

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED RULE

4 CSR 240-125.010 Definitions

PURPOSE: This rule defines various terms as used in this chapter.

- (1) Act means the Federal Manufactured Housing Improvement Act of 2000.
- (2) Applicant is a person who applies to the commission for a license or limited use license to install manufactured homes.
- (3) Application means a manufactured housing installer license application or renewal application as provided by the commission.

(4) Certificate means a document issued by a commission-approved educational provider reflecting the applicant for licensure has taken an approved manufactured housing installer training class or program and has received a passing grade.

(5) Code means the federal standards set out in 24 CFR section 3280 of the Manufactured Home Construction and Safety Standards, and 24 CFR section 3282 of the Manufactured Home Procedural and Enforcement Regulations, and 24 CFR section 3284 of the Federal Manufactured Housing Installation Standards which constitute the codes to be applied to new manufactured homes which entered the first stage of production after November 22, 1976 which are rented, leased or sold or offered for rent.

(6) Commission is the Missouri Public Service Commission.

(7) Continuing education means that installers will be required to attend certification classes every three (3) years or as otherwise required by the commission.

(8) Dealer is any person, other than a manufacturer, who sells or offers for sale four (4) or more manufactured homes in any consecutive twelve (12)-month period or as otherwise defined in section 700.010, RSMo.

(9) Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and persons working under his/her supervision.

(10) Educational program means a manufactured housing training program approved by the commission.

(11) Educational provider is any person or legal entity approved by the commission to provide manufactured housing installation training, instruction, and certification pursuant to a training program approved by the commission.

(12) Installation is any work undertaken at the place of occupancy of a manufactured home to ensure the proper initial setup of the home, which shall include the joining of all sections of the home, installation of stabilization, support, and leveling systems, assembly of multiple or expanded units, and installation of applicable utility hookups and anchoring systems that render the home fit for habitation.

(13) Installer is an individual who is licensed by the commission to install manufactured homes, pursuant to sections 700.650 to 700.680, RSMo.

(14) Installation decals are decals issued by the commission to be attached to each new manufactured home installed or set up by a licensed installer.

(15) Installer license is a manufactured housing installer license or renewal license issued by the commission, issued for a one (1) year period.

(16) Installation standards are reasonable specifications for the installation of a manufactured home, including standards consistent with Chapter 700, RSMo, the act or the code and as required by the manufacturer's installation manual.

(17) License renewals mean that manufactured housing installer licenses are due annually beginning with July 1, 2005.

(18) Limited use installer license is a manufactured housing limited use installer license issued by the commission which is valid for a period of one hundred eighty (180) days and is limited to one (1) renewal.

(19) Manufacturer is any person who manufactures manufactured homes, including persons who engage in importing manufactured homes for resale.

(20) Manufactured home is a manufactured home as that term is defined in subsection (5) of section 700.010, RSMo.

(21) Manufacturer's installation manual shall be the installation manual and any changes or addendums as provided by the home manufacturer for the model home being installed.

(22) New means being sold or offered for sale to the first purchaser for purposes other than resale.

(23) Person is an individual, partnership, corporation, or other legal entity.

(24) Program means Title VI of P.L. 106-569 and any federal regulations promulgated thereunder and as may be amended.

AUTHORITY: section 700.692, RSMo Supp. 2004. Original rule filed Jan. 14, 2005.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED RULE

4 CSR 240-125.020 General Provisions

PURPOSE: This rule describes the general guidelines for the implementation of this chapter.

(1) Any person who engages in the business of installing new manufactured homes or who directs, supervises or controls installations, or who performs repairs as part of the initial installation shall have an appropriate, valid manufactured housing installer license issued under this program. Installers shall not install or set up the home if the site is not prepared as required by the manufacturer's installation manual.

(2) Any person whose installer license has been revoked may not apply for an installer license or limited use installer license within one (1) year after the date of revocation.

(3) No person shall engage in the business of installing manufactured homes or hold himself, herself or itself out as a manufactured home installer in this state unless such person holds a valid installer license issued by the commission. Manufactured home dealers and manufacturers who do not subcontract with a licensed installer, but per-

form installations themselves, must have at least one (1) employee who is a licensed installer who is responsible for each installation.

AUTHORITY: section 700.692, RSMo Supp. 2004. Original rule filed Jan. 14, 2005.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED RULE

4 CSR 240-125.030 Exceptions to Licensing Requirements

PURPOSE: This rule identifies the exceptions to licensing requirements for manufactured home installers.

(1) Unless otherwise required by federal law or regulations, the following activities are exceptions to the licensing requirements found in this chapter:

(A) Installation of a manufactured home by a person on his or her property for his or her own occupancy pursuant to section 700.656.5, RSMo;

(B) Installation of additional perimeter blocking under a manufactured home for the exclusive support of awnings, carports or roof additions;

(C) Installation of a manufactured home when the manufactured home is installed temporarily on a dealer's or manufacturer's sales or storage lot or at a show and is not occupied or intended to be occupied. This exception does not include those manufactured homes that are permanently installed in a manufactured home park, mobile home park or manufactured home subdivision;

(D) Excavation, or concrete (flat) work for sidewalks, garages, etc.;

(E) Plumbing or electrical work, if the person performing such work holds a valid license from the local jurisdiction to perform such work;

(F) Installation of drywall or trim and finish work not covered by the act or the code; and

(G) Maintenance or repairs performed by manufacturers or dealers for the purpose of customer service.

AUTHORITY: section 700.692, RSMo Supp. 2004. Original rule filed Jan. 14, 2005.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED RULE

4 CSR 240-125.040 Manufactured Home Installer License

PURPOSE: This rule establishes the licensing requirements, license fees and responsibilities for manufactured home installers.

(1) Requirements for an Installer License.

(A) To be licensed as a manufactured home installer, an applicant shall meet all of the requirements of sections 700.650 to 700.692, RSMo, including:

1. Attending a commission-approved manufactured home installation education program;
 2. Receiving a passing grade on the commission-approved examination;
 3. Submitting an application form and one hundred fifty dollar (\$150) application fee;
 4. Submitting the certificate issued by the educational provider;
- and
5. Providing proof of liability and workman's compensation insurance coverage as required pursuant to section 700.659, RSMo.

(B) The commission may waive the training and examination requirements for applicants who have obtained an installer license in another state, the District of Columbia, or territories of the United States pursuant to section 700.662, RSMo, if all the documentation is submitted with the license application and the application fee is paid. The certification must be current, must meet or exceed the requirements in sections 700.650 to 700.680, RSMo, and must cover all or a portion of the same time frame as the Missouri renewal period.

(2) Installer Responsibilities and Limits.

(A) Work covered by an installer licensee shall include but not be limited to the following:

1. Installing manufactured home underfloor vapor retarder as required by the manufacturer's installation manual for proper ventilation and access;
2. Installing the support, tie-down, anchoring and the structural connections for manufactured homes;
3. Providing plumbing and electrical utility connections unless they are regulated by local jurisdictions;
4. Providing plumbing, electrical and mechanical cross-over, appliance and fixture connections of and to the manufactured home, as permitted by these requirements;
5. Assuring that all appliance exhaust ducts are roughed in and terminations are complete when required;
6. Closing and securing all access panels and covers on or under the manufactured home;
7. Assuring all doors and windows are adjusted, secured in place, and operational;
8. Assuring all shipped loose flue vents and chimneys are installed, secured in place and capped according to the manufacturer's installation manual;

9. Where the installer also installs the skirting, complying with skirting requirements to ensure proper ventilation;
10. Affixing the installation decal to each manufactured home;
11. Completing all reporting and application forms required by the program;
12. Leaving the manufacturer's installation manual at the installation site;
13. Assuring that all portions of the manufactured home installation are in compliance with the manufacturer's installation manual; and
14. Correcting all applicable nonconformances within thirty (30) days of receipt of a correction notice from the commission.

AUTHORITY: section 700.692, RSMo Supp. 2004. Original rule filed Jan. 14, 2005.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately thirty thousand dollars (\$30,000) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately thirty thousand dollars (\$30,000) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name	4 CSR 240-125.040 Manufactured Home Installer License
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Economic Development - Missouri Public Service Commission	PSC - \$30,000.00

III. WORKSHEET

Cost – Public Service Commission – Manufactured Housing Fund

Personnel	\$14,823.00
Expenses & Equipment	\$ 9,354.00
Fringe Benefits	\$ 5,823.00
Total Cost – PSC	\$30,000.00

IV. ASSUMPTIONS

1. The Missouri Public Service Commission, Manufactured Housing and Modular Units Program will set licensing fees to cover the cost of the new program.
2. All receipts from licensing fees will be deposited into the manufactured housing fund.
3. It is estimated that 200 installers will require licensing.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Rule Number and Name	4 CSR 240-125.040 Manufactured Home Installer License
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which could be affected by the adoption of the proposed rule:	Classifications by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
200	Manufactured Home Installers	\$30,000 in the aggregate.

III. WORKSHEET

1. The estimated number of installer licensees will be 200.
2. 200 licensees costing \$150 per license = \$30,000.00

IV. ASSUMPTIONS

The Missouri Public Service Commission has determined through the Missouri Manufactured Housing Association and "town meetings" that the number of installers that will file applications is 200.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED RULE

4 CSR 240-125.050 Limited Use Installer License

PURPOSE: This rule establishes licensing guidelines for limited use installer licenses for manufactured home installers.

(1) To be licensed as a manufactured home limited use installer, an applicant shall submit to the commission a completed application, signed and dated by the applicant, together with the required one hundred fifty dollar (\$150) fee and proof of general liability and workmen's compensation insurance. A limited use installer license allows the holder to perform all of the work performed by a licensed installer under the supervision of a licensed installer.

(2) A limited use installer license shall be valid for a period of one hundred eighty (180) days and may be renewed one (1) time.

(3) If needed, the commission may contact any person or entity to verify the experience of an applicant.

AUTHORITY: section 700.692, RSMo Supp. 2004. Original rule filed Jan. 14, 2005.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED RULE

4 CSR 240-125.060 Licensing

PURPOSE: This rule establishes manufactured home installer licensing, renewal and disciplinary requirements.

(1) Issuance and Possession of License.

(A) A manufactured home installer license or a limited use installer license shall be issued to the person named on the application and shall not be transferable.

(B) The licensee shall notify the commission in writing within thirty (30) days of any address change.

(2) License Renewal.

(A) Licenses issued under this program shall expire on June 30 of each year.

(B) Forty-five (45) days prior to license expiration the commission shall mail each licensee a license renewal application.

(C) An application for renewal of a current license shall include evidence that the applicant has completed a minimum of eight (8) hours of continuing education, as required by the commission and the act and shall be accompanied by the required renewal fee, which shall be the same amount as the application fee established in 4 CSR 240-125.040. Each installer must attend an approved installer certification renewal class every three (3) years or as otherwise required by the commission or the act.

(D) A license renewal application must be submitted to the commission prior to the expiration date of the license. Persons wishing to apply for a license after their license has expired must reapply for a new license and meet all requirements of a new applicant. The commission shall not be responsible for notification if the licensee has changed addresses without notifying the commission within thirty (30) days of the address change.

(3) License Suspension and Revocation.

(A) The director may give the licensed installer twenty (20) days from the date of final written notice before filing a formal complaint with the commission for failure to comply with any of the provisions under Chapter 700, RSMo the rules promulgated thereunder or the act or the code(s) as adopted under this chapter.

AUTHORITY: section 700.692, RSMo Supp. 2004. Original rule filed Jan. 14, 2005.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately thirty thousand dollars (\$30,000) annually beginning in FY 2007.

PRIVATE COST: This proposed rule will cost private entities approximately thirty thousand dollars (\$30,000) annually beginning in FY 2007.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. No public hearing is scheduled.

**FISCAL NOTE
 PUBLIC COST**

I. RULE NUMBER

Rule Number and Name	4 CSR 240-125.060 Licensing
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Economic Development - Missouri Public Service Commission	PSC - \$30,000.00 – Total Cost starting FY 2007

III. WORKSHEET

Cost – Public Service Commission – Manufactured Housing Fund

Personnel	\$14,823.00
Expenses & Equipment	\$ 9,354.00
Fringe Benefits	\$ 5,823.00
Total Cost – PSC	\$30,000.00

IV. ASSUMPTIONS

1. The Missouri Public Service Commission, Manufactured Housing and Modular Units Program will set renewal licensing fees to cover the cost of the new program.
2. All receipts from licensing fees will be deposited into the manufactured housing fund.
3. It is estimated that 200 installers will require annual license renewal.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Rule Number and Name	4 CSR 240-125.060 Licensing
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which could be affected by the adoption of the proposed rule:	Classifications by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
200	Manufactured Home Installers	\$30,000 starting in FY 2007.

III. WORKSHEET

1. The estimated number of installer licensees for Fiscal Year 2006 will be 200.
2. 200 licensees costing \$150 per license = \$30,000.00

IV. ASSUMPTIONS

1. The Missouri Public Service Commission has determined through the Missouri Manufactured Housing Association and "town meetings" that the number of installers that will file applications is 200.
2. The number of installers is estimated to remain constant.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED RULE

4 CSR 240-125.070 Installation Decals

PURPOSE: This rule establishes installation decal requirements and fees for manufactured home installers.

(1) Requirements for Installation Decals.

(A) An installation decal issued by the commission shall be a permanent stick-on decal to be attached to the exterior of the home and shall also include a sign-off sticker, which must be attached next to the data plate inside the home with the initials and license number of each installer involved with the setup and installation of the home.

(B) The licensed manufactured home installer (installing manufactured homes) who is responsible for the initial installation and setup of the manufactured home which includes all or any portion of the blocking, leveling or roof setup or installation (capping) is responsible for affixing the installation decal and the sign-off sticker to the manufactured home upon completion of the installation.

(C) A decal shall be affixed to the manufactured home in a permanent manner in a visible location within two feet (2') of the Housing and Urban Development (HUD) label.

(D) Decals may be purchased by licensed installers by submitting an application to the commission, in duplicate together with the appropriate twenty-five dollars (\$25) for each decal.

(E) Only licensed installers may be issued installation decals by the commission and decals shall be affixed only by licensed installers upon completion of the installation.

(F) The licensed installer purchasing decals from the commission shall be responsible for decal security, use and reporting.

(G) Decals assigned to licensed installers may only be transferred by the commission.

(H) If an installer license is suspended, revoked or expires, or the installer is no longer in business, all unused decals issued to that person shall be returned to the commission. The decal fee may be refunded by the commission, if a refund application is completed by the applicant as provided by the commission.

(2) The commission may deny any request for decals when:

(A) An inspection reveals that a manufactured home or tie-down installation is not installed according to the manufacturer's installation manual or setup standards and no corrective action, or insufficient corrective action is taken by the installer as required by this program;

(B) An installer's license has expired, or has been suspended or revoked, or there is evidence of failure to comply with the requirements described in the program; and

(C) The applicant has failed to file the monthly installation decal report.

(3) Monthly Installation Decal Report.

(A) A licensed installer who has purchased installation decals directly from the commission shall submit a monthly report with the commission no later than the tenth of the month following the month when the decals were placed.

(B) The report must be filed on the commission's Installation Decal Report Form. The forms may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

(C) The director may reject all monthly reports that are incomplete.

(D) Failure to submit a completed monthly report by the due date could result in suspension or revocation of the installer's license.

(E) A report must be filed for each month or part of the month for which the installer is licensed. If no decals are placed or installed in a given month, the installer must file the usual form no later than the tenth of the following month.

(F) The licensed installer or a representative of the licensed installer must sign the report.

(G) The licensed installer shall maintain a copy of this report for his/her records.

(H) Each installation decal report shall include the licensed installer's name and license number, as well as the licensed installer's street address, city, state, zip code, and telephone number. In addition, the report shall provide the following information for each installation:

1. The installation decal number;
2. The county, home address and phone number of the homeowner;
3. The date of the installation;
4. The name of the home's manufacturer;
5. The manufactured home serial number and year built;
6. The size of the manufactured home;
7. The dealer's name; and
8. The total number of installation decals placed for the reporting period.

AUTHORITY: section 700.692, RSMo Supp. 2004. Original rule filed Jan. 14, 2005.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately fifty-five thousand dollars (\$55,000) annually.

PRIVATE COST: This proposed rule will cost private entities approximately fifty-five thousand dollars (\$55,000) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name	4 CSR 240-125.070 Installation Decals
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Economic Development - Missouri Public Service Commission	PSC - \$55,000.00 – Total Cost annually

III. WORKSHEET**Cost – Public Service Commission – Manufactured Housing Fund**

Inspector Cost per Hour X Hours of Work = Cost of Personnel

\$13.00 X 2080 = \$27,040.00

Cost of Personnel X .40 = Fringe Benefits

\$27,040.00 X .40 = \$10,816.00

Expenses and Equipment = \$17,144.00

Cost of Personnel	\$27,040.00
Fringe Benefits	\$10,816.00
Expenses & Equipment	\$17,144.00
Total Cost – PSC	\$55,000.00

IV. ASSUMPTIONS

1. The Missouri Public Service Commission, Manufactured Housing and Modular Units Program will set decal fees to cover the cost of the new program.
2. All receipts from decal fees will be deposited into the manufactured housing fund.
3. It is estimated that 2,200 new manufactured home installation decals will be issued during FY 2006 and yearly thereafter.
4. Cost of Personnel is based upon an estimate that one full time inspector will be needed to accomplish the requirements of this rule.
5. Fringe Benefits are based upon a multiplier of 40% for this personnel class.
6. Expenses and Equipment costs are modeled after costs currently being experienced by manufactured housing inspectors. Equipment and supplies include: vehicle and related expenses, field inspection equipment, computer and associated equipment and supplies, forms and other office supplies.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Rule Number and Name	4 CSR 240-125.070 Installation Decals
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of Manufactured Homes which would be affected by the adoption of the proposed rule:	Classifications by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
2200	Manufactured Home Installers	\$55,000 in the first year and a similar amount in succeeding years.

III. WORKSHEET

1. The estimated number of installation decals required for Fiscal Year 2006 will be 2,200 and a similar number in succeeding years.
2. 2,200 decals costing \$25 per decal = \$55,000.00

IV. ASSUMPTIONS

1. The Missouri Public Service Commission estimates that approximately 2,200 installation decals will be purchased during FY 2006.
2. The number of decals purchased is based upon new manufactured home sales data maintained by the Missouri Public Service Commission.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration**

PROPOSED AMENDMENT

11 CSR 45-1.090 Definitions. The commission is adding a new subsection (3)(I), and changing punctuation in subsections (3)(G) and (H).

PURPOSE: This proposed amendment incorporates an additional definition to the rule to stay current with technological changes in the gaming industry.

(3) Definitions beginning with C—

(G) Continuously docked excursion—A continuously docked excursion boat shall set a schedule of excursion as required by the definition of excursion. This schedule shall designate a specific time for boarding. On each scheduled excursion, no new passengers shall board after the specified time for boarding has expired; *[and]*

(H) Craps—A game in which dice are rolled to make different points or combinations*[./.]*; and

(I) Critical program storage media—Any program storage media that contains software that may affect the integrity of gaming, including but not limited to game, accounting, system, and peripheral firmware devices involved in or which significantly influence the operation and calculation of game play, game display, game result determination, game accounting, revenue, or security, and which must be verified utilizing an external third-party methodology approved by the commission and have security seals attached thereto.

AUTHORITY: sections 313.004, 313.805 and 313.817, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 18, 2005.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for March 17, 2005 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.200 Progressive Slot Machines. The commission is amending sections (1), (2), (4)–(13), adding new sections (8), (9) and (15), and renumbering the remaining sections.

PURPOSE: This rule is being amended to add an auditing requirement, expand the permitted locations for central monitoring systems, and clarify that all provisions of the rule apply to wide-area progressive slot machines.

(1) As used in this rule—

(C) Progressive jackpot means a slot machine payoff that increases *[and]* over time solely as a function of *[coins]* the amount played on a machine or group of machines;

(D) Wide-area progressive means a system of slot machines *[that are]* with an aggregate prize(s) linked across a *[tele]*communication *[lines as part of a]* network *[connecting]* approved by the commission which connects separate *[excursion gambling boats]* gambling establishments licensed or approved by the commission *[with an aggregate prize(s)]*; and

(2) A meter that shows the amount of the progressive jackpot must be conspicuously displayed at or near the machines to which the jackpot applies. At least once a day, each licensee shall record the amount shown on each progressive jackpot meter at the licensee's establishment except for those jackpots that can be paid directly by the machine either from the machine's hopper or other mechanism approved by the commission and, except for wide-area progressive systems, shall reconcile each meter's amount to the progression rate multiplied by the amount-in for the period between which the meter amounts were recorded. The licensee authorized to provide a wide-area progressive system shall perform the required reconciliation for each system provided by such licensee. Explanations for meter reading *[decreases]* differences or adjustments thereto must be maintained with the progressive meter reading sheets and where the payment of a jackpot is the explanation for a decrease, the *[operator]* licensee shall record the jackpot payout form number on the sheet or have the number reasonably available. *[A holder of a Class A license]* Each licensee shall record the base amount of each progressive jackpot the *[Class A]* licensee offers.

(4) *[The Class]* A licensee shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless—

(A) A player wins the jackpot; or

(B) The *[Class A]* licensee adjusts the progressive jackpot meter to correct a malfunction or to prevent the display of an amount greater than a limit imposed pursuant to section (3) of this rule and the *[Class A]* licensee documents the adjustment and the reasons for it; or

(C) The *[Class A]* licensee's gaming operations at the establishment cease for any reason other than a temporary closure where the same licensee resumes gaming operations at the same establishment within a month; *[and]* or

(D) The licensee distributes the incremental amount to another progressive jackpot *[at the Class A licensee's establishment]* as approved in writing by the commission and—

1. The *[Class A]* licensee documents the distribution;

2. Any machine offering the jackpot to which the *[Class A]* licensee distributes the incremental amount does not require that more money be played on a single play to win the jackpot than the machine from which the incremental amount is distributed;

3. Any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of 11 CSR 45-5.190(1); and

4. The distribution is completed within thirty (30) days after the progressive jackpot is removed from play or within a longer period as the commission for good cause may approve; or

[5.] (E) The commission for good cause approves a reduction, elimination, distribution, or procedure not otherwise described in this section, which approval is confirmed in writing.

(5) The operation of wide-area progressive slot machines is allowed subject to **compliance with all other requirements of this rule, in addition to** the following conditions:

(A) The wide-area system must have the ability to monitor entry into the *[front]* main door of each networked slot machine as well as the logic area of each networked slot machine and report it to the central system immediately;

(B) A licensee utilizing a wide-area progressive system must suspend play on the system if a communication failure in the system cannot be corrected within a period of time approved by the commission prior to the commencement of play on the wide-area progressive system. If a communication failure occurs in a wide-area progressive system, the *[Class A]* licensee *[of]* **authorized to provide** the system must take a reading during the time the system is down to make sure that the jackpot amount is the same at all excursion gambling boats connected to the system before bringing the system that failed back online;

(D) Jackpot verification procedures must include the following:

1. When a jackpot is won, the licensee authorized to provide the wide-area system may inspect the machine when accompanied by a gaming agent. The inspection *[may]* **shall** include examining the *[EPROM]* **critical program storage media**, the error events received by the central system, and any other data which could reasonably be used to ascertain the validity of the jackpot;

2. The central system shall produce reports that will clearly demonstrate the method of arriving at the payoff amount. This shall include the *[coins]* **amount** contributed beginning at the *[polling cycle]* **data transfer** immediately following the previous jackpot and will include all *[coins]* **amounts** contributed up to, and including, the *[polling cycle]* **data transfer**, which includes the jackpot signal. *[Coins]* **Amounts** contributed to the system before the jackpot message is received will be deemed to have been contributed to the progressive amount prior to the current jackpot. *[Coins]* **Amounts** contributed to the system subsequent to the jackpot message being received will be deemed to have been contributed to the progressive amount of the next jackpot;

3. The jackpot may be paid in installments as long as each machine clearly displays the fact that the jackpot will be paid in installments. In addition, the number of installments and time between installments must be clearly displayed on the face of the machine in a non-misleading manner that is approved by the commission; and

4. Two (2) jackpots that occur in the same *[polling cycle]* **data transfer** will be deemed to have occurred simultaneously and therefore, each "winner" shall receive the full amount shown on the meter unless another method of operation has been approved in advance by the commission;

(E) Approval by the commission of any wide-area progressive system shall occur in two (2) phases—

1. The "initial approval" stage, wherein the underlying gaming devices and *[communication]* **any associated device or system, including all hardware [are tested and approved] and software, shall be subject to testing by the commission or an independent testing laboratory designated by the commission; and review and approval** by the commission. **Testing shall include examination for adherence to the regulatory and technical standards adopted by the commission;** and

2. The "on-site testing" phase, wherein a field inspection is conducted at the central computer site as well as multiple field sites to ensure compliance with these rules. Operation of the system will be authorized only after the commission is satisfied that the system meets both the Phase I and Phase II testing requirements, as well as any other requirements that the commission may impose to assure the integrity, security and legal operation of the wide-area progressive system;

(G) Any licensee authorized to provide a wide-area progressive system, must supply, as requested, reports and information to the commission indicating the amount of, and basis for, the current jack-

pot amount (the amount currently in play). Such reports shall include an "aggregate report" and a "detail report." The "aggregate report" shall show only the balancing of the system with regard to system-wide totals. The "detail report" shall be in such form as to indicate for each machine, summarized by location, the *[coin]* **amount-in** and *[coin]* **amount-out** totals as such terms are commonly understood in the industry. In addition, upon the invoicing of any licensee participating in a wide-area progressive system, each such licensee must be given a printout of each machine **at that licensee's establishment** linked to the system, the *[coins]* **amount** contributed by each machine to the jackpot for the period for which an invoice is remitted, and any other information required by the commission to confirm the validity of the licensee's contributions to the jackpot amount;

(I) In calculating Adjusted Gross Receipts, a licensee may deduct its *pro rata* share of the present value of any progressive jackpots awarded during the month. The deducted amount shall be listed on the detailed accounting records provided by the *[person]* **licensee** authorized to provide the wide-area progressive system. A licensee's contribution is based on the *[number of coins]* **amount-in** from *[that licensee's]* **machines at that licensee's gaming establishment which are** on the wide-area progressive system, compared to the total amount *[of coins]-in* on the whole system for the time period(s) between jackpot(s) awarded;

(L) The central monitoring system for the wide-area progressive system must be *[located within the state of Missouri]* **in a location approved by the commission**. The office containing the central monitoring system shall be **secure and** equipped with a surveillance system that has been approved by the commission. **The central monitoring system shall employ on-line data redundancy that permits a complete and prompt recovery of all information in the event of any malfunction and utilize environmental controls such as uninterruptible power supplies and fireproof and waterproof materials to protect critical hardware and software from natural disasters.** The licensee authorized to provide a wide-area progressive system shall be required to keep and maintain an entry and exit log for the office in a manner approved by the commission. The commission shall at all times have the right to immediate access to the office containing the central monitoring system and the system itself*;/*. **If the licensee operating the central monitoring system proposes to locate the system outside the state of Missouri, the licensee shall reimburse the commission for all reasonable and necessary expenses incurred by its agents:**

1. **To travel to the site to inspect the system's configuration and operation prior to authorizing use of the system;**

2. **To otherwise inspect the system location in connection with investigations concerning failures of the system or its operation; or**

3. **For such other reasons as the commission deems appropriate;**

(M) The provider of the wide-area progressive system may not allow any agent or employee to work on any component of the system until that person has obtained a level II occupational license from the commission*;/*; however, the commission may require any agent or employee of the licensee to obtain a level I occupation license;

(N) The licensee authorized to provide a wide-area progressive system, must *[supply]* **maintain** a copy of all lease and contractual agreements relating to the wide-area progressive system **and supply a copy to the commission upon request;**

(O) **The licensee authorized to provide a wide-area progressive system shall ensure the wide-area progressive system prize fund (the amount of money contributed by the participating licensees) [must be] is audited, in accordance with generally accepted auditing standards, on the fiscal year-end of the licensee [authorized to provide the system], by an independent certified public accountant licensed by the Missouri State Board of Accountancy pursuant to Chapter 326, RSMo. Two (2) copies of this report must be submitted to the commission upon [completion] issuance of the audit**

report or ninety (90) days after the conclusion of the licensee's fiscal year, whichever occurs first. The cost of the audit shall be paid by the licensee providing the wide-area progressive system; and

(6) *[Class A]* Licensees shall preserve the records required by this rule for at least five (5) years after they are made unless the commission approves otherwise in writing. The records should be stored in a location acceptable to the commission.

(7) During the normal mode of progressive slot machines, the progressive controller, or other approved device must continuously monitor each machine on the link for amounts inserted *[coins]* and must multiply the accepted *[coins]* amounts by the rate of progression and denomination in order to determine the correct amounts to apply to the progressive jackpot. The progressive display must be constantly updated, in a manner approved by the commission, as play on the link is continued.

(8) Progressive slot machines shall not be multi-game or multi-denomination devices unless:

(A) The computerized slot monitoring system required by 11 CSR 45-5.220 separately and accurately accounts for the amount-in for each denomination and game, or all games offered for play by the devices contribute to the progressive jackpot; and

(B) The odds of attaining the winning combination are the same for each game; and

(C) Each game requires the same maximum wager to win the progressive jackpot, or if requiring different maximum wagers, utilizes the expected value of winning the top award by setting the odds of winning the top award in proportion to the amount wagered. The method of equalizing the expected value of winning the top award shall be conspicuously displayed on each device connected to the system.

(9) The odds of winning a progressive jackpot shall not be greater than one in fifty million (1:50,000,000) unless specifically approved in writing by the commission.

[(8)] (10) Each progressive controller must be housed in a secure, locked location which allows only authorized accessibility and which contains a progressive entry authorization log that is completed by any person gaining entrance to the secured location. Both the location housing progressive controllers and the form on which entry is logged shall be reviewed for approval by the commission prior to use. The storage medium that contains the progressive controller program shall have a unique signature that allows program verification by an agent of the commission through use of a commission approved verification device. After verification the storage medium shall be secured in the controller with a commission security seal. The security seal must be affixed by and may only be broken and removed by an authorized commission agent. Additionally, *[E]*each progressive controller linking one (1) or more wide-area progressive slot machines must be housed in a double-keyed compartment. A gaming agent must be in possession of one (1) of the keys. *[No]* and no person may have access to *[a]* the controller without *[notice to]* the presence of a gaming agent. *[All progressive slot machines must have a progressive entry authorization log within each controller and the log must be completed by any person gaining entrance to the controller. The log must be entered on a form provided by the commission.]* Normal operation of progressive gaming devices notwithstanding, communication to a progressive controller shall be permitted only by authorized personnel through entrance to the controller's secured location and who document such access and the purpose therefore on the progressive entry authorization log.

[(9)] (11) If this rule prescribes multiple items of information to be displayed on a slot machine, it is sufficient to have the information displayed in an alternating fashion.

[(10)] (12) In addition to the metering requirements provided for in the *[m]*Minimum *[i]*Internal *[c]*Control *[s]*Standards (MICS), each slot machine attached to one (1) or more wide-area progressive slot machine meters must have a separate software meter that counts the number of times each primary progressive meter is activated.

[(11)] (13) Each machine must have a separate key and key switch to reset the progressive meter or meters or another reset mechanism that has the approval of the director.

[(12)] (14) Unless the commission has approved the payment of prizes by installments, a licensee who has a progressive slot machine must maintain minimum cash reserves in accordance with 11 CSR 45-8.150. The commission must approve all such cash reserves. Notwithstanding the provisions of 11 CSR 45-5.240 Periodic Payments, to the contrary, the commission shall require that the licensee authorized to provide a wide-area progressive system—

(A) Maintain in a restricted account a reserve consisting of cash, United States Government Treasury Securities, United States Government Agency Securities and/or Missouri state debt instruments of not less than the sum of the following amounts:

1. The present value of the aggregate remaining balances owed on all jackpots previously won by patrons through the wide-area progressive system; and

2. An amount sufficient to fully fund the present value of all amounts currently reflected on the progressive meters of the wide-area progressive systems; and

(B) In addition, the licensee authorized to provide the wide-area system shall at all times satisfy and be in compliance with the following ratios and tests:

1. An interest coverage ratio of not less than three to one (3:1); and

2. Debt to EBITDA (earnings before interest, taxes, depreciation and amortization) of not more than four to one (4:1); and

3. Satisfaction of one of the following ratios and tests:

A. A current ratio of not less than two to one (2:1); or

B. Working capital that is greater than twenty percent (20%) of the licensee's total jackpot liability; or

C. Working capital in excess of one hundred (100) million dollars and a credit rating from at least two (2) of the following credit rating organizations equal to or higher than the following:

(I) Standard & Poor's Corporate BBB-;

(II) Moody's Long-Term Baa3; or

(III) Fitch Corporate BBB-.

(15) The requirements of this rule shall apply equally to one (1) progressive gaming device linked to a progressive controller or which is internally controlled, as well as several progressive gaming devices linked to one (1) progressive controller within one (1) casino or multiple casinos.

[(13)] (16) In addition to the requirements of this rule, all licensees shall comply with *[Section]* Chapter E of the Minimum Internal Control Standards as authorized by 11 CSR 45-9.030.

AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 18, 2005.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for March 17, 2005 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 400—Individual Income Tax**

PROPOSED RULE

12 CSR 10-400.200 Special Needs Adoption Tax Credit

PURPOSE: Section 135.327, RSMo, provides an income tax credit up to ten thousand dollars (\$10,000) for qualified expenses incurred in the adoption of a special needs child. This rule explains when the tax credit is available and how the individual may claim the credit.

(1) In general, an individual may qualify for a credit for nonrecurring expenses incurred in the legal adoption of a special needs child. The credit may be used to reduce individual income tax. The classification of a child as a "special needs child" is determined by the Children's Division of the Department of Social Services (Children's Division).

(2) Definitions of Terms.

(A) Special needs child—As certified by the Children's Division, a child-placing agency licensed by this state, or a court of competent jurisdiction. This does not include any child who has attained the age of eighteen (18); unless it has been determined the child has a medical condition or handicap that would limit the child's ability to live independently of the adoptive parents.

(B) Resident special needs child—A special needs child who was a resident of this state, or who was a ward of a resident of this state, at the time the adoption was initiated.

(C) Nonresident special needs child—A special needs child who was neither a resident of this state nor a ward of a resident of this state at the time the adoption was initiated.

(D) Qualified expenses—Reasonable and necessary nonrecurring adoption expenses including attorney fees, court costs, and other directly related expenses not taken as a deduction or credit under any similar provision of federal, state, or local law.

(E) Fiscal year—July 1 to June 30.

(F) Filing period—The filing period for claiming a credit begins on July 1 of the fiscal year and ends on April 15 of the fiscal year. If April 15 ends on a Saturday, Sunday, or a holiday, the filing period shall end on the first business day following April 15.

(3) Basic Application.

(A) An individual residing in this state who proceeds in good faith to adopt a special needs child may be eligible for an adoption tax credit. The tax credit is limited to the lesser of ten thousand dollars (\$10,000) or the actual amount of qualified expenses incurred in the

adoption of each special needs child. The tax credit is available for a total of five (5) years. The five (5)-year period begins when the tax credit is first taken or the adoption is finalized, whichever occurs first, and the years for claiming the tax credit run consecutively.

(B) The lesser of one-half (1/2) of the actual amount of qualified expenses incurred or five thousand dollars (\$5,000) may be used to reduce the income tax on the adoptive parent's individual income tax return for the tax year in which the special needs child is placed in the home. The remaining tax credit may be used to reduce the income tax in the tax year the adoption is finalized.

(C) The adoption tax credit used may not exceed the income tax for the tax year. The portion of the tax credit which exceeds the income tax shall not be refunded but may be carried forward and used against the taxpayer's income tax for the subsequent four (4) tax years from the year the child is placed in the home.

(D) The owner of an adoption tax credit may assign, transfer or sell the credit. To claim the credit, the buyer must provide a statement signed by the seller that includes the names, addresses, and Social Security numbers of the buyer and seller, the date the credit was sold, the amount of tax credit sold, and a copy of the Form MO-ATC completed by the adoptive parents.

(E) The adoption tax credit is subject to the original owner's delinquent income, sales, and use taxes, including interest and penalties.

(F) No credit shall be allowed for that portion of the qualified expenses paid from any funds received under any federal, state or local program.

(G) The credit shall be reduced by an amount equal to the state's cost of providing care, treatment, maintenance and services when:

1. There is no intent to return the child to the adoptive home and the special needs child is placed in foster care or a residential treatment facility, which is licensed by the Division of Family Services, the Division of Youth Services, or the Department of Mental Health; or

2. A juvenile court temporarily or finally relieves the adoptive parents of custody of the special needs child.

(H) Only one (1) ten thousand dollar (\$10,000) credit is available for each special needs child that is adopted.

(I) The cumulative amount of tax credits that may be issued for qualified expenses in any one (1) fiscal year cannot exceed \$4,000,000, of which \$2,000,000 may only be issued for the adoption of resident special needs children. The remaining \$2,000,000 is available first for credits claimed during the first ninety (90) days of the fiscal year for the adoption of nonresident special needs children. If less than \$2,000,000 is claimed during the ninety (90)-day period for nonresident special needs children, the remainder is available for credits claimed for the adoption of resident special needs children. If the remaining credit is not used for the adoption of resident special needs children, it is available for the adoption of nonresident special needs children.

(J) If the total credits claimed exceed the amount available in either category, the credits will be apportioned *pro rata* among all of the taxpayers in each category who have filed a valid claim within the filing period.

(K) All claims filed after the filing period and received before the beginning of the next filing period will be accepted in the order that they are filed until the amount available for that category is depleted. If no funds are available for that category, the claim will be denied, and may be refiled during the filing period for the following fiscal year.

(L) In the first year in which the credit is claimed, any taxpayer claiming this tax credit must attach to the individual income tax return a completed Missouri Department of Revenue Form ATC. This form can be accessed from the Department of Revenue's website at <http://www.dor.mo.gov/tax/personal/individual/forms/2004>, under tax credit forms.

(4) Examples.

(A) A special needs child is placed in the home and the adoption is finalized in 2002. The taxpayer incurred \$15,000 in qualified expenses. The taxpayer has income tax of \$6,000 for the tax year. The individual may use \$6,000 in 2002 and has \$4,000 to carry forward to 2003.

(B) A special needs child is placed in the home in 2002. The adoption is finalized in 2003. The individual incurred \$15,000 in qualified expenses. The individual has income tax of \$6,000 for 2002. Because the credit is limited to 50% of the total credit in the year that the child is placed in the home, the individual may only use \$5,000 in 2002 and has \$5,000 to carry forward to 2003.

(C) A special needs child is placed in the home in 2002. The adoption is finalized in 2004. The individual incurred \$15,000 in qualified expenses. The individual has income tax of \$6,000 for 2002, and may use \$5,000 of credit in that year (50% of the total credit of \$10,000). Because the adoption was not finalized until 2004, the individual has no credit available for 2003, and has \$5,000 available for 2004.

(D) A special needs child is placed in the home in 2002. The adoption is finalized in 2004. The individual incurred \$15,000 in qualified expenses. The individual has income tax of \$3,000 for 2002 and for 2003. The individual may use \$3,000 of the \$5,000 available credit in 2002, \$2,000 of the credit in 2003, and has another \$5,000 available for 2004.

(E) A special needs child is placed in the home in 2002. The adoption is finalized in 2004. The individual incurred a total of \$8,000 in qualified expenses. The individual has income tax of \$3,000 for 2002 and for 2003. The individual may use \$3,000 of the \$4,000 available credit in 2002, \$1,000 of the credit in 2003, and has another \$4,000 available for 2004.

(F) An individual incurred a total of \$10,000 in qualified expenses related to the adoption of a resident special needs child. The individual incurred income tax of \$3,000 in 2004 and filed a 2004 return on April 30, 2005, after the filing period for the adoption tax credit. At the end of the filing period, the aggregate amount of resident adoption tax credit that was claimed was \$1,998,000, and no other resident adoption tax credit claims were filed prior to the individual's return. The individual's credit is limited to the remaining \$2,000 of available credit for the fiscal year ending June 30, 2005, and \$1,000 of the individual's credit will be denied.

(G) The individual incurred a total of \$10,000 of qualified adoption expenses and income tax of \$3,000 for 2004. The individual filed a 2004 return within the filing period to claim the credit. The total claims for the adoption expenses for nonresident special needs children filed within the filing period equaled \$4,000,000. The individual will be approved for a credit of \$1,500 for 2004, 50% of the credit claimed (\$2,000,000 divided by \$4,000,000), and will have \$8,500 of credit available for 2005.

(H) A special needs child is placed in the home and the adoption is finalized in 2004. The individual incurred \$15,000 in qualified expenses and had income tax of \$6,000 for the tax year. The individual filed a 2004 return after the end of the filing period, and the cumulative amount of tax credits available for the fiscal year had been reached. The individual's claim for \$6,000 in 2004 will be denied, and the individual has \$10,000 to carry forward to 2005.

(I) A car dealer accepts an adoption tax credit as payment for a car. The car dealer may use the adoption tax credit to offset any income tax, subject to the applicable restrictions. No portion of the credit is refundable, but can be carried over for the remaining life of the credit.

(J) In the year the adoption is finalized and after the tax credit had been sold, a juvenile court temporarily relieved the parents of custody, at a total cost to the state of \$8,000. The credit of \$10,000 will be reduced by the amount of the state's cost in providing care, and the transferee of the credit has \$2,000 available.

(K) A special needs child is placed in the home and the adoption is finalized in 1999. The individual incurred \$15,000 in qualified expenses. The individual has income tax of \$6,000 each tax year. The individual did not claim an adoption tax credit on the individual's 1999 through 2003 returns. The individual may not claim a credit for 2004. However, the individual may file amended returns for any tax year for which the statute of limitations remains open and claim the adoption tax credit.

(L) An individual adopts a special needs child in a foreign country and the adoption was finalized in the foreign country in 1999. The individual incurred \$14,000 in qualified expenses and owed no income tax in 1999, 2000, or 2001, and owed income tax of \$4,000 for 2002. The individual claimed \$4,000 adoption tax credit on the tax return for 2002. The unused \$6,000 of qualified expenses is available to be carried over to 2003, but no further.

AUTHORITY: section 143.961, RSMo 2000. Emergency rule filed Jan. 7, 2005, effective Jan. 17, 2005, expires July 15, 2005. Original rule filed Jan. 7, 2005.

PUBLIC COST: Based on the fiscal note prepared by Division of Oversight (HB 1453) the changes to section 135.327, RSMo, reflected in the proposed rule will cost the state \$1,500,000 to \$2,000,000 in FY05 and one hundred thousand dollars (\$100,000) to \$2,000,000 for FY's 06 and 07. This proposed rule will cost the Department of Revenue nine thousand five hundred thirty dollars (\$9,530) with that cost recurring annually over the life of the rule. DSS has indicated there are no monetary costs to DSS associated with this rule. The fiscal note prepared by Division of Oversight did not reflect costs to any other state agencies or political subdivisions for this portion of the law.

PRIVATE COST: This proposed rule is estimated to cost private entities sixty-two thousand three hundred sixteen dollars (\$62,316) in the aggregate with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
 PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-400.200 Adoption Tax Credit
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
Missouri Department of Revenue	\$9,530
Missouri Department of Social Services	\$0

III. WORKSHEET

It costs the Department of Revenue \$2.72 to process each adoption tax credit claim. Based on the number of filers claiming the adoption tax credit in FY04 (1,835), the aggregate costs for DOR to process the claims are \$4,991. In addition to the processing costs, apportioning the funds available on all valid claims as required by section 135.327, RSMo will require one TPT IV and one TPT II for a minimum of 20 days totaling \$4,303. Postage costs for the adjustment notices will total an estimated \$233. Costs for processing, apportioning and postage total \$9,530. The Department of Social Services (DSS) maintains certain data regarding these credits. According to DSS this rule does not change DSS' processes or procedures; therefore, there are no monetary costs to DSS.

IV. Assumptions

The non-resident claims will continue to exceed \$2,000,000 requiring apportionment of the available funds for the category among all valid claims. No apportionment will be required for resident special needs children. The funds available for non-resident special needs children must be apportioned among all filers with non-resident special needs adopted children. No filers in the non-resident category will receive the full amount claimed. Adjustment notices will be required for an estimated 800 filers. Salaries for FTE required for processing are as of FY2005.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-400.200 Adoption Tax Credit
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,475 individuals		\$56,068
164 businesses	Sole Proprietors, Limited Liability Corporations, Partnerships, S-Corporations	\$ 6,248

III. WORKSHEET

The Department of Revenue received 1,835 amended individual income tax returns from individuals and businesses claiming a special needs adoption tax credit in FY2004. The estimated cost to prepare, file and mail an amended individual income tax return is \$33.96. The total annual aggregate costs for all affected entities are \$62,316.

IV. ASSUMPTIONS

The average hourly rate is \$16.62 and it takes two hours recordkeeping and return preparation to complete an amended individual income tax return claiming an adoption tax credit with mailing costs of \$0.72 each. Ten percent or less of all individual income tax returns are filed by businesses claiming the special needs adoption tax credit. These recordkeeping and additional return preparation costs directly related to the filing of amended returns are expected to be more than offset by the reduction in tax on the Missouri return.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 26—Federally-Qualified Health Center Services**

PROPOSED AMENDMENT

13 CSR 70-26.010 Medicaid Program Benefits for Federally-Qualified Health Center Services. The division is amending section (3) to clarify grants which are not offset from allowable FQHC costs.

PURPOSE: This amendment clarifies the treatment of federal grants awarded directly to Federally Qualified Health Centers (FQHCs) and clarifies the treatment of payments from the St. Louis Regional DSH Funding Authority (RDFA) to local FQHCs for uninsured primary care.

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

(3) Nonallowable Costs. Any costs which exceed those determined in accordance with the Medicare cost reimbursement principles set forth in 42 CFR Part 413 are not allowable in the determination of a provider's total reimbursement. **42 CFR Part 413 (Revised as of October 1, 2004), incorporated by reference in this rule, is published by the U.S. Government Printing Office; for sale by the Superintendent of Documents, U.S. Government Printing Office; Internet: bookstore.gpo.gov; telephone toll free 1-866-512-1800; Washington, DC area 202/512-1800; fax 202/512-2250; mail: Stop SSOP, Washington, DC 20401-0001. The rule does not incorporate any subsequent amendments or additions.** In addition, the following items specifically are excluded in the determination of a provider's total reimbursement:

(A) Grants, gifts and income from endowments will be deducted from total operating costs, with the following exceptions:

1. *[Public Health Service Grants under sections 329, 330 or 340 of the Public Health Services Act]* Grants awarded by federal government agencies, such as the Health Resources and Services Administration and Public Health Service, directly to an FQHC; *[and]*

2. Grants received from the Missouri Primary Care Association (MPCA) in accordance with contractual agreements between the Division of Medical Services and MPCA; **and**

3. **Payments for uninsured primary care from the St. Louis Regional DSH Funding Authority (RDFA).**

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Emergency rule filed June 4, 1990, effective July 1, 1990, expired Oct. 28, 1990. Original rule filed June 4, 1990, effective Nov. 30, 1990. Amended: Filed Sept. 4, 1991, effective Jan. 13, 1992. Amended: Filed July 30, 2002, effective Jan. 30, 2003. Amended: Filed Jan. 14, 2005.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

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 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and
Division of Personnel
Chapter 3—Personnel Selection, Appointment,
Evaluation and Separation**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo 2000, the board amends a rule as follows:

1 CSR 20-3.070 Separation, Suspension and Demotion is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2004 (29 MoReg 1513). 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: A public hearing on this proposed rule was held December 14, 2004, and the public comment period ended on that date. At the public hearing one (1) comment was made.

COMMENT: Patrick Murphy with the Department of Mental Health commented that his agency did not see a reason to amend 1 CSR 20-3.070(6)(C) because the reemployment option is available under the current rules.

RESPONSE: The Personnel Advisory Board decided that this revision makes the rule language more permissive. No changes have been made to the rule as a result of this comment.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 5—Working Hours, Holidays and Leaves of
Absence**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo 2000, the board withdraws a proposed amendment as follows:

1 CSR 20-5.025 ShareLeave is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2004 (29 MoReg 1513-1514). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held December 14, 2004, and the public comment period ended on that date. At the public hearing, five (5) comments were received on this proposed amendment. All of the comments were against the amendment.

RESPONSE: As a result, the Personnel Advisory Board is withdrawing this rulemaking.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 230—State Board of Podiatric Medicine
Chapter 1—Organization and Description of Board**

ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.140.1, RSMo 2000 and 536.023.3, RSMo Supp. 2004, the board amends a rule as follows:

4 CSR 230-1.010 General Organization 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 1444). 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 230—State Board of Podiatric Medicine
Chapter 1—Organization and Description of Board**

ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.110 and 330.140.1, RSMo 2000, the board amends a rule as follows:

4 CSR 230-1.020 Board Member Compensation 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 1444). 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 230—State Board of Podiatric Medicine
Chapter 1—Organization and Description of Board**

ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.010, 330.040, 330.050, 330.070, and 330.140, RSMo 2000, the board adopts a rule as follows:

4 CSR 230-1.030 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2004 (29 MoReg 1444–1445). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 230—State Board of Podiatric Medicine
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.010.1, 330.040 and 330.140.1, RSMo 2000, the board amends a rule as follows:

**4 CSR 230-2.010 Application for Licensure
by Examination 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 1445–1446). 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 230—State Board of Podiatric Medicine
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.140.1. and 330.160.2(6), RSMo 2000, the board amends a rule as follows:

4 CSR 230-2.020 Professional Conduct Rules 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 1446). 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 230—State Board of Podiatric Medicine
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.140.1. and 330.160.2(6), RSMo 2000, the board amends a rule as follows:

4 CSR 230-2.021 Advertising Regulation 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 1446–1447). 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 230—State Board of Podiatric Medicine
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under section 330.140, RSMo 2000, the board amends a rule as follows:

4 CSR 230-2.022 Podiatric Titles 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 1447). 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 230—State Board of Podiatric Medicine
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.070 and 330.140.1, RSMo 2000, the board amends a rule as follows:

4 CSR 230-2.030 Biennial License Renewal 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 1448-1450). 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 230—State Board of Podiatric Medicine Chapter 2—General Rules****ORDER OF RULEMAKING**

By the authority vested in the State Board of Podiatric Medicine under sections 330.140, RSMo 2000 and 620.010.15, RSMo Supp. 2004, the board amends a rule as follows:

4 CSR 230-2.041 Public Complaint Handling and Disposition Procedure 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 1450-1451). 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 230—State Board of Podiatric Medicine Chapter 2—General Rules****ORDER OF RULEMAKING**

By the authority vested in the State Board of Podiatric Medicine under sections 330.030 and 330.140, RSMo 2000, the board amends a rule as follows:

4 CSR 230-2.050 Reciprocity 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 1451-1452). 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 230—State Board of Podiatric Medicine
Chapter 2—General Rules****ORDER OF RULEMAKING**

By the authority vested in the State Board of Podiatric Medicine under sections 330.010, 330.065, and 330.140, RSMo 2000, the board amends a rule as follows:

4 CSR 230-2.065 Temporary Licenses for Internship/Residency 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 1452-1453). 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 230—State Board of Podiatric Medicine
Chapter 2—General Rules****ORDER OF RULEMAKING**

By the authority vested in the State Board of Podiatric Medicine under sections 330.095 and 330.140, RSMo 2000, the board amends a rule as follows:

4 CSR 230-2.070 Fees 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 1453-1454). 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 25—Motor Carrier Operations****ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.008, RSMo Supp. 2004 and 387.060, RSMo 2000, the commission adopts a rule as follows:

7 CSR 10-25.040 Notice to be Given to Consumers by Household Goods Carriers—Timing of Delivery, Form and Contents is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 15, 2004 (29 MoReg 1352-1355). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received four (4) comments during the comment period.

COMMENT: The Missouri Movers Association commented that a hardship is created for the household goods mover by requiring the Household Goods pamphlet be given to customers each time an estimate is given. The Missouri Movers Association requested that the rule be revised to remove subsections 7 CSR 10-25.040(2)(A) and 7 CSR 10-25.040(2)(B).

RESPONSE: The commission has reviewed the comment of the Missouri Movers Association and declines to make the requested change. That proposed change would result in household goods movers not having to provide the notice pamphlet to customers until the customers have entered into binding, contractual relationships with the movers. By deferring the giving of notice until after the customer is legally obligated to one mover would defeat one of the purposes of the rule, to provide prospective customers with relevant information, when it can assist them in evaluating the services offered and prices asked by various movers in the marketplace. This is intended to help consumers in selecting the mover, services, and prices that best fit their needs.

COMMENT: The Missouri Movers Association requested inclusion of a list of Certified Household Goods Movers in the pamphlet.

RESPONSE: The commission has considered the comment and declines to make the requested change. To publish a list of all the household goods carriers currently authorized by the Missouri Department of Transportation (MoDOT) within these notice pamphlets would be impractical, because every change in the status of listed carriers would require a corresponding change in the printed pamphlets. The Certified Household Goods Movers list would require frequent changes due to the addition of new authorized carriers, and the suspension or revocation of certificates of existing authorized carriers. That would make pamphlets already printed by MoDOT inaccurate and outdated, perhaps even before they can be distributed to carriers and prospective customers. However, the commission agrees that it is desirable to increase public awareness of which household goods movers currently possess MoDOT certificates. Therefore, the commission has approved inclusion of the Certified Household Goods Movers list on the MoDOT Motor Carrier Services website, because that list can be updated more efficiently.

COMMENT: The Missouri Movers Association requested inclusion of the Missouri Department of Transportation, Motor Carriers Division website address in the pamphlet.

RESPONSE: The commission agrees, and has approved inclusion in the notice pamphlet of the URL address of the Motor Carrier Services website, found at www.carrier.state.mo.us.

COMMENT: A representative of the Missouri Motor Carriers Association (MMCA) also commented on the proposed text of the informational pamphlet, suggesting numerous minor text changes and additions to clarify the meaning of the pamphlet.

RESPONSE: The commission approved most of the wording changes proposed by the MMCA's representative, as well as several other changes as to wording, style and form in order to clarify the meaning of the pamphlet. However, the commission declines to adopt a few of the minor wording changes proposed by MMCA's representative, because they are inconsistent with, or do not clarify, the commission's intended meaning of the text.

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 2004, the commission amends a rule as follows:

12 CSR 40-40.170 Sale During Normal Business Hours 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 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 2004, the commission amends a rule as follows:

12 CSR 40-40.270 Ticket Transactions in Excess of \$5,000 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 1467-1468). 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 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 50—Tickets and Prizes

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 2004, the commission adopts a rule as follows:

12 CSR 40-50.040 Game/Promotion Changes—Cancellation is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2004 (29 MoReg 1468). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—On-Line Game**

ORDER OF RULEMAKING

By the authority vested in the Missouri Lottery Commission under section 313.220, RSMo Supp. 2004, the commission amends a rule as follows:

12 CSR 40-85.170 Game Sell-Out Prohibited 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 1468). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 80—Payment of Residential Facilities**

ORDER OF RULEMAKING

By the authority vested in the Children’s Division under section 207.020, RSMo 2000, the director amends a rule as follows:

**13 CSR 35-80.010 Residential Foster Care Maintenance
Methodology is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2004 (29 MoReg 1729). 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 35—Children’s Division
Chapter 80—Payment of Residential Facilities**

ORDER OF RULEMAKING

By the authority vested in the Children’s Division under section 207.020, RSMo 2000, the director amends a rule as follows:

**13 CSR 35-80.020 Residential Care Agency Cost Reporting
System is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2004 (29 MoReg 1729). 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 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under sections 374.045, RSMo 2000 and 374.705, 374.710, 374.730 and 374.784, RSMo Supp. 2004, the director amends a rule as follows:

**20 CSR 700-6.100 Fees and Renewals—Bail Bond Agents,
General Bail Bond Agents and Surety Recovery Agents
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2004 (29 MoReg 1587–1589). 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 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under sections 374.045, RSMo 2000 and 374.705, 374.710 and 374.784, RSMo Supp. 2004, the director adopts a rule as follows:

**20 CSR 700-6.150 Initial Basic Training for Bail Bond Agents,
General Bail Bond Agents and Surety Recovery Agents
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2004 (29 MoReg 1590–1592). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Insurance received one (1) comment on this proposed rule.

COMMENT: The commenter requested that the department verify that the two hundred dollar (\$200) cost for an applicant’s initial basic training course identified in paragraph (2)(B)4. of the proposed rule is consistent with the governing statutory language.

RESPONSE: The department has verified that the two hundred dollar (\$200) fee identified in paragraph (2)(B)4. of the proposed rule is consistent with paragraph 374.710, RSMo Supp. 2004, which provides “The cost shall not exceed two hundred dollars for the initial basic training and one hundred fifty dollars for biennial continuing education.” Accordingly, no changes have been made to the rule as a result of this comment.

**Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under sections 374.045, RSMo 2000 and 374.705, 374.710 and 374.784, RSMo Supp. 2004, the director adopts a rule as follows:

20 CSR 700-6.160 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2004 (29 MoReg 1593-1596). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Insurance received one (1) comment on this proposed rule.

COMMENT: The commenter stated that the department should clarify in the text of the rule that an examination is not required to receive credit for a classroom instruction continuing education class that is not a self-study course.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the intent of the rule is to only require an examination in connection with a self-study continuing education class and not to require an examination for courses taken by classroom instruction. Accordingly, the department has rewritten subsection (2)(A) of the proposed rule.

20 CSR 700-6.160 Continuing Education for Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents

(2) CEC hours may be earned through the following:

(A) Classroom instruction with a maximum credit of eight (8) CEC hours per course. A licensee shall not be required to pass an examination to receive continuing education credit for a classroom delivered course.

**Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 6—Bail Bond Agents and Surety Recovery Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under sections 374.045, RSMo 2000 and 374.705, 374.710 and 374.784, RSMo Supp. 2004, the director adopts a rule as follows:

20 CSR 700-6.170 Change of Status Notification for Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2004 (29 MoReg 1597). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 6—Bail Bond Agents and Surety Recovery Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under sections 374.045, RSMo 2000 and 374.705, 374.710 and 374.784, RSMo Supp. 2004, the director amends a rule as follows:

20 CSR 700-6.200 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2004 (29 MoReg 1597-1598). 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: No comments were received.

EXPLANATION OF ADDITIONAL CHANGES: The department noted that sections 374.045, RSMo 2000 and 374.705, RSMo Supp. 2004, should have been included in the authority section of the proposed amendment. Accordingly, the department amends the authority section.

20 CSR 700-6.200 Assignment and Acknowledgement

AUTHORITY: sections 374.045, RSMo 2000 and 374.705, 374.710 and 374.784, RSMo Supp. 2004. Original rule filed Oct. 15, 1996, effective May 30, 1997. Amended: Filed Sept. 14, 2004.

**Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 6—Bail Bond Agents and Surety Recovery Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under sections, 374.045, RSMo 2000 and 374.705, 374.715 and 374.740, RSMo Supp. 2004, the director adopts a rule as follows:

20 CSR 700-6.250 Assignment of Additional Assets **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2004 (29 MoReg 1598). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 6—Bail Bond Agents and Surety Recovery Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under sections 374.045 and 374.760, RSMo 2000 and 374.705, RSMo Supp. 2004, the director amends a rule as follows:

20 CSR 700-6.300 Affidavits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2004 (29 MoReg 1598-1599). 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 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for March 21, 2005. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

01/06/05

#3716 HS: Saint Louis University Hospital
St. Louis (St. Louis City)
\$2,953,996, Acquire bi-plane angiography unit

01/07/05

#3731 HS: SSM Health Care St. Louis
St. Louis (St. Louis County)
\$188,522,000, Establish 158-bed acute care hospital

#3729 HS: St. Anthony's Medical Center
St. Louis (St. Louis County)
\$2,200,000, Acquire bi-plane angiography unit

#3730 HS: All Saints Special Care Hospital
St. Louis (St. Louis City)
\$953,000, Establish 24-bed long-term care hospital

#3727 HS: Landmark Hospital
Cape Girardeau (Cape Girardeau County)
\$6,439,000, Establish 30-bed long-term care hospital

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by February 10, 2005. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for February 23, 2005. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

01/11/05

#3728 NP: Sunrise Assisted Living of Chesterfield
Chesterfield (St. Louis County)
\$213,000, Long-term care bed expansion through the purchase of 46 intermediate care facility beds from Sunrise Assisted Living of Des Peres

#3732 RP: Oak Brook Residence
Springfield (Greene County)
\$200,000, Long-term care bed expansion through the purchase of 20 residential care facility II beds from Woodlawn Manor Residential Care Facility

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by February 10, 2005. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.