employer.

(K) Investment Manager means any individual or entity described in 16 CSR 50-10.080 who is designated by the Board as having the power to manage, acquire, or dispose of any asset of the Plan in accordance with the provisions of the Plan.

(L) Investment Option means one of the options established by the Board, in which amounts contributed to a Participant's Account may be invested at the Participant's discretion. There is no limit on the type of investment that the Board may designate as an option.

(M) LAGERS means the Local Government Employees' Retirement System presently codified at sections 70.600 to 70.755, RSMo.

(N) Participant means an Employee or former Employee who has joined the Plan in accordance with rule 16 CSR 50-10.020 and who retains his or her Account under the Plan.

(O) Plan means the County Employees' Defined Contribution Plan as set forth in this Chapter 10 and sections 50.1210 to 50.1260, RSMo.

(P) Plan Year means the calendar year.

(Q) Separation from Service means the severance of a Participant's employment with an Employer for any reason, including retirement or disability.

(R) Trust Fund means the County Employees' Retirement Fund.

(S) Trustee means the entity, or individuals, or committee that is responsible for holding and managing the Trust Fund.

(T) Year of Service means the amount of an Employee's employment as a county employee used to determine the Employee's vested interest in his or her matching account as described in 16 CSR 50-10.070.

AUTHORITY: sections 50.1000, 50.1210-50.1260, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.020 Participation

PURPOSE: This rule defines the class of employees who may become participants in the defined contribution plan.

On and after January 1, 2000, as an incident to employment or continued employment, each Employee shall become a Participant in the Plan upon the later of i) January 1, 2000 or ii) the date the Employee becomes a member of the pension fund described in 50.1000 to 50.1200, RSMo.

AUTHORITY: sections 50.1000 and 50.1210, RSMo Supp. 1999. Original rule filed May 9, 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.

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Title 16—RETIREMENT SYSTEMS

Division 50—The County Employees' Retirement Fund Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.030 Contributions

PURPOSE: This rule describes the contributions that may be made to the defined contribution plan, the allocation of those contributions to participants, the source of these contributions, and limitations on the contributions.

(1) Seed Contribution. Each Employee who is not a member of Local Government Employees' Retirement System (LAGERS) shall make a contribution of seven-tenths of one percent of his or her Compensation to his or her seed account. This contribution shall be made by payroll deduction. Contributions shall commence immediately upon the date the individual becomes an Employee (or January 1, 2000, if later). The seed contribution shall be designated as an employee "pick-up" contribution, as described in section 414(h)(2) of the Code. A Participant may not waive this contribution requirement by opting out of the Plan.

(2) Matching Contribution. The Board, in its sole discretion, shall determine if it will make matching contributions for a Plan Year and the aggregate amount of the contribution. Such determination shall be made after the close of the Plan Year for which the contribution is made. Each Qualified Participant (as defined in section (3) below) who makes contributions to the 457 Plan during the Plan Year for which the matching contribution is made shall be eligible to receive an allocation of this matching contribution. Generally, the Board shall allocate matching contributions *pro rata* to the Qualified Participant's matching account, on the basis of a Qualified Participant's contributions to the 457 Plan. However, the Board shall follow these rules in making this allocation:

(A) Contributions allocated to a Qualified Participant who is not a member of LAGERS shall equal the least of: i) three percent of such non-LAGERS member's Compensation for the Plan Year, ii) fifty percent of such non-LAGERS member's contributions to the 457 Plan, or iii) the matching percentage designated by the Board for the Plan Year, multiplied by the Qualified Participant's contributions to the 457 Plan for the Plan Year.

(B) Contributions allocated to a Qualified Participant who is a member of LAGERS shall equal the least of: i) one and one-half percent of such LAGERS member's Compensation for the Plan Year, ii) twenty-five percent of such LAGERS member's contributions to the 457 Plan, or iii) one-half of the matching percentage designated by the Board for the Plan Year, multiplied by the Qualified Participant's contributions to the 457 Plan for the Plan Year.

(C) If a matching contribution is made for a Plan Year, but is allocated to the Participant's matching account after the close of the Plan Year, that allocation shall be adjusted to reflect the investment performance of the Member's Account subsequent to the close of the Plan Year.

(3) A Participant is a "Qualified Participant" for a Plan Year, if he or she is employed by an Employer and:

(A) Is employed on the last day of the Plan Year and has earned 1,000 Hours of Service during the Plan Year;

(B) Is on a leave of absence taken under the Family and Medical Leave Act of 1993 on the last day of the Plan Year or, as of the last day of the Plan Year, is on an absence for sickness or injury of less than 12 months, that is counted as Creditable Service under 16 CSR 50-5.030;

(C) Dies during the Plan Year; or

(D) Retires during the Plan Year. "Retirement," for this purpose, means termination of employment after attainment of age 62 after having become fully vested in accordance with rule 16 CSR 50-10.070.

(4) Source of Matching Contributions. The source of matching contributions (if made) shall be the funds described in sections 50.1020, 50.1190 and 50.1200, RSMo. Such funds shall be held in a separate trust (which shall be exempt from federal income tax in accordance with section 115 of the Code) until the Board determines whether all such funds must be contributed to the pension plan described in sections 50.1000 to 50.1200, RSMo to maintain the actuarial sufficiency of such plan or whether a portion of these funds may be contributed to the Plan described in this Chapter 10.

(5) Rollover Contributions. The Plan shall accept a cash rollover contribution (within the meaning of Code sections 402(c) and 408(d)(3)(A), including optional direct transfers under Code section 401(a)(31)) on behalf of a Participant, from any plan qualified under Code section 401(a) and any individual retirement account meeting the requirements of Code section 408(d)(3)(A)(ii). The Board (or its designee) may require a Participant to submit evidence that all of a contemplated contribution constitutes proceeds of an "eligible rollover distribution" (as described in Code section 402(c)(4)) before allowing the Participant to make a contribution under this section.

(6) 415 Limitation. As of the close of a Plan Year, the Board shall determine whether contributions to the Plan have been made, which exceed the limitations of Code section 415(c). The Board shall use W-2 compensation (as defined in 26 CFR 1.415-2(d)(11)(i)) in making this determination, except that the Board shall include amounts excluded from W-2 compensation by reason of Code sections 125, 402(g)(3) and 457. If, as a result of the allocation for forfeitures or a reasonable error in estimating a Participant's annual compensation, the annual addition to a Participant's Account exceeds the maximum permitted, matching contributions constituting excess annual additions (and any gains on those contributions) shall be forfeited and applied to reduce the matching contribution obligation for the Plan Year in which the forfeiture occurs.

(7) Reemployed Veterans. If a Participant terminates employment to serve in a uniformed service (as defined in the Uniformed Services Employment and Reemployment Rights Act of 1994) and returns to the employ of an Employer before his or her statutory reemployment rights expire, then:

(A) The Participant shall be permitted to make the seed contributions he would have been able to make except for the fact that he was in a uniformed service; and

(B) The Employer shall match the Participant's make-up contributions under the 457 Plan in the manner those contributions

would have been matched had they been made during the Participant's stint in a uniformed service.

AUTHORITY: sections 50.1220 and 50.1230, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.040 Accounts of Participants

PURPOSE: This rule describes the accounting for a participant's interest in the defined contribution plan and the investment of a participant's account.

(1) Account for Each Participant. An individual bookkeeping Account shall be maintained for each Participant, to record his or her interests under the Plan. Each Account shall be divided into the following subaccounts to track contributions, investment earnings and losses, and expense charges:

(A) A seed account for seed contributions pursuant to rule 16 CSR 50-10.030(1);

(B) A matching account for matching contributions pursuant to rule 16 CSR 50-10.030(2);

(C) A rollover account for rollover contributions pursuant to rule 16 CSR 50-10.030(5); and

(D) Any other subaccounts as the Trustee, Board, or Investment Manager deems necessary to keep track of a Participant's interests under the Plan.

(2) Investments. If the Board establishes a directed investment program, a Participant may request that his or her Account (and the contributions allocated to his or her Account) be allocated among the Investment Options made available by the Board. The initial allocation request shall be made at the time an Employee becomes a Participant. Once made, an investment allocation request shall remain in effect for all contributions allocated to the Participant's Account until changed by the Participant. A Participant may change his or her investment allocation by submitting a request to the Board (or its designee) in such form as may be permitted by the Board (or its designee). Such changes shall become effective as soon as administratively feasible after the Board (or its designee) receives such request. If the Participant fails to make an investment allocation request at the time of his or her enrollment, the Participant's Account shall be invested in default Investment Options selected by the Board, until such time as the Participant submits an investment allocation request.

AUTHORITY: section 50.1240, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.050 Distribution of Accounts

PURPOSE: This rule describes the timing and form of benefit payments from the defined contribution plan.

(1) Eligibility for Payment. Generally, distribution to a Participant of his or her vested Account shall be made no earlier than Separation from Service. However, a Participant may request withdrawal of all or a portion of his or her matching account and his or her rollover account before Separation from Service after attainment of age 59 1/2. Such withdrawals shall be made first from the Participant's rollover account, and then from the vested portion of his or her matching account.

(2) Distribution Due to Hardship. A Participant may request a distribution due to Hardship by submitting a request to the Board (or its designee) in such form as may be permitted by the Board (or its designee). The Board (or its designee) shall have the authority to require such evidence as it deems necessary to determine if a distribution is warranted. If an application for a distribution due to a Hardship is approved, the distribution is limited to the lesser of—

(A) An amount sufficient to meet the need, less the value of the Participant's account in the 457 Plan; or

(B) The amount held in the Participant's rollover account.

The amount of the need shall include any amounts necessary to pay any federal, state or local income taxes (including withholding) or penalties reasonably anticipated to result from the distribution. The allowed distribution shall be paid in a single sum to the Participant as soon as administratively feasible after approval of such distribution.

(3) Commencement of Distributions.

(A) General Rule. Distribution of a Participant's Account under the Plan shall be made in a single sum as soon as administratively feasible after the Participant's Separation from Service occurs, unless the Participant elects to defer this payment. A Participant may elect that the single-sum distribution of benefits be made at any time following his or her Separation from Service as long as distributions commence no later than 60 days following the date on which the Participant attains age 70 1/2, or retires, if later.

(B) Notwithstanding subsection (3)(A), if the value of a Participant's Account is \$5,000 or less, then his or her benefit under the Plan shall be distributed to the Participant in a single sum as soon as administratively feasible following his or her Separation from Service.

(C) Employees who terminate employment and then resume employment with an Employer within 30 days will not forfeit their

prior service and will not be required to receive a refund of their payroll contributions.

(4) Direct Rollover Option.

(A) A distributee may elect to have an eligible rollover distribution paid directly to a single eligible retirement plan specified by the distributee. However, this election may not be made if the total eligible rollover distributions paid to the distributee from the Plan will be less than \$200.

(B) A distributee may elect to divide an eligible rollover distribution so that part is paid directly to an eligible retirement plan and part is paid to the distributee. However, the part paid directly to the eligible retirement plan must total at least \$500.

(C) A distributee may elect a direct rollover after having received a written notice which complies with the rules of Code section 402(f). In general, payment to a distributee shall not begin until 30 days after the section 402(f) notice is given. However, payment may be made sooner if the notice clearly informs the distributee of the right to a period of at least 30 days to consider the decision of whether or not to make a direct rollover, and the distributee, after receiving the notice, makes an affirmative election to receive an immediate distribution. A distributee who fails to make an election in the 30-day period shall receive the eligible rollover distribution immediately after the 30-day period expires.

(D) For purposes of this section (4), the following terms have the meanings set forth below:

1. An "eligible rollover distribution" is any distribution or withdrawal payable under the terms of this Plan to a Participant, which is described in Code section 402(c)(4). In general, this term includes any single-sum distribution, and any distribution which is one in a series of substantially equal periodic payments made over a period of less than ten years, and is less than the distributee's life expectancy. However, an eligible rollover distribution does not include the portion of any distribution which constitutes a minimum required distribution under Code section 401(a)(9). Such term also does not include a distribution to the Participant's Beneficiary, unless the Beneficiary is the Participant's spouse.

2. "Eligible retirement plan" means—

A. An individual retirement account described in Code section 408(a);

B. An individual retirement annuity described in Code section 408(b);

C. An annuity plan described in Code section 403(a); and

D. A retirement plan qualified under Code section 401(a), but only if the terms of the plan permit the acceptance of rollover distributions.

However, in the case of an eligible rollover distribution to a Beneficiary who is a surviving spouse, an "eligible retirement plan" is an individual retirement account or an individual retirement annuity.

3. "Distributee" means a Participant or the spouse of a deceased Participant.

(5) Compliance with Code Section 401(a)(9). Regardless of any contrary provision in the Plan, any distribution shall be determined in accordance with Code section 401(a)(9) and the proposed regulations thereunder, including the "minimum distribution incidental benefit requirement" of prop. Code section 1.401(a)(9)-2. Accordingly, distribution of a Participant's Account shall be made no later than the April 1 of the calendar year following the later of—

(A) The calendar year in which the Participant attains age 70 1/2; or

(B) The calendar year in which the Participant retires.

(6) Return of Mistaken Payments. Notwithstanding anything to the contrary, a Participant or Beneficiary is entitled to only those benefits provided by the Plan and promptly shall return any payment,

or portion thereof, made by mistake of fact or law. The Board may offset the future benefits of any recipient who refuses to return an erroneous payment, in addition to pursuing any other remedies provided by law.

(7) Forfeitures. If a Participant has a Separation from Service and is not vested in his or her matching account, he/she shall forfeit the non-vested portion of the matching account upon the Separation from Service. This forfeiture shall be applied to reduce matching contributions for the Plan Year in which distribution occurs.

AUTHORITY: sections 50.1250 and 50.1260, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.060 Death Benefits

PURPOSE: This rule describes the benefits available to a Participant's Beneficiary upon his or her death and the procedure for designating a beneficiary.

(1) Death Benefit. As soon as administratively feasible following the death of a Participant, the Participant's Beneficiary shall receive a single-sum distribution of the Participant's entire remaining Account balance.

(2) Beneficiary Designation. A Participant shall have the right to designate a Beneficiary, and amend or revoke such designation at any time, in writing. Such designation, amendment or revocation shall be effective upon receipt by the Board (or its designee).

(3) Failure to Designate a Beneficiary. If no designated Beneficiary survives the Participant (or if no Beneficiary designation has been received or approved by the Board) and benefits are payable following the Participant's death, the Board shall direct that payment of benefits be made to—

(A) The spouse of the Participant; or

(B) The Participant's estate.

(4) Direct Rollover. If the Participant's Beneficiary is his or her spouse, the direct rollover provisions shall apply to a distribution in accordance with this rule.

AUTHORITY: section 50.1250, RSMo Supp. 1999. Original rule file May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS

**Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan**

PROPOSED RULE

16 CSR 50-10.070 Vesting and Service

PURPOSE: This rule describes when a Participant vests in his or her defined contribution plan account.

(1) Vesting. A Participant's interest in his or her matching account shall become fully vested and nonforfeitable upon his or her completion of five Years of Service, or upon the Participant's death (if the Participant dies before his or her Separation from Service). A Participant shall always be 100% vested in his or her seed and rollover accounts.

(2) "Years of Service" means the total time of an Employee's employment as a county employee with any Employer, measured in years. With respect to county employment before January 1, 2000, Years of Service shall be the Participant's creditable service, as determined in accordance with section 50.1090, RSMo, and regulations issued under the authority of that section, unless that period is excluded under section (3). With respect to county employment on or after January 1, 2000, the Participant shall receive credit for a Year of Service for each Plan Year in which he/she completes 1,000 Hours of Service, unless that period is excluded under section (3). Additionally, a period of employment in a uniformed service (as defined in the Uniformed Services Employment and Reemployment Rights Act of 1994) shall constitute Years of Service, if the Participant was an Employee before his or her employment in the uniformed service and he/she returns to employment with an Employer before his or her reemployment rights under the statute expire.

(3) The following periods do not constitute Years of Service, regardless of any provision in this rule 16 CSR 50-10.070 to the contrary:

(A) A Plan Year beginning on or after January 1, 2000, in which an Employee earns less than 1,000 Hours of Service, unless the failure to earn such Hours of Service was the result of a leave described in the Family and Medical Leave Act of 1993; and

(B) A rehired Employee's period of employment before his or her immediately preceding Separation from Service, unless the Participant was either: i) vested in his or her matching account at the time of the Separation from Service, ii) if his or her Separation from Service occurred before January 1, 2000, the Participant was fully vested within the meaning of section 50.1140(1), RSMo at the time of the Separation from Service, or iii) such prior period is determined to be part of the Participant's creditable service, in accordance with section 50.1090 RSMo, and regulations issued under the authority of that section.

AUTHORITY: sections 50.1090 and 50.1250, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS

**Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan**

PROPOSED RULE

16 CSR 50-10.080 Plan Administration

PURPOSE: The purpose of this rule is to outline the administrative procedures and responsibilities for the defined contribution plan.

(1) Plan Administrator. The management of the Plan shall be vested in the Board according to the provisions in sections 50.1000 to 50.1260, RSMo, as such Board is established in section 50.1030 RSMo. The Board shall have all powers necessary to effect the management and administration of the Plan in accordance with its terms, including, but not limited to, the following:

(A) To establish rules and regulations for the administration of the Plan, for managing and discharging the duties of the Board, for the Board's own government and procedure in so doing, and for the preservation and the protection of the assets of the Plan.

(B) To interpret the provisions of the Plan and to determine any and all questions arising under the Plan or in connection with the administration thereof. A record of such action and all other matters properly coming before the Board shall be kept and preserved.

(C) To determine all considerations affecting the eligibility of any person to be or become an Employee and Participant of the Plan.

(D) To determine the amount of the Participant's contributions to be withheld by the Employer in accordance with the Plan and to maintain records of such contributions as are necessary under the Plan.

(E) To determine Years of Service of any Participant and to compute the amount of the Account balance, or other sum, payable under the Plan to any person.

(F) To authorize and direct all disbursements of Participant Accounts under the Plan and payment of the Plan expenses.

(G) To make valuations of assets held under the Plan.

(H) To employ such counsel and agents, and to obtain such clerical, medical, legal, accounting, investment advisory, custodial and other services as it may deem necessary or appropriate in carrying out the provisions of the Plan.

The decisions of the Board and any action taken by it in respect to the management of the Plan shall be conclusive and binding upon any and all Employees, officials, former Employees and officials, Participants, their Beneficiaries, heirs, distributees, executors, administrators and assigns and upon all other persons whomsoever.

(2) Amendment of Plan. The Board shall have the right to amend the Plan through amendment of this Chapter 10, at any time and from time to time, in whole or in part, provided such regulations do not conflict with the provisions of sections 50.1210 to 50.1260, RSMo.

(3) Trust Fund.

(A) General Rule. The assets of the Plan shall be held as a part of the Trust Fund, and shall share in the gains and losses of the Trust Fund. The value of a Participant's Account shall be determined as of each business day, in accordance with generally accepted accounting procedures.

(B) Directed Investment Program. The Board may permit Participants to direct investments in accordance with 16 CSR 50-10.040(2). If the Board establishes such a program, the assets of the Plan shall continue to be part of the Trust Fund. However, the Board shall appoint an Investment Manager who shall have power to manage, acquire, or dispose of any Plan asset in accordance with the directed investment program described in 16 CSR 50-10.040(2). The Trustee shall not be under any obligation to invest or otherwise manage any asset of the Plan which is subject to the management of the Investment Manager.

(C) Investment Manager. The Board may select the following entities as Investment Manager:

1. An investment adviser described in the Investment Advisers Act of 1940;

2. A bank, as described in such act; or

3. An insurance company qualified to perform asset management services under the laws of more than one state.

(D) Gains and Losses of the Trust Fund. In the event the Account of a Participant is held by an Investment Manager, the "gains and losses of the fund" with respect to that Account shall be considered to be the investment returns directly attributable to the Investment Options selected by the Participant (or the Investment Manager) in accordance with 16 CSR 50-10.040(2).

(4) Plan Expenses. All expenses of Plan administration, including (by way of illustration and not limitation) those incurred by the Board and the fees of the Trustee shall be paid from the assets of the Plan.

(5) Claims for Benefits. A claim for a benefit under this Plan shall be reviewed by the Board (or by its designee) in accordance with the procedure outlined in 16 CSR 50-1.015. An appeal of an adverse claim decision shall be processed in accordance with 16 CSR 50-1.020.

AUTHORITY: sections 50.1010, RSMo 1994 and 50.1240, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS

Division 50—The County Employees' Retirement Fund Chapter 10—County Employees' Defined Contribution Plan

PROPOSED RULE

16 CSR 50-10.090 Miscellaneous Defined Contribution Plan Rules

PURPOSE: The purpose of this rule sets forth miscellaneous provisions relating to the defined contribution plan.

(1) Limitation of Rights: Employment Relationship. Neither the establishment of this Plan nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, nor any action taken thereunder nor any omission to act, shall be construed as giving a Participant or other person any legal or equitable right against an Employer except as provided in the Plan. In no event shall the terms of employment of any employee be modified or in any way be affected by the Plan.

(2) Benefits under this Plan may not be assigned, sold, transferred, or encumbered, and any attempt to do so shall be void. A Participant's or Beneficiary's Account shall not be subject to debts or liabilities of any kind and shall not be subject to attachment, garnishment or other legal process.

(3) Representations. The Board does not represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will result from participation in this Plan. A Participant should consult with professional tax advisors to determine the tax consequences of his or her participation. Furthermore, the Board does not represent or guarantee successful investment of the Participant's Account and shall not be required to restore any loss which may result from such investment or lack of investment.

(4) Severability. If a court of competent jurisdiction holds any provision of this Chapter 10 to be invalid or unenforceable, the remaining provisions of the Chapter shall continue to be fully effective.

(5) The provisions of this Chapter 10 shall be construed in accordance with sections 401(a) and 501(a) of the Code, all other applicable Federal Law, and, to the extent such other statutes do not apply, the laws of the State of Missouri.

(6) The Plan described in this Chapter 10 is intended to be a profit-sharing plan.

AUTHORITY: sections 50.1010, RSMo 1994 and 50.1210–50.1260, RSMo 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS

Division 50—The County Employees' Retirement Fund Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.010 Establishment and Purpose of Plan

PURPOSE: This rule establishes the 457 Plan authorized by section 50.1300, RSMo, and describes its intent.

(1) In accordance with the authority granted to the County Employees' Retirement Board by section 50.1300, RSMo, the

Board hereby adopts the County Employees' Deferred Compensation Plan (the "Plan"). The Plan shall be maintained for the exclusive benefit of covered employees and is intended to comply with the eligible deferred compensation plan requirements under section 457 of the *Internal Revenue Code* of 1986, as amended, and regulations thereunder, and other applicable law. Assets and income of the Plan shall be held in trust for the exclusive benefit of the Plan's Participants and their Beneficiaries.

(2) The purpose of this Plan is to enable employees who become covered under the Plan to enhance their retirement security by permitting them to enter into agreements with their Employer to defer a portion of their Compensation and receive benefits at retirement, Separation from Service, death, or in the event of financial hardship due to Unforeseeable Emergencies.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.020 Definitions

PURPOSE: This rule provides the definitions needed to describe the terms of the 457 Plan authorized by section 50.1300, RSMo.

(1) Whenever used in this Chapter 20, the following terms shall have the meanings as set forth in this rule 16 CSR 50-20.020 unless a different meaning is clearly required by the context:

(A) Account means the individual bookkeeping account maintained for each Participant that represents his or her total proportionate interest in the Trust Fund. A Participant is fully vested in his or her Account at all times.

(B) Beneficiary means the person, persons, or legal entity entitled to receive benefits under this Plan which become payable in the event of the Participant's death.

(C) Board means the Board of Directors of the County Employees' Retirement Fund.

(D) Code means the *Internal Revenue Code* of 1986, as amended, and includes any regulations thereunder.

(E) Compensation means all salary and other compensation paid to a county employee for personal services rendered as a county employee, which is currently includible in the Employee's gross income for the taxable year for federal income tax purposes (W-2 earnings); such term does not include any amount excludible from gross income under this Plan or any other plan described in section 457(b) of the Code, any amount excludible from gross income under section 403(b) of the Code, or any other amount excludible from gross income for federal income tax purposes.

(F) Deferral means the amount of Compensation that a Participant elects to defer pursuant to a properly executed Deferral Agreement.

(G) Deferral Agreement means the agreement between a Participant and an Employer to defer receipt of Compensation not yet earned.

(H) Employee means any person, an elective or appointive county official or employee regularly employed by a county who is under the direct control and supervision of a county or an elected or appointed county official and who is subject to continued employment, promotion, salary review or termination by a county or an elected or appointed county official and who is compensated directly from county funds and whose position requires the actual performance of duties during not less than 1,000 hours per calendar year, except county prosecuting attorneys covered under sections 56.800–56.840, RSMo., circuit clerks and deputy circuit clerks covered under the Missouri State Retirement System and county sheriffs covered under sections 57.949–57.997, RSMo, and employees who received some compensation from the county but who are subject to hiring, supervision, promotion or termination by an entity other than the county such as an extension council or the circuit court.

(I) Employer means each county in the state, except any city not within a county and counties of the first classification with a charter form of government.

(J) Investment Option means one of the options established by the Board, in which amounts contributed to a Participant's Account may be invested at the Participant's discretion. There is no limit on the type of investment that the Board may designate as an option.

(K) Participant means an Employee or former Employee who has been enrolled in this Plan and who retains his or her Account under the Plan.

(L) Plan means the County Employees' Deferred Compensation Plan as set forth in this Chapter 16 CSR 50-20 and as it may be amended from time to time.

(M) Plan Year means the calendar year.

(N) Prior Plan means any deferred compensation plan that is an eligible deferred compensation plan (as defined in section 457 of the Code), which has been consolidated with this Plan as permitted by section 50.1300, RSMo.

(O) Separation from Service means the severance of a Participant's employment with an Employer for any reason, including retirement or disability.

(P) Transfer Amounts means amounts transferred to a Participant's Account in accordance with 16 CSR 50-20.030(6) or 16 CSR 50-20.100.

(Q) Trust Agreement means an agreement entered into by the Board and one or more Trustees to govern the Trust Fund. The Trust Agreement shall be established pursuant to a written agreement that constitutes a valid trust under the law of the state of Missouri.

(R) Trust Fund means the sum of the contributions made to the Plan and held by the Trustee or Trustees in a trust, increased by any profits or income thereon and decreased by any losses or expenses incurred in the administration of the Trust Fund and any payments made therefrom.

(S) Trustee means the entity, or individual, or committee that is responsible for holding and managing the Trust Fund.

(T) Unforeseeable Emergency means a severe financial hardship to the Participant resulting from a sudden and unexpected illness or accident of the Participant or of a dependent of the Participant, loss of the Participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the Participant. The need to send a Participant's child to college or the desire to purchase a home shall not be an Unforeseeable Emergency. Payment may not be made in the event that such hardship is or may be relieved—

1. Through reimbursement or compensation by insurance or otherwise;
2. By liquidation of the Participant's assets, to the extent the liquidation of such assets would not itself cause severe financial hardship; or
3. By cessation of Deferrals under the Plan.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred
Compensation Plan

PROPOSED RULE

16 CSR 50-20.030 Participation in the Plan

PURPOSE: This rule provides the 457 Plan's eligibility requirements and the rules governing deferral elections to the 457 Plan.

- (1) Eligibility. Effective January 1, 2000, each Employee who is employed by an Employer and is a member of the pension fund described in 50.100–50.1200, RSMo may become a Participant in this Plan. Participation shall commence when enrollment becomes effective pursuant to section (2).
- (2) Enrollment. Employees may enroll in the Plan by completing a Deferral Agreement and submitting it to their Employer. The Employer shall be responsible for submitting the Deferral Agreement to the Board (or its designee) and ensuring that contributions are forwarded to the Trustee selected by the Board. Enrollment shall be effective on or after the first day of the month following the date the Deferral Agreement is properly completed by the Employee and received by the Employer.
- (3) Modifications to Amount Deferred. A Participant may change Deferrals with respect to Compensation not yet earned by submitting a new properly executed Deferral Agreement to his or her Employer. The change shall take effect as soon as administratively practicable but not earlier than the first day of the pay period beginning in the calendar year quarter following receipt of the properly completed Deferral Agreement by the Employer.
- (4) Revocation of Deferral. Any Participant may revoke his or her election to have Compensation deferred by notifying the Employer in writing. This revocation shall take effect as soon as administratively practicable, but no earlier than the first pay period following receipt of written notice of such revocation by the Employer. A Participant who revoked his or her Deferral may not enter into a new Deferral Agreement that is effective prior to the first day of the calendar year quarter following the revocation. Deferrals shall be revoked automatically for any month in which there are insufficient monies to make the entire Deferral agreed upon, and auto-

matically reinstated in the next pay period that Compensation is sufficient to make the agreed upon Deferral.

(5) Transmittal of Contributions. Notwithstanding any contrary provision of the Plan, in accordance with section 457(g) of the Code, all Deferrals, all property and rights purchased with such Deferrals, and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and Beneficiaries under the Plan. All amounts of compensation deferred under the Plan shall be transferred to the Trust Fund within a period that is not longer than is reasonable for the proper administration of the Accounts of Participants.

(6) Acceptance of Transfers. A Participant who participated in any eligible deferred compensation plan described in section 457(b) of the Code may transfer his or her account in such a plan to his or her Account in this Plan.

(7) Minimum Deferral. The minimum deferral permitted under the Plan shall be \$10 per month.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred
Compensation Plan

PROPOSED RULE

16 CSR 50-20.050 Limitations on Deferral

PURPOSE: This rule describes the limitations on deferral elections to the 457 Plan imposed by the Internal Revenue Code.

- (1) General Limitation. The maximum Deferral amount for any Participant in any taxable year shall not exceed the lesser of—
 - (A) \$7,500 (as adjusted for the calendar year to reflect increases in the cost of living in accordance with sections 457(e)(15) and 415(d) of the Code); or
 - (B) 33 1/3% of the Participant's Compensation for the taxable year.
- (2) Coordination with Other Plans. If a Participant participates in more than one Code section 457 Plan, the maximum deferral under all such plans shall not exceed \$7,500, as adjusted. If a Participant participates in a Plan described in sections 401(k), 403(b), 408(k), 408(p) or 501(c)(18) of the Code, amounts deferred by the Participant to such plan or plans and excluded from his or her gross income in any taxable year under such plan(s) shall reduce the general limitation amount.

(3) The provisions of this rule 16 CSR 50-20.050 shall be administered in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.060 Accounts of Participants

PURPOSE: This rule describes the accounting for a Participant's interest in the 457 Plan, and the investment of a Participant's Account.

(1) Accounts. The Board shall establish and maintain Accounts on behalf of each Participant. Such Participant Accounts shall be valued at fair market value as of each business day. Each Participant's Account balance shall reflect his or her aggregate Deferral Amounts, Transfer Amounts and any earnings (or losses) attributable to such amounts, and shall be reduced by administrative, investment, and other fees and expenses attributable to his or her Account that are necessary for the administration of the Participant's Account.

(2) Investments. A Participant may request that his or her Account (and his or her Deferrals) be allocated among the Investment Options made available by the Board. The initial allocation request shall be made at the time of enrollment. Once made, an investment allocation request shall remain in effect until changed by the Participant. A Participant may change his or her investment allocation by submitting a request to the Board (or its designee) in such form as may be permitted by the Board (or its designee). Such changes shall become effective as soon as administratively feasible after the Board (or its designee) receives such request. If the Participant fails to make an investment allocation request at the time of his or her enrollment, the Participant's Account shall be invested in default Investment Options selected by the Board, until such time as the Participant submits an investment allocation request.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.070 Distribution of Accounts

PURPOSE: This rule describes the timing and form of benefit payments from the 457 Plan.

(1) Eligibility for Payment. Distribution to a Participant of his or her Account shall be made no earlier than—

- (A) Separation from Service,
- (B) The calendar year in which the Participant attains age 70 1/2;
- (C) The date the Board approves a distribution to the Participant on account of an Unforeseeable Emergency; or
- (D) The date the Participant requests a voluntary in-service *de minimis* distribution from the Plan.

(2) Distribution Due to Unforeseeable Emergency. A Participant may request a distribution due to Unforeseeable Emergency by submitting a request to the Board (or its designee). The Board (or its designee) shall have the authority to require such evidence as it deems necessary to determine whether a distribution is warranted. If an application for a hardship distribution due to an Unforeseeable Emergency is approved, the distribution is limited to an amount sufficient to meet the Unforeseeable Emergency. The allowed distribution shall be paid in a single sum to the Participant as soon as possible after approval of such distribution.

(3) Voluntary In-Service *De Minimis* Distribution. A Participant who is an active Employee shall receive a distribution of his or her Account if the following requirements are met:

- (A) The Participant's Account balance does not exceed \$5,000 (or the dollar limit under section 411(a)(11) of the Code, if greater);
- (B) The Participant has not previously received an in-service distribution of his or her Account balance;
- (C) The Participant has not made Deferrals during the two-year period ending on the date of the in-service distribution; and
- (D) The Participant elects to receive the distribution.

(4) Commencement of Distributions.

(A) General Rule. Distribution of a Participant's Account under the Plan shall be made in the form elected by the Participant, commencing as soon as administratively feasible after the calendar year quarter in which the Participant's Separation from Service occurs, unless the Participant makes a one-time irrevocable written election to defer this payment to a specified later date, and the election is made at least 30 days before the date benefits commence. A Participant may elect that the single-sum distribution of benefits be made on any determinable future date as long as distributions commence no later than 60 days following the close of the calendar year in which the Participant attains age 70 1/2, or retires, if later.

(B) If a Participant has elected a deferred commencement date, then the Participant may make an additional election to further defer the commencement of distributions, provided that the election is filed before distributions actually begin and the later commencement date meets the required distribution commencement

date provisions of sections 401(a)(9) and 457(d)(2) of the Code. A Participant may not make more than one such additional deferral election.

(C) Notwithstanding subsections (4)(A) and (4)(B), if the value of a Participant's Account is \$5,000 or less, then his or her benefit under the Plan shall be distributed to him in a single sum as soon as administratively feasible following his or her Separation from Service.

(D) Employees who terminate employment and then resume employment with an Employer within 30 days will not forfeit their prior service and will not be required to receive a refund of their payroll contributions.

(5) Payment Options. A Participant's or Beneficiary's election of a payment option must be made at least 30 days prior to the date that the payment of benefits is to commence. If a timely election of a payment option is not made, benefits shall be paid in a single lump sum, as soon as administratively feasible following the Participant's Separation from Service. Once payments have commenced, the form of payment option may not be changed.

(6) Subject to applicable law and the other provisions of this Plan, distributions may be made in accordance with one of the following payment options:

(A) A single lump-sum payment;

(B) Substantially nonincreasing installment payments for a period of years (payable on a monthly, quarterly, semi-annual, or annual basis) which extends no longer than the life expectancy of the Participant;

(C) Partial lump-sum payment of a designated amount, with the balance payable in substantially nonincreasing installment payments for a period of years, as described in subsection (6)(B), as long as such installment payments begin prior to the end of the calendar year following the year the partial lump-sum payment was made; and

(D) Annuity payments (payable on a monthly, quarterly, or annual basis) for the lifetime of the Participant or for the lifetimes of the Participant and Beneficiary if permitted under sections 401(a)(9) or 459(d) of the Code. If the Participant fails to make a timely election of one of the payment options described above, payment shall be made in a single sum as soon as feasible following the Participant's Separation from Service.

(7) Plan-to-Plan Transfers. Notwithstanding any other provisions of the Plan, all or any part of the Account of a former Employee who is a Participant in the Plan shall, instead of being distributed in accordance with section (4), be transferred to another eligible deferred compensation plan in which the former Employee has become a participant, if—

(A) The plan receiving such amounts provides for acceptance of such transfers; and

(B) The Participant gives written direction to the Board (or its designee) to make such transfer.

(8) This Plan also shall accept the transfer of amounts previously deferred by a Participant under another eligible deferred compensation plan described in section 457 of the Code.

(9) All distributions under this rule 16 CSR 50-20.070 shall be made in accordance with the requirements of Code sections 457(d)(2) and 401(a)(9).

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.080 Death Benefits

PURPOSE: This rule describes the benefits available to a Participant's Beneficiary upon his or her death and the procedure for designating a Beneficiary.

(1) Death Benefit. As soon as administratively feasible following the close of the calendar year quarter in which the death of a Participant occurs, the Participant's Beneficiary shall receive a single-sum distribution of the Participant's entire Account balance.

(2) Beneficiary Designation. A Participant shall have the right to designate a Beneficiary, and amend or revoke such designation at any time, in writing. Such designation, amendment or revocation shall be effective upon receipt by the Board.

(3) Failure to Designate a Beneficiary. If no designated Beneficiary survives the Participant, or no Beneficiary has been designated by the Participant, and benefits are payable following the Participant's death, the Board shall direct that payment of benefits be made to the person or persons in the first of the following classes of successive preference Beneficiaries:

(A) The spouse of the Participant; and

(B) The Participant's estate.

(4) All death benefits paid in accordance with this rule 16 CSR 50-20.080 shall be made in accordance with the requirements of Code sections 457(d)(2) and 401(a)(9).

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

PROPOSED RULE

16 CSR 50-20.090 Plan Administration

PURPOSE: The purpose of this rule is to outline the administrative procedures and responsibilities for the 457 Plan.

(1) Plan Administration. The management of the Plan shall be vested in the Board according to the provisions in sections 50.1000 to 50.1260, RSMo, as such Board is established in section 50.1030, RSMo. Any action taken on any matter within the discretion of the Board shall be final, conclusive, and binding on all parties. In order to discharge its duties hereunder, the Board shall have the power and authority to adopt, interpret, alter, amend or revoke rules and regulations necessary to administer the Plan, to delegate ministerial duties and to employ such outside professionals as may be required for prudent administration of the Plan. The Board shall also have authority to enter into agreements as may be necessary to implement this Plan. Any individual member of the Board who is otherwise eligible may participate in the Plan but shall not be entitled to make decisions solely with respect to his or her own participation and benefits under the Plan.

(2) Amendment of Plan. The Board shall have the right to amend the Plan, at any time and from time to time, in whole or in part.

(3) To implement the Plan, the Board shall enter into a Trust Agreement, so that Plan funds shall be segregated from an Employer's own assets and held in trust by the Trustee for the exclusive benefit of Participants and their Beneficiaries. Any or all benefits that may accrue to any Participant or Beneficiary under this Plan shall be subject to the terms and conditions of said Trust Agreement. Except as provided in section (4), it shall be impossible under any circumstances at any time for any part of the corpus or income of the Trust Fund to be used for, or diverted to purposes other than the exclusive benefit of Participants and their Beneficiaries.

(4) Plan Expenses. All expenses of Plan administration, including (by way of illustration and not limitation) those incurred by the Board and the fees of the Trustee shall be paid from the Trust Fund.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred
Compensation Plan**

PROPOSED RULE

16 CSR 50-20.100 Merger of Prior Plan

PURPOSE: The rule describes how a county's prior 457 Plan may be merged into this 457 Plan.

If an Employer has sponsored any other plan described under section 457(b) of the Code, the Employer may elect to consolidate such Prior Plan with this Plan, with the consent of the Board. In this event, the account of each of the Employer's Employees in the

Prior Plan shall be transferred to the Trust Fund and made a part of each Employee's Account in the Plan. An Employer is not required to consolidate a Prior Plan with this Plan.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred
Compensation Plan**

PROPOSED RULE

16 CSR 50-20.110 Miscellaneous 457 Plan Rules

PURPOSE: The purpose of this rule is to set forth miscellaneous provisions relating to the 457 Plan.

(1) Limitation of Rights: Employment Relationship. Neither the establishment of this Plan nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, shall be construed as giving a Participant or any other person any legal or equitable right against an Employer except as provided in the Plan. In no event shall the terms of employment of any Employee be modified or in any way be affected by the Plan.

(2) Benefits under this Plan may not be assigned, sold, transferred, or encumbered, and any attempt to do so shall be void. A Participant's or Beneficiary's Account shall not be subject to debts or liabilities of any kind and shall not be subject to attachment, garnishment or other legal process.

(3) Representations. The Board does not represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will result from participation in this Plan. A Participant should consult with professional tax advisors to determine the tax consequences of his or her participation. Furthermore, the Board does not represent or guarantee successful investment of Deferrals and shall not be required to restore any loss which may result from such investment or lack of investment.

(4) Severability. If a court of competent jurisdiction holds any provision of this Chapter 16 CSR 50-20 to be invalid or unenforceable, the remaining provisions of the Chapter shall continue to be fully effective.

(5) The provisions of this Chapter 16 CSR 50-20 shall be construed in accordance with section 457 of the Code, all other applicable federal law, and, to the extent such other statutes do not apply, the laws of the State of Missouri.

AUTHORITY: section 50.1300, RSMo Supp. 1999. Original rule filed May 9, 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 the County Employees' Retirement Fund, P.O. Box 2271, 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 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 20—Communicable Diseases**

PROPOSED AMENDMENT

19 CSR 20-20.010 Definitions Relating to Communicable, Environmental and Occupational Diseases. The department is amending sections (5), (7), (12), (30) and (31), deleting sections (3), (14), (23) and (34), adding new sections (2), (6), (23), (25), (34), (36) and (37), and renumbering affected sections.

PURPOSE: This amendment updates definitions pertaining to communicable, environmental, and occupational diseases and deletes the section that would have ended this rule on June 30, 2005.

(2) Adult respiratory distress syndrome (ARDS) is a syndrome with the following simultaneous characteristics:

- (A) Hypoxemia due to intrapulmonary shunting of blood;**
- (B) Increased lung stiffness; and**
- (C) Chest x-ray evidencing diffuse infiltration.**

[(2)] (3) Board is the State Board of Health.

[(6)] (3) Carbon monoxide poisoning is defined as a carboxy-hemoglobin level greater than fifteen percent (> 15%).]

(5) Case, as distinct from a carrier, is a person in whose tissues the etiologic[al] agent of a communicable disease is *[lodged]* present and which usually produces signs or symptoms of disease. Evidence of the presence of a communicable disease also may be revealed by routine laboratory findings.

(6) Cluster is a group of individuals who manifest the same or similar signs and symptoms of disease.

[(6)] (7) Communicable disease is an illness due to an infectious agent or its toxic products and transmitted, directly or indirectly, to a susceptible host from an infected person, animal or arthropod, or through the agency of an intermediate host or a vector, or through the inanimate environment.

*[(7)] (8) Contact is a person or animal that has been in association with an infected person or animal and through that association has had the opportunity *[of acquiring]* to acquire the infection.*

[(8)] (9) Designated representative is any person or group of persons appointed by the director of the Department of Health to act on behalf of the director or the State Board of Health.

[(9)] (10) Director is the state Department of Health director.

[(10)] (11) Disinfection is the killing of pathogenic agents outside the body by chemical or physical means, directly applied.

(A) Concurrent disinfection is disinfection immediately after the discharge of infectious material from the body of an infected person or after the soiling of articles with the infectious discharges.

(B) Terminal disinfection is the process of rendering the personal clothing and immediate physical environment of a patient free from the possibility of conveying the infection to others after the patient has left the premises or after the patient has ceased to be a source of infection or after isolation practices have been discontinued.

[(11)] (12) Environmental and occupational diseases are illnesses or adverse human health effects resulting from exposure to a chemical, radiological or physical agent.

*[(12)] (13) Exposure is defined as *[the]* contact with, absorption, ingestion or inhalation of chemical, **biologic**, radiologic[al], or other physical agents by a human that results in biochemical, physiological or histological changes.*

[(13)] (14) Food is any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use in whole or in part for human consumption.

[(14) Health department is a legally constituted body provided by city, county or group of counties to protect the public health of the city, county or group of counties.]

(18) Hypothermia means a physician-diagnosed case of cold injury associated with a fall of body temperature to less than ninety-four and one-tenth degrees Fahrenheit (94.1°F) and resulting from *[unintentional]* exposure to a cold environment.

[(23) Lead exposure means the laboratory determination of a human whole blood lead level greater than or equal to ten micrograms per deciliter ($\geq 10 \mu\text{g/dl}$) in persons under age eighteen (< 18) and greater than or equal to twenty-five micrograms per deciliter ($\geq 25 \mu\text{g/dl}$) in persons age eighteen (18) or older.]

(23) Laboratory means a facility for the biological, microbiological, serological, chemical, immuno-hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of a human. These examinations also include procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body. Facilities only collecting or preparing specimens (or both) or only serving as a mailing service and not performing testing are not considered laboratories. Laboratory includes hand-held testing equipment. All testing laboratories must be certified under the Clinical Laboratories Improvement Amendment of 1988 (CLIA—42 CFR part 493).

(25) Local public health agency is a legally constituted body provided by a city, county or group of counties to protect the public health of the city, county or group of counties.

[(25)] (26) Outbreak or epidemic is the occurrence in a community or region of an illness(es) similar in nature, clearly in excess of normal expectancy and derived from a common or a propagat-ed source.

[(26)] (27) Period of communicability is the period of time during which an etiologic agent may be transferred, directly or indirectly, from an infected person to another person or from an infected animal to a person.

[(27)] (28) Person is any individual, partnership, corporation, association, institution, city, county, other political subdivision authority, state agency or institution or federal agency or institution.

[(28)] (29) Pesticide poisoning means human disturbance of function, damage to structure or illness which results from the inhalation, absorption or ingestion of any pesticide.

[(29)] (30) Poisoning means injury, illness or death caused by chemical means.

[(30)] (31) Quarantine is a period of detention for persons or animals that may have been exposed to a reportable disease. The period of time will not be longer than the longest period of communicability of the disease. The purpose of quarantine is to prevent effective contact with the general population.

(A) Complete quarantine is a limitation of freedom of movement of persons or animals exposed to a reportable disease, for a period of time not longer than the longest period of communicability of the disease, in order to prevent effective contact with the general population.

(B) Modified quarantine is a selective, partial limitation of freedom of movement of persons or *[domestic]* animals determined on the basis of differences in susceptibility or danger of disease transmission. Modified quarantine is designed to meet particular situations and includes, but is not limited to, the exclusion of children from school, the closure of schools and places of public or private assembly and the prohibition or restriction of those exposed to a communicable disease from engaging in a particular occupation.

[(31)] (32) Reportable disease is any disease or condition for which an official report is required. Any unusual *[group]* expression of illness **in a group of individuals** which may be of public health concern is reportable and shall be reported to the local health department, local health authority or the Department of Health by the quickest means.

[(32)] (33) Small quantity generator of infectious waste is any person generating one hundred kilograms (100 kg) or less of infectious waste per month and as regulated in 10 CSR 80.

(34) **Terrorist event is the unlawful use of force or violence committed by a group or individual against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. Terrorist attacks are classified as chemical, biological, or radiological.**

(A) **Chemical means any weapon that is designed or intended to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or precursors of toxic or poisonous chemicals.**

(B) **Biological means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product.**

(C) **Radiological means any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.**

[(33)] (35) Toxic substance is any substance, including any raw materials, intermediate products, catalysts, final products or by-products of any manufacturing operation conducted in a commercial establishment that has the capacity through its physical, chemical or biological properties to pose a substantial risk of death or impairment, either immediately or later, to the normal functions of humans, aquatic organisms or any other animal.

[(34) This rule will expire on June 30, 2005.]

(36) **Unusual diseases—Examples include, but are not limited to, the following:**

(A) **Diseases uncommon to a geographic area, age group, or anatomic site;**

(B) **Cases of violent illness resulting in respiratory failure;**

(C) **Absence of a competent natural vector for a disease; or**

(D) **Occurrence of hemorrhagic illness.**

(37) **Unusual manifestation of illness—Examples include, but are not limited to, the following:**

(A) **Multiple persons presenting with a similar clinical syndrome at a steady or increasing rate;**

(B) **Large numbers of rapidly fatal cases, with or without recognizable signs and symptoms;**

(C) **Two or more persons, without a previous medical history, presenting with convulsions;**

(D) **Persons presenting with grayish colored tissue damage; or**

(E) **Adults under the age of fifty years, without previous medical history, presenting with adult respiratory distress syndrome (ARDS).**

AUTHORITY: sections 192.006, RSMo Supp. 1999, 192.020 and 260.203, RSMo 1994. This rule was previously filed as 13 CSR 50-101.010. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Amended: Filed June 1, 2000.

PUBLIC COST: This proposed amendment will not cost public entities 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 Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, 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 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 20—Communicable Diseases**

PROPOSED AMENDMENT

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases. The Department of Health proposes to amend sections (1) through (8) and to delete section (10).

PURPOSE: This amendment: updates material incorporated into this rule by reference; modifies the type of information to be sent to local health authorities when a reportable disease or condition is confirmed or suspected; provides the requirement for local health authorities to treat patient information in a confidential manner; modifies the list of diseases and conditions that are reportable to the Missouri Department of Health as well as time frames for reporting.

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 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) Category I diseases or findings shall be reported to the local health authority or to the Department of Health within twenty-four (24) hours of first knowledge *or suspicion* by telephone, facsimile or other rapid communication. Category I diseases or findings are—

(A) Diseases, findings or agents that occur naturally or from accidental exposure:

[Acute chemical poisoning as defined in 56 FR 52166–52175

Anthrax

Botulism

Brucellosis

Cholera]

Diphtheria

[Group A Streptococcal disease, invasive]

[Haemophilus influenzae] Haemophilus influenzae, invasive disease[, invasive, including meningitis]

Hantavirus pulmonary syndrome

[Hemolytic Uremic Syndrome, post-diarrheal]

Hepatitis A

Hyperthermia

Hypothermia

Influenza, suspected—nosocomial outbreaks and public or private school closures

Lead (blood) level greater than or equal to forty-five micrograms per deciliter ($\geq 45 \mu\text{g}/\text{dl}$) in any person equal to or less than seventy-two (≤ 72) months of age

Measles (rubeola)

Meningococcal disease, invasive[, including meningitis]

Methemoglobinemia]

Outbreaks or epidemics of any illness, disease or condition that may be of public health concern

Pertussis

[Pesticide poisoning

Plague]

Poliomyelitis

[Psittacosis]

Rabies, animal or human

Rubella, including congenital syndrome

Staphylococcus aureus, vancomycin resistant

Syphilis, including congenital syphilis

Tuberculosis disease

Typhoid fever

(B) Diseases, findings or agents that occur naturally or that might result from a terrorist attack involving biological, radiological, or chemical weapons:

Adult respiratory distress syndrome (ARDS) in patients under 50 years of age (without a contributing medical history)

Anthrax

Botulism

Brucellosis

Cholera

Encephalitis, Venezuelan equine

Glanders

Hemorrhagic fever (e.g., dengue, yellow fever)

Plague

Q fever

Ricin

Smallpox (variola)

Staphylococcal enterotoxin B

T-2 mycotoxins

Tularemia

(2) Category II diseases or findings shall be reported to the local health authority or the Department of Health within three (3) days of first knowledge *or suspicion*. Category II diseases or findings are—

Acquired immunodeficiency syndrome (AIDS)

Arsenic poisoning

Blastomycosis

[Cadmium poisoning]

Campylobacter infections

Carbon monoxide poisoning

CD4+ T cell count

Chancroid

Chemical poisoning, acute, as defined in the most current

ATSDR CERCLA Priority List of Hazardous Substances; if terrorism is suspected, refer to section (1)(B)

[Chlamydia trachomatis] Chlamydia trachomatis, infections

Creutzfeldt-Jakob disease

Cryptosporidiosis

Cyclosporidiosis

[E. coli O157:H7]

Ehrlichiosis, human granulocytic or monocytic

Encephalitis, arthropod-borne [except VEE, see section (1)(B)]

Escherichia coli O157:H7

Giardiasis

Gonorrhea

Hansen disease (leprosy)

Heavy metal poisoning including, but not limited to, cadmium and mercury

Hemolytic uremic syndrome (HUS), post-diarrheal

Hepatitis B, [(acute)]

Hepatitis B [S/surface [A/antigen (prenatal HBsAg) in [positive screening of] pregnant women

Hepatitis C

Hepatitis non-A, non-B, non-C

Human immunodeficiency virus (HIV)-exposed newborn infant (i.e., newborn infant whose mother is infected with HIV)

Human immunodeficiency virus (HIV) infection, [confirmed] as indicated by HIV antibody testing (reactive screening test followed by a positive confirmatory test), HIV antigen testing (reactive screening test followed by a positive confirmatory test), detection of HIV nucleic acid (RNA or DNA), HIV viral culture, or other testing that indicates HIV infection

Human immunodeficiency virus (HIV) test results (including both positive and negative results) for children less than two years of age whose mothers are infected with HIV

Human immunodeficiency virus (HIV) viral load measurement (including nondetectable results)

Influenza, laboratory-confirmed

[Kawasaki disease]

Lead [exposure greater than or equal to ten micrograms per deciliter ($\geq 10 \mu\text{g}/\text{dl}$) in persons under age eighteen (< 18) or greater than or equal to twenty-five micrograms per deciliter ($\geq 25 \mu\text{g}/\text{dl}$) in persons age eighteen or greater (≥ 18)] (blood) level less than forty-five micrograms per deciliter (< 45 $\mu\text{g}/\text{dl}$) in any person equal to or less than seventy-two (≤ 72) months of age and any lead (blood) level in persons older than seventy-two (> 72) months of age

Legionellosis

Leptospirosis

[Listeria monocytogenes] Listeria monocytogenes

Lyme disease

Malaria

[Meningitis, aseptic]

[Mercury poisoning]

Methemoglobinemia

Mumps

Mycobacterial disease other than tuberculosis (MOTT)

Nosocomial outbreaks

Occupational lung diseases including silicosis, asbestosis, byssinosis, farmer's lung and toxic organic dust syndrome

[Pertussis]

Pesticide poisoning

Psittacosis

Respiratory diseases triggered by environmental *[factors]* **contaminants** including environmentally or occupationally induced asthma and bronchitis

[Reye syndrome]

Rocky Mountain spotted fever

[Salmonella infections] **Salmonellosis**

[Shigella infections] **Shigellosis**

Streptococcal disease, invasive, Group A

Streptococcus pneumoniae, drug resistant invasive disease

Tetanus

[T-Helper (CD4+) lymphocyte count on any person with HIV infection]

Toxic shock syndrome, staphylococcal or streptococcal

Trichinosis

Tuberculosis infection

[Tularemia]

Varicella deaths

[Yersinia enterocolitica] *Yersinia enterocolitica*

(3) The occurrence of *[any]* **an** outbreak or epidemic of any illness, *[or]* **disease or condition** which may be of public health concern, including any illness in a food handler that is potentially transmissible through food*[,]*. **This also includes public health threats that could result from terrorist activities such as clusters of unusual diseases or manifestations of illness and clusters of unexplained deaths. Such incidents** shall be reported to the local health authority or the Department of Health by telephone, facsimile, or other rapid communication within twenty-four (24) hours of first knowledge or suspicion.

(4) A physician, physician's assistant, nurse, hospital, clinic, or other private or public institution providing **diagnostic testing, screening or care** to any person *[who is suffering from]* **with** any disease, condition or finding listed in sections (1)–(3) of this rule, or who is suspected of having any of *[those]* **these** diseases, conditions or findings, shall make a case report to the local health authority or the Department of Health, or cause a case report to be made by their designee, within the specified time.

(A) A physician, physician's assistant, or nurse providing care **in an institution** to any patient*[,]* with any disease, condition or finding listed in sections (1)–(3) of this rule*[,] in an institution]* may authorize, in writing, the administrator or designee of the institution to submit case reports on patients attended by the physician, physician's assistant, or nurse at the institution. But under no other circumstances shall the physician, physician's assistant, or nurse be relieved of this reporting responsibility.

(5) A case report as required in section (4) of this rule shall include the patient's name, **home address with zip code, date of birth**, age, sex, race, **home** phone number, name of the disease, condition or finding diagnosed or suspected, the date of onset of the illness, name and address of the treating facility (if any) and the attending physician, any appropriate laboratory results, name and address of the reporter, **treatment information for sexually transmitted diseases**, and the date of report.

(6) Any person in charge of a public or private school, summer camp or *[day]* **child or adult** care facility shall report to the local

health authority or the Department of Health the presence or suspected presence of any diseases or findings listed in sections (1)–(3) of this rule according to the specified time frames.

(7) All local health authorities shall forward to the Department of Health reports of all diseases or findings listed in sections (1)–(3) of this rule. All reports shall be forwarded within twenty-four (24) hours after being received according to procedures established by the Department of Health director. **Reports will be forwarded as expeditiously as possible if a terrorist event is suspected or confirmed.** The local health authority shall retain from the original report any information necessary to carry out the required duties in 19 CSR 20-20.040(2) and (3).

(8) Information from patient medical records received by **local public health agencies or the Department of Health in compliance with this rule** is to be considered confidential records and not public records.

[[10] This rule will expire on June 30, 2000.]

(10) **The following material is incorporated into this rule by reference:**

(A) **Agency for Toxic Substances and Disease Registry (ATSDR) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Priority List of Hazardous Substances** (<http://www.atsdr.cdc.gov:8080/97list.html>)

AUTHORITY: sections 192.006, RSMo Supp. 1999 and 192.020, 192.139, [201.040] 210.040 and 210.050, RSMo 1994. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Amended: Filed June 1, 2000.

PUBLIC COST: This proposed amendment is estimated to save the Missouri State Public Health Laboratory \$8,210, county/district health agencies \$5,052, and public schools \$1,895 for a total savings of \$15,157 annually. A fiscal note containing a detailed estimate of cost savings has been filed with the secretary of state.

PRIVATE COST: This proposed amendment is estimated to cost hospitals \$377, save hospital laboratories \$40, save private laboratories \$37, cost private providers \$115, save private schools \$11, and save unknown agencies \$31.00 for a total cost of \$373 annually. A fiscal note containing a detailed 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 amendment with Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. 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 19 CSR 20-20.020

Title: Title 19 -- Department of Health

Division: Division of Environmental Health and Communicable Disease Prevention

Chapter: Chapter 20 – Communicable Diseases

Type of Rule Making: Amendment

Rule Number and Name: 19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri State Public Health Laboratory	Annual Cost: [\$8,210]
County/district health agencies	[5,052]
Public schools	[1,895]
	Total = [\$15,157]

III. WORKSHEET

See attached worksheet.

IV. ASSUMPTIONS

See attached worksheet.

Fiscal Note – Worksheet
 Public Entity Cost

Rule 19 CSR 20-20.020, Reporting Communicable, Environmental and Occupational Diseases

PURPOSE: This rule designates the diseases, disabilities, conditions, and findings that must be reported to the Department of Health. It also establishes when they must be reported and who must report.

Prepared January 31, 2000 by the Department of Health, Division of Environmental Health and Communicable Disease Control, Office of Surveillance.

Affected Entities: Reports of communicable, environmental, and occupational diseases and conditions come from the following public entities. The percents listed reflect the percent of these reports received by MDOH that come from each of these entities:

Missouri State Public Health Lab, district labs, public hospital labs	13%
County/district health agencies	8%
Public schools	3%
Total	24%

In addition, the Department of Health conducts surveillance activities for reportable diseases and conditions.

CALCULATIONS:

Section A. Changes in costs resulting from addition and deletion of diseases/conditions to the reporting rule:

Diseases/Conditions Added to the Reporting Rule by This Amendment
 (* Primarily associated with potential terrorist event)

<u>Disease/Condition</u>	No. Cases 5-Year Annual Mean (1995-1999)
Vancomycin Resistant <i>S. aureus</i>	0
Acute respiratory distress syndrome (ARDS)*	0
Venezuelan equine encephalitis*	0
Glanders*	0
Dengue*	0
Yellow fever*	0
Q fever*	0
Ricin*	0
Smallpox*	0
Staphylococcal enterotoxin B*	0
T-2 mycotoxins*	0
Terrorism, clusters of patients*	0
Blastomycosis	6.2
CD4+ T cell count, all	No effect ^a
Creutzfeldt-Jakob disease	6.8 ^b
Cyclosporidiosis	0
Hansen disease	0

HIV-exposed newborn	37
<i>S. pneumoniae</i> , drug resistant invasive disease	16 ^c
Varicella deaths	0.2
Heavy metal poisoning other than Cd, Pb, Hg	0.2
<u>X₁ = Total = Mean annual increase in conditions reported = 66.4</u>	

Notes:

- a. CD4+ T cell count, all - The current reporting rule requires the CD4+ count to be reported for all HIV positive individuals. To comply with this, laboratories are already submitting all CD4+ counts to the Office of Surveillance (OoS), since this is easier than "sorting out" these counts for HIV positive persons. OoS personnel are already entering all CD4+ counts into databases. Therefore, the requirement to submit all CD4+ counts will result in no change in activities performed by either public or private entities
- b. 4-year mean
- c. 2-year mean

Diseases/Conditions Deleted From the Reporting Rule by This Amendment

<u>Disease/Condition</u>	No. Cases 5-Year Annual Mean (1995-1999)
Kawaski syndrome	15.8
Meningitis, aseptic	172.8
<u>Reye syndrome</u>	<u>0.75^a</u>
<u>X₂ = Total = Mean annual decrease in diseases reported = 189.35</u>	

Note: a = 4-year mean

X₃ = Mean net annual change in diseases reported as a result of this amendment
 = X₁ - X₂
 = 66.4 - 189.35
 = -123 (rounded)

Decrease in Public Entity Costs Projected for 2000 through 2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Year	No. of Cases (Note a)	0.1 X Hourly Rate-\$ (Notes b, c)	Expense Salary-\$ (2 X 3)	Postage Rate-\$ (Note d)	Postage Total-\$ (2 X 5)	Subtotal-\$ (.24[4 + 6], Note c)	Surveillance-\$ (Notes c, f)	Total-\$ (7 + 8)
1999	X ₃ = -123							
2000	-127	1.59	-202	0.33	-42	-59	-12885	-12944
2001	-130	1.67	-217	0.34	-44	-63	-13850	-13913
2002	-134	1.75	-235	0.35	-47	-68	-14989	-15057
2003	-138	1.84	-254	0.36	-50	-73	-16209	-16282
2004	-142	1.93	-274	0.37	-53	-78	-17513	<u>-17591</u>
								<u>-\$75787</u>

X₄ = Public Entity Costs, average per year (2000-2004), due to change in reportable conditions

$$= \$75787/5 = [\$15157]$$

Notes:

- a. Number of cases projected to increase 3% annually.
- b. Staff Expense – Approximately 6 minutes per case or 0.1 of the hourly salary; used Community Health Nurse II(Q) salary of \$33,624/year, or \$15.92/hour).
- c. 5% increase in costs computed for each year.
- d. Postage – Calculated as each report being mailed separately in first class mail.
- e. Expenses estimated at 24% of the total expense for reporting (see page 1, para 4, “Affected Entities”).
- f. A per case cost for surveillance in 2000 was determined to be \$101.46.

Section B. Changes resulting from addition of requirement to report human immunodeficiency virus (HIV) test results (including both positive and negative results) for children less than two years of age whose mothers are infected with HIV:

Positive test results: Already reportable, no additional costs.

Negative test results: Health agencies currently contact private physicians to obtain these results; no additional costs.

Section C. Summary

$$\begin{aligned} & \text{Public Entity Cost: Average annual increase (2000-2004)} \\ & = X_4 \\ & = [\$15157] \end{aligned}$$

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER 19 CSR 20-20.020

Title: Title 19 -- Department of Health

Division: Division of Environmental Health and Communicable Disease Prevention

Chapter: Chapter 20 – Communicable Diseases

Type of Rule Making: Amendment

Rule Number and Name: 19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate n the aggregate as to the cost of compliance with the rule by the affected entities.
154	Hospitals	Annual Cost: \$377
48	Hospital laboratories	[40]
77	Private laboratories	[37]
5000	Private providers	115
437 (elementary plus high school)	Private schools	[11]
	Unknown	[31]
		Total = \$373

III. WORKSHEET

See attached worksheet.

IV. ASSUMPTIONS

See attached worksheet.

Fiscal Note – Worksheet
 Private Entity Cost

Rule 19 CSR 20-20.020, Reporting Communicable, Environmental and Occupational Diseases

PURPOSE: This rule designates the diseases, disabilities, conditions, and findings that must be reported to the Department of Health. It also establishes when they must be reported and who must report.

Prepared January 31, 2000 by the Department of Health, Division of Environmental Health and Communicable Disease Control, Office of Surveillance.

Affected Entities: Reports of communicable, environmental, and occupational diseases and conditions come from the following private entities. The percents listed reflect the percent of these reports received by MDOH that come from each of these entities:

Hospitals	26%
Hospital laboratories	14%
Private laboratories	13%
Private providers	8%
Private schools	4%
Unknown	<u>11%</u>
Total	76%

CALCULATIONS:

Section A. Changes in costs resulting from addition and deletion of diseases/conditions to the reporting rule:

Diseases/Conditions Added to the Reporting Rule by This Amendment
 (* Primarily associated with potential terrorist event)

<u>Disease/Condition</u>	No. Cases 5-Year Annual Mean (1995-1999)
Vancomycin Resistant <i>S. aureus</i>	0
Acute respiratory distress syndrome (ARDS)*	0
Venezuelan equine encephalitis*	0
Glanders*	0
Dengue*	0
Yellow fever*	0
Q fever*	0
Ricin*	0
Smallpox*	0
Staphylococcal enterotoxin B*	0
T-2 mycotoxins*	0
Terrorism, clusters of patients*	0
Blastomycosis	6.2
CD4+ T cell count, all	No effect ^a
Creutzfeldt-Jakob disease	6.8 ^b
Cyclosporidiosis	0
Hansen disease	0

HIV-exposed newborn	37
<i>S. pneumoniae</i> , drug resistant invasive disease	16 ^c
Varicella deaths	0.2
<u>Heavy metal poisoning other than Cd, Pb, Hg</u>	<u>0.2</u>
$X_1 = \text{Total} = \text{Mean annual increase in conditions reported} =$	66.4

Notes:

- a. CD4+ T cell count, all - The current reporting rule requires the CD4+ count to be reported for all HIV positive individuals. To comply with this, laboratories are already submitting all CD4+ counts to the Office of Surveillance (OoS), since this is easier than "sorting out" these counts for HIV positive persons. OoS personnel are already entering all CD4+ counts into databases. Therefore, the requirement to submit all CD4+ counts will result in no change in activities performed by either public or private entities
- b. 4-year mean
- c. 2-year mean

Diseases/Conditions Deleted From the Reporting Rule by This Amendment

<u>Disease/Condition</u>	No. Cases 5-Year Annual Mean (1995-1999)
Kawaski syndrome	15.8
Meningitis, aseptic	172.8
<u>Reve syndrome</u>	<u>0.75^a</u>
$X_2 = \text{Total} = \text{Mean annual decrease in diseases reported} =$	189.35

Note: a = 4-year mean

$X_3 = \text{Mean net annual change in diseases reported as a result of this amendment}$
 $= X_1 - X_2$
 $= 66.4 - 189.35$
 $= -123 \text{ (rounded)}$

Decrease in Private Entity Costs Projected for 2000 through 2004

(1) Year	(2) No. of Cases (Note a)	(3) 0.1 X Hourly Rate-\$ (Notes b, c)	(4) Expense Salary-\$ (2 X 3)	(5) Postage Rate-\$ (Note d)	(6) Postage Total-\$ (2 X 5)	(7) Total-\$ (.76[4 + 6], Note e)
1999	$X_3 = -123$					
2000	-127	1.59	-202	0.33	-42	-185
2001	-130	1.67	-217	0.34	-44	-198
2002	-134	1.75	-235	0.35	-47	-214
2003	-138	1.84	-254	0.36	-50	-231
2004	-142	1.93	-274	0.37	-53	<u>-249</u>
						<u>-\$1077</u>

$X_4 = \text{Private Entity Costs, average per year (2000-2004), due to change in reportable conditions}$

$$\approx -\$1077/5 = \underline{\$215}$$

Notes:

- a. Number of cases projected to increase 3% annually.
- b. Staff Expense – Approximately 6 minutes per case or 0.1 of the hourly salary; used Community Health Nurse II(Q) salary of \$33,624/year, or \$15.92/hour).
- c. 5% increase in costs computed for each year.
- d. Postage – Calculated as each report being mailed separately in first class mail.
- e. Expenses estimated at 76% of the total expense for reporting (see page 1, para 4, “Affected Entities”).

Section B. Changes resulting from addition of requirement to report human immunodeficiency virus (HIV) test results (including both positive and negative results) for children less than two years of age whose mothers are infected with HIV:

Positive test results: Already reportable, no additional costs.

Negative test results:

$$\begin{aligned} \text{HIV-exposed newborns, annual average (1995 – 1999)} &= 37 \\ \text{Minus average number seroconversions/year} &= \underline{2} \\ \text{Average number children that will remain negative/year} &= 35 \end{aligned}$$

$$X_5 = (35 \text{ children} \times 3^a \text{ tests}) \times 2^b \text{ years} = 210 \text{ tests/year}$$

$$\begin{aligned} X_6 &= [210 \text{ tests/year} \times \$1.80^c/\text{test result}] + [210 \text{ tests/year} \times \$1.00^d] \\ &= \$378 + \$210 \\ &= \underline{\$588} \end{aligned}$$

Notes:

- a = Average number tests/year/child.
- b = Average number of negative children from previous year.
- c = Assuming 10 minutes of clerical support time to process each test result, at a salary of \$10.80/hour.
- d = Postage and supplies per test result.

Section C. Summary

$$\begin{aligned} \text{Private Entity Cost: Average annual increase (2000-2004)} \\ &= X_4 + X_6 \\ &= [\$215] + \$588 \\ &= \$373 \end{aligned}$$

**Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 20—Communicable Diseases**

PROPOSED RESCISSION

19 CSR 20-20.080 Duties of Laboratories. This rule established the responsibility of laboratories to report to the Missouri Department of Health specified results of tests and to submit isolates/specimens for certain diseases and conditions.

PURPOSE: This rule is being rescinded because extensive changes to its content and format require promulgation of a new rule.

AUTHORITY: sections 192.006.1 and 192.020, RSMo 1994. This rule was previously filed as 13 CSR 50-101.090. Original rule filed July 15, 1948, effective Sept. 13, 1948. Amended: Filed Aug. 4, 1986, effective Oct. 11, 1986. Amended: Filed Aug. 14, 1992, effective April 8, 1993. Amended: Filed Sept. 15, 1995, effective April 30, 1996. Emergency rescission filed June 2, 2000, effective June 15, 2000, expires Dec. 11, 2000. Rescinded: Filed June 1, 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 Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. 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 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 20—Communicable Diseases**

PROPOSED RULE

19 CSR 20-20.080 Duties of Laboratories

PURPOSE: This rule establishes the responsibility of laboratories to report to the Missouri Department of Health specified results of tests and to submit isolates/specimens for certain diseases and conditions.

(1) The director or person in charge of any laboratory shall report to the local health authority or the Missouri Department of Health the result of any test that is positive for, or suggestive of, any disease or condition listed in 19 CSR 20-20.020. These reports shall be made according to the time and manner specified for each disease or condition following completion of the test and shall designate the test performed, the results of test, the name and address of the attending physician, the name of the disease or condition diagnosed or suspected, the date the test results were obtained, the name and home address (with zip code) of the patient and the patient's age, date of birth, sex, and race.

(2) In reporting findings for diseases or conditions listed in 19 CSR 20-20.020, laboratories shall report—

Arsenic (urinary) level greater than or equal to one hundred micrograms per liter ($\geq 100 \mu\text{g/l}$) in a 24-hour urine sample;

Cadmium (urinary) level greater than or equal to three micrograms per liter ($\geq 3.0 \mu\text{g/l}$) in a 24-hour urine sample;

Carboxyhemoglobin level greater than fifteen percent (15%);

Chemical/pesticide (blood or serum) level greater than the Lowest Quantifiable Limit;

Lead (blood) level—report all results;

Mercury (blood) level greater than or equal to three-tenths micrograms per deciliter ($\geq 0.3 \mu\text{g/dl}$);

Mercury (urinary) level greater than or equal to twenty micrograms per liter ($\geq 20 \mu\text{g/l}$) in a 24-hour urine sample; and

Methemoglobin proportion greater than or equal to seventy-five percent ($\geq 75\%$).

(3) Isolates or specimens positive for the following reportable diseases or conditions must be submitted to the State Public Health Laboratory for epidemiological or confirmation purposes:

Anthrax (*Bacillus anthracis*)

Cholera (*Vibrio cholerae*)

Diphtheria (*Corynebacterium diphtheriae*)

Enteric *Escherichia coli* infection (*E. coli* O157:H7)

Haemophilus influenzae, invasive disease

Malaria (*Plasmodium* species)

Measles (rubeola)

Mycobacterium tuberculosis

Neisseria meningitidis, invasive disease

Pertussis (*Bordetella pertusis*)

Plague (*Yersinia pestis*)

Salmonellosis (all *Salmonella* species)

Shigellosis (all *Shigella* species)

Vancomycin Resistant *Staphylococcus aureus*

AUTHORITY: sections 192.006, RSMo Supp. 1999 and 192.020, RSMo 1994. This rule was previously filed as 13 CSR 50-101.090. Original rule filed July 15, 1948, effective Sept. 13, 1948. Amended: Filed Aug. 4, 1986, effective Oct. 11, 1986. Amended: Filed Aug. 14, 1992, effective April 8, 1993. Amended: Filed Sept. 15, 1995, effective April 30, 1996. Emergency rule filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Emergency rescission filed June 2, 2000, effective June 15, 2000, expires Dec. 11, 2000. Rescinded and readopted: Filed June 1, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Missouri State Public Health Laboratory \$227,833, the MDOH Office of Surveillance \$1,948, the Missouri Rehabilitation Center Laboratory \$274, and the Springfield, Kansas City, and St. Louis City laboratories \$3,087, for a total cost of \$233,142 annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private laboratories a total of \$27,705 annually. A fiscal note containing a detailed 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 Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. 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 19 CSR 20-20.080

Title: Title 19 -- Department of Health

Division: Division of Environmental Health and Communicable Disease Prevention

Chapter: Chapter 20 -- Communicable Diseases

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 20-20.080 Duties of Laboratories

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
State Public Health Laboratory	Annual cost: \$227,833
MDOH Office of Surveillance	1,948
Missouri Rehabilitation Center Laboratory	274
Springfield, KC, and St. Louis City laboratories	3,087
	Total = \$233,142

III. WORKSHEET

See attached worksheet.

IV. ASSUMPTIONS

See attached worksheet.

Fiscal Note - Worksheet
Public Entity Cost

Rule 19 CSR 20-20.080, Duties of Laboratories

PURPOSE: This rule establishes the responsibilities of laboratories to report to the Missouri Department of Health specified results of tests and to submit isolates/specimens for certain diseases and conditions.

Prepared February 4, 2000 by the Department of Health, Division of Environmental Health and Communicable Disease Control, Office of Surveillance.

Affected Entities: Missouri State Public Health Laboratory (including SW District and SE District Laboratories), MDOH Office of Surveillance, Missouri Rehabilitation Center laboratory, and the Springfield, Kansas City, and St. Louis City laboratories.

CALCULATIONS:

Section A. Reporting two additional categories of information for each disease/condition (i.e., home address with zip code and date of birth).

Of the approximately 36,000 diseases/conditions (including elevated blood lead results) reported by laboratories in 1998, 65% were reported by private laboratories and 35% were reported by public laboratories. Ten data fields are presently required to be completed for each disease/condition reported. The total increased cost for public laboratories to report two additional data fields (home address with zip code and date of birth) annually is approximately:

$$X_1 = (1 \text{ minute}/2 \text{ data fields}^a) \times (\$0.148/\text{minute}^b) \times [(0.35)(36,000) \text{ cases}] \\ = \underline{\$1865}$$

Notes:

- A support person can enter these 2 fields into a database in one minute or less.
- Per minute rate of a clerk-typist II (P) earning \$8.88 per hour.

Section B. Reporting all blood leads instead of only elevated blood leads:

Table 1 categorizes statewide blood lead test results by "elevated" and "non-elevated" for all age groups for 1998 (most recent year for which data are available).

Table 1
Blood Lead Tests, Missouri, 1998

Age (years)	Total No. Tests	No. Tests	
		Elevated Previous Rule	Under Elevated Previous Rule
<6	50821	8739	42082
6-17	3142	216	2926
≥18	11782	1685	<u>10097</u>

Total no. blood lead tests not elevated (not previously reportable) - 1998 = 55105

Table 2 summarizes blood tests conducted for all age groups by public and private laboratories. For the purpose of this Fiscal Note, entries in Table 2 and succeeding computations in Section B that pertain to *public entities* are in bold print.

Table 2
Blood Lead Test Reporting, Missouri, 1998

Age	Laboratory	
	Private	Public
< 6 Years	<i>Private Labs (0.33)</i> – 11 of 12 labs currently report all results, 1 lab reports only elevated levels (all data received are currently entered into the STELLAR* database). See Computation No. 1a, No. 1b, and No. 1c.	Public Labs (0.67) – The state lab and 4 of 4 metro labs currently report all results (elevated and nonelevated). All results (including outstate**) are currently entered into STELLAR. No addition cost incurred with this amendment.
6 – 17 Years	<i>Private Labs (0.33)</i> – 11 of 12 labs currently report all results, 1 lab reports only elevated levels (all data received are currently entered into a blood lead database). See Computation No. 2a, No. 2b, and No. 2c.	Public Labs (0.67) – The state lab and 3 of 4 metro labs currently report all results (elevated and nonelevated). Results from these labs (including outstate) are currently entered into a blood lead database. One metro lab does not enter all data, but <5 reports in this category are received per year. No significant cost would be incurred by entering these reports into the blood lead database.
≥18 Years (primarily in conjunction with occupational exams)	<i>Private Labs (0.88)</i> – 11 of 13 industrial companies currently report all results (either directly or via a private lab), 2 of 13 companies report only elevated levels (all data received are currently entered into an adult blood lead database). See Computation No. 3a, No. 3b, and No. 3c.	Public Labs (0.12) – The state lab and 3 of 4 metro labs currently report all results (elevated and nonelevated). Results from these labs (including outstate) are currently entered into an adult blood lead database. One metro lab does not enter all data, but <5 reports in this category are received per year. No significant cost would be incurred by entering these reports into an adult blood lead database.

* STELLAR (Systematic Tracking of Elevated Lead Levels and Remediation) - database used to track blood lead levels and related programmatic variables for children <72 months of age.

** Outstate - Those portions of the state not included in major metropolitan areas; data input for the outstate area is conducted by Office of Surveillance personnel in Jefferson City.

Computation No. 1a: Eleven of 12 private laboratories currently report all blood lead results for ages <72 months because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these laboratories only report 9 of 12 data fields/patient record (they would need to include home address, name of disease or condition diagnosed, and race). The total increased cost for these laboratories to report additional data fields for ages <72 months for nonelevated blood lead tests is:

$$X_2 = (1\text{minute}/3 \text{ data fields}^a) \times (\$0.18/\text{minute}^b) \times 13887^c \text{ tests}$$

$$= \$2500$$

Computation No. 1b: One of 12 private laboratories currently reports only elevated blood lead levels for ages <72 months. The total increased cost for this laboratory to report nonelevated blood lead levels (all 12 data fields) for ages <72 months is:

$$X_3 = (3 \text{ minutes}/12 \text{ data fields}^d) \times (\$0.18^b) \times 3356^e \text{ tests} \\ = \$1812$$

$$X_4 = \text{Total Private Entity Cost for all private laboratories to report nonelevated blood lead levels,} \\ \text{all data fields, <72 months age} \\ - X_2 + X_3 \\ = \$4312$$

Computation No. 1c: Test results from the one private laboratory noted in Computation No. 1b are provided in non-electronic form to the local health department. Consequently, this department re-enters the data into their database at a cost similar to that incurred by the laboratory. Thus, the cost for this health department to enter previously nonelevated blood lead levels (all 12 data fields) for ages <72 months is about \$1812. No significant additional costs are incurred transmitting these data to MDOH as this is done electronically. Thus,

$$X_5 = \text{Total Public Entity Cost to report nonelevated blood lead levels, all data fields, <72} \\ \text{months age} \\ = \$1812$$

Notes, 1a & b:

- A support person can enter these 3 fields into a database in one minute or less.
- Per minute rate of a support person earning \$10.80 per hour.
- Number nonelevated blood lead tests, < 72 months age, 11 private labs = 42082 (Table 1) X 0.33 (Table 2) = 13887.
- A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as "name and address of the reporter" and "date of report").
- Number of nonelevated blood leads in <72-month age group for this laboratory, 1998, MDOH estimate.

Computation No. 2a: Eleven of 12 private laboratories currently report all blood lead results for ages 6 – 17 years because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these laboratories only report 9 of 12 data fields (they would need to include home address, name of disease or condition diagnosed, and race). The total increased cost for these laboratories to report additional data fields for ages 6 – 17 years for nonelevated blood lead tests is:

$$X_6 = (1 \text{ minute}/3 \text{ data fields}^a) \times (\$0.18/\text{minute}^b) \times 966^c \text{ tests} \\ = \$174$$

Computation No. 2b: One of 12 private laboratories currently reports only elevated blood lead levels for ages 6 – 17 years. The total increased cost for this laboratory to report nonelevated blood lead levels (all 12 data fields) for ages 6 – 17 years is:

$$X_7 = (3 \text{ minutes}/12 \text{ fields}^d) \times (\$0.18/\text{minute}^b) \times 336^e \text{ tests} \\ = \$181$$

$$X_8 = \text{Total Private Entity Cost for all private laboratories to report nonelevated blood lead} \\ \text{levels, all data fields, 6 – 17 years age}$$

$$\begin{aligned} &= X_6 + X_7 \\ &= \underline{\$355} \end{aligned}$$

Computation No. 2c: Test results from the one private laboratory noted in Computation No. 2b are provided in non-electronic form to the local health department. Consequently, this department re-enters the data into their database at a cost similar to that incurred by the laboratory. Thus, the cost for this health department to enter previously nonelevated blood lead levels (all 12 data fields) for ages 6 – 17 years is about \$181. No significant additional costs are incurred transmitting these data to MDOH as this is done electronically. Thus,

$$\begin{aligned} X_9 &= \text{Total Public Entity Cost to report nonelevated blood lead levels, all data fields, 6 – 17} \\ &\quad \text{years age} \\ &= \underline{\$181} \end{aligned}$$

Notes, 2a & b:

- a. A support person can enter these 3 fields into a database in one minute or less.
- b. Per minute rate of a support person earning \$10.80 per hour.
- c. Number nonelevated blood lead tests, 6 - 17 years age, 11 private labs = 2926 (Table 1) X 0.33 (Table 2) = 966.
- d. A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as "name and address of the reporter" and "date of report").
- e. Number nonelevated blood lead tests in 6 – 17 year age group for this laboratory, 1998, MDOH estimate.

Computation No. 3a: Eleven of 13 private industrial companies currently report all occupational blood lead results directly or through a private laboratory because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these companies only report (on the average) 5 of 12 data fields and therefore will need to report the remaining 7 data fields. The total increased cost for these companies to report 7 additional data fields for nonelevated occupational blood lead tests is:

$$\begin{aligned} X_{10} &= (1.5 \text{ minutes}/7 \text{ data fields}^a) \times (\$0.18/\text{minute}^b) \times 3743^c \text{ tests} \\ &= \$1011 \end{aligned}$$

Computation No. 3b: Two of 13 private industrial companies currently report only elevated occupational blood lead levels. The total increased cost for these companies to report nonelevated blood lead levels (all 12 data fields) for occupational blood lead tests is:

$$\begin{aligned} X_{11} &= (3 \text{ minutes}/12 \text{ fields}^d) \times (\$0.18/\text{minute}^b) \times 2516^e \text{ tests} \\ &= \$1359 \end{aligned}$$

$$\begin{aligned} X_{12} &= \text{Total Private Entity Cost for industrial companies to report nonelevated occupational} \\ &\quad \text{blood lead levels, all data fields} \\ &= X_{10} + X_{11} \\ &= \underline{\$2370} \end{aligned}$$

Computation No. 3c: Additional data provided by industrial companies noted in Computation Nos. 3a and b will be sent to MDOH for entry into a database. The cost to accomplish this is:

$$\begin{aligned} X_{13} &= \text{Total increased cost to input 7 additional data fields for nonelevated occupational} \\ &\quad \text{blood lead tests} \\ &= (1.5 \text{ minutes}/7 \text{ data fields}^a) \times (\$0.148/\text{minute}^f) \times 3743^c \text{ tests} \\ &= \underline{\$831} \end{aligned}$$

PLUS

$$\begin{aligned}
 X_{14} &= \text{Total increased cost to input nonelevated blood lead levels (all 12 data fields) for} \\
 &\quad \text{occupational blood lead tests} \\
 &= (3 \text{ minutes}/12 \text{ fields}^d) \times (\$0.148/\text{minute}^f) \times 2516^e \text{ tests} \\
 &= \$1117
 \end{aligned}$$

$$\begin{aligned}
 X_{15} &= \text{Total Public Entity Cost to input nonelevated occupational blood lead levels, all data} \\
 &\quad \text{fields} \\
 &= X_{13} + X_{14} \\
 &= \underline{\$1948}
 \end{aligned}$$

Notes, 3a, b & c:

- A support person can enter 7 fields into a database in 1.5 minutes or less.
- Per minute rate of a support person earning \$10.80 per hour.
- Number nonelevated blood lead tests, occupational examinations, 11 industrial companies, 1998, MDOH estimate.
- A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as "name and address of the reporter" and "date of report").
- Number nonelevated blood lead tests, occupational examinations, 2 industrial companies, 1998, MDOH estimate.
- Per minute rate of a clerk-typist II (P) earning \$8.88 per hour.

Section C. Addition of requirement to report methemoglobin $\geq 75\%$:

This should not result in an increase in cost since the requirement to report "methemoglobinemia" (elevated methemoglobin) already exists in 19 CSR 20-20.020, and 19 CSR 20-20.080 already cross-references 19 CSR 20-20.020.

Section D. Addition to the reporting rule of the requirement to report "HIV viral load measurement".

Cost of Processing HIV Viral Load Measurement Reports, Public Entities

(1) Year	(2) No. Reports Received (Note a, b)	(3) Cost to Process One Report-\$ (Note c)	(4) Total Cost per Year-\$ (2 X 3)
2000	12257	0.2513	3080
2001	12625	0.2639	3237
2002	13003	0.2771	3603
2003	13394	0.2909	3896
2004	13795	0.3055	<u>4214</u>
			\$18030

$$\begin{aligned}
 X_{16} &= \text{Public Entity Costs, average per year (2000-2004), due to processing additional reports} \\
 &= \$18030/5 \\
 &= \underline{\$3606}
 \end{aligned}$$

Notes:

- Includes reports received by Missouri Department of Health, Kansas City Health Department, and St. Louis City Health Department; reporting sources are 100% private laboratories.
- The number of reports received is projected to increase 3% annually.

- c. Cost to process one report – Approximately 1.7 minutes per report or 0.0283 of the hourly salary; used clerk-typist II (P) salary of \$18,744/year, or \$8.88/hour; costs projected to increase by 5% each year.
- d. HIV viral load measurements are presently reported by private laboratories to the Missouri Department of Health, Kansas City Health Department, and St. Louis City Health Department *even though the requirement to do so does not exist*. It is estimated that over 5900 reports were received by these three health jurisdictions from January through June, 1999.

Section E. Changes pertaining to submission of isolates and specimens.

List and Average Number of Reported Cases (1988 – 1998)

<u>Disease</u>	<u>Average Annual Number Reported Cases</u>
Anthrax (<i>Bacillus anthracis</i>) – isolate	0
Cholera (<i>Vibrio cholerae</i>) – isolate	0
Diphtheria (<i>Corynebacterium diphtheriae</i>) – isolate	0
Enteric <i>Escherichia</i> infection (<i>E. coli</i> O157:H7) – isolate	28 ^a
<i>Haemophilus influenzae</i> , invasive disease – isolate	72
Malaria (<i>Plasmodium</i> species) – blood smear	12
Measles (rubeola) – positive diagnostic test	92
<i>Mycobacterium tuberculosis</i> – isolate	253
<i>Neisseria meningitidis</i> , invasive disease – isolate	57
Pertussis (<i>Bordetella pertussis</i>) – isolate	86
Plague (<i>Yersinia pestis</i>) – isolate	0
Salmonellosis (all <i>Salmonella</i> species) – isolate	612
Shigellosis (all <i>Shigella</i> species) – isolate	509
Vancomycin Resistant <i>Staphylococcus aureus</i> – isolate	<u>0</u>

Total number specimens, annual = 1721

^abased on 6 years

Cost estimate:

Transportation cost/isolate or specimen = \$30

Processing/testing cost/isolate or specimen = \$100

Total cost per specimen = \$130

X₁₇ = Total annual cost = \$130 X 1721 = \$223,730

Note: About 75% of the isolates/specimens noted above are presently received and processed by the State Public Health Laboratory *even though the requirement to do so does not exist*.

Section F. Summary

Public Entity Cost: Average annual increase (2000-2004)

= X₁ + X₅ + X₉ + X₁₅ + X₁₆ + X₁₇

= \$1,865 + \$1,812 + \$181 + \$1,948 + \$3,606 + \$223,730

= \$233,142

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER 19 CSR 20-20.080

Title: Title 19 -- Department of Health

Division: Division 20 - Division of Environmental Health and Communicable Disease Prevention

Chapter: Chapter 20 -- Communicable Diseases

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 20-20.080 Duties of Laboratories

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate n the aggregate as to the cost of compliance with the rule by the affected entities.
125	Private laboratories	Annual cost: \$27,705

III. WORKSHEET

See attached worksheet.

IV. ASSUMPTIONS

See attached worksheet.

Fiscal Note – Worksheet
 Private Entity Cost

Rule 19 CSR 20-20.080, Duties of Laboratories

PURPOSE: This rule establishes the responsibilities of laboratories to report to the Missouri Department of Health specified results of tests and to submit isolates/specimens for certain diseases and conditions.

Prepared February 4, 2000 by the Department of Health, Division of Environmental Health and Communicable Disease Control, Office of Surveillance.

Affected Entities: One hundred twenty-five private laboratories and hospital laboratories, all located in Missouri. Out-of-state laboratories performing tests on Missouri residents also report.

CALCULATIONS:

Section A. Reporting two additional categories of information for each disease/condition (i.e., home address with zip code and date of birth).

Of the approximately 36,000 diseases/conditions (including elevated blood lead results) reported by laboratories in 1998, 65% were reported by private laboratories and 35% were reported by public laboratories. Ten data fields are presently required to be completed for each disease/condition reported. The total increased cost for private laboratories to report two additional data fields (home address with zip code and date of birth) annually is approximately:

$$X_1 = (1 \text{ minute}/2 \text{ data fields}^a) \times (\$0.18/\text{minute}^b) \times [(0.65)(36,000) \text{ cases}]$$

$$= \underline{\$4212}$$

Notes:

- a. A support person can enter these 2 fields into a database in one minute or less.
- b. Per minute rate of a support person earning \$10.80 per hour.

Section B. Reporting all blood leads instead of only elevated blood leads:

Table 1 categorizes statewide blood lead test results by “elevated” and “non-elevated” for all age groups for 1998 (most recent year for which data are available).

Table 1
Blood Lead Tests, Missouri, 1998

Age (years)	Total No. Tests	No. Tests		No. Tests Not	
		Elevated Under Previous Rule	Under Previous Rule	Elevated Under Previous Rule	Under Previous Rule
<6	50821	8739		42082	
6-17	3142	216		2926	
≥18	11782	1685		<u>10097</u>	

Total no. blood lead tests not elevated (not previously reportable) - 1998 = 55105

Table 2 summarizes blood tests conducted for all age groups by public and private laboratories. For the purpose of this Fiscal Note, entries in Table 2 and succeeding computations in Section B that pertain to private entities are in bold print.

Table 2
Blood Lead Test Reporting, Missouri, 1998

Age	Laboratory	
	Private	Public
< 6 Years	<i>Private Labs (0.33)</i> – 11 of 12 labs currently report all results, 1 lab reports only elevated levels (all data received are currently entered into the STELLAR* database). See Computation No. 1a, No. 1b, and No. 1c.	<i>Public Labs (0.67)</i> – The state lab and 4 of 4 metro labs currently report all results (elevated and nonelevated). All results (including outstate**) are currently entered into STELLAR. No addition cost incurred with this amendment.
6 – 17 Years	<i>Private Labs (0.33)</i> – 11 of 12 labs currently report all results, 1 lab reports only elevated levels (all data received are currently entered into a blood lead database). See Computation No. 2a, No. 2b, and No. 2c.	<i>Public Labs (0.67)</i> – The state lab and 3 of 4 metro labs currently report all results (elevated and nonelevated). Results from these labs (including outstate) are currently entered into a blood lead database. One metro lab does not enter all data, but <5 reports in this category are received per year. No significant cost would be incurred by entering these reports into the blood lead database.
≥18 Years (primarily in conjunction with occupational exams)	<i>Private Labs (0.88)</i> – 11 of 13 industrial companies currently report all results (either directly or via a private lab), 2 of 13 companies report only elevated levels (all data received are currently entered into an adult blood lead database). See Computation No. 3a, No. 3b, and No. 3c.	<i>Public Labs (0.12)</i> – The state lab and 3 of 4 metro labs currently report all results (elevated and nonelevated). Results from these labs (including outstate) are currently entered into an adult blood lead database. One metro lab does not enter all data, but <5 reports in this category are received per year. No significant cost would be incurred by entering these reports into an adult blood lead database.

* STELLAR (Systematic Tracking of Elevated Lead Levels and Remediation) - database used to track blood lead levels and related programmatic variables for children <72 months of age.

** Outstate - Those portions of the state not included in major metropolitan areas; data input for the outstate area is conducted by Office of Surveillance personnel in Jefferson City.

Computation No. 1a: Eleven of 12 private laboratories currently report all blood lead results for ages <72 months because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these laboratories only report 9 of 12 data fields/patient record (they would need to include home address, name of disease or condition diagnosed, and race). The total increased cost for these laboratories to report additional data fields for ages <72 months for nonelevated blood lead tests is:

$$X_2 = (1\text{minute}/3 \text{ data fields}^a) \times (\$0.18/\text{minute}^b) \times 13887^c \text{ tests} \\ = \$2500$$

Computation No. 1b: One of 12 private laboratories currently reports only elevated blood lead levels for ages <72 months. The total increased cost for this laboratory to report nonelevated blood lead levels (all 12 data fields) for ages <72 months is:

$$X_3 = (3 \text{ minutes}/12 \text{ data fields}^d) \times (\$0.18^b) \times 3356^e \text{ tests} \\ = \$1812$$

$$X_4 = \text{Total Private Entity Cost for all private laboratories to report nonelevated blood lead levels, all data fields, <72 months age} \\ = X_2 + X_3 \\ = \underline{\$4312}$$

Computation No. 1c: Test results from the one private laboratory noted in Computation No. 1b are provided in non-electronic form to the local health department. Consequently, this department re-enters the data into their database at a cost similar to that incurred by the laboratory. Thus, the cost for this health department to enter previously nonelevated blood lead levels (all 12 data fields) for ages <72 months is about \$1812. No significant additional costs are incurred transmitting these data to MDOH as this is done electronically. Thus,

$$X_5 = \text{Total Public Entity Cost to report nonelevated blood lead levels, all data fields, <72 months age} \\ = \underline{\$1812}$$

Notes, 1a & b:

- a. A support person can enter these 3 fields into a database in one minute or less.
- b. Per minute rate of a support person earning \$10.80 per hour.
- c. Number nonelevated blood lead tests, < 72 months age, 11 private labs = 42082 (Table 1) X 0.33 (Table 2) = 13887.
- d. A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as "name and address of the reporter" and "date of report").
- e. Number of nonelevated blood leads in <72-month age group for this laboratory, 1998, MDOH estimate.

Computation No. 2a: Eleven of 12 private laboratories currently report all blood lead results for ages 6 – 17 years because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these laboratories only report 9 of 12 data fields (they would need to include home address, name of disease or condition diagnosed and race). The total increased cost for these laboratories to report additional data fields for ages 6 – 17 years for nonelevated blood lead tests is:

$$X_6 = (1 \text{ minute}/3 \text{ data fields}^a) \times (\$0.18/\text{minute}^b) \times 966^c \text{ tests} \\ = \$174$$

Computation No. 2b: One of 12 private laboratories currently reports only elevated blood lead levels for ages 6 – 17 years. The total increased cost for this laboratory to report nonelevated blood lead levels (all 12 data fields) for ages 6 – 17 years is:

$$X_7 = (3 \text{ minutes}/12 \text{ fields}^d) \times (\$0.18/\text{minute}^b) \times 336^e \text{ tests} \\ = \$181$$

$$X_8 = \text{Total Private Entity Cost for all private laboratories to report nonelevated blood lead levels, all data fields, 6 – 17 years age} \\ = X_6 + X_7 \\ = \underline{\$355}$$

Computation No. 2c: Test results from the one private laboratory noted in Computation No. 2b are provided in non-electronic form to the local health department. Consequently, this department re-enters the data into their database at a cost similar to that incurred by the laboratory. Thus, the cost for this health department to enter previously nonelevated blood lead levels (all 12 data fields) for ages 6 – 17 years is about \$181. No significant additional costs are incurred transmitting these data to MDOH as this is done electronically. Thus,

$$\begin{aligned} X_9 &= \text{Total Public Entity Cost to report nonelevated blood lead levels, all data fields, 6 – 17 years} \\ &\quad \text{age} \\ &= \underline{\$181} \end{aligned}$$

Notes, 2a & b:

- a. A support person can enter these 3 fields into a database in one minute or less.
- b. Per minute rate of a support person earning \$10.80 per hour.
- c. Number nonelevated blood lead tests, 6 - 17 years age, 11 private labs = 2926 (Table 1) X 0.33 (Table 2) = 966.
- d. A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as “name and address of the reporter” and “date of report”).
- e. Number nonelevated blood lead tests in 6 – 17 year age group for this laboratory, 1998, MDOH estimate.

Computation No. 3a: Eleven of 13 private industrial companies currently report all occupational blood lead results directly or through a private laboratory because it is easier and less expensive than segregating elevated levels from nonelevated levels. It is anticipated that this practice will continue since it is economically prudent to do so. However, these companies only report (on the average) 5 of 12 data fields and therefore will need to report the remaining 7 data fields. The total increased cost for these companies to report 7 additional data fields for nonelevated occupational blood lead tests is:

$$\begin{aligned} X_{10} &= (1.5 \text{ minutes}/7 \text{ data fields}^a) \times (\$0.18/\text{minute}^b) \times 3743^c \text{ tests} \\ &= \underline{\$1011} \end{aligned}$$

Computation No. 3b: Two of 13 private industrial companies currently report only elevated occupational blood lead levels. The total increased cost for these companies to report nonelevated blood lead levels (all 12 data fields) for occupational blood lead tests is:

$$\begin{aligned} X_{11} &= (3 \text{ minutes}/12 \text{ fields}^d) \times (\$0.18/\text{minute}^b) \times 2516^e \text{ tests} \\ &= \underline{\$1359} \end{aligned}$$

$$\begin{aligned} X_{12} &= \text{Total Private Entity Cost for industrial companies to report nonelevated occupational} \\ &\quad \text{blood lead levels, all data fields} \\ &= X_{10} + X_{11} \\ &= \underline{\$2370} \end{aligned}$$

Computation No. 3c: Additional data provided by industrial companies noted in Computation Nos. 3a and b will be sent to MDOH for entry into a database. The cost to accomplish this is:

$$\begin{aligned} X_{13} &= \text{Total increased cost to input 7 additional data fields for nonelevated occupational blood lead} \\ &\quad \text{tests} \\ &= (1.5 \text{ minutes}/7 \text{ data fields}^a) \times (\$0.148/\text{minute}^b) \times 3743^c \text{ tests} \\ &= \underline{\$831} \end{aligned}$$

PLUS

$$\begin{aligned}
 X_{14} &= \text{Total increased cost to input nonelevated blood lead levels (all 12 data fields) for} \\
 &\quad \text{occupational blood lead tests} \\
 &= (3 \text{ minutes}/12 \text{ fields}^d) \times (\$0.148/\text{minute}^e) \times 2516^c \text{ tests} \\
 &= \$1117
 \end{aligned}$$

$$\begin{aligned}
 X_{15} &= \text{Total Public Entity Cost to input nonelevated occupational blood lead levels, all data} \\
 &\quad \text{fields} \\
 &= X_{13} + X_{14} \\
 &= \underline{\$1948}
 \end{aligned}$$

Notes, 3a, b & c:

- a. A support person can enter 7 fields into a database in 1.5 minutes or less.
- b. Per minute rate of a support person earning \$10.80 per hour.
- c. Number nonelevated blood lead tests, occupational examinations, 11 industrial companies, 1998, MDOH estimate.
- d. A support person can enter 12 data fields in 3 minutes or less (some of the data fields are common to some or all patients from a given facility, such as "name and address of the reporter" and "date of report").
- e. Number nonelevated blood lead tests, occupational examinations, 2 industrial companies, 1998, MDOH estimate.
- f. Per minute rate of a clerk-typist II (P) earning \$8.88 per hour.

Section C. Addition of requirement to report methemoglobin $\geq 75\%$:

This should not result in an increase in cost since the requirement to report "methemoglobinemia" (elevated methemoglobin) already exists in 19 CSR 20-20.020, and 19 CSR 20-20.080 already cross-references 19 CSR 20-20.020.

Section D. Addition to the reporting rule of the requirement to report "HIV viral load measurement".

Cost of Processing HIV Viral Load Measurement Reports, Private Entities

(1) Year	(2) No. Reports Received (Note a, b)	(3) Cost to Process One Report-\$ (Note c)	(4) Total Cost per Year-\$ (2 X 3)
2000	12257	0.3056	3746
2001	12625	0.3209	4051
2002	13003	0.3370	4382
2003	13394	0.3538	4739
2004	13795	0.3715	<u>5125</u>
			\$22043

$$\begin{aligned}
 X_{16} &= \text{Private Entity Costs, average per year (2000-2004), due to processing additional reports} \\
 &= \$22043/5 \\
 &= \underline{\$4409}
 \end{aligned}$$

Notes:

- a. Includes reports sent to Missouri Department of Health, Kansas City Health Department, and St. Louis City Health Department; reporting sources are 100% private laboratories.
- b. The number of reports sent is projected to increase 3% annually.
- c. Cost to process one report – Approximately 1.7 minutes per report or 0.0283 of the hourly salary; used clerical support salary of \$22,810/year, or \$10.80/hour; costs projected to increase by 5% each year.

- d. HIV viral load measurements are presently reported by private laboratories to the Missouri Department of Health, Kansas City Health Department, and St. Louis City Health Department *even though the requirement to do so does not exist*. It is estimated that over 5900 reports were received by these three health jurisdictions from January through June, 1999.

Section E. Changes pertaining to submission of isolates and specimens:

List and Average Number of Reported Cases (1988 – 1998)

<u>Disease</u>	<u>Average Annual Number Reported Cases</u>
Anthrax (<i>Bacillus anthracis</i>) – isolate	0
Cholera (<i>Vibrio cholerae</i>) – isolate	0
Diphtheria (<i>Corynebacterium diphtheriae</i>) – isolate	0
Enteric <i>Escherichia</i> infection (<i>E. coli</i> O157:H7) – isolate	28 ^a
<i>Haemophilus influenzae</i> , invasive disease – isolate	72
Malaria (<i>Plasmodium</i> species) – blood smear	12
Measles (rubeola) – positive diagnostic test	92
<i>Mycobacterium tuberculosis</i> – isolate	253
<i>Neisseria meningitidis</i> , invasive disease – isolate	57
Pertussis (<i>Bordetella pertussis</i>) – isolate	86
Plague (<i>Yersinia pestis</i>) – isolate	0
Salmonellosis (all <i>Salmonella</i> species) – isolate	612
Shigellosis (all <i>Shigella</i> species) – isolate	509
Vancomycin Resistant <i>Staphylococcus aureus</i> – isolate	<u>0</u>

Total number specimens, annual = 1721

^abased on 6 years

Estimate: 125 private laboratories and hospital laboratories

Based on private sector information: Labor to send specimens = \$6.60 per specimen
Media for submitting isolates = \$0.40

Total per specimen = \$7.00

X_{17} = Total annual cost = 1721 specimens x \$7/specimen = \$12,047 or
\$96/per facility/year

Section F. Summary

Private Entity Cost: Average annual increase (2000-2004)
= $X_1 + X_4 + X_8 + X_{12} + X_{16} + X_{17}$
= \$4,212 + \$4,312 + \$355 + \$2,370 + \$4,409 + \$12,047
= \$27,705

**Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases**

PROPOSED AMENDMENT

19 CSR 20-26.030 Human Immunodeficiency Virus (HIV) [Antibody] Test Consultation and Reporting. The Department of Health proposes to amend the Purpose and sections (1) and (2).

PURPOSE: This amendment provides a general clarification of the text and requires that: informed consent be obtained prior to HIV testing; client-centered counseling is used for any individual obtaining HIV pre- and posttest counseling services; individuals with HIV positive test results, in addition to appropriate posttest counseling, also be counseled regarding their responsibility to inform sex/needle-sharing partners of the potential for exposure to HIV; HIV-positive test results be reported within three days rather than seven days to be consistent with 19 CSR 20-20.020; and expands the HIV case definition for surveillance to include tests other than antibody tests.

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 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.

PURPOSE: This rule defines the manner in which the sampling and [consultation] client-centered counseling for HIV [human immunodeficiency virus] antibody testing is to be administered by persons authorized by the Department of Health and positive test results reported to the Department of Health [and the reporting of positive test results].

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

(C) Window period means the interval between exposure to [human immunodeficiency virus] [(HIV)] and development of a positive [antibody] HIV test.

(2) [To be authorized by the department to do HIV sampling,] Except as provided by 19 CSR 20-26.040, a person performing HIV sampling and pre- and posttest counseling services shall be a health care professional [or able to provide accurate and current information about HIV serologic testing along with pretest and posttest consultation in accordance with this rule and shall provide or make provisions for pretest and posttest consultation in person to the person tested or his/her legal guardian or custodian] or other public health professional authorized by the Department of Health to provide these services and shall provide current and accurate HIV education and testing information in person to the person tested or his or her legal guardian or custodian. If, after investigation by a department employee, the person responsible for [sampling] providing pre- and posttest counseling services is determined not to be observing the provisions of this rule, the department shall deny authorization.

(A) Pretest **client-centered counseling [consultation]** shall occur before **HIV** sampling and include a **knowledge and** risk assessment of the person to be tested to determine the person's potential for exposure and infection. The person to be tested shall be [advised of the etiology and methods of transmission of HIV, the testing methodology, the meaning of the test results and the type of behavior necessary to reduce the

risk of exposure to the virus.] asked about his/her basic HIV knowledge, and if such knowledge is lacking, advised of the means of HIV transmission and the meaning of the test results. Informed consent shall be obtained from the person prior to HIV testing. A plan to receive test results shall be established with the person.

(B) Posttest **client-centered counseling [consultation]** shall [also] be provided to all persons tested for HIV [antibodies] infection. It shall include the test results and their significance, [information on good preventive and] risk reduction [practices] and **prevention information, and** referral of the person [for] to medical care and other support services as needed. If the test results are [negative] **positive, included in the posttest counseling, there shall be a discussion of the client's responsibility to ensure that sex/needle-sharing partners are advised of their potential exposure to HIV. If the test results are negative,** the person tested shall be advised of the window period and possible need for retesting **if exposure has occurred within the window period.** If the test results are equivocal, the person shall [also] be advised of the [possible] need for retesting.

(C) If the test results are positive, the identity of the person tested along with related clinical and identifying information shall be reported to the department or its designated representative by the person who performs or conducts HIV sampling within [seven (7)] **three (3)** days of receipt of the test results on forms provided by the Department of Health (see Form #1 **incorporated into this rule by reference**).

(D) **Client-centered counseling shall be utilized, as outlined by the current Centers for Disease Control and Prevention HIV Partner Counseling and Referral Services (PCRS) Guidance. This method of counseling shall include the following basic elements:** a) encourage client participation by informing, reassuring and developing an atmosphere of trust for the client; b) formulating a realistic PCRS plan to assist HIV negative persons to stay negative and HIV positive persons to access support services; and c) assist the HIV positive person in developing a plan for contact tracing and partner notification services.

[(D)](E) Sites testing persons under the following situations shall be exempt from reporting the identity of persons testing positive for HIV. These sites shall report HIV positive test results as well as [other] related clinical and [identifying] **other** information within [seven (7)] **three (3)** days of receipt of the test results on forms provided by the Department of Health (see Form #1), but shall be exempt from reporting the patient's name and street address—instead a unique patient identifier shall be used:

1. Persons tested **anonymously** at department-designated anonymous testing sites;

2. Persons tested as part of a research project [at those sites participating in a research project] **that is approved by an institutional review board and [with notification of the board's approval submitted to the department in writing;] as part of the research, subjects are tested for HIV infection. Written documentation of institutional review board approval must be submitted to the department's Office of Surveillance; or**

3. Where prohibited by federal law or regulation;./.

[(E)](F) Laboratories which perform HIV testing shall report identifying information as specified in 19 CSR 20-20.080; and/.

[(F)](G) All persons reported with HIV infection to the department or its designated representative [shall be treated as referrals for public health] **shall be contacted by public health personnel for [public health] partner elicitation/notification services according to protocols and procedures established by the department.**

(H) **The following material is incorporated into this rule by reference:**

1. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *HIV Partner*

Counseling and Referral Services (PCRS) Guidance, December 1998.

AUTHORITY: sections [191.653, 191.656, 192.005 and] 192.020, RSMo [1986] 1994 and 192.006, 191.653 and 191.656, RSMo [Supp. 1988] Supp. 1999. Original rule filed March 14, 1989, effective July 13, 1989. Rescinded and readopted: Filed April 14, 1992, effective Dec. 3, 1992. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Amended: Filed June 1, 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 Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. 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 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases**

PROPOSED AMENDMENT

19 CSR 20-26.040 Physician Human Immunodeficiency Virus (HIV) [Antibody] Test Consultation and Reporting. The Department of Health is amending the Purpose and sections (1), (2), (3), (4) and (5), and adding a new section (6).

PURPOSE: This amendment provides a general clarification of the text and: allows for laboratory testing for HIV by methods other than only antibody testing; deletes the definition of serological test; and requires that HIV-positive test results be reported within three days rather than seven days to be consistent with 19 CSR 20-26.020.

PURPOSE: This rule establishes guidelines specific to physicians and other health care professionals working under physician orders for [human immunodeficiency virus blood sampling, and] HIV testing, pretest and posttest consultation (client-centered counseling), and for the reporting of persons diagnosed with [human immunodeficiency virus] HIV infection.

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

(B) Confirmed [human immunodeficiency virus] ([HIV]) infection means the clinical diagnosis and conclusion that a patient is infected with HIV, made in the professional judgment of the physician based upon clinical history, physician examination, diagnostic or laboratory [serological] testing or other available clinical information which allows the physician to make clinical and therapeutic decisions based upon this infected status;

(D) Physician means any person licensed to practice as a physician and surgeon under Chapter 334, RSMo; and

(E) Physician's delegated representative means state licensed professional involved in direct patient care, other than those persons licensed as physicians under Chapter 334, RSMo.; and

[(F) Serological test means—

1. A serum specimen repeatedly reactive for HIV antibody by a licensed screening test (for example, enzyme-linked immunosorbent assay (EIA)) that has been verified by a more specific subsequent test (such as Western Blot or immunofluorescence assay (IFA));

2. A positive lymphocyte culture verified by a specific HIV antigen test or by in situ hybridization using a deoxyribonucleic acid (DNA) probe;

3. A positive result on any other highly specific test for HIV; or

4. A T-Helper (CD4) lymphocyte count performed as a part of the clinical management of a person who in the professional judgment of the physician is infected with HIV.]

(2) The physician or the physician's delegated representative shall provide consultation with the patient or his/her legal guardian or custodian prior to conducting HIV [blood sampling] testing, and to the patient, guardian or custodian during the reporting of the test results or diagnosis.

(3) The physician shall report to the department or its designated representative the identity of any person with confirmed HIV infection along with related clinical and identifying information within [seven (7)] three (3) days of receipt of the test results on forms provided by the department (see Form #1 following 19 CSR 20-26.030).

(4) Physicians testing persons under the following situations shall be exempt from reporting the identity of the person testing positive for HIV. In these situations, physicians shall report HIV positive test results as well as [other] related clinical and [identifying] other information within [seven (7)] three (3) days of receipt of the test results on forms provided by the department (see Form #1 following 19 CSR 20-26.030), but shall be exempt from reporting the patient's name and street address—instead a unique patient identifier shall be used.

(A) Persons tested [solely] as part of a research project [at those sites participating in a research project] which is approved by an institutional review board [with notification of the boards approval submitted to the department in writing] and in which, as part of the research, subjects are tested for HIV infection. Written documentation of institutional review board approval must be submitted to the department's Office of Surveillance; or

(5) All persons reported with HIV infection to the department or its designated representative [shall be treated as referrals for public health] can be contacted by public health personnel for [public health] partner elicitation/notification services according to protocols and procedures established by the department.

(6) Laboratories which perform HIV testing shall report identifying information as specified in 19 CSR 20-20.080.

AUTHORITY: sections 191.653 and 191.656, [192.005.2] and 192.006, RSMo [Supp. 1988] Supp. 1999 and 192.020, RSMo [1986] 1994. Original rule filed April 14, 1992, effective Dec. 3, 1992. Emergency amendment filed June 1, 2000, effective June 15, 2000, expires Dec. 11, 2000. Amended: Filed June 1, 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

Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Pamela Rice Walker, Director, Division of Environmental Health and Communicable Disease Prevention, P.O. Box 570, Jefferson City, MO 65102-0570, phone (573) 751-6080. 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 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases**

PROPOSED AMENDMENT

19 CSR 20-26.070 Notification of Results of Court-Ordered Human Immunodeficiency Virus (HIV) Testing of Sexual Offenders. The Department of Health proposes to amend sections (1)–(5).

PURPOSE: This amendment updates references to units within the Department of Health that have changed names and allows for specimens other than only blood to be used for HIV testing.

(1) If a court orders a person to undergo *[human immunodeficiency virus (HIV)] HIV* testing under section 191.663, RSMo, the following information shall be reported by the court to the *[Bureau] Section of [Sexually Transmitted Diseases] [(STD)]/-HIV/AIDS Prevention and Care Services:*

(B) The name and address of the facility *[where the person will receive pretest counseling and submit a blood specimen for testing;]* **which will submit the sample for testing;**

(2) All results of HIV testing performed under the provisions of section 191.663, RSMo shall be reported by the laboratory performing the test to the *[Bureau of STD/HIV Prevention] Office of Surveillance.*

(3) *[Bureau] Section of STD/HIV/AIDS Prevention [personnel] and Care Services counseling and intervention staff* shall convey the results of the testing, along with appropriate counseling and any necessary referral assistance, to each victim.

(4) *[Bureau] Section of STD/HIV/AIDS Prevention [personnel] and Care Services staff* shall convey the results of the testing, along with any necessary educational information relative to those results, to the administrator of the jail or correctional facility in which the sexual offender is confined.

(5) *[Bureau] Section of STD/HIV/AIDS Prevention [personnel] and Care Services staff* shall ensure that the results of the **HIV** testing, *along with appropriate post-test counseling,* are conveyed to the sexual offender **appropriately and confidentially.**

AUTHORITY: section 191.663, RSMo [1994] Supp. 1999. Emergency rule filed Nov. 2, 1994, effective Nov. 12, 1994, expired March 11, 1995. Emergency rule filed March 1, 1995, effective March 12, 1995, expired July 9, 1995. Original rule filed Nov. 2, 1994, effective May 28, 1995. Amended: Filed June 1, 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