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SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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

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

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

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

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

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

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

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 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for
Movement of Livestock, Poultry and Exotic Animals**

PROPOSED AMENDMENT

2 CSR 30-2.040 Animal Health Requirements for Exhibition.

The director is amending sections (1)–(6), (8) and (9).

PURPOSE: This proposed amendment is designed to revise and clarify intrastate regulations on movement of livestock within Missouri and update exhibition requirements for tuberculosis and chronic wasting disease to meet entry requirements into Missouri. This proposed amendment will also add continuity in reference to the official form to be issued by an accredited veterinarian.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporat-

ed by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) [Health Certificates] Certificate of Veterinary Inspection.

(A) The term *[health certificate or]* Certificate of Veterinary Inspection means a legible record made on an official form of the state of origin, issued by an accredited veterinarian, which shows that the animal(s) listed meets the testing, vaccination, treatment and health requirements of the state of destination.

(2) Exhibition Requirements for Cattle [in Missouri] and Bison.

(A) Intrastate (cattle in Missouri moving for exhibition only in Missouri).

1. *[Tuberculosis. Tuberculosis tests are not required for Missouri cattle.] No Certificate of Veterinary Inspection is required.*

2. *[Scabies (mange). Cattle originating in scabies-quarantined areas or herds are not eligible to exhibit.] Brucellosis—no test is required.*

3. Tuberculosis—no test is required.

(B) Interstate (cattle from another state moving into Missouri for the purpose of exhibition only).

1. A *[health certificate] Certificate of Veterinary Inspection* is required.

2. Brucellosis.

A. Cattle from brucellosis-free states.

(I) All cattle may enter without a brucellosis test.

(II) Steers. No tests required but the steer(s) must be listed and identified on a *[health certificate] Certificate of Veterinary Inspection*.

B. **Sexually intact [C]cattle from brucellosis Class A states. All [breeding cattle eighteen (18) months of age and over] test-eligible animals** must be tested and negative within *[ninety (90)] sixty (60)* days prior to entry except—

(I) Cattle from a certified brucellosis-free herd. The certified herd number and the date of the last herd test must be shown on the *[health certificate] Certificate of Veterinary Inspection*; and

(II) Steers. No tests required but the steer(s) must be listed and identified on a *[health certificate] Certificate of Veterinary Inspection*.

C. *[Cattle from brucellosis Class B and C states or areas are not eligible to exhibit in Missouri] Rodeo bulls must have a negative brucellosis test within twelve (12) months if from a Class A state.*

3. Tuberculosis. *[Tuberculosis tests are not required on cattle entering and moving in Missouri for exhibition only.]*

A. *[Cattle originating from a modified accredited state or area are required to have a negative test within sixty (60) days prior to entry.] Beef—all beef breeding cattle eight (8) months of age or over entering and moving in Missouri for exhibition must meet one (1) of the following requirements:*

1. Originate from a tuberculosis-free state;

2. Originate from a tuberculosis-accredited free herd. The herd number and current herd test date must be shown on the *Certificate of Veterinary Inspection*;

3. Test negative within sixty (60) days prior to exhibition.

B. Dairy—all sexually intact dairy cattle six (6) months of age and older must be negative to an official tuberculosis test within sixty (60) days prior to exhibition.

4. Scabies (mange). Cattle originating in scabies-quarantined areas or herds are not eligible to exhibit.

(3) Exhibition Requirements for Swine [*in Missouri*].

(A) Intrastate [*and interstate swine must be individually identified by eartag, ear notch, tattoo or other approved device on the health certificate*] (swine in Missouri moving for exhibition only in Missouri). No Certificate of Veterinary Inspection is required.

1. Brucellosis. No test is required.

[A. Breeding swine originating from brucellosis-free states may exhibit without a brucellosis test.

B. Breeding swine originating from brucellosis stage II states must be tested negative within sixty (60) days prior to exhibition except breeding swine from a validated brucellosis-free herd. The validated herd number and date of last validating test must be recorded on the health certificate.]

2. Pseudorabies [*(Aujeszky's Disease)*]. All swine must be tested negative within sixty (60) days prior to exhibition except—[No test is required.

[A. Swine from a qualified pseudorabies-free herd. The qualified herd number and date of the last qualifying test must be recorded on the health certificate;

B. Market class swine that are to be slaughtered at the end of the show. If the show or exhibit includes other classes of animals such as cattle, sheep or breeding swine, then the market swine must be tested and negative to pseudorabies or originate from a qualified pseudorabies-free herd; and

C. Swine originating from a state classified as Stage V in the National Pseudorabies (PRV) Eradication Plan.]

(B) Interstate (swine from another state moving into Missouri for the purpose of exhibition only). A Certificate of Veterinary Inspection is required.

1. Brucellosis.

A. Breeding swine originating from brucellosis-free states may exhibit without a brucellosis test.

B. Breeding swine originating from brucellosis stage II states must be tested negative within sixty (60) days prior to exhibition except breeding swine from a validated brucellosis-free herd. The validated herd number and date of last validating test must be recorded on the Certificate of Veterinary Inspection.

2. Pseudorabies.

A. Swine originating from a state classified as Stage V in the National Pseudorabies (PRV) Eradication Plan may exhibit without a pseudorabies test.

B. All other swine must be tested negative within sixty (60) days prior to exhibition except swine from a qualified pseudorabies-free herd. The qualified herd number and date of the last qualifying test must be recorded on the Certificate of Veterinary Inspection.

(4) Exhibition Requirements for Sheep in Missouri.

(A) Intrastate (sheep in Missouri being exhibited only in Missouri).

1. Sheep that are to be exhibited must be free of clinical signs of an infectious or contagious disease. Sheep must be identified and listed on a [*health certificate*] Certificate of Veterinary Inspection.

2. Scabies.

A. Sheep from a scabies-quarantined area must be dipped or treated by an officially approved method within ten (10) days prior to exhibition.

B. A prior permit number must be obtained and recorded on a health certificate if the sheep are from a scabies-quarantined area.

(5) Exhibition Requirements for Goats in Missouri.

(A) Intrastate (goats in Missouri being exhibited only in Missouri).

1. All goats that are to be exhibited must be free of clinical signs of an infectious or contagious disease. Goats must be identified and

listed on a [*health certificate*] Certificate of Veterinary Inspection.

2. No tests are required.

(6) Exhibition Requirements on Horses and Other *Equidae*.

(G) Venezuelan Equine Encephalomyelitis (VEE) vaccination is required [*within fourteen (14) days of*] prior to entry on *equidae* originating from states in which VEE has been diagnosed within the preceding twelve (12) months. An entry permit is also required on equine from those states.

(H) Any [*sick*] *equidae* showing signs of infectious or contagious diseases at an exhibition may be excused by the official inspecting veterinarians. When an official inspecting veterinarian is present, all *equidae* will be subject to daily inspections. Any *equidae* entering without a proper [*health certification*] Certificate of Veterinary Inspection when required and/or EIA test will be excused from the show until proper documentation and tests are obtained.

(8) Exhibition Requirements for Ratites in Missouri.

(B) Interstate (ratites from other states moving into Missouri for exhibition only). [*A prior permit and Certificate of Veterinary Inspection is required on all ratites entering Missouri. Ratites must be individually identified by a means approved by the Missouri state veterinarian*] Ratites must be identified by a means approved by the Missouri state veterinarian and individually listed on a Certificate of Veterinary Inspection.

(9) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common [*and scientific*] name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(A) Exotic bovids eight (8) months of age and over must have a negative brucellosis test within ninety (90) days prior to exhibition and a negative tuberculosis test within [*thirty (30)*] ninety (90) days prior to exhibition. Exotic bovids include *Bos gaurus* (Indian bison, Gaur), *Bos javanicus* (Banteng), *Bos sauveli* (Kouprey), *Bos grunniens* (domesticated yak), *Bubalus bubalis* (water buffalo), *Bubalus mindorensis* (Tamarau), *Bubalus quarlesi* (Mountain Anoa), *Bubalus depressicornis* (Lowland Anoa) and *Snycerus caffer* (buffalo group).

[[B] Exotic cattle must meet the same brucellosis requirements as domestic cattle. These animals eight (8) months of age and over must be tested for tuberculosis within thirty (30) days prior to exhibition.]

[[C]] (B) Camels, llamas, alpaca and others of that group must be officially identified by tattoo, microchip, eartag or other approved device and be listed individually on a Certificate of Veterinary Inspection.

[[D]] (C) Captive cervids that enter Missouri for exhibition must have an entry permit issued by the state veterinarian's office and a Certificate of Veterinary Inspection. Captive cervids that enter Missouri for exhibition must be in compliance with the guidelines as incorporated by reference to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999* and *Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998* published by USDA, Veterinary Services, Animal Health Program, 4700 River Road, Unit 36, Riverdale, MD 20737-1231; telephone 301-734-6954; e-mail www.aphis.usda.gov/vs. This rule does not incorporate any subsequent amendments or additions.

1. All sexually intact animals six (6) months of age or older, not under quarantine and not affected with brucellosis, must test negative for brucellosis within thirty (30) days prior to exhibition, except:

A. Brucellosis-free herd—captive cervids originating from certified brucellosis-free herds may exhibit on herd status without

additional testing provided the certified herd number and current test date is shown on the Certificate of Veterinary Inspection.

B. Brucellosis-monitored herd—all sexually intact animals six (6) months of age or older must test negative for brucellosis within ninety (90) days prior to exhibition.

2. Captive cervids not known to be affected with or exposed to tuberculosis and not in a status herd, as defined in the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method prior to exhibition. The second test must be within ninety (90) days prior to exhibition. Both negative test dates must be listed on the Certificate of Veterinary Inspection. Animals must have been isolated from other captive cervids during the testing period.

3. Movement from status herds.

A. Accredited herd—captive cervids originating from accredited tuberculosis-free cervid herds as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, may exhibit on herd status without additional testing provided the accredited herd number and current test date is shown on the Certificate of Veterinary Inspection.

B. Qualified herd—captive cervids originating from a qualified herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to the date of movement.

C. Monitored herd—captive cervids originating from a monitored herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to the date of movement.

D. Captive cervids less than twelve (12) months of age that originate from and were born in qualified or monitored herds may be moved without further tuberculosis testing, provided that they are accompanied by a [C]Certificate of Veterinary Inspection stating that such captive cervids originated from such herds and have not been exposed to captive cervids from a lower status herd.

4. Captive cervids from an area that has been reported as a chronic wasting disease (CWD) endemic area or any cervid that has been in an endemic area in the last five (5) years will not be allowed to exhibit in Missouri.

5. Elk, elk-hybrids [*white-tailed deer*] and mule deer from all states must have participated in a surveillance program for at least three (3) years prior to exhibiting in Missouri. Other captive cervids other than *white-tailed deer* must have participated in a surveillance program recognized by the state of origin prior to exhibiting in Missouri.

6. White-tailed deer from all states must have participated in a surveillance program for at least two (2) years prior to entering Missouri.

[(E)](D) Exotic goats, sheep and antelope. No tests are required on these animals.

[(F)](E) Exotic equine, donkeys, asses, burros and zebras must meet domestic equine requirements.

[(G)](F) Feral swine, javalena, and peccaries must be in compliance with domestic swine requirements.

[(H)](G) Elephants (Asiatic, African) must be tested negative for tuberculosis within one (1) year prior to exhibition.

[(I)](H) Importation of skunks and raccoons into Missouri is prohibited by the *Missouri Wildlife Code* (3 CSR 10-9).

[(J)](I) Animals moving between publicly-owned American Association of Zoological Parks and Aquariums (AAZPA)-accredited zoos are exempt from section (9)[.] except cervids moving between publicly-owned American Association of Zoological Parks and Aquariums (AAZPA)-accredited zoos must meet the chronic wasting disease monitoring requirements as outlined in subsection (9)(C).

AUTHORITY: section 267.645, RSMo 2000. Emergency rule filed June 28, 1977, effective July 8, 1977, expired Nov. 5, 1977. Original rule filed June 28, 1977, effective Oct. 13, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed March 15, 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 Missouri Department of Agriculture, Division of Animal Health, Shane Brookshire, D.V.M., State Veterinarian, PO Box 630 Jefferson City, MO 65102, by facsimile at (573) 751-6919 or via e-mail at Shane.Brookshire@mda.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure**

PROPOSED RULE

4 CSR 240-2.061 Filing Requirements for Applications for Expanded Local Calling Area Plans Within a Community of Interest

PURPOSE: The purpose of this rule is to implement a process for the commission to entertain requests for expanded local calling area plans that provide toll-free or discounted calling within a community of interest.

(1) Definitions. For the purposes of 4 CSR 240-2.061 the following definitions are applicable:

(A) Alternative local exchange telecommunications company is a local exchange telecommunications company certified by the commission to provide basic or nonbasic local telecommunications service or switched exchange access service, or any combination of such services, in a specific geographic area subsequent to December 31, 1995.

(B) Community of interest is a group of people connected by a common calling interest or need. Community of interest includes, but is not limited to, community calling to medical services providers, educational institutions, governmental or social service offices, and commercial centers.

(C) Expanded local calling area plan(s) is a plan(s) that provides toll-free or discounted calling prices to designated exchanges within a community of interest.

(D) Illustrative tariff sheets are tariff sheets which comply with 4 CSR 240-3.545 except that such tariff sheets do not contain an issued and effective date.

(E) Incumbent local exchange telecommunications company is a local exchange telecommunications company authorized to provide basic local telecommunications service in a specific geographic area as of December 31, 1995, or a successor in interest to such company.

(F) Inter-carrier compensation describes the financial arrangement used to compensate other telecommunications carriers for the use of their respective facilities in transmitting a telecommunications call.

(G) Local exchange telecommunications service is telecommunications service between points within an exchange.

(H) Metropolitan calling area (MCA) is an expanded calling area in the three (3) metropolitan areas allowing calling within and/or to metropolitan exchanges around St. Louis, Kansas City and Springfield at tiered rates. MCA telecommunications traffic originates, transits, and/or terminates pursuant to terms and conditions the Public Service Commission established in MoPSC Case Numbers TO-92-306 and TO-99-483 or as subsequently modified by commission order or rule.

(I) Subscribers are persons or companies that have contracted to receive telecommunications services.

(2) An application filed with the commission shall initiate a request for an expanded local calling area plan. The specific provisions herein shall supercede general rules contained elsewhere in this chapter. An application may be filed on behalf of:

(A) At least fifteen percent (15%) of the local exchange telecommunications service subscribers within the requesting exchange; or

(B) A governing body of a municipality or school district within the requesting exchange.

(3) The application shall comply with 4 CSR 240-2.060 and shall clearly identify and include:

(A) A description of the expanded local calling area plan;

(B) A statement explaining how the proposed plan will satisfy the objectives of the community of interest;

(C) The proposed price and terms of the plan;

(D) A statement of whether the proposed plan will be optional or mandatory for all customers in the expanded local calling scopes;

(E) A statement as to the toll or local classification of the calling plan traffic and associated inter-company compensation, if any, to be utilized to facilitate the plan; and

(F) A petition, if initiated by local exchange service subscribers as described in subsection (2)(A) above, which shall include the signatures of such subscribers, and only one (1) signature per subscriber is allowed.

(4) Each page of a petition attached to an application shall clearly identify the information in subsections (3)(A), (3)(C), (3)(D) and (3)(E) above.

(5) The commission will provide notice of the filing of the application to all incumbent local exchange telecommunications companies in the affected area and to all alternative local exchange telecommunications companies except those companies only providing prepaid local telecommunications service. The filing of the application will initiate an Electronic Filing and Information System (EFIS) notification to all interexchange telecommunications carriers. All notifications shall include instructions on how to obtain a copy of the application.

(6) Any incumbent local exchange telecommunications company serving any exchange proposed to be affected by the application shall automatically be made a party to the case.

(7) Within sixty (60) days after the filing of the application, the commission shall convene a conference of the parties. The purpose of the conference is to discuss, at a minimum, the application and determine if any modifications should be made to the application.

(8) During the conference in section (7) above, the parties shall explore how the application's proposal could be technically implemented in the most efficient manner consistent with the community of interest. The parties shall also explore the appropriate intercarrier compensation arrangement. If the application proposes a mandatory toll-free plan or an expansion of the metropolitan calling area plan, the parties shall explore an intercarrier compensation arrangement that does not involve access charges.

(9) The applicant shall file with the commission either a statement that the application remains unchanged or alternatively identify specific modifications to the application as a result of the conference in section (7) above.

(10) Within ten (10) days after the applicant's filing in section (9) above, any party objecting to the application as proposed may file with the commission, a pleading explaining why the applicant's proposal is not acceptable.

(11) Within ninety (90) days after the filing in section (9) above, any telecommunications carrier directly affected by the proposal shall file illustrative tariff sheets to implement the applicant's proposal.

(12) The illustrative tariff sheets shall identify all rate adjustment(s) necessary to implement the applicant's proposal. The company shall simultaneously file supporting documentation if it proposes to increase or establish new rates designed to maintain revenue neutrality, including the recovery of any new costs associated with implementing the proposal.

(13) The commission may hold public hearings and/or meetings in locations affected by the application.

(14) After receipt of the illustrative tariff sheets in section (12) above, the commission may hold a hearing or other appropriate proceeding. The parties will provide evidence to assist the commission in its findings.

(15) The commission, in its findings, will determine whether the proposed calling plan is just, reasonable, affordable, and in the public interest. In making these determinations, the commission will consider evidence on the competitive implications, revenue impacts, and company and social costs of implementing the proposed expanded calling plans balanced against the objectives of the community of interest. The commission will also weigh any costs against benefits to the community of interest when making its determination.

(16) The commission may modify the proposed rates, terms or conditions in its decision on the application.

AUTHORITY: section 386.250, RSMo 2000 and 392.200, RSMo Supp. 2004. Original rule filed March 4, 2005.

PUBLIC COST: This proposed rule is drafted based on recommendations in the MCA/Calling Scope Task Force Final Report in Case No. TW-2004-0471. No fiscal impact concerns were raised during the Task Force meetings. 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 is drafted based on recommendations in the MCA/Calling Scope Task Force Final Report in Case No. TW-2004-0471. No fiscal impact concerns were raised during the Task Force meetings. This proposed rule 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2005-0194. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. 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>. A public hearing is scheduled for May 16, 2005, at 10:00 a.m. in Room 310

of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at the hearing to submit additional comments and/or testimony in support of or in opposition to the proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or Relay Missouri at 7-1-1.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 9—Logo Signing**

PROPOSED AMENDMENT

7 CSR 10-9.010 Public Information. The commission is amending sections (2) and (3).

PURPOSE: This amendment provides updated information as to the district office addresses.

(2) Organization. The Missouri Highways and Transportation Commission controls and acts by and through the state Department of Transportation which is directed by the [chief engineer] director. The state is geographically divided into ten (10) department districts. Each district office is headed by a district engineer responsible to the chief engineer for supervising all departmental activities within that district. Counties in each district follow: District No. 1 includes Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Harrison, Holt, Nodaway, Worth; District No. 2 includes Adair, Carroll, Chariton, Grundy, Howard, Linn, Livingston, Macon, Mercer, Putnam, Randolph, Saline, Schuyler, Sullivan; District No. 3 includes Audrain, Clark, Knox, Lewis, Lincoln, Marion, Monroe, Montgomery, Pike, Ralls, Scotland, Shelby, Warren; District No. 4 includes Cass, Clay, Henry, Jackson, Johnson, Lafayette, Platte, Ray; District No. 5 includes Benton, Boone, Callaway, Camden, Cole, Cooper, Gasconade, Maries, Miller, Moniteau, Morgan, Osage, Pettis; District No. 6 includes Franklin, Jefferson, St. Charles, St. Louis, **City of St. Louis**; District No. 7 includes Barry, Barton, Bates, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair, Vernon; District No. 8 includes Christian, Dallas, Douglas, Greene, Hickory, Laclède, Ozark, Polk, Stone, Taney, Webster, Wright; District No. 9 includes Carter, Crawford, Dent, Howell, Iron, Oregon, Phelps, Pulaski, Reynolds, Ripley, Shannon, Texas, Washington; and District No. 10 includes Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, St. Francois, Ste. Genevieve, Scott, Stoddard, Wayne.

(3) How to Obtain Information and Materials. Information and materials regarding logo signing may be obtained in person, or by writing or by telephoning the following District Engineer, Missouri Department of Transportation: District No. 1, 3602 North Belt Highway, PO Box 287, St. Joseph, MO 64502 [(816-232-3323)] (816-387-2350); District No. 2, [U.S. Route 63] **902 North Missouri Street, P./O./.** Box 8, Macon, MO 63552 (660-385-3176); District No. 3, [Highway 61 South] **1711 South Highway 61 South, P./O./.** Box 1067, Hannibal, MO 63401 [(573-221-2764)] (573-248-2490); District No. 4, [5117 East 31st Street, Kansas City] **600 Northeast Colbern Road, Lee's Summit, MO [64128] 64086 [(816-921-7104)] (816-622-6500)**; District No. 5, 1511 Missouri Boulevard, P./O./.

Box 868, Springfield, MO 65801 [(417-866-3576)] (417-895-7600); District No. 9, [U.S. Business Route 63 North] **910 Springfield Road, P./O./.** Box 220, Willow Springs, MO 65793 (417-469-3134); or District No. 10, [U.S. Route 61 North of U.S. Route 60] **2675 North Main Street, P./O./.** Box 160, Sikeston, MO 63801 [(573-471-4170)] (573-472-5333).

AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo [1994] 2000, 23 United States Code Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 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 Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 9—Logo Signing**

PROPOSED AMENDMENT

7 CSR 10-9.020 Definitions. The commission adds a new section (1) and reorganizes other sections to provide for alphabetical order and renumbers each section accordingly.

PURPOSE: This amendment adds a definition for the term "administrator," reorganizes all definitions alphabetically, and adds pharmaceuticals to the list of businesses qualifying for logo signing.

(1) "Administrator" shall mean a business which is responsible for the administration of the logo program for the department.

[(1)](2) "Business (logo) signs" shall mean a sign which may display the name, brand, symbol, trademark or a combination of these of a qualified business shown on a separate panel which is attached to a specific service sign or supplemental directional sign.

[(2)](3) "Department" shall mean the Missouri Department of Transportation.

[(3)](4) "District office" shall mean the headquarters of any one (1) of the ten (10) geographical subdivisions of the Missouri Department of Transportation. The district office may be referred to as district.

[(4)](5) "Gore" shall mean the area immediately beyond the divergence of two (2) traveled ways bounded by the edges of those traveled ways.

(6) "Interchange" shall mean a system of interconnecting roadways in conjunction with one (1) or more grade separations that

provides for the movement of traffic between two (2) or more roadways or highways on different levels.

[(5)](7) "Interstate highway system" shall mean the national system of interstate and defense highways located in Missouri as officially designated by the Missouri Highways and Transportation Commission in accordance with Title 23 of the *United States Code*.

[(6)](8) "Notice" shall mean notification by certified mail.

[(7)](9) "Owner" shall mean the holder of a fee title or the holder of a leasehold estate from the owner of real property.

[(8)](10) "Primary highway system" shall mean designated highways within the primary system that have interchanges at crossroads and streets rather than at grade intersections.

[(9)](11) "Qualified business" shall mean a business furnishing gas, food, lodging, camping, **pharmaceuticals** or tourist attraction which meets the criteria established by these rules.

[(10)](12) "Responsible owner" shall mean a person or agent, other than an owner, who operates a qualified business and who has authority to enter into agreements relevant to matters covered by these rules.

[(11)](13) "Specific service signs" shall mean background signs, for which one (1) or more separate business (logo) signs may be attached, and are located adjacent to the main line of the highway.

[(12)](14) "Supplemental directional signs" shall mean specific service signs bearing separately affixed business (logo) signs, located adjacent to an exit ramp. Mileage plates shall be installed below each logo sign if the distance to the qualifying business is a quarter of a mile or greater.

(15) "Tourist attraction" shall mean a business or location, and shall include one (1) or more of the following categories, which are not presently utilizing traffic generator guide signing:

(A) **Natural phenomenon.** A feature created by nature. Examples may include, but are not limited to, unusual rock formations, caves, geysers and waterfalls;

(B) **Historic site or district.** Shall include a structure, site or district that has definite historical significance, as determined by the Missouri Historical Society, as a historic attraction and is listed on the National Register of Historical Places;

(C) **Cultural site.** Shall include any facility for the performing arts, exhibits, or concerts that is open to all age groups.

1. **Museum.** A facility open to the public at least one hundred (100) days per year, in which works of artistic, historical, or scientific value are cared for and exhibited to the public;

(D) **Educational site.**

1. **Zoological or botanical park.** A facility in which living animals, insects, or plants are kept and exhibited to the public.

2. **Winery or brewery.** A licensed site which produces a minimum of five hundred (500) gallons of wine and/or beer per year. Open to the public for guided tours. Tasting and sales a minimum of three hundred twenty (320) hours per year and provide an educational format for informing visitors about wine and beer processing;

(E) **Area of natural beauty or scenic beauty.** A naturally occurring area of outstanding interest to the general public. Examples may include, but are not limited to, state or national parks, wilderness areas, mountain ranges, lakes, rivers, canyons, and similar areas; and

(F) **Recreational site.**

1. **Recreational area.** An area that includes, but is not limited to, bicycling, boating, fishing, hiking, rafting, picnicking, snowmobiling, or cross country skiing.

2. **Amusement parks.** A permanent area which is open to the general public for three (3) or more of the following activities: picnicking, hiking, swimming, boating, entertainment rides, food services, etc. In operation more than three (3) months per year.

3. **Arenas.** A stadium, sports complex, auditorium, fairgrounds, civic or convention center or racetrack which has a capacity of at least five thousand (5,000) seats and is holding events on at least ninety (90) days of the year.

4. **Golf courses.** A facility open to the public and offering at least nine (9) holes of play. Miniature golf courses, driving ranges, chip-and-putt courses and indoor golf shall not be eligible.

[(13)](16) "Trailblazer signs" shall mean business (logo) signs located along the route leading from the interstate or primary highway to qualified businesses and shall show direction by an arrow. Legal, off-premises, directional outdoor advertising may be substituted for trailblazer signs if erected prior to the installation of the logo signs.

[(14)](17) "Traveled way" shall mean the through traffic lanes of the interstate and primary highway system and shall include exit and entrance ramps and acceleration/deceleration lanes.

[(15)](18) "Visible" shall mean that the message or advertising content of a sign, display or device is capable of being seen without visual aid by a person of normal visual acuity. A sign shall be considered visible even though the message or advertising content may be seen but not read.

[(16)] *Interchange shall mean a system of interconnecting roadways in conjunction with one (1) or more grade separations that provides for the movement of traffic between two (2) or more roadways or highways on different levels.*

[(17)] *Tourist attraction shall mean a business or location and shall include one (1) or more of the following categories which are not presently utilizing traffic generator guide signing:*

(A) *Natural Phenomenon: A feature created by nature examples may include but are not limited to unusual rock formations, caves, geysers and waterfalls;*

(B) *Historic Site or District. Shall include a structure, site or district that has definite historical significance as determined by the Missouri historic society as a historic attraction and is listed on the National Register of Historical Places;*

(C) *Cultural Site. Shall include any facility for the performing arts, exhibits, or concerts that is open to all age groups.*

1. *Museum. A facility open to the public at least one hundred (100) days per year, in which works of artistic, historical, or scientific value are cared for and exhibited to the public;*

(D) *Educational Site.*

1. *Zoological or botanical park. A facility in which living animals, insects, or plants are kept and exhibited to the public.*

2. *Winery or brewery. A licensed site which produces a minimum of five hundred (500) gallons of wine and/or beer per year. Open to the public for guided tours. Tasting and sales a minimum of three hundred twenty (320) hours per year and provide an educational format for informing visitors about wine and beer processing;*

(E) *Area of Natural Beauty or Scenic Beauty. A naturally occurring area of outstanding interest to the general public examples may include, but are not limited to, state or nation-*

al parks, wilderness areas, mountain ranges, lakes, rivers, canyons, and similar areas; and

(F) Recreational Site.

1. Recreational area. An area that includes, but is not limited to, bicycling, boating, fishing, hiking, rafting, picnicking, snowmobiling, or cross country skiing.

2. Amusement parks. A permanent area which is open to the general public for three (3) or more of the following activities: picnicking, hiking, swimming, boating, entertainment rides, food services, etc. In operation more than three (3) months per year.

3. Arenas. A stadium, sports complex, auditorium, fairgrounds, civic or convention center or racetrack which has a capacity of at least five thousand (5,000) seats and is holding events on at least ninety (90) days of the year.

4. Golf courses. A facility open to the public and offering at least nine (9) holes of play. Miniature golf courses, driving ranges, chip-and-putt courses and indoor golf shall not be eligible.]

AUTHORITY: Art IV, section 29, Mo. Const., section 226.535, RSMo [1994] 2000, 23 United States Code Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 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 Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 9—Logo Signing**

PROPOSED AMENDMENT

7 CSR 10-9.030 Eligibility Requirements. The commission amends section (2), subsection (2)(B), adds a new subsection (2)(F) and renumbers the remaining subsections accordingly, and adds a new paragraph (2)(G)5.

PURPOSE: This amendment decreases the number of meals per day for a food and restaurant facility to qualify for logo signing from three (3) meals per day to two (2) meals per day and adds pharmacies as businesses qualifying for logo signing.

(2) A qualified business must be adjacent to the interstate or primary highway system and provide one (1) or more of the following services: gas, food, lodging, camping, **pharmaceuticals** or tourist attraction. The businesses must also meet the following criteria:

(B) Food and restaurant facilities shall be approved and/or licensed by the state agency or political entity having jurisdiction and be in continuous operation to serve [~~three (3)~~] **two (2)** meals per day, seven (7) days per week and be open a minimum of twelve (12) hours

per day. They must also provide restroom facilities and a telephone available for public use. Any exceptions must be approved by the department;

(E) Tourist attractions shall be open for business at least four (4) hours per day, at least five (5) days per week, one (1) of which must be a Saturday or Sunday, have public restroom facilities, a minimum of ten (10) parking accommodations and have a minimum annual attendance of five thousand (5,000) visitors per year. Business signs for tourist attractions operated on a seasonal basis will be covered with a blue background aluminum panel of appropriate size during the off season or removed during that season. Any exceptions must be approved by the department; [~~and~~]

(F) Pharmacies shall be continuously operated twenty-four (24) hours per day, seven (7) days per week and shall have a state-licensed pharmacist on duty at all times;

~~[(F)]~~ (G) Specific service signs shall be erected only for a qualified business located within three (3) miles of the interchange, as measured along the roadway centerline, from the centerline intersection of the crossroad and interstate or primary route to the nearest edge of the business structure projected at a right angle to the roadway centerline.

1. If no qualified and participating businesses of a specific type exists within three (3) miles of the interchange, a successive three (3)-mile increment may be considered. If the capacity of the existing individual service sign for a specific business is not fully utilized, a successive three (3)-mile increment may be considered for that specific type business. All qualified businesses within a successive increment may be included but the maximum capacity of the existing sign will not be exceeded. If a qualified gas, food or lodging business later elects to participate and is located in the first three (3)-mile increment, the same specific type business located at the greatest distance away from the interchange and in the second three (3)-mile increment shall be removed upon expiration of the time period for which the space is rented.

2. Gas, food and lodging services located more than six (6) miles from the interchange shall not be eligible for signing.

3. Camping services located more than fifteen (15) miles from the interchange shall not be eligible for signing.

4. Tourist attractions located more than thirty (30) miles from the interchange shall not be eligible for signing[;].

5. Pharmacy services located more than three (3) miles from the interchange shall not be eligible for signing;

~~[(G)]~~ (H) Locations for specific service signs must be approved by the district office having jurisdiction;

~~[(H)]~~ (I) Messages, symbols and trademarks which resemble any official traffic control device shall not be used;

~~[(I)]~~ (J) If available logo spaces for any of the service categories mentioned in section (2) of this rule are not fully utilized by companies in strict compliance with the corresponding criteria, the department, at its discretion, may permit other companies in the same service category meeting the majority of the criteria to utilize the otherwise unused spaces. These companies' rights to utilize logo spaces shall be reevaluated on an annual basis. Should the demand by companies fully meeting the criteria increase, the "all service" companies shall be given priority when considering renewal of contracts;

~~[(J)]~~ (K) A business may have logo signs installed at a second interchange, provided it meets all the requirements as set forth in these regulations, and its participation at the second interchange does not prevent another eligible business from participating in the Logo Sign Program at that interchange; and

~~[(K)]~~ (L) In the event that a business provides more than one (1) motorist service, it may be eligible to display a logo sign for each service it provides on the proper background sign panel, provided the following conditions are met:

1. It meets all minimum criteria for the service;

2. It does not prevent participation by another business which offers a sole service and would otherwise qualify for placement on the background sign panel; and

3. Space is available on the background sign panel.

AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo [1994] 2000, 23 United States Code Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 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 Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 9—Logo Signing**

PROPOSED AMENDMENT

7 CSR 10-9.040 Specific Service Signs. The commission deletes the Publisher's Note clause and amends sections (1), (2) and (4).

PURPOSE: This amendment makes current reference to the *Manual on Uniform Traffic Control Devices*, and clarifies the order of services on logo signs.

[PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.(4), RSMo. Such material will be provided at the cost established by state law.]

(1) Specific service signs on the interstate and primary highway system shall be erected not less than eight hundred feet (800'), or as approved by the department, in advance of the exit direction sign, at the interchange from which the services are available. They shall be installed in the order of **pharmacy**, tourist attraction, camping, lodging, food and gas, as observed in the direction of travel. No more than four (4) specific service signs shall be erected per exit direction. Logos from two (2) specific service panels may be combined on a single panel to accommodate all five (5) specific services if four (4) specific panels already exist at an interchange.

(2) The location of specific service signs and supplemental directional signs shall be approved by the district office. As determined by the district office, the signs shall be located so as to have the least impact on the scenic environment and must avoid conflict with other signs within the highway right-of-way. *[Lateral clearance and height] Mounting height and lateral offset* shall be as specified in *[2A-23 and 2A-24] Part 2, Chapter 2A, section 2A-18 and 2A-19* of the *Manual on Uniform Traffic Control Devices*.

(4) Specific service signs shall be displayed as designated in the *Manual on Uniform Traffic Control Devices*, *[Part II-G] Part 2, Chapter 2F* and these rules.

AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo [1994] 2000, 23 United States Code Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 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 Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
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PROPOSED AMENDMENT

7 CSR 10-9.050 Sign Design and Installation. The commission amends section (1) and subsections (2)(C), (2)(E), (3)(C), (4)(F) and (4)(G).

PURPOSE: This amendment upgrades the sheeting requirements for construction of the signs, updates the title of the specification book and adds pharmacies to the list of businesses eligible for supplemental directional and trail blazer signs.

(1) Specific service signs shall be constructed and installed so that the exit number shall be displayed at numbered interchanges in place of the directional legend (that is, Next Right, etc.). Signs shall be constructed of *[engineer grade] Type III*, reflective sheeting with direct applied *[Type IV] Type VII* prismatic legend and extruded aluminum panels **in accordance with the Missouri Standard Specifications for Highway Construction**. Department standard construction specifications shall be followed. Sign design will be approved by the department prior to installation.

(2) Supplemental directional signs for ramps must be constructed and installed as follows:

(C) Supplemental directional signs shall be installed in the same order as the specific service signs, that is, **pharmacy**, camping, lodging, food and gas, as observed in the direction of travel;

(E) Signs shall be constructed of *[engineer grade] Type III* reflective sheeting with direct applied *[Type IV] Type VII* prismatic legend and extruded aluminum panels **in accordance with the Missouri Standard Specifications for Highway Construction**. Sign design will be approved by the department prior to installation; and

(3) Trailblazer signs shall be installed along the public highway for qualifying businesses only if, the businesses are not visible and recognizable from the public highway.

(C) Trailblazer signs shall be erected in the same order as specific service signs, that is, **pharmacy**, camping, lodging, food and gas when observed in the direction of travel.

(4) Business logo signs shall be constructed and installed as follows:

(F) The sign shall be fabricated from a single sheet of minimum sixty-three thousandths inch *[(.0063")/(0.063")* thickness aluminum alloy, 6061-T6 or 5052-483 of ASTM B209. The aluminum shall be treated before applying the reflective sheeting in accordance with the Missouri Standard *[Construction]* Specifications for **Highway Construction**. High quality Type I or *[Type III]* **Type III** reflective sheeting, as defined by Missouri Standard *[Construction]* Specifications for **Highway Construction**, shall be used in all cases and shall be applied with mechanical equipment in accordance with manufacturers' specifications;

(G) Minimum reflective intensity for manufactured colors after sign fabrication shall conform to the requirements of standard specifications for retroreflective sheeting for traffic control, American Association of State Highway and Transportation Officials (AASHTO) designation: M268-/84/03. All reflective sheeting shall be Type I or *[Type III]* **Type III** sheeting;

AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo [1994] 2000, 23 United States Code Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 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 Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 9—Logo Signing**

PROPOSED AMENDMENT

7 CSR 10-9.060 Administration. The commission amends sections (2) and (5) and subsection (3)(B).

PURPOSE: This amendment changes the number of logos allowed on combined service panels and the person responsible for replacing or repairing destroyed or damaged signs, and adds pharmacies to the list of applicants for logo signing.

(2) Only six (6) logos for gas, food, lodging, camping, *[and]* tourist attractions **and pharmacies** will be available at any location. When two (2) types of specific services are combined on a single specific service panel, a maximum of *[three (3)]* **four (4)** logo signs may be displayed from *[each]* **one** of the two (2) specific services represented on the combination specific service panel.

(3) If the requests to place business (logo) signs on specific service sign panels exceed the available space, the following criteria shall be used to determine the allocation of spaces:

(B) The first six (6) qualified applicants for gas, food, lodging, camping, *[and]* tourist attractions **and pharmacies** shall be selected to place their logos on the specific service sign. When tourist attraction and another logo are combined on a single specific service sign, the first three (3) qualified tourist attractions and first three (3) of the other logo that share the same specific service sign shall be selected; and

(5) Any service sign panels that are destroyed or damaged shall be repaired or replaced by the *[department]* **administrator** within four (4) weeks after damage occurs.

AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo [1994] 2000, 23 United States Code Section 131(f). Original rule filed Feb. 10, 1989, effective Aug. 29, 1990. Rescinded and readopted: Filed Jan. 3, 1991, effective June 10, 1991. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed March 9, 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 Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 13—Rules for the Establishment of a Missouri
No-Call Database**

PROPOSED AMENDMENT

15 CSR 60-13.060 Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database. The attorney general's office is amending subsection (1)(B).

PURPOSE: This amendment to 15 CSR 60-13.060(1)(B) increases the amount persons or entities desiring to access the no-call database will pay for access to the whole database from twenty-five dollars (\$25) per quarter for each Missouri area code to fifty dollars (\$50) per quarter for each Missouri area code.

(1) A person or entity desiring to make telephone solicitations to residential subscribers residing or living in Missouri may obtain a copy of the no-call database for his, her or its lawful use, or for the lawful use by his, her or its employees, or for the lawful use by his, her or its independent contractors for use in their business, so long as the independent contractor is regularly associated with the person or entity and is engaged in the same or related type of business as the person or entity, by doing the following:

(B) Submitting the signed confidentiality agreement along with payment in an amount equal to *[twenty-five]* **fifty** dollars *[((\$25)]*

(\$50) per quarter for each Missouri area code to the Attorney General's Office for providing a computer disk copy of the no-call database. Those persons or entities desiring to obtain access to only part of the no-call database may do so by submitting the signed confidentiality agreement along with a request designating by area code the portion or portions of the no-call database they desire and providing payment in the amount of *[twenty-five]* **fifty** dollars *[(\$25)]* **(\$50)** per quarter per area code to the Attorney General's Office for providing a computer disk copy of the requested portion of the no-call database.

AUTHORITY: section 407.1101, RSMo 2000. Original rule filed Sept. 28, 2000, effective March 30, 2001. Amended: Filed Feb. 28, 2001, effective Aug. 30, 2001. Emergency amendment filed Sept. 14, 2001, effective Oct. 1, 2001, expired March 29, 2002. Amended: Filed Sept. 14, 2001, effective March 30, 2002. Amended: Filed March 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 cost private entities approximately three hundred forty-eight thousand six hundred dollars (\$348,600) in the aggregate during FY 05, and approximately four hundred sixty-four thousand eight hundred dollars (\$464,800) annually thereafter.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Attorney General, Jeremiah W. (Jay) Nixon, c/o Ronald Molteni, Assistant Attorney General, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 15 - Elected Officials

Division: 60 - Attorney General

Chapter: 13 - Rules for the Establishment of a Missouri No-Call Database

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 15 CSR 60-13.060 - Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database.

II. SUMMARY OF FISCAL IMPACT

Estimated number of entities which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Annualized estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
506 *	* Home improvement, alarm companies, funeral homes/monument companies, long distance phone companies, local exchange phone companies, suppression list companies, information companies, heating and cooling, mortgage companies, insurance agents, real estate companies, stockbrokers, magazine publishing and direct marketing corporations, carpet cleaners, chiropractors, car dealers, vacation/travel related companies, resort/time share companies, roofing and remodeling, insurance-health/life, financial organizations, certified public accountants, window companies, hearing aid companies, bottled water companies, photography, Internet service providers, for-profit companies representing handicapped/disabled, credit cards, satellite TV/cable companies, credit card protection companies, fine arts/orchestra, dance clubs, appliance repairs company, gambling organizations, Tupperware/Mary Kay/special utensils, lawn care, newspapers, voice mail/beeper services.	\$ 464,800

* The numbers set out in the summary of Fiscal Impact regard the annual cost for the life of the rule. The numbers cannot be estimated with greater specificity than contained in this fiscal note because business entities often vary their operating practices. The cost in the aggregate could exceed \$500 but are unquantifiable. The fiscal note serves notice to businesses that utilize telephone solicitations that they may incur costs which will vary greatly dependent upon their use of telephone solicitations. For purposes of this amendment we have drawn on the Attorney General's Office experience in the operation of the no-call database. There are currently six area codes used in Missouri. The number of telephone solicitors who subscribed to the no-call database for the first quarter of 2005 was 506. Those telephone solicitors subscribed to a total of 2324 area codes for that quarter. The costs per entity are derived from dividing the product of costs per quarter per area code times the number of quarters in a year times 2324 by 506.

III. WORKSHEET

Type of costs per entity	FY 05	FY 06	FY 07	FY 08
Database acquisition cost	\$688.93	\$918.58	\$918.58	\$ 918.58
Implementation of database by business entity	*	*	*	*
Exclusion determination process	**	**	**	**
Totals per entity	\$688.93***	\$918.58***	\$918.58***	\$918.58***
Totals for all affected entities	\$348,600	\$464,800	\$464,800	\$464,800

Businesses using telephone solicitations should expect annual costs after FY 05 for the life of the rule as set out in FY 05.

*1. As indicated in the Assumptions, this cost is impossible to determine without knowing the business set-up, but is expected to be a nominal cost.

**2. As indicated in the Assumptions, this cost is impossible to determine without knowing the business set-up, but is expected to be a nominal cost.

***3. Includes any charges in the implementation of the database and exemption determination process.

IV. ASSUMPTIONS

1. All business entities who use telephone solicitations are required to obtain and use the no-call database for their business operations. The annual cost of obtaining the entire database is \$300/quarter or \$1200/year. The business entities have been required to use the list as of July 1, 2001.

2. Determining the number and types of entities affected by these rules cannot be estimated with greater precision than appear herein because the rule could apply to any business entity that uses telephone solicitations. Additionally, the needs of specific businesses will change and so will the use of telemarketing. In an effort to provide information to all the potential entities impacted, we have drawn on our experience in operating the no-call database. Missouri had 506 entities subscribing to obtain all or parts of the database for the first quarter of 2005, a number slightly higher than each of the previous three quarters. Missouri currently uses six area codes. Those 506 telemarketers requested a total of 2324 area code disks for the first quarter of 2005.

3. The second portion of potential costs consists of the implementation of the database into its daily operations. Each business entity will exercise its own control on how to use the database. For that reason, the cost of implementation, if any, will vary and cannot be estimated with greater specificity than appears in this fiscal note. The remaining cost issue is the determination of whether a particular entity will incur costs to determine its exemption status. Again, what entities will use "telephone solicitations" will vary greatly. For this reason, aggregate costs are not quantifiable with greater specificity than appears within this fiscal note. The database acquisition and implementation costs will be annual charges recurring in perpetuity. The exemption process should be a one time charge, assuming no change in a business entity's business practice. The annual costs commenced in FY 01 and continue for the indefinite life of the rule.

**Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 6—Surplus Lines**

PROPOSED RESCISSION

20 CSR 200-6.600 Licensing Requirements. This rule prescribed procedures to be followed in assessing the required bond amount posted with the department by, and the licensing of, a surplus lines licensee pursuant to section 384.043, RSMo.

PURPOSE: The purpose of this rescission is to make the surplus lines licensing rules consistent with the amendments to sections 384.043, 384.062, and 384.065, RSMo (Senate Bill No. 1299, 92nd General Assembly).

AUTHORITY: section 374.045, RSMo 2000. Original rule filed Sept. 5, 2001, effective March 30, 2002. Rescinded: Filed March 9, 2005.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rescission at 10:00 a.m. on May 24, 2005. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rescission, until 5:00 p.m. on May 24, 2005. Written statements shall be sent to Stephen R. Gleason, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.