

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

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

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 65—Endowed Care Cemeteries Chapter 1—Organization and Description

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration under sections 214.280 and 214.392, RSMo Supp. 2003, the division withdraws a proposed rescission as follows:

4 CSR 65-1.020 Cemetery Advisory Committee is **withdrawn**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1161). The proposed rescission is withdrawn.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 65—Endowed Care Cemeteries Chapter 1—Organization and Description

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration under sections 214.270 and 214.392, RSMo Supp. 2003, the division withdraws a proposed amendment as follows:

4 CSR 65-1.030 Definitions is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1161). The proposed amendment is withdrawn.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 65—Endowed Care Cemeteries Chapter 1—Organization and Description

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration under sections 214.392 and 620.010.15(6), RSMo Supp. 2003, the division withdraws a proposed amendment as follows:

4 CSR 65-1.050 Complaint Handling and Disposition is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1161-1162). The proposed amendment is withdrawn.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 65—Endowed Care Cemeteries Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration under section 214.275, RSMo Supp. 2003, the division withdraws a proposed amendment as follows:

4 CSR 65-2.010 Application for a License is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1162). The proposed amendment is withdrawn.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 90—State Board of Cosmetology Chapter 2—Cosmetology Schools

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.040, 329.050 and 329.210, RSMo Supp. 2003 and 329.120 and 329.230, RSMo 2000, the board amends a rule as follows:

4 CSR 90-2.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2004 (29 MoReg 1292-1298). Those sections with changes have been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Four (4) comments were received.

COMMENT: Joseph A. Nicholson, President, Missouri Association of Cosmetology Schools submitted a comment regarding paragraph

(2)(A)5. Mr. Nicholson requested clarification of when the list be submitted; when the school originally opens or each time a school renews their license, or each time the kit changes? If a school chooses to use community supplies as opposed to individual kits, how will this affect those particular schools? In general, the Missouri Association of Cosmetology Schools would support this regulation for schools that are not accredited, however, schools that are already accredited comply with this type of regulation. The National Accrediting Commission of Cosmetology Arts & Sciences (NAC-CAS) handbook of Standards and Criteria, Standard VIII, Criteria I states that "The school makes available to students textbooks, supplementary instructional materials, and equipment needed to fulfill program and course requirements." The association feels that a rule as specific as this one will greatly constrict the ways that accredited schools can deliver education to their students. Many schools use community supplies and then as a reward for completing the freshman program or even graduation, reward the student with their own individual kit. In some cases we have schools that do this at no charge.

RESPONSE AND EXPLANATION OF CHANGE On September 20, 2004 the board reviewed all comments received regarding the proposed amendment. The board voted to make changes referring to the time frame in which students shall receive textbooks and student kits.

COMMENT: Joseph A. Nicholson, President, Missouri Association of Cosmetology Schools submitted a comment regarding paragraph (2)(A)9. The association agrees with this proposed rule change for non-accredited schools. However, accredited schools are already held to strict guidelines and criteria about their curriculum and lesson planning by their accrediting body. If schools were forced to submit these lessons plans would it be a matter of simply submitting them or would they have to be approved. If they had to be approved, who would it be that was approving them? Would the board contract with someone that has at least a Master's degree in education to look over and approve these?

RESPONSE: On September 20, 2004 the board reviewed all comments received pertaining to the proposed amendment. The board determined that the basis for the comments made regarding school accountability appears to be self-serving on behalf of the accredited schools licensed in Missouri. Chapter 329, RSMo does not require cosmetology schools to be accredited by any accrediting agency; therefore, the board maintains that all schools licensed pursuant to Chapter 329, RSMo should be held to the same accountability.

COMMENT: Cheryl Barnett, Vice President, House of Heavilin Beauty Colleges submitted a comment concerning subparagraph (4)(A)5.E. Ms. Barnett stated that under "School Requirement," the amendment states that the school shall employ and have present a minimum of one (1) licensed instructor for every twenty-five (25) students enrolled and scheduled to be in attendance. Section 329.040, RSMo clearly specifies that schools of cosmetology employ and have present a licensed instructor for every twenty-five (25) students in attendance and one to ten (1-10) additional student may be in attendance with the assistant of an instructor trainee. Ms. Barnett requested the amendment be changed to conform to section 329.040, RSMo.

COMMENT: Joseph A. Nicholson, President, Missouri Association of Cosmetology Schools submitted a comment regarding subparagraph (4)(A)5.E. The association appreciates that the board is sensitive to the different needs of our educational institution in allowing this flexibility for our students. The association would prefer that the student ratio mentioned in this proposal be changed to twenty-five (25) students present to one (1) licensed instructor.

COMMENT: Joseph A. Nicholson, President, Missouri Association of Cosmetology Schools submitted a comment regarding paragraph (5)(C)1. The association disagrees with this rule. Lesson plans that are used in an educational institution for programs or for particular

classes may not be made by the instructor that is teaching that course. The school may have standardized lesson plans or even have a curriculum developer or director of education that is responsible for preparing the institution's lesson plans. Submitting one (1) lesson plan for one (1) class would not give anybody an accurate description of what type of curriculum is being delivered in that institution. **RESPONSE:** On September 20, 2004 the board reviewed all comments received pertaining to the proposed amendment. The board determined that the basis for the comments made regarding school accountability appears to be self-serving on behalf of the accredited schools licensed in Missouri. Chapter 329, RSMo does not require cosmetology schools to be accredited by any accrediting agency; therefore, the board maintains that all schools licensed pursuant to Chapter 329, RSMo should be held to the same accountability.

COMMENT: Cheryl Barnett, Vice President, House of Heavilin Beauty Colleges submitted a comment concerning subsection (5)(E). Ms. Barnett stated that accredited cosmetology schools must already account for completion, licensure and placement rates to a nationally accrediting agency. These rates are reported on an annual basis to the accrediting agency, who in turn verifies the reported rates. Special low outcomes requirements are placed on schools not meeting the minimum required standards. The standards are set by the accrediting agency, National Accrediting Commission of Cosmetology Arts & Sciences (NACCAS), and are based on many years of data from hundreds of schools throughout the country. These accountability standards should apply only to those schools who are not accredited and therefore are not monitored by another agency or be eliminated entirely. It is Ms. Barnett's understanding that accountability requirements were to be set out because of changes in the law to allow for credit hours. If this is the case, then why not apply them to unaccredited, credit hour schools only? At the very least the required percentages should match those of the accrediting agency, sixty percent (60%) and not be for first time candidates only.

COMMENT: Gina Kinion, President, Elaine-Steven Beauty College submitted a comment regarding subsection (5)(E). Ms. Kinion requested to know who would be monitoring the pass/fail rate of schools for written and practical. She feels that the office should be monitoring this situation and not the entire board. If the entire board monitors the situation and it is handled in closed session, any school owners on the board could use this information (unfairly) as a marketing tool. If this situation is going to be handled by the board, then this should be done in open session for all to hear.

COMMENT: Joseph A. Nicholson, President, Missouri Association of Cosmetology Schools submitted a comment regarding subsection (5)(E). The association would support this regulation if it applied only to non-accredited schools. Accredited institutions are already required to meet certain benchmarks concerning pass/fail rates, placement rates, and completion rates. It is unclear in the proposed rule how this would be monitored, what the formula would be, who would have access to this information and what would be done with the information.

RESPONSE: On September 20, 2004 the board reviewed all comments received pertaining to the proposed amendment. The board determined that the basis for the comments made regarding school accountability appears to be self-serving on behalf of the accredited schools licensed in Missouri. Chapter 329, RSMo does not require cosmetology schools to be accredited by any accrediting agency; therefore, the board maintains that all schools licensed pursuant to Chapter 329, RSMo should be held to the same accountability.

COMMENT: Cheryl Barnett, Vice President, House of Heavilin Beauty Colleges submitted a comment concerning paragraph (7)(U)1. Ms. Barnett stated that the language should be clear that this means only the basic cosmetology textbook. Ms. Barnett stated that their school, and many other who use the Pivot Point System, issues a large number of books. Although the basic textbook is issued on the first day of school, other books that they choose to provide are

issued as that class session is scheduled. Certain other books are issued during the freshman classroom and others, such as *“Long Hair Design”* and *“People Skills”* are issued and training when the student is scheduled for the particular class.

COMMENT: Joseph A. Nicholson, President, Missouri Association of Cosmetology Schools submitted a comment regarding paragraph (7)(U)1. The association does support the fact that textbooks should not be copied, however, there are already copyright laws in place to prevent this from happening. There does not need to be a regulation added to the books to deal with this problem. The proposed regulation that states the students shall receive textbooks within forty-eight (48) hours of a start date the association disagrees with. Some schools give students textbooks at the appropriate time during their training. If a student were to start school on a Friday under this regulation, the school would have to issue the book to the student on a Sunday. The issue that a textbook has to be new is also a concern to the association. Public schools all across the United States issue textbooks over and over to students. The issuance of textbooks and how this is done will have no effect on the quality of education that a student receives.

COMMENT: Margaret Tingler, Owner, Paris II Educational Center submitted a comment regarding subparagraph (7)(U)1.A. Ms. Tingler stated that Paris II distributes new textbooks and several handouts on the first day of school to new students for all programs. Students are required to sign for the books to show receipt.

RESPONSE AND EXPLANATION OF CHANGE: The board concurred and made changes to the section (7).

COMMENT: Cheryl Barnett, Vice President, House of Heavilin Beauty Colleges submitted a comment concerning paragraph (7)(Z)2. Ms. Barnett presumes the amendment was intended to mean start date rather than enrollment date, since many students enroll several months before the start date. Ms. Barnett suggested that this portion of the amendment should be entirely omitted. Schools need to be able to choose whether to maintain all working equipment for students to use or whether to issue a kit. House of Heavilin Schools maintain all equipment for classrooms and clinic for cosmetology students to use and we issue the student a kit upon graduation. This has been very nice for the students because they graduate with a brand new kit ready for the state board examination, rather than with a kit needing replenishment due to lost or stolen items or heavy usage. In addition, our schools maintain a tidier appearance without kits sitting everywhere and the sanitary condition of the kits is not an issue. Ms. Barnett further stated they do not contractually charge the cosmetology student for a kit. They do issue kits to their manicuring students. That cost is reflected in the contract, and those kits are issued on the first day of training. Although Ms. Barnett would like to see this portion of the amendment eliminated entirely, she requested that the text of the rule refer to the contractual agreement between the student and the school to determine whether or not the school charges for a kit and if it does, when the contract states that it is to be issued to the student. Instead of requiring new schools to submit a list detailing all implements and equipment that will be issued in student kits, the board could require new and renewal schools to submit a list detailing all implements and equipment that will either be issued in student kits or available at the school for student use.

COMMENT: Gina Kinion, President, Elaine-Steven Beauty College submitted a comment regarding paragraph (7)(Z)2. Ms. Kinion stated some schools may not give a student a kit until they graduate and questioned whether the amendment was saying that schools are now required to give a kit. She didn't think the board should mandate when a school gives students their kits, as long as the school has sufficient supplies to provide everything a student needs without making the student purchase their own items.

COMMENT: Margaret Tingler, Owner, Paris II Educational Center submitted a comment regarding subparagraph (7)(U)1.A. Ms. Tingler stated as cosmetology students begin practicals they are required to sign out a school kit. The school kit contains all the

implements needed for their mannequin work. Thirty (30) days into the program the school kit is checked back in and the students are given brand new kits, complete with appliances, implements and equipment needed to work on clients. Paris II is an accredited school that participates in Title IV financial aid programs. Student loans may not be drawn down on students until they have been in school thirty (30) days. If the schools can no longer delay the delivery of the kits, the student's up front cost would increase. This policy allows students to use loan funds to cover kit costs and the school is not left hanging with the cost of the kit if the student does not complete thirty (30) days. In addition, the United States Department of Education's Return to Federal Funds (Refund) policy no longer addresses the institutional costs for books and kits. In many cases, refunds made to the Title IV programs are very large and very little is retained to cover tuition, books and kits. By waiting thirty (30) days to distribute cosmetology kits, students do not owe such a large balance to the school, because more Title IV aid is retainable and the school is not left hanging with the cost of the kit. The nail technicians and basic manicuring students are issued their kit after one (1) week. For the first week they are using school implements, products, equipment and supplies to practice manicures and pedicures on each other. At the beginning of the second week, they reach a point when they need the implements, products, equipment and supplies included in the kit. Esthetic students do not need a kit until they are ready to graduate. The practical and clinic floor is set up with all necessary equipment, supplies, implements and products that are needed to teach the students and for their practicals and clinicals. Under these circumstances, the students do not need a kit while in school. However, Paris II does provide a "State Board Kit" at the end of the program. This kit contains most of the products, implements and supplies necessary for each task assigned by the board.

COMMENT: Joseph A. Nicholson, President, Missouri Association of Cosmetology Schools submitted a comment regarding subparagraph (7)(U)1.A. The association would rather a student use a quality piece of used equipment over a cheap new piece of equipment. Whether equipment is used or new has no bearing on what type of education the student is receiving. The association feels that the issuance of kits within forty-eight (48) hours is an unreasonable request to place upon schools. How and when schools issue kits should be an internal school decision.

RESPONSE AND EXPLANATION OF CHANGE: On September 20, 2004 the board reviewed all comments received regarding the proposed amendment. The board voted to make changes referring to the time frame in which students shall receive textbooks and student kits.

COMMENT: Joseph A. Nicholson, President, Missouri Association of Cosmetology Schools submitted a comment regarding subsection (11)(A). The association feels that the primary responsibility of the state inspector should be sanitation.

RESPONSE: On September 20, 2004 the board reviewed all comments received. The board determined that the basis for the remainder of the comments made regarding school accountability appears to be self-serving on behalf of the accredited schools licensed in Missouri. Chapter 329, RSMo does not require cosmetology schools to be accredited by any accrediting agency; therefore, the board maintains that all schools licensed pursuant to Chapter 329, RSMo should be held to the same accountability.

4 CSR 90-2.010 Schools

(4) School License.

(A) Each license for a school of cosmetology issued by the board shall be valid only for the premises located at that address and board-approved ownership as provided in the initial application for the school. If at any time during the license period, the physical plant or operation of a school is moved to a new address, if ownership is transferred, or if substantial interest fifty-one percent (51%) or more

of a partnership or corporation is altered in a way as to affect the registered ownership, then the license for the school shall become void. It shall be the responsibility of the holder of the license of the school to notify the board of any changes.

1. If there is to be a change in a substantial interest of a partnership or corporation, which affects the registered ownership, the owner(s) shall make application in accordance with 4 CSR 90-2.010(2).

2. If there is to be a change in a minority interest of a partnership or corporation which does not affect the registered ownership, it shall be the responsibility of the holder(s) of the school license to submit a sworn affidavit to the board as notification of the change and to supply a full listing of partners/shareholders and ownership percentages of each.

3. If the physical plant or operation of a school is to be moved to a new address, it shall be the responsibility of the holder(s) of the school license prior to reopening at the new location to submit an application for change of location on a form supplied by the board accompanied by a floor plan of the new facility giving dimensions and square footage, the school's license and the duplicate license fee; have the new facility inspected and approved by the board; and have received the license from the board for the new facility.

4. If the name of a school is to be changed by the owner(s), the change may be made on the renewal application for the school or, if at any time during the license period, the owner(s) shall submit a change of name request on a form supplied by the board, accompanied by the school's license and the duplicate license fee.

5. Satellite classrooms.

A. Purpose. Satellite classrooms may only be used for teaching purposes. Students are prohibited from providing services to or demonstrations on the public in a satellite classroom.

B. Eligibility. Any licensed school may apply for the addition of a satellite classroom.

C. Location. Satellite classrooms must be located within a one (1)-mile radius of the existing school.

D. Equipment and floor space.

(I) Satellite classrooms shall be equipped with at least one (1) restroom for student use.

(II) Satellite classrooms shall be equipped with a sufficient number of tables and chairs to accommodate the number of students in attendance in each class.

(III) Schools shall post a sign on the outside of each entrance into a satellite classroom, which reads, "Satellite Classroom for Students and Licensed Instructors Only."

(IV) Satellite classrooms shall have a minimum of five hundred (500) square feet for classroom instruction for up to twenty (20) students. For each additional student, satellite classrooms must have at least an additional fifty (50) square feet. Schools may not include the square footage of the satellite classroom to meet the minimum square footage requirements set forth in section 329.040, RSMo.

E. Instructors. In addition to the requirements set forth in 4 CSR 90-2.010(5)(C), there must be at least one (1) licensed instructor present in the satellite classroom any time students are present. If, at any time, twenty-six (26) or more students are in attendance in the satellite classroom, at least two (2) licensed instructors must be present in the satellite classroom.

F. Inspection. Satellite classrooms are subject to inspection in the same manner as the existing school. Schools are required to post the satellite classroom license in plain view within the satellite classroom at all times.

G. Application for licensure. If a satellite classroom is to be added, it shall be the responsibility of the holder(s) of the school license prior to opening the satellite classroom to submit an application for the addition of a satellite classroom on a form supplied by the board accompanied by a floor plan of the satellite classroom giving dimensions and square footage, and the satellite classroom application fee; have the satellite classroom inspected and approved by the

board; and have received the satellite classroom license from the board.

(7) Minimum Equipment and Training Supplies. All schools of cosmetology in Missouri shall have on hand and maintain in good working condition at all times the following equipment and training supplies:

(U) A reference library for students containing the following suggested materials: textbooks on the theory in cosmetology for each student, textbooks on shop management and buying, textbooks on psychology of salesmanship, a collegiate dictionary, a beauty culture dictionary, trade magazines and other materials as deemed necessary and reasonable by the State Board of Cosmetology.

1. Textbooks, if necessary for coursework, for each student. Textbooks provided must be new; photocopies are not acceptable.

A. Students shall receive primary textbooks within forty-eight (48) hours of start date;

(Z) Individual student kit materials for each student enrolled which shall include thermal equipment and other equipment as deemed necessary and reasonable by the State Board of Cosmetology.

1. All implements and equipment contained in the student kits must be new.

2. Students shall receive student kits prior to the completion of their training.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 90—State Board of Cosmetology Chapter 2—Cosmetology Schools

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.040 and 329.210, RSMo Supp. 2003 and 329.120, 329.230 and 329.250 RSMo 2000, the board amends a rule as follows:

4 CSR 90-2.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2004 (29 MoReg 1299). The section with changes has been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: Margaret Tingler, Owner, Paris II Educational Center submitted a comment regarding paragraph (3)(P)1. Ms. Tingler stated the nail technicians and basic manicuring students are issued their kit after one (1) week. For the first week they are using school implements, products, equipment and supplies to practice manicures and pedicures on each other. At the beginning of the second week, they reach a point when they need the implements, products, equipment and supplies included in the kit.

RESPONSE AND EXPLANATION OF CHANGE: On September 20, 2004 the board reviewed all comments received pertaining to the proposed amendment. The board voted to make the above changes referring to the time frame in which students shall receive textbooks and student kits.

4 CSR 90-2.020 Manicuring Schools

(3) Minimum equipment and training supplies for manicuring schools shall be—

(P) A reference library for students containing the following suggested materials: textbooks on theory in manicuring for each student,

textbooks on shop management and buying, textbooks on psychology of salesmanship, a collegiate dictionary, a beauty culture dictionary, trade magazines and other materials as deemed necessary and reasonable by the board. Textbooks, if necessary for coursework, for each student. Textbooks provided must be new, photocopies are not acceptable.

1. Students shall receive primary textbooks within forty-eight (48) hours of enrollment;

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 2—Cosmetology Schools

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.040, 329.050 and 329.210, RSMo Supp. 2003 and 329.120 and 329.230, RSMo 2000, the board amends a rule as follows:

4 CSR 90-2.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2004 (29 MoReg 1299). The section with changes has been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: Margaret Tingler, Owner, Paris II Educational Center submitted a comment regarding subsection (4)(N). Ms. Tingler stated esthetic students do not need a kit until they are ready to graduate. The practical and clinic floor is set up with all necessary equipment, supplies, implements and products that are needed to teach the students and for their practicals and clinicals. Under these circumstances, the students do not need a kit while in school. However, Paris II does provide a "State Board Kit" at the end of the program. This kit contains most of the products, implements and supplies necessary for each task assigned by the board.

RESPONSE AND EXPLANATION OF CHANGE: On September 20, 2004 the board reviewed all comments received pertaining to the proposed amendment. The board voted to make the above changes referring to the time frame in which students shall receive textbooks and student kits.

4 CSR 90-2.030 Esthetic Schools

(4) Minimum Equipment and Training Supplies. Esthetic schools in Missouri shall have on hand and maintain in good working condition at all times the following equipment and training supplies:

(N) A reference library for students as provided in 4 CSR 90-2.010(7) in addition to textbooks on theory in esthetics. Textbooks, if necessary for coursework, for each student. Textbooks provided must be new; photocopies are not acceptable.

1. Students shall receive primary textbooks within forty-eight (48) hours of start date;

(V) Individual student kit materials for each student enrolled which shall include the following materials: skin cleanser, skin freshener, moisturizer, foundation (light, medium and dark), concealer (light, medium and dark), blusher (light, medium and dark), eye liner pencil, liquid or cream mascara, wedge sponges, powder brush, contour brush, applicators, plastic spatulas, and esthetic textbook. All student kits shall be kept clean and remain free of unsterilized items and tools.

1. All implements and materials contained in the student kits must be new.

2. Students shall receive student kits prior to the completion of their training.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 4—Cosmetology Establishments

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.010 and 329.210, RSMo Supp. 2003 and 329.045 and 329.230, RSMo 2000, the board amends a rule as follows:

4 CSR 90-4.010 Cosmetology Establishments is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2004 (29 MoReg 1299-1302). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 13—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.010, RSMo Supp. 2003 and 329.210, RSMo 2000, the board amends a rule as follows:

4 CSR 90-13.010 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2004 (29 MoReg 1303). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Dental Board under sections 332.031, RSMo 2000 and 332.171.2, RSMo Supp. 2003, board adopts a rule as follows:

4 CSR 110-2.085 Definitions of Dental Specialities is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1162-1163). No changes have been made to the text of the proposed rule, so it not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three (3) comments were received by the board but were combined into one statement.

COMMENT: The commenters fully support the Missouri Dental Board's efforts to examine *Missouri Code of State Regulations* concerning the scope of practice of dentistry and perhaps revise the *Code* according to current dental standards of education and training. However, the commenters believe that the board is seeking to expand the scope of practice of oral and maxillofacial surgery by rule and in their view the language is incongruent with their training and actual practice.

RESPONSE: The board agrees that it has the statutory duty and authority to promulgate rules relating to dental specialty certification and licensure. Pursuant to section 332.171.2, RSMo, the board is required to issue a specialist's certificate to any registered and current licensed dentist in Missouri who has been certified in any specialty by an American board recognized by the American Dental Association. This section further provides that dentists may seek specialty licensure "for certification in one of the special areas approved by the American Dental Association for specialty practice." Oral and maxillofacial surgery is one (1) of nine (9) specialty practices currently approved by the American Dental Association. The board disagrees that it is expanding the scope of practice of oral and maxillofacial surgeons by this rule. The rule simply defines all the dental specialties, including oral and maxillofacial surgery, that are approved by the American Dental Association. The definition of oral and maxillofacial surgery in the rule is the specialty of dentistry which includes the diagnosis, surgical and adjunctive treatment of diseases, injuries and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region. Section 332.071, RSMo, defines dentistry to include dental operations or oral surgery, by any means or methods and diagnosing, prescribing and treating any disease, pain, deformity, deficiency, injury or physical condition of human teeth or adjacent structures and diseases or disorders or lesions of the oral regions. The definitions of dental specialties in the rule are the same as has been adopted by the American Dental Association and do not expand the scope of practice as defined in section 332.071, RSMo. The board made no changes to the text of the rule based on the comment.

COMMENT: The major concern in the commenter's statement appears to be the education and training of oral and maxillofacial surgeons. They believe that allowing persons without medical training, specifically single degree dentists, to perform surgical procedures on areas unrelated to a patient's oral and dental health exposes patients to undue risk and potential physical harm. Comparisons are made of the education and training of otolaryngologists and plastic surgeons to that of oral and maxillofacial surgeons.

RESPONSE: The board's rule does not address the education and training of the specialty practices although section 332.171.2, RSMo clearly provides the board with authority to establish by rule the minimum requirements for specialty certification. The board's existing rule, 4 CSR 110-2.090, on Certification of Dental Specialists sets out the requirements and procedures an applicant must fulfill prior to being certified as a dental specialist but it does not provide an explanation of what the specialties do. That is the purpose of this rule. Neither the authorizing statute nor the board's rules allow dentists to perform surgical procedures on areas unrelated to the practice of dentistry. But to address the concern regarding the education and training of oral and maxillofacial surgeons, the board has done research on the issue and disagrees that there is a substantive educational gap that exists between dentistry, specific to the practice of oral and maxillofacial surgeons, and the practice of surgery by physicians. Oral and maxillofacial surgeons must complete a minimum of four (4) years of dental school and earn a DDS or DMD degree and a minimum of four to seven (4-7) years of surgical training in a hospital-based residency program. Oral and maxillofacial surgeons receive rigorous medical and surgical training in the one hundred one (101)

accredited residency training programs in the United States. Many of the oral and maxillofacial surgeons in these advanced residency training programs also complete additional medical education to obtain an MD degree as part of an integrated oral and maxillofacial surgery residency program currently offered in forty-three (43) oral and maxillofacial residency training programs. Regardless of whether an oral and maxillofacial surgeon completes a residency training program as a single degreed or dual (dental/medical) degreed oral and maxillofacial surgeon, each oral and maxillofacial surgeon must complete similar requirements outlined in the Standards for Advanced Specialty Education Programs in Oral and Maxillofacial Surgery for a minimum of four (4) years of hospital-based surgical training in an accredited residency program. The medical education of oral and maxillofacial surgeons is completed in United States accredited medical schools and rotations are in accredited medical and surgical services. Residency programs must meet the same standards as any other residency program, requiring a minimum number of surgical procedures that fall within five (5) major categories of maxillofacial surgery, including trauma, maxillofacial and craniofacial procedures, temporomandibular joint procedures, surgery for pathologic conditions, cleft and reconstructive and cosmetic procedures, and placement of dental and craniofacial implants. The board made no changes to the text of the rule based on the comment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 245—Real Estate Appraisers
Chapter 4—Certificate and Licenses**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.503, 339.509 and 339.521, RSMo 2000, the commission amends a rule as follows:

**4 CSR 245-4.060 Temporary Nonresident Certificate
or License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1170-1172). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 245—Real Estate Appraisers
Chapter 5—Fees**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, 339.513 and 339.525.5, RSMo 2000, the commission amends a rule as follows:

**4 CSR 245-5.020 Application, Certificate and License Fees is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1173-1174). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 245—Real Estate Appraisers
Chapter 5—Fees**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 610.026, RSMo Supp. 2003, the commission rescinds a rule as follows:

4 CSR 245-5.030 Miscellaneous Fees is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1175). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 245—Real Estate Appraisers
Chapter 9—Competency and Scope of Practice
Standards**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.509(5), RSMo 2000, the commission adopts a rule as follows:

4 CSR 245-9.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1175). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: Terry Sampson, Director, Right-of-Way Division of the Missouri Department of Transportation (MoDOT) submitted a comment. The department is concerned that section (3) which mandates co-signatures on certain types of appraisals issued by state certified residential real estate appraisers and state-licensed real estate appraisers, appears to be regulated beyond what is necessary or appropriate to meet the standards specified by the Appraisal Standards Board (ASB). The ASB has no standard requiring a state-certified general or other real estate appraiser to co-sign any appraisals done by other state-certified or state-licensed appraisers. It is a voluntary option for an appraiser who determines s/he is not competent alone to complete the appraisal assignment, but it is not mandated in every such appraisal. Also, the provisions limiting state-licensed real estate appraisers to only appraise a one-unit residential tract without a certified co-signer, has no supporting basis in the ASB standards or Missouri law, section 339.503(19), RSMo which both consistently refer to residential real estate as "containing not more than four (4) dwelling units." Nothing authorizes the commission to further restrict a licensed appraiser's authority to adopt section (3) as part of the proposed rule. Furthermore, if we assume that the new section (3) is valid it needs clarification. It is not clear whether a state-certified residential real estate appraiser who is conducting twenty (20) different appraisals of twenty (20) real estate tracts, each of which have only one to four (1-4) units, requires a state-certified general to co-sign. Likewise, if the same residential appraiser is appraising a residential structure which has been converted by its current owner into a business, but in all other respects is residential property, does the residential appraiser have to have a general appraiser co-sign the appraisal. For the MoDOT this is particularly important with regard to our statutory exemption from the requirement that their appraisal employees be licensed in section 339.501.5(3), RSMo. If one of their state-certified residential real estate appraiser employees does a value appraisal for MoDOT under federal standards of a small farm with a home on it, must the appraisal be co-signed by a state-certified general real estate appraiser, even though such a co-signature is not needed for state or federal property acquisition purposes? The proposed regulation speaks only of dual signatures. If it is going to be adopted at all, we suggest that this text be revised to authorize either dual signatures or its review by a state-certified general real estate appraiser, prior to its use. Review certification should be just as valid as a dual signature process.

RESPONSE AND EXPLANATION OF CHANGE: The committee concurred and made changes to the text of the rule.

4 CSR 245-9.010 Competency and Scope of Practice Standards

PURPOSE: This rule sets the scope of practice standards for the development and communication of real estate appraisals by state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed real estate appraisers.

(3) Notwithstanding the requirements and allowances of sections (1) and (2) of this rule, state-certified and state-licensed real estate appraisers shall limit their practice to the development and communication of real estate appraisals as follows:

(B) State-certified residential real estate appraisers may perform appraisals on residential real estate of one to four (1-4) residential units without regard to transaction value or complexity and may perform appraisal consulting in the area of residential real estate, if, and only if, performed in compliance with all state and federal laws, rules and regulations pertaining to the appraisal assignment. This designation permits the appraisal of vacant or unimproved land that may be utilized for one to four (1-4) family purposes. This certification does not permit the appraisal of subdivisions or of agricultural real estate. Individual parcels of property located within a residential subdivision shall be considered residential real estate. For all other appraisals, the appraisal report shall be signed by the state-certified residential real estate appraiser and a state-certified general real estate appraiser. For the purposes of this rule, "agricultural real estate" shall be defined as improved or unimproved land with a highest and best use and primary purpose devoted to income production by crops, livestock and other products of the soil (fruit, pasture, timberland, etc).

(4) A state-licensed or state-certified real estate appraiser shall be exempt from the provisions of section (3) of this rule if providing valuation services in a setting for which licensure or certification would not be required under section 339.501.5, RSMo. In all other instances, a real estate appraiser must comply fully with sections (1), (2) and (3) of this rule. Sections (1), (2) and (3) shall not be interpreted so as to except a real estate appraiser from compliance with the other sections.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.061 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2004 (29 MoReg 1193-1196). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received verbal comments from Mississippi Lime Company speaking on behalf of Mississippi Lime Company, Regulatory Environmental Group For Missouri (REFORM) and the St. Louis Regional Chamber Growth Association (RCGA) and written comments from The Boeing Company and the U.S. Environmental Protection Agency (EPA). The comments focused on support, language clarity, additions and changes.

COMMENT: The Boeing Company commented that the language proposed in paragraph (3)(A)3. allows for multiple pollutants to be exempt and still be over the threshold. This is probably not what was intended.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraph (3)(A)3. has been reworded to clarify the intention of this new requirement.

COMMENT: The EPA commented that the proposed language—Operations such as—in subparagraph (3)(A)2.DD. is open ended and should be deleted because it lacks sufficient specificity to clearly determine which operations are covered by the exemption.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subparagraph (3)(A)2.DD. has been changed to clearly specify which operations are exempt.

COMMENT: The EPA commented that subparagraph (3)(A)2.DD. should contain provisions applicable to any materials which could contain asbestos, beryllium or lead and describe how the source owner must measure to determine content.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, additional language has been added to subparagraph (3)(A)2.DD. to require material content determination based on review of Material Safety Data Sheets (MSDS), vendor material specifications and purchase order specifications.

Due to similar concerns addressed in the following two (2) comments, one (1) response that addresses these concerns can be found at the end of these two (2) comments.

COMMENT: The EPA commented on the reporting and record keeping requirements and pointed out that exemptions based on actual emissions are extremely difficult to monitor because of factors such as variability in emissions over time. Therefore, potential emissions are a better measure for applicability purposes, and they would generally not approve applicability limits based on actual emissions.

COMMENT: The Boeing Company commented that the proposed four (4)-ton volatile organic compound (VOC) threshold in subparagraph (3)(A)3.D. requires maintaining records in sufficient detail which is largely redundant in light of the Emissions Inventory Questionnaire (EIQ) requirement to report non-hazardous air pollutant VOC emissions from any emission unit with actual emissions greater than two hundred (200) lbs/year. For Title V permitted facilities, the proposed requirement to maintain records in sufficient detail to show compliance could be read to create an additional mon-

itoring requirement on otherwise insignificant emission units in the operating permit.

RESPONSE AND EXPLANATION OF CHANGE: To address these comments, the department's Air Pollution Control Program has created a new subparagraph (3)(A)3.E. This new subparagraph contains language specific to reporting and record keeping with respect to emissions documentation and EIQ, MSDS, vendor and product purchase specifications. Activities that emit less than four (4) tons per year are by definition insignificant activities and, therefore, the operating permit rule does not apply to these emission units.

COMMENT: The EPA commented that if the state chooses to retain the actual emissions level, the rule should contain specific and detailed requirements for determining actual emissions, or should require that the source establish a specific plan, subject to approval by the state, showing how it will determine actual emissions. These requirements should apply to VOC emissions and to other regulated pollutants. The source should then be required to meet the operating parameters specified in the rule or in the plan on a continuous basis. In addition, the rule should specify the consequences of exceeding the emissions levels as specified in the rule. At a minimum, this should include a requirement to apply for a construction permit for the source within a specified time frame, in addition to penalties for violation of the limits.

RESPONSE AND EXPLANATION OF CHANGE: Language has been added in paragraph (3)(A)3. to require sources to keep records showing actual emissions are below the exemption thresholds. In an effort to address the specific and detailed requirement comment, the language refers to the EIQ emission calculation hierarchy as detailed in 10 CSR 10-6.110(3)(E). Typically, individual rules do not stipulate penalties. State rule 10 CSR 10-6.230 provides for administrative penalty mechanisms for violations and state statute 643.151.3. provides penalty assessments.

COMMENT: The EPA commented that section (4) should not be shown as not applicable because record keeping is required in previous sections of the rule.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment the words—not applicable—have been removed from section (4).

COMMENT: The EPA commented that Missouri will need to submit a substantial analysis showing that the revisions will not interfere with attainment and maintenance of the National Ambient Air Quality Standards to determine state implementation plan (SIP) approvability.

RESPONSE: This rule was developed using a stakeholder process and the issue of whether these exemptions would cause air quality problems was discussed. The stakeholders concluded that these exemptions will not substantially impact air quality. In addition, staff prepared an analysis of this issue and this analysis will be submitted to the EPA as part of the request to include this revision as part of the SIP. It should also be noted that this rule only exempts sources from minor or *de minimis* permits. No wording changes have been made as a result of these comments.

COMMENT: Mississippi Lime Company's commenter provided direct and full support for this rulemaking on behalf of REFORM, RCGA and Mississippi Lime Company.

COMMENT: The Boeing Company commented in writing that they conceptually support this rule action and specifically supported the exemption for certain machining operations.

RESPONSE: The department's Air Pollution Control Program appreciates this support. No wording changes have been made as a result of these comments.

10 CSR 10-6.061 Construction Permit Exemptions

(3) General Provisions. The following construction or modifications are not required to obtain a permit under 10 CSR 10-6.060:

(A) Exempt Emission Units.

1. The following combustion equipment is exempt from 10 CSR 10-6.060 if the equipment emits only combustion products, and the equipment produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Any combustion equipment using exclusively natural gas or liquefied petroleum gas or any combination of these with a capacity of less than ten (10) million British thermal units (Btus) per hour heat input;

B. Any combustion equipment with a capacity of less than one (1) million Btus per hour heat input;

C. Drying or heat treating ovens with less than ten (10) million Btus per hour capacity provided the oven does not emit pollutants other than the combustion products and the oven is fired exclusively by natural gas, liquefied petroleum gas, or any combination thereof; and

D. Any oven with a total production of yeast leavened bakery products of less than ten thousand (10,000) pounds per operating day heated either electrically or exclusively by natural gas firing with a maximum capacity of less than ten (10) million Btus per hour.

2. The following establishments, systems, equipment and operations are exempt from 10 CSR 10-6.060:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt unless the incinerator operations are exempt under another section of this rule;

B. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

C. Equipment used for any mode of transportation;

D. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined by 40 CFR 122.23 and all manure storage and application systems associated with livestock markets or livestock operations, that were constructed on or before November 30, 2003. This exemption includes any change, installation, construction or reconstruction of a process, process equipment, emission unit, or air cleaning device after November 30, 2003, unless such change, installation, construction or reconstruction involves an increase in the operation's capacity to house or grow animals.

E. Any grain handling, storage and drying facility which—

(I) Is in noncommercial use only (used only to handle, dry or store grain produced by the owner if)—

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500') from any recreational area, residence or business not occupied or used solely by the owner;

(II) Is in commercial use and the total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels; or

(III) The installation of additional grain storage capacity in which there is no increase in hourly grain handling capacity and existing grain receiving and loadout equipment are utilized;

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Any wet sand and gravel production facility that obtains its material from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone and whose maximum production rate is less than five hundred (500) tons per hour. All per-

manent in-plant roads shall be paved and cleaned, or watered, or properly treated with dust-suppressant chemicals as necessary to achieve good engineering control of dust emissions. Only natural gas shall be used as a fuel when drying;

H. Equipment solely installed for the purpose of controlling fugitive dust;

I. Equipment or control equipment which eliminates all emissions to the ambient air;

J. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

K. Residential wood heaters, cookstoves or fireplaces;

L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;

M. Recreational fireplaces;

N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

O. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized as authorized in section 269.020.6, RSMo 2000;

P. The following miscellaneous activities:

(I) Use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction. This exemption is solely for office equipment that is not part of the manufacturing or production process at the installation;

(II) Tobacco smoking rooms and areas;

(III) Hand-held applicator equipment for hot melt adhesives with no volatile organic compound (VOC) in the adhesive formula;

(IV) Paper trimmers and binders;

(V) Blacksmith forges, drop hammers, and hydraulic presses;

(VI) Hydraulic and hydrostatic testing equipment; and

(VII) Environmental chambers, shock chambers, humidity chambers, and solar simulators provided no hazardous air pollutants are emitted by the process;

Q. The following internal combustion engines:

(I) Portable electrical generators that can be moved by hand without the assistance of any motorized or non-motorized vehicle, conveyance or device;

(II) Spark ignition or diesel fired internal combustion engines used in conjunction with pumps, compressors, pile drivers, welding, cranes, and wood chippers or internal combustion engines or gas turbines of less than two hundred fifty (250) horsepower rating; and

(III) Laboratory engines used in research, testing, or teaching;

R. The following quarries, mineral processing, and biomass facilities:

(I) Drilling or blasting activities;

(II) Concrete or aggregate product mixers or pug mills with a maximum rated capacity of less than fifteen (15) cubic yards per hour;

(III) Riprap production processes consisting only of a grizzly feeder, conveyors, and storage, not including additional hauling activities associated with riprap production;

(IV) Sources at biomass recycling, composting, landfill, publicly owned treatment works (POTW), or related facilities specializing in the operation of, but not limited to tub grinders powered by a motor with a maximum output rating of ten (10) horsepower, hoppers and shredders and similar equipment powered by a motor with a maximum output rating of twenty-five (25) horsepower, and

other sources at such facilities with a total throughput less than five hundred (500) tons per year; and

(V) Landfarming of soils contaminated only with petroleum fuel products where the farming beds are located a minimum of three hundred feet (300') from the property boundary;

S. The following kilns and ovens:

(I) Kilns with a firing capacity of less than ten (10) million Btus per hour used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity, or any combination thereof; and

(II) Electric ovens or kilns used exclusively for curing or heat-treating provided no hazardous air pollutants (HAPs) or VOCs are emitted;

T. The following food and agricultural equipment:

(I) Any equipment used in agricultural operations to grow crops;

(II) Equipment used exclusively to slaughter animals. This exemption does not apply to other slaughterhouse equipment such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;

(III) Commercial smokehouses or barbecue units in which the maximum horizontal inside cross-sectional area does not exceed twenty (20) square feet;

(IV) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices or coffee;

(V) Equipment with the potential to dry, mill, blend, grind, or package less than one thousand (1,000) pounds per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch;

(VI) Equipment with the potential to convey, transfer, clean, or separate less than one thousand (1,000) tons per year of dry food products or waste from food production operations;

(VII) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere or which have the potential to handle less than one thousand (1,000) tons per year;

(VIII) Coffee, cocoa, and nut roasters with a roasting capacity of less than fifteen (15) pounds of beans or nuts per hour, and any stoners or coolers operated with these roasters;

(IX) Containers, reservoirs, tanks, or loading equipment used exclusively for the storage or loading of beer, wine, or other alcoholic beverages produced for human consumption;

(X) Brewing operations at facilities with the potential to produce less than three (3) million gallons of beer per year; and

(XI) Fruit sulfuring operations at facilities with the potential to produce less than ten (10) tons per year of sulfured fruits and vegetables;

U. Batch solvent recycling equipment provided the recovered solvent is used primarily on-site, the maximum heat input is less than one (1) million Btus per hour, the batch capacity is less than one hundred fifty (150) gallons, and there are no solvent vapor leaks from the equipment which exceed five hundred (500) parts per million;

V. The following surface coating and printing operations:

(I) Batch mixing of inks, coatings, or paints provided good housekeeping is practiced, spills are cleaned up as soon as possible, equipment is maintained according to manufacturer's instruction and property is kept clean. In addition, all waste inks, coating, and paints shall be disposed of properly. Prior to disposal all liquid waste shall be stored in covered container. This exemption does not apply to ink, coatings, or paint manufacturing facilities;

(II) Any powder coating operation, or radiation cured coating operation where ultraviolet or electron beam energy is used to initiate a reaction to form a polymer network;

(III) Any surface-coating source that employs solely non-refillable handheld aerosol cans; and

(IV) Surface coating operations utilizing powder coating materials with the powder applied by an electrostatic powder spray gun or an electrostatic fluidized bed;

W. The following metal working and handling equipment:

(I) Carbon dioxide (CO₂) lasers, used only on metals and other materials that do not emit a HAP or VOC in the process;

(II) Laser trimmers equipped with dust collection attachments;

(III) Equipment used for pressing or storing sawdust, wood chips, or wood shavings;

(IV) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form provided the solution contains less than one percent (1%) VOC by weight;

(V) Tumblers used for cleaning or deburring metal products without abrasive blasting;

(VI) Batch mixers with a rated capacity of fifty-five (55) gallons or less provided the process will not emit hazardous air pollutants;

(VII) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives provided the process will not emit hazardous air pollutants;

(VIII) Equipment used exclusively for the packaging of lubricants or greases;

(IX) Platen presses used for laminating provided the process will not emit hazardous air pollutants;

(X) Roll mills or calendars for rubber or plastics provided the process will not emit hazardous air pollutants;

(XI) Equipment used exclusively for the melting and applying of wax containing less than one percent (1%) VOC by weight;

(XII) Equipment used exclusively for the conveying and storing of plastic pellets; and

(XIII) Solid waste transfer stations that receive or load out less than fifty (50) tons per day of nonhazardous solid waste;

X. The following liquid storage and loading equipment:

(I) Storage tanks and vessels having a capacity of less than five hundred (500) gallons; and

(II) Tanks, vessels, and pumping equipment used exclusively for the storage and dispensing of any aqueous solution which contains less than one percent (1%) by weight of organic compounds. Tanks and vessels storing the following materials are not exempt:

(a) Sulfuric or phosphoric acid with an acid strength of more than ninety-nine percent (99.0%) by weight;

(b) Nitric acid with an acid strength of more than seventy percent (70.0%) by weight;

(c) Hydrochloric or hydrofluoric acid with an acid strength of more than thirty percent (30.0%) by weight; or

(d) More than one liquid phase, where the top phase contains more than one percent (1%) VOC by weight;

Y. The following chemical processing equipment or operations:

(I) Storage tanks, reservoirs, pumping, and handling equipment, and mixing and packaging equipment containing or processing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized; and

(II) Batch loading and unloading of solid phase catalysts;

Z. Body repair and refinishing of motorcycle, passenger car, van, light truck and heavy truck and other vehicle body parts, bodies, and cabs, provided—

(I) Good housekeeping is practiced; spills are cleaned up as soon as possible, equipment is maintained according to manufacturers' instructions, and property is kept clean. In addition, all waste coatings, solvents, and spent automotive fluids including, but not limited to, fuels, engine oil, gear oil, transmission fluid, brake fluid, antifreeze, fresh or waste fuels, and spray booth filters or water wash sludge are disposed of properly. Prior to disposal, all liquid waste shall be stored in covered containers. All solvents and cleaning materials shall be stored in closed containers;

(II) All spray coating operations shall be performed in a totally enclosed filtered spray booth or totally enclosed filtered spray area with an air intake area of less than one hundred (100) square feet. All spray areas shall be equipped with a fan which shall be operated during spraying, and the exhaust air shall either be vented through a stack to the atmosphere or the air shall be recirculated back

into the shop through a carbon adsorption system. All carbon adsorption systems shall be properly maintained according to the manufacturer's operating instructions, and the carbon shall be replaced at the manufacturer's recommended intervals to minimize solvent emissions; and

(III) Spray booth, spray area, and preparation area stacks shall be located at least eighty feet (80') away from any residence, recreation area, church, school, child care facility, or medical or dental facility;

AA. Sawmills processing no more than twenty-five (25) million board feet, green lumber tally of wood per year, in which no mechanical drying of lumber is performed, in which fine particle emissions are controlled through the use of properly engineered baghouses or cyclones, and which meet all of the following provisions:

(I) The mill shall be located at least five hundred feet (500') from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the installation is located;

(II) All sawmill residues (sawdust, shavings, chips, bark) from debarking, planing, saw areas, etc., shall be removed or contained to minimize fugitive particulate emissions. Spillage of wood residues shall be cleaned up as soon as possible and contained such that dust emissions from wind erosion and/or vehicle traffic are minimized. Disposal of collected sawmill residues must be accomplished in a manner that minimizes residues becoming airborne. Disposal by means of burning is prohibited unless it is conducted in a permitted incinerator; and

(III) All open-bodied vehicles transporting sawmill residues (sawdust, shavings, chips, bark) shall be covered with a tarp to achieve maximum control of particulate emissions;

BB. Internal combustion engines and gas turbine driven compressors, electric generator sets, and water pumps, used only for portable or emergency services, provided that the maximum annual operating hours shall not exceed five hundred (500) hours. Emergency generators are exempt only if their sole function is to provide back-up power when electric power from the local utility is interrupted. This exemption only applies if the emergency generators are operated only during emergency situations and for short periods of time to perform maintenance and operational readiness testing. The emergency generator shall be equipped with a non-resettable meter;

CC. Commercial dry cleaners; and

DD. Carving, cutting, routing, turning, drilling, machining, sawing, sanding, planing, buffing, or polishing solid materials, other than materials containing any asbestos, beryllium or lead greater than one percent (1%) by weight as determined by Material Safety Data Sheets (MSDS), vendor material specifications and/or purchase order specifications, where equipment—

(I) Directs a stream of liquid at the point where material is processed;

(II) Is used only for maintenance or support activity not conducted as part of the installation's primary business activity;

(III) Is exhausted inside a building; or

(IV) Is ventilated externally to an operating cyclonic inertial separator (cyclone), baghouse, or dry media filter. Other particulate control devices such as electrostatic precipitators or scrubbers are subject to construction permitting or a permit-by-rule, unless otherwise exempted.

3. Construction or modifications are exempt from 10 CSR 10-6.060 if they meet the requirements of subparagraphs (3)(A)3.B. of this rule for each hazardous air pollutant and the requirements of subparagraph (3)(A)3.A., (3)(A)3.C. or (3)(A)3.D. of this rule for each criteria pollutant. The director may require review of construction or modifications otherwise exempt under paragraph (3)(A)3. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. At maximum design capacity, the proposed construction or modification shall emit each pollutant at a rate of no more than the amount specified in Table 1.

TABLE 1. Insignificant Emission Exemption Levels

Pollutant	Insignificance Level (lbs per hr)
Particulate Matter 10 Micron (PM ₁₀) (Emitted solely by equipment)	1.0
Sulfur Oxides (SO _x)	2.75
Nitrogen Oxides (NO _x)	2.75
Volatile Organic Compounds (VOCs)	2.75
Carbon Monoxide (CO)	6.88

B. At maximum design capacity, the proposed construction or modification will emit a hazardous air pollutant at a rate of no more than one-half (0.5) pound per hour, or the hazardous emission threshold as established in subsection (12)(J) of 10 CSR 10-6.060, whichever is less.

C. Actual emissions of each criteria pollutant, except lead, will be no more than eight hundred seventy-six (876) pounds per year.

D. Actual emissions of volatile organic compounds that do not contain hazardous air pollutants will be no more than four (4) tons per year.

E. The operator shall maintain records in sufficient detail to show compliance with the exemptions in paragraph (3)(A)3. of this rule. Any noncompliance with the requirements in this paragraph constitutes a violation and is grounds for enforcement action and the exemption will no longer apply. Operators of installations found to be not in compliance with the requirements of this paragraph shall be required to apply for a construction permit under 10 CSR 10-6.060. The exemptions shall be documented as follows:

(I) Record keeping shall begin on the date the construction, reconstruction, modification or operation commencement and records shall be maintained to prove potential emissions are below *de minimis* levels and that actual emissions are below the exemption threshold levels in paragraph (3)(A)3. of this rule. Records shall be maintained using Emission Inventory Questionnaire (EIQ) methods in accordance with EIQ emission calculation hierarchy; or

(II) In lieu of records, the owner or operator shall demonstrate through engineering calculations that emissions are not in excess of the exemption levels established in paragraph (3)(A)3. of this rule.

(4) Reporting and Record Keeping.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.172 RSMo Supp. 2004, the superintendent hereby amends a rule as follows:

11 CSR 50-2.311 Bumpers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2004 (29 MoReg 1465-1466). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This

proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under sections 307.360.2, RSMo 2000 and 307.375, RSMo Supp. 2004, the superintendent hereby amends a rule as follows:

11 CSR 50-2.320 School Bus Inspection is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2004 (29 MoReg 1467). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153, 208.159 and 208.201, RSMo 2000, the director amends a rule as follows:

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2004 (29 MoReg 1356–1358). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

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

13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2004 (29 MoReg 1359–1361). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This

proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment
Advisers, and Investment Adviser Representatives**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2003, the commissioner amends a rule as follows:

15 CSR 30-51.160 Effectiveness and Post-Effective Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2004 (29 MoReg 1362). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Health Standards and Licensure
Chapter 86—Residential Care Facilities I and II**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 198.076, RSMo 2000 the department amends a rule as follows:

19 CSR 30-86.022 Fire Safety Standards for New and Existing Residential Care Facilities I and II is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2004 (29 MoReg 1362–1367). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after the publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE
Division 10—General Administration
Chapter 1—Organization**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 10-1.020 Interpretation of Referenced or Adopted Material is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15,

2004 (29 MoReg 1368). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 20—DEPARTMENT OF INSURANCE

IN ADDITION

Pursuant to section 537.610, RSMo regarding the Sovereign Immunity Limits for Missouri Public Entities, the Director of Insurance is required to calculate the new limitations on awards for liability.

Using the Implicit Price Deflator (IPD) for Personal Consumption Expenditures (PCE), as required by section 537.610, RSMo the two new Sovereign Immunity Limits effective January 1, 2005 were established by the following calculations:

Index Based on 2000 Dollars
Third Quarter 2004 IPD Index 107.98
Third Quarter 2003 IPD Index 105.69

New 2005 Limit=2004 Limit×(2004 Index/2003 Index)

For all claims arising out of a single accident or occurrence:
 $2,234,121 = 2,186,741 \times (1.0798/1.0569)$

For any one person in a single accident or occurrence:
 $335,118 = 328,011 \times (1.0798/1.0569)$

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
LEXCO SERVICES, INC.**

On November 22, 2004, LEXCO SERVICES, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on November 1, 2004.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

LEXCO SERVICES, INC.
Attn: Margaret McBride
10 Overbrook
St. Louis, MO 63124

With copy to:

Sandberg, Phoenix & von Gontard P.C.
Attn: Brent C. Beumer, Esq.
One City Centre, 15th Floor
St. Louis, MO 63101
(314) 231-3332

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of LEXCO SERVICES, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

NOTICE OF WINDING UP LIMITED LIABILITY COMPANY

On November 12, 2004, Slay's Restaurant of Clayton on the Park, L.L.C., a Missouri LLC (the "company"), filed a Notice of Winding Up. Claims against the company may be mailed to Robert Lattinville, c/o Stinson Morrison Hecker, LLP, 100 South fourth Street, Suite 700, St. Louis, Missouri 63102. Claims must include the name and address of the claimant, amount of the claim; basis for the claim; and documentation of the claim. A claim against the company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND
CLAIMANTS AGAINST TRILINK HEALTHCARE, INC.

The Articles of Dissolution for TriLink HealthCare, Inc. were filed with the Missouri Secretary of State on November 16, 2004.

You are hereby notified that if you believe you have a claim against TriLink HealthCare, Inc., you must submit your claim in writing to C. Brent Bertram, Associate General Counsel, Blue Cross and Blue Shield of Kansas City, 2301 Main Street, Kansas City, Missouri 64108. Your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date the claim accrued or will accrue.
4. A brief description of the nature of the debt or the basis of the claim and documentation.

All claims against TriLink HealthCare, Inc. will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST BBI
Merchant Processing Company, LLC.**

On November 9, 2004, BBI Merchant Processing Company, LLC, a Missouri Limited Liability Company, filed its notice of winding up with the Missouri Secretary of State.

Dissolution was effective on November 9, 2004.

Said limited liability company requests that all persons and organizations with claims against it present them immediately by letter to the limited liability company at:

Office of the Corporate Secretary
Bank of America Corporate Center
100 North Tryon Street
Charlotte, North Carolina 28255

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of BBI Merchant Processing Company, LLC, any claims against it will be barred unless proceeding to enforce the claim is commenced within three years after the publication date of the notice authorized by statute.

Authorized Representative: Mark J. Fobel, Manager

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY

1. The name of the limited liability company is UNCOMMON VISION, LLC
2. The Articles of Organization for UNCOMMON VISION, LLC were filed with the Missouri Secretary of State on October 6, 2003.
3. On November 15, 2004, UNCOMMON VISION, LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.
4. Persons with claims against UNCOMMON VISION, LLC should present them in accordance with the following procedure:
 - (a) In order to file a claim with UNCOMMON VISION, LLC, you must furnish the following:
 - (i) Amount of the claim
 - (ii) Basis for the claim
 - (iii) Documentation for the claim
 - (b) The claim must be mailed to:

c/o Teresa Reinking
1200 Main Street, Ste. 1700
Kansas City, Missouri 64105
5. A claim against UNCOMMON VISION, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003) and 29 (2004). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 28 MoReg 1861 29 MoReg 1610
1 CSR 10-4.010	Commissioner of Administration		28 MoReg 1557	29 MoReg 2320	
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		29 MoReg 1513		
1 CSR 20-5.025	Personnel Advisory Board and Division of Personnel		29 MoReg 1513		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health	29 MoReg 1417	29 MoReg 1437		
2 CSR 30-2.060	Animal Health				29 MoReg 1480
2 CSR 30-6.020	Animal Health	29 MoReg 1418	29 MoReg 1438		
2 CSR 30-10.010	Animal Health		29 MoReg 2257		
2 CSR 30-22.010	Animal Health		29 MoReg 2257		
2 CSR 70-40.015	Plant Industries		29 MoReg 1439		
2 CSR 70-40.025	Plant Industries		29 MoReg 1439		
DEPARTMENT OF CONSERVATION					
3 CSR 10-3.010	Conservation Commission		29 MoReg 1689		
3 CSR 10-4.110	Conservation Commission		29 MoReg 1689		
3 CSR 10-4.111	Conservation Commission		29 MoReg 1690		
3 CSR 10-4.113	Conservation Commission		29 MoReg 1690		
3 CSR 10-5.205	Conservation Commission		29 MoReg 1690		
3 CSR 10-5.215	Conservation Commission		29 MoReg 1691		
3 CSR 10-5.225	Conservation Commission		29 MoReg 1691		
3 CSR 10-5.430	Conservation Commission		29 MoReg 1691		
3 CSR 10-5.565	Conservation Commission		29 MoReg 1692		
3 CSR 10-5.579	Conservation Commission		29 MoReg 1692		
3 CSR 10-6.410	Conservation Commission		29 MoReg 1692		
3 CSR 10-6.415	Conservation Commission		29 MoReg 1692		
3 CSR 10-6.505	Conservation Commission		29 MoReg 1793		
3 CSR 10-6.510	Conservation Commission		29 MoReg 1693		
3 CSR 10-6.525	Conservation Commission		29 MoReg 1693		
3 CSR 10-6.533	Conservation Commission		29 MoReg 1694		
3 CSR 10-6.535	Conservation Commission		29 MoReg 1694		
3 CSR 10-6.605	Conservation Commission		29 MoReg 1695		
3 CSR 10-6.610	Conservation Commission		29 MoReg 1695		
3 CSR 10-6.615	Conservation Commission		29 MoReg 1696		
3 CSR 10-7.410	Conservation Commission		29 MoReg 1291 29 MoReg 1696	29 MoReg 2160	
3 CSR 10-7.427	Conservation Commission		29 MoReg 1696		
3 CSR 10-7.430	Conservation Commission		29 MoReg 1793		
3 CSR 10-7.431	Conservation Commission		29 MoReg 1697		
3 CSR 10-7.438	Conservation Commission		29 MoReg 1794		
3 CSR 10-7.455	Conservation Commission		29 MoReg 1697		
3 CSR 10-8.510	Conservation Commission		29 MoReg 1697		
3 CSR 10-8.515	Conservation Commission		29 MoReg 1698		
3 CSR 10-9.105	Conservation Commission		29 MoReg 1698		
3 CSR 10-9.110	Conservation Commission		29 MoReg 1794		
3 CSR 10-9.220	Conservation Commission		29 MoReg 1699		
3 CSR 10-9.240	Conservation Commission		29 MoReg 1699		
3 CSR 10-9.353	Conservation Commission		29 MoReg 1440	29 MoReg 2321	
3 CSR 10-9.425	Conservation Commission		29 MoReg 1699		
3 CSR 10-9.440	Conservation Commission		29 MoReg 1700		
3 CSR 10-9.565	Conservation Commission		29 MoReg 1440	29 MoReg 2321	
3 CSR 10-9.566	Conservation Commission		29 MoReg 1700		
3 CSR 10-9.570	Conservation Commission		29 MoReg 1700		
3 CSR 10-9.575	Conservation Commission		29 MoReg 1701		
3 CSR 10-9.625	Conservation Commission		29 MoReg 1701		
3 CSR 10-10.705	Conservation Commission		29 MoReg 1701		
3 CSR 10-10.725	Conservation Commission		29 MoReg 1702		
3 CSR 10-10.732	Conservation Commission		29 MoReg 1702		
3 CSR 10-11.120	Conservation Commission		29 MoReg 1703		

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3 CSR 10-11.125	Conservation Commission		29 MoReg 1703		
3 CSR 10-11.145	Conservation Commission		29 MoReg 1703		
3 CSR 10-11.150	Conservation Commission		29 MoReg 1704		
3 CSR 10-11.155	Conservation Commission		29 MoReg 1704		
3 CSR 10-11.180	Conservation Commission		29 MoReg 1795		
3 CSR 10-11.182	Conservation Commission		29 MoReg 1797		
3 CSR 10-11.183	Conservation Commission		29 MoReg 1799R		
3 CSR 10-11.186	Conservation Commission		29 MoReg 1704		
3 CSR 10-11.187	Conservation Commission		29 MoReg 1705		
3 CSR 10-11.205	Conservation Commission		29 MoReg 1705		
3 CSR 10-11.210	Conservation Commission		29 MoReg 1706		
3 CSR 10-11.215	Conservation Commission		29 MoReg 1707		
3 CSR 10-12.109	Conservation Commission		29 MoReg 1707		
3 CSR 10-12.110	Conservation Commission		29 MoReg 1799		
3 CSR 10-12.115	Conservation Commission		29 MoReg 1800		
3 CSR 10-12.125	Conservation Commission		29 MoReg 1800		
3 CSR 10-12.135	Conservation Commission		29 MoReg 1708		
3 CSR 10-12.140	Conservation Commission		29 MoReg 1801		
3 CSR 10-12.145	Conservation Commission		29 MoReg 1803		
3 CSR 10-12.150	Conservation Commission		29 MoReg 1708		
3 CSR 10-20.805	Conservation Commission		29 MoReg 1291 29 MoReg 1803	29 MoReg 2160	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 30-5.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-12.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		29 MoReg 2212		
4 CSR 45-1.010	Athlete Agents	29 MoReg 1420	29 MoReg 1441		
4 CSR 60-1.025	State Board of Barber Examiners		29 MoReg 1804		
4 CSR 65-1.020	Endowed Care Cemeteries		29 MoReg 1161R	This IssueW	
4 CSR 65-1.030	Endowed Care Cemeteries		29 MoReg 1161	This IssueW	
4 CSR 65-1.050	Endowed Care Cemeteries		29 MoReg 1162	This IssueW	
4 CSR 65-2.010	Endowed Care Cemeteries		29 MoReg 1162	This IssueW	
4 CSR 90-2.010	State Board of Cosmetology		29 MoReg 1292	This Issue	
4 CSR 90-2.020	State Board of Cosmetology		29 MoReg 1299	This Issue	
4 CSR 90-2.030	State Board of Cosmetology		29 MoReg 1299	This Issue	
4 CSR 90-4.010	State Board of Cosmetology		29 MoReg 1300	This Issue	
4 CSR 90-13.010	State Board of Cosmetology		29 MoReg 1303	This Issue	
4 CSR 95-1.005	Committee for Professional Counselors		This Issue		
4 CSR 95-1.010	Committee for Professional Counselors		This IssueR		
4 CSR 95-1.020	Committee for Professional Counselors		This IssueR		
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4 CSR 95-1.030	Committee for Professional Counselors		This IssueR		
4 CSR 95-1.040	Committee for Professional Counselors		This IssueR		
4 CSR 95-1.050	Committee for Professional Counselors		This Issue		
4 CSR 95-1.060	Committee for Professional Counselors		This Issue		
4 CSR 95-2.010	Committee for Professional Counselors		This IssueR		
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4 CSR 95-2.020	Committee for Professional Counselors		This IssueR		
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4 CSR 95-2.021	Committee for Professional Counselors		This Issue		
4 CSR 95-2.030	Committee for Professional Counselors		This IssueR		
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4 CSR 95-2.040	Committee for Professional Counselors		This IssueR		
4 CSR 95-2.050	Committee for Professional Counselors		This IssueR		
4 CSR 95-2.060	Committee for Professional Counselors		This IssueR		
4 CSR 95-2.065	Committee for Professional Counselors		This Issue		
4 CSR 95-2.070	Committee for Professional Counselors		This IssueR		
4 CSR 95-2.080	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.010	Committee for Professional Counselors		This IssueR		
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4 CSR 95-3.015	Committee for Professional Counselors		This Issue		
4 CSR 95-3.020	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.030	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.040	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.050	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.060	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.070	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.080	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.090	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.100	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.110	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.120	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.130	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.140	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.150	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.160	Committee for Professional Counselors		This IssueR		

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4 CSR 95-3.170	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.180	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.190	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.200	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.210	Committee for Professional Counselors		This IssueR		
4 CSR 95-3.220	Committee for Professional Counselors		This IssueR		
4 CSR 95-4.010	Committee for Professional Counselors		This IssueR		
4 CSR 100	Division of Credit Unions				29 MoReg 1608 29 MoReg 1764 29 MoReg 2225 29 MoReg 2331
4 CSR 100-2.045	Division of Credit Unions		29 MoReg 2214		
4 CSR 100-2.205	Division of Credit Unions		29 MoReg 2215		
4 CSR 110-2.085	Missouri Dental Board		29 MoReg 1162	This Issue	
4 CSR 110-2.111	Missouri Dental Board		29 MoReg 1163	29 MoReg 2160	
4 CSR 110-2.170	Missouri Dental Board		29 MoReg 1514		
4 CSR 110-2.180	Missouri Dental Board		29 MoReg 1514R		
4 CSR 110-2.181	Missouri Dental Board		29 MoReg 1515R		
4 CSR 110-4.010	Missouri Dental Board		29 MoReg 1515		
4 CSR 110-4.020	Missouri Dental Board		29 MoReg 1516		
4 CSR 110-4.030	Missouri Dental Board		29 MoReg 1527		
4 CSR 110-4.040	Missouri Dental Board		29 MoReg 1531		
4 CSR 120-2.060	Missouri Dental Board		29 MoReg 1542		
4 CSR 150-2.080	State Board of Registration for the Healing Arts		29 MoReg 2216		
4 CSR 150-2.153	State Board of Registration for the Healing Arts		29 MoReg 781		
4 CSR 205-4.010	Missouri Board of Occupational Therapy		29 MoReg 1164	29 MoReg 2160	
4 CSR 220-1.010	State Board of Pharmacy		This Issue		
4 CSR 220-2.010	State Board of Pharmacy		This Issue		
4 CSR 220-2.020	State Board of Pharmacy		This Issue		
4 CSR 220-2.030	State Board of Pharmacy		This Issue		
4 CSR 220-2.050	State Board of Pharmacy		This Issue		
4 CSR 220-3.040	State Board of Pharmacy		29 MoReg 970	29 MoReg 2161	
4 CSR 220-4.010	State Board of Pharmacy		29 MoReg 973	29 MoReg 2161	
4 CSR 220-4.020	State Board of Pharmacy		29 MoReg 973R	29 MoReg 2161	
4 CSR 220-5.030	State Board of Pharmacy		This Issue		
4 CSR 230-1.010	State Board of Podiatric Medicine		29 MoReg 1444		
4 CSR 230-1.020	State Board of Podiatric Medicine		29 MoReg 1444		
4 CSR 230-1.030	State Board of Podiatric Medicine		29 MoReg 1444		
4 CSR 230-2.010	State Board of Podiatric Medicine		29 MoReg 1445		
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4 CSR 263-3.100	State Committee for Social Workers		29 MoReg 1181	29 MoReg 2162	
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20 CSR 10-1.020	General Administration		29 MoReg 1368	This Issue	
20 CSR 400-2.170	Life, Annuities and Health		29 MoReg 1755		
20 CSR 400-7.095	Life, Annuities and Health		29 MoReg 986	29 MoReg 2164	29 MoReg 2226
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20 CSR 700-6.150	Licensing	29 MoReg 2209	29 MoReg 1590		
20 CSR 700-6.160	Licensing		29 MoReg 1593		
20 CSR 700-6.170	Licensing		29 MoReg 1597		
20 CSR 700-6.200	Licensing		29 MoReg 1597		
20 CSR 700-6.250	Licensing		29 MoReg 1598		
20 CSR 700-6.300	Licensing		29 MoReg 1598		

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2 CSR 30-2.010	Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri. January 18, 2005	May 31, 2005
2 CSR 30-6.020	Duties and Facilities of the Market/Sale Veterinarian 29 MoReg 1418	March 1, 2005
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4 CSR 45-1.010	Fees 29 MoReg 1420	March 7, 2005
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9 CSR 10-31.014	Waiver of Standard Means Test for Children in Need of Mental Health Services 29 MoReg 1507	March 13, 2005
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9 CSR 30-3.132	Opioid Treatment Program 29 MoReg 2255	May 16, 2005
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9 CSR 45-2.015	Criteria for MRDD Comprehensive Waiver Slot Assignment 29 MoReg 1635	April 15, 2005
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11 CSR 40-3.010	Fireworks—Licenses, Sales and Penalties 29 MoReg 1420	March 7, 2005
11 CSR 40-3.010	Fireworks—Licensing, Permits, Sales, Inspection, and Penalties 29 MoReg 1420	March 7, 2005
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11 CSR 50-2.311	Bumpers. 29 MoReg 1426	March 9, 2005
11 CSR 50-2.320	School Bus Inspection 29 MoReg 1428	March 9, 2005
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12 CSR 10-41.010	Annual Adjusted Rate of Interest This Issue	June 29, 2005
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13 CSR 35-80.010	Residential Foster Care Maintenance Methodology 29 MoReg 1636	March 30, 2005
13 CSR 35-80.020	Residential Care Agency Cost Reporting System 29 MoReg 1637	March 30, 2005
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13 CSR 40-19.020	Low Income Home Energy Assistance Program 29 MoReg 1637	April 1, 2005
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13 CSR 70-10.110	Nursing Facility Reimbursement Allowance February 1, 2005	June 29, 2005
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) 29 MoReg 1508	March 18, 2005
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15 CSR 30-54.215	Accredited Investor Exemption 29 MoReg 1428	March 9, 2005
15 CSR 30-54.215	Accredited Investor Exemption 29 MoReg 1428	March 9, 2005
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15 CSR 40-3.120	Calculation and Revision of Property Tax Rates 29 MoReg 1639	April 1, 2005
15 CSR 40-3.130	Calculation and Revision of Property Tax Rates by School Districts Calculating a Separate Tax Rate for Each Sub-Class of Property 29 MoReg 1639	April 1, 2005
15 CSR 40-3.140	Calculation and Revision of Property Tax Rates by School Districts that Calculate a Single Property Tax Rate Applied to All Property. 29 MoReg 1651	April 1, 2005
15 CSR 40-3.150	Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts Calculating a Separate Property Tax Rate for Each Sub-Class of Property 29 MoReg 1661	April 1, 2005
15 CSR 40-3.160	Calculation and Revision of Property Tax Rates by Political Subdivision Other Than School Districts that Calculate a Single Property Tax Rate Applied to All Property 29 MoReg 1673	April 1, 2005

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15 CSR 60-14.010	Definitions	29 MoReg 1508	March 10, 2005
15 CSR 60-14.020	Contract Procedures	29 MoReg 1509	March 10, 2005
15 CSR 60-14.030	Documentation of Legal Practice	29 MoReg 1509	March 10, 2005

Department of Health and Senior Services**Division of Environmental Health and Communicable Disease Prevention**

19 CSR 20-3.080	Description of Persons Qualified to Perform Percolation Tests, Soils Morphology Examinations in Determining Soil Properties for On-Site Sewage Disposal Systems and Installation of On-Site Wastewater Treatment Systems	29 MoReg 1510.	March 10, 2005
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20 CSR 700-6.100	Fees and Renewals—Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents	29 MoReg 2209	June 29, 2005
20 CSR 700-6.150	Initial Basic Training for Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents	29 MoReg 2209	June 29, 2005

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22 CSR 10-2.010	Definitions	February 1, 2005	June 29, 2005
22 CSR 10-2.010	Definitions	February 1, 2005	June 29, 2005
22 CSR 10-2.020	Membership Agreement and Participation Agreement.	February 1, 2005	June 29, 2005
22 CSR 10-2.020	Subscriber Agreement and General Membership Provisions.	February 1, 2005	June 29, 2005
22 CSR 10-2.030	Contributions	February 1, 2005	June 29, 2005
22 CSR 10-2.030	Contributions	February 1, 2005	June 29, 2005
22 CSR 10-2.045	Co-Pay and PPO Plan Summaries	February 1, 2005	June 29, 2005
22 CSR 10-2.045	Plan Utilization Review Policy	February 1, 2005	June 29, 2005
22 CSR 10-2.055	Co-Pay and PPO Plan Benefit Provisions and Covered Charges	February 1, 2005	June 29, 2005
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges	February 1, 2005	June 29, 2005
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22 CSR 10-2.075	Review and Appeals Procedure	February 1, 2005	June 29, 2005
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22 CSR 10-2.080	Miscellaneous Provisions	February 1, 2005	June 29, 2005
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22 CSR 10-3.010	Definitions	February 1, 2005	June 29, 2005
22 CSR 10-3.020	Subscriber Agreement and General Membership Provisions.	February 1, 2005	June 29, 2005
22 CSR 10-3.030	Public Entity Membership Agreement and Participation Period	February 1, 2005	June 29, 2005
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Executive Orders	Subject Matter	Filed Date	Publication
	<u>2004</u>		
04-01	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
04-02	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
04-03	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
04-04	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
04-05	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
04-06	Establishes a Missouri Methamphetamine Enforcement and Environmental Protection Task Force	January 27, 2004	29 MoReg 158
04-07	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
04-08	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301
04-09	Requires vendors to disclose services performed offshore. Restricts agencies in awarding contracts to vendors of offshore services	March 17, 2004	29 MoReg 533
04-10	Grants authority to Director of Department of Natural Resources to temporarily waive regulations during periods of emergency and recovery	May 28, 2004	29 MoReg 965
04-11	Declares regional state of emergency because of the need to repair electrical outages by various contractors, including a Missouri contractor. Allows temporary exemption from federal regulations	May 28, 2004	29 MoReg 967
04-12	Declares emergency conditions due to severe weather in all Northern and Central Missouri counties	June 4, 2004	29 MoReg 968
04-13	Declares June 11, 2004 to be day of mourning for President Ronald Reagan	June 7, 2004	29 MoReg 969
04-14	Establishes an Emancipation Day Commission. Requests regular observance of Emancipation Proclamation on June 19	June 17, 2004	29 MoReg 1045
04-15	Declares state of emergency due to lost electrical service in St. Louis region	July 7, 2004	29 MoReg 1159
04-16	Orders a special census be taken in the City of Licking	July 23, 2004	29 MoReg 1245
04-17	Declares that Missouri implement the Emergency Mutual Aid Compact (EMAC) agreement with the State of Florida	August 18, 2004	29 MoReg 1347
04-18	Accepts retrocession of federal jurisdiction over the St. Louis Army Ammunition Plant	August 25, 2004	29 MoReg 1349
04-19	Implements the EMAC with the State of Florida, activates the EMAC plan, and authorizes the use of the Missouri National Guard	September 10, 2004	29 MoReg 1430
04-20	Reestablishes the Poultry Industry Committee	September 14, 2004	29 MoReg 1432
04-21	Directs the creation of the Forest Utilization Committee within the Missouri Department of Conservation	September 14, 2004	29 MoReg 1434
04-22	Requests health care providers limit influenza vaccinations to high risk persons. Orders various actions by providers, Missouri Department of Health and Senior Services, and Attorney General's Office regarding influenza vaccine supply.	October 25, 2004	29 MoReg 1683
04-23	Creates the Forest Utilization Committee within the Missouri Department of Conservation. Supersedes and rescinds Executive Order 04-21	October 22, 2004	29 MoReg 1685
04-24	Rescinds Executive Order 03-15	October 22, 2004	29 MoReg 1687
04-25	Rescinds Executive Order 03-27	October 22, 2004	29 MoReg 1688
04-26	Authorizes Adjutant General to recognize Noncommissioned Officers with a First Sergeant's ribbon	November 1, 2004	29 MoReg 1791
04-27	Closes state offices Friday November 26, 2004	November 1, 2004	29 MoReg 1792
04-28	Closes state offices Monday, January 10, 2005	December 6, 2004	29 MoReg 2256

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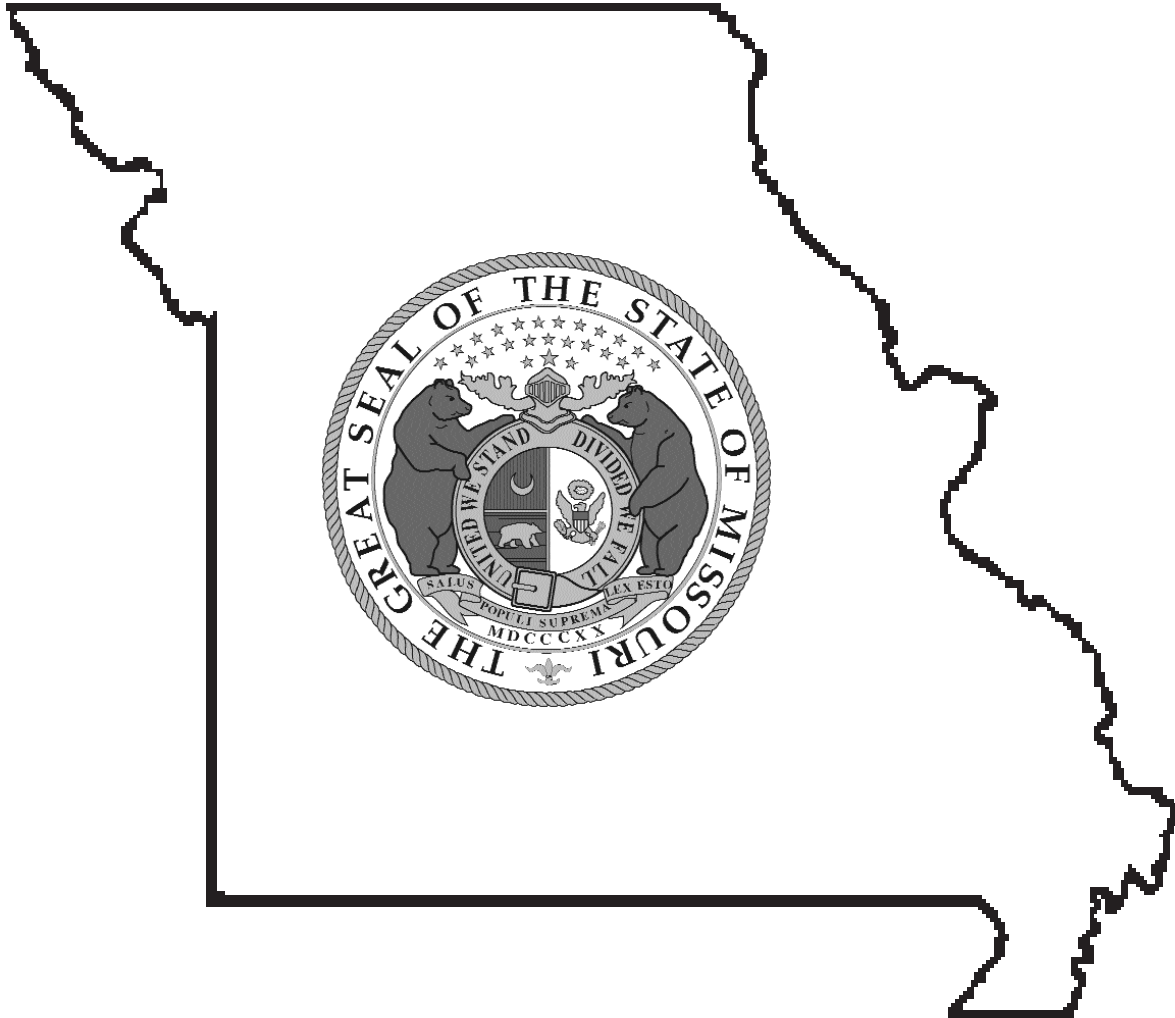
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