

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 36—Egg Quality Program**

ORDER OF RULEMAKING

By the authority vested in the director of agriculture under section 196.354, RSMo 2000, the director rescinds a rule as follows:

2 CSR 90-36.010 Enforcement of Missouri Egg Laws is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2053). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 36—Egg Quality Program**

ORDER OF RULEMAKING

By the authority vested in the director of agriculture under section 196.354, RSMo, 2000, the director adopts a rule as follows:

2 CSR 90-36.010 Enforcement of Missouri Egg Laws is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2053-2058). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.455 is amended.

This rule relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits

PURPOSE: This amendment increases flexibility and opportunity for fall turkey hunters.

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

(B) Fall Firearms Season. Fall season annually will begin on the second Monday in October and be fourteen (14) days in length. A person possessing the prescribed turkey hunting permit may take two (2) turkeys of either sex during the season; provided, only one (1) turkey may be taken per day; except that a person at least six (6) and under sixteen (16) years of age who possesses a Youth Deer and Turkey Hunting Permit may take only one (1) turkey of either sex during the season. Turkeys may be taken only by shotgun with shot no larger than No. 4 or longbow; without the use of dogs, bait, recorded calls or live decoys; from one-half (1/2) hour before sunrise to sunset in all counties except: Dunklin, McDonald, Mississippi, New Madrid, Newton, Pemiscot and Scott. Possession of shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys. A person, while in the act of pursuing or hunting turkey on a fall firearms permit, shall not have both a firearm and longbow on his/her person.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement for filing as a proposed amendment under section 536.021, RSMo.

This rule filed March 6, 2003, effective March 17, 2003.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.100.5 and 334.125, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.150 Minimum Requirements for Reinstatement of Licensure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2267). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125 and 334.507, RSMo 2000, the board amends a rule as follows:

4 CSR 150-3.200 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2267–2268). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 232—Missouri State Committee of Interpreters
Chapter 3—Ethical Rules of Conduct**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under sections 209.328.1, RSMo 2000 and 209.334, RSMo Supp. 2002, the board amends a rule as follows:

4 CSR 232-3.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2269). Changes have been made to the text of the proposed amendment, and are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two (2) comments were received.

COMMENT: The Missouri Hospital Association (MHA) noted section 209.321, RSMo an individual must be licensed to be an interpreter and pursuant to section 209.337, RSMo it is a class A misdemeanor to engage in interpreting without a license. With the proposed amendment interpreters are not permitted to interpret in a set-

ting beyond their certification level as provided in 5 CSR 100-200.170. A violation of these ethical rules constitutes unprofessional behavior and is grounds for disciplinary action by the Missouri State Committee of Interpreters. Additionally, 5 CSR 100-200.170 mandates a licensed interpreter to have comprehensive certification in order to interpret in a hospital with respect to serious medical conditions such as those that occur in emergency rooms, obstetrics, psychiatric units and with complicated surgery and medical procedures. For non-threatening conditions in a hospital, an interpreter needs to be certified at either the comprehensive or advanced levels of certification. MHA noted that there are only one hundred seventy-two (172) interpreters certified in Missouri at the comprehensive or advanced levels and only one hundred thirty-one (131) are located in state. Of these only seventy-six (76) are certified at the comprehensive level, the level most needed in hospitals. Only nineteen (19) counties and St. Louis City have interpreters at those levels. There are sixty-three (63) in the St. Louis area, twenty-eight (28) in the Kansas City area, twenty-one (21) in the central Missouri area and nine (9) in the Springfield area, and ten (10) advanced or comprehensive interpreters that serve the remaining one hundred four (104) counties. MHA stated that it would be difficult, if not impossible, for hospitals and other health care providers to find interpreters at the advanced or comprehensive levels, particularly since one hundred four (104) counties in Missouri must share ten (10) interpreters. Given the thousands of inpatient and outpatient hospital visits in addition to the tens of thousands of office visits each year, this in an untenable situation. Interpreters certified at the comprehensive level would also have to meet the needs of admitted patients and the tens of thousands of deaf patients who make office visits to all types of health care providers each year in addition to meeting the needs of clients in the legal and governmental settings. MHA suggested that section (3) be deleted until such time as there are enough interpreters at the advanced and comprehensive levels to meet the estimated demands for services or lower the level of certification required for all health care settings so that there will be a sufficient number of interpreters to meet the need.

RESPONSE: In order to protect the health, welfare and safety of the public, the committee did not concur with the comments submitted, therefore, no changes were made to the text of the rule.

COMMENT: During their review of the proposed amendment, the committee noted in the newly numbered section (18) the reference to (4)(A) should be changed to (6)(A).

RESPONSE AND EXPLANATION OF CHANGE: The reference to (4)(A) was changed to (6)(A).

4 CSR 232-3.010 General Principles

(18) An interpreter shall maintain an appearance that does not interfere with the message as defined in 4 CSR 232-3.010(6)(A).

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 25—Fiscal Management
Chapter 2—Purchase of Service Contracting**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050, RSMo 2000, the director withdraws a rule as follows:

9 CSR 25-2.105 Purchasing Client Services is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1951–1952). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: No comments were received. The Department of Mental Health is withdrawing the proposed amendment because, in the January 2, 2002 issue of the *Missouri Register*, the Office of Administration published a proposed rule under 1 CSR 40-1.090 to address the same issues.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050, 630.655 and 631.010, RSMo 2000, the director amends a rule as follows.

9 CSR 30-3.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1952). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Even though no comments were received, the department is amending the language for the purposes of clarity.

9 CSR 30-3.110 Service Definitions and Staff Qualifications

(5) Individual Counseling. Individual counseling is a structured, goal-oriented therapeutic process in which an individual interacts on a face-to-face basis with a counselor in accordance with the individual's rehabilitation plan in order to resolve problems related to substance abuse which interfere with the person's functioning.

(B) Individual counseling shall only be performed by a qualified substance abuse professional, an associate counselor, or an intern/practicum student as described in 9 CSR 10-7.110(5).

(9) Group Counseling. Group counseling is face-to-face, goal-oriented therapeutic interaction among a counselor and two (2) or more clients as specified in individual rehabilitation plans designed to promote clients' functioning and recovery through personal disclosure and interpersonal interaction among group members.

(C) Group counseling services shall be provided by a qualified substance abuse professional, an associate counselor, or an intern/practicum student as described in 9 CSR 10-7.110(5).

(11) Community Support. Community support consists of specific activities with or on behalf of a particular client in accordance with an individual rehabilitation plan to maximize the client's adjustment and functioning within the community while achieving sobriety and sustaining recovery, maximizing the involvement of natural support systems, and promoting client independence and responsibility.

(E) Community support services shall be provided by a person who has a bachelor's degree from an accredited college or university in social work, psychology, nursing or a closely related field, or an intern/practicum student as described in 9 CSR 10-7.110(5). Equivalent experience may be substituted on the basis of one (1) year for each year of required educational training.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1953-1954). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received eight (8) comments on the proposed rule.

COMMENT: Mitchel Whisman with Hartford Steam Boiler Inspection and Insurance Company believes the intent of defining a special inspector, section (35) is to include both the insurance company inspectors and owner/user inspectors, however, believes the rule text is incomplete.

RESPONSE AND EXPLANATION OF CHANGE: Section (35) will be changed to clarify the definition of a special inspector.

COMMENT: Darryl Peetz with Arise Incorporated believes it is more appropriate to state in the second line of the definition for internal inspection, subsection (9)(A) to be ". . . including pressure sides, and . . ." rather than ". . . including water side, and . . ."

RESPONSE AND EXPLANATION OF CHANGE: Subsection (9)(A) will be changed to include "wetted surfaces" in an internal inspection.

COMMENT: Darryl Peetz with Arise Incorporated requests to add "after November 12, 1996" to the definition for reinstalled boiler, section (32).

RESPONSE: Section (32) will be left as is. The comment is not relevant to the definition.

COMMENT: Darryl Peetz with Arise Incorporated suggests section (25) National Board Inspection Code (NBIC) is not a definition and is covered in proposed rule 11 CSR 40-2.015. Mr. Peetz suggests section (25) should define the NBIC as follows: "NBIC-National Board Inspection Code.

RESPONSE: Section (25) will be left as is to be consistent with the language in the rules.

COMMENT: Darryl Peetz with Arise Incorporated indicates that section (31) defining pressure vessel has been revised to include what is commonly referred to as a boiler. Mr. Peetz suggests the following be added to the end of the definition: "and which does not mean the definition of a boiler."

RESPONSE AND EXPLANATION OF CHANGE: Section (31) will be changed by adding the text "The pressure may be obtained from an external source or by the application of heat from a direct or indirect source, or any combination thereof." This addition is consistent with the ASME code, Section 8 although differs slightly from the statutory definition.

COMMENT: Darryl Peetz with Arise Incorporated believes text is missing in section (35) definition of special inspector. Mr. Peetz advised that if the intent is to include owner/user inspectors the proposed text does not reflect this. Mr. Peetz suggests the last part of the sentence be revised by adding a comma after "state" and deleting everything after "vessel" in the next to the last line. The last line would then read: ". . .to insure in this state, boilers and pressure vessels."

RESPONSE AND EXPLANATION OF CHANGE: Section (35) will be changed to clarify the definition of a special inspector.

COMMENT: Darryl Peetz with Arise Incorporated believes section (37), definition for state special needs editing and suggests the second line read as follows: ". . . construction, or which is designed and constructed to other than the ASME code, and which is not inconsistent. . . ."

RESPONSE AND EXPLANATION OF CHANGE: Section (37) will be changed to clarify the definition of a state special.

COMMENT: Darryl Peetz with Arise Incorporated believes clarification is needed as to the Board's intent in section (40), defining water heater. Mr. Peetz suggests the following be added after the word heater in the third line: ". . . and its associated piping . . ."

RESPONSE: Section (40) will be left as is. The definition complies with the ASME rules.

11 CSR 40-2.010 Definitions

(9) Certificate inspection—An inspection, the report of which is used by the chief inspector as justification for issuing, withholding or suspending the Inspection Certificate.

(A) Internal inspection—As complete an examination as can reasonably be made of the internal areas, including the wetted surfaces, and external surfaces of a boiler or pressure vessel while it is not in operation.

(31) Pressure vessel—A vessel for the containment of pressure, either internal or external. The pressure may be obtained from an external source or by the application of heat from a direct or indirect source, or any combination thereof.

(35) Special inspector—Any inspector commissioned by the chief inspector who is employed by an insurance company authorized to provide boiler and pressure vessel insurance in this state or an inspector who is employed by a company that maintains an inspection department whose organization and inspection procedures meet the requirements of the National Board for an Owner-User Inspection Agency and are acceptable to the chief inspector.

(37) State special—A boiler, water heater, or pressure vessel of special construction, or which is designed or constructed to other than the ASME code and is not inconsistent with the spirit and safety objectives of the ASME code.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.015 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1954). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received two (2) comments on the proposed rule.

COMMENT: Darryl Peetz with Arise Incorporated believes to be consistent, section (1) should be revised as follows: (1) ASME Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers except Sections III and XI covering nuclear items which are exempt from regulations under these rules: (A) 2001 edition; (B) 2002 addendum.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (1)(B) will be changed to: (B) 2002 Addendum. This change results in section (C) being added: (C) Sections III and XI are exempt from state regulation.

COMMENT: Boiler and Pressure Vessel Safety Board indicates the document title referenced in section (5) should be changed.

RESPONSE AND EXPLANATION OF CHANGE: The document title is being changed to: (5) NFPA 85 Boiler and Combustion Systems Hazards Code, 2001 edition.

11 CSR 40-2.015 Code/Standards Adopted by Board

(1) ASME Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers:

(B) 2002 Addendum;

(C) Sections III and XI are exempt from state regulation.

(5) NFPA 85 Boiler and Combustion Systems Hazards Code, 2001 edition.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.021 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1955). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received two (2) comments on the proposed rule.

COMMENT: Darryl Peetz with Arise Incorporated advises section (1) references a non-existent rule number. Instead of 11 CSR 40-2.066 it should state 11 CSR 40-2.065.

RESPONSE AND EXPLANATION OF CHANGE: Section (1) will be changed to reflect the correct rule, 11 CSR 40-2.065.

COMMENT: Mitchel Whisman with Hartford Steam Boiler Inspection and Insurance Company indicates subsection (2)(H) appears to limit inspectors to being employed by an insurance company or owner/user agency, however, no rule specifies employment is required, but the safety act does require specific employment requirements. Mr. Whisman believes the rules and regulations should require the same.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(A) will be changed to reflect employment requirements in conjunction with subsection (2)(H).

11 CSR 40-2.021 Inspector/Qualifications/Examinations/Responsibilities

(1) As used in this rule, the term "these rules" is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.065.

(2) Identification Card Issued by Chief Inspector.

(A) Each deputy and special inspector engaged in the inspection of boilers, water heaters or pressure vessels shall obtain an identification card prior to performing any inspection.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.022 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1955–1958). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received nine (9) comments on the proposed rule.

COMMENT: Darryl Peetz with Arise Incorporated advises section (1) references a non-existent rule number. Instead of 11 CSR 40-2.066 it should state 11 CSR 40-2.065.

RESPONSE AND EXPLANATION OF CHANGE: Section (1) will be changed to reflect the correct rule, 11 CSR 40-2.065.

COMMENT: Darryl Peetz with Arise Incorporated suggests a text change in subsection (2)(A) due to it being impossible to place the tag or stamping close to the drum stamping on some objects and there is no place to locate a tag. Mr. Peetz requests the following text be revised for the second to the last sentence to read: “The tag or stamping shall be placed at a readily visible location, preferably close to the ASME nameplate or stamping on the object.”

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(A) will be changed to address the tag or stamping location.

COMMENT: Darryl Peetz with Arise Incorporated indicates subsection (3)(A) is confusing with the term “high pressure.” Mr. Peetz suggests the first part of the paragraph should read: “Power boilers shall receive a certificate . . .”

RESPONSE AND EXPLANATION OF CHANGE: Subsection (3)(A) will be changed to eliminate the confusion as indicated.

COMMENT: Darryl Peetz with Arise Incorporated suggests paragraph (3)(C)2. be amended as follows: “. . . at least weekly, while the boiler is in operation and at least every three months if the boiler is idle, by a competent individual.”

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (3)(C)2. will be changed as follows: “. . . is monitored and documented at least weekly by a competent individual when the boiler is in operation and at least quarterly if the boiler is not in operation.”

COMMENT: Darryl Peetz with Arise Incorporated indicates since there are no code low pressure boilers, he suggests the first part of subsection (4)(A) be revised as follows: “Steam boilers, 15 psi or less, shall be . . .”

RESPONSE AND EXPLANATION OF CHANGE: Subsection (4)(A) will be changed as follows: “Steam heating boilers shall be inspected every two (2) years.”

COMMENT: Darryl Peetz with Arise Incorporated suggests the heading of section (6) be changed by adding “type of inspection” which would permit a variance for a two year internal frequency.

RESPONSE: Section (6) will remain as is, the language allows variation in the type of inspection completed.

COMMENT: Darryl Peetz with Arise Incorporated suggests subsection (6)(A) should include “type of inspection.”

RESPONSE: Subsection (6)(A) will remain as is, the language allows variation in the type of inspection completed.

COMMENT: Darryl Peetz with Arise Incorporated suggests subsection (7)(B) be revised to be consistent with other rule text relating to time frames.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (7)(B) will be changed to maintain consistency throughout the rule text.

COMMENT: Darryl Peetz with Arise Incorporated recommends paragraph (14)(B)5. text relating to “national board” be capitalized.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (14)(B)5. will be changed by capitalizing “National Board.”

11 CSR 40-2.022 Certificates, Inspections and Fees

(1) As used in this rule, the term “these rules” is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.065.

(2) Initial Inspection and Tagging an Object.

(A) Upon completion of the installation of a boiler, water heater or pressure vessel or at the time of the initial certificate inspection, each object shall be stamped or tagged with a unique serial number issued by the state. The stamping will consist of letters and figures to be not less than five-sixteenths inch (5/16”) in height and arranged as follows:

MO 123456

Alternatively, a metal tag issued by the chief inspector may be securely affixed using screws, rivets, wire or other means so that the tag cannot be easily removed. The “MO” number or metal tag (not less than one inch by four inches (1” × 4”) in size) shall have the serial number of the state stamped on it and may not be transferred to any other object. The tag or stamping shall be readily visible and placed as close to the ASME nameplate as practical. The tag shall preferably be attached directly to the object.

(3) Frequency of Inspection of Power Boilers.

(A) Power boilers shall receive a certificate inspection annually, which shall be an internal inspection where construction permits; otherwise it shall be as complete an inspection as possible while the boiler is in operation. Boilers shall also be annually inspected externally while under normal operating conditions.

(C) Any single power boiler used to generate more than four hundred thousand pounds per hour (400,000 lbs/hr) is required to be internally inspected every two (2) years provided the following is verified by the inspector annually and reported to the chief inspector:

1. Full-time operators attend the boiler;

2. Chemical water analysis is monitored and documented at least weekly by a competent individual when the boiler is in operation and at least quarterly if the boiler is not in operation.

3. All welding of pressure parts and welding to pressure parts shall be in accordance with the *National Board Inspection Code* (NBIC) and these rules;

4. An inspector shall perform an external inspection, annually, while the boiler is in operation. A report of all inspections must be submitted to the chief inspector. All inspections shall verify compliance with subsection (3)(C) of this rule.

(4) Frequency of Inspection of Heating Boilers, Water Heaters, and Jacketed Steam Kettles.

(A) Steam heating boilers shall be inspected every two (2) years. The certificate inspection shall be an internal inspection where construction permits; otherwise the inspection shall be as complete as possible while the boiler is in operation.

(7) Access and Scheduling of Inspections.

(B) The inspector shall make every effort to perform the certificate inspection prior to the expiration date of the certificate. When this is not possible, the inspector has a thirty (30)-calendar day grace period past the expiration date in which to perform the inspection. Inspection reports shall be submitted to the chief inspector within thirty (30) calendar days of the inspection.

(14) Fee Schedule.

(B) Miscellaneous Fees.

1. Examination Fees	\$50
2. Commissions	
A. New issuance	\$50
B. Renewal (commission previous year)	\$25
3. Inspection certificate	\$20
4. Change of certificate name	\$15
5. Accreditation reviews—ASME and National Board	\$1,000 plus expenses
6. Hourly Rates:	
A. Each hour or part thereof up to eight hours	\$35
B. Each hour or part thereof over eight hours in any one day	\$50
7. Reinspection fee for improperly prepared object	Hourly Rate plus expenses

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1958-1960). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received nine (9) comments on the proposed rule.

COMMENT: Darryl Peetz with Arise Incorporated advises section (1) references a non-existent rule number. Instead of 11 CSR 40-2.070 it should state 11 CSR 40-2.065.

RESPONSE AND EXPLANATION OF CHANGE: Section (1) will be changed to reflect the correct rule, 11 CSR 40-2.065.

COMMENT: Darryl Peetz with Arise Incorporated advised subsection (2)(A) incorrectly reference another rule. Mr. Peetz states the correct rule reference is 11 CSR 40-2.022 not 11 CSR 40-2.061.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(A) will be changed to reflect the correct rule reference, 11 CSR 40-2.022.

COMMENT: Darryl Peetz with Arise Incorporated advised paragraph (2)(B)1. incorrectly referenced another rule. Mr. Peetz states the correct rule reference is 11 CSR 40-2.064 not 11 CSR 40-2.054.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (2)(B)1. will be changed to reflect the correct rule reference, 11 CSR 40-2.064.

COMMENT: Darryl Peetz with Arise Incorporated recommends paragraph (2)(B)1. text relating to National Board Inspection Code should be abbreviated “NBIC.”

RESPONSE: Paragraph (2)(B)1. will remain as is. This is a format issue addressed by Administrative Rules Division.

COMMENT: Darryl Peetz with Arise Incorporated recommends paragraph (2)(B)1. text relating to code reference be abbreviated consistent with ASME as defined in section 11 CSR 40-2.010.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (2)(B)1. will remain as is concerning Mr. Peetz’s comment due to format requirements by Administrative Rules Division, however, the term “objects” will be changed to read, “Boilers manufactured to a standard other than the ASME Code shall be evaluated in accordance with the “state special requirements” of 11 CSR 40-2.064.”

COMMENT: Darryl Peetz with Arise Incorporated suggests a revision to subparagraph (4)(A) 1.G. with a text revision to indicate that a higher pressure can be used.

RESPONSE AND EXPLANATION OF CHANGE: Subparagraph (4)(A)1.G. will be changed to reflect the tests be in accordance with the American Society of Mechanical Engineers Code Section I.

COMMENT: Darryl Peetz with Arise Incorporated does not believe controls can be altered without voiding the UL or other label. Mr. Peetz recommends the text in subsection (5)(A) be revised to the following: “. . . except that any replacements or repairs to the controls”

RESPONSE AND EXPLANATION OF CHANGE: Subsection (5)(A) is being changed to remove alterations and replace with modification or replacements.

COMMENT: Darryl Peetz with Arise Incorporated recommends revising the last two lines of subsection (5)(F) to read: “. . . 18” on all sides of the boiler except forty-eight inches (48”) on the burner end. The minimum clearance above the boiler shall be forty-eight inches (48”).”

RESPONSE: Subsection (5)(F) will remain as is.

COMMENT: Mitchel Whisman with Hartford Steam Boiler Inspection and Insurance Company indicates that subsection (2)(B) deals with the extensions of a thirty (30)-year service life for non-standard objects. In all cases, the sections read that the thirty (30)-year life may be extended with the chief inspector’s approval. If these proposed rules are adopted, he suggests that whenever a nonstandard object over thirty (30) years old is encountered, the condition be documented on a state report to the chief and it becomes an issue between the chief and the object’s owner.

RESPONSE: Subsection (2)(B) will remain as is, no action required.

11 CSR 40-2.030 Power Boilers

(1) As used in this rule, the term “these rules” is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.065.

(2) Power Boilers Installed or Contracted for, Prior to November 12, 1986.

(A) The service life of any boiler of standard construction shall be unlimited provided it meets the inspection requirements of 11 CSR 40-2.022.

(B) The service life of any nonstandard boiler shall be thirty (30) years. The thirty (30)-year life may be extended with the chief inspector’s approval and compliance with the following requirements:

1. The operating pressure cannot exceed the maximum allowable working pressure (MAWP). The boiler MAWP shall be calculated in accordance with American Society of Mechanical Engineers (ASME) Section I Code or the requirements of the original Code of construction. Boilers manufactured to a standard other than the ASME Code shall be evaluated in accordance with the “state special”

requirements of 11 CSR 40-2.064. The allowable stress shall be no greater than twenty-two percent (22%) of the tensile strength of the material. If the tensile strength is unknown, an allowable stress of twelve thousand pounds per square inch (12,000 psi) shall be used. The joint efficiency shall be in accordance with the appropriate edition and addenda of the ASME Section I Code or the *National Board Inspection Code* (NBIC).

2. Biennial pressure test shall be performed at or above normal operating pressure, not to exceed the MAWP of the boiler. The pressure test shall be held for at least thirty (30) minutes and documented to the satisfaction of the inspector. The inspector need not witness the test. If the boiler exhibits any leaks, the boiler shall be repaired prior to restoring it to service:

3. All safety devices and controls required by the ASME Section I Code and these rules shall be installed and operable.

(4) Boiler external piping (BEP) shall be designed, fabricated, and installed in accordance with the ASME Section I and B31.1 Codes. The piping is considered part of the boiler unit and need not be separately tagged and inspected.

(A) Installations made, or contracted for, after November 12, 1986 shall meet the requirements of ASME Section I, and B31.1 Codes and these rules for boiler external piping except as follows:

1. BEP assembled by bolting, threading, or other mechanical means need not be installed by an ASME certificate holder provided all of the following apply:

A. The MAWP of the boiler does not exceed one hundred fifty (150) psi; and

B. The maximum pipe size does not exceed two inches (2") nominal pipe size (NPS); and

C. The maximum operating temperature does not exceed four hundred degrees Fahrenheit (400°F); and

D. The piping is schedule 80 or greater SA-53 or SA-106 material; and

E. All valves, flanges, and fittings are American National Standards Institute (ANSI) class 150 or greater; and

F. All welding, including attachments and seal welds are by an ASME certificate holder; and

G. The completed installation is tested in accordance with the American Society of Mechanical Engineers Code Section I.

(5) General Requirements for Power Boilers.

(A) Boilers with heat input of 12,500,000 British thermal units per hour (Btu/hr) or less contracted for after January 1, 2004 shall meet the requirements of ASME CSD-1. Single unit boilers with heat input greater than 12,500,000 Btu/hr shall meet the requirements of National Fire Protection Association (NFPA) 85. Existing installations are exempt from these rules except that any modification or replacements to the controls after January 1, 2004 shall meet the requirements for new installations.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1960-1961). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received eight (8) comments on the proposed rule.

COMMENT: Darryl Peetz with Arise Incorporated advises section (1) references a non-existent rule number. Instead of 11 CSR 40-2.066 it should state 11 CSR 40-2.065.

COMMENT: Mitchel Whisman with Hartford Steam Boiler Inspection and Insurance Company advises section (1) references a non-existent rule number. Instead of 11 CSR 40-2.066 it should state 11 CSR 40-2.065.

RESPONSE AND EXPLANATION OF CHANGE: Section (1) will be changed to reflect the correct rule, 11 CSR 40-2.065.

COMMENT: Mitchel Whisman with Hartford Steam Boiler Inspection and Insurance Company indicates that subsection (2)(B) deals with the extensions of a thirty (30)-year service life for non-standard objects. In all cases, the sections read that the thirty (30)-year life may be extended with the chief inspector's approval. If these proposed rules are adopted, he suggests that whenever a nonstandard object over thirty (30) years old is encountered, the condition be documented on a state report to the chief and it becomes an issue between the chief and the object's owner.

RESPONSE: Subsection (2)(B) will remain as is, no action needed.

COMMENT: Mitchel Whisman with Hartford Steam Boiler Inspection and Insurance Company advised that the clearance requirement has been a troubling paragraph in many states particularly in regards to steam jacketed kettles. Manufacturers have been selling self-contained units for use in commercial kitchens. These units are designed with minimal clearance requirements (approx. three inches (3")). He would recommend that the minimum clearance requirements in subsection (4)(E) be removed from the rule and the second sentence should simply state that manufacturer's recommendations shall be followed.

RESPONSE: Subsection (4)(E) will remain as is.

COMMENT: Darryl Peetz with Arise Incorporated recommends changing the first and second lines in paragraph (2)(A)2. to read: "All controls and safety devices required by the ASME Section IV Code for heating boilers. . ."

RESPONSE: Paragraph (2)(A)2. will remain as is. This is a format issue addressed by Administrative Rules Division.

COMMENT: Darryl Peetz with Arise Incorporated suggests section (4)(E) should be revised to make clearances be the same as for power boilers and read as: ". . . (18") on all sides of the boiler except forty-eight inches (48") on the burner end. The minimum clearance above the boiler shall be forty-eight inches (48")."

RESPONSE: Subsection (4)(E) will remain as is.

COMMENT: Darryl Peetz with Arise Incorporated recommends abbreviating National Board Inspection Code in subsection (4)(H) to reflect NBIC.

RESPONSE: Subsection (4)(H) will remain as is. This is a format issue addressed by Administrative Rules Division.

COMMENT: Darryl Peetz with Arise Incorporated noted improper rule reference in subsection (4)(I). The correct rule reference should be 11 CSR 40-2.022 not 11 CSR 40-2.060. He also suggested capitalizing National Board in line 6.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (4)(I) is being changed to reflect the correct rule reference, 11 CSR 40-2.022. National board will be capitalized.

11 CSR 40-2.040 Heating Boiler

(1) As used in this rule, the term “these rules” is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.065.

(4) General Requirements for Heating Boilers, Water Heaters and Jacketed Steam Kettles.

(I) Rental heating boilers, water heaters and fired jacketed steam kettles, used for temporary service, shall meet all of the requirements of these rules. The internal inspection, required by 11 CSR 40-2.022, may be waived by the inspector, based on documentation that a National Board commissioned inspector has evaluated the internal surfaces of the object within the past twelve (12) months and found the object acceptable for use. An external, in operation inspection shall be the basis for the inspection certificate. The inspection certificate shall expire no later than twenty-four (24) months from the date of the last internal inspection.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1962). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received seven (7) comments on the proposed rule.

COMMENT: Darryl Peetz with Arise Incorporated advises section (1) references a non-existent rule number. Instead of 11 CSR 40-2.066 it should state 11 CSR 40-2.065.

COMMENT: Mitchel Whisman with Hartford Steam Boiler Inspection and Insurance Company advises section (1) references a non-existent rule number. Instead of 11 CSR 40-2.066 it should state 11 CSR 40-2.065.

RESPONSE AND EXPLANATION OF CHANGE: Section (1) will be changed to reflect the correct rule, 11 CSR 40-2.065.

COMMENT: Mitchel Whisman with Hartford Steam Boiler Inspection and Insurance Company indicates that subsection (2)(B) deals with the extensions of a thirty (30)-year service life for non-standard objects. In all cases, the sections read that the thirty (30)-year life may be extended with the chief inspector’s approval. If these proposed rules are adopted, he suggests that whenever a nonstandard object over thirty (30) years old is encountered, the condition be documented on a state report to the chief and it becomes an issue between the chief and the object’s owner.

RESPONSE: Subsection (2)(B) will remain as is, no action needed.

COMMENT: Darryl Peetz with Arise Incorporated noted improper rule reference in subsection (2)(A). The correct rule reference should be 11 CSR 40-2.022 not 11 CSR 40-2.061.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(A) is being changed to reflect the correct rule reference, 11 CSR 40-2.022.

COMMENT: Darryl Peetz with Arise Incorporated suggested paragraph (2)(B)1. be revised for consistency to read: “The pressure ves-

sel MAWP shall be calculated in accordance with the ASME Section VIII Code. . . .”

RESPONSE: Paragraph (2)(B)1. will remain as is. This is a format issue addressed by Administrative Rules Division.

COMMENT: Darryl Peetz with Arise Incorporated suggests subparagraph (2)(B)1. H. be revised to only use the abbreviation NBIC.

RESPONSE: Subparagraph (2)(B)1.H. will remain as is. This is a format issue addressed by Administrative Rules Division.

COMMENT: Darryl Peetz with Arise Incorporated suggests section (4)(D) be revised for consistency purposes to state: “. . . provided for in the NBIC.”

RESPONSE: Subsection (4)(D) will remain as is. This is a format issue addressed by Administrative Rules Division.

11 CSR 40-2.050 Pressure Vessels

(1) As used in this rule, the term “these rules” is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.065.

(2) Pressure vessels installed or contracted for, prior to November 12, 1986.

(A) The service life of any pressure vessel of standard construction shall be unlimited provided it meets the inspection requirement of 11 CSR 40-2.022.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.061 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1963). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received two (2) comments on the proposed rule.

COMMENT: Mitchel Whisman with Hartford Steam Boiler Inspection and Insurance Company noted improper rule reference in subsection (2)(B). The correct rule reference should be 11 CSR 40-2.064 not 11 CSR 40-2.054.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(B) is being changed to reflect the correct rule reference, 11 CSR 40-2.064.

COMMENT: Darryl Peetz with Arise Incorporated suggests for consistency purposes subsection (2)(A) in the third and fifth lines should reflect the abbreviation “ASME.”

RESPONSE: Subsection (2)(A) will remain as is. This is a format issue addressed by Administrative Rules Division.

11 CSR 40-2.061 New Installations

(1) As used in this rule, the term “these rules” is intended to mean 11 CSR 40-2.010 through 11 CSR 40-2.065.

(2) Minimum construction standards for new boilers, water heaters and pressure vessels contracted for after November 12, 1986.

(B) New boilers, water heaters and pressure vessels may be manufactured to internationally recognized standards with acceptance of the board as outlined in 11 CSR 40-2.064.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.062 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1963). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received two (2) comments on the proposed rule.

COMMENT: Darryl Peetz with Arise Incorporated suggests for consistency subsections (1)(B) and (1)(D) only use abbreviations, ASME and NBIC.

RESPONSE: Subsections (1)(B) and (1)(D) will remain as is. This is a format issue addressed by Administrative Rules Division.

COMMENT: Darryl Peetz with Arise Incorporated suggests for consistency subsections (2)(C) and (2)(D) to change the requirement that the state has to inspect all reinstalled boilers and pressure vessels. This is not practical. The chief inspector, he believes can mandate this anyway but due to personnel shortages, and lack of notice to the state it will be tough to enforce. Mr. Peetz proposes the following: (C) A certificate inspection shall be performed by an inspector, prior to the operation and reported to the chief inspector on forms acceptable to the state. (D) All welded repairs or alterations shall have been in accordance with the NBIC.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(D) will remain as is, this is a format issue addressed by Administrative Rules Division. Subsections (1)(C) and (2)(C) will be changed to read: "A certificate inspection shall be performed by the chief inspector or his designee prior to operation."

11 CSR 40-2.062 Second-Hand and Reinstalled Used Boilers, Water Heaters and Pressure Vessels

(1) Minimum Requirements for Second-Hand Boilers, Water Heaters and Pressure Vessels.

(C) A certificate inspection shall be performed by the chief inspector or his/her designee prior to operation.

(2) Minimum Requirements for Reinstalled Boilers, Water Heaters and Pressure Vessels.

(C) A certificate inspection shall be performed by the chief inspector or his/her designee prior to operation.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.064 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1963–1964). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received two (2) comments on the proposed rule.

COMMENT: Darryl Peetz with Arise Incorporated noted improper rule reference in section (2). The correct rule reference should be 11 CSR 40-2.064(1) not 11 CSR 40-2.065(1).

RESPONSE AND EXPLANATION OF CHANGE: Section (2) is being changed to reflect the correct rule reference, 11 CSR 40-2.064(1).

COMMENT: Mitchel Whisman with Hartford Steam Boiler Inspection and Insurance Company noted that the incorrect rule is referenced in section (2). The correct rule reference should be 11 CSR 40-2.064(1) not 11 CSR 40-2.065(1). Mr. Whisman believes that the proposed rule oversteps the authority that has been granted to the board. By that he means that he does not believe the board has the authority to write a rule that allows the chief inspector at his sole discretion to grant a variance from legislative action and/or a duly enacted rule. This is analogous to the Department of Transportation telling the chief of police that he can grant variances in the enforcement of motor vehicle laws. The "Boiler and Pressure Vessel Safety Act" (650.200 to 650.290, RSMo) authorizes the board of boiler rules to formulate definitions, rules and regulations. It also sets forth the powers and duties of the chief inspector but does not have a provision that allows the chief inspector to grant variances. In fact, the safety act (650.220, RSMo) leaves that authority in the hands of the board. No offense to the current chief inspector, but giving this authority to one person with no built-in checks and balances seems like asking for trouble. I think the board of boiler rules, which has the authority under the act to formulate the rules and regulations, should be the entity that has the power to waive those rules and regulations on a case-by-case basis. In our democratic society, I do not believe that the board has the authority to waive the requirements of the act.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) is being changed to reflect the correct rule reference, 11 CSR 40-2.064(1), and text is being changed to differentiate a time extension authorized by the chief inspector and a variance reviewed by the board.

11 CSR 40-2.064 State Special and Variances

(2) Any variance to the Act and these rules other than described in 11 CSR 40-2.064(1) shall be approved by the board except that a time extension for the inspection required in 11 CSR 40-2.022(3)(C)4., (4)(A) and (5)(A) may be approved by the chief inspector. The owner or user must submit a written request for a variance to the chief inspector indicating why the variance or time extension is necessary.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.065 **Repairs/Alterations** is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1964). No changes have been made to the text of the rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received one (1) comment on the proposed rule.

COMMENT: Darryl Peetz with Arise Incorporated suggests for consistency subsections (1)(A) and (1)(B) should contain abbreviations for National Board Inspection Code and American Petroleum Institute.

RESPONSE: Subsections (1)(A) and (1)(B) will remain. This is a format issue addressed by Administrative Rules Division.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.010 Fireworks and Other Seasonal Businesses is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2288). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.038 Promotional Gifts and Premiums is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2288). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.048 Clubs and Other Organizations Operating Places of Amusement is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2289). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.088 Photographers, Photofinishers and Photoengravers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2289). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.148 When a Sale Consummates is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2289). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.150 Guidelines on When Title Passes is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27

MoReg 2289–2290). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.222 Transportation Fares is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2290). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.226 Lease or Rental is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2290). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.230 Repair Parts for Leased or Rented Equipment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2290). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.232 Maintenance Charges for Leased or Rented Equipment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2290–2291). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.270 Carbon Dioxide Gas is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2291). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.304 Common Carrier Exemption Certificates is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2291). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.348 Printers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2291). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.356 Railroad Rolling Stock is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2291). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.358 Electrical Energy is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2292). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.372 Water or Air Pollution Installation Contractor is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2292). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.422 Canteens and Gift Shops is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2292). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.500 Successor Liability is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2292). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.514 Exemption Certificate is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2293). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.532 Resale Exemption Certificates **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2293). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.538 Possession and Delivery of Exemption Certificates **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2293). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.705, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.860 Marketing Organizations Soliciting Sales Through Exempt Entity Fund-Raising Activities **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2293). No changes have been made in the proposed rescis-

sion, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.171, RSMo 2000, the director amends a rule as follows:

12 CSR 10-24.120 Assumed or Common Use Name **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2294). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 302.173, RSMo Supp. 2001 and 302.720, RSMo Supp. 2002, the director amends a rule as follows:

12 CSR 10-24.190 Driver License Retesting Requirements After a License, School Bus Permit or Temporary Instruction Permit Expires/Examination Results to be Invalid After One (1) Year **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2294–2295). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 302.765 and 302.775, RSMo 2000, the director amends a rule as follows:

12 CSR 10-24.305 Commercial Driver License Requirements/Exemptions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16,

2002 (27 MoReg 2295). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.720, RSMo Supp. 2002, the director amends a rule as follows:

12 CSR 10-24.395 Delegation of Authority to the Missouri State Highway Patrol to Conduct Skills Testing of Applicants for Commercial Driver Licenses **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2295). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.130, RSMo Supp. 2002, the director adopts a rule as follows:

12 CSR 10-24.472 "Permit Driver" Sign **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2295-2296). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director withdraws an amendment as follows:

12 CSR 10-110.600 Electrical Energy **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2064). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: During the final stages of the rule-making process, issues related to the subject matter of this proposed amendment came to the department's attention in a taxpayer audit. This proposed amendment is being withdrawn to conduct the additional research and rewording required to clarify the interaction between the definitions of recovered materials and supplies.

The department received a number of comments on its proposed regulations 12 CSR 10-110.600, 12 CSR 10-111.010 and 12 CSR 10-111.060. These regulations were revised and proposed simultaneously because there are a number of common concepts applicable to each regulation.

The department received fifteen (15) comment letters from thirteen (13) different commenters. Many of the commenters made similar comments, in many cases using identical language. Therefore, rather than attempting to address each comment individually, the department will respond to all similar comments at the same time, noting when appropriate any unique comments that were presented.

COMMENT: Many commenters evidenced a misunderstanding of the nature and intent of these regulations. Contrary to several comments, the department cannot legislate through rulemaking.

RESPONSE: The department has no authority to broaden or narrow the express terms of the statute, *BridgeData Co. v. Director of Revenue*, 794 S.W.2d 204, 207 (Mo. banc 1990). However, taxpayers often present questions that are not addressed by a statute's express terms. On those occasions, the department must use its best judgment, based on statutory language and context, case law, experience and logic, to interpret the statute and answer those questions. The Director of Revenue is charged by the Constitution with administering the tax laws (*Missouri Constitution* Article IV, section 22; see also section 144.270, RSMo). A necessary part of such administration is interpreting such laws. The purpose of these regulations is to set forth the department's interpretations of these statutes.

As with any departmental interpretation, taxpayers have the right to disagree and to appeal any departmental decision affecting them to the Administrative Hearing Commission and, if necessary, the Supreme Court. The Court is the final judge of a statute's meaning. See *St. Louis County v. State Tax Commission*, 562 S.W.2d 334, 337-38 (Mo. banc 1978). The department's regulations are the department's primary means of communicating to taxpayers the department's interpretations of statute. They cannot and are not intended to limit in any way a taxpayer's right to assert opposing interpretations in their dealings with the department.

In interpreting exemptions from tax, the department must construe the exemption narrowly. *Lincoln Industrial, Inc. v. Director of Revenue*, 51 S.W.3d 462, 465 (Mo. banc 2001). Given a choice between two reasonable interpretations, the department is required to adopt the one that reasonably limits the exemption rather than an alternative that expands availability of the exemption.

COMMENT: Several commenters stated that the fiscal notes attached to these regulations, which stated that costs to private parties were less than five hundred dollars (\$500), were inaccurate.

RESPONSE: These comments were based on the difference in tax due if the commenters' interpretation of the statute were correct rather than the department's interpretation. As the discussion above demonstrates, this comment is based on a misunderstanding of the effect and intent of these regulations.

The tax the department will assert to be due on a given set of facts will be the same whether or not these regulations take effect, because the department's position necessarily will be based on the department's interpretation of the applicable statute. That interpretation will be the same even if no regulations were proposed or promulgated. The regulation is merely the mechanism for the department to communicate its position to taxpayers in advance so that they can make appropriate plans to comply or to challenge the department's interpretation through statutorily prescribed procedures. Therefore, promulgation of these regulations will have little or no financial

impact on taxpayers. If anything, they reduce the financial impact on taxpayers because they give taxpayers advance notice of the department's interpretation and allow them to consider that in their business planning.

COMMENT: A final general comment: A number of comments related to substantive provisions of these rules and also mentioned examples included in the rules to demonstrate the practical applicability of the substantive provisions.

RESPONSE: These responses will not address the specific examples except as necessary to make the response complete.

COMMENT: One (1) comment raised the same objection to the definition of "recovered materials," 12 CSR 10-110.600(2)(K), as was raised regarding 12 CSR 10-111.060(2)(C) in the prior regulation.

RESPONSE: These provisions of the regulation were designed to address specific factual situations presented by a tax consultant. This consultant contends that any manufacturer that uses any portion of its raw materials in any secondary process is an MRPP. The following examples demonstrate the difficulties with this position.

A jewelry manufacturer begins with a gold ingot. It melts the gold into molds. A certain amount of the gold is not used in the first process due to finishing, errors, etc. The manufacturer collects the "scrap" and remelts it to make additional jewelry. Due to the high cost of gold, the manufacturer makes every effort never to discard any gold. While it can be said that the gold would go into the garbage if the manufacturer did not remelt it, the truth is that the manufacturer never intended to discard the gold.

A more homespun example will illustrate the problem to anyone who has ever helped bake Christmas cookies. The dough is rolled out and the cookies are cut into various shapes. There is always dough left over due to the irregularity of the shapes. The leftover dough is rerolled and cut into additional cookies. This process goes on until there is no usable dough left. Again, one could say the dough would be discarded if it were not used, but the fact is that would not happen.

In neither case did the user of the raw material intend to discard the "scrap." The leftover materials were not headed for the garbage, they were going to be used until they could not be used any more. These materials were not diverted or removed from the waste stream under any reasonable interpretation of the statutory language because they were never going to the waste stream.

Nevertheless, under the consultant's theory, expressed by several commenters, the jewelry manufacturer and the baker are MRPPs, because they convert "recovered materials." "Recovered materials," however, are only materials that are "diverted or removed from the solid waste stream." Section 260.200(28), RSMo. "Solid waste" is garbage, waste or other discarded items. 12 CSR 10-111.060(2)(D); see section 260.200(34), RSMo. The gold and the dough in the above examples were never going to be discarded. Therefore, they could not be diverted from the solid waste stream.

This regulation is also consistent with interpretations under similar federal laws. The federal authorities count only post consumer waste as recovered materials. See, e.g., 247 CFR section 247.3. By requiring transfer to another party to qualify as a recovered material, the regulation provides an objective test of a taxpayer's intent to discard the material. Absent such intent, the express terms of the exemption do not apply.

Furthermore, as noted in the previous response, it is doubtful the legislature intended to provide a multimillion-dollar exemption for virtually any manufacturer by adding an amendment designed to put an MRPP on an equal footing with manufacturers. Therefore, the department has not made the changes suggested.

COMMENT: Two (2) comments objected to the definition of "recovered materials" in 12 CSR 10-111.060(2)(C), but used examples relating to the electric energy exemption. The commenters objected because the definition would prevent a manufacturer from qualifying

for the electric energy exemption based on its use of its raw materials.

RESPONSE: The rationale for the definition of "recovered materials" is fully discussed above. There is additional support for the definition in the context of this exemption.

When the Legislature added the recovered materials provisions to the electric energy exemption in 1998, it is doubtful that it was seeking to allow virtually any manufacturer to claim the exemption under the new provisions, eliminating any need for most manufacturers to comply with the carefully limited exemption contained in the original language of section 144.030.2(12). If the Legislature did so intend to expand the exemption at a cost of millions of dollars annually, it could have done so expressly, rather than through addition of a single, undefined term to a provision that had been interpreted extensively by the Supreme Court.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 110—Sales/Use Tax—Exemptions

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 144.270 and 144.705, RSMo 2000, the director withdraws an amendment as follows:

12 CSR 10-110.900 Farm Machinery and Equipment Exemptions is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2296-2299). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: Based on new information regarding the interpretation of the requirement to submit a fiscal impact statement, the department is withdrawing this proposed amendment.

The department received two (2) comment letters on its proposed amendment to regulation 12 CSR 10-110.900.

COMMENT: Both comments objected to the department changing the word "supplies" to "lubricants" in 12 CSR 10-110.900(1).

RESPONSE: This change is necessary to make the rule conform to the express terms of the statute. The exemption interpreted by this rule is found in section 144.030.2(22), RSMo, which defines farm machinery as "new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and *lubricants* used exclusively for such farm machinery and equipment . . ." (emphasis added). The prior rule's use of the term supplies rather than the statutory term lubricants was clearly beyond the department's authority and was included in error.

COMMENT: Both comments objected to the change in 12 CSR 10-110.900(3)(F)7. removing the phrase "for nonproduction areas."

RESPONSE: This change was necessary to make clear the department's current practice and to conform the rule to a recent Supreme Court decision.

The paragraph in question is one of eight items listed under 12 CSR 10-110.900(3)(F). The introduction to this list states: "The following categories of items are excluded from the meaning of the term farm machinery and farm equipment and are subject to tax." The effect of the provision before amendment was to state the department's understanding that the items included in the list, including the items in paragraph (3)(F) 7., were *not* exempt. It did not affirmatively state, and was not intended to imply, that the items listed in paragraph (3)(F)7. were exempt if used in production areas.

Paragraph (3)(F)7. lists "Drainage tile, fencing material, building materials, general heating, lighting and ventilation equipment." The department has consistently held these items to be subject to tax. Drainage tile, fencing material and building materials were not considered exempt because they did not fit the definitions of material and equipment. General heating, lighting and ventilation equipment were not considered exempt because they are not used *exclusively* for agricultural purposes or used *directly* to produce farm products to be sold, both express requirements of the statute. Section 144.030.2(22), RSMo. The amendment removes any possible confusion over the taxability of these items.

This change is supported by the Supreme Court case that was the primary impetus for this amendment, *Lincoln Industrial, Inc. v. Director of Revenue*, 51 S.W.3d 462 (Mo. banc 2001). In that case, the Supreme Court stated very precise definitions of the terms "machinery" and "equipment." Following that case, the department undertook to amend each regulation that used these terms to conform them to the interpretations adopted by the Court, including this regulation. Those definitions make clear that the items listed in paragraph (3)(F)7. are not exempt machinery and equipment regardless of their use.

COMMENT: One (1) comment objected that the department's statement of purpose—which states that the amendment was designed to provide for more consistent application of department policies—was not specific enough.

RESPONSE: The department is not aware of any standard, either statutory or judicial, governing the specificity of the purpose statement. However, as discussed above, this purpose statement clearly states the reason for the amendment. The motivating factor behind these changes was to make the definitions consistent with Supreme Court precedent and with other rules using the same terms. This is reflected in the current purpose statement. If a reader desires more details, the amendments themselves provide all the specificity possible regarding the nature of the changes. Withdrawing and reissuing the rule would serve no purpose.

COMMENT: Both comments stated that the fiscal note understates the impact of these rules.

RESPONSE: These comments assume a fiscal note cost based on the difference in tax due based on the commenters' interpretation of the statute rather than on the regulation. This is not an appropriate measure of the costs associated with promulgation of this rule.

The department's regulations are the department's primary means of communicating to taxpayers the department's understanding of the statutes as interpreted by the Supreme Court. The tax the department will assert to be due on a given set of facts will be the same whether or not this regulation takes effect, because the department's position necessarily will be based on the department's understanding of the applicable statute. The regulation is merely the mechanism for the department to communicate its position to taxpayers in advance so that they can make appropriate plans to comply or to challenge the department's interpretation through statutorily prescribed procedures.

Of course, taxpayers may not agree with the department and may elect to appeal any departmental decision affecting them to the Administrative Hearing Commission and, if necessary, the Supreme Court. The Court is the final judge of a statute's meaning. See *St. Louis County v. State Tax Commission*, 562 S.W.2d 334, 337-38 (Mo. banc 1978). This regulation will have no impact on the amount of tax, if any, the Court finds due.

Thus, promulgation of this regulation will have little or no financial impact on taxpayers. If anything, it reduces the financial impact on taxpayers because it gives taxpayers advance notice of the department's position and allows them to consider that in their business planning.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Machinery and
Equipment Exemptions

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director withdraws an amendment as follows:

12 CSR 10-111.010 Manufacturing Machinery and Equipment Exemptions is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2065-2068). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: Due to a ruling from the Joint Committee on Administrative Rules this proposed amendment is being withdrawn.

The department received a number of comments on its proposed regulations 12 CSR 10-111.060, 12 CSR 10-111.010 and 12 CSR 10-110.600. These regulations were revised and proposed simultaneously because there are a number of common concepts applicable to each regulation.

The department received fifteen (15) comment letters from thirteen (13) different commenters. Many of the commenters made similar comments, in many cases using identical language. Therefore, rather than attempting to address each comment individually, the department will respond to all similar comments at the same time, noting when appropriate any unique comments that were presented.

COMMENT: Many commenters evidenced a misunderstanding of the nature and intent of these regulations. Contrary to several comments, the department cannot legislate through rulemaking.

RESPONSE: The department has no authority to broaden or narrow the express terms of the statute, *BridgeData Co. v. Director of Revenue*, 794 S.W.2d 204, 207 (Mo. banc 1990). However, taxpayers often present questions that are not addressed by a statute's express terms. On those occasions, the department must use its best judgment, based on statutory language and context, case law, experience and logic, to interpret the statute and answer those questions. The Director of Revenue is charged by the Constitution with administering the tax laws (*Missouri Constitution* Article IV, section 22; see also section 144.270, RSMo). A necessary part of such administration is interpreting such laws. The purpose of these regulations is to set forth the department's interpretations of these statutes.

As with any departmental interpretation, taxpayers have the right to disagree and to appeal any departmental decision affecting them to the Administrative Hearing Commission and, if necessary, the Supreme Court. The Court is the final judge of a statute's meaning. See *St. Louis County v. State Tax Commission*, 562 S.W.2d 334, 337-38 (Mo. banc 1978). The department's regulations are the department's primary means of communicating to taxpayers the department's interpretations of statute. They cannot and are not intended to limit in any way a taxpayer's right to assert opposing interpretations in their dealings with the department.

In interpreting exemptions from tax, the department must construe the exemption narrowly. *Lincoln Industrial, Inc. v. Director of Revenue*, 51 S.W.3d 462, 465 (Mo. banc 2001). Given a choice between two reasonable interpretations, the department is required to adopt the one that reasonably limits the exemption rather than an alternative that expands availability of the exemption.

COMMENT: Several commenters stated that the fiscal notes attached to these regulations, which stated that costs to private parties were less than five hundred dollars (\$500), were inaccurate.

RESPONSE: These comments were based on the difference in tax due if the commenters' interpretation of the statute were correct rather than the department's interpretation. As the discussion above demonstrates, this comment is based on a misunderstanding of the effect and intent of these regulations.

The tax the department will assert to be due on a given set of facts will be the same whether or not these regulations take effect, because the department's position necessarily will be based on the department's interpretation of the applicable statute. That interpretation will be the same even if no regulations were proposed or promulgated. The regulation is merely the mechanism for the department to communicate its position to taxpayers in advance so that they can make appropriate plans to comply or to challenge the department's interpretation through statutorily prescribed procedures. Therefore, promulgation of these regulations will have little or no financial impact on taxpayers. If anything, they reduce the financial impact on taxpayers because they give taxpayers advance notice of the department's interpretation and allow them to consider that in their business planning.

COMMENT: A final general comment: A number of comments related to substantive provisions of these rules and also mentioned examples included in the rules to demonstrate the practical applicability of the substantive provisions.

RESPONSE: These responses will not address the specific examples except as necessary to make the response complete.

COMMENT: Several comments objected to the portion of the definition of a material recovery processing plant that limits the definition to "the original conversion of recovered materials." 12 CSR 10-111.060(2)(A).

RESPONSE: The material recovery processing plant (MRPP) exemption is contained in the same statutory provision as the manufacturing machinery and equipment exemption, section 144.030.2(4), RSMo. The MRPP exemption was added in 1995. Prior to that amendment, an MRPP was not entitled to buy its machinery and equipment exempt from tax because the Supreme Court had held that material recovery was not manufacturing. *AMF Inc. v. Spradling*, 518 S.W.2d 58 (Mo. banc 1974). Thus, the amendment was designed to allow an MRPP the same exemptions as a manufacturer.

The language used to exempt MRPP machinery and equipment is virtually identical to the manufacturing exemption, except for one word. The manufacturing exemption exempts not only machinery and equipment, but also "materials and supplies solely required for the installation or construction" of the machinery and equipment. Section 144.030.2(4), RSMo. The MRPP exemption exempts "materials and supplies required solely for the *operation*, installation or construction" of the machinery and equipment. *Id.* (emphasis added). *Id.* Some consultants are attempting to transform companies that readily qualify for the manufacturing exemption into MRPPs so that they can obtain refunds for purchases of materials and supplies used for operation—especially fuel (see discussion above)—exempt from tax, even though they would not be able to do so as a manufacturer.

In order to do this, they want anyone who uses any material that has been recovered at any time to qualify as an MRPP. The statute requires that an entity "convert recovered materials into a new product, or a different form which is used in producing a new product" in order to qualify as an MRPP. *Id.* The regulation follows that definition, but does not allow someone who subsequently uses the converted product to qualify as an MRPP.

A factual scenario will help to explain this issue. If a manufacturer delivers its scrap plastic to Company A to make plastic tubing, Company A is an MRPP. Under the regulation, no subsequent pur-

chaser of the plastic tubing would be an MRPP. The commenters would have the exemption continue indefinitely: If Company A sells its converted product to Company B to make a component, which is then sold to Company C to make a larger component, which is then sold to Company D, and so on, the commenters suggest that each of them—no matter how far removed from the original recovery of materials—would be an MRPP entitled to purchase operational materials and supplies exempt from tax—an exemption not available to manufacturers. The timing of the amendment and the relative insignificance of the language change do not support expansion of this exemption to cost the state millions of dollars annually.

COMMENT: A number of comments objected to the definition of "recovered materials," 12 CSR 10-111.060(2)(C), because it requires transfer of the materials to a third party before a material will be considered to be recovered.

RESPONSE: These provisions of the regulation were designed to address specific factual situations presented by a tax consultant. This consultant contends that any manufacturer that uses any portion of its raw materials in any secondary process is an MRPP. The following examples demonstrate the difficulties with this position.

A jewelry manufacturer begins with a gold ingot. It melts the gold into molds. A certain amount of the gold is not used in the first process due to finishing, errors, etc. The manufacturer collects the "scrap" and remelts it to make additional jewelry. Due to the high cost of gold, the manufacturer makes every effort never to discard any gold. While it can be said that the gold would go into the garbage if the manufacturer did not remelt it, the truth is that the manufacturer never intended to discard the gold.

A more homespun example will illustrate the problem to anyone who has ever helped bake Christmas cookies. The dough is rolled out and the cookies are cut into various shapes. There is always dough left over due to the irregularity of the shapes. The leftover dough is rerolled and cut into additional cookies. This process goes on until there is no usable dough left. Again, one could say the dough would be discarded if it were not used, but the fact is that would not happen.

In neither case did the user of the raw material intend to discard the "scrap." The leftover materials were not headed for the garbage, they were going to be used until they could not be used any more. These materials were not diverted or removed from the waste stream under any reasonable interpretation of the statutory language because they were never going to the waste stream.

Nevertheless, under the consultant's theory, expressed by several commenters, the jewelry manufacturer and the baker are MRPPs, because they convert "recovered materials." "Recovered materials," however, are only materials that are "diverted or removed from the solid waste stream." Section 260.200(28), RSMo. "Solid waste" is garbage, waste or other discarded items. 12 CSR 10-111.060(2)(D); see section 260.200(34), RSMo. The gold and the dough in the above examples were never going to be discarded. Therefore, they could not be diverted from the solid waste stream.

This regulation is also consistent with interpretations under similar federal laws. The federal authorities count only post consumer waste as recovered materials. See, e.g., 247 CFR section 247.3. By requiring transfer to another party to qualify as a recovered material, the regulation provides an objective test of a taxpayer's intent to discard the material. Absent such intent, the express terms of the exemption do not apply.

Furthermore, as noted in the previous response, it is doubtful the legislature intended to provide a multimillion-dollar exemption for virtually any manufacturer by adding an amendment designed to put an MRPP on an equal footing with manufacturers. Therefore, the department has not made the changes suggested.

COMMENT: One (1) comment asked why the department added a definition of "solid waste."

RESPONSE: This definition was added to clarify “solid waste stream.” See the discussion in the previous comment.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Machinery and
Equipment Exemptions**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 144.270 and 144.705, RSMo 2000, the director withdraws an amendment as follows:

12 CSR 10-111.060 Material Recovery Processing Plant Exemption is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2068–2069). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: During the final stages of the rule-making process, issues related to the subject matter of this proposed amendment came to the department’s attention in a taxpayer audit. This proposed amendment is being withdrawn to conduct the additional research and rewording required to clarify the interaction between the definitions of recovered materials and supplies.

The department received a number of comments on its proposed regulations 12 CSR 10-111.060, 12 CSR 10-111.010 and 12 CSR 10-110.600. These regulations were revised and proposed simultaneously because there are a number of common concepts applicable to each regulation.

The department received fifteen (15) comment letters from thirteen (13) different commenters. Many of the commenters made similar comments, in many cases using identical language. Therefore, rather than attempting to address each comment individually, the department will respond to all similar comments at the same time, noting when appropriate any unique comments that were presented.

COMMENT: Many commenters evidenced a misunderstanding of the nature and intent of these regulations. Contrary to several comments, the department cannot legislate through rulemaking.

RESPONSE: The department has no authority to broaden or narrow the express terms of the statute, *BridgeData Co. v. Director of Revenue*, 794 S.W.2d 204, 207 (Mo. banc 1990). However, taxpayers often present questions that are not addressed by a statute’s express terms. On those occasions, the department must use its best judgment, based on statutory language and context, case law, experience and logic, to interpret the statute and answer those questions. The Director of Revenue is charged by the Constitution with administering the tax laws (*Missouri Constitution* Article IV, section 22; see also section 144.270, RSMo). A necessary part of such administration is interpreting such laws. The purpose of these regulations is to set forth the department’s interpretations of these statutes.

As with any departmental interpretation, taxpayers have the right to disagree and to appeal any departmental decision affecting them to the Administrative Hearing Commission and, if necessary, the Supreme Court. The Court is the final judge of a statute’s meaning. See *St. Louis County v. State Tax Commission*, 562 S.W.2d 334, 337-38 (Mo. banc 1978). The department’s regulations are the department’s primary means of communicating to taxpayers the department’s interpretations of statute. They cannot and are not intended to limit in any way a taxpayer’s right to assert opposing interpretations in their dealings with the department.

In interpreting exemptions from tax, the department must construe the exemption narrowly. *Lincoln Industrial, Inc. v. Director of*

Revenue, 51 S.W.3d 462, 465 (Mo. banc 2001). Given a choice between two reasonable interpretations, the department is required to adopt the one that reasonably limits the exemption rather than an alternative that expands availability of the exemption.

COMMENT: Several commenters stated that the fiscal notes attached to these regulations, which stated that costs to private parties were less than \$500, were inaccurate.

RESPONSE: These comments were based on the difference in tax due if the commenters’ interpretation of the statute were correct rather than the department’s interpretation. As the discussion above demonstrates, this comment is based on a misunderstanding of the effect and intent of these regulations.

The tax the department will assert to be due on a given set of facts will be the same whether or not these regulations take effect, because the department’s position necessarily will be based on the department’s interpretation of the applicable statute. That interpretation will be the same even if no regulations were proposed or promulgated. The regulation is merely the mechanism for the department to communicate its position to taxpayers in advance so that they can make appropriate plans to comply or to challenge the department’s interpretation through statutorily prescribed procedures. Therefore, promulgation of these regulations will have little or no financial impact on taxpayers. If anything, they reduce the financial impact on taxpayers because they give taxpayers advance notice of the department’s interpretation and allow them to consider that in their business planning.

COMMENT: A final general comment: A number of comments related to substantive provisions of these rules and also mentioned examples included in the rules to demonstrate the practical applicability of the substantive provisions.

RESPONSE: These responses will not address the specific examples except as necessary to make the response complete.

COMMENT: Several comments objected to the portion of the definition of a material recovery processing plant that limits the definition to “the original conversion of recovered materials.” 12 CSR 10-111.060(2)(A).

RESPONSE: The material recovery processing plant (MRPP) exemption is contained in the same statutory provision as the manufacturing machinery and equipment exemption, section 144.030.2(4), RSMo. The MRPP exemption was added in 1995. Prior to that amendment, an MRPP was not entitled to buy its machinery and equipment exempt from tax because the Supreme Court had held that material recovery was not manufacturing. *AMF Inc. v. Spradling*, 518 S.W.2d 58 (Mo. banc 1974). Thus, the amendment was designed to allow an MRPP the same exemptions as a manufacturer.

The language used to exempt MRPP machinery and equipment is virtually identical to the manufacturing exemption, except for one word. The manufacturing exemption exempts not only machinery and equipment, but also “materials and supplies solely required for the installation or construction” of the machinery and equipment. Section 144.030.2(4), RSMo. The MRPP exemption exempts “materials and supplies required solely for the operation, installation or construction” of the machinery and equipment. *Id.* (emphasis added). *Id.* Some consultants are attempting to transform companies that readily qualify for the manufacturing exemption into MRPPs so that they can obtain refunds for purchases of materials and supplies used for operation—especially fuel (see discussion above)—exempt from tax, even though they would not be able to do so as a manufacturer.

In order to do this, they want anyone who uses any material that has been recovered at any time to qualify as an MRPP. The statute requires that an entity “convert recovered materials into a new product, or a different form which is used in producing a new product” in order to qualify as an MRPP. *Id.* The regulation follows that

definition, but does not allow someone who subsequently uses the converted product to qualify as an MRPP.

A factual scenario will help to explain this issue. If a manufacturer delivers its scrap plastic to Company A to make plastic tubing, Company A is an MRPP. Under the regulation, no subsequent purchaser of the plastic tubing would be an MRPP. The commenters would have the exemption continue indefinitely: If Company A sells its converted product to Company B to make a component, which is then sold to Company C to make a larger component, which is then sold to Company D, and so on, the commenters suggest that each of them—no matter how far removed from the original recovery of materials—would be an MRPP entitled to purchase operational materials and supplies exempt from tax—an exemption not available to manufacturers. The timing of the amendment and the relative insignificance of the language change do not support expansion of this exemption to cost the state millions of dollars annually.

COMMENT: A number of comments objected to the definition of “recovered materials,” 12 CSR 10-111.060(2)(C), because it requires transfer of the materials to a third party before a material will be considered to be recovered.

RESPONSE: These provisions of the regulation were designed to address specific factual situations presented by a tax consultant. This consultant contends that any manufacturer that uses any portion of its raw materials in any secondary process is an MRPP. The following examples demonstrate the difficulties with this position.

A jewelry manufacturer begins with a gold ingot. It melts the gold into molds. A certain amount of the gold is not used in the first process due to finishing, errors, etc. The manufacturer collects the “scrap” and remelts it to make additional jewelry. Due to the high cost of gold, the manufacturer makes every effort never to discard any gold. While it can be said that the gold would go into the garbage if the manufacturer did not remelt it, the truth is that the manufacturer never intended to discard the gold.

A more homespun example will illustrate the problem to anyone who has ever helped bake Christmas cookies. The dough is rolled out and the cookies are cut into various shapes. There is always dough left over due to the irregularity of the shapes. The leftover dough is rerolled and cut into additional cookies. This process goes on until there is no usable dough left. Again, one could say the dough would be discarded if it were not used, but the fact is that would not happen.

In neither case did the user of the raw material intend to discard the “scrap.” The leftover materials were not headed for the garbage, they were going to be used until they could not be used any more. These materials were not diverted or removed from the waste stream under any reasonable interpretation of the statutory language because they were never going to the waste stream.

Nevertheless, under the consultant’s theory, expressed by several commenters, the jewelry manufacturer and the baker are MRPPs, because they convert “recovered materials.” “Recovered materials,” however, are only materials that are “diverted or removed from the solid waste stream.” Section 260.200(28), RSMo. “Solid waste” is garbage, waste or other discarded items. 12 CSR 10-111.060(2)(D); see section 260.200(34), RSMo. The gold and the dough in the above examples were never going to be discarded. Therefore, they could not be diverted from the solid waste stream.

This regulation is also consistent with interpretations under similar federal laws. The federal authorities count only post consumer waste as recovered materials. See, e.g., 247 CFR section 247.3. By requiring transfer to another party to qualify as a recovered material, the regulation provides an objective test of a taxpayer’s intent to discard the material. Absent such intent, the express terms of the exemption do not apply.

Furthermore, as noted in the previous response, it is doubtful the legislature intended to provide a multimillion-dollar exemption for virtually any manufacturer by adding an amendment designed to put

an MRPP on an equal footing with manufacturers. Therefore, the department has not made the changes suggested.

COMMENT: One (1) comment asked why the department added a definition of “solid waste.”

RESPONSE: This definition was added to clarify “solid waste stream.” See the discussion in the previous comment.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 70—Therapy Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the director adopts a rule as follows:

13 CSR 70-70.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2215–2216). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services received twenty-three (23) written comments. Division of Medical Services staff commented.

COMMENT: Two families commented that their children born with Down syndrome had benefited greatly from numerous therapies provided through the First Steps Program and they would hate to see families with fewer therapists to choose from if the rates were reduced.

RESPONSE: The Division of Medical Services does not anticipate that currently enrolled therapy providers will leave the Medicaid therapy program over this four and seven-tenths percent (4.7%) decrease from ten dollars and fifty cents (\$10.50) per quarter hour to ten dollars (\$10) per quarter hour. The Division of Medical Services does not anticipate that currently enrolled therapy providers that may provide group speech therapy sessions for children will not provide those group speech therapy sessions when the reimbursement rate is reduced from three dollars and fifty cents (\$3.50) per quarter hour to three dollars (\$3) per quarter hour. Missouri’s economic status requires measures to contain cost whenever feasible in order to sustain vital services. Without these minimum adjustments the entire health care program for Missouri’s vulnerable citizens is at risk. No changes have been made to the rule as a result of these comments.

COMMENT: Providers of therapy services commented that the result of a fifty cents (\$.50) per fifteen (15) minute decrease in reimbursement would force many therapists to abandon the provision of services in the natural environment, especially in a rural setting, or, at the worst, drop out of the First Steps Program. According to the commenters, reimbursement rates to providers for therapy services have not increased in over ten (10) years. The therapy providers suggested that perhaps more attention should be given to authorizing a limited number of units for service provided per week to a child.

RESPONSE: The Division of Medical Services does not anticipate that currently enrolled providers will leave the Medicaid therapy program because of a less than five percent (5%) decrease. Missouri’s economic status requires measures to contain cost whenever feasible in order to sustain vital services. Reimbursement rates for the provision of service in the natural environment has not been changed. There has been no reduction in the reimbursement rate for provision of services in the natural environment. Without these minimum adjustments the entire health care program for Missouri’s vulnerable

citizens is at risk. The Division of Medical Services is reviewing the prior authorization option but is not currently in a staffing or contracting position to implement prior authorization of therapy services. No changes have been made to the rule as a result of this comment.

COMMENT: One commenter was concerned that reimbursement for one certain group of health professionals, the therapists, was being arbitrarily cut.

RESPONSE: During the budget process for State Fiscal Years 2003 and 2004, nearly all Medicaid provider groups have been impacted by budget cuts, including nursing homes, hospitals, physicians, dentists, durable medical equipment providers, optical providers, and pharmacies.

COMMENT: An agency which serves the developmentally disabled expressed a concern that the money that the state is saving by cutting reimbursement rates will not make up for having no therapy or durable medical equipment for people who use Medicaid.

RESPONSE: The Division of Medical Services does not anticipate that currently enrolled therapy providers will leave the Medicaid program over a decrease from ten dollars and fifty cents (\$10.50) per quarter hour to ten dollars (\$10) per quarter hour. No changes have been made to the rule as a result of these comments.

COMMENT: Three public school districts proposed that the Medicaid State Plan "carve out" school districts from the therapy program rate reductions because they would deny available federal revenues to local public schools in Missouri.

RESPONSE: The state of Missouri will propose this change to the federal Centers for Medicare and Medicaid Services. If the Medicaid State Plan is approved, the state regulation will be amended. No changes have been made to the rule at this time as a result of this comment.

COMMENT: One commenter stated that the rule will have little to no adverse effect on the citizens of Missouri covered by Title XIX.

RESPONSE: The Division of Medical Services concurs. No changes have been made to the rule as a result of this comment.

COMMENT: Division of Medical Services staff commented that the wording in section (4) was not clear because some services need a referral while other services need a prescription.

RESPONSE AND EXPLANATION OF CHANGE: Section (4) will be changed to make clear which Medicaid covered service needs a referral and which Medicaid covered service needs a prescription. This information can also be found in the Medicaid manual which is incorporated by reference into the rule.

13 CSR 70-70.010 Therapy Program

(4) Covered Services. The recipient shall have a referral for speech therapy services from a Medicaid enrolled primary care provider. The recipient shall have a prescription for occupational and physical therapy services from a Medicaid enrolled primary care provider.

Title 16—RETIREMENT SYSTEMS

Division 40—Highways and Transportation Employees and Highway Patrol Retirement System

Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in the Highways and Transportation Employees and Highway Patrol Retirement System under section 104.1063, RSMo 2000, the system adopts a rule as follows:

**16 CSR 40-3.130 Disability Benefits for Year 2000 Plan
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2219). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids will be received by the Division of Purchasing, Room 630, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us.

B1E03226 Kitchen Equipment 4/1/03
B1E03230 Brake Pads 4/1/03
B1Z03240 Meats-May 4/2/03
B3E03187 Trash Collection Services 4/2/03
B1E03225 Hydro-Stripper 4/3/03
B1E03227 Groen Spare Parts 4/3/03
B1E03233 Laundry/Dry Cleaning Supplies 4/3/03
B1E03234 Dairy Products-Variou Locations 4/3/03
B2Z03037 Automated Driver License Testing System 4/3/03
B3E03199 Medical Laboratory Services 4/3/03
B2Z03040 First Steps Services 4/4/03
B3E03185 Security Guard Services 4/9/03
B3E03217 Printing-Fall Deer and Turkey Hunting Information
4/9/03
B3E03205 Aquatic Vegetation Removal Services 4/10/03
B3E03207 Unarmed Security Guard Services 4/10/03
B3Z03161 Social Marketing Media Campaign Services 4/10/03
B3E03216 Printing Services-Trees in Missouri Book 4/11/03
B3E03218 Homegoing Transportation Services 4/11/03
B3Z03201 Medicaid Claim Filing Services 4/14/03
B3E03186 Janitorial Services-K.C.-8500 E. Bannister 4/15/03
B3Z03123 Advertising Agency of Record-Tourism 4/15/03
B3E03204 Janitorial Services-Jefferson City, MO 4/16/03
B3Z03141 Food Warehousing & Delivery Services 4/17/03
B3Z03171 Safety Training Services 4/17/03
B3E03206 Personal Care Assessment Services 4/18/03
B3Z03196 Emergency Operation Plans-Local Jurisdictions 4/18/03
B3E03191 Janitorial Services-2530 S. Campbell 4/21/03
B3E03223 Vending Machine Service 4/21/03
B3E03210 Janitorial Services-Jefferson City, MO 4/23/03
B3Z03177 Training-Bioterrorism 4/24/03
B3E03203 Janitorial Services-Joplin, MO 4/25/03
B3Z03215 Communications Plan-Public Health Emergency 4/30/03
B1Z03214 Airplane: Beechcraft King Air C90B 5/13/03

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

- 1.) Cognos Software Maintenance Support, supplied by Cognos, Inc.
- 2.) Meridian Prolog Software Maintenance, supplied by Meridian Project Systems.
- 3.) Naturally Occurring Retirement Community (NORC) Demonstration Project, supplied by the Jewish Federation.

Maintenance for OPEX Rapid Extraction Desks, supplied by OPEX Corporation.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 15-3.200	Administrative Hearing Commission	27 MoReg 2259	27 MoReg 2266		
1 CSR 20-1.040	Personnel Advisory Board and Division of Personnel		27 MoReg 1861	28 MoReg 339	
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel	28 MoReg 103	28 MoReg 128 28 MoReg 225	28 MoReg 236W	
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		27 MoReg 1861	28 MoReg 339	
1 CSR 20-5.010	Personnel Advisory Board and Division of Personnel		27 MoReg 1865	28 MoReg 339	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	27 MoReg 847	27 MoReg 1865	28 MoReg 339	
1 CSR 40-1.090	Purchasing and Materials Management		28 MoReg 8		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health		28 MoReg 399		
2 CSR 30-2.020	Animal Health		28 MoReg 399		
2 CSR 30-2.040	Animal Health		28 MoReg 400		
2 CSR 30-6.020	Animal Health		28 MoReg 400		
2 CSR 70-16.010	Plant Industries		28 MoReg 308		
2 CSR 70-16.015	Plant Industries		28 MoReg 308		
2 CSR 70-16.020	Plant Industries		28 MoReg 309		
2 CSR 70-16.025	Plant Industries		28 MoReg 309		
2 CSR 70-16.030	Plant Industries		28 MoReg 312		
2 CSR 70-16.035	Plant Industries		28 MoReg 314		
2 CSR 70-16.040	Plant Industries		28 MoReg 314		
2 CSR 70-16.045	Plant Industries		28 MoReg 314		
2 CSR 70-16.050	Plant Industries		28 MoReg 315		
2 CSR 70-16.055	Plant Industries		28 MoReg 315		
2 CSR 70-16.060	Plant Industries		28 MoReg 316		
2 CSR 70-16.065	Plant Industries		28 MoReg 318		
2 CSR 70-16.070	Plant Industries		28 MoReg 318		
2 CSR 70-16.075	Plant Industries		28 MoReg 318		
2 CSR 70-40.015	Plant Industries		27 MoReg 1561R 27 MoReg 1561	28 MoReg 340R 28 MoReg 340	
2 CSR 70-40.025	Plant Industries		27 MoReg 1562R 27 MoReg 1563	28 MoReg 341R 28 MoReg 342	
2 CSR 70-40.040	Plant Industries		27 MoReg 1563R 27 MoReg 1563	28 MoReg 343R 28 MoReg 343	
2 CSR 70-40.045	Plant Industries		27 MoReg 1564	28 MoReg 343W	
2 CSR 80-5.010	State Milk Board		This Issue		
2 CSR 90-10.040	Weights and Measures		27 MoReg 1161		
2 CSR 90-22.140	Weights and Measures		27 MoReg 1868	28 MoReg 236	
2 CSR 90-23.010	Weights and Measures		27 MoReg 1868	28 MoReg 236	
2 CSR 90-25.010	Weights and Measures		27 MoReg 1869	28 MoReg 236	
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
2 CSR 90-36.010	Weights and Measures		27 MoReg 2053R 27 MoReg 2053	This IssueR This Issue	
2 CSR 90-36.020	Weights and Measures		27 MoReg 2058R		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		28 MoReg 8	28 MoReg 567	
3 CSR 10-7.420	Conservation Commission		28 MoReg 344		
3 CSR 10-7.455	Conservation Commission		28 MoReg 400 N.A.	This Issue	
3 CSR 10-9.110	Conservation Commission		28 MoReg 400		
3 CSR 10-9.230	Conservation Commission		28 MoReg 225		
3 CSR 10-9.353	Conservation Commission	27 MoReg 1441 27 MoReg 1441T	27 MoReg 1445	28 MoReg 236	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-9.565	Conservation Commission	27 MoReg 1441 27 MoReg 1441T	27 MoReg 1448 28 MoReg 401	28 MoReg 241	
3 CSR 10-11.186	Conservation Commission		28 MoReg 402		
3 CSR 10-11.205	Conservation Commission		28 MoReg 402		
3 CSR 10-11.210	Conservation Commission		28 MoReg 403		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.022	Missouri State Board of Accountancy		27 MoReg 2266		
4 CSR 30-3.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2127	28 MoReg 567	
4 CSR 30-3.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2127	28 MoReg 567	
4 CSR 30-4.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2128	28 MoReg 568	
4 CSR 30-4.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2128R	28 MoReg 568R	
4 CSR 30 4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 128		
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2129	28 MoReg 568	
4 CSR 30-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2132	28 MoReg 568	
4 CSR 30-5.150	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135	28 MoReg 568	
4 CSR 30-9.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135R	28 MoReg 569R	
4 CSR 30-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135	28 MoReg 569	
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2139	28 MoReg 569	
4 CSR 30-11.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 131		
4 CSR 30-12.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2144	28 MoReg 569	
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145		
4 CSR 30-15.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145R	28 MoReg 569R	
4 CSR 90-13.010	State Board of Cosmetology		28 MoReg 135		
4 CSR 90-13.050	State Board of Cosmetology		28 MoReg 137		
4 CSR 100	Division of Credit Unions				28 MoReg 55 28 MoReg 190 28 MoReg 103 28 MoReg 361
4 CSR 140-2.055	Division of Finance		28 MoReg 319		
4 CSR 140-2.140	Division of Finance		28 MoReg 320		
4 CSR 140-11.010	Division of Finance		28 MoReg 320R		
4 CSR 140-11.020	Division of Finance		28 MoReg 320R		
4 CSR 140-11.030	Division of Finance		28 MoReg 321		
4 CSR 140-11.040	Division of Finance		28 MoReg 322		
4 CSR 150-2.150	State Board of Registration for the Healing Arts		27 MoReg 2267	This Issue	
4 CSR 150-3.200	State Board of Registration for the Healing Arts		27 MoReg 2267	This Issue	
4 CSR 150-5.100	State Board of Registration for the Healing Art		27 MoReg 2146		
4 CSR 150-8.140	State Board of Registration for the Healing Arts		28 MoReg 139		
4 CSR 196-1.010	Landscape Architectural Council		27 MoReg 2146R		
4 CSR 196-1.020	Landscape Architectural Council		27 MoReg 2147R	28 MoReg 570R	
4 CSR 196-2.020	Landscape Architectural Council		27 MoReg 2147R	28 MoReg 570R	
4 CSR 196-2.030	Landscape Architectural Council		27 MoReg 2147R	28 MoReg 570R	
4 CSR 196-2.040	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 570R	
4 CSR 196-3.010	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 570R	
4 CSR 196-4.010	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 570R	
4 CSR 196-5.010	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 571R	
4 CSR 196-6.010	Landscape Architectural Council		27 MoReg 2149R	28 MoReg 571R	
4 CSR 196-7.010	Landscape Architectural Council		27 MoReg 2149R	28 MoReg 571R	
4 CSR 196-9.010	Landscape Architectural Council		27 MoReg 2149R	28 MoReg 571R	
4 CSR 196-10.010	Landscape Architectural Council		27 MoReg 2150R	28 MoReg 571R	
4 CSR 196-11.010	Landscape Architectural Council		27 MoReg 2150R	28 MoReg 571R	
4 CSR 196-12.010	Landscape Architectural Council		27 MoReg 2150R	28 MoReg 572R	
4 CSR 200-4.010	State Board of Nursing		28 MoReg 541		
4 CSR 200-4.200	State Board of Nursing		27 MoReg 2150		
4 CSR 205-3.030	Missouri Board of Occupational Therapy		27 MoReg 2151	28 MoReg 572	
4 CSR 205-3.040	Missouri Board of Occupational Therapy		27 MoReg 2152	28 MoReg 572	
4 CSR 205-3.050	Missouri Board of Occupational Therapy		27 MoReg 2152	28 MoReg 572	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 205-3.060	Missouri Board of Occupational Therapy		27 MoReg 2152	28 MoReg 572	
4 CSR 205-4.010	Missouri Board of Occupational Therapy		27 MoReg 2153	28 MoReg 572	
4 CSR 205-5.010	Missouri Board of Occupational Therapy		27 MoReg 2153	28 MoReg 573	
4 CSR 220-2.010	State Board of Pharmacy		28 MoReg 543		
4 CSR 220-2.020	State Board of Pharmacy		28 MoReg 9		
4 CSR 220-2.030	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.130	State Board of Pharmacy		28 MoReg 403		
4 CSR 220-2.190	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.200	State Board of Pharmacy		28 MoReg 10R 28 MoReg 10		
4 CSR 220-2.400	State Board of Pharmacy		28 MoReg 20		
4 CSR 220-2.650	State Board of Pharmacy		28 MoReg 21		
4 CSR 220-2.700	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.900	State Board of Pharmacy		28 MoReg 543		
4 CSR 230-2.070	State Board of Podiatric Medicine		28 MoReg 139		
4 CSR 232-3.010	Missouri State Committee of Interpreters		27 MoReg 2269	This Issue	
4 CSR 235-1.020	State Committee of Psychologists		28 MoReg 545		
4 CSR 240-2.060	Public Service Commission		27 MoReg 1576	28 MoReg 441	
4 CSR 240-2.200	Public Service Commission		27 MoReg 1578R	28 MoReg 442R	
4 CSR 240-3.010	Public Service Commission		27 MoReg 1578	28 MoReg 442	
4 CSR 240-3.015	Public Service Commission		27 MoReg 1580	28 MoReg 442	
4 CSR 240-3.020	Public Service Commission		27 MoReg 1580	28 MoReg 442	
4 CSR 240-3.025	Public Service Commission		27 MoReg 1580	28 MoReg 443	
4 CSR 240-3.030	Public Service Commission		27 MoReg 1581	28 MoReg 443	
4 CSR 240-3.100	Public Service Commission		27 MoReg 1582	28 MoReg 443	
4 CSR 240-3.105	Public Service Commission		27 MoReg 1583	28 MoReg 444	
4 CSR 240-3.110	Public Service Commission		27 MoReg 1584	28 MoReg 445	
4 CSR 240-3.115	Public Service Commission		27 MoReg 1584	28 MoReg 445	
4 CSR 240-3.120	Public Service Commission		27 MoReg 1585	28 MoReg 445	
4 CSR 240-3.125	Public Service Commission		27 MoReg 1585	28 MoReg 445	
4 CSR 240-3.130	Public Service Commission		27 MoReg 1586	28 MoReg 445	
4 CSR 240-3.135	Public Service Commission		27 MoReg 1586	28 MoReg 446	
4 CSR 240-3.140	Public Service Commission		27 MoReg 1587	28 MoReg 446	
4 CSR 240-3.145	Public Service Commission		27 MoReg 1588	28 MoReg 446	
4 CSR 240-3.150	Public Service Commission		27 MoReg 1591	28 MoReg 446	
4 CSR 240-3.155	Public Service Commission		27 MoReg 1592	28 MoReg 446	
4 CSR 240-3.160	Public Service Commission		27 MoReg 1593	28 MoReg 447	
4 CSR 240-3.165	Public Service Commission		27 MoReg 1593	28 MoReg 447	
4 CSR 240-3.175	Public Service Commission		27 MoReg 1594	28 MoReg 447	
4 CSR 240-3.180	Public Service Commission		27 MoReg 1594	28 MoReg 448	
4 CSR 240-3.185	Public Service Commission		27 MoReg 1595	28 MoReg 448	
4 CSR 240-3.190	Public Service Commission		27 MoReg 1596	28 MoReg 448	
4 CSR 240-3.200	Public Service Commission		27 MoReg 1597	28 MoReg 448	
4 CSR 240-3.205	Public Service Commission		27 MoReg 1599	28 MoReg 450	
4 CSR 240-3.210	Public Service Commission		27 MoReg 1600	28 MoReg 450	
4 CSR 240-3.215	Public Service Commission		27 MoReg 1600	28 MoReg 450	
4 CSR 240-3.220	Public Service Commission		27 MoReg 1601	28 MoReg 451	
4 CSR 240-3.225	Public Service Commission		27 MoReg 1601	28 MoReg 451	
4 CSR 240-3.230	Public Service Commission		27 MoReg 1602	28 MoReg 451	
4 CSR 240-3.235	Public Service Commission		27 MoReg 1602	28 MoReg 451	
4 CSR 240-3.240	Public Service Commission		27 MoReg 1603	28 MoReg 452	
4 CSR 240-3.245	Public Service Commission		27 MoReg 1604	28 MoReg 452	
4 CSR 240-3.250	Public Service Commission		27 MoReg 1604	28 MoReg 452	
4 CSR 240-3.255	Public Service Commission		27 MoReg 1605	28 MoReg 452	
4 CSR 240-3.260	Public Service Commission		27 MoReg 1606	28 MoReg 452	
4 CSR 240-3.270	Public Service Commission		27 MoReg 1606	28 MoReg 453	
4 CSR 240-3.275	Public Service Commission		27 MoReg 1607	28 MoReg 454	
4 CSR 240-3.280	Public Service Commission		27 MoReg 1608	28 MoReg 454	
4 CSR 240-3.285	Public Service Commission		27 MoReg 1608	28 MoReg 454	
4 CSR 240-3.290	Public Service Commission		27 MoReg 1609	28 MoReg 455	
4 CSR 240-3.295	Public Service Commission		27 MoReg 1609	28 MoReg 455	
4 CSR 240-3.300	Public Service Commission		27 MoReg 1610	28 MoReg 455	
4 CSR 240-3.305	Public Service Commission		27 MoReg 1610	28 MoReg 456	
4 CSR 240-3.310	Public Service Commission		27 MoReg 1611	28 MoReg 456	
4 CSR 240-3.315	Public Service Commission		27 MoReg 1611	28 MoReg 456	
4 CSR 240-3.320	Public Service Commission		27 MoReg 1612	28 MoReg 456	
4 CSR 240-3.325	Public Service Commission		27 MoReg 1612	28 MoReg 457	
4 CSR 240-3.330	Public Service Commission		27 MoReg 1613	28 MoReg 457	
4 CSR 240-3.335	Public Service Commission		27 MoReg 1614	28 MoReg 457	
4 CSR 240-3.340	Public Service Commission		27 MoReg 1614	28 MoReg 457	
4 CSR 240-3.400	Public Service Commission		27 MoReg 1616	28 MoReg 457	
4 CSR 240-3.405	Public Service Commission		27 MoReg 1617	28 MoReg 458	
4 CSR 240-3.410	Public Service Commission		27 MoReg 1617	28 MoReg 458	
4 CSR 240-3.415	Public Service Commission		27 MoReg 1618	28 MoReg 458	

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4 CSR 240-3.420	Public Service Commission		27 MoReg 1618	28 MoReg 458	
4 CSR 240-3.425	Public Service Commission		27 MoReg 1619	28 MoReg 458	
4 CSR 240-3.435	Public Service Commission		27 MoReg 1620	28 MoReg 459	
4 CSR 240-3.500	Public Service Commission		27 MoReg 1620	28 MoReg 459	
4 CSR 240-3.505	Public Service Commission		27 MoReg 1621	28 MoReg 459	
4 CSR 240-3.510	Public Service Commission		27 MoReg 1621	28 MoReg 459	
4 CSR 240-3.515	Public Service Commission		27 MoReg 1622	28 MoReg 460	
4 CSR 240-3.520	Public Service Commission		27 MoReg 1622	28 MoReg 460	
4 CSR 240-3.525	Public Service Commission		27 MoReg 1623	28 MoReg 460	
4 CSR 240-3.530	Public Service Commission		27 MoReg 1624	28 MoReg 460	
4 CSR 240-3.535	Public Service Commission		27 MoReg 1624	28 MoReg 461	
4 CSR 240-3.540	Public Service Commission		27 MoReg 1625	28 MoReg 461	
4 CSR 240-3.545	Public Service Commission		27 MoReg 1625	28 MoReg 461	
4 CSR 240-3.550	Public Service Commission		27 MoReg 1630	28 MoReg 462	
4 CSR 240-3.555	Public Service Commission		27 MoReg 1631	28 MoReg 462	
4 CSR 240-3.600	Public Service Commission		27 MoReg 1632	28 MoReg 462	
4 CSR 240-3.605	Public Service Commission		27 MoReg 1632	28 MoReg 462	
4 CSR 240-3.610	Public Service Commission		27 MoReg 1633	28 MoReg 462	
4 CSR 240-3.615	Public Service Commission		27 MoReg 1633	28 MoReg 463	
4 CSR 240-3.620	Public Service Commission		27 MoReg 1634	28 MoReg 463	
4 CSR 240-3.625	Public Service Commission		27 MoReg 1634	28 MoReg 463	
4 CSR 240-3.630	Public Service Commission		27 MoReg 1635	28 MoReg 463	
4 CSR 240-3.635	Public Service Commission		27 MoReg 1636	28 MoReg 464	
4 CSR 240-3.640	Public Service Commission		27 MoReg 1636	28 MoReg 464	
4 CSR 240-3.645	Public Service Commission		27 MoReg 1637	28 MoReg 464	
4 CSR 240-10.070	Public Service Commission		27 MoReg 1638R	28 MoReg 464R	
4 CSR 240-10.080	Public Service Commission		27 MoReg 1638R	28 MoReg 464R	
4 CSR 240-13.055	Public Service Commission	26 MoReg 2259	27 MoReg 1639	28 MoReg 464	
4 CSR 240-14.040	Public Service Commission		27 MoReg 1639R	28 MoReg 465R	
4 CSR 240-20.010	Public Service Commission		27 MoReg 1640R	28 MoReg 465R	
4 CSR 240-20.030	Public Service Commission		27 MoReg 1640	28 MoReg 465	
4 CSR 240-20.060	Public Service Commission		27 MoReg 1641	28 MoReg 465	
4 CSR 240-20.070	Public Service Commission		27 MoReg 1644	28 MoReg 465	
4 CSR 240-20.080	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-21.010	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-30.010	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-31.010	Public Service Commission		27 MoReg 2159		
4 CSR 240-31.050	Public Service Commission		27 MoReg 2160		
4 CSR 240-31.060	Public Service Commission		27 MoReg 2163		
4 CSR 240-31.065	Public Service Commission		27 MoReg 2166		
4 CSR 240-32.030	Public Service Commission		27 MoReg 1647R	28 MoReg 466R	
4 CSR 240-33.060	Public Service Commission		27 MoReg 1647	28 MoReg 466	
4 CSR 240-33.070	Public Service Commission		27 MoReg 2169		
4 CSR 240-40.010	Public Service Commission		27 MoReg 1648R	28 MoReg 466R	
4 CSR 240-40.040	Public Service Commission		27 MoReg 1648	28 MoReg 466	
4 CSR 240-45.010	Public Service Commission		27 MoReg 1649R	28 MoReg 467R	
4 CSR 240-50.010	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-51.010	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-60.030	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-80.010	Public Service Commission		27 MoReg 1651R	28 MoReg 467R	
4 CSR 240-80.020	Public Service Commission		27 MoReg 1651	28 MoReg 467	
4 CSR 240-120.140	Public Service Commission	28 MoReg 287	28 MoReg 547		
4 CSR 240-123.030	Public Service Commission	28 MoReg 288	28 MoReg 549		
4 CSR 263-1.010	State Committee for Social Workers		27 MoReg 2169		
4 CSR 263-1.015	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-1.025	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-1.035	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-2.020	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.022	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.030	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.031	State Committee for Social Workers		27 MoReg 2172		
4 CSR 263-2.032	State Committee for Social Workers		27 MoReg 2173		
4 CSR 263-2.045	State Committee for Social Workers		27 MoReg 2174		
4 CSR 263-2.047	State Committee for Social Workers		27 MoReg 2174		
4 CSR 263-2.050	State Committee for Social Workers		27 MoReg 2178		
4 CSR 263-2.052	State Committee for Social Workers		27 MoReg 2178		
4 CSR 263-2.060	State Committee for Social Workers		27 MoReg 2182		
4 CSR 263-2.062	State Committee for Social Workers		27 MoReg 2182		
4 CSR 263-2.070	State Committee for Social Workers		27 MoReg 2186		
4 CSR 263-2.072	State Committee for Social Workers		27 MoReg 2186		
4 CSR 263-2.075	State Committee for Social Workers		27 MoReg 2186		
4 CSR 265-2.070	Division of Motor Carrier and Railroad Safety	27 MoReg 2259	27 MoReg 2269		

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4 CSR 265-2.080	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.085	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.090	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.100	Division of Motor Carrier and Railroad Safety	27 MoReg 2261	27 MoReg 2271		
4 CSR 265-2.110	Division of Motor Carrier and Railroad Safety	27 MoReg 2261	27 MoReg 2271		
4 CSR 265-2.115	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2271		
4 CSR 265-2.116	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2272		
4 CSR 265-2.120	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2272		
4 CSR 265-2.130	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2272		
4 CSR 265-2.140	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2273		
4 CSR 265-2.150	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2273		
4 CSR 265-4.010	Division of Motor Carrier and Railroad Safety	27 MoReg 2264	27 MoReg 2273		
4 CSR 265-4.020	Division of Motor Carrier and Railroad Safety	27 MoReg 2264	27 MoReg 2274		

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 30-4.010	Division of Administrative and Financial Services		28 MoReg 322R		
5 CSR 30-4.030	Division of Administrative and Financial Services		27 MoReg 1937R	28 MoReg 344R	
			27 MoReg 1938	28 MoReg 344	
5 CSR 30-660.070	Division of Administrative and Financial Services		27 MoReg 2191	28 MoReg 576	
5 CSR 50-270.010	Division of School Improvement		27 MoReg 2191	28 MoReg 576	
5 CSR 50-340.150	Division of School Improvement		27 MoReg 2193		
5 CSR 50-350.040	Division of School Improvement		This Issue		
5 CSR 50-355.100	Division of School Improvement		28 MoReg 323		
5 CSR 50-380.020	Division of School Improvement		27 MoReg 2196	28 MoReg 576	
5 CSR 60-100.020	Vocational and Adult Education		27 MoReg 1941	28 MoReg 576	
5 CSR 60-480.100	Vocational and Adult Education		27 MoReg 1943R	28 MoReg 577R	
			27 MoReg 1943	28 MoReg 577	
5 CSR 60-900.050	Vocational and Adult Education		27 MoReg 1947	28 MoReg 577	
5 CSR 70-742.141	Special Education		27 MoReg 1947	28 MoReg 577	
5 CSR 80-800.200	Teacher Quality and Urban Education		27 MoReg 1689	28 MoReg 344	
5 CSR 80-800.220	Teacher Quality and Urban Education		27 MoReg 1690	28 MoReg 345	
5 CSR 80-800.230	Teacher Quality and Urban Education		27 MoReg 1691	28 MoReg 345	
5 CSR 80-800.260	Teacher Quality and Urban Education		27 MoReg 1693	28 MoReg 347	
5 CSR 80-800.270	Teacher Quality and Urban Education		27 MoReg 1695	28 MoReg 349	
5 CSR 80-800.280	Teacher Quality and Urban Education		27 MoReg 1696	28 MoReg 349	
5 CSR 80-800.300	Teacher Quality and Urban Education		27 MoReg 1696	28 MoReg 349	
5 CSR 80-800.350	Teacher Quality and Urban Education		27 MoReg 1698	28 MoReg 350	
5 CSR 80-800.360	Teacher Quality and Urban Education		27 MoReg 1702	28 MoReg 350	
5 CSR 80-800.370	Teacher Quality and Urban Education		27 MoReg 1703	28 MoReg 351	28 MoReg 489
5 CSR 80-800.380	Teacher Quality and Urban Education		27 MoReg 1768	28 MoReg 351	27 MoReg 2017
5 CSR 80-805.015	Teacher Quality and Urban Education		27 MoReg 1950	28 MoReg 580	
5 CSR 80-805.040	Teacher Quality and Urban Education		27 MoReg 1950	28 MoReg 580	
5 CSR 80-850.045	Teacher Quality and Urban Education		27 MoReg 2198		
5 CSR 90-4.300	Vocational Rehabilitation		27 MoReg 1703	28 MoReg 354	

DEPARTMENT OF TRANSPORTATION

7 CSR 10-3.010	Missouri Highways and Transportation Commission		27 MoReg 2058		
7 CSR 10-3.040	Missouri Highways and Transportation Commission		27 MoReg 2063		
7 CSR 10-10.010	Missouri Highways and Transportation Commission		28 MoReg 21		
7 CSR 10-10.030	Missouri Highways and Transportation Commission		28 MoReg 23		
7 CSR 10-10.040	Missouri Highways and Transportation Commission		28 MoReg 23		
7 CSR 10-10.050	Missouri Highways and Transportation Commission		28 MoReg 24		
7 CSR 10-10.060	Missouri Highways and Transportation Commission		28 MoReg 24		
7 CSR 10-10.070	Missouri Highways and Transportation Commission		28 MoReg 25		
7 CSR 10-10.080	Missouri Highways and Transportation Commission		28 MoReg 26		
7 CSR 10-10.090	Missouri Highways and Transportation Commission		28 MoReg 26		

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

8 CSR 10-3.010	Division of Employment Security		28 MoReg 551		
8 CSR 20-3.030	Labor and Industrial Relations Commission		28 MoReg 325		

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DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.200	Director, Department of Mental Health	27 MoReg 1858T			
9 CSR 10-7.020	Director, Department of Mental Health		27 MoReg 1455	28 MoReg 245	
9 CSR 10-7.110	Director, Department of Mental Health		27 MoReg 1772	28 MoReg 468	
9 CSR 10-7.130	Director, Department of Mental Health		27 MoReg 1951	28 MoReg 468	
			This Issue		
9 CSR 25-2.105	Fiscal Management		27 MoReg 1951	This IssueW	
9 CSR 30-3.100	Certification Standards		27 MoReg 1455	28 MoReg 245W	
9 CSR 30-3.110	Certification Standards		27 MoReg 1952	This Issue	
9 CSR 30-3.130	Certification Standards		27 MoReg 1457	28 MoReg 245	
9 CSR 30-3.192	Certification Standards		27 MoReg 1457	28 MoReg 245	
9 CSR 30-4.010	Certification Standards		27 MoReg 1457	28 MoReg 245	
9 CSR 30-4.030	Certification Standards		27 MoReg 1458	28 MoReg 246	
9 CSR 30-4.034	Certification Standards		27 MoReg 1459	28 MoReg 247	
9 CSR 30-4.035	Certification Standards		27 MoReg 1459	28 MoReg 248W	
9 CSR 30-4.039	Certification Standards		27 MoReg 1460	28 MoReg 248W	
9 CSR 30-4.041	Certification Standards		27 MoReg 1460	28 MoReg 248	
9 CSR 30-4.042	Certification Standards		27 MoReg 1461	28 MoReg 248	
9 CSR 30-4.043	Certification Standards		27 MoReg 1462	28 MoReg 250W	
9 CSR 30-4.195	Certification Standards		27 MoReg 1772	28 MoReg 468	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.070	Air Conservation Commission		28 MoReg 551		
10 CSR 10-2.340	Air Conservation Commission		28 MoReg 325		
10 CSR 10-2.390	Air Conservation Commission		28 MoReg 552		
10 CSR 10-3.090	Air Conservation Commission		28 MoReg 553		
10 CSR 10-4.070	Air Conservation Commission		28 MoReg 553		
10 CSR 10-5.160	Air Conservation Commission		28 MoReg 554		
10 CSR 10-5.170	Air Conservation Commission		27 MoReg 1462	28 MoReg 470	
10 CSR 10-5.480	Air Conservation Commission		28 MoReg 555		
10 CSR 10-6.060	Air Conservation Commission		27 MoReg 1704	28 MoReg 470	
10 CSR 10-6.065	Air Conservation Commission		27 MoReg 1462	28 MoReg 470	
10 CSR 10-6.070	Air Conservation Commission		28 MoReg 555		
10 CSR 10-6.075	Air Conservation Commission		28 MoReg 557		
10 CSR 10-6.080	Air Conservation Commission		28 MoReg 559		
10 CSR 10-6.100	Air Conservation Commission		27 MoReg 2274		
10 CSR 10-6.120	Air Conservation Commission		27 MoReg 1707	28 MoReg 471	
10 CSR 10-6.320	Air Conservation Commission		27 MoReg 1108	28 MoReg 250	
10 CSR 10-6.350	Air Conservation Commission		28 MoReg 141		
10 CSR 10-6.410	Air Conservation Commission		27 MoReg 1708	28 MoReg 471	
10 CSR 23-5.050	Division of Geology and Land Survey		28 MoReg 150		
10 CSR 70-8.010	Soil and Water Districts Commission		27 MoReg 2276		
10 CSR 70-8.020	Soil and Water Districts Commission		27 MoReg 2277		
10 CSR 70-8.030	Soil and Water Districts Commission		27 MoReg 2278		
10 CSR 70-8.040	Soil and Water Districts Commission		27 MoReg 2279		
10 CSR 70-8.050	Soil and Water Districts Commission		27 MoReg 2279		
10 CSR 70-8.060	Soil and Water Districts Commission		27 MoReg 2280		
10 CSR 70-8.070	Soil and Water Districts Commission		27 MoReg 2281		
10 CSR 70-8.080	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.090	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.100	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.110	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.120	Soil and Water Districts Commission		27 MoReg 2284		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-6.010	Adjutant General		27 MoReg 2285		
11 CSR 40-2.010	Division of Fire Safety		27 MoReg 1952R		
			27 MoReg 1953	This Issue	
			This IssueR		
11 CSR 40-2.015	Division of Fire Safety		27 MoReg 1954	This Issue	
11 CSR 40-2.020	Division of Fire Safety		27 MoReg 1954R		
			This IssueR		
11 CSR 40-2.021	Division of Fire Safety		27 MoReg 1955	This Issue	
11 CSR 40-2.022	Division of Fire Safety		27 MoReg 1955	This Issue	
11 CSR 40-2.030	Division of Fire Safety		27 MoReg 1958R		
			27 MoReg 1958	This Issue	
			This IssueR		
11 CSR 40-2.040	Division of Fire Safety		27 MoReg 1960R		
			27 MoReg 1960	This Issue	
			This IssueR		
11 CSR 40-2.050	Division of Fire Safety		27 MoReg 1961R		
			27 MoReg 1962	This Issue	
			This IssueR		

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11 CSR 40-2.060	Division of Fire Safety		27 MoReg 1962R This IssueR		
11 CSR 40-2.061	Division of Fire Safety		27 MoReg 1963	This Issue	
11 CSR 40-2.062	Division of Fire Safety		27 MoReg 1963	This Issue	
11 CSR 40-2.064	Division of Fire Safety		27 MoReg 1963	This Issue	
11 CSR 40-2.065	Division of Fire Safety		27 MoReg 1964	This Issue	
11 CSR 40-5.020	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.050	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.065	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.070	Division of Fire Safety		28 MoReg 32		
11 CSR 40-5.080	Division of Fire Safety		28 MoReg 33		
11 CSR 40-5.110	Division of Fire Safety		27 MoReg 1869 This Issue		
11 CSR 40-5.120	Division of Fire Safety		28 MoReg 33		
11 CSR 45-3.010	Missouri Gaming Commission		28 MoReg 403		
11 CSR 45-5.200	Missouri Gaming Commission		28 MoReg 404		
11 CSR 45-4.060	Missouri Gaming Commission		27 MoReg 1471	28 MoReg 251	
11 CSR 45-4.260	Missouri Gaming Commission		28 MoReg 34		
11 CSR 45-5.200	Missouri Gaming Commission		27 MoReg 1785	28 MoReg 251	
11 CSR 45-10.030	Missouri Gaming Commission		This Issue		
11 CSR 50-2.430	Missouri State Highway Patrol	This Issue	This Issue		
11 CSR 50-2.440	Missouri State Highway Patrol	This Issue	This Issue		
11 CSR 50-2.500	Missouri State Highway Patrol		27 MoReg 2200	28 MoReg 581	
11 CSR 50-2.510	Missouri State Highway Patrol		27 MoReg 2200	28 MoReg 581	
11 CSR 50-2.520	Missouri State Highway Patrol		27 MoReg 2201	28 MoReg 581	
11 CSR 75-13.020	Peace Officer Standards and Training Program		27 MoReg 2202	28 MoReg 476	
11 CSR 75-14.050	Peace Officer Standards and Training Program		27 MoReg 2288	28 MoReg 582	
11 CSR 75-14.080	Peace Officer Standards and Training Program		27 MoReg 2202	28 MoReg 476	
11 CSR 75-15.030	Peace Officer Standards and Training Program		27 MoReg 2203	28 MoReg 476	

DEPARTMENT OF REVENUE

12 CSR 10-2.045	Director of Revenue		27 MoReg 2203		
12 CSR 10-3.010	Director of Revenue		27 MoReg 2288R	This IssueR	
12 CSR 10-3.038	Director of Revenue		27 MoReg 2288R	This IssueR	
12 CSR 10-3.048	Director of Revenue		27 MoReg 2289R	This IssueR	
12 CSR 10-3.088	Director of Revenue		27 MoReg 2289R	This IssueR	
12 CSR 10-3.124	Director of Revenue		27 MoReg 2063R	28 MoReg 477R	
12 CSR 10-3.148	Director of Revenue		27 MoReg 2289R	This IssueR	
12 CSR 10-3.150	Director of Revenue		27 MoReg 2289R	This IssueR	
12 CSR 10-3.222	Director of Revenue		27 MoReg 2290R	This IssueR	
12 CSR 10-3.226	Director of Revenue		27 MoReg 2290R	This IssueR	
12 CSR 10-3.230	Director of Revenue		27 MoReg 2290R	This IssueR	
12 CSR 10-3.232	Director of Revenue		27 MoReg 2290R	This IssueR	
12 CSR 10-3.270	Director of Revenue		27 MoReg 2291R	This IssueR	
12 CSR 10-3.304	Director of Revenue		27 MoReg 2291R	This IssueR	
12 CSR 10-3.348	Director of Revenue		27 MoReg 2291R	This IssueR	
12 CSR 10-3.356	Director of Revenue		27 MoReg 2291R	This IssueR	
12 CSR 10-3.358	Director of Revenue		27 MoReg 2292R	This IssueR	
12 CSR 10-3.372	Director of Revenue		27 MoReg 2292R	This IssueR	
12 CSR 10-3.422	Director of Revenue		27 MoReg 2292R	This IssueR	
12 CSR 10-3.500	Director of Revenue		27 MoReg 2292R	This IssueR	
12 CSR 10-3.514	Director of Revenue		27 MoReg 2293R	This IssueR	
12 CSR 10-3.532	Director of Revenue		27 MoReg 2293R	This IssueR	
12 CSR 10-3.538	Director of Revenue		27 MoReg 2293R	This IssueR	
12 CSR 10-3.860	Director of Revenue		27 MoReg 2293R	This IssueR	
12 CSR 10-24.120	Director of Revenue		27 MoReg 2294	This Issue	
12 CSR 10-24.140	Director of Revenue		28 MoReg 404		
12 CSR 10-24.190	Director of Revenue		27 MoReg 2294	This Issue	
12 CSR 10-24.305	Director of Revenue		27 MoReg 2295	This Issue	
12 CSR 10-24.395	Director of Revenue		27 MoReg 2295	This Issue	
12 CSR 10-24.448	Director of Revenue	28 MoReg 5	28 MoReg 34		
12 CSR 10-24.472	Director of Revenue		27 MoReg 2295	This Issue	
12 CSR 10-26.060	Director of Revenue		27 MoReg 1964	28 MoReg 354	
12 CSR 10-26.100	Director of Revenue		28 MoReg 150R		
12 CSR 10-41.010	Director of Revenue	27 MoReg 2125	27 MoReg 2209	28 MoReg 582	
12 CSR 10-110.600	Director of Revenue		27 MoReg 2064	This IssueW	
12 CSR 10-110.900	Director of Revenue		27 MoReg 2296	This IssueW	
12 CSR 10-110.950	Director of Revenue		27 MoReg 2064	28 MoReg 477	
12 CSR 10-111.010	Director of Revenue		27 MoReg 2065	This IssueW	
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12 CSR 40-50.010	State Tax Commission		27 MoReg 1787	28 MoReg 252	
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13 CSR 40-30.020	Division of Family Services	27 MoReg 2265	27 MoReg 2299		
13 CSR 40-31.025	Division of Family Services		28 MoReg 34		
13 CSR 70-1.020	Division of Medical Services		28 MoReg 405		
13 CSR 70-3.065	Division of Medical Services	28 MoReg 288	28 MoReg 327		28 MoReg 592
13 CSR 70-10.015	Division of Medical Services		27 MoReg 1473	27 MoReg 2306	
		28 MoReg 103	28 MoReg 150		
13 CSR 70-10.150	Division of Medical Services	27 MoReg 2051	27 MoReg 2069	28 MoReg 477	27 MoReg 1125
13 CSR 70-15.010	Division of Medical Services		28 MoReg 560		
13 CSR 70-15.170	Division of Medical Services	27 MoReg 1170			
13 CSR 70-20.320	Division of Medical Services		28 MoReg 409		
13 CSR 70-35.010	Division of Medical Services	27 MoReg 1174	27 MoReg 1324		
		28 MoReg 5T	28 MoReg 409R		
13 CSR 70-40.010	Division of Medical Services	27 MoReg 1176	27 MoReg 1326	28 MoReg 170	
		28 MoReg 397T	This Issue		
13 CSR 70-60.010	Division of Medical Services	28 MoReg 290	27 MoReg 2209	28 MoReg 582	28 MoReg 592
13 CSR 70-65.010	Division of Medical Services	28 MoReg 291	27 MoReg 2213	28 MoReg 583	
13 CSR 70-70.010	Division of Medical Services	28 MoReg 293	27 MoReg 2215	This Issue	
13 CSR 73-1.010	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-1.010)		28 MoReg 412		
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13 CSR 73-2.015	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.015)		28 MoReg 412		
13 CSR 73-2.020	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.020)		28 MoReg 412		
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13 CSR 73-2.031	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.031)		28 MoReg 417		
13 CSR 73-2.050	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.050)		28 MoReg 418		
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13 CSR 73-2.055	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.055)		28 MoReg 419		
13 CSR 73-2.060	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.060)		28 MoReg 420		
13 CSR 73-2.080	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.080)		28 MoReg 420		
13 CSR 73-2.085	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.085)		28 MoReg 421		
13 CSR 73-2.090	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.090)		28 MoReg 421		
13 CSR 73-2.095	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.095)		28 MoReg 421		
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15 CSR 30-3.010	Secretary of State	27 MoReg 1933	27 MoReg 2072	28 MoReg 583	
15 CSR 30-8.010	Secretary of State	27 MoReg 1934T			
		27 MoReg 1934	27 MoReg 2074	28 MoReg 585	
15 CSR 30-8.020	Secretary of State	27 MoReg 1935	27 MoReg 2076	28 MoReg 585	
15 CSR 30-9.040	Secretary of State	27 MoReg 1936	27 MoReg 2078	28 MoReg 585	
15 CSR 30-45.030	Secretary of State		28 MoReg 422		
15 CSR 30-50.030	Secretary of State		28 MoReg 34		
15 CSR 30-51.020	Secretary of State		28 MoReg 561		
15 CSR 30-52.310	Secretary of State		28 MoReg 331		
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15 CSR 30-54.015	Secretary of State		28 MoReg 562		
15 CSR 30-54.060	Secretary of State		28 MoReg 562		
15 CSR 30-54.070	Secretary of State		28 MoReg 563R		
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15 CSR 30-54.210	Secretary of State		28 MoReg 563R		
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15 CSR 30-54.220	Secretary of State		28 MoReg 564R		
15 CSR 30-59.020	Secretary of State		28 MoReg 565		
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15 CSR 30-59.060	Secretary of State		28 MoReg 565R		
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15 CSR 30-90.050	Secretary of State		27 MoReg 1966	28 MoReg 355	
15 CSR 30-90.060	Secretary of State		27 MoReg 1967	28 MoReg 355	
15 CSR 30-90.070	Secretary of State		27 MoReg 1967	28 MoReg 355	
15 CSR 30-90.075	Secretary of State		27 MoReg 1967	28 MoReg 355	
15 CSR 30-90.076	Secretary of State		27 MoReg 1968	28 MoReg 355	
15 CSR 30-90.080	Secretary of State		27 MoReg 1968	28 MoReg 355	
15 CSR 30-90.090	Secretary of State	28 MoReg 294	27 MoReg 1968	28 MoReg 356	
15 CSR 30-90.100	Secretary of State		27 MoReg 1969	28 MoReg 356	
15 CSR 30-90.105	Secretary of State		27 MoReg 1969	28 MoReg 356	
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15 CSR 30-90.120	Secretary of State		27 MoReg 1970	28 MoReg 357	
15 CSR 30-90.130	Secretary of State		27 MoReg 1971	28 MoReg 357	
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15 CSR 30-90.150	Secretary of State		27 MoReg 1971	28 MoReg 357	
15 CSR 30-90.160	Secretary of State		27 MoReg 1972	28 MoReg 357	
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15 CSR 30-90.180	Secretary of State		27 MoReg 1972	28 MoReg 358	
15 CSR 30-90.190	Secretary of State		27 MoReg 1973	28 MoReg 358	
15 CSR 30-90.200	Secretary of State		27 MoReg 1973	28 MoReg 358	
15 CSR 30-90.201	Secretary of State		27 MoReg 1973	28 MoReg 358	
15 CSR 30-90.202	Secretary of State		27 MoReg 1973	28 MoReg 358	
15 CSR 30-90.203	Secretary of State		27 MoReg 1974	28 MoReg 358	
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15 CSR 30-90.240	Secretary of State		27 MoReg 1976	28 MoReg 359	
15 CSR 30-200.030	Secretary of State	27 MoReg 2215	27 MoReg 2217	28 MoReg 585	
15 CSR 60-11.010	Attorney General		28 MoReg 331		
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15 CSR 60-11.030	Attorney General		28 MoReg 332		
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15 CSR 60-11.060	Attorney General		28 MoReg 333		
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15 CSR 60-11.140	Attorney General		28 MoReg 336		
15 CSR 60-11.150	Attorney General		28 MoReg 336		
15 CSR 60-11.160	Attorney General		28 MoReg 337		
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16 CSR 10-1.010	The Public School Retirement System of Missouri		28 MoReg 566		
16 CSR 40-3.130	Highway and Transportation Employees and Highway Patrol Retirement System		27 MoReg 2219	This Issue	
16 CSR 50-2.020	The County Employees' Retirement Fund		28 MoReg 155		
16 CSR 50-2.040	The County Employees' Retirement Fund		28 MoReg 155		
16 CSR 50-2.080	The County Employees' Retirement Fund		28 MoReg 156		
16 CSR 50-2.090	The County Employees' Retirement Fund		28 MoReg 156		
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16 CSR 50-10.030	The County Employees' Retirement Fund		27 MoReg 2219	28 MoReg 586	
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19 CSR 10-4.020	Office of the Director	28 MoReg 5	28 MoReg 35		
19 CSR 10-5.010	Office of the Director		27 MoReg 1976	28 MoReg 477	
19 CSR 10-10.050	Office of the Director		27 MoReg 1988	28 MoReg 359	
19 CSR 20-8.030	Office of the Director		28 MoReg 422		
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19 CSR 30-1.002	Division of Health Standards and Licensure		28 MoReg 429		
19 CSR 30-1.011	Division of Health Standards and Licensure		28 MoReg 434		
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19 CSR 30-1.019	Division of Health Standards and Licensure		28 MoReg 436		
19 CSR 30-1.023	Division of Health Standards and Licensure		28 MoReg 437		
19 CSR 30-1.034	Division of Health Standards and Licensure		28 MoReg 437		
19 CSR 30-1.040	Division of Health Standards and Licensure		28 MoReg 438		

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19 CSR 60-50.300	Missouri Health Facilities Review Committee	28 MoReg 106R 28 MoReg 106	28 MoReg 157R 28 MoReg 157		
19 CSR 60-50.400	Missouri Health Facilities Review Committee	28 MoReg 108R 28 MoReg 109	28 MoReg 159R 28 MoReg 159		
19 CSR 60-50.410	Missouri Health Facilities Review Committee	28 MoReg 110R 28 MoReg 110	28 MoReg 160R 28 MoReg 160		
19 CSR 60-50.420	Missouri Health Facilities Review Committee	28 MoReg 111R 28 MoReg 112	28 MoReg 161R 28 MoReg 161		
19 CSR 60-50.430	Missouri Health Facilities Review Committee	28 MoReg 113R 28 MoReg 113	28 MoReg 162R 28 MoReg 163		
19 CSR 60-50.450	Missouri Health Facilities Review Committee	28 MoReg 115R 28 MoReg 116	28 MoReg 164R 28 MoReg 164		
19 CSR 60-50.700	Missouri Health Facilities Review Committee	28 MoReg 117R 28 MoReg 117	28 MoReg 166R 28 MoReg 166		
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19 CSR 73-2.015	Missouri Board of Nursing Home Administrators (Change from 13 CSR 73-2.015)		28 MoReg 412		
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19 CSR 73-2.025	Missouri Board of Nursing Home Administrators (Change from 13 CSR 73-2.025)		28 MoReg 417		
19 CSR 73-2.031	Missouri Board of Nursing Home Administrators (Change from 13 CSR 73-2.031)		28 MoReg 417		
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators (Change from 13 CSR 73-2.050)		28 MoReg 418		
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19 CSR 73-2.055	Missouri Board of Nursing Home Administrators (Change from 13 CSR 73-2.055)		28 MoReg 419		
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20 CSR	Medical Malpractice				26 MoReg 599 27 MoReg 415 28 MoReg 489
20 CSR	Sovereign Immunity Limits				26 MoReg 75 27 MoReg 41 27 MoReg 2319
20 CSR 100-1.060	Division of Consumer Affairs		27 MoReg 2300		
20 CSR 100-6.110	Division of Consumer Affairs		27 MoReg 1988	28 MoReg 488	
20 CSR 300-2.200	Market Conduct Examinations		27 MoReg 1341	28 MoReg 183	
		28 MoReg 397	28 MoReg 439		
20 CSR 400-3.650	Life, Annuities and Health		27 MoReg 1362		
20 CSR 400-7.095	Life, Annuities and Health		27 MoReg 1989R 27 MoReg 1989`	28 MoReg 586R 28 MoReg 586	
20 CSR 500-1.210	Property and Casualty		27 MoReg 2219		
20 CSR 500-6.960	Property and Casualty	27 MoReg 848R	27 MoReg 905R 27 MoReg 2220R		
20 CSR 500-10.100	Property and Casualty		27 MoReg 2220		
20 CSR 600-1.020	Statistical Reporting		27 MoReg 1996	28 MoReg 360	
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22 CSR 10-2.020	Health Care Plan	28 MoReg 120	28 MoReg 229		
22 CSR 10-2.040	Health Care Plan	28 MoReg 121R	28 MoReg 230R		
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22 CSR 10-2.055	Health Care Plan	28 MoReg 123	28 MoReg 232		
22 CSR 10-2.060	Health Care Plan	28 MoReg 125R	28 MoReg 233R		
22 CSR 10-2.063	Health Care Plan	28 MoReg 125R	28 MoReg 233R		
22 CSR 10-2.064	Health Care Plan	28 MoReg 125R	28 MoReg 234R		
22 CSR 10-2.067	Health Care Plan	28 MoReg 125R	28 MoReg 234R		
22 CSR 10-2.075	Health Care Plan	28 MoReg 126	28 MoReg 234		
22 CSR 10-2.080	Health Care Plan	28 MoReg 126	28 MoReg 235		

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1 CSR 15-3.200 Subject Matter May 30, 2003

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1 CSR 20-2.015 Broad Classification Bands for Managers July 10, 2003

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4 CSR 240-120.140 New Manufactured Home Manufacturer's Inspection Fee August 1, 2003

4 CSR 240-123.030 Seals August 1, 2003

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4 CSR 265-2.070 Complaints May 30, 2003

4 CSR 265-2.080 Pleadings May 30, 2003

4 CSR 265-2.085 Dismissal of Cases May 30, 2003

4 CSR 265-2.090 Discovery and Prehearings May 30, 2003

4 CSR 265-2.100 Subpoenas and Formal Investigations May 30, 2003

4 CSR 265-2.110 Hearings May 30, 2003

4 CSR 265-2.115 Continuances May 30, 2003

4 CSR 265-2.116 Interventions May 30, 2003

4 CSR 265-2.120 Evidence May 30, 2003

4 CSR 265-2.130 Briefs and Oral Argument May 30, 2003

4 CSR 265-2.140 Decisions of the Division May 30, 2003

4 CSR 265-2.150 Rehearings May 30, 2003

4 CSR 265-4.010 Gratuities and Private Employment May 30, 2003

4 CSR 265-4.020 Conduct During Proceedings May 30, 2003

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Missouri State Highway Patrol

11 CSR 50-2.430 Verification of Homemade Trailers Sept 22, 2003

11 CSR 50-2.440 Vehicle Identification Number and Odometer Reading Verification Sept 22, 2003

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Director of Revenue

12 CSR 10-24.448 Proof of Identity and Proof of Social Security Number
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12 CSR 10-41.010 Annual Adjusted Rate of Interest June 29, 2003

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13 CSR 40-30.020 Attorney Fees in Termination of Parental Rights Cases June 11, 2003

Division of Medical Services

13 CSR 70-3.065 Medicaid Program Payment of Claims for Medicare Part B Services (See Letter pages 592-595)

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services July 15, 2003

13 CSR 70-10.150 Enhancement Pools May 6, 2003

13 CSR 70-60.010 Durable Medical Equipment Program (See Letter pages 592-595)

13 CSR 70-65.010 Rehabilitation Center Program August 27, 2003

13 CSR 70-70.010 Therapy Program August 27, 2003

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15 CSR 30-3.010 Voter Identification Affidavit April 18, 2003

15 CSR 30-8.010 Provisional Ballots and Envelopes April 18, 2003

15 CSR 30-8.020 Procedures to Determine Eligibility for Provisional Ballots to Be Counted April 28, 2003

15 CSR 30-9.040 Write-In Stickers April 18, 2003

15 CSR 30-200.030 Public Access Computers in Public Libraries April 29, 2003

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19 CSR 10-4.020 J-1 Visa Waiver Program June 23, 2003

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19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases June 23, 2003

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19 CSR 60-50.300 Definitions for the Certificate of Need Process June 29, 2003

19 CSR 60-50.300 Definitions for the Certificate of Need Process June 29, 2003

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19 CSR 60-50.410	Letter of Intent Package	June 29, 2003
19 CSR 60-50.410	Letter of Intent Package	June 29, 2003
19 CSR 60-50.420	Application Process	June 29, 2003
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19 CSR 60-50.430	Application Package	June 29, 2003
19 CSR 60-50.430	Application Package	June 29, 2003
19 CSR 60-50.450	Criteria and Standards for Long-Term Care	June 29, 2003
19 CSR 60-50.450	Criteria and Standards for Long-Term Care	June 29, 2003
19 CSR 60-50.700	Post-Decision Activity	June 29, 2003
19 CSR 60-50.700	Post-Decision Activity	June 29, 2003

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20 CSR 300-2.200	Records Required for Purposes of Market Conduct Examinations	August 22, 2003
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22 CSR 10-2.010	Definitions	June 29, 2003
22 CSR 10-2.020	Membership Agreement and Participation Period	June 29, 2003
22 CSR 10-2.040	PPO Plan Summary of Medical Benefits	June 29, 2003
22 CSR 10-2.045	Co-pay and PPO Plan Summaries	June 29, 2003
22 CSR 10-2.050	PPO Plan Benefit Provisions and Covered Charges	June 29, 2003
22 CSR 10-2.055	Co-pay and PPO Plan Benefit Provisions and Covered Charges	June 29, 2003
22 CSR 10-2.060	PPO and Co-pay Plan Limitations	June 29, 2003
22 CSR 10-2.063	HMO/POS Premium Option Summary of Medical Benefits	June 29, 2003
22 CSR 10-2.064	HMO/POS Standard Option Summary of Medical Benefits	June 29, 2003
22 CSR 10-2.067	HMO and POS Limitations	June 29, 2003
22 CSR 10-2.075	Review and Appeals Procedure	June 29, 2003
22 CSR 10-2.080	Miscellaneous Provisions	June 29, 2003

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03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	This Issue
03-09	Lists Governor's Staff Who Have Supervisory Authority Over Departments	March 18, 2003	This Issue
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	This Issue

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