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Part I

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

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

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HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

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

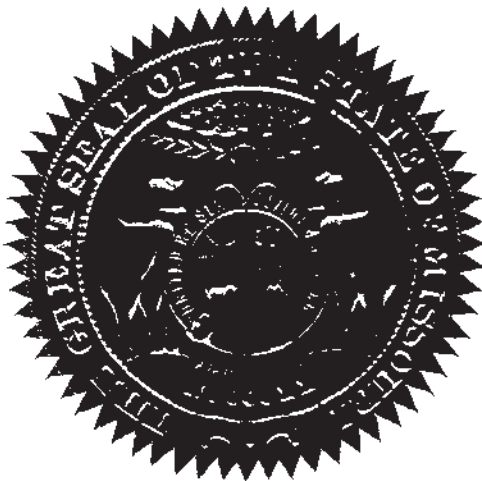
EXECUTIVE ORDER 04-26

WHEREAS, members of the Missouri National Guard serve with honor and distinction as First Sergeants for a minimum of two years and complete the First Sergeant Course; and

WHEREAS, these members demonstrated outstanding professional conduct and leadership qualities as First Sergeants; and

WHEREAS, based on the recommendation of their respective commanders as meeting the established criteria are therefore deserving of recognition for their assignments as First Sergeants;

NOW, THEREFORE, I Bob Holden, Governor of the State of Missouri, under the authority vested in me by the laws of the State of Missouri, do hereby authorize and direct the Adjutant General of Missouri to recognize Noncommissioned Officers who demonstrate proficiency in service with a First Sergeant's ribbon. The ribbon will be one-half blue and one-half green in color separated by a white band with a silver diamond centered thereon. I further authorize the Adjutant General of Missouri to procure and award this ribbon to those persons eligible through administrative procedures to be established by the Adjutant General.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 1st day of November, 2004.

Bob Holden
Governor

ATTEST:

Matt Blunt
Secretary of State

**EXECUTIVE ORDER
04-27**

TO ALL DEPARTMENTS AND AGENCIES:

This is to advise that state offices will be closed Friday, November 26, 2004.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 1st day of November, 2004.

A handwritten signature in cursive script that reads "Bob Holden".

**Bob Holden
Governor**

ATTEST:

A handwritten signature in cursive script that reads "Matt Blunt".

**Matt Blunt
Secretary of State**

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

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

PROPOSED AMENDMENT

3 CSR 10-6.505 Black Bass. The commission proposes to amend section (1).

PURPOSE: This amendment removes a catch and release regulation on smallmouth bass in Big Buffalo Creek.

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

[(B) On Big Buffalo Creek and its tributaries down to Lake of the Ozarks (at county bridge on Zora Road, Benton County, Section 25, T41N, R20W), all smallmouth bass

must be returned to the water immediately after being caught.]

[(C)](B) The daily limit is two (2) black bass on Montrose Lake and the Elk River.

[(D)](C) On the Meramec, Big and Bourbeuse rivers and their tributaries, the daily and possession limit for black bass is twelve (12) in the aggregate and may include no more than six (6) largemouth bass and smallmouth bass in the aggregate, except that the daily limit may include no more than one (1) smallmouth bass on the Big River from Leadwood Access to its confluence with the Meramec River, the Meramec River from Scott's Ford to the railroad crossing at Bird's Nest, and Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-7.430 Pheasants: Seasons, Limits. The commission proposes to amend section (1).

PURPOSE: This amendment expands the northern hunting zone for pheasants south to Interstate 70.

(1) Male pheasants may be taken from November 1 through January 15 north of *[U.S. Highway 36 from the Kansas line to the Illinois line, and those portions of DeKalb and Buchanan counties lying south of U.S. Highway 36, and all of Platte and] Interstate 70, and also in that portion of St. Charles [counties] County lying south of Interstate 70.* Daily limit: two (2) male pheasants; possession limit: four (4) male pheasants.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 8, 2004.

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

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

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

Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

3 CSR 10-7.438 Deer: Regulations for Department Areas

PURPOSE: This rule incorporates deer hunting on department areas into Chapter 7.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material is incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

Deer may be hunted on lands owned or leased by the department and on lands managed by the department under cooperative agreement as authorized in the annual *Fall Deer and Turkey Hunting Regulations and Information* booklet. This publication is incorporated by reference. A copy of this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The commission proposes to amend subsections (3)(C), (E) and (F).

PURPOSE: This amendment corrects reference to the Wildlife Code; removes transgenic fish from the approved species list; and corrects the scientific names of walleye and sauger.

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

(C) That person is in compliance with all provisions of [the Wildlife Code of Missouri] this Code pertaining to importation, purchase, or sale of endangered species, and importation of live fish or viable fish eggs of the family *Salmonidae*.

(E) That the privileges of this section apply only to the following:

1. Species listed in the Approved Aquatic Species List (excluding transgenic organisms, but including all subspecies, varieties and hybrids of the same bought, sold, transported, propagated, taken and possessed for purposes of aquaculture).

2. Species frozen or processed for sale as food products.

3. Species incapable of surviving in fresh water.

4. Species held only in aquaria, tanks or other containers having water discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources.

5. Species held only in a closed system from which the escape of live organisms (including eggs, parasites and diseases) is not possible. The species to be held and the system to be used must receive prior written approval from the director.

(F) Approved Aquatic Species List.

1. Fishes.

A. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)

B. Paddlefish (*Polyodon spathula*)

C. Spotted gar (*Lepisosteus oculatus*)

D. Longnose gar (*Lepisosteus osseus*)

E. Shortnose gar (*Lepisosteus platostomus*)

F. Bowfin (*Amia calva*)

G. American eel (*Anguilla rostrata*)

H. Gizzard shad (*Dorosomacepedianum*)

I. Threadfin shad (*Dorosoma petenense*)

J. Rainbow trout (*Oncorhynchus mykiss*)

K. Golden trout (*Oncorhynchus aquabonita*)

L. Cutthroat trout (*Oncorhynchus clarkii*)

M. Brown trout (*Salmo trutta*)

N. Brook trout (*Salvelinus fontinalis*)

O. Coho salmon (*Oncorhynchus kisutch*)

P. Northern pike (*Esox lucius*)

Q. Muskellunge (*Esox masquinongy*)

R. Goldfish (*Carassius auratus*)

S. Grass carp (*Ctenopharyngodon idella*)

T. Common carp (*Cyprinus carpio*)

U. Bighead carp (*Hypophthalmichthys nobilis*)

V. Golden shiner (*Notemigonus crysoleucas*)

W. Bluntnose minnow (*Pimephales notatus*)

X. Fathead minnow (*Pimephales promelas*)

Y. River carpsucker (*Cariodes carpio*)

Z. Quillback (*Carpoides cyprinus*)

AA. White sucker (*Catostomus commersoni*)

BB. Blue sucker (*Cycleptus elongatus*)

CC. Bigmouth buffalo (*Ictiobus cyprinellus*)

DD. Black bullhead (*Ameiurus melas*)

EE. Yellow bullhead (*Ameiurus natalis*)

FF. Brown bullhead (*Ameiurus nebulosus*)

GG. Blue catfish (*Ictalurus furcatus*)

HH. Channel catfish (*Ictalurus punctatus*)

II. Flathead catfish (*Pylodictis olivaris*)

JJ. Mosquitofish (*Gambusia affinis*)

KK. White bass (*Morone chrysops*)

LL. Striped bass (*Morone saxatilis*)

MM. Green sunfish (*Lepomis cyanellus*)

NN. Pumpkinseed (*Lepomis gibbosus*)

OO. Warmouth (*Lepomis gulosus*)

PP. Orangespotted sunfish (*Lepomis humilis*)

QQ. Bluegill (*Lepomis macrochirus*)

RR. Longear sunfish (*Lepomis megalotis*)
SS. Redear sunfish (*Lepomis microlophus*)
TT. Smallmouth bass (*Micropterus dolomieu*)
UU. Spotted bass (*Micropterus punctulatus*)
VV. Largemouth bass (*Micropterus salmoides*)
WW. White crappie (*Pomoxis annularis*)
XX. Black crappie (*Pomoxis nigromaculatus*)
YY. Yellow perch (*Perca flavescens*)
ZZ. Sauger [(*Stizostedion canadense*)] (*Sander canadensis*)

AAA. Walleye [(*Stizostedion vitreum*)] (*Sander vitreus*)
BBB. Freshwater drum (*Aplodinotus grunniens*)

2. Crustaceans.

A. Freshwater prawn (*Macrobrachium rosenbergii*)
B. Northern crayfish (*Orconectes virilis*)
C. White river crayfish (*Procambarus acutus*)
D. Red swamp crayfish (*Procambarus clarkii*)
E. Papershell crayfish (*Orconectes immunis*)

3. Amphibians.

A. Tiger salamander larvae (*Ambystoma tigrinum*)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-4.110(5), (6) and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to amend sections (3), (4), (5), (12), (14), (15) and (16).

PURPOSE: This amendment amends hunting provisions on specific conservation areas.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(3) Hunting is prohibited on public fishing access areas less than forty (40) acres in size **except for deer hunting as authorized in the annual Fall Deer and Turkey Hunting Regulations and Information booklet.** This publication is incorporated by reference. A copy of

this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

(4) Hunting is prohibited on the following department areas **except for deer hunting as authorized in the annual Fall Deer and Turkey Hunting Regulations and Information booklet:**

(O) Boone Cave Conservation Area
(P) Marguerite Bray Conservation Area
(Q) Brookfield Maintenance Center
(R) Buffalo Radio Facility
(S) Caldwell Memorial Wildlife Area
(T) Camdenton Conservation Service Center
(U) Caruthersville Rookery Conservation Area
(V) Clearwater District Headquarters
(W) Climax Springs Towersite
(X) Conservation Commission Headquarters
(Y) Conservation Research Center
(Z) Carrick W. Davidson—Robert Paris Wildlife Area
(AA) Robert G. DeLaney Lake Conservation Area
(AB) Doniphan Towersite
(AC) Drovers Prairie Conservation Area
(AD) East Central Regional Office
(AE) Engelmann Woods Natural Area
(AF) Eugene Towersite
(AG) Foxglove Conservation Area
(AH) Friendly Prairie Conservation Area
(AI) Gay Feather Prairie Conservation Area
(AJ) Grandpa Chipley's Conservation Area
(AK) Gravois Mills Access
(AL) Ronald and Maude Hartell Conservation Area
(AM) James R. Harter Conservation Area
(AN) Ruth and Paul Henning Conservation Area
(AO) Hickory Canyons Natural Area
(AP) Houston Forestry Office
(AQ) Hurley Radio Facility
(AR) Hurricane Deck Towersite
(AS) Jefferson City Radio Facility
(AT) Joplin Towersite
(AU) Juden Creek Conservation Area
(AV) LaPetite Gemme Prairie Conservation Area
(AW) Lebanon Forestry Office
(AX) Lebanon Towersite
(AY) Lichen Glade Conservation Area
(AZ) Lipp Community Lake
(AAA) Lipton Conservation Area
(BBB) Little Osage Prairie
(CCC) Lower Taum Sauk Lake
(DDD) Malta Bend Community Lake
(EEE) Mansfield Shop
(FFF) Maple Flats Access
(GGG) Maple Woods Natural Area
(HHH) Miller Community Lake
(III) Mint Spring Conservation Area
(JJJ) Mount Vernon Prairie
(KKK) Neosho District Office
(LLL) New Madrid Forestry Office
(MMM) Niawathe Prairie Conservation Area
(NNN) Northeast Regional Office
(OOO) Northwest Regional Office
(PPP) Onyx Cave Conservation Area
(QQQ) Ozark Regional Office
(RRR) Parma Woods Range and Training Center (south portion)
(SSS) Pawhuska Prairie
(TTT) Pelican Island Natural Area

- (UUU) Perry County Community Lake
 (VVV) Perryville District Headquarters
 (WWW) Pickle Springs Natural Area
 (XXX) Pilot Knob Towersite
 (YYY) Plad Towersite
 (ZZZ) Port Hudson Lake Conservation Area
 (AAAA) Powder Valley Conservation Nature Center
 (BBBB) Ray County Community Lake
 (CCCC) Riverwoods Conservation Area
 (DDDD) Rockwoods Reservation
 (EEEE) Rockwoods Towersite
 (FFFF) Rush Creek Conservation Area
 (GGGG) Saeger Woods Conservation Area
 (HHHH) Salem Maintenance Center
 (IIII) Schnabel Woods
 (JJJJ) F. O. and Leda J. Sears Memorial Wildlife Area
 (KKKK) Sedalia Conservation Service Center
 (LLLL) Shawnee Mac Lakes Conservation Area
 (MMMM) Shepherd of the Hills Fish Hatchery
 (NNNN) Sims Valley Community Lake
 (OOOO) Southeast Regional Office
 (PPPP) Southwest Regional Office
 (QQQQ) Springfield Conservation Nature Center
 (RRRR) Julian Steyermark Woods Conservation Area
 (SSSS) Thirtyfour Corner Blue Hole
 (TTTT) Tower Rock Natural Area
 (UUUU) Tri-City Community Lake
 (VVVV) Twin Borrow Pits Conservation Area
 (WWWW) Tywappity Community Lake
 (XXXX) Ulman Towersite
 (YYYY) Upper Mississippi Conservation Area (Clarksville Refuge)
 (ZZZZ) Vandalia Community Lake
 (AAAAA) Wah-Kon-Tah Prairie (portion south of Highway 82)
 (BBBBB) Wah-Sha-She Prairie
 (CCCCC) Walnut Woods Conservation Area
 (DDDDD) Warrenton Forestry Office
 (EEEEE) Warrenton Towersite
 (FFFFFF) White Aloe Creek Wildcat Conservation Area
 (GGGGG) Wildcat Glade Natural Area
 (HHHHH) Walter Woods Conservation Area
 (IIIII) Mark Youngdahl Urban Conservation Area
 (O) Marguerite Bray Conservation Area
 (P) Brookfield Maintenance Center
 (Q) Buffalo Radio Facility
 (R) Caldwell Memorial Wildlife Area
 (S) Camdenton Conservation Service Center
 (T) Caruthersville Rookery Conservation Area
 (U) Clearwater District Headquarters
 (V) Climax Springs Towersite
 (W) Clinton Office
 (X) Conservation Commission Headquarters
 (Y) Robert G. DeLaney Lake Conservation Area
 (Z) Doniphan Towersite
 (AA) Drovers Prairie Conservation Area
 (BB) Engelmann Woods Natural Area
 (CC) Eugene Towersite
 (DD) Foxglove Conservation Area
 (EE) Friendly Prairie Conservation Area
 (FF) Gay Feather Prairie Conservation Area
 (GG) Grandpa Chipley's Conservation Area
 (HH) Gravois Mills Access
 (II) Ronald and Maude Hartell Conservation Area
 (JJ) James R. Harter Conservation Area
 (KK) Ruth and Paul Henning Conservation Area
 (LL) Hickory Canyons Natural Area
 (MM) Houston Forestry Office
 (NN) Hurley Radio Facility
 (OO) Hurricane Deck Towersite
 (PP) Jefferson City Radio Facility
 (QQ) Joplin Towersite
 (RR) Juden Creek Conservation Area
 (SS) LaPetite Gemme Prairie Conservation Area
 (TT) Lebanon Forestry Office
 (UU) Lebanon Towersite
 (VV) Lichen Glade Conservation Area
 (WW) Limpp Community Lake
 (XX) Lipton Conservation Area
 (YY) Little Osage Prairie
 (ZZ) Lower Taum Sauk Lake
 (AAA) Malta Bend Community Lake
 (BBB) Mansfield Shop
 (CCC) Maple Flats Access
 (DDD) Maple Woods Natural Area
 (EEE) Miller Community Lake
 (FFF) Mint Spring Conservation Area
 (GGG) Mount Vernon Prairie
 (HHH) Neosho District Headquarters
 (III) New Madrid Forestry Office
 (JJJ) Niawathe Prairie Conservation Area
 (KKK) Northeast Regional Office
 (LLL) Northwest Regional Office
 (MMM) Onyx Cave Conservation Area
 (NNN) Ozark Regional Office
 (OOO) Parma Woods Range and Training Center (south portion)
 (PPP) Pawhuska Prairie
 (QQQ) Pelican Island Natural Area
 (RRR) Perry County Community Lake
 (SSS) Perryville District Headquarters
 (TTT) Pickle Springs Natural Area
 (UUU) Pilot Knob Towersite
 (VVV) Plad Towersite
 (WWW) Port Hudson Lake Conservation Area
 (XXX) Powder Valley Conservation Nature Center
 (YYY) Ray County Community Lake
 (ZZZ) Resource Science Center
 (AAAA) Riverwoods Conservation Area
 (BBBB) Rocheport Cave Conservation Area
 (CCCC) Rockwoods Reservation
 (DDDD) Rockwoods Towersite
 (EEEE) Runge Conservation Nature Center
 (FFFF) Rush Creek Conservation Area
 (GGGG) Saeger Woods Conservation Area
 (HHHH) Salem Maintenance Center
 (IIII) Schnabel Woods
 (JJJJ) F. O. and Leda J. Sears Memorial Wildlife Area
 (KKKK) Sedalia Conservation Service Center
 (LLLL) Shawnee Mac Lakes Conservation Area
 (MMMM) Shepherd of the Hills Fish Hatchery
 (NNNN) Sims Valley Community Lake
 (OOOO) Southeast Regional Office
 (PPPP) Southwest Regional Office
 (QQQQ) Springfield Conservation Nature Center
 (RRRR) Julian Steyermark Woods Conservation Area
 (SSSS) Sullivan Office
 (TTTT) Thirtyfour Corner Blue Hole
 (UUUU) Tower Rock Natural Area
 (VVVV) Tri-City Community Lake
 (WWWW) Twin Borrow Pits Conservation Area
 (XXXX) Tywappity Community Lake
 (YYYY) Ulman Towersite
 (ZZZZ) Upper Mississippi Conservation Area (Clarksville Refuge)
 (AAAAA) Vandalia Community Lake

(BBBBB) Wah-Kon-Tah Prairie (portion south of Highway 82)
(CCCCC) Wah-Sha-She Prairie
(DDDDD) Walnut Woods Conservation Area
(EEEE) Warrenton Office
(GGGGG) White Aloe Creek Conservation Area
(HHHHH) Wildcat Glade Natural Area
(IIII) Walter Woods Conservation Area
(JJJJ) Mark Youngdahl Urban Conservation Area

(5) Firearms firing single projectiles are prohibited on the following department areas:

(EE) William Lowe Conservation Area
[(EE)](FF) Alice Ahart Mansfield Memorial Conservation Area
[(FF)](GG) Marais Temps Clair Conservation Area
[(GG)](HH) Mo-No-I Prairie Conservation Area
[(HH)](II) Mon-Shon Prairie Conservation Area
[(II)](JJ) Pacific Palisades Conservation Area
[(JJ)](KK) Guy B. Park Conservation Area
[(KK)](LL) Parma Woods Range and Training Center (north portion)
[(LL)](MM) Reform Conservation Area
[(MM)](NN) Rocky Barrens Conservation Area
[(NN)](OO) Dr. O. E. and Eloise Sloan Conservation Area
[(OO)](PP) Sunbridge Hills Conservation Area
[(PP)](QQ) Tipton Ford Access
[(QQ)](RR) Treaty Line Prairie Conservation Area
[(RR)](SS) Valley View Glades Natural Area
[(SS)](TT) Archie and Gracie VanDerhoef Memorial State Forest
[(TT)](UU) Victoria Glades Conservation Area
[(UU)](VV) Vonaventure Memorial Forest and Wildlife Area
[(VV)](WW) Wig Wam Access
[(WW) George O. White State Forest Nursery]

(12) On Weldon Spring Conservation Area, spring turkey hunting [and fall archery turkey hunting are] is permitted only by holders of a [Managed] **Spring Turkey Hunting Permit** [in addition to prescribed statewide permits.] **who have been selected to participate in the area's managed spring turkey hunt. Fall firearms turkey hunting is permitted under statewide seasons, methods, and limits. Fall archery turkey hunting is permitted only by holders of an Archer's Hunting Permit who have been selected to participate in the area's archery managed deer hunt; turkeys may only be taken prior to taking a deer.**

(14) On Caney Mountain Conservation Area (fenced portion) spring turkey hunting is permitted only [with a longbow] by holders of a **Spring Turkey Hunting Permit who have been selected to participate in the managed hunt.**

(15) On Caney Mountain Conservation Area (fenced portion), [turkey and squirrel hunting only with muzzleloading shotguns and longbows is permitted during the fall firearms turkey season] **firearms squirrel hunting is prohibited from September 1 through November 30.**

(16) On August A. Busch Memorial Conservation Area:

(A) Rabbits may be hunted only with shotgun from January 1 through February 15, **except on designated portions where special management restrictions apply.** The daily limit is four (4) rabbits.

(E) Spring turkey hunting is permitted only [with a Managed] **by holders of a Spring Turkey Hunting Permit** [in addition to prescribed statewide permit] **who have been selected to participate in the area's managed spring turkey hunt.** Fall firearms turkey hunting is prohibited. **Fall archery turkey hunting is permitted only by holders of an Archer's Hunting Permit who have been selected to participate in the area's archery managed deer hunt; turkeys may only be taken prior to taking a deer.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.182 Deer Hunting. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment incorporates department area deer hunting regulations into Chapter 7.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

[(1) Deer may be hunted only during the statewide archery season and the muzzleloader portion of the firearms season on the department areas listed below. Statewide methods and limits apply.

(A) Bilby Ranch Lake Conservation Area
(B) Loutre Lick Access
(C) Jamerson C. McCormack Conservation Area
(D) Moore's Mill Access
(E) Nodaway County Community Lake
(F) Pigeon Hill Conservation Area
(G) Punkin Center Access
(H) Rocky Fork Lakes Conservation Area
(I) Sears Community Lake
(J) Seven Island Conservation Area
(K) White River Trace Conservation Area
(L) Worth County Community Lake

(2) Deer may be hunted, under statewide seasons and limits, only by archery methods on the following department areas:

(A) Wilbur Allen Memorial Conservation Area
(B) Beaver Creek Conservation Area
(C) Bennett Spring Access
(D) Blind Pony Lake Conservation Area
(E) Blue Lick Conservation Area
(F) Bob Brown Conservation Area
(G) Bois D'Arc Conservation Area

(H) Boston Ferry Conservation Area
 (I) Branch Towersite
 (J) Brickley Hollow Access
 (K) Jim Bridger Urban Conservation Area
 (L) Catawissa Conservation Area
 (M) Charity Access
 (N) Coffin Cave Conservation Area
 (O) Coon Island Conservation Area
 (P) Cooper Hill Conservation Area
 (Q) Corkwood Conservation Area
 (R) Crooked Creek Conservation Area
 (S) Cuivre Island Conservation Area (mainland portion)
 (T) Diamond Grove Prairie Conservation Area
 (U) Dorris Creek Prairie Conservation Area
 (V) Dorsett Hill Prairie Conservation Area
 (W) Drury-Mincy Conservation Area
 (X) Drywood Conservation Area
 (Y) Duck Creek Conservation Area
 (Z) Arthur Dupree Memorial Conservation Area
 (AA) Eagle Bluffs Conservation Area
 (BB) Earthquake Hollow Conservation Area
 (CC) Peter A. Eck Conservation Area
 (DD) Edmonson Access
 (EE) Elrod Mill Access
 (FF) Ferguson-Herold Conservation Area
 (GG) Nannie B. Floyd Memorial Conservation Area
 (HH) Fort Leonard Wood Towersite
 (II) Fountain Grove Conservation Area
 (JJ) Four Rivers Conservation Area (Unit 1—portion north of Little Osage River, Unit 2, Unit 3).
 (KK) Frisbee Cutoff Access
 (LL) Larry R. Gale Access
 (MM) Gipsy Towersite
 (NN) Grand Bluffs Conservation Area
 (OO) Grand Pass Conservation Area
 (PP) Grassy Towersite
 (QQ) Hadorn Bridge Access
 (RR) Hinkson Woods Conservation Area
 (SS) Hite Prairie Conservation Area
 (TT) Hornersville Swamp Conservation Area
 (UU) Horse Creek Prairie Conservation Area
 (VV) Howell Island Conservation Area
 (WW) Hyer Woods Conservation Area
 (XX) Indigo Prairie Conservation Area
 (YY) Jamesport Community Lake
 (ZZ) Anthony and Beatrice Kendzora Conservation Area
 (AAA) Kessler Memorial Wildlife Area
 (BBB) Wilford V. and Anna C. Kneib Memorial Conservation Area
 (CCC) Lake Girardeau Conservation Area
 (DDD) B. K. Leach Memorial Conservation Area
 (EEE) Little Bean Marsh Conservation Area
 (FFF) Little Dixie Lake Conservation Area
 (GGG) Little Prairie Conservation Area
 (HHH) Little River Conservation Area
 (III) Caroline Sheridan Logan Memorial Wildlife Area
 (JJJ) Lon Sanders Canyon Conservation Area
 (KKK) Lone Jack Lake Conservation Area
 (LLL) Lost Valley Fish Hatchery
 (MMM) Alice Ahart Mansfield Conservation Area
 (NNN) Merrill Horse Access
 (OOO) Mockingbird Hill Access
 (PPP) Monegaw Prairie Conservation Area
 (QQQ) Mo-No-I Prairie Conservation Area
 (RRR) Mon-Shon Prairie Conservation Area
 (SSS) Montrose Conservation Area
 (TTT) Mound View Access
 (UUU) Nodaway Valley Conservation Area

(VVV) Old Town Access
 (WWW) Pacific Palisades Conservation Area
 (XXX) Guy B. Park Conservation Area
 (YYY) Parma Woods Range and Training Center (north portion)
 (ZZZ) Pilot Knob Conservation Area
 (AAAA) Platte Falls Conservation Area
 (BBBB) Prairie Slough Conservation Area
 (CCCC) J. Thad Ray Memorial Wildlife Area
 (DDDD) Redwing Prairie Conservation Area
 (EEEE) Reform Conservation Area
 (FFFF) Rocky Barrens Conservation Area
 (GGGG) Rocky Mount Towersite
 (HHHH) Schell-Osage Conservation Area
 (IIII) Ted Shanks Conservation Area
 (JJJJ) Sky Prairie Conservation Area
 (KKKK) Dr. O.E. and Eloise Sloan Conservation Area
 (LLLL) Sni-A-Bar Conservation Area
 (MMMM) Sterling Price Community Lake
 (NNNN) Sunbridge Hills Conservation Area
 (OOOO) Swift Ditch Access
 (PPPP) Ten Mile Pond Conservation Area
 (QQQQ) Tipton Ford Access
 (RRRR) Treaty Line Prairie Conservation Area
 (SSSS) Upper Mississippi Conservation Area (Bay Island Unit)
 (TTTT) Upper Mississippi Conservation Area (Dresser Island Unit)
 (UUUU) Valley View Glades Natural Area
 (VVVV) Archie and Gracie Vanderhoef Memorial State Forest
 (WWWW) Victoria Glades Conservation Area
 (XXXX) Vonaventure Memorial Forest and Wildlife Area
 (YYYY) Warbler Woods Conservation Area
 (ZZZZ) Henry Jackson Waters and C. B. Moss Memorial Wildlife Area
 (AAAAA) George O. White State Forest Nursery
 (BBBBB) Wig Wam Access
 (CCCCC) Wolf Bayou Conservation Area
 (DDDDD) Yellow Creek Conservation Area
 (EEEEE) Young Conservation Area

(3) During the Youth-Only, November and muzzleloader portions of the firearms deer hunting season, only antlered deer may be taken or possessed on the department areas listed below. Antlerless deer may not be taken on a firearms deer hunting permit.

(A) Apple Creek Conservation Area
 (B) Ben Cash Conservation Area
 (C) Buffalo Hills Natural Area
 (D) Busiek State Forest and Wildlife Area
 (E) Chalk Bluff Trails Access
 (F) Compton Hollow Conservation Area
 (G) Daniel Boone Conservation Area
 (H) Danville Conservation Area (Baldwin, Schulze and Thornhill Annexes)
 (I) Davisdale Conservation Area
 (J) Donaldson Point Conservation Area
 (K) Gayoso Bend Conservation Area
 (L) General Watkins Conservation Area
 (M) Girvin Conservation Area
 (N) Indian Trail Conservation Area
 (O) J. N. "Turkey" Kearn Memorial Wildlife Area
 (P) Lamine River Conservation Area
 (Q) Little Indian Creek Conservation Area
 (R) Little Lost Creek Conservation Area
 (S) Long Ridge Conservation Area
 (T) Maintz Wildlife Preserve

(U) Oak Ridge Conservation Area
(V) Ralph and Martha Perry Memorial Conservation Area
(W) Pleasant Hope Conservation Area
(X) Ranacker Conservation Area
(Y) Red Rock Landing Conservation Area
(Z) Frank Reifsnider State Forest
(AA) River 'Round Conservation Area
(BB) Seventy-Six Conservation Area
(CC) Robert E. Talbot Conservation Area
(DD) Wilhemina Conservation Area
(EE) Wolf Bayou Conservation Area

(4) Deer may be hunted, under statewide seasons and limits, only by archery and muzzleloader methods on the department areas listed below:

(A) Belcher Branch Conservation Area
(B) Bethel Prairie Conservation Area
(C) Big Creek Conservation Area
(D) Buffalo Wallow Conservation Area
(E) Bushwhacker Lake Conservation Area
(F) Clear Creek Conservation Area
(G) Comstock Prairie Conservation Area
(H) Crooked River Conservation Area
(I) Four Rivers Conservation Area (Unit 4)
(J) Grandfather Prairie Conservation Area
(K) Harmony Mission Conservation Area
(L) Hi Lonesome Prairie Conservation Area
(M) King Lake Conservation Area
(N) Lester R. Davis Memorial Forest
(O) Little Compton Lake Conservation Area
(P) Osage Prairie Conservation Area
(Q) Pa Sole Prairie Conservation Area
(R) Paint Brush Prairie Conservation Area
(S) Peabody Conservation Area
(T) Pony Express Lake Conservation Area
(U) Edward B. and Marie O. Risch Conservation Area
(V) Settle's Ford Conservation Area
(W) Shawnee Trail Conservation Area
(X) Stony Point Prairie Conservation Area
(Y) Taberville Prairie Conservation Area
(Z) Twenty-Five Mile Prairie Conservation Area
(AA) Frank E. Wagner Conservation Area
(BB) Wah-Kon-Tah Prairie (portion north of Highway 82))

Deer may be hunted on department areas as authorized in the annual *Fall Deer and Turkey Hunting Regulations and Information booklet*. This publication is incorporated by reference. A copy of this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180,

Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED RESCISSION

3 CSR 10-11.183 Managed Deer Hunts. This rule provided for managed deer hunts on Department of Conservation areas.

PURPOSE: This rule is being incorporated into provisions of 3 CSR 10-7.436 Deer: Managed Hunts.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Rescinded: Filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to amend sections (2) and (6).

PURPOSE: This amendment establishes and/or changes provisions for the use of boats and motors on lakes under cooperative management with the department.

(2) Boats are prohibited on the following areas:

(G) Farmington [City Lake] (Giessing Lake, Hager Lake and Thomas Lake)

(H) Jackson (Rotary [Park] Lake)

(L) Jennings (Koeneman Park Lake)

[(L)] (M) Mexico (Kiwanis Lake)

[(M)] (N) Mineral Area College (Quarry Pond)

[(N)] (O) Mount Vernon (Williams Creek Park Lake)

[(O)] (P) Overland (Wild Acres Park Lake)

[(P)] (Q) Potosi (Roger Bilderback Lake)

[(Q)] (R) Rolla (Schuman Park Lake)

[(R)] (S) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)

[(S)] (T) St. Louis County (Bee Tree Lake)

[(T)] (U) Sedalia (Clover Dell Park Lake, Liberty Park Pond)

[(U)] (V) University of Missouri (South Farm R-1 Lake)

(6) Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:

[(H)] *LaBelle City Lake*

[(I)] (H) Marceline [*City Lake*] (**Marceline City Lake, Old Marceline City Reservoir**)

[(J)] (I) Mark Twain National Forest (Council Bluff Lake, Palmer Lake)

[(K)] (J) Memphis (Lake Showme)

[(L)] (K) Milan (Elmwood Lake)

[(M)] (L) Monroe (Route J Reservoir)

[(N)] (M) Watkins Woolen Mill State Park and Historic Site (Williams Creek Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed May 9, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.115 Bullfrogs and Green Frogs. The commission proposes to amend subsections (1)(A) and (B).

PURPOSE: This amendment corrects the names of various city lakes and outlines methods to take frogs on various lakes managed under cooperative agreement by the department.

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, gig, longbow, snagging, snaring, grabbing or pole and line except as further restricted by this chapter.

(A) Longbows may not be used to take frogs on the following areas:

1. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake)

2. Farmington [*City Lake*] (**Giessing Lake, Hager Lake and Thomas Lake**)

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

4. James Foundation (Scioto Lake)

5. Mark Twain National Forest (department managed portions)

6. Mexico (Lakeview Lake, Kiwanis Lake)

7. Moberly (Rothwell Park Lake, Water Works Lake)

(B) Only pole and line may be used to take frogs on the following areas:

1. Bridgeton (Kiwanis Lake)

2. Butler City Lake

3. Jennings (Koeneman Park Lake)

[/3./]4. Kirkwood (Walker Lake)

[/4./]5. Mineral Area College (Quarry Pond)

[/5./]6. Overland (Wild Acres Park Lake)

[/6./]7. Potosi (Roger Bilderback Lake)

[/7./]8. St. Charles (**Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake**)

[/8./]9. St. Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake)

[/9./]10. Sedalia (Clover Dell Park Lake, Liberty Park Pond)

[/10./]11. Warrensburg (Lion's Lake)

[/11./]12. Wentzville (Community Club Lake)

[/12./]13. Windsor (Farrington Park Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.125 Hunting and Trapping. The commission proposes to amend subsections (1)(B) and (D) and sections (2) and (3).

PURPOSE: This amendment modifies hunting and trapping regulations on areas managed under cooperative agreement by the department.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Hunting, under statewide permits, seasons, methods and limits, is permitted except as further restricted in this chapter **and except for deer hunting as authorized in the annual Fall and Turkey Hunting Regulations and Information booklet. This publication is incorporated by reference. A copy of this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.**

(B) Hunting is prohibited on the following areas:

1. Thomas S. Baskett Wildlife Research and Education Center

2. Bethany (Old Bethany City Reservoir)
3. Bridgeton (Kiwanis Lake)
4. California (Proctor Park Lake)
5. Carthage (Kellogg Lake)
6. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake)
7. Dexter City Lake
8. Farmington [*City Lake*] (**Giessing Lake, Hager Lake and Thomas Lake**)
9. Hamilton City Lake
10. Harrisonville (North Lake)
11. Jackson (Rotary [*Park*] Lake)
12. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Fleming Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
13. James Foundation (Scioto Lake)
14. Jamesport City Lake
15. Lawson City Lake
16. Mexico (Lakeview Lake, Kiwanis Lake)
17. Mineral Area College (Quarry Pond)
18. Moberly (Rothwell Park Lake, Water Works Lake)
19. Mount Vernon (Williams Creek Park Lake)
20. Overland (Wild Acres Park Lake)
21. Potosi (Roger Bilderback Lake)
22. Rolla (Schuman Park Lake)
23. St. Charles (**Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake**)
24. St. Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake)
25. Savannah City Lake
26. Sedalia (Clover Dell Park Lake)
27. Springfield City Utilities (Lake Springfield)
28. Warrensburg (Lion's Lake)
29. Windsor (Farrington Park Lake)

[(D)] Firearms deer hunting is prohibited on *Butler City Lake*.]

[(E)](D) Hunting is prohibited on Maysville (Willow Brook Lake), except waterfowl hunting is permitted under statewide regulations.

[(F)](E) On Mingo National Wildlife Refuge:

1. [*Deer and t*]Turkey during the fall archery season and [*turkey during the*] spring firearms season may only be taken under statewide regulations in designated areas by hunters properly registered at the refuge or Duck Creek Conservation Area.

2. Squirrels may only be taken from the fourth Saturday in May through September 30 in designated areas by hunters properly registered at the refuge or Duck Creek Conservation Area.

3. Waterfowl hunting is prohibited after 1:00 p.m. and on December 25.

4. Waterfowl may be taken only by holders of a valid area daily hunting tag and only from a blind or in a designated area, except that hunters may retrieve dead birds and pursue and shoot downed cripples outside the designated area.

5. Waterfowl hunters must check out immediately after the close of their hunting trip and prior to processing birds.

6. Nonhunters are prohibited within the shooting areas during the waterfowl hunting season unless they are members of and remain with a party authorized to use the area, except that portions of these areas may be open to fishing during all or part of the waterfowl season.

7. Hunting of wildlife other than waterfowl is prohibited, except in designated areas, from October 15 through the end of the prescribed waterfowl season.

[(G)](F) On the portion of Melvin Price Locks and Dam Pool 26, which has been designated a waterfowl refuge, shooting, hunting and off-road vehicles are prohibited at all times.

[(H)](G) Waterfowl hunting is prohibited after 1:00 p.m. on Odessa (Odessa City Lake, Upper Odessa City Lake).

(2) [*Managed deer hunts, with commission approval, may be held on any area managed by the department under cooperative agreement. Participants of managed hunts must possess a Managed Deer Hunting Permit.*] **Deer may be hunted on any area managed by the department under cooperative agreement and as authorized in the annual *Fall Deer and Turkey Hunting Regulations and Information* booklet.**

(3) Trapping is allowed only with a special use permit. Trappers must comply with Chapter 8 of [*the Wildlife*] **this Code.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City MO, 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.140 Fishing, Daily and Possession Limits. The commission proposes to delete section (4), amend sections (2), (8), (11), (12) and (13), add section (15) and renumber sections accordingly.

PURPOSE: This amendment modifies fishing regulations on various lakes managed under cooperative agreement by the department.

(2) The daily limit for black bass is two (2) on the following lakes:

- (M) Jennings (Koeneman Park Lake)**
- [(M)](N)* Kirksville (Hazel Creek Lake)
- [(N)](O)* Kirkwood (Walker Lake)
- [(O)](P)* Mexico (Teal Lake)
- [(P)](Q)* Mineral Area College (Quarry Pond)
- [(Q)](R)* Overland (Wild Acres Park Lake)
- [(R)](S)* Potosi (Roger Bilderback Lake)
- [(S)](T)* St. Charles (**Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake**)
- [(T)](U)* St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- [(U)](V)* St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)
- [(V)](W)* Unionville (Lake Mahoney)
- [(W)](X)* University of Missouri (South Farm R-1 Lake)
- [(X)](Y)* Warrensburg (Lion's Lake)

[(Y)](Z) Watkins Mill State Park Lake
 [(Z)](AA) Wentzville (Community Club Lake)
 [(AA)](BB) Windsor (Farrington Park Lake)

[(4)] The daily limit for bullhead catfish is ten (10) on the following lakes:

- (A) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (B) Ferguson (January-Wabash Lake)
- (C) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (D) St. Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

[(5)](4) The daily limit for carp is four (4) on the following lakes:

- (A) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (B) Ferguson (January-Wabash Lake)
- (C) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (D) St. Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

[(6)](5) The daily limit for channel catfish, blue catfish and flathead catfish in the aggregate is four (4).

[(7)](6) The daily limit for crappie is fifteen (15) on the following lakes:

- (A) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (B) Ferguson (January-Wabash Lake)
- (C) Kirksville (Hazel Creek Lake)
- (D) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (E) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)
- (F) Springfield City Utilities (Fellows Lake)

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

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

[(10)](9) The daily limit for bluegill is five (5) on University of Missouri (McCredie Lake).

[(11)](10) The daily limit for bluegill is ten (10) on Columbia (Stephens Lake).

[(12)](11) The daily limit for other fish as designated in 3 CSR 10-6.550 is twenty (20) in the aggregate, except on the following lakes where the daily limit in the aggregate is ten (10), and except for those fish included in (4), [(5),] (8), (9),[,] and (10) [and (11)] of this rule:

- (A) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (B) Bridgeton (Kiwaniis Lake)

(C) Ferguson (January-Wabash Lake)
 (D) Jennings (Koeneman Park Lake)

[(D)](E) Kirkwood (Walker Lake)

[(E)](F) Mineral Area College (Quarry Pond)

[(F)](G) Overland (Wild Acres Park Lake)

[(G)](H) Potosi (Roger Bilderback Lake)

[(H)](I) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)

[(I)](J) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

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

[(K)](L) Wentzville (Community Club Lake)

[(13)](12) Trout must be returned to the water unharmed immediately after being caught from November 1 through January 31 on the lakes listed below. Trout may not be possessed on these waters during this season.

(A) Columbia (Cosmo-Bethel Lake)

(B) Jackson (Rotary Lake)

(C) Jefferson City (McKay Park Lake)

[(C)](D) Kirkwood (Walker Lake)

[(D)](E) Overland (Wild Acres Park Lake)

[(E)](F) St. Louis City (Jefferson Lake)

[(F)](G) St. Louis County (Tilles Park Lake)

[(14)](13) No person shall continue to fish for any species after having [(five (5))] four (4) trout in possession from November 1 through January 31 on the following lakes:

(A) Ballwin (Vlasis Park Lake)

(B) Ferguson (January-Wabash Park Lake)

(C) St. Louis City (Boathouse Lake and O'Fallon Park Lake)

(D) St. Louis County (Suson Park Lakes No. 1, 2, and 3)

[(15)](14) On St. Charles County (Henry's Pond), fish must be returned to the water unharmed immediately after being caught.

(15) No person shall continue to fish for any species after having four (4) trout in possession, from February 1 through October 31, on the following lakes:

(A) Kirkwood (Walker Lake)

(B) Overland (Wild Acres Park Lake)

(C) St. Louis City (Jefferson Lake)

(D) St. Louis County (Tilles Park Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.145 Fishing, Length Limits. The commission proposes to amend sections (2), (3) and (6).

PURPOSE: This amendment modifies fishing regulations on various lakes managed under cooperative agreement by the department.

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Arrow Rock State Historic Site (Big Soldier Lake)
2. Bethany (Old Bethany City Reservoir)
3. Big Oak Tree State Park (Big Oak Lake)
4. Butler City Lake
5. California (Proctor Park Lake)
6. Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)
7. Carthage (Kellogg Lake)
8. Columbia (Stephens Lake)
9. Concordia (Edwin A. Pape Lake)
10. Confederate Memorial State Historic Site lakes
11. Dexter City Lake
12. Hamilton City Lake
13. Harrison County Lake
14. Higginsville City Lake
15. Holden City Lake
16. Iron Mountain City Lake
17. Jackson (Rotary [Park] Lake)
18. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
19. Jefferson City (McKay Park Lake)
20. Lancaster (New City Lake)
21. Macon (Blees Lake)
22. Maysville (Willow Brook Lake)
23. Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake)
24. Mineral Area College (Quarry Pond)
25. Pershing State Park ponds
26. Potosi (Roger Bilderback Lake)
27. University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake)
28. Warrensburg (Lion's Lake)
29. Watkins Mill State Park Lake
30. Windsor (Farrington Park Lake)

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

1. Ballwin (New Ballwin Lake, Vlasis Park Lake)
2. Bridgeton (Kiwani's Lake)
3. Columbia (Twin Lake)
4. Ferguson (January-Wabash Lake)
- 5. Jennings (Koeneman Park Lake)**
 - /5./6. Kirksville (Hazel Creek Lake)
 - /6./7. Kirkwood (Walker Lake)
 - /7./8. Overland (Wild Acres Park Lake)
 - /8./9. St. Charles (**Fountain Lakes Pond**, Kluesner Lake, **Moore Lake, Skate Park Lake**)
 - /9./10. St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake,

Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

/10./11. St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes, No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

/11./12. Unionville (Lake Mahoney)

/12./13. University of Missouri (South Farm R-1 Lake)

/13./14. Wentzville (Community Club Lake)

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

[(F)](E) There is no length limit on black bass on Cuivre River State Park (Lincoln Lake) and Lewis County Public Water Supply District #1 (Ewing Lake).

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

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

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed July 31, 2002, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions**

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to amend section (25), add a new section (52) and renumber accordingly.

PURPOSE: This amendment corrects the scientific name of walleye, sauger and their hybrids and adds the term transgenic.

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

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

(52) Transgenic: Any organism, or progeny thereof, that contains DNA from a species that was not a parent of that organism.

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

[(53)](54) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

[(54)](55) Ungulate: Hoofed animals.

[(55)](56) Waters of the state: All rivers, streams, lakes and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

[(56)](57) Zoo: Any publicly-owned facility, park, building, cage, enclosure or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 8, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

4 CSR 60-4.010. Original rule filed Nov. 12, 1997, effective May 30, 1998. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Oct. 15, 2004.

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

PRIVATE COST: This proposed amendment will cost private entities an estimated one thousand one hundred dollars (\$1,100) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Barber Examiners, Darla L. Fox, Executive Director, PO Box 1335, Jefferson City, MO 65102 or at barber@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 60—State Board of Barber Examiners
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 60-1.025 Fees. The board is proposing to add new language in subsection (1)(G).

PURPOSE: This amendment establishes a name search fee with the Highway Patrol.

(1) The following fees are established by the State Board of Barber Examiners and are payable in the form of a cashier's check, money order, or personal check:

(G) Name Search Fee
(as determined by the Missouri State Highway Patrol)

AUTHORITY: section 328.060.1, RSMo 2000 and 610.026, RSMo Supp. 2004. The material covered in this rule was previously filed as

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 60 - State Board of Barber Examiners

Chapter 1 - Organization and Description of Board

Proposed Amendment - 4 CSR 60-1.025 Fees

Prepared October 6, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Annual Costs Beginning in FY05

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the amendment by affected entities:
220	Applicants (Name Search Fee - \$5)	\$1,100
	Estimated Annual Cost of compliance for the Life of the Rule	\$1,100

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY04 actuals and FY05 projections.
2. The Missouri Highway Patrol establishes the name search fee, therefore, applicants may incur a variance in cost should those fees be increased or decreased.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 340—School Improvement and Accreditation**

PROPOSED RESCISSION

5 CSR 50-340.150 Priority Schools. This rule established procedures to improve student performance in lower performing schools.

PURPOSE: This rule is being rescinded because passage of Senate Bill 1080 amended legislation which served as the basis for the rule.

AUTHORITY: sections 160.720 and 161.092, RSMo Supp. 2002. Original rule filed Oct. 29, 2002, effective June 30, 2003. Rescinded: Filed Oct. 12, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Attn: Ginny Vandelicht, Assistant Director, MO School Improvement Program, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 340—School Improvement and Accreditation**

PROPOSED RULE

5 CSR 50-340.150 Priority Schools

PURPOSE: This rule establishes procedures to improve student performance in lower performing schools.

(1) The Department of Elementary and Secondary Education (DESE) shall designate priority school buildings or attendance centers (priority school(s)).

(A) During the first year of implementation, all schools previously designated academically deficient will be designated priority schools.

(B) Designation of priority schools is based upon the following criteria:

1. Beginning September 1, 2006, Title I schools in school improvement which meet any of the following:

A. Have assessment performance index scores for required subject areas in the bottom five percent (5%) of the state population for two (2) successive years;

B. Have a school attendance rate of less than ninety percent (90%) for two (2) successive years;

C. Have a graduation rate and placement rate below seventy percent (70%) for two (2) successive years; or

D. Are identified persistently dangerous pursuant to state regulation.

(C) Priority schools must exceed the designation criteria for two (2) successive years to have the priority school designation removed.

(2) The board of education of any district that contains a priority school(s) shall submit a school improvement plan for each priority school that provides for the following:

(A) Identification of the areas of academic deficiency in student performance on the required statewide assessments established pursuant to state law by disaggregating scores based upon school, grade, academic content area and student demographic subgroups;

(B) Implementation of research-based strategies to assist the priority school in addressing the areas of deficiency;

(C) Alignment of the priority school's curriculum to address deficiencies in student achievement; and

(D) Reallocation of district resources to address the areas of deficiency, which shall include focusing available funding on high quality professional development in the areas of deficiency.

(3) For priority schools designated as a result of low student achievement, the school improvement plan must include the components outlined above. Priority schools identified for other reasons must submit a school improvement plan which includes the components outlined above with the exception of identification of the areas of academic deficiency in student performance on the required statewide assessment and alignment of the priority school's curriculum to address deficiencies in student achievement.

(4) The State Board of Education (board) may appoint a team to provide an educational audit of any priority school.

(A) Priority schools may request services for an educational audit upon designation to assist in identification of factors contributing to the designation and make recommendation to address those factors. Any school maintaining priority school status more than two (2) years will be identified for a required educational audit.

(B) The educational audit may coincide with the scheduled Missouri School Improvement Program (MSIP) review for the district in which the building is located. If the priority school is located within a district which has been waived from an on-site MSIP review, the priority school is not waived from the educational audit.

(C) The educational audit team shall report its findings to the board and the local board of education. The board may require all or part of the team's findings to be addressed in the comprehensive school improvement plan.

(5) Local boards of education in districts with priority schools must submit the school improvement plan(s) to DESE on or before August 15 following the school year of designation. In the case where an educational audit has occurred, the findings of the audit must be addressed in that plan.

(A) DESE shall review and identify areas of concern in the school improvement plan within sixty (60) days of receipt of the plan.

(B) Changes to the school improvement plan shall be forwarded to DESE within sixty (60) days of notice to the district of the areas of concern.

(C) DESE shall withhold funds pursuant to state law from any school district that fails to submit a school improvement plan based upon the standards and timelines.

(6) All school buildings and attendance centers declared to be priority schools must be listed in the district's annual school accountability report distributed pursuant to state law.

AUTHORITY: sections 160.720, RSMo Supp. 2004 and 161.092, RSMo Supp. 2003. Original rule filed Sept. 25, 1987, effective Jan. 29, 1988. Amended: Filed Sept. 27, 1995, effective March 30, 1996. Rescinded and readopted: Filed Oct. 12, 2004.

PUBLIC COST: This proposed rule is estimated to cost public school districts twenty thousand dollars (\$20,000) and Department of Elementary and Secondary Education one hundred seventeen thou-

sand dollars (\$117,000) for Fiscal Year 2005 with the cost recurring annually over the life of the rule.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attn: Ginny Vandelicht, Assistant Director, MO School Improvement Program, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 – Department of Elementary and Secondary Education

Division: 50 – School Improvement

Chapter: 340 - School Improvement and Accreditation

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 50-340.150 Priority Schools

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated of Compliance in the Aggregate
Public Elementary & Secondary School Districts	\$20,000 for Fiscal Year 2005 with the cost recurring annually over the life of the rule.
Department of Elementary & Secondary Education	\$117,000 for Fiscal Year 2005 with the cost recurring annually over the life of the rule.

III. WORKSHEET

Development of Required Plans	\$ 250	x 80 priority schools	\$ 20,000
DESE Staff Costs – 2 FTE (Director & Support Staff)			\$ 67,000
Audit Teams Costs	\$2,000	x 25	\$ 50,000
TOTAL			\$137,000

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 670—Educator Recruitment and Retention**

PROPOSED RULE

5 CSR 80-670.100 Missouri Classroom Teacher Job-Sharing Provision

PURPOSE: To facilitate job-sharing positions for classroom teachers.

(1) The Missouri classroom Teacher Job-Sharing Provision provides that an eligible position is:

(A) A classroom teaching position that is shared by two (2) employees;

(B) Both individuals shall be employed at least seventeen (17) hours per week but not more than twenty (20) hours per week; and

(C) At least seventy percent (70%) of employee time spent in classroom instruction.

(2) Participants in job sharing shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. The pro rata basis shall be based on district policy for full-time employees.

(3) Job sharing positions shall not include instructional support or school services positions including, but not limited to, guidance counselor, media coordinator, psychologist, social worker, audiologist, speech and language pathologists, and nursing positions.

AUTHORITY: sections 161.092 and 168.303, RSMo Supp. 2003. Original rule filed Oct. 12, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.020 Terms; Defined. The Missouri Division of Fire Safety is amending section (1).

PURPOSE: This amendment expands the definition of an amusement ride.

(1) The following definitions shall be used in interpreting this Act unless the context otherwise requires:

(A) Amusement ride—any of the following, which is primarily for the purpose of giving its patrons amusement, pleasure,

thrills, or excitement, and which is open to the general public excluding skill teaching, exercise, and team building:

1. [any] Any mechanical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area [for the purpose of giving its passengers amusement, pleasure, or excitement];

2. Any dry slide over twenty feet (20') in height;

3. Any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device, except hayrack rides, those used solely for transporting patrons to and from parking areas, or those used for guided or educational tours, but does not necessarily follow a fixed or restricted course;

4. Any bungee cord attraction or similar elastic device;

5. Any climbing wall over ten feet (10') in height except for not-for-profit entities that follow the YMCA Services Corporation's Climbing Walls Safety Guidelines or the Boy Scouts of America Guidelines;

(B) Board—the amusement ride safety board established in section 316.204, RSMo;

[(B)](C) Department—the Department of Public Safety;

[(C)](D) Designee—an individual acting under the authority of the Office of the State Fire Marshal;

[(D)](E) Director—the director of the Department of Public Safety;

[(E)](F) Division—Division of Fire Safety, Office of the State Fire Marshal;

[(F)](G) Operator—a person or the agent of a person who owns or controls, or has the duty to control, the operation of an amusement ride or related electrical equipment;

[(G)](H) Owner—a person who owns, leases, controls or manages the operations of an amusement ride and may include the state or any political subdivision of the state;

[(H)](I) Qualified inspector—any person who is—

1. Found by the director to possess the requisite training and experience in respect to amusement rides to perform competently the inspection/investigation required by the Missouri Amusement Ride Safety Act; or

2. Be certified by the National Association of Amusement Ride Safety Officials (NAARSO) to have and maintain at least a level one certification;

[(I)](J) Related electrical equipment—any electrical apparatus or wiring used in connection with amusement rides;

[(J)](K) Safety rules—the rules and regulations governing a rider's conduct on an amusement ride, provided such rules and regulations are prominently displayed at or near the entrance to, or loading platform for, the amusement ride;

[(K)](L) Serious incident—any single incident where three (3) or more persons are immediately transported to a licensed off-site medical care facility for treatment of an injury as a direct result of being on, or the operation of, the amusement ride;

[(L)](M) Serious physical injury—a patron personal injury immediately reported to the owner or operator as occurring on an amusement ride and which results in death, dismemberment, significant disfigurement or other significant injury that requires immediate inpatient admission and twenty-four (24) hour hospitalization under the care of a licensed physician for other than medical observation; and

[(M)](N) Stop order—a written and/or verbal order issued by a qualified inspector, state fire marshal or designee for the temporary immediate cessation of the operation of any amusement ride.

AUTHORITY: section 316.206, RSMo 2000. Original rule filed March 1, 1999, effective Sept. 30, 1999. Amended: Filed April 2, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 15, 2004.

PUBLIC COST: This proposed amendment will not cost state agen-

cies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities between one thousand seven hundred twenty-five dollars (\$1,725) and three thousand five hundred twenty-five dollars (\$3,525) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
 PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 40-6.020 Terms; Defined
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
115	Amusement ride owners	\$1,725 - \$3,525

III. WORKSHEET

Dry Slide compliance (85) x \$15 operating permit = \$1,275
 Tram ride compliance (50) x \$15 operating permit = \$750
 Bungee device compliance (50) x \$15 = \$750
 Non-mechanical climbing walls (50) x \$15 = \$750

An amusement ride company may own more than one of each of these devices.

IV. ASSUMPTIONS

It is estimated that 75% of the (115) amusement ride companies operating in Missouri operate a dry slide defined by this rule amendment, therefore, it is estimated that (85) dry slides will now be required to comply with the inspection/permitting process.
 It is estimated that there will be (50) amusement rides classified as a "tram" that will now be required to comply with the inspection/permitting process, however, there is no historical information available.
 It is estimated that there will be (50) bungee devices that will now be required to comply with the inspection/permitting process, however, there is no historical information available.
 It is estimated that there will be (50) non mechanical belay system climbing walls that now will be required to comply with the inspection/permitting process, however, there is no historical information available.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.025 Exemptions. The Missouri Division of Fire Safety is amending section (1).

PURPOSE: This amendment expands the types of devices that are exempt from this Act.

- (1) The following rides are exempt from the provisions of this Act:
- (A) Unpowered, non-mechanical playground equipment including but not limited to: swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and trampolines; *and*
 - (B) Any single passenger manually, mechanically, or electrically operated, coin-actuated ride, which is customarily placed singly, or in groups, in a public location and which does not normally require the supervision or services of an operator/.
 - (C) Water slide;
 - (D) Dry slide less than twenty feet (20') in height;
 - (E) Tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device used solely for transporting patrons to and from parking areas, or those used for guided/educational tours;
 - (F) Any climbing wall less than ten feet (10') in height;
 - (G) Any climbing wall owned by a not-for-profit entity that follows the YMCA Services Corporation's Climbing Walls Safety Guidelines or the Boy Scouts of America Guidelines; and
 - (H) Temporary structures, including but not limited to fun-houses, haunted houses, etc. without mechanical components.

AUTHORITY: section 316.206, RSMo [Supp. 1998] 2000. Original rule filed March 1, 1999, effective Sept. 30, 1999. Amended: Filed Oct. 15, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.031 Amusement Ride Inspection. The Missouri Division of Fire Safety is amending sections (1), (2) and (4), and adding new sections (6) and (7).

PURPOSE: This amendment changes the permit expiration date, requires a state inspection checklist to be submitted, increases the permit fee for the state operating permit, identifies minimum inspection guidelines and authorizes spot safety inspections to include a reinspection if applicable.

(1) No amusement ride shall operate in Missouri without a current state operating permit issued by the division. *[Each calendar year a]* An amusement ride owner shall apply for an operating permit to the division on a form furnished by the division and containing such information as the division may require. Such permit is valid for *[current calendar year]* **twelve (12) months from the date of issuance** and is not transferable.

(2) State operating permit(s) shall be issued by the division upon receipt of the following:

(B) Completed Amusement Ride Inspection Report signed by an approved qualified inspector, **to include a state inspection checklist;**

(D) Permit fee of *[fifteen dollars [(\$15)]* **thirty dollars (\$30)** per ride.

(4) Upon the sale or transfer of a state permitted amusement ride the current permit holder shall notify the division in writing within five (5) working days of such transaction and provide information concerning the recipient. The state permit inspection decal shall be removed or obliterated before the ride is sold or transferred by the permit holder. **The new owner shall comply with the inspection/permit process as outlined in this rule.**

(6) The inspection required in section 316.210.1(1), RSMo shall be conducted at a minimum to meet the manufacturer's or engineer's specifications and to follow the applicable national standards.

(7) The department or designee may conduct a spot safety inspection of any amusement ride at any time that is operating or that is setting up to operate in this state. Upon discovery of a hazardous or unsafe condition, a temporary suspension of the operating permit will occur. The amusement ride shall not be allowed to be operated until a reinspection by the division is performed. **The reinspection fee shall be based upon an hourly rate of thirty dollars (\$30).**

AUTHORITY: section 316.206, RSMo 2000. Original rule filed April 2, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 15, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions one hundred twenty-two thousand eighty-two dollars (\$122,282) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities thirty-six thousand one hundred fifty dollars (\$36,150) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
 PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 40-6.031
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Division of Fire Safety	\$122,282

III. WORKSHEET

House Bill 1403 (2004) established a spot safety inspection procedure for the Division of Fire Safety. To comply with this inspection procedure Division staff will conduct periodic safety inspections of amusement rides operating in the state. Two additional FTE were approved in the Division's FY05 budget to perform these inspections as well as inspections under the Elevator Safety program.

Two (2) FTE - Total Personal Services \$67,584

E & E appropriation - \$54,698 (includes (2) vehicles, (2) computers, travel expenses, training/certification costs, etc)

IV. ASSUMPTIONS

Division staff will be conducted periodic safety inspections on amusement rides operating in Missouri. Noncompliance safety issues identified during these inspections may result in a temporary suspension of the state operating permit and would require a complete safety inspection be conducted before the ride would be allowed to operate. It is estimated that approximately (200) such inspections will result in safety violations that require a reinspection by the Division. Reinspection rates are \$30 per hour with an average inspection taking approximately 1 1/2 hours. Funds collected from these inspections are deposited in the Elevator Safety Fund to assist in replenishing the funds expended by the Division to administer the program.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 40-6.031
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1235	Amusement Rides	\$36,150

II. WORKSHEET

Approximately 1,235 amusement rides x \$15 fee increase = \$18,525

Approximately 235 more rides will be required to be inspected (per rule 11 CSR 40-6.020) by third party state approved inspectors at an average cost of \$75.00 per ride.

235 rides x \$75.00 = \$17,625

IV. ASSUMPTIONS

An average of 1,000 amusement ride permits are issued on an annual basis. Changes to this rule will add another \$15.00 cost for each state operating permit. With changes to the definition of an amusement ride as noted in another rule, this may add approximately (235) more rides required to obtain a state operating permit.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED RULE

11 CSR 40-6.033 Itinerary Required

PURPOSE: This rule requires each amusement ride company/owner to provide the Missouri Division of Fire Safety with an itinerary of their event dates and locations in the state.

(1) The owner of a portable amusement ride(s) shall file with the division an annual event itinerary on a division form indicating the information listed below at least fourteen (14) days prior to the first scheduled setup or within five (5) days when cancellations or additional locations occur:

- (A) Name of amusement ride owner/company;
- (B) Name of carnival, fair, or activity sponsor;
- (C) Address and telephone number of the site or event sponsor;
- (D) Event date(s) open to the public;
- (E) Date of setup; and
- (F) Name of the amusement ride company contact person on-site.

AUTHORITY: section 316.206, RSMo 2000. Original rule filed Oct. 15, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.040 Liability Insurance—Amusement Rides Owner; Required. The Missouri Division of Fire Safety is amending section (1).

PURPOSE: This amendment requires submission of a certificate of liability insurance to the division with the division listed as a certificate holder.

(1) No amusement ride shall be operated unless at the time of operation there is in existence—

(A) A policy of insurance written by an insurance company authorized to do business in this state in an amount not less than one (1) million dollars per occurrence against liability for injury to persons arising out of the operation of the amusement ride **and the owner shall provide a certificate of liability insurance to the division with the Missouri Division of Fire Safety listed as a certificate holder;** or

AUTHORITY: section 316.206, RSMo 2000. Original rule filed March 1, 1999, effective Sept. 30, 1999. Amended: Filed April 2, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 15, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.075 Owner; Maintain Records. The Missouri Division of Fire Safety is amending section (1).

PURPOSE: This amendment specifies testing recommended by the manufacturer to include nondestructive testing and defines what documentation shall be made available and the period of time such documentation shall be maintained by the amusement ride company.

(1) The owner of an amusement ride shall maintain the following records and make them available to the division and/or the contracted qualified inspector:

(B) Tests recommended by the manufacturer, **to include but not limited to nondestructive testing**, shall be recorded and a copy made available to the division and/or contracted qualified inspector. Evidence of satisfactory test results shall be recorded on a form or statement by one (1) of the following:

- 1. The manufacturer of the ride;
- 2. An insurance carrier lawfully doing business in Missouri and carrying public liability insurance on the ride; or
- 3. A registered licensed professional engineer; and

(C) A complete history file, to include **current owner's manual, any operational manuals or maintenance guides, complete maintenance, inspection, accident, and testing records** for each amusement ride shall be maintained *[on the premises or with a traveling amusement ride]* **by the company** for at least three (3) years. The **current year's history file shall be available on-site and the owner shall make such records available to the division or his/her designee or qualified inspector upon request. Failure to have, maintain, or make available for review the materials described above constitutes grounds for the division to temporarily suspend a ride's operating permit during the term of failure or refusal.**

AUTHORITY: section 316.206, RSMo 2000. Original rule filed March 1, 1999, effective Sept. 30, 1999. Amended: Filed April 2, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 15, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

PROPOSED AMENDMENT

11 CSR 40-6.080 Operator; Requirements. The Missouri Division of Fire Safety is amending section (4).

PURPOSE: This amendment requires verification to be provided upon request in relation to amusement ride operator training.

(4) The operator shall be trained in the proper use and operation of the amusement ride as provided for in American Society of Testing and Materials F770 and American Society of Testing and Materials F853. **Verification of such training shall be made available upon request.**

AUTHORITY: section 316.206, RSMo 2000. Original rule filed March 1, 1999, effective Sept. 30, 1999. Amended: Filed April 2, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 15, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization**

PROPOSED AMENDMENT

12 CSR 30-3.010 Appeals From the Local Board of Equalization. The commission is amending subsection (1)(C) and section (8).

PURPOSE: This amendment expands the ability of taxpayers and other entities to file correspondence with the commission through various electronic means.

(1) Every owner of real property or tangible personal property shall have the right to appeal from the decision of the local board of equalization, upon compliance with the following rules:

(C) Any complaint shall be served upon the State Tax Commission personally to any commissioner or to the administrative secretary of the commission, by certified, registered, regular, private carrier service mail or *[facsimile]* **electronic** transmission addressed to the State Tax Commission in Jefferson City. **For purposes of this rule, electronic transmission shall mean facsimile transmission or e-mail.**

1. If personal service is made, it may be proven by the affidavit of any person competent to testify, or by the official certificate of any officer authorized under the laws of Missouri to execute process. In determining whether complaints personally served are filed within the time prescribed by law, the date on which personal service is obtained shall be deemed to be the date the complaint is filed with the commission.

2. In determining whether complaints are filed within the time prescribed by law, the complaints may be transmitted to the commission by registered, certified, or regular mail or by private carrier service. Complaints filed by registered or certified mail shall be deemed filed with the commission as of the date deposited with the United States Postal Service. Complaints filed by private carrier service shall be deemed filed as of the date shown by the record of the mailing. Complaints filed by regular or metered mail shall be deemed filed on the date of post office cancellation; or three (3) days before the date the commission receives the complaints if there is no dated post office cancellation.

3. In determining whether complaints filed by *[facsimile]* **electronic** transmission are filed within the time prescribed by law, complaints so filed shall be deemed filed with the commission as of the date the *[facsimile]* **electronic** transmission is received by the commission. A complaint filed by *[facsimile]* **electronic** transmission shall have the same effect as the filing of an original document and *[a facsimile]* **an electronic** signature shall have the same effect as an original signature;

(8) Any complaint, correspondence, routine motion or application for review shall be accepted for filing by *[facsimile]* **electronic** transmission. *[Facsimile]* **Electronic** filings received by the commission before 5:00 p.m. of a regular workday are deemed filed as of that day. Filings received after 5:00 p.m. are deemed filed on the next regular commission workday. Time of receipt is determined by the commission's facsimile machine or computer. The time when transmission began shall be used to determine if transmission occurred prior to 5:00 p.m. If a document is not received by the commission or if it is illegible, it is deemed not filed. Risk of loss in transmission, receipt or illegibility is upon the party transmitting and filing by *[facsimile]* **electronic** transmission. **The person filing a complaint, correspondence, motion, application for review or other filing by electronic transmission shall retain the signed filing and make it available upon order of the commission.**

AUTHORITY: section 138.430, RSMo 2000. This rule was previously filed as 12 CSR 30-2.030. Original rule filed Dec. 13, 1983, effective March 12, 1984. Amended: Filed April 21, 1988, effective Sept. 11, 1988. Rescinded and readopted: Filed May 14, 1991, effective Oct. 31, 1991. Amended: Filed Aug. 23, 1995, effective Jan. 30, 1996. Rescinded and readopted: Filed June 12, 2002, effective Nov. 30, 2002. Amended: Filed Oct. 7, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Secretary, State Tax Commission of Missouri, 621 East Capitol Avenue, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization**

PROPOSED AMENDMENT

12 CSR 30-3.020 Intervention. The commission is amending the Purpose and sections (1) and (2).

PURPOSE: The purpose of this amendment is to clarify the procedure which permits a nonparty to present information related to an appeal before the commission.

PURPOSE: This rule [distinguishes between the right to be heard and the right to intervene in contested cases before the commission and the procedure for intervening] establishes the procedure for nonparties to appear and be heard and for intervention.

(1) All persons affected or liable to be affected by review by the commission of any assessment, whether or not they are made parties to the appeal by intervention, may [appear and be heard at any evidentiary hearing of an appeal as provided by section 138.470(1), RSMo] submit a memorandum setting forth their position on the issue(s) in the given appeal, and serve a copy of same upon counsel for the parties or upon the parties if there is no counsel. However, nonparties are not entitled to notice of hearings and decisions, except as provided generally by section 610.020, RSMo, unless they are made designated persons by the complainants as provided by section 536.067(3), RSMo. Nonparties are not entitled to take depositions, nor entitled to the issuance of subpoenas **nor to introduce exhibits, testify, or cross-examine witnesses.**

(2) Any person may apply for leave to intervene in any contested case before the commission by serving a motion for leave to intervene upon all then existing parties and upon the commission. The motion shall state the grounds for it and whether the applicant is seeking to intervene on behalf of the complainant or the respondent. The motion shall be filed within [thirty (30)] **sixty (60)** days of the time of the notice of institution of the case. Oral argument will be scheduled by the commission on the motion only if there is a written objection to the intervention filed by any party not later than fifteen (15) days after the filing of the motion to intervene. Upon its own motion, the commission, in any case, may order that oral argument be had on the issue of the proposed intervention. A separate motion must be filed for each contested case in which an applicant seeks to intervene.

AUTHORITY: sections 138.430 and 536.063(1), RSMo [1986] 2000 and Article X, section 14, Mo. Const. 1945. This rule was previously filed as 12 CSR 30-2.050. Original rule filed Dec. 13, 1983, effective March 12, 1984. Amended: Filed Oct. 7, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Secretary, State Tax Commission of Missouri, 621 East Capitol Avenue, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization**

PROPOSED AMENDMENT

12 CSR 30-3.050 Procedure: Motions and Stipulations. The commission is amending sections (1) and (8).

PURPOSE: This amendment expands the ability of taxpayers and other entities to file correspondence with the commission through various electronic means.

(1) Any party filing a written motion or other writing subsequent to the original [petition] **complaint** shall serve a copy of that writing upon the attorney of record for all remaining parties or upon the party him/herself if there is no attorney of records. Service shall be made by delivering a copy of the writing to the attorney or party—by leaving a copy of that writing with personnel at the attorney's office, by transmitting a copy by [facsimile] **electronic** transmission provided the filing party subsequently mails a copy of the writing to the attorney or party, or by mailing a copy of the writing. **The person filing a motion, or other writing by electronic transmission shall retain the signed filing and make it available upon order of the commission.**

(8) Any complainant may make a written request for a voluntary dismissal of an appeal **at any time prior to the issuance of a decision and order by the hearing officer.** [and all] The parties to an appeal may stipulate and agree as to proper assessed value for the subject property, subject to a confirmation by this commission, prior to the issuance of a final decision and order. [Stipulations which propose a fifteen percent (15%) or greater change in the board of equalization's assessment on the commercial portion of an appeal must include a brief explanation of the factual basis for the proposed commercial assessment.]

AUTHORITY: section 138.430, RSMo [1994] 2000 and Article X, section 14, Mo. Const. 1945. This rule was previously filed as 12 CSR 30-2.070. Original rule filed Dec. 13, 1983, effective March 12, 1984. Amended: Filed April 21, 1988, effective Sept. 11, 1988. Amended: Filed May 14, 1993, effective Jan. 13, 1994. Amended: Filed Aug. 23, 1995, effective Jan. 30, 1996. Amended: Filed Oct. 7, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Secretary, State Tax Commission of Missouri, 621 East Capitol Avenue, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.010 Definitions Relating to Child Care Facilities. This rule defined the terms used in the rules for license-exempt child care facilities.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.010. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.010 July 30, 1998. Emergency amendment filed March 1,

2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Senior Services and Regulation Chapter 60—Rules for Inspected Child Care Facilities

PROPOSED RULE

19 CSR 30-60.010 Definitions

PURPOSE: This rule defines terms used in regulating inspected child care facilities for fire, safety, health and sanitation as required by section 210.252, RSMo.

- (1) "Adult" is any individual eighteen (18) years of age and older.
- (2) "Approved child care space" is indoor and outdoor space for children's use that has been inspected and meets rules for inspected facilities.
- (3) "Background check" is a process required in sections 210.254 and 210.900, RSMo for screening for a history of criminal record; probable cause finding of child and elder abuse/neglect; foster parent licensure denials, revocations and suspensions; child care facility license denials, revocations and suspensions; the Department of Mental Health's employee disqualification registry; and residential living facility and nursing home license denials, revocations, suspensions and probationary status.
- (4) "Bureau" is the Bureau of Child Care in the Department of Health and Senior Services.
- (5) "Capacity" is the maximum number of children who may be in the care of the child care facility at any one time whether on or off the premises.
- (6) "Caregiver" is any individual who is responsible for assuring the health and safety of children in a child care facility.
- (7) "Caregiver/child ratio" is the number of caregivers in relation to the number and ages of children in care as listed on the religious organization's Notice of Parental Responsibility.
- (8) "Change of ownership" is a transfer of controlling legal or controlling equitable interest and authority in a child care facility resulting from a sale or merger of the child care facility.
- (9) "Child" is an individual who is under seventeen (17) years of age.

(10) "Child care" is the responsibility for assuring the health and safety of a child away from his/her own home for any part of the twenty-four (24)-hour day for compensation or otherwise.

(11) "Child care facility," also referred to as facility, is a house or other place conducted or maintained by any person who advertises or holds him/herself out as providing care for more than four (4) children, for compensation or otherwise, with exceptions noted in section 210.201(2), RSMo.

(12) "Department" is the Missouri Department of Health and Senior Services.

(13) "Designee" is an individual who is given written authorization from the owner or the principal operating officer to act on their behalf in conducting regulatory activity with the bureau.

(14) "Department director" is the director of the Missouri Department of Health and Senior Services.

(15) "Facility director," hereafter referred to as director, is the individual responsible for and in charge of the day-to-day child care operation.

(16) "Family Care Safety Registry," hereafter referred to as FCSR, is a unit within the Missouri Department of Health and Senior Services that collects official background screening information pursuant to section 210.485, RSMo.

(17) "Grandfather (GF) clause" is the bureau's provision per statute to allow a facility to continue compliance with a previously promulgated rule and partial or full exemption from a new requirement.

(18) "Infant" is any child under twelve (12) months of age.

(19) "Inspected facility" is a child care facility for more than four (4) children that is exempt from licensure but must meet fire, health/sanitation, and safety requirements.

(20) "Kindergarten" is an educational program offered for children who are at least five (5) years of age and not yet in first grade.

(21) "Licensed facility" is a child care facility for more than four (4) children that must have a license to operate per section 210.211, RSMo.

(22) "Local health agency" is an organization operated by a city or county that enforces local public health codes and ordinances and provides other public health related services.

(23) "Notice of Parental Responsibility" is written information provided by a facility operated by a religious organization to the parent and the bureau pursuant to section 210.254, RSMo.

(24) "Nursery school" is a facility with the primary function of providing an educational program for preschool children for no more than four (4) hours per child per day.

(25) "Owner" is the person who has controlling legal authority for establishing, maintaining and operating a nursery school that is subject by statute to inspection.

(26) "Parent, legal guardian, or legal custodian," hereafter referred to as "parent," is an individual who has legal and/or physical custody of a child enrolled at a child care facility.

(27) "Person" is any adult, firm, corporation, association, institution, or other incorporated or unincorporated organization.

(28) "Personnel," also referred to as staff, is any employee or volunteer who works in any capacity at a child care facility.

(29) "Physical plant" is a building or the inspected areas within a building that houses a child care facility. This includes the architectural, structural, mechanical, electrical, plumbing, sanitation and fire protection elements of the building.

(30) "Premises" is all parts of a house(s), dwelling(s) or building(s) and its adjoining land.

(31) "Preschool child" is any child two through five (2-5) years of age who is not attending kindergarten.

(32) "Principal operating officer" is the individual primarily responsible for a religious organization who has legal authority and responsibility for establishing, maintaining and operating a religious operated facility that is subject by statute to inspection.

(33) "Related" is any of the following relationships by marriage, blood or adoption between the owner and the children in care: parent, grandparent, great-grandparent, brother, sister, step-parent, step-brother, step-sister, uncle, aunt, niece, or nephew.

(34) "Religious organization" is an entity that has or would qualify for federal exempt status as a nonprofit religious organization under exempt status as a nonprofit religious organization under section 501(c) of the *Internal Revenue Code* or an entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

(35) "Religious organization academic preschool" is a child care program provided exclusively for four (4)-and five (5)-year-old children that is operated by a religious organization.

(36) "School-age child" is a child five (5) years of age or older who is attending kindergarten or above.

(37) "School system" is a program established primarily for education and which meets the following criteria:

- (A) Provides education in at least one (1) grade;
- (B) Provides evidence that the school system's records and grades will be accepted by a public or private school for the transfer of any student.

(38) "Toddler" is a child twelve to twenty-four (12-24) months of age.

AUTHORITY: section 210.252.5, RSMo 2000. This rule was previously filed as 19 CSR 40-60.010. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.010 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded and readopted: Filed Oct. 15, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after

publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.015 Exemption of Child Care Facilities

PURPOSE: This rule explains the basis and procedure by which a facility may qualify for exemption from licensure.

(1) A child care facility is exempt from licensure if it is under the exclusive control of an entity that qualifies for exemption per sections 210.201(2) and 210.211, RSMo.

(2) When a nonreligious organization provides child care through an arrangement with a religious organization to maintain or operate a child care facility, the facility is not under the exclusive control of the religious organization and does not qualify for exemption from licensure under section 210.211(5), RSMo.

(3) If the person(s) operating the facility claims exemption from licensure, s/he shall file all information requested by the department to confirm the exemption from licensing before caring for more than four (4) children per section 210.211, RSMo.

(4) The owner of a facility that is determined to be exempt from licensing may waive exemption and apply for voluntary licensure. These facilities shall comply with all licensing rules.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.020 Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures. This rule established how a facility director would apply for annual fire safety and health and sanitation inspections and how the inspections were conducted.

PURPOSE: The Department of Health and Senior Services is discontinuing this practice; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.020. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.020 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twelve thousand four hundred seventy-six dollars (\$12,476) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two thousand one hundred sixteen dollars (\$2,116) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Senior Services and Regulation Chapter 60—Rules for Inspected Child Care Facilities

PROPOSED RULE

19 CSR 30-60.025 Process for Determination of Exemption from Licensure

PURPOSE: This rule sets forth the steps to determine if a child care facility is exempt from licensure.

(1) To be determined exempt from licensure, the owner of a nursery school or the principal operating officer of a facility operated by a religious organization shall submit documentation of the facility's legal and organizational structure and other information as required by the department. Religious organizations shall provide written proof of their 501(c) status or eligibility for 501(c) status and shall notify the department if that status changes.

(2) The department shall review the information submitted by the facility. The department shall issue an official written decision to the owner or principal operating officer that the facility is subject to licensure; subject to inspection; or not subject to regulation by the department.

(3) The owner or principal operating officer shall notify the bureau when there is a change in the owner; principal operating officer; or legal entity having control of the facility.

(4) When a nursery school or a facility operated by a religious organization has a change of ownership, the new owner or principal operating officer shall apply for a license or shall submit documentation for a determination of exemption from licensure.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

**FISCAL NOTE
 PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.025 Process for Determination of Exemption from Licensure
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$12,476 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (12\%) \times (2\%) = \$12,476$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.
- CCFS III (12) 480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 2% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
 PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.025 Process for Determination of Exemption from Licensure
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by Class which would likely be affected By the adoption of the proposed rule:	Classification by types of the business Entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the effected entities:
89	Inspected Child Care Facilities	\$2,116.00 annually

III. WORKSHEET

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Aggregate Cost

89 X (3) X (\$8.00) = \$2,116.00 Total Aggregate Cost

IV. ASSUMPTIONS

- a. Currently the Bureau of Child Care (BCC) has determined 565 inspected facilities to be compliant with Rules for License-Exempt Child Care Facilities. These 565 facilities will not be affected by this proposed rule per a "Grandfather Clause" section that protects these providers from assuming new financial costs for this rule.
- b. It is estimated that the BCC will receive 89 regulatory determination requests during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
- c. Director's annual salary is estimated at \$16,640 per year. This salary equates to a salary of \$8.00 per hour.
- d. It is estimated that it will take three (3) hours to complete the forms, collect the required documentation and submit this information to the BCC.
- e. Future year calculations assume a 3% growth rate in both salary and inspected facility applications.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.030 Local Inspections. This rule established criteria for local health departments to conduct health and safety inspections and for local fire districts to conduct fire safety inspections of license-exempt child care facilities.

PURPOSE: Missouri statute clearly addresses this procedure, making the rule unnecessary; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.030. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.030 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.035 Notice of Parental Responsibility

PURPOSE: This rule specifies written information that an inspected facility operated by a religious organization shall provide to a parent and the Bureau of Child Care per section 210.254, RSMo.

(1) The owner of a religious operated child care facility shall provide a Notice of Parental Responsibility to parents which shall include:

(A) Notification that the facility is exempt from state licensing requirements;

(B) Notification that the facility has been inspected and is in compliance with fire, safety, health and sanitation requirements;

(C) The names, addresses and telephone numbers of agencies that inspect the facility for fire, safety, health and sanitation and the date of the most recent inspection by each;

(D) The caregiver/child ratios required by the Department of Health and Senior Services regulations in licensed facilities: for enrolled children under two (2) years of age; for children ages two to four (2-4); and for those five (5) years of age and older;

(E) The standard ratio of caregivers to number of children for each age level maintained in the facility and the total number of children to be enrolled by the facility;

(F) Notification that Background Checks:

1. Have been conducted on each individual caregiver and all other personnel at the facility at the time of employment and every two (2) years thereafter; and

2. Include a screening for child abuse or neglect through the Family Support Division and a criminal record review through the Missouri Highway Patrol pursuant to section 43.540, RSMo;

(G) The disciplinary philosophy and policies of the child care facility; and

(H) The educational philosophy and policies of the child care facility.

(2) The facility shall comply with statements on the Notice of Parental Responsibility.

(3) The facility shall provide copies of the Notice of Parental Responsibility as follows:

(A) At least five (5) days before the facility begins to provide care for more than four (4) children, the owner and principal operating officer shall sign and file a Notice of Parental Responsibility with the bureau;

(B) When a child is enrolled, the director shall provide the parent with two (2) copies of the Notice of Parental Responsibility. The parent shall sign one (1) copy for placement in the child's file to indicate that the enrolling parent acknowledges, by signature, that s/he has read and accepted the information contained in the Notice of Parental Responsibility; and

(C) Annually, during the month of August, the principal operating officer shall sign and file a Notice of Parental Responsibility with the bureau.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-nine thousand nine hundred four dollars (\$49,904) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities thirty-eight thousand seven hundred twenty dollars (\$38,720) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
 PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.035 Notice of Parental Responsibility
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$49,904 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$(\$5,198,340) \times (12\%) \times (8\%) = \$49,904.$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 8% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60. 035 Notice of Parental Responsibility
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
484	Inspected Child Care Facilities	\$38,720.00 annually

III. WORKSHEET

(Number of currently approved) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(484) X (10) X (\$8.00) = \$38,720.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) approved 484 inspected facilities in FY04.
2. Facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour).
3. It is estimated that it will take the facility director ten (10) hours to complete and update the annual Notice of Parental Responsibility forms, have them signed by parents, submit this information to the BCC, and maintain files at the facility.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED RESCISSION

19 CSR 30-60.040 Variance Requests. This rule established procedure for a facility director to request a variance from any portion of the rules of this chapter.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.040. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.040 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Rescinded: Filed Oct. 15, 2004.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 60—Rules for Inspected Child Care Facilities**

PROPOSED RULE

19 CSR 30-60.045 Initial Annual Inspection

PURPOSE: This rule sets forth the procedure for the first-time inspection process of a facility subject to these rules to determine compliance with fire, safety, health and sanitation requirements.

(1) The bureau may inspect the entire premises of the facility for health and sanitation.

(2) The owner or principal operating officer shall submit the following to the bureau:

(A) Notice of Parental Responsibility as required in section 210.254, RSMo and 19 CSR 30-60.040;

(B) A floor plan/indoor diagram of the facility that designates child care space and shows the location of rooms, toilet(s), diapering surface(s), hand washing facilities, kitchen, doorway(s) and exits;

(C) A diagram of the outdoor play area in relation to the children's exit from the facility, the placement of permanently installed equipment and the location of fencing and gates;

(D) Evidence of compliance, if applicable, with local building and zoning requirements;

(E) A sample menu, if food is served.

(3) The following documentation shall be on file at the facility:

(A) Files for personnel that include:

1. Medical examination reports and Mantoux tuberculin skin tests as required by 19 CSR 30-60.150;

2. Required results of background checks through the Family Care Safety Registry as defined in sections 210.254 and 210.900, RSMo including child abuse/neglect and criminal record checks.

A. These background checks shall be conducted for each individual caregiver and all other personnel at the facility.

B. These background checks shall be conducted at the time of employment and every two (2) years thereafter; and

(B) A file for each child that includes:

1. A medical examination report completed within thirty (30) days following the admission of each child as required by 19 CSR 30-60.140;

2. Immunization record or record of exemption from immunizations; and

3. A dated copy of the Notice of Parental Responsibility signed by the parent for children enrolled at a facility operated by a religious organization.

(4) The building and premises of the facility shall be inspected for fire and safety by the state fire marshal or fire marshal designee.

(5) The building and premises of the facility shall be inspected for health and sanitation by the bureau or bureau designee.

AUTHORITY: section 210.252.5, RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions one hundred twenty-four thousand seven hundred sixty dollars (\$124,760) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two thousand one hundred sixty dollars (\$2,160) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
 PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.045 Initial Annual Inspection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$124,760 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Inspected Facilities) X (% Total Inspected Facility work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (12\%) \times (20\%) = \$124,760.$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.

• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	23,460.
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	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. Inspected Facility programs represent approximately 12% of the BCC total regulatory work.
6. This rule represents 20% of the total Inspected Facilities work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
 PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-60.045 Initial Annual Inspection
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
9	Inspected Child Care Facilities	\$2,160.00 annually

III. WORKSHEET

(Number of affected facilities) X (Hours of work) X (Cost per hour) = Total Aggregate Cost

$(9) \times (30) \times (\$8.00) = \$2,160.00$

IV. ASSUMPTIONS

1. This proposed rule will not affect the 484 currently inspected facilities.
2. It is estimated that 9 new inspected facilities will be approved by the BCC during the next twelve (12) month period. This is based on review of approval statistics for inspected facilities over the past twelve (12) months.
3. BCC estimates it will take each facility director thirty (30) hours to complete the initial annual inspection process.
4. Facility director's annual salary is estimated at \$16,640 per year (\$8.00 per hour).
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in facility director's salary.