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**MATT BLUNT**

**SECRETARY OF STATE**

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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## HOW TO CITE RULES AND RSMo

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

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

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

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

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

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



*Season's Greetings*  
*from the*  
*Administrative*  
*Rules staff!*

---

**Office of the Secretary of State**

**MATT BLUNT**



*A Very Merry Christmas  
and a Happy New Year*

*The Administrative Rules Staff wants to take this opportunity to extend to each of you our best wishes for a blessed holiday season!! We hope your Christmas will be bright and your New Year a happy, safe and prosperous one.*

*Heather M. Downs*  
*Barbara M. Banzel*

*Sharon M. De*

*Sally Reid*

*Wilbur Hightower*

*Carol M. Davis*

*Jim McClure*

*Lynne C. Angle*  
Lynne C. Angle,  
Director, Administrative Rules Division

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

## Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 11—Anhydrous Ammonia

### EMERGENCY AMENDMENT

**2 CSR 90-11.010 ANSI K61.1/-1981], Safety Requirements for the Storage and Handling of Anhydrous Ammonia.** The department is amending the title and adding a new section (3).

*PURPOSE:* The purpose of this amendment is to provide a definition for cylinders that are appropriate for the storage and transportation of anhydrous ammonia.

*EMERGENCY STATEMENT:* This emergency amendment defines approved containers for the storage and transportation of anhydrous ammonia. This emergency amendment is necessary to protect the public health, safety and welfare as twenty (20)-pound cylinders and other portable containers have been targeted for use in the theft of anhydrous ammonia. Anhydrous ammonia is being used in the manufacture of methamphetamine creating a serious hazard to law enforcement and the general public. Thefts of these containers also affect the liquefied petroleum (LP)-gas industry since thousands of cylinders are used in exchange programs at hundreds of retail outlets around the state. Due to its properties and the manner in which it is stored, anhydrous ammonia can create a dangerous situation when it is accidentally released. When anhydrous ammonia contacts body tissue—especially the eyes, skin and respiratory tract—it will cause

dehydration, cell destruction and severe chemical burns. Victims exposed to even small amounts of ammonia require immediate treatment to avoid permanent injury and prolonged exposure can result in suffocation. Use of approved containers to store and transport anhydrous ammonia can prevent the accidental release of anhydrous ammonia. The definition of cylinders will also provide prosecutors and courts the mechanism required for prosecution of individuals involved in the theft of anhydrous ammonia. As a result, the Department of Agriculture finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency amendment, the Department of Agriculture utilized procedures to assure that this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 17, 2003, effective November 27, 2003, expires May 12, 2004.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(3) Cylinders and other portable containers used in anhydrous ammonia service shall be designed, fabricated, tested, constructed, marked and placarded in accordance with the United States Department of Transportation Hazardous Materials regulations contained in 49 CFR parts 100 to 185, which are herein incorporated by reference, and approved for the storage and transportation of anhydrous ammonia. Cylinder and other portable container valves and other fittings, or hoses attached thereto, used in anhydrous ammonia service, shall be constructed of material resistant to anhydrous ammonia and shall not be constructed of brass, copper, silver, zinc or other material subject to attack by ammonia. Each cylinder utilized for the storage and transportation of anhydrous ammonia shall be labeled, in a conspicuous location, with the words "ANHYDROUS AMMONIA" or "CAUTION: ANHYDROUS AMMONIA" and the UN number 1005 (UN 1005).

*AUTHORITY:* section 266.355, RSMo [1986] 2000. Original rule filed Jan. 15, 1985, effective April 11, 1985. Emergency amendment filed Nov. 17, 2003, effective Nov. 27, 2003, expires May 12, 2004. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 41—General Tax Provisions

### EMERGENCY AMENDMENT

**12 CSR 10-41.010 Annual Adjusted Rate of Interest.** The department proposes to amend section (1).

*PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2004 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2004.*

*EMERGENCY STATEMENT: The director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the remaining 2004 calendar year. The director finds that there is an immediate danger to the public welfare which can only be addressed through this emergency amendment. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the Missouri and United States Constitutions. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed November 17, 2003, effective January 1, 2004, expires June 28, 2004.*

(1) Pursuant to section 32.065, RSMo, the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

<b>Calendar Year</b>	<b>Rate of Interest on Unpaid Amounts of Taxes</b>
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
<b>2004</b>	<b>4%</b>

*AUTHORITY: section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 17, 2003, effective Jan. 1, 2004, expires June 28, 2004.*



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

## EXECUTIVE ORDER 03-27

WHEREAS Missouri business and workers are highly skilled and efficient and produce high quality products and services.

WHEREAS, the economy of the State of Missouri benefits from keeping Missouri tax dollars in the state when state government purchases these excellent Missouri products and services. Taxpayers should expect to realize the full value for every tax dollar spent in Missouri.

WHEREAS, product and service specifications contained in an offer for a Missouri purchasing bid continue to provide free and open competition for all vendors, including those vendors offering Missouri products and services.

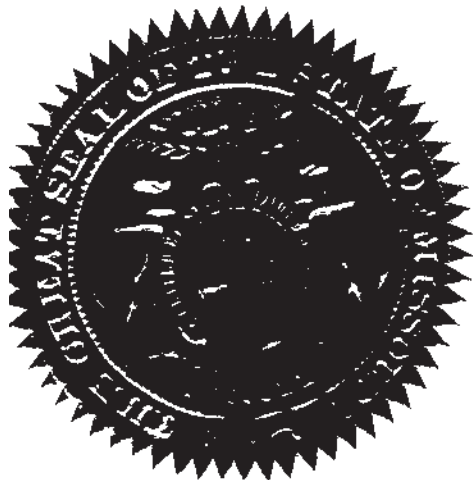
WHEREAS, the State of Missouri should purchase goods and services from in-state companies whenever possible in order to support Missouri business, grow the Missouri economy, and provide jobs for Missouri workers.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me as governor of the State of Missouri, do hereby order as follows:

1. For purposes of this executive order, the term "Missouri product" refers to goods or commodities, which are manufactured, mined, produced or grown by companies in Missouri, or services provided by such companies in Missouri.
2. Under Sections 34.040 and 34.042, RSMo, a Missouri state government purchaser shall purchase a product that is determined to be the "lowest and best." In addition, Sections 34.070 and 34.073, RSMo, authorize a preference for Missouri products.
3. In determining the lowest and best award, cost and other factors are considered in the evaluation process. Factors may include value, performance and quality of a product.
4. Missouri state government agencies shall purchase a Missouri product unless it is determined that the value (including, but not limited to price, performance, and quality) of the Missouri product does not meet the needs of the user.
5. In assessing value, the Commissioner of the Office of Administration and other Missouri state governmental purchasers may consider the economic impact to the State of Missouri for Missouri products versus the economic impact of products generated from out of state. This

economic impact may include the revenues returned to the state through tax revenue obligations.

6. The Commissioner of the Office of Administration shall provide a listing of Missouri products and access to such listing to all state government agencies and other interested parties. The Commissioner of the Office of Administration shall also make efforts to identify and give notice of state government bidding opportunities to Missouri manufacturers or service providers. Finally, the Commissioner of the Office of Administration shall ensure state agencies follow the requirements of this Executive Order and the Missouri preference provisions set forth in Chapter 34, RSMo.
7. State government agencies shall make a good faith search of Missouri companies that provide Missouri manufactured products or services.
8. Upon request of the Missouri company, the state department for which the contract was awarded shall prepare a written explanation within 20 days of the award explaining why the Missouri manufacturer or service provider did not receive the award. This will enable Missouri companies to improve their products and services to meet Missouri government's needs and make them more competitive in the global marketplace.
9. This requirement for the purchase of Missouri products and services will become effective for all affected purchases made after December 9, 2003.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 2nd day of December, 2003.

  
\_\_\_\_\_  
**Bob Holden**  
Governor

**ATTEST:**

  
\_\_\_\_\_  
**Matt Blunt**  
Secretary of State