

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED RULE

5 CSR 90-5.410 Fees

PURPOSE: This rule establishes fees paid by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for services for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Certain fees may be paid by the Division of Vocational Rehabilitation (DVR). However, if the usual and customary fee charged for the service is less than an amount listed, the usual and customary fee is the maximum that will be paid. No additional moneys can be collected from the applicant or eligible individual. The fees are as follows:

(A) Hospitalization Fees—Daily per-diem rate established by Missouri Medicaid;

(B) Surgical Fees—Medicare formula for surgery and related services;

(C) Medical and Psychological Diagnostic Fees—Usual and customary fees as approved by the assistant commissioner of DVR;

(D) Community Rehabilitation and Supported Employment Programs—Evaluation of a cost analysis report for each program with the fees approved by the assistant commissioner of DVR; and/or

(E) Interpreter Services—Usual and customary fees approved by the assistant commissioner of DVR.

(2) The maximum fee which may be paid by DVR for any services or entity not listed above is the usual and customary fee for said service or entity as approved by the assistant commissioner of DVR.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

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 Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED RULE

5 CSR 90-5.420 Maintenance and Transportation

PURPOSE: This rule establishes the standards for maintenance and transportation services provided by the Division of Vocational

Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals regardless of financial need:

(A) Maintenance when required to enable the applicant or eligible individual to participate in diagnostic evaluation/services;

(B) Transportation when required to enable an applicant or eligible individual to participate in diagnostic evaluation/services.

(2) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals based upon financial need:

(A) Maintenance (noon meals, personal maintenance, placement maintenance, room and board) may be authorized in association with an eligible individual's Individualized Plan for Employment (IPE) when necessary for the eligible individual to receive services.

1. Maintenance may be paid if the actual time required for the service is twenty (20) or more hours per week or the actual time required for the service is less than twenty (20) hours per week and the service is not available within commuting distance of the eligible individual's home.

2. An eligible individual, considered as either independent or dependent in the family household within commuting distance (approximately forty-five (45) miles), may receive two dollars and fifty cents (\$2.50) maximum per day for lunch. An eligible individual considered as independent in the family household may receive up to an additional fifteen dollars (\$15) maximum per week if the Division of Vocational Rehabilitation (DVR) can establish a strong economic need. Exceptions may be made if the individual will suffer economic hardship under the plan and there are no available financial resources.

3. Personal maintenance, up to ten dollars (\$10) per week, may be authorized for eligible individuals who are considered an independent in the family household and required to live away from home. Eligible individuals considered family dependent or eligible individuals remaining in the household within commuting distance will not qualify for personal maintenance.

4. Placement maintenance may be authorized for a period not to exceed four (4) weeks in association with an IPE. This plan should include an emphasis in specific job seeking activities. Placement maintenance may be authorized for a period not to exceed four (4) weeks if the individual is employed or until the individual receives a paycheck (whichever period is shorter).

5. Room and board during college training, up to the amount of the dormitory fees at the nearest Missouri tax supported college, may be authorized if an eligible individual lives beyond commuting distance.

6. Noon meals will not be paid during holiday breaks, absences, or vacations during the eligible individual's plan except when an individual lives away from the family household to receive services or when failure to pay maintenance would jeopardize the planned services.

7. DVR will not authorize maintenance for correspondence or tutorial training, or during convalescent care or hospitalization.

(B) Transportation may be authorized by DVR in association with an IPE when necessary for the eligible individual to travel to and from the place of primary service. Transportation assistance will be based upon the individual attending the nearest location.

1. If the eligible individual elects to obtain primary rehabilitation services at a location not within commuting distance (generally one (1) hour travel time and/or approximately forty-five (45)

miles) and the services are available within commuting distance, the eligible individual is responsible for all costs exceeding those authorized by DVR for primary rehabilitation services within commuting distance.

2. An exception may be approved by DVR if the eligible individual suffers an economic hardship under the plan and there are no other available financial resources.

3. Mileage reimbursement to eligible individuals will be calculated at thirty percent (30%) of the most current mileage reimbursement rate for state of Missouri employees issued by the Missouri Office of Administration.

A. Mileage reimbursement may be authorized under the following conditions:

(I) The eligible individual is unable to travel by common carrier; or

(II) Bus service is not available; or

(III) The cost by private transportation is less.

4. Air travel may be provided in instances of significant impairment necessitating such mode of travel and in instances where the overall cost to DVR would be the most cost effective method.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$1,171,477 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

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 Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-5.420 Maintenance and Transportation

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$1,171,477 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion (21.3%) as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$5,499,892. The state portion is figured by multiplying 21.3% times \$5,499,892. Therefore, the estimated cost is \$1,171,477 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED RULE

5 CSR 90-5.430 Physical and Mental Restoration

PURPOSE: This rule establishes the standards for physical and mental restoration services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) The following physical and/or mental restoration services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals based upon financial need:

(A) Hospital services for eligible individuals shall be provided from an in-state hospital accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or by the American Osteopathic Association and licensed by the Missouri Department of Health. Preference will be given to hospitals having fifty (50) or more beds and well developed surgical and specialty services.

1. Hospital services for eligible individuals from an out-of-state hospital may be paid according to the rates and methods approved by the vocational rehabilitation agency in the state where the hospital is located;

(B) Surgical services for eligible individuals may be provided upon approval by the Division of Vocational Rehabilitation's (DVR) Medical Review Committee and when necessary to correct or substantially modify a physical or mental impairment which is stable or slowly progressive and constitutes a substantial impediment to employment. The condition must be of such a nature that correction or modification may be reasonably expected to eliminate or substantially reduce the impediment to employment within a reasonable length of time;

(C) Hearing aids may only be provided from a Missouri licensed hearing aid dealer and fitter upon the recommendation of a Missouri physician specializing in diseases of the ear or a Missouri certified audiologist. The recommendation must include the recommended type of aid and specifications or prescriptions. All licenses or certifications must be valid, unencumbered, unrestricted, and undisciplined.

1. Prior to purchase authorization, DVR will—

A. Consult with the physician or audiologist to determine feasibility of any repair or reconditioning of an existing aid;

B. Obtain estimates including the itemized cost of the aid, batteries, service and warranty from more than one (1) licensed dealer when practical;

C. Request agency discounts;

D. Allow for the eligible individual's preference of vendor whenever possible; and

E. Ensure that the quality of aid, accessories, service, warranty and cost effectiveness are evaluated; and/or

(D) Individuals with mental illness may be referred to the Missouri Department of Mental Health or other mental health providers as a comparable service. Psychotherapy services may be authorized when required for the eligible individual to begin or continue a rehabilitation plan under the following conditions:

1. The need for psychotherapy is clearly related to the expected employment outcome and recommended by a Missouri licensed psychiatrist or psychologist;

2. An Individualized Plan for Employment (IPE) must have been developed or in the process of development to provide services leading to the attainment of the vocational goal;

3. The eligible individual meets DVR's financial need guidelines;

4. The provider must be a Missouri licensed psychiatrist, psychologist, clinical social worker or professional counselor. The provider must possess a valid, unencumbered, unrestricted and undisciplined Missouri license; and

5. Psychotherapy may be authorized for a period up to three (3) months. An additional three (3) months of therapy may be approved if the therapist feels that the consumer is making satisfactory progress that will lead to the attainment of the vocational goal specified on the IPE.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$600,000 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

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 Missouri Department of Elementary and Secondary Education, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-5.430 Physical and Mental Restoration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$600,000 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion (21.3%) as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$2,816,899. The state portion is figured by multiplying 21.3% times \$2,816,899. Therefore, the estimated cost is 600,000 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED RULE

5 CSR 90-5.440 Training

PURPOSE: This rule establishes the standards for training services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) The following training services as defined in the federal act and/or applicable regulations, and 5 CSR 30-4.020 may be provided to eligible individuals based upon financial need.

(A) College, vocational, or proprietary training at an accredited institution may be provided to assist eligible individuals in reaching objectives that are within the scope of their functional limitations, interests, aptitudes and abilities.

1. Eligible individuals must be enrolled in and satisfactorily complete courses that constitute a normal course load for full-time students unless circumstances as approved by the Division of Vocational Rehabilitation (DVR), indicate a need for a reduced course load.

2. Colleges, universities, vocational or proprietary schools must comply with the provisions found in 5 CSR 30-4.020.

3. For eligible individuals enrolled in private or proprietary degree colleges in Missouri, the cost of the education is based upon the nearest Missouri tax supported two (2) or four (4) year college appropriate for the eligible individual to reach their vocational objective. This includes all primary rehabilitation services (e.g. tuition and fees) and secondary rehabilitation services (e.g. maintenance, transportation, books and supplies) which are determined to be necessary for the eligible individual to attend college. The following are exceptions:

A. The specific job objective which the individual is seeking is not available at the nearest Missouri tax supported two (2) or four (4) year college; and/or

B. The nearest Missouri tax supported two (2) or four (4) year college does not provide appropriate services for the individual's disability-related needs.

4. Division of Vocational Rehabilitation's maximum rate of authorization for out-of-state college tuition is based upon the lesser of the hourly rate at the University of Missouri-Columbia (updated annually) or the hourly rate of the particular out-of-state college. This amount may be applied to any of the eligible individual's educational cost(s). For out-of-state colleges any grants, aid, loans, and/or work-study awarded will be used to reduce the individual's participation in the educational costs.

5. Any change in vocational goals involving college, vocational, or proprietary training must be agreed to and signed by the individual and approved by DVR.

6. The eligible individual is responsible for the cost of the tuition and/or required textbooks when courses are dropped, withdrawn and/or retaken due to poor grades, unless the eligible individual's reason for withdrawing, dropping and/or failing a course is disability-related or a credit or refund has been obtained.

7. The individual and/or parents must complete DVR's Financial Application. The individual and/or parents must apply for all applicable federal grants and campus financial aid. If an individual is awarded any grant(s) and attends an in-state college, the grant(s) will be used to reduce DVR's participation in the educational costs.

A. If an individual attends a Missouri public, private or proprietary degree program, all federal grants and aid must be used to reduce agency participation in the educational costs.

B. If the individual participates in a work-study program or obtains student loans, money received from either may be used for educational costs not covered by DVR.

C. If an individual attends an out-of-state college or university, all federal grants and aid may be used to pay for educational costs which exceed DVR's level of funding.

8. The eligible individual is responsible for the cost of tuition, books and supplies for elective courses that do not apply to the eligible individual's degree or program.

9. The eligible individual must acquire and maintain at least a minimum grade point average of 2.0 (based on a four (4) point scale) or a 3.0 (based on a five (5) point scale).

10. The eligible individual shall provide a grade report after each semester, quarter, trimester, etc., that documents hours taken, hours completed, grades for each course and grade point average;

(B) The eligible individual may be authorized for correspondence training in the following situations:

1. Training cannot be arranged by another method;

2. The eligible individual needs preliminary training which may be obtained most practicably and efficiently by correspondence prior to entering training by another method;

3. Satisfactory living arrangements cannot be made to secure training by any other method; and/or

4. An eligible individual needs one (1) or two (2) courses for a special purpose;

(C) Tutorial training by qualified tutors may be authorized for eligible individuals needing training not offered by any other method.

1. The tutor must have the necessary qualifications to teach the required skills, and sufficient time to devote to the selected course.

2. The tutor must be willing to make arrangements for time and place of instruction which will be convenient for the eligible individual and satisfactory to the conditions under which the client must live and train.

3. Division of Vocational Rehabilitation will authorize reasonable tuition for tutorial training and ensure that the objective of the training is commensurate with the cost; and/or

(D) Books, training materials, tools, equipment and/or initial stock may be purchased for an eligible individual when said materials are required for an eligible individual to successfully participate in training or job placement.

(2) The following training services as defined in the federal act and/or applicable regulations, and 5 CSR 30-4.020 may be provided to eligible individuals regardless of financial need:

(A) On-the-job training fees, supported employment, work stations in industry, and placement assistance into suitable employment; and/or

(B) Eligible individuals who are identified in an Individualized Educational Plan (IEP) may be certified for Sheltered Workshop employment in the last semester of his/her final year in school. Exceptions must be agreed upon by both the assistant commissioners of the Department of Elementary and Secondary Education for DVR and Special Education.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$3,121,964 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a

detailed estimated cost of compliance has been filed with the secretary of state.

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 Missouri Department of Elementary and Secondary Education, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5CSR 90-5.440 Training

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$3,121,964 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$14,657,108. The state portion is figured by multiplying 21.3% times \$14,657,108. Therefore, the estimated cost is \$3,121,964 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED RULE

5 CSR 90-5.450 Home Modification and/or Remodeling

PURPOSE: This rule establishes the standards for home modification and remodeling services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Home modification and/or remodeling as defined in the federal act and/or applicable regulations may be provided to eligible individuals who meet the financial need guidelines. The modifications should assist the eligible individual to live independently and participate in employment.

(2) The eligible individual or member of the eligible individual's family must own the residence being modified or remodeled or be in the process of purchasing the residence. If the eligible individual resides in rental property, only ramps or lifts will be authorized by the Division of Vocational Rehabilitation, when written permission from the eligible individual's landlord is obtained authorizing the modifications to the rental property.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$18,838 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

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 Missouri Department of Elementary and Secondary Education, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-5.450 Home Modification and/or Remodeling

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$18,838 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion (21.3%) as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$88,440. The state portion is figured by multiplying 21.3% times \$88,440. Therefore, the estimated cost is \$18,838 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PROPOSED RULE

5 CSR 90-5.460 Vehicle Modification

PURPOSE: This rule establishes the standards for vehicle modification services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Vehicle modification as defined in the federal act and/or applicable regulations may be provided to eligible individuals who meet the financial need guidelines.

(2) Eligible individuals may be required to participate in a driver's evaluation provided by a qualified independent organization or individual, to determine the need for vehicle modification and/or adaptive equipment. The driver's evaluation should reflect the minimum modification required for safe operation of the vehicle.

(3) Division of Vocational Rehabilitation (DVR) only authorizes vehicle modification(s) to enable the eligible individual to enter and exit the vehicle, ride in it and operate it if necessary. Optional equipment, or modifications and accessories not required as indicated by a driver's evaluation, will not be purchased by DVR.

(4) The eligible individual or immediate family member/guardian of the eligible individual must own the vehicle, capable of passing state inspection, prior to any vehicle modification. Division of Vocational Rehabilitation will not purchase an automobile, truck, van, or other powered vehicle that requires licensing by the state.

(5) The eligible individual must have a valid driver's license. If the disability and resulting functional limitations have occurred since the driver's license was issued, the eligible individual should complete appropriate driver training. Division of Vocational Rehabilitation may assist in providing driver's education training.

(6) The eligible individual is responsible for the following:
(A) Providing the maintenance of the vehicle, adaptive equipment and all required city and state licenses; and
(B) Payment of the costs of the vehicle (including loan payments) and insurance premiums.

AUTHORITY: sections 161.092, 178.600, 178.610, 178.620, RSMo 1994. Original rule filed Dec.17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$144,378 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

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 Missouri Department of Elementary and Secondary Education, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-5.460 Vehicle Modification

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$144,378 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$677,831. The state portion is figured by multiplying 21.3% times \$677,831. Therefore, the estimated cost is \$144,378 (rounded).

IV. ASSUMPTIONS

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

PROPOSED RULE

10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

PURPOSE: This regulation restricts the emission of particulate matter in the source gas of an operation or activity except where 10 CSR 10-2.040, 10 CSR 10-3.060, 10 CSR 10-4.040, 10 CSR 10-5.030 and/or 10 CSR 10-6.070 would be applied.

(1) Applicability.

(A) This regulation applies to any operation, process or activity, except the burning of fuel for indirect heating, in which the products of combustion do not come into direct contact with process materials, the burning of refuse, and the processing of salvageable material by burning.

(B) The provisions of this rule shall not apply to the following:

1. Cotton gins;
2. The grinding, crushing and classifying operations at a rock quarry;
3. The receiving and shipping of whole grain from or into a railroad or truck transportation source at a grain elevator;
4. Smoke generating devices, as defined in subsection (2)(D) of this rule, when a required permit or a written determination that a permit is not required has been issued or written; and
5. Batch-type charcoal kilns required to comply with 10 CSR 10-6.330.

(2) Definitions.

(A) Process weight is defined as the total weight of all materials, including solid fuels, introduced into an emission unit, which may cause any emission of particulate matter, but excluding liquids and gases used solely as fuels and air introduced for purposes of combustion.

(B) Process weight rate is defined as a rate established as follows:

1. For continuous or long-run steady-state emission units, the total process weight for the entire period of continuous operation or for a typical portion, divided by the number of hours of that period or portion;
2. For cyclical or batch emission units, the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during that period; or
3. Where the nature of any process or operation or the design of any equipment permits more than one (1) interpretation of this section, that interpretation which results in the minimum value for allowable emission shall apply.

(C) For purposes of this regulation, a jobbing cupola is defined in the Springfield-Greene County area as a cupola which has a single melting cycle operated no more than twelve (12) hours in any consecutive twenty-four (24) hours and no more than sixty (60) hours in any consecutive seven (7) days. For the rest of the state of Missouri, a jobbing cupola is defined as a cupola which has a single melting cycle operated no more than ten (10) hours in any consecutive twenty-four (24) hours and no more than fifty (50) hours in any consecutive seven (7) days.

(D) A smoke generating device is defined as a specialized piece of equipment which is not an integral part of a commercial, industrial, or manufacturing process and whose sole purpose is the creation and dispersion of fine solid or liquid particles in a gaseous medium.

(E) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Emission limitations for all applicable sources except grey iron jobbing cupolas and corn wet milling drying processes.

1. Except as provided for in paragraph (3)(A)2. and paragraph (1)(B) of this rule, no person shall cause, suffer, allow or permit the emission of particulate matter in any one (1) hour from any source in excess of the amount calculated using the following equation for the process weight allocated to that source:

For process weight rates of 60,000 pounds per hour (lb/hr) or less:

$$E = 4.10P^{0.67}$$

and for process weight rates greater than 60,000 lb/hr:

$$E = 55.0P^{0.11} - 40;$$

where:

- E = rate of emission in lb/hr; and
P = process weight rate in tons per hour (tons/hr).

2. The limitations established by paragraph (3)(A)1. of this rule shall not require the reduction of particulate matter concentration, based on the source gas volume, below the concentration specified in paragraph (3)(A)2., Table I of this rule for that volume; provided that, for the purposes of this section, the person responsible for the emission may elect to substitute a volume determined according to the provisions of subsection (3)(A)3. of this rule; and provided further that the burden of showing the source gas volume or other volume substituted, including all the factors which determine volume and the methods of determining and computing the volume shall be on the person seeking to comply with the provisions of this section.

Table I

Source Gas Volume, Standard Cubic Foot Per Minute	Concentration Grain Per Cubic Foot
7,000 or less	0.100
8,000	0.096
9,000	0.092
10,000	0.089
20,000	0.071
30,000	0.062
40,000	0.057
50,000	0.053
60,000	0.050
80,000	0.045
100,000	0.042
120,000	0.040
140,000	0.038
160,000	0.036
180,000	0.035
200,000	0.034
300,000	0.030
400,000	0.027
500,000	0.025
600,000	0.024
800,000	0.021
1,000,000 or more	0.020

3. Any volume of gases passing through and leaving an air pollution abatement operation may be substituted for the source gas volume of the emission unit served by the air pollution abatement operation, for the purposes of paragraph (3)(A)2. of this rule, provided that air pollution abatement operation emits no more than

forty percent (40%) of the weight of particulate matter entering; and provided further that the substituted volume shall be corrected to standard conditions and to a moisture content no greater than that of any gas stream entering the air pollution abatement operation.

4. Notwithstanding the provisions of paragraphs (3)(A)1. and (3)(A)2. of this rule, no person shall cause, allow or permit the emission of particulate matter from any source in a concentration in excess of 0.30 grain per standard cubic foot of exhaust gases.

(B) Grey iron jobbing cupolas shall meet the following requirements:

1. Cupolas shall be equipped with gas cleaning devices operated to remove not less than eighty-five percent (85%) by weight of all the particulate matter in the cupola discharge gases or release not more than 0.4 grain of particulate matter per standard cubic foot of discharge gas, whichever is more stringent.

2. All gases, vapors and gas entrained effluents shall be incinerated at a temperature not less than one thousand two hundred degrees Fahrenheit (1200°F) for a period of not less than 0.3 seconds.

(C) All existing corn wet milling drying processes shall be equipped with gas cleaning devices and so operated as to remove not less than ninety-nine and one-half percent (99.5%) by weight of all particulate matter in the dryer discharge gases.

(D) The provisions of this regulation shall not apply to a process during periods when a new fire is being built, during the start-up of the operation, during an operation breakdown or while air pollution control equipment is being cleaned or repaired.

(4) Reporting and Record Keeping. *(Not Applicable)*

(5) Test Methods. The amount of particulate matter emitted shall be determined as specified in 10 CSR 10-6.030(5). Any other method approved by the director.

AUTHORITY: section 643.050, RSMo Supp. 1999. Original rule filed Jan. 14, 2000.

PUBLIC COST: This proposed rule is a consolidation of existing rules. It will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule is a consolidation of existing rules. It will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., March 30, 2000. The public hearing will be held at the Days Inn, Hwy. 63 South, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., April 6, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 25—Motor Vehicle Financial Responsibility**

PROPOSED RESCISSION

12 CSR 10-25.090 Fees Assessed for Failure to Surrender Drivers License or Registration Plates After Suspension. This rule established procedures for assessment of fees for failure to

surrender drivers license or registration plates after suspension under section 303.041, RSMo.

PURPOSE: This rule is being rescinded because the assessment of fees for failure to surrender drivers license or registration plates after suspension under section 303.041, RSMo, is no longer required with implementation of Senate Bill 19.

AUTHORITY: section 303.290, RSMo 1994. Original rule filed July 6, 1987, effective Oct. 25, 1987. Amended: Filed Nov. 26, 1991, effective April 9, 1992. Rescinded: Filed Jan. 5, 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 40—State Lottery
Chapter 40—Retail Sales Licenses**

PROPOSED AMENDMENT

12 CSR 40-40.090 Eligibility for Licenses. The commission proposes to add sections (2) and (3) to this rule.

PURPOSE: The purpose of this amendment is to clarify those individuals subject to a background investigation prior to licensing as a lottery retailer.

(2) Person is defined as any natural person, firm, corporation, or other legal entity possessing a Department of Revenue retail sales license, as provided by law.

(3) For purposes of licensing “person” refers to the principal owner of a sole proprietorship, principal partner(s) of a partnership, manager of the lottery account within a corporation, and top two (2) officers of a nonprofit organization.

AUTHORITY: section 313.220(2), RSMo [Supp. 1988] Supp. 1999. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed March 17, 1987, effective June 11, 1987. Amended: Filed Jan. 12, 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 60—Payment of Prizes
PROPOSED AMENDMENT**

12 CSR 40-60.020 Cash Prizes. The commission proposes to amend section (1), delete subsection (3)(A) and reletter (3)(B), (C) and (D) and add a new subsection (3)(D).

PURPOSE: The purpose of this amendment is to remove the conflict within the rule of setting a specific pay-out time period and allowing the executive director to set pay-out time periods by game.

(1) The director shall have the authority to designate [in 12 CSR 40-85,] any game prize to be paid in periodic payments as set forth in this rule. Any prize not designated to be paid in periodic payments **by the player or the director** will be paid in a lump sum.

(3) Periodic payments shall be made as follows:

[(A)] The director shall designate the payment of a periodic prize over a total payment period of not more than twenty (20) years;]

[(B)] (A) The director shall designate the length of periodic payment period;

[(C)] (B) The first payment shall be in the first periodic payment period in which the prize is won; thereafter, there shall be one (1) payment per periodic payment period; [and]

[(D)] (C) The director [shall] may purchase annuities from annuity sellers to provide periodic prize payments under this section. Annuity sellers shall meet the requirements of 12 CSR 40-60.040. [Annuities shall be created only for specified prize winners or beneficiaries.] Funds held by an annuity seller under this section are the property of the prize winner or beneficiary and shall not be considered state funds[.]; and

(D) The director may purchase U.S. government securities or other instruments provided for by law for the purpose of funding periodic prize payments. These instruments are held for the benefit of the prize winner or beneficiary and shall not be considered state funds.

AUTHORITY: sections 313.220, RSMo Supp. 1999 and 313.230(2), RSMo [1986] 1994. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed Jan. 23, 1986, effective Feb. 1, 1986. Amended: Filed April 27, 1987, effective July 11, 1987. Amended: Filed Jan. 12, 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 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security**

PROPOSED RESCISSION

17 CSR 10-2.010 Regulation and Licensing of Those Providing Private Security Services. This rule established procedures, test-

ing requirements and license fees for those persons employed in the industry.

PURPOSE: Under sections 84.420 and 84.720, RSMo, Board has the authority in Kansas City to regulate and license all private security personnel, serving or acting as such. Board wishes to rescind this rule and adopt a new rule in its place in order to clarify the language in the rule and insure compliance with the applicable law.

AUTHORITY: sections 84.420 and 84.720, RSMo 1986. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 15, 1999.

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, including small businesses, 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 Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. 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 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security**

PROPOSED RULE

17 CSR 10-2.010 Regulation and Licensing In General

PURPOSE: Under the provisions of sections 84.420 and 84.720 of the Revised Statutes of Missouri, the Board of Police Commissioners of Kansas City, Missouri (board) has the authority and duty to regulate and license all private security personnel, serving or acting as such within Kansas City, Missouri (City). This rule establishes procedures, testing requirements and license fees for those persons required to be licensed.

(1) Board shall have the power and duty to enforce the provisions of these rules and upon complaint of any person or on its own initiative, to investigate violations, or to investigate the business, business practices or business method of any person, firm, company, partnership, corporation or political subdivision applying for or holding a license for providing private security services if, in the opinion of board, the investigation is warranted. Each entity or individual applicant shall be obligated to supply the information, books, papers or records as reasonably may be required concerning proposed business practices or methods. Failure to comply with any reasonable request of board shall be grounds for denying an application for a license or for revoking, suspending or failing to renew a license issued under these rules. Those licensed must maintain the records that board requires which include, but are not limited to, employment records, time records and assignment records along with records required to be kept by federal and state law.

(2) Any license granted under section 84.720 of the *Revised Statutes of Missouri* shall constitute a privilege to do business and shall not invest the one licensed with any contractual interest, inherent right or property interest.

(3) Those licensed to perform private security services have police powers limited to the property which they have been lawfully assigned to protect. With the exception of those licensed as airport police, those licensed under these provisions have no authority to enforce ordinances, statutes or rules on the public streets of city or at any location other than on the property they have been assigned to protect.

(4) Private security licenses are required for each of the following:

(A) Any individual providing private security services within city whether for a licensed private security business or otherwise;

(B) Any firm, company, partnership or corporation that provides private security services; and

(C) Any political subdivision, sole proprietorship, firm, company, partnership or corporation that employs personnel to provide private security service.

(5) No license is required for any peace officer authorized to exercise police powers in Kansas City, Missouri.

(6) Board shall perform its functions under statute and under these regulations through the Private Officers' Licensing Section (POLS) of the Kansas City, Missouri Police Department (Department).

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions more than \$500 in the aggregate. See Fiscal Note—Public Entity Cost.

PRIVATE COST: This proposed rule will cost private entities, including small businesses, more than \$500 in the aggregate. See Fiscal Note—Private Entity Cost.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.010 - Regulation and Licensing In General

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
City of Kansas City, Missouri	\$2,905.00
Jackson County, Missouri	\$350.00
Kansas City International Airport Police	\$2,910.00

III. WORKSHEET

The City of Kansas City, Missouri licenses twenty-one (21) armed security officers and sixty-two (62) unarmed security officers. Jackson County, Missouri licenses nine (9) armed persons and one (1) unarmed person per year. The Kansas City International Airport Police will pay a company fee in the amount of Two Hundred Fifty Dollars (\$250.00) per year after the enactment of these rules. Currently, they do not pay a company fee. The Kansas City International Airport Police currently license seventy (70) armed officers and six (6) unarmed officers. The rates for new armed licenses will increase Sixty-Two Dollars (\$62.00) per year, from Sixty-Three Dollars (\$63.00) per year to One Hundred Twenty-Five Dollars (\$125.00) per year. The rate for new unarmed licenses will increase Thirty-Six Dollars (\$36.00) per year, from Thirty-Three Dollars (\$33.00) per year to Seventy Dollars (\$70.00) per year.

The yearly renewal fees for armed licenses will increase from Thirty-Five Dollars (\$35.00) to Seventy Dollars (\$70.00). The yearly renewal fees for unarmed licensees have increase from Fifteen Dollars (\$15.00)¹ to Fifty Dollars (\$50.00). The number

¹ Under the current licensing fee structure, the renewal fee for an unarmed private investigator is Twenty-Five Dollars (\$25.00), not Fifteen Dollars (\$15.00)

of current licensees in each category was multiplied by the corresponding increase in renewal fees charged in order to assess the fiscal impact to the current licensees.

The City of Kansas City, Missouri will incur costs in the amount of \$35.00 per renewal of armed licenses (21) for an increase of Seven Hundred Thirty-Five Dollars and No Cents (\$735.00) yearly. The City of Kansas City, Missouri will incur costs of \$35.00 per renewal of each of its unarmed licenses (62) for an increase of Two Thousand One Hundred Seventy Dollars and No Cents (\$2,170.00) yearly. The total fiscal impact to the City of Kansas City, Missouri is Two Thousand Nine Hundred Five Dollars and No Cents (\$2,905.00) per year. Jackson County, Missouri will incur costs in the amount of \$35.00 per renewal of armed licenses (9) for an increase of Three Hundred Fifteen Dollars and No Cents (\$315.00) yearly. Jackson County, Missouri will incur costs of \$35.00 per renewal of each of its unarmed licenses (1) for an increase of Thirty-Five Dollars and No Cents (\$35.00) yearly. The total fiscal impact to Jackson County, Missouri is Three Hundred Fifty Dollars and No Cents (\$350.00) per year. The Kansas City International Airport Police will incur costs in the amount of \$35.00 per renewal of unarmed licenses (6) for an increase of Two Hundred Ten Dollars and No Cents (\$210.00) yearly. The Kansas City International Airport Police will incur costs of \$35.00 per renewal of each of its armed licenses (70) for an increase of Two Thousand Four Hundred Fifty Dollars and No Cents (\$2,450.00) yearly. The total fiscal impact to the Kansas City International Airport Police is Two Thousand Six Hundred Sixty Dollars and No Cents (\$2,660.00) per year. The Kansas City International Airport Police will also pay a company fee of Two Hundred Fifty Dollars and No Cents (\$250.00) per year under the Proposed Rules for a total fiscal impact of Two Thousand Nine Hundred Ten Dollars and No Cents (\$2,910.00) per year.

IV. ASSUMPTIONS

These figures assume that neither agency will increase the number of security officers which they are currently licensing nor switch the classifications of the persons they are licensing, i.e., from unarmed to armed. These figures also assume that the City of Kansas City, Missouri and Jackson County, Missouri pay the license fees for those they license, rather than the individual paying the fees themselves. At this time, the City of Kansas City, Missouri and Jackson County, Missouri are not charged a company license fee, therefore, there is no fiscal impact due to the increase in company license fees. These cost calculations take into account yearly renewal fees for existing licensees. If the entity licenses additional persons, the increased cost figures listed above for new licenses should be used.

as it is for other unarmed licensees. Because the new fee structure does not make a distinction between the types of licensees but rather by their status as armed or unarmed, there is no way to assess the fiscal impact to these individuals.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.010 - Regulation and Licensing in General

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
45	Loss Prevention Agents	See Section III.
878	Private Agents	See Section III.
818	Patrol Agent	See Section III.
285	Private Investigators	See Section III.
355	Security Specialists	See Section III.
1496	Guards	See Section III.
133	Armed Couriers	See Section III.
199	Company licenses	\$49,750.00 per year

III. WORKSHEET

The rates for new armed licenses will increase Sixty-Two Dollars (\$62.00) per year. The rate for new unarmed licenses will increase Thirty-Six Dollars (\$36.00) per year. The yearly renewal fees for armed licenses will increase from Thirty-Five Dollars (\$35.00) to Seventy Dollars (\$70.00). The yearly renewal fees for unarmed licenses

will increase from Fifteen Dollars (\$15.00)¹ to Fifty Dollars (\$50.00). In order to assess the fiscal impact to the current individuals licensed as armed, the number of armed licensees must be multiplied by the increase in the fee amount for armed licenses. In order to determine the fiscal impact to the current individuals licensed as unarmed, the number of unarmed licensees must be multiplied by the increase in the fee amount for unarmed licenses. This must be done because the numbers of armed and unarmed licensees within each class, i.e., private agents, patrol agents, etc., is not separately tracked by Board, and the amount of fees charged is dependent on whether the applicant is armed or unarmed, not which class of license they hold. Currently, a total of 2,492 persons hold unarmed licenses. With the renewal fee increase of Thirty-Five Dollars (\$35.00) per person, the total fiscal impact on unarmed licensees is Eighty-Seven Thousand Two Hundred Twenty Dollars and No Cents (\$87,220.00) for the first year. Currently, a total of 1,421 persons hold armed licenses. With the renewal fee increase of Thirty-Five Dollars (\$35.00) per person, the total fiscal impact on armed licensees is Forty-Nine Thousand Seven Hundred Thirty-Five Dollars (\$49,735.00) for the first year. Board is unable to assess the fiscal impact due to new individual licenses as that number cannot be predicted in advance. See Section IV. below.

All firms, companies, partnerships or corporations licensed will pay a company fee in the amount of Two Hundred Fifty Dollars (\$250.00) per year after the enactment of these rules. Currently, they do not pay a company fee. The number of companies holding licenses was multiplied by the new company fee in order to assess the fiscal impact to the current companies holding licenses.

IV. ASSUMPTIONS

These figures assume that the companies will not increase the number of security officers which they are currently licensing nor switch the classifications of the persons they are licensing, i.e., from unarmed to armed. These figures also assume that the companies pay the license fees for those they license, rather than the individual paying the fees themselves.² These cost calculations take into account

¹ Under the current licensing fee structure, the renewal fee for an unarmed private investigator is Twenty-Five Dollars (\$25.00), not Fifteen Dollars (\$15.00) as it is for other unarmed licensees. Because the new fee structure does not make a distinction between the types of licensees but rather by their status as armed or unarmed, there is no way to assess the fiscal impact to these individuals.

² In fact, Board is aware that some companies pay a portion of the licensing fees of their employees and the employees pay the balance. Board keeps no record of how the various companies operate and how they pay their fees. Therefore, the actual cost to these companies cannot be assessed and it must be assumed that for purposes of this fiscal note that the companies pay the entire fee

renewal fees for existing licensees. If the company licenses additional persons, the increased cost figures listed above for new licenses should be used.

for the individuals holding licenses with the company.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.020 Application for a License. In order to promote and protect the public welfare, Board investigated the background, qualifications and ability of all applicants. Application forms were provided by Board and all applicants used these forms.

PURPOSE: Board wishes to rescind this rule and adopt a new rule in its place in order to clarify the language in the rule and insure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1986. Original rule filed Dec. 5, 1979, effective March 17, 1980. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 15, 1999.

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, including small businesses, 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 Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. 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 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.020 Application for a License

PURPOSE: In order to promote and protect the public welfare, Board shall investigate the background, qualifications and ability of all applicants. Application forms provided by board shall be used by all applicants.

(1) All individual applicants are required to complete an "Employers Application for Employment of Private Security 'Intent to Hire Form'" (Form 5409 P.D.). All firms, companies, partnerships, corporation, sole proprietorships and political subdivisions to be licensed under the provisions of section (5) below shall complete "Application for Company License" (Form 5486 P.D.).

(2) Board shall conduct a background investigation of each applicant, including investigations required by section 84.720 of the *Revised Statutes of Missouri*.

(3) Each applicant shall submit to photographing and fingerprinting and shall provide proof of identity by submitting with the application, a photo identification card, original Social Security card, proof of citizenship, Military DD214, name change documentation or other equivalent identification.

(4) Each applicant shall provide any additional information required by board to conduct its investigation and shall comply with all requests of board in the conduct of its investigation for a license under these rules.

(5) Firms, companies, partnerships, corporations, sole proprietorships or political subdivisions engaging in the business of providing private security services or firms, companies, partnerships, corporations, sole proprietorships or political subdivisions that employ other individuals to perform private security services shall be licensed in addition to any individual license required under these rules. Any license granted under this section shall be designated "company license." All licensed companies are required to annually pay a company fee by December 31 of each year and are required to comply with the terms of this regulation and all federal, state and local laws. Failure to pay such fee will result in the suspension of the company license. In the absence of the annual company license, all licenses granted to employees or agents of that company are automatically suspended.

(6) Before being licensed under these rules, individual and company applicants shall file with board a certificate of liability insurance in the amount of one (1) million dollars or the equivalent, naming board as an additional insured and certificate holder and protecting board from liability judgments, suits and claims, including, but not limited to, suits for bodily injury, personal injury, including false arrest, libel, slander, invasion of privacy and property damage arising out of the licensing of individuals and entities providing private security services. The insurance must be written by a company approved by the Missouri superintendent of insurance and approved by board with respect to its form, manner of execution and sufficiency, provided further however, before a license is issued to a nonresident, the applicant must file with the Missouri secretary of state a written consent for jurisdiction of the courts of Missouri, and any case(s) arising from any contract for performance of private security services made within city are to be performed wholly or in part, in the city or in any way connected with the business within the city or occurring in connection with the business of the one licensed within the city. Any company licensed must provide the insurance specified and cover all employees, provided however, that in the event a suit is filed or claim is made involving board, the company shall immediately notify board at which time the licensee may be required to furnish additional insurance. Failure of a licensee to maintain insurance is grounds for revocation. In the absence of adequate insurance, all licenses granted to employees or agents of that company are automatically suspended. Equivalent shall mean a bond in like amount or a certificate of self-insurance by a company with audited net worth of five (5) million dollars. Each certificate of insurance must stipulate coverage for armed/unarmed personnel as appropriate.

(7) When, in the opinion of board, an applicant has fulfilled the requirements of these rules, board may issue the applicant a license to provide private security services.

(8) All those licensed under these rules shall immediately notify board in writing of any change of address or employment; a company shall notify board in writing of the termination of employment of any person listed on the company application or any licensed employee.

(9) Licenses, issued under these rules, are not transferable or assignable and shall be returned to board upon termination of employment or by the licensee upon his/her ceasing to operate or perform as a licensee. If the license is lost or stolen, the license holder shall immediately notify board and provide a lost card affidavit signed by a company representative. Any person licensed under these rules may hold a maximum of three (3) licenses. All

employing companies must provide written consent for dual or multiple licenses.

(10) All those licensed may be requested to furnish a description of all vehicles to be used in the course of their business, including state license numbers, vehicle identification numbers, and provide proof of adequate automobile liability insurance coverage in accordance with the requirements established by the state of Missouri. Use of any sign, signal or other device contrary to the ordinance of the city, or which is similar in appearance to those used by the department is prohibited and may be grounds for suspension or revocation of a license. No private security company or individual is authorized to operate any emergency vehicle as that term is defined by state law or city ordinance without the prior approval of board.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999.

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 cost private entities, including small businesses, more than \$500 in the aggregate. See Fiscal Note—Private Entity Cost.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. 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
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.020 - Application for a License

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
199 ¹	Firms, companies, partnerships and corporations	\$597,000.00
25 ²	Firms, companies, partnerships and corporations	\$75,000.00

III. WORKSHEET

There are currently One Hundred Ninety-Nine (199) firms, companies, partnerships and corporations³ licensed by the Board of Police Commissioners of

¹ This is the number of companies currently licensed.

² This is the number of new companies which Board anticipates will apply for a license in the next year.

³ Throughout these fiscal notes, the firms, companies, partnerships and corporations which hold licenses are referred to as "companies" and the licenses they hold as company licenses. Board recognizes that the "companies" are actually organized in various forms under the law. The references to "company"

Kansas City, Missouri.⁴ Each corporation is required to carry a certificate of liability insurance in the amount of One Million Dollars (\$1,000,000.00) or the equivalent naming Board as an additional insured and certificate holder. The equivalent means a bond in like amount or a self-insurance certificate if the company has an audited net worth of Five Million Dollars (\$5,000,000.00). Using the figure of Three Thousand Dollars (\$3,000.00) per year per company, the resulting fiscal impact to the 199 companies currently holding licenses would be Five Hundred Ninety-Seven Thousand Dollars (\$597,000). Assuming twenty-five (25) new companies apply for licenses in the next year, the resulting fiscal impact to those entities would be Seventy-five Thousand Dollars (\$75,000.00)

IV. ASSUMPTIONS

Board is unable to exactly calculate the fiscal impact of this insurance requirement to the companies licensed. The cost of insurance varies depending on the insurance company's loss experience with the insured, the security company's payroll, whether the security company employs armed or unarmed security officers, the nature and location of their business and many other factors which cannot be precisely calculated by Board.

Based on information available to Board, it appears that on average the insurance cost to a company, firm or corporation is approximately Three Thousand Dollars (\$3,000.00) per year. That figure was used to calculate the fiscal impact of this rule.

For a discussion of the fiscal impact of requiring private entities to purchase a company license, see Private Entity Fiscal Note for 17 CSR 10-2.040.

and "company license" are made for ease of reference.

⁴ Throughout these fiscal notes, the Board of Police Commissioners of Kansas City, Missouri will be referred to as "Board."