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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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IN THIS ISSUE:

PROPOSED RULES

Office of Administration
 Administrative Hearing Commission971

Department of Conservation
 Conservation Commission973

Department of Economic Development
 Division of Community and Economic Development973
 Public Service Commission982

Department of Elementary and Secondary Education
 Division of Administrative and Financial Services984

Department of Social Services
 Division of Medical Services987

Department of Health and Senior Services
 Division of Senior and Disability Services989
 Division of Regulation and Licensure995

ORDERS OF RULEMAKING

Department of Agriculture
 Animal Health999

Department of Conservation
 Conservation Commission999

Department of Economic Development
 State Board of Registration for the Healing Arts1005

Department of Mental Health
 Admission Criteria1011

Department of Revenue
 State Tax Commission1011

IN ADDITIONS

Department of Transportation
 Missouri Highways and Transportation Commission1016

CONTRACTOR DEBARMENT LIST1018

DISSOLUTIONS1019

SOURCE GUIDES

RULE CHANGES SINCE UPDATE1023
EMERGENCY RULES IN EFFECT1029
EXECUTIVE ORDERS1030
REGISTER INDEX1033

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
April 3, 2006 April 17, 2006	May 1, 2006 May 15, 2006	May 31, 2006 May 31, 2006	June 30, 2006 June 30, 2006
May 1, 2006 May 15, 2006	June 1, 2006 June 15, 2006	June 30, 2006 June 30, 2006	July 30, 2006 July 30, 2006
June 1, 2006 June 15, 2006	July 3, 2006 July 17, 2006	July 31, 2006 July 31, 2006	August 30, 2006 August 30, 2006
July 3, 2006 July 17, 2006	August 1, 2006 August 15, 2006	August 31, 2006 August 31, 2006	September 30, 2006 September 30, 2006
August 1, 2006 August 15, 2006	September 1, 2006 September 15, 2006	September 30, 2006 September 30, 2006	October 30, 2006 October 30, 2006
September 1, 2006 September 15, 2006	October 2, 2006 October 16, 2006	October 31, 2006 October 31, 2006	November 30, 2006 November 30, 2006
October 2, 2006 October 16, 2006	November 1, 2006 November 15, 2006	November 30, 2006 November 30, 2006	December 30, 2006 December 30, 2006
November 1, 2006 November 15, 2006	December 1, 2006 December 15, 2006	December 31, 2006 December 31, 2006	January 30, 2007 January 30, 2007
December 1, 2006 December 15, 2006	January 2, 2007 January 16, 2007	January 29, 2007 January 29, 2007	February 28, 2007 February 28, 2007
January 2, 2007 January 16, 2007	February 1, 2007 February 15, 2007	February 28, 2007 February 28, 2007	March 30, 2007 March 30, 2007
February 1, 2007 February 15, 2007	March 1, 2007 March 15, 2007	March 31, 2007 March 31, 2007	April 30, 2007 April 30, 2007
March 1, 2007 March 15, 2007	April 2, 2007 April 16, 2007	April 30, 2007 April 30, 2007	May 30, 2007 May 30, 2007

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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The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2005), are available in the listed participating libraries, as selected by the Missouri State Library:

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Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
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St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (636) 978-7997	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

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 symbology 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 1—OFFICE OF ADMINISTRATION Division 15—Administrative Hearing Commission Chapter 1—Organization and Description

PROPOSED AMENDMENT

1 CSR 15-1.204 General Operation. The commission is amending provisions of this rule.

PURPOSE: This amendment deletes references to the commission's rules.

The commission shall conduct administrative review of administrative actions under the procedures provided by law, including those of Chapters 1 CSR 15-2, 1 CSR 15-3, 1 CSR 15-5, and 1 CSR 15-6].

AUTHORITY: section [621.198, RSMo 1994] 536.023, RSMo Supp. 2005. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992.

Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed May 30, 2006.

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: A public hearing is scheduled for 8:30 a.m. on August 2, 2006, at the Administrative Hearing Commission's official residence—Room 640, Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Hearing Commission, John J. Kopp, Presiding Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than 5:00 p.m. on August 2, 2006.

Title 1—OFFICE OF ADMINISTRATION Division 15—Administrative Hearing Commission Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction

PROPOSED AMENDMENT

1 CSR 15-3.200 Subject Matter. The commission is amending provisions of this rule.

PURPOSE: This amendment adds a reference to natural resources cases.

This chapter 1 CSR 15-3 contains all procedural regulations for all contested cases assigned to the Administrative Hearing Commission by statute. For cases under sections 621.040 and 621.250, RSMo specific statutory provisions may apply in place of these regulations. This chapter does not apply to cases not assigned to the Administrative Hearing Commission by statute, including cases in which the Administrative Hearing Commission acts as a hearing officer for another agency by interagency agreement.

AUTHORITY: sections 226.008.4, [RSMo Supp. 2002] and 621.198, RSMo Supp. [2001] 2005 and 536.073.3, 621.035 and 622.027, RSMo 2000. Original rule filed Jan. 11, 2001, effective July 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 30, 2006.

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.

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**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases
Under Statutory Jurisdiction**

PROPOSED AMENDMENT

1 CSR 15-3.350 Complaints. The commission is amending subsection (2)(D).

PURPOSE: This amendment maintains the filing fee authorized under section 621.053, RSMo Supp. 2005.

(2) Specific Cases. In addition to the other requirements of this rule—

(D) In a case arising pursuant to Chapter 407, RSMo, including cases relating to the protest of an action taken by a motor vehicle, motorcycle or all-terrain vehicle manufacturer, distributor or representative pursuant to a franchise agreement, the petition shall include a filing fee equal to the filing fee of the circuit court of Cole County. The provisions of this subsection (2)(D) of this regulation shall expire on November 30, [2006] 2007.

AUTHORITY: sections 621.035, RSMo 2000 and 621.053 and 621.198, RSMo Supp. [2004] 2005. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. For intervening history, please consult the Code of State Regulations. Amended: Filed May 30, 2006.

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.

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**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases
Under Statutory Jurisdiction**

PROPOSED AMENDMENT

1 CSR 15-3.390 Intervention. The commission is amending subsections (1)(B) and (2)(B).

PURPOSE: The amendment to subsection (1)(B) restores words that were dropped in 2002. The amendment to subsection (2)(B) clarifies that intervention is permissive and not solely a matter of right.

(1) The commission may permit any person to intervene if the person—

(B) Has an interest in the action which is different from the general public interest and which cannot be represented adequately by the parties.

(2) A motion to intervene shall—

(B) Set forth facts showing that the person is entitled, or should be permitted, to intervene;

AUTHORITY: sections 621.035, RSMo 2000 and 621.198, RSMo Supp. [2001] 2005. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed June 3, 2002, effective Nov. 30, 2002. Amended: Filed May 30, 2006.

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.

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**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases
Under Statutory Jurisdiction**

PROPOSED AMENDMENT

1 CSR 15-3.420 Discovery. The commission is amending section (1) and adding subsection (2)(D).

PURPOSE: This amendment notes differences in discovery between circuit court and the commission, states that the commission does not serve discovery with the notice of complaint, and restores a word dropped in 2002.

(1) Any party may obtain discovery in the same manner, upon or under the same conditions and upon the same notice and other requirements as is or may be provided for with respect to discovery in civil actions by rule of the Supreme Court of Missouri for use in the circuit court, except as provided in this rule or by statute.

(2) Service and Responses.

(D) The commission will not serve any discovery with the notice of complaint.

AUTHORITY: sections 536.073 and 621.035, RSMo 2000 and 621.198, RSMo Supp. [2003] 2005. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed June 3, 2002, effective Nov. 30, 2002. Amended: Filed June 1, 2004, effective Nov. 30, 2004. Amended: Filed May 30, 2006.

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: A public hearing is scheduled for 8:30 a.m. on August 2, 2006, at the Administrative Hearing Commission's official residence—Room 640, Harry S Truman State Office Building, 301 West

High Street, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Hearing Commission, John J. Kopp, Presiding Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than 5:00 p.m. on August 2, 2006.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases
Under Statutory Jurisdiction**

PROPOSED AMENDMENT

1 CSR 15-3.470 Prehearing Conferences [and Mediation]. The commission is amending the title and provisions of this rule.

PURPOSE: This amendment deletes references to mediation.

On its own motion or that of any party, the commission may order a prehearing conference to discuss matters pertinent to the case. *[The prehearing conference may take the form of a mediation. All parties or their legal counsels, or both shall attend the prehearing conference and be prepared to discuss the matters, including the possibilities for settlement.]*

AUTHORITY: sections 621.035, RSMo 2000 and 621.198, RSMo Supp. [2001] 2005. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed June 3, 2002, effective Nov. 30, 2002. Amended: Filed May 30, 2006.

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.

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

PROPOSED AMENDMENT

3 CSR 10-10.722 Resident Shovelnose Sturgeon Commercial Harvest Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment removes an unnecessary reference to residents from the permit description.

Required in addition to the Commercial Fishing Permit to take shovelnose sturgeon from the Missouri and Mississippi rivers in accordance with 3 CSR 10-10.725. *[This permit is available only to residents of the state.]* Fee: Five hundred dollars (\$500).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 30, 2003, effective July 1, 2004. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed May 23, 2006.

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

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

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

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Community and Economic
Development
Chapter 4—Tax Increment Financing**

PROPOSED RULE

4 CSR 85-4.010 Application Process

PURPOSE: This rule explains the application process.

(1) Municipalities seeking state supplemental tax increment financing for a redevelopment project or plan must complete a Precertification Request Form and a Program Application, included herein.

(2) A Precertification Request Form or Program Application may be submitted to Department of Economic Development (DED) at any time. Because of the state's appropriation process, however, applicants must submit a precertification request prior to September 1, for the department to support the project or plan being listed in the department's budget for Tax Increment Financing (TIF) appropriation during the next legislative session. Being listed in the budget does not mean the project is approved by the department or that the project is or will be eligible for disbursements, but only connotes that the project is not statutorily ineligible. The department will accept a Program Application for proposed projects or plans if the project or plan is included in the TIF appropriation approved by the legislature. However, being listed in the TIF appropriation by the legislature does not indicate the project or plan will be approved by the department. The municipality must complete the application process and be issued approval by the department before being eligible for disbursements. The first installment of New State Revenues (assuming any New State Revenues are available and the General Assembly appropriates such funds) will not be available until July 1 of the year in which the appropriation occurs.



STATE SUPPLEMENTAL TAX INCREMENT FINANCING

PRECERTIFICATION REQUEST FORM AND SUBMISSION INSTRUCTIONS

PART I. Applicant

1. Name and address of Applicant: _____
(Name)

(Street) (P.O. Box) (City) (Zip Code)
2. Name of Applicant's spokesperson: _____
(Name) (Title) (Telephone)

PART II. Developer

1. Name and address of Developer: _____
(Name)

(Street) (P.O. Box) (City) (Zip Code)
2. Name of Developer's spokesperson: _____
(Name) (Title) (Telephone)

PART III. Project

1. Name of the Project: _____
2. General description of the Project: _____

PART IV. Submissions

The Applicant shall submit four copies of this Precertification Request Form, together with the information listed on Schedule I attached hereto, to the address listed below.

Signature of Applicant's Spokesperson: _____

Date: _____

RETURN TO:
Department of Economic Development, Incentives Section, P.O. Box 118, Jefferson City, MO 65102

**SCHEDULE I TO
PRECERTIFICATION REQUEST FORM**

1. **Identification of the Redevelopment Area** (by a map showing the specific boundaries and a legal description). Identify the following to indicate eligibility:
 - a. Address of property 50+ years old within the redevelopment area, and documentation of age of property.
 - b. Documentation of blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance.
 - c. Documentation of generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance
2. The names, addresses, federal ID number and state sales tax ID number of all existing **businesses** within the Redevelopment Area.
3. For each existing business within the Redevelopment Area during the base year:
 - a. The amount of **State Sales Taxes** paid by each business in the base year. This would be documented by written authorization (see Exhibit A) by each existing businesses within the project area (prior to approval of the Redevelopment Project) to authorize the Missouri Department of Revenue to provide DED access to the company's sales tax records; or
 - b. The amount of **State Withholding Taxes** on behalf of existing employees in the base year. This would be documented by written authorization by each company to allow the Missouri Department of Revenue to provide DED access to the company's withholding tax records.
4. The estimate of the **incremental increase** (for the proposed number of years that state funding is requested) in the general revenue portion of either 50% of the state sales tax revenue (1.5% of eligible retail sales) or the estimate for 50% of the state income tax withheld by the employers in the Redevelopment Area on behalf of new employees expected to fill new jobs created within the Redevelopment Area after redevelopment. There should be adequate information provided to determine that the estimates are realistic.
5. The **cost-benefit analysis** required by section 99.810, which would include a study of the direct fiscal impact on the state of Missouri.
6. The **statement of election** between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the Redevelopment Area; and,

7. **The redevelopment plan for the project, which includes the following elements:**
 - a. The estimated Redevelopment Project costs;
 - b. The anticipated sources of funds to pay the costs;
 - c. Evidence of the commitments to finance the project costs;
 - d. The anticipated type and term of the sources of funds to pay costs;
 - e. The anticipated type and terms of the obligations to be issued;
 - f. The most recent equalized assessed valuation of the property within the Redevelopment Area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845;
 - g. An estimate as to the equalized assessed valuation after redevelopment; and
 - h. The general land uses to apply in the Redevelopment Area; and
 - i. A detailed description of the factors that qualify the Redevelopment Area or project.
8. **An affidavit that is signed by the developer or developers attesting :**
 - a. that the provisions of subdivision (1) of section 99.810 have been met;
 - b. that the Redevelopment Area would not be reasonably anticipated to be developed without the PILOTS, EATS and the appropriation of the New State Revenues; and
 - c. that the developer will not proceed with the project without the appropriation of New State Revenues. (Narrative describing how this determination was made should be attached, including an analysis of the developer's return on investment with and without state TIF funding. The developer return on investment analysis may use generally accepted methods used by real estate developers, such as internal rate of return analysis assuming a sale of the property at a certain time depending on the nature of the project.)
9. **The municipality shall include in the application the following items in addition to the items in section 99.810:**
 - (a) **The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;**
 - (b) **The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;**

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (f) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

- (s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;
- (t) The total number of full-time equivalent positions in the development area;
- (u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;
- (v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;
- (w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;
- (x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;
- (y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;
- (z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;
- (aa) A list of other community and economic benefits to result from the project;
- (bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;
- (cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this act** is being sought;
- (dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;
- (ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;
- (ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

14). The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval.



**STATE SUPPLEMENTAL TAX INCREMENT FINANCING
PROGRAM APPLICATION AND SUBMISSION INSTRUCTIONS**

PART I. Applicant

- Name and address of Applicant: _____
(Name)

(Street) (P.O. Box) (City) (Zip Code)
- Name of Applicant's spokesperson: _____
(Name) (Title) (Telephone)

PART II. Developer

- Name and address of Developer: _____
(Name)

(Street) (P.O. Box) (City) (Zip Code)
- Name of Developer's spokesperson: _____
(Name) (Title) (Telephone)

PART III. Project

- Name of the Project: _____
- General description of the Project: _____

PART IV. Submissions

The Applicant shall submit four copies of this Program Application, together with the information listed on Schedule J attached hereto, to the address listed below.

Signature of Applicant's Spokesperson:

_____ Date: _____

RETURN TO:
Department of Economic Development, Incentives Section, P.O. Box 118, Jefferson City, MO 65102

**SCHEDULE I TO
PROGRAM APPLICATION**

Application Form and Instructions for Submission of the Application

1. Restate all information (updated as necessary) included in the Precertification Request Form.
2. An affidavit (updated to a date within 15 days of the Program Application) that is signed by the developer or developers attesting :
 - a. that the provisions of subdivision (1) of section 99.810 have been met;
 - b. that the Redevelopment Area would not be reasonably anticipated to be developed without the PILOTS, EATS and the appropriation of the New State Revenues; and
 - c. that the developer will not proceed with the project without the appropriation of New State Revenues.
3. The resolution adopted by the TIF Commission recommending approval or disapproval of the redevelopment plan or Redevelopment Project.
4. The ordinance adopted by the governing body of the municipality, which shall include the findings required by Section 9.810 of the TIF Act.
5. The time period of state assistance with detailed justification for any request in excess of 15 years.

AUTHORITY: sections 99.845, RSMo Supp. 2005, and 99.865 RSMo 2000. Original rule filed May 23, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, Daryl R. Hylton, General Counsel, PO Box 1157, 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure**

PROPOSED RULE

4 CSR 240-2.135 Confidential Information

PURPOSE: This rule prescribes the procedures for handling confidential information in cases before the commission.

(1) The commission recognizes two (2) levels of protection for information that should not be made public.

(A) Proprietary information includes trade secrets and other confidential or private technical, financial, and business information.

(B) Highly confidential information includes:

1. Information relating directly to specific customers;
2. Employee-specific personnel information;
3. Marketing analysis or other market-specific information relating to services offered in competition with others;
4. Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers;
5. Reports, work papers, or other documentation related to work produced by internal or external auditors or consultants;
6. Strategies in contract negotiations; and
7. Information relating to the security of a company's facilities.

(2) When a party seeks discovery of information that the party from whom discovery is sought believes to be confidential, the party from whom discovery is sought may designate the information as proprietary or highly confidential.

(A) No order from the commission is necessary before a party in any case pending before the commission may designate material as proprietary or highly confidential and such information shall be protected as provided in this rule.

(B) The party that designates information as proprietary or highly confidential must inform, in writing, the party seeking discovery of the reason for the designation at the same time it responds to the discovery request. If the party seeking discovery disagrees with the designation placed on the information, it must utilize the informal discovery dispute resolution procedures set forth at 4 CSR 240-2.090(8). If the party seeking discovery continues to disagree with the designation placed on the information, it may file a motion challenging the designation.

(C) This rule does not require the disclosure of any information that would be protected from disclosure by any privilege, rule of the commission, or the Missouri Rules of Civil Procedure.

(3) Proprietary information may be disclosed only to the attorneys of record for a party and to employees of a party who are working as subject-matter experts for those attorneys or who intend to file testimony in that case, or to persons designated by a party as an outside expert in that case.

(A) The party disclosing information designated as proprietary shall serve the information on the attorney for the requesting party.

(B) If a party wants any employee or outside expert to review proprietary information, the party must identify that person to the disclosing party by name, title, and job classification, before disclosure. Furthermore, the person to whom the information is to be disclosed must comply with the certification requirements of section (6) of this rule.

(4) Highly confidential information may be disclosed only to the attorneys of record, or to outside experts that have been retained for the purpose of the case.

(A) Employees, officers, or directors of any of the parties in a proceeding, or any affiliate of any party, may not be outside experts for purposes of this rule.

(B) The party disclosing highly confidential information, may, at its option, make such information available only on the furnishing party's premises, unless the discovering party can show good cause for the disclosure of the information off-premises.

(C) The person reviewing highly confidential information may not make copies of the documents containing the information and may make only limited notes about the information. Any such notes must also be treated as highly confidential.

(D) If a party wants an outside expert to review highly confidential information, the party must identify that person to the disclosing party before disclosure. Furthermore, the outside expert to whom the information is to be disclosed must comply with the certification requirements of section (6) of this rule.

(E) The party disclosing information designated as highly confidential shall serve the information on the attorney for the requesting party.

(5) If any party believes that information must be protected from disclosure more rigorously than would be provided by a highly confidential designation, it may file a motion explaining what information must be protected, the harm to the disclosing entity or the public that might result from disclosure of the information, and an explanation of how the information may be disclosed to the parties that require the information while protecting the interests of the disclosing entity and the public.

(6) Any employee of a party that wishes to review proprietary information, or any outside expert retained by a party that wishes to review highly confidential or proprietary information must first certify in writing that he or she will comply with the requirements of this rule.

(A) The certification must include the signatory's full name, permanent address, title or position, date signed, the case number of the case for which the signatory will view the information, and the identity of the party for whom the signatory is acting.

(B) The signed certificate shall be filed in the case.

(C) The party seeking disclosure of the highly confidential or proprietary information must provide a copy of the certificate to the disclosing party before disclosure is made.

(7) Attorneys possessing proprietary or highly confidential information or testimony may make such information or testimony available only to those persons authorized to review such information or testimony under the restrictions established in sections (3) and (4).

(8) If information to be disclosed in response to a discovery request is information concerning another entity—whether or not a party to the case—which the other entity has indicated is confidential, the disclosing party must notify the other entity of its intent to disclose the

information. If the other entity informs the disclosing party that it wishes to protect the material or information, the disclosing party must designate the material or information as proprietary or highly confidential under the provisions of this rule.

(9) Any party may use proprietary or highly confidential information in prefiled testimony, in a pleading, or at hearing, if the same level of confidentiality assigned by the disclosing party, or the commission, is maintained. Before including nonpublic information that it has obtained outside this proceeding in its pleading or testimony, a party must ascertain from the source of the information whether that information is claimed to be proprietary or highly confidential.

(10) A party may designate portions of prefiled or live testimony as proprietary or highly confidential. Prefiled testimony that contains information designated as proprietary or highly confidential must be filed as follows:

(A) A public version of the prefiled testimony must be filed along with the proprietary or highly confidential version of the testimony. For the public version, the proprietary or highly confidential portions must be obliterated or removed. The proprietary pages must be marked "P" and the removal of proprietary information shall be indicated by one (1) asterisk before and after the information, e.g., *proprietary information removed*. The highly confidential pages must be marked "HC" with the removal of highly confidential information indicated by two (2) asterisks and underlining before and after the highly confidential information, e.g., **highly confidential information removed** . The designated information must be removed with blank spaces remaining so that the lineation and pagination of the public version remains the same as the highly confidential and proprietary versions;

(B) For the nonpublic version of the prefiled testimony, the proprietary pages must be marked "P" and the proprietary information indicated by one (1) asterisk before and after the information, e.g., *Proprietary*. The highly confidential pages shall be stamped "HC" with the highly confidential information indicated by underlining and by two (2) asterisks before and after the highly confidential information, e.g., **Highly Confidential** ; and

(C) At the hearing, the party offering the prefiled testimony must present a public version of the testimony in which the proprietary or highly confidential portions are obliterated or removed. The public version of the testimony will be marked as Exhibit ____ . The offering party must also present a separate copy of the prefiled testimony containing proprietary or highly confidential information, sealed in an envelope. The version of the testimony containing proprietary or highly confidential information will be marked as Exhibit ____ P or HC, as appropriate.

(11) Not later than ten (10) days after testimony is filed that contains information designated as proprietary or highly confidential, any party that wishes to challenge the designation of the testimony may file an appropriate motion with the commission.

(A) If the designation of the testimony is challenged, the party asserting that the information is proprietary or highly confidential must, not later than ten (10) days, unless a shorter time is ordered, file a pleading establishing the specific nature of the information that it seeks to protect and establishing the harm that may occur if that information is disclosed to the public.

(B) If the asserting party fails to file the pleading required by this section, the commission may order that the designated information be treated as public information.

(12) If a response to a discovery request requires the duplication of material that is so voluminous, or of such a nature that copying would be unduly burdensome, the furnishing party may require that the material be reviewed on its own premises, or at some other location, within the state of Missouri.

(13) If prefiled testimony includes information that has previously been designated as highly confidential or proprietary in another witness' prefiled testimony, that information must again be designated as highly confidential or proprietary.

(14) All live testimony, including cross-examination and oral argument, that reveals information that is designated as proprietary or highly confidential, may be offered only after the hearing room is cleared of all persons except those persons to whom the highly confidential or proprietary information is available under this rule. The transcript of such live testimony or oral argument will be kept under seal and copies will be provided only to the commission and the attorneys of record. The contents of such transcripts may not be disclosed to anyone other than those permitted access to the designated information under this rule.

(15) Proprietary or highly confidential information may not be quoted in briefs or other pleadings unless those portions of the briefs or other pleading are also treated as proprietary or highly confidential.

(16) All persons who have access to information under this rule must keep the information secure and may neither use nor disclose such information for any purpose other than preparation for and conduct of the proceeding for which the information was provided.

(17) After receiving an appropriate writ of review, the commission will deliver proprietary and highly confidential testimony constituting part of the record before the commission to the reviewing court under seal, unless otherwise directed by the court.

(18) Within ninety (90) days after the completion of the proceeding, including judicial review, all copies of all proprietary and highly confidential information, testimony, exhibits, transcripts or briefs in the possession of any party must be returned to the party claiming a confidential interest in such information, if that party requests that the information be returned. Otherwise, the information must be destroyed by the party possessing such information. Any notes pertaining to such information must be destroyed.

(19) The provisions of sections (3), (4), (6), (7), and (18) of this rule do not apply to officers or employees of the commission or to the public counsel or employees of the Office of the Public Counsel. The officers or employees of the commission and the public counsel and employees of the Office of the Public Counsel are subject to the nondisclosure provisions of section 386.480, RSMo. Neither the officers or employees of the commission, nor the public counsel and the employees of the Office of the Public Counsel shall use or disclose any information obtained in discovery for any purpose other than in the performance of their duties.

(20) Outside experts of the staff of the commission or the Office of the Public Counsel who have been contracted to be witnesses in the proceeding have access to designated information and testimony on the same basis as the staff of the commission and the Office of the Public Counsel except that the outside expert must comply with the provisions of sections (6) and (18). Outside experts of the staff of the commission and the Office of the Public Counsel who have not been contracted to be witnesses in the proceeding are subject to all provisions of this rule.

(21) A claim that information is proprietary or highly confidential is a representation to the commission that the claiming party has a reasonable and good faith belief that the subject document or information is, in fact, proprietary or highly confidential. The commission may impose appropriate sanctions against any party or person that violates any provision of this rule, pursuant to Rule 61.01 of the Missouri Rules of Civil Procedure. In addition, the commission may

seek to recover penalties by bringing an action in circuit court as permitted by statute.

(22) The commission may waive or grant a variance from any provision of this rule for good cause shown.

AUTHORITY: sections 386.040 and 386.410, RSMo 2000. Original rule filed May 25, 2006.

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 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, Colleen M. Dale, 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 should refer to Case No. AX-2003-0404. A public hearing is scheduled for 9:00 a.m., August 7, 2006 in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 30—Division of Administrative and Financial Services

Chapter 261—[Pupil] School Transportation

PROPOSED AMENDMENT

5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body. The State Board of Education is proposing to amend the Chapter name, section (1) and the incorporated by reference material.

PURPOSE: This amendment is a result of changes to the National School Transportation Specifications and Procedures and Federal Motor Vehicle Safety Standards, and recommendations from the 2007 Missouri Minimum Standards for School Buses Committee. The amendment will enhance the safety of schoolchildren being transported in school buses.

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

(1) The [2002] **2007 Missouri Minimum Standards for School Buses**, is hereby incorporated by reference and made a part of this rule [to reflect] as published by the Department of Elementary and Secondary Education, School Governance, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions. The **2007 Missouri Minimum Standards for School Buses** reflects the changing needs of pupil transportation in Missouri, changes in the national specifications for school buses and federal motor vehicle safety standards. The changes will enhance the safety of schoolchildren being transported in school buses.

AUTHORITY: section 304.060, RSMo 2000. This rule was previously filed as 5 CSR 40-261.025. Original rule filed Feb. 23, 1981, effective Oct. 1, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed May 30, 2006.

PUBLIC COST: The current public cost of this rule for the Department of Elementary and Secondary Education is estimated to be seven hundred ninety-three thousand one hundred twenty-eight dollars (\$793,128) for Fiscal Year 2009. The current public cost of this rule for the five hundred twenty-four (524) public school districts is estimated to be six hundred eighty-three thousand eight hundred thirty-two dollars (\$683,832) for Fiscal Year 2008. (School districts will incur the cost beginning in Fiscal Year 2008 for reimbursement in Fiscal Year 2009.) The costs will be recurring annually after Fiscal Year 2008 with an estimated increase of five percent (5%) per year for the life of the rule based upon yearly appropriations from the General Assembly.

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 Elementary and Secondary Education, ATTN: Tom Quinn, Director, School Governance, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 Department of Elementary and Secondary Education
 Division: 30 Division of Administrative and Financial Services
 Chapter: 261 School Transportation
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body

II. SUMMARY OF FISCAL IMPACT

The current public cost of this rule for the Department of Elementary and Secondary Education (DESE) is estimated to be \$793,128 for Fiscal Year 2009. The current public cost of this rule for the 524 public school districts is estimated to be \$683,832 for Fiscal Year 2008. (School districts will incur the cost beginning in Fiscal Year 2008 for reimbursement in Fiscal Year 2009.) The costs will be recurring annually after Fiscal Year 2008 with an estimated increase of 5% per year for the life of the rule based upon yearly appropriations from the General Assembly.

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education	Estimated \$793,128 for FY2009 with this cost recurring annually with an estimated increase of 5% per year for the life of the rule based upon yearly appropriations from the General Assembly.
Public School Districts	Estimated \$683,832 for FY2008 with this cost recurring annually with an estimated increase of 5% per year for the life of the rule based upon yearly appropriations from the General Assembly.

DESE Cost Calculation:

\$21,727,950 (see Worksheet) multiplied by 53.7% (3 year average of state transportation aid payment to eligible costs) divided by 11,769 (# of buses used for public school transportation) multiplied by 800 (average number of buses replaced yearly) equals \$793,128 per year.

Public School District Cost Calculation:

\$21,727,950 (see Worksheet) multiplied by 46.3% (3 year average of school districts' portion of eligible costs) divided by 11,769 (# of buses used for public school transportation) multiplied by 800 (average number of buses replaced yearly) equals \$683,832 per year.

III. WORKSHEET

Increased Expenditures for 11,769 School Buses Due to Rule Amendment		
High Back Seats and Barriers	\$ 250	\$ 2,942,250
Side Skirts Extended (Excludes 5,243 Bluebirds)	\$ 275	\$ 1,794,650
Additional Stop Arm (10,430 Type C and D Only)	\$ 275	\$ 2,868,250
Front and Rear Tow Hooks	\$ 200	\$ 2,353,800
Transmission Interlock	\$1,000	\$11,769,000
Total	\$2,000	\$21,727,950

IV. ASSUMPTIONS

- It is assumed the increased cost of school buses will affect the cost of pupil transportation of school districts either by the direct purchase of a school bus or by the increased cost to contractors for vehicles being passed on to the school district.
- It is estimated that approximately 800 school buses are being purchased in a given fiscal year throughout Missouri.
- It is estimated the cost to implement the rule will increase 5% each year.
- Prices are the projected cost supplied by major school bus distributors.
- Bluebird bus bodies were reported to currently have the longer side skirts meeting the draft *2007 Missouri Minimum Standards for School Buses*.
- The additional stop arm applies only to 10,430 Type C and D school buses.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 65—Rehabilitation Center Program**

PROPOSED AMENDMENT

13 CSR 70-65.010 Rehabilitation Center Program. The division is amending the Purpose statement and section (1).

PURPOSE: This amendment updates the Division of Medicaid Services website address and the incorporated material.

PURPOSE: This rule establishes the regulatory basis for the administration of the rehabilitation center program. This rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available [under] through the Medicaid program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. Specific details of provider participation, criteria and methodology for provider reimbursement, recipient eligibility, and amount, duration and scope of services covered are included in the rehabilitation center provider manual, which is [incorporated by reference in this rule and] available at the website [www.medicaid.state.mo.us] www.dss.mo.gov/dms.

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

(1) Administration. The Missouri Medicaid rehabilitation center program shall be administered by the Department of Social Services, Division of Medical Services. The rehabilitation center services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the Division of Medical Services and shall be included in the rehabilitation center provider manual **and bulletins**, which [is] are incorporated by reference [in] **and made a part of** this rule [and available through] as published by the Department of Social Services, Division of Medical Services, **615 Howerton Court, Jefferson City, MO 65109**, at its website at [www.medicaid.state.mo.us] www.dss.mo.gov/dms, **July 1, 2006. This rule does not incorporate any subsequent amendments or additions.** Rehabilitation center services shall include only those that are clearly shown to be medically necessary as determined by the treating physician. The division reserves the right to affect changes in services, limitations and fees with notification to rehabilitation center providers **by amending this rule.**

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Original rule filed Nov. 1, 2002, effective April 30, 2003. Amended: Filed June 1, 2006.

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 Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice 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.

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

PROPOSED AMENDMENT

13 CSR 70-70.010 Therapy Program. The division is amending the Purpose statement and section (1).

PURPOSE: This amendment updates the Division of Medical Services website address and the incorporated material.

PURPOSE: This rule establishes the regulatory basis for the administration of the therapy program. This rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available [under] through the Medicaid program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. Specific details of provider participation, criteria and methodology for provider reimbursement, recipient eligibility, and amount, duration and scope of services covered are included in the therapy provider program manual, which is [incorporated by reference in this rule and] available at the website [www.medicaid.state.mo.us] www.dss.mo.gov/dms.

(1) Administration. The Missouri Medicaid therapy program shall be administered by the Department of Social Services, Division of Medical Services. The therapy services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the Division of Medical Services and shall be included in the therapy provider manual **and bulletins**, which [is] are incorporated by reference [in] **and made a part of** this rule [and available through] as published by the Department of Social Services, Division of Medical Services, **615 Howerton Court, Jefferson City, MO 65109**, at its website at [www.medicaid.state.mo.us] www.dss.mo.gov/dms, **July 1, 2006. This rule does not incorporate any subsequent amendments or additions.** Therapy services shall include only those which are clearly shown to be medically necessary as determined by the treating physician. The division reserves the right to affect changes in services, limitations and fees with notification to therapy providers **by amending this rule.**

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Original rule filed Nov. 1, 2002, effective May 30, 2003. Amended: Filed June 1, 2006.

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 Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice 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.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 90—Home Health Program**

PROPOSED AMENDMENT

13 CSR 70-90.010 Home Health-Care Services. The division is amending section (7) and the Authority section.

PURPOSE: This amendment updates the incorporated material and the Authority section.

(7) To be reimbursed by Medicaid, all home health services and supplies must be provided in accordance with a written plan of care authorized by the recipient's physician. The criteria for the development of the written plan of care and changes to the written plan of care through interim order(s) are described in Sections 13.14C, 13.14D, 14.2, 14.3, 14.4, and 14.5 of the home health provider manual, which are incorporated by reference *[in]* and made a part of this rule *[and available through]* as published by the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109, at its website at www.dss.mo.gov/dms, July 1, 2006. **This rule does not incorporate any subsequent amendments or additions.** Paper copies of plans of care and interim orders must be submitted with paper claims. **If the claim is submitted electronically the plan of care and interim order(s) must be submitted as an electronic attachment through the claim.** Information from the plan of care and interim order(s) must be included in the appropriate data fields when the provider is submitting an electronic claim. Plans of care and interim order(s) are to be maintained in the client record.

AUTHORITY: sections 208.153 and 208.201, RSMo 2000 and [Senate Substitute for Senate Bill 539 enacted by the 93rd General Assembly, 2005] 208.152, RSMo Supp. 2005. This rule was previously filed as 13 CSR 40-81.056. Original rule filed April 14, 1982, effective July 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed June 1, 2006.

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 Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice 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.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 95—Private Duty Nursing Care Under the
Healthy Children and Youth Program**

PROPOSED AMENDMENT

13 CSR 70-95.010 Private Duty Nursing. The division is amending section (10) and the Authority section.

PURPOSE: This amendment updates the incorporated material and the Authority section.

(10) Medicaid Private Duty Nursing Provider Manual. A private duty nursing provider manual shall be produced by the Division of Medical Services and shall be distributed to all private duty nursing providers participating in the Missouri Medicaid Program at its website at www.dss.mo.gov/dms. The *[manual]* Medicaid Private Duty Nursing Provider M/*[m]*annual and bulletins, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, 615 Howerton Court, Jefferson City, MO 65109, at its website at www.dss.mo.gov/dms, July 1, 2006, shall contain information about Medicaid eligibility, third party liability, procedures for requesting prior authorization, claim filing instructions, instructions for filing adjustments, reimbursement methodology and current Medicaid maximum rates of reimbursement for services, benefits and limitations of services and other applicable information about the program. **This rule does not incorporate any subsequent amendments or additions.**

AUTHORITY: sections 208.152, RSMo Supp. 2005 and 208.153[,] and 208.201, RSMo 2000. Original rule filed Sept. 2, 1993, effective April 9, 1994. Amended: Filed April 4, 1994, effective Oct. 30, 1994. Amended: Filed Jan. 15, 2004, effective Aug. 30, 2004. Amended: Filed June 1, 2006.

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 Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice 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.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 99—Comprehensive Day Rehabilitation**

PROPOSED AMENDMENT

13 CSR 70-99.010 Comprehensive Day Rehabilitation Program. The division is amending section (1) and the Authority section.

PURPOSE: This amendment updates the incorporated material and the Authority section.

(1) Administration. The Missouri Medicaid Comprehensive Day Rehabilitation Program shall be administered by the Department of Social Services, Division of Medical Services. The Comprehensive Day Rehabilitation services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the Division of Medical Services and shall be included in the Medicaid provider manuals, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65102, at its website www.dss.mo.gov/dms, July 1, [2005] 2006. This rule does not incorporate any subsequent amendments or additions. Comprehensive Day Rehabilitation [p]Program shall include only those that are prior authorized by the Division of Medical Services.

AUTHORITY: sections 208.152], 208.471] and 208.631, RSMo Supp. [2004] 2005 and 208.153, 208.164, 208.201 and 208.633, RSMo 2000 [and Senate Substitute for Senate Bill 539 enacted by the 93rd General Assembly, 2005]. Emergency rule filed Aug. 11, 2005, effective Sept. 1, 2005, expired Feb. 27, 2006. Original rule filed June 1, 2005, effective Nov. 30, 2005. Amended: Filed June 1, 2006.

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 Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice 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.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 15—Division of Senior and Disability Services
Chapter 7—[In-Home] Service Standards**

PROPOSED AMENDMENT

19 CSR 15-7.021 In-Home Service Standards. The Department of Health and Senior Services is amending the Purpose and sections (1), (7), (8), (9), (15)–(19), (21), (22) and (24).

PURPOSE: This amendment corrects language regarding agency names; clarifies the definition of chore and specific chore services available and incorporates guidelines for authorization of chore services; clarifies service unit definitions; adds language regarding provider responsibility for worker safety; clarifies the handling and disposition of provider contribution funds; and updates requirements relating to the Family Care Safety Registry.

PURPOSE: This rule sets forth standards to be met by any agency which contracts with the Missouri Department of [Social] Health and Senior Services, Division of [Aging] Senior and Disability Services for provision of in-home services.

(1) The Department of Health and Senior Services (also referred to as the department), Division of Senior and Disability Services' (also referred to as the division) payment to the provider is made on behalf of an eligible client as an act of indirect or third-party reimbursement and is not made as a payment for the purchase of a service. Only those services authorized by the division shall be reimbursable to the provider.

(7) Homemaker services are general household activities provided by a trained homemaker when the client is unable to manage the home and care for him/herself or others in the home or when the individual (other than the client) who is regularly responsible for these activities is temporarily absent. Homemaker services shall include, at a minimum, the following activities:

(A) Plan and prepare meals, including special diet menus[;] and perform cleanup after meals;

(8) [Optional homemaker] Chore services are [household] short-term, intermittent tasks necessary to maintain a clean, safe, sanitary and habitable home environment [provided intermittently as needed by a trained homemaker. Optional homemaker] and determined by the division to be critical in maintaining the client's health and safety. Chore services shall be provided only when the client or other household member is incapable of performing or financially providing for them, and when no other relative, caregiver, landlord, community or volunteer agency, or third party payor is capable of or responsible for providing such tasks. Chore services include the following activities:

(E) Spray for insects within the home with over-the-counter supplies; and

(F) Provide rodent control within the home (for example, setting traps and putting out over-the-counter supplies)[;].

[(G) Wash or change curtains, drapes, or both;

(H) Wash inside windows, clean blinds, or both, which require climbing;

(I) Bag outside trash; and

(J) Outside maintenance including lawn mowing, raking or snow removal.]

(9) The range of homemaker, chore, and respite activities the in-home worker provides is mutually determined by the provider agency and the client.

(15) Clients shall be accepted for care on the basis of a reasonable expectation that the client's maintenance care needs can be met adequately by the agency in the client's place of residence. Services shall follow a written state-approved care plan developed in collaboration with and signed by the client.

(C) The client will be informed of the option of services available to him/her in accordance with the [level-of-care determination and] assessment findings.

(16) To ensure safety and welfare of clients, the following policies and procedures shall be followed when discontinuing in-home services:

(B) When the provider learns of circumstances that may require closing the case[;] (for example, death, entry into a nursing home, client no longer needs services, etc.), the provider shall immediately notify the division case manager in writing and request that the client's services be discontinued;

(C) When the client, family member, or other person living in the household, threatens or abuses provider personnel, the provider shall immediately notify the division case manager by telephone and in writing including information regarding the threat(s) or abusive acts. The division and provider shall mutually determine appropriate intervention and the feasibility of continuing services. **The division shall discontinue the client's services, and may refer the client to other programs that could meet the client's needs, when the division has determined that it is no longer appropriate for any in-home services provider to continue to provide services to the**

client due to threats to or abuse of provider or division personnel; or

(D) When a client is noncompliant with the agreed upon care plan or the provider is unable to continue to meet the needs of a client still in need of assistance, the provider shall contact the division case manager and client (///including the caregiver or family when appropriate). The provider shall give written notice of discharge to the client or client's family and the division case manager at least twenty-one (21) days prior to the date of discharge. During this twenty-one (21)-day period, the division case manager shall make appropriate arrangements with the client for transfer to another agency, or arrange for care in another care setting. The provider must continue to provide care in accordance with the care plan for these twenty-one (21) days or until alternate arrangements can be made by the case manager, whichever comes first.

(17) [A] Unless otherwise specified below, a unit of in-home service is [one (1) hour] **fifteen (15) minutes** of direct service provided to the client in the client's home by a trained in-home service worker, including time spent on completing documentation of service units provided and obtaining the client's signature. No units are reimbursed except as authorized by the division.

(C) Advanced respite care is authorized in [one (1)-hour] **fifteen (15)-minute** units, six to eight (6-8)-hour [blocks] **units**, and **seventeen (17) to** twenty-four (24)-hour [blocks] **units**.

(D) Nurse respite care is authorized [as a four (4)-hour block of service, per unit] in **fifteen (15)-minute units, with a minimum of sixteen (16) units per visit**.

(E) The monthly invoice submitted to the [Division of Aging] **division** for in-home service shall not exceed actual delivered units of services.

(18) The in-home service provider shall meet, at a minimum, the following administrative requirements:

(C) Monitor a current copy of the department's Employee Disqualification List to ensure that no current or prospective employee's name appears on the list and discharge [and] **any** such employee once it is discovered by the provider that the employee is on the Employee Disqualification List;

(I) Notify the division's central office [and regional manager] of any changes in location, telephone number, administrative or corporate status;

(J) Have and enforce a written code of ethics which is distributed to all employees and clients. The code of ethics shall allow use of the bathroom facilities, and, with the client's consent, **allow the worker to eat the lunch provided by the worker, in the client's home**. The code of ethics shall be reviewed with the client, caregiver or family when appropriate, and include, at a minimum, the following prohibitions:

1. Use of client's car;
2. Consumption of client's food or drink (except water);
3. Use of client's telephone for personal calls;
4. Discussion of own or other's personal problems, religious or political beliefs with the client;
5. Acceptance of gifts or tips;
6. Bringing other persons to the client's home;
7. Consumption of alcoholic beverages, or use of medicine or drugs for any purpose, other than medical, in the client's home or prior to service delivery;
8. Smoking in client's home;
9. Solicitation or acceptance of money or goods for personal gain from the client;
10. Breach of the client's privacy and confidentiality of information and records;
11. Purchase of any item from the client even at fair market value;

12. Assuming control of the financial or personal affairs, or both, of the client or of his/her estate including power of attorney, conservatorship or guardianship;

13. Taking anything from the client's home; and

14. Committing any act of abuse, neglect or exploitation;

(T) Implement a contribution system which accounts for contributions received from clients for in-home services. Non-Medicaid clients shall be informed of their right to voluntarily contribute when they are admitted for services. Services shall not be denied to any client based on failure to make a contribution. **Only the division may authorize expenditure of contributed funds, which shall be used for the sole purpose of providing in-home services.** Reports of contributions by county shall be made to each home and community services regional manager including the balance on hand, contributions received, contributions used for division authorized services, and ending balance. The provider shall submit to the regional manager[,] a contributor report at the end of any month in which contributions are received and/or expended. **Upon termination or lapse of a provider's contract, the remaining balance of all contribution funds held by the provider shall be reported to the division and will be withheld from the provider's final reimbursement;**

(V) Designate trainer(s) to perform the sessions required as part of the basic training. The designated trainer(s) may be the RN, LPN, supervisor, or an experienced aide who has been employed by the provider agency at least six (6) months. A list of designated trainers must be available for monitoring; [and]

(W) Providers must establish, enforce and implement a policy whereby all contents of the personnel files of its employees are made available to department employees or representatives when requested as part of an official investigation of abuse, neglect, financial exploitation, misappropriation of client's funds or property, or falsification of documentation which verifies service delivery./;

(X) **Have established policies to ensure the safety of its employees. The provider shall make available to its employees information about and access to public information sources to determine whether a client, family member, or other person living in the household may pose a potential danger to its employees. Public information includes, but is not limited to, the Missouri State Highway Patrol's Sex Offender Registry and the Missouri State Courts Automated Case Management System. If an employee has a reasonable belief that a client, family member, or other person living in the household poses a potential danger to the employee, the provider shall document all necessary steps taken to protect the employee, which may include but is not limited to:**

1. Obtaining a signed agreement from the client, family member, or other person living in the household not to engage in inappropriate activity involving the provider's employees;

2. Seeking approval from the division to send two (2) provider employees for service delivery;

3. Requiring that a third party approved by the provider, the division, and the client or client's designee be present on-site while the employee is on the premises;

(Y) **The provider shall not harass, dismiss, or retaliate against an employee because the employee declines to provide services to a client based on the employee's reasonable belief that such client, family member, or other person living in the household poses a danger to the employee; and**

(Z) **The provider shall notify employees and implement established safety procedures upon receipt of information from the division or any other reliable source that a client, family member, or other person living in the household may pose a potential danger to provider employees.**

(19) In-home service providers shall meet, at a minimum, the following personnel requirements:

(F) The division does not require employees delivering only [optional] chore services outside the client's home as specified in (8)(J) to have experience as required in (19)(C)2. of this rule; and

(G) The provider shall [inform] ensure that all employees[, of applicable requirements for registration] are registered with the Family Care Safety Registry (FCSR) pursuant to the requirements of sections 210.900, RSMo to 210.936, RSMo and **660.317.7, RSMo, Supp. 2005.**

(21) The in-home service supervisor's responsibilities shall include, at a minimum, the following functions:

(B) Documentation must be kept on clients with a delivery rate of less than eighty percent (80%) of the authorized units of in-home service. For each client with a delivery rate less than eighty percent (80%) of the authorized units of in-home services authorized for the time period being reviewed, the number of units of service delivered and the non-delivery code will be sent to the division regional manager monthly on a form acceptable to the regional manager. Discrepancies for these clients concerning the frequency of delivered services and/or the in-home service tasks delivered, and the corrective action taken, will be signed and dated by the supervisor and be readily available for monitoring or inspection;

(22) The in-home service provider shall have a written plan for providing training for new aides, respite care workers and homemakers which shall include, at a minimum, the following requirements:

(A) Twenty (20) hours of orientation training for in-home service workers, including at least two (2) hours orientation to the provider agency and the agency's protocols for handling emergencies, within thirty (30) days of employment.

1. Eight (8) hours of classroom training will be provided prior to the first day of client contact.

2. New employee orientation curricula shall include an overview of Alzheimer's disease and related dementias and methods of communicating with persons with dementia pursuant to the requirements of [660.050(22)8] section **660.050.8, RSMo.**

3. Twelve (12) hours of required orientation training may be waived for aides and homemakers with adequate documentation in the employee's records that s/he has received similar training during the current or preceding year or has been employed at least half-time for six (6) months or more within the current or preceding year.

4. All orientation training (except the required two (2) hours provider agency orientation) may be waived with documentation, placed in the aide's personnel record, that the aide is a licensed practical nurse, registered nurse or certified nurse assistant. The documentation shall include the employee's license or certification number which must be current and in good standing at the time the training was waived;

(24) The in-home service provider shall maintain, at a minimum, the following records in a central location for five (5) years. Records must be provided to the department staff or designees upon request, and must be maintained in a manner that will ensure they are readily available for monitoring or inspection. Records include:

(D) Documentation of each Employee Disqualification List, **Family Care Safety Registry**, and criminal background screening sufficient to show the identity of the person who was screened, the dates the screening was requested and completed and the outcome of the screening.

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 one hundred six thousand four hundred eighty-three dollars and twenty cents (\$106,483.20) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Division of Senior and Disability Services, Brenda F. Campbell, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received in writing within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

AUTHORITY: section 660.050, RSMo 2000. Original rule filed Sept. 1, 1994, effective April 30, 1995. Amended: Filed Dec. 15, 1997, effective July 30, 1998. Moved to 19 CSR 15-7.021, effective Aug. 28, 2001. Amended: Filed Sept. 14, 2001, effective April 30, 2002. Amended: Filed June 1, 2006.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 19 – Department of Health and Senior Services

Division: 15 – Senior and Disability Services

Chapter: 7 – Service Standards

Rule Number and Name: 19 CSR 15-7.021 – In-Home Service Standards

Type of Rulemaking: Proposed Amendment

19 CSR 15-7.021 (8)**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities, by class, which would likely be affected by the adoption of the proposed rule:	Classification of 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:
300	Providers of in-home services that contract with the Department of Health and Senior Services	\$50,983.20 per year for the life of the rule in the aggregate.

III. WORKSHEET

An average of 120 clients per month receive Chore services, which includes outside maintenance (lawn care, snow removal, and raking). These 120 clients are authorized for an average of 1,552 units of chore per month. One unit (15 minutes) is reimbursed at \$3.65.

Assuming 75% of the 120 clients receive outside maintenance services, $.75 \times 1,552 \times \$3.65 = \$4248.60/\text{mo} \times 12 \text{ months} = \$50,983.20$ per year in potential loss of revenue in the aggregate.

IV. ASSUMPTIONS

Currently there are 300 in-home services providers, all of which are enrolled to provide Chore services. The average number of clients served per month for all providers is 120. The average number of units authorized per month is 1,552. The average total amount reimbursed per month for Chore services is \$5,664.80. The assumption is made that 75% of the 120 clients receive outside maintenance services. The other Chore services being eliminated by this amendment are rarely authorized and any fiscal impact would be minimal.

There is no method by which the Department can determine how many of these 300 providers will share in the fiscal impact or what their share will be. However, each provider may utilize the formula shown in the worksheet to estimate the fiscal impact on its business operations.

19 CSR 15-7.021 (16)(C)

II. SUMMARY OF FISCAL IMPACT

No fiscal impact is anticipated for this change.

III. WORKSHEET – Not applicable

IV. ASSUMPTIONS

Termination of services due to threats or abuse of provider or division personnel is uncommon and does not occur without multiple attempts to resolve problems. However, termination may be necessary to protect provider and division staff when multiple providers have been unable to meet a client's needs. Most providers are unwilling to serve a client with such behaviors, regardless of the potential income; therefore, the fiscal impact to providers is negligible.

19 CSR 15-7.021 (17)

II. SUMMARY OF FISCAL IMPACT

No fiscal impact is anticipated for this change.

III. WORKSHEET – Not Applicable

IV. ASSUMPTIONS

The change to 15 minute units was made in October 2003 in order to coordinate with changes to 13 CSR 70-91.010, as required by the Health Insurance Portability and Accountability Act (HIPAA).

19 CSR 15-7.021 (18) (T)

II. SUMMARY OF FISCAL IMPACT

No fiscal impact is anticipated for this change.

III. WORKSHEET – Not Applicable

IV. ASSUMPTIONS

Provider contracts currently contain a provision requiring the balance of contribution funds to be withheld from final reimbursement when a contract is terminated or lapses.

19 CSR 15-7.021 (18) (X-Z)**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities, by class, which would likely be affected by the adoption of the proposed rule:	Classification of 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:
300	Providers of in-home services that contract with the Department of Health and Senior Services	\$55,500.00 during the first year of the rule in the aggregate. Impact declining each year thereafter.

III. WORKSHEET

\$1.50 (maximum per registry check) × 37,000 (average total authorized clients) = \$55,500.00 during the first year.

IV. ASSUMPTIONS

The Department has assumed one check of the Sex Offender Registry and Missouri State Courts Automated Case Management System per year per client. The cost of each Sex Offender Registry and Missouri State Courts Automated Case Management System check was estimated by using an average amount of time to conduct each check, plus the use of the provider's computer equipment for other than normal business processes, and any costs associated with informing employees of the availability of the registry. It was assumed that both checks for each client would take 5 minutes, based on employee experience in accessing various websites. The value of that 5 minutes (\$1.50) was estimated by assuming the following costs:

\$0.75 (salary/benefits and loss of productivity by provider office staff, assuming an average hourly wage of \$9.00)

\$0.75 (paper, ink, supplies, printed materials for staff education, etc.)

All providers are currently required by their Participation Agreement with DHSS to maintain Internet access. No additional Internet access fees are anticipated for providers to allow employees to access the Internet to check the Sex Offender Registry or Missouri State Courts Automated Case Management System.

At this time, the provider with the highest number of clients is serving slightly less than 3,000 individuals; some providers may only have one client. Therefore, individual provider impact will range from \$1.50 to \$4,500.00 initially, assuming a cost of \$1.50 per client. It is expected that the annual cost will decrease each year, as employees may not wish to check every client every year.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical
Services Systems Regulations**

PROPOSED RULE

19 CSR 30-40.450 Emergency Medical Services Fees

PURPOSE: This rule establishes fees for various types of licensure, accreditation, and designation, a late fee, manner of payment, a replacement fee and exemption from fees.

(1) Licensure fees collected under this rule shall be deposited in the Missouri Public Health Services Fund established in section 192.900, RSMo and used, upon appropriation, to fund the Unit of Emergency Medical Services (EMS) to administer the provisions of sections 190.001 to 190.250, RSMo. Beginning on the first of the month following the effective date of this rule, each application for license or re-licensure shall be accompanied by the following fees:

(A) Emergency Medical Technician (EMT)-Basic shall pay a fee of \$25 per five-year licensure period;

(B) EMT-Intermediate shall pay a fee of \$50 per five-year licensure period;

(C) EMT-Paramedic shall pay a fee of \$75 per five-year licensure period;

(D) EMT-Basic, EMT-Intermediate and EMT-Paramedic who are employed by a volunteer ambulance service and who receive no compensation other than reimbursement of actual expenses shall not be subject to a fee. A license issued pursuant to this subsection shall be valid only while performing emergency medical services for the volunteer ambulance service identified by the applicant as the volunteer ambulance service for which he/she works. If, at any time, an EMT-Basic, EMT-Intermediate or EMT-Paramedic becomes employed for compensation (other than reimbursement of actual expenses) from any employer, he/she shall, before providing emergency medical services for compensation, submit the appropriate application and fee and receive the appropriate license;

(E) Ground ambulance services shall pay a fee of \$0.05 per transport annually, based on the number of transports from the previous calendar year, up to a maximum of \$15,000 per year;

(F) Air ambulance services shall pay a fee of \$2,500 per five-year licensure period;

(G) Level I and II trauma centers shall pay a fee of \$5,000 per five-year licensure period. Level III trauma centers shall pay a fee of \$2,500 per five-year licensure period;

(H) Stretcher van services shall pay a fee of \$1,250 per five-year licensure period;

(I) EMT-Basic training entities shall pay a fee of \$250 per five-year period;

(J) EMT-Intermediate training entities shall pay a fee of \$1,250 per five-year period;

(K) EMT-Paramedic training entities shall pay a fee of \$1,250 per five-year period; and

(L) Entities providing multiple levels of training will pay one fee per five-year period. Fees will only be collected for the highest level of training entity accreditation acquired.

(2) A late fee of \$20 must be submitted along with the correct registration fee, if the application is submitted after the license, accreditation or certification expires. Applications arriving without required information and fees, or submitting an incomplete application resulting in expired licensure will result in a \$20 late fee.

(3) A fee of \$10 shall be submitted if a replacement license is requested.

(4) Fees shall be paid at the time the application is submitted. Payment must be made in the form of electronic submission, if available, money order, purchase order, or cashier's check. No other types of payment will be accepted. Fees are nonrefundable.

(5) If an EMT-Basic becomes eligible for licensure as an EMT-Intermediate or EMT-Paramedic, the fees paid for EMT-Basic licensure will not apply to the EMT-Intermediate or EMT-Paramedic licensure fees.

(6) Beginning on October 1, 2008, fees will be adjusted based on the availability of federal funding for the Unit of EMS through the Preventive Health and Health Services Block Grant (PHHS). Whenever the Missouri allocation of PHHS Block Grant funding is reduced, fees charged pursuant to this rule will be increased as follows. Whenever the Missouri allocation of PHHS Block Grant funding is reduced below the original allocation for Federal Fiscal Year 2006, which original allocation was \$2,524,129, for each cumulative reduction of \$500,000 fees shall be increased by the following amounts:

(A) EMT-Basic shall be increased by \$5 per five-year licensure period;

(B) EMT-Intermediate shall be increased by \$10 per five-year licensure period;

(C) EMT-Paramedic shall be increased by \$15 per five-year licensure period;

(D) EMT-Basic, EMT-Intermediate and EMT-Paramedic who are employed by a volunteer ambulance service and who receive no compensation other than reimbursement of actual expenses shall not be subject to a fee. A license issued pursuant to this subsection shall be valid only while performing emergency medical services for the volunteer ambulance service identified by the applicant as the volunteer ambulance service for which he/she works. If, at any time, an EMT-Basic, EMT-Intermediate or EMT-Paramedic becomes employed for compensation (other than reimbursement of actual expenses) from any employer, he/she shall, before providing emergency medical services for compensation, submit the appropriate application and fee and receive the appropriate license;

(E) Ground ambulance services shall be increased by \$0.01 per transport annually, based on the number of transports from the previous calendar year, up to a maximum of \$15,000 per year;

(F) Air ambulance services shall be increased by \$500 per five-year licensure period;

(G) Level I and II trauma centers shall be increased by \$1,000 per five-year licensure period. Level III trauma centers shall be increased by \$500 per five-year licensure period;

(H) Stretcher van services shall be increased by \$250 per five-year licensure period;

(I) EMT-Basic training entities shall be increased by \$50 per five-year period;

(J) EMT-Intermediate training entities shall be increased by \$250 per five-year period;

(K) EMT-Paramedic training entities shall be increased by \$250 per five-year period; and

(L) Entities providing multiple levels of training will pay one fee per five-year period. Fees will only be collected for the highest level of training entity accreditation acquired.

(7) PHHS Block Grant funding allocated by the department to support the activities of the Unit of EMS in administering the provisions of sections 190.001 to 190.250, RSMo, shall be expended prior to the expenditure of any monies collected as fees imposed under this section.

(8) The department shall advise the public of the amount of PHHS Block Grant funding available for funding the activities of the Unit of EMS for the upcoming federal fiscal year within thirty (30) days of the enactment of the appropriation for the Department of Health

and Human Services each year. Such information shall be available through the department at www.dhss.mo.gov/ems and by filing such notice for publication in the "In Additions" section of the *Missouri Register* with the Missouri Secretary of State. Any imposition of the fee schedules contained in subsections (6)(A) through (D) of this rule shall take effect on October 1 of the applicable year, first day of the upcoming federal fiscal year.

AUTHORITY: sections 190.550 and 190.185, RSMo Supp. 2005. Original rule filed June 1, 2006.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred sixty-two dollars (\$12,762) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately one hundred eighty-nine thousand seven hundred twenty-eight dollars (\$189,728) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with David S. Durbin, Director, Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. Telephone (573) 522-8535. 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 ENTITY COST**

I. RULE NUMBER

Title: 19 CSR30-40.450

Type of Rule Making: Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by 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:
186	Ground Ambulance	\$6,562.00/yr.
7	EMT-I and Paramedic Training Entities	\$1,750.00/yr.
9	EMT-B Training Entity	\$ 450.00/yr.
3	Level I/II Trauma Centers	\$3,000.00/yr.
2	Level III Trauma Centers	\$1,000.00/yr.
	Total annual cost in the aggregate	\$12,762.00/yr.

III. WORKSHEET

In calendar year 2004, there were 131,238 transports by public ground ambulance services. Under the proposed rule, the cost for each transport is \$.05. The combined costs to all public ambulance services is $131,238 \times \$0.05 = \$6,562.00/\text{yr.}$

EMT-I and Paramedic Training Entities: $7 \times \$250.00 = \$1,750.00/\text{yr.}$

EMT-Basic Training Entity: $9 \times \$50.00 = \$450.00/\text{yr.}$

Level I/II Trauma Centers: $3 \times \$1,000 = \$3,000.00/\text{yr.}$

Level III Trauma Centers: $2 \times \$500 = \$1,000/\text{yr.}$

IV. ASSUMPTIONS

Please see above information

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBERTitle: 19 CSR30-40.450Type of Rule Making: Proposed Rule**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by 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:
29	Ground Ambulance	\$19,438.00/yr.
15	Air Ambulance Services	\$7,500.00/yr.
19	EMT-I and Paramedic Training Entities	\$4,750.00/yr.
69	EMT-B Training Entity	\$3,450.00/yr.
25	Stretcher Vans	\$6,250.00/yr.
9,400	EMT-Basic	\$47,000.00/yr.
100	EMT-Intermediate	\$1,000.00/yr.
5,356	EMT-Paramedic	\$80,340.00/yr.
16	Level I/II Trauma Centers	\$16,000.00/yr.
8	Level III Trauma Centers	\$4,000.00/yr.
	Total annual cost in the aggregate	\$189,728.00/yr

III. WORKSHEET

In calendar year 2004, private ground ambulance services transported 388,762 patients. The cost for each transport is \$.05. The combined costs to all private ambulance services is $388,762 \times \$0.05 = \$19,438.00$.

There is a cap to exempt any ambulance from paying greater than \$15,000.00/yr.—no ambulance services met this cap.

Air Ambulance Services $15 \times \$500.00 = \$7,500.00/\text{yr}$

EMT-I and Paramedic Training Entities: $19 \times \$250.00 = \$4,750.00/\text{yr}$.

EMT-Basic Training Entity $69 \times \$50 = \$3,450.00/\text{yr}$.

Stretcher Vans $25 \times \$250.00 = \$6,250.00/\text{yr}$

EMT-Basic $9,400 \times \$5.00 = \$47,000.00/\text{yr}$.

EMT-Intermediate $100 \times \$10.00 = \$1,000.00/\text{yr}$.

EMT-Paramedic $5,356 \times \$15.00 = \$80,340.00/\text{yr}$.

Level I and II Trauma Centers: $16 \times \$1,000.00 = \$16,000.00/\text{yr}$.

Level III Trauma Centers: $8 \times \$500.00 = \$4,000.00/\text{yr}$.

IV. ASSUMPTIONS

Please see above information.

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 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 10—Food Safety and Meat Inspection**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 265.020, RSMo 2000, the director amends a rule as follows:

2 CSR 30-10.010 Inspection of Meat and Poultry is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2006 (31 MoReg 462). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

ORDER OF RULEMAKING

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

3 CSR 10-4.135 Transportation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 589). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

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

3 CSR 10-7.431 is amended.

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

The Department of Conservation amended 3 CSR 10-7.431 by changing provisions for hunting deer during the 2006 season.

3 CSR 10-7.431 Deer Hunting Seasons: General Provisions

PURPOSE: This amendment changes provisions for hunting deer during the 2006 season.

(1) The annual *Fall Deer & Turkey Hunting Regulations and Information* booklet for 2006 is hereby adopted as a part of this Code and by this reference herein incorporated. A printed copy of this booklet can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

(5) Deer Hunting Methods.

(D) Prohibited, in use or possession:

1. Methods restricted by local ordinance.
2. Self-loading firearms with capacity of more than eleven (11) cartridges in magazine and chamber combined.
3. Ammunition propelling more than one (1) projectile at a single discharge, such as buckshot.
4. Full hard metal case projectiles.
5. Fully automatic firearms.
6. Electronic calls or electronically activated calls.

(7) During the firearms deer hunting season and during managed firearms deer hunts on those areas where such hunts are held, all persons hunting any game and also adults accompanying youths hunting deer on a Youth Deer and Turkey Hunting Permit, must wear a cap or hat and a shirt, vest, or coat of the color commonly known as hunter orange, which must be plainly visible from all sides. Camouflage orange garments do not meet this requirement. The following are exempt from this requirement:

(9) Hunters who take a deer must tag it immediately with the transportation tag portion of the permit; detaching the transportation tag

voids the permit. Deer may be possessed and transported only by the taker until reported through the Telecheck Harvest Reporting System. All deer taken must be accurately reported through the Telecheck Harvest Reporting System by 10:00 p.m. on the day taken by the taker or in the taker's immediate presence. The Telecheck confirmation number must be recorded immediately on the deer hunting permit as indicated on the permit, and immediately attached to the deer by the taker. The transportation tag and deer hunting permit with confirmation number must remain attached to the intact or field-dressed carcass until the deer is processed. All deer must be reported through the Telecheck Harvest Reporting System prior to processing or being removed from the state.

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

This amendment filed May 23, 2006, effective **July 1, 2006**.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.432 is amended.

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

The Department of Conservation amended 3 CSR 10-7.432 by changing provisions for hunting deer for the 2006 season.

3 CSR 10-7.432 Deer: Archery Hunting Season

PURPOSE: This amendment establishes the archery deer hunting season, limits and provisions for hunting for 2006.

(1) The archery deer hunting season is September 15, 2006, through January 15, 2007, excluding the November portion of the firearms deer hunting season. Use archery methods only; firearms may not be possessed.

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

This amendment filed May 23, 2006, effective **July 1, 2006**.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.433 is amended.

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

The Department of Conservation amended 3 CSR 10-7.433 by changing provisions for hunting deer for the 2006 season.

3 CSR 10-7.433 Deer: Firearms Hunting Seasons

PURPOSE: This amendment establishes the firearms deer hunting seasons, limits and provisions for hunting during the 2006 season.

(1) The firearms deer hunting season is comprised of five (5) portions.

(A) Urban counties portion: October 6 through 9, 2006; use any legal deer hunting method to take antlerless deer in open counties.

(B) Youth portion: October 28 and 29, 2006; for persons at least six (6) but not older than fifteen (15) years of age and qualifying landowner or lessee youth age fifteen (15) and younger; use any legal deer hunting method to take one (1) deer statewide.

(C) November portion: November 11 through 21, 2006; use any legal deer hunting method to take deer statewide.

(D) Muzzleloader portion: November 24 through December 3, 2006; use muzzleloader methods to take deer statewide.

(E) Antlerless portion: December 9 through 17, 2006; use any legal deer hunting method to take antlerless deer in open counties.

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

This amendment filed May 23, 2006, effective **July 1, 2006**.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.434 is amended.

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

The Department of Conservation amended 3 CSR 10-7.434 by changing provisions for hunting deer for the 2006 season.

3 CSR 10-7.434 Deer: Landowner Privileges

PURPOSE: This amendment establishes season limits and provisions for landowners for hunting deer during the 2006 season.

(1) Resident landowners and lessees as defined in 3 CSR 10-20.805 can obtain no-cost deer hunting permits from any permit vendor. When requesting such permits, landowners must specify the number of acres owned and county of ownership.

(A) Those with five (5) or more continuous acres can each receive one (1) Resident Landowner Firearms Any-Deer Hunting Permit, one (1) Resident Landowner Archer's Hunting Permit, and, if property is in a county in which Archery Antlerless Deer Hunting Permits can be used, two (2) Resident Landowner Archery Antlerless Deer Hunting Permits.

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

This amendment filed May 23, 2006, effective **July 1, 2006**.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.438 is amended.

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

The Department of Conservation amended 3 CSR 10-7.438 by changing provisions for hunting deer for the 2006 season.

3 CSR 10-7.438 Deer: Regulations for Department Areas

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

Deer may be hunted on lands owned or leased by the department and on lands managed by the department under cooperative agreement as authorized in the annual *Fall Deer & Turkey Hunting Regulations and Information* booklet for 2006. This publication is incorporated by reference. A copy of this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

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

This amendment filed May 23, 2006, effective **July 1, 2006**.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.455 is amended.

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

The Department of Conservation amended 3 CSR 10-7.455 by establishing provisions for hunting seasons for turkey during the 2006 season.

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

PURPOSE: This amendment establishes the seasons, methods and limits for hunting wild turkeys.

(2) Hunters who take a turkey must tag it immediately with the transportation tag portion of the permit; detaching the transportation tag voids the permit. Turkeys may be possessed and transported only by the taker until reported through the Telecheck Harvest Reporting System. All turkeys taken must be accurately reported through the Telecheck Harvest Reporting System by 10:00 p.m. on the day taken by the taker or in the taker's immediate presence. The Telecheck confirmation number must be recorded immediately on the turkey hunting permit as indicated on the permit, and immediately attached to the turkey by the taker. The transportation tag and turkey hunting permit with confirmation number must remain attached to the turkey with the head and plumage intact until the turkey is processed. All turkeys must be reported through the Telecheck Harvest Reporting System prior to processing or being removed from the state.

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

This amendment filed May 23, 2006, effective **July 1, 2006**.

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

ORDER OF RULEMAKING

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

3 CSR 10-10.707 Resident Fur Dealer's Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 589-591). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

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

3 CSR 10-10.708 Nonresident Fur Dealer's Permit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2006 (31 MoReg 592-593). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-10.710 Resident Fur Buyer’s Permit is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2006 (31 MoReg 594-595). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

**3 CSR 10-10.715 Resident and Nonresident Fur Dealers:
Reports, Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 596-603). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

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

3 CSR 10-10.724 is amended.

This rule establishes provisions for taking shovelnose sturgeon on the Mississippi River by nonresidents and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-10.724 Nonresident Mississippi River Shovelnose Sturgeon Commercial

Harvest Permit by changing provisions for taking shovelnose sturgeon on the Mississippi River by nonresidents.

3 CSR 10-10.724 Nonresident Mississippi River Shovelnose Sturgeon Commercial Harvest Permit

PURPOSE: This amendment clarifies that this permit is not required for properly licensed commercial fishers from Tennessee.

Required for nonresidents of Missouri in addition to the Commercial Fishing Permit to take shovelnose sturgeon from the Mississippi River in accordance with 3 CSR 10-10.725; except that any person properly licensed to harvest shovelnose sturgeon by the state of Tennessee may fish within, and harvest shovelnose sturgeon from, the Missouri portion of the Mississippi River adjacent to Tennessee, as permitted by this Code. Fee: Five hundred dollars (\$500).

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

This amendment filed May 23, 2006, effective **June 15, 2006**.

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

ORDER OF RULEMAKING

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

**3 CSR 10-10.725 Commercial Fishing: Seasons, Methods
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 603). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

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

3 CSR 10-10.726 is amended.

This rule establishes seasons and limits for taking shovelnose sturgeon on commercial waters and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-10.726 Reciprocal Privileges: Commercial Fishing and Musseling; Commercial Waters by changing provisions for taking shovelnose sturgeon on commercial waters.

3 CSR 10-10.726 Reciprocal Privileges: Commercial Fishing and Musseling; Commercial Waters

PURPOSE: This amendment excludes shovelnose sturgeon harvest from the description of reciprocal commercial fishing privileges and removes reference to an Illinois shovelnose sturgeon commercial harvest permit.

(1) Any person possessing a valid commercial fishing license or commercial musseling permit issued by the state of Illinois, Tennessee, Arkansas, Kansas or Nebraska, or who is legally exempted from the license requirement without further permit or license, may fish or mussel as permitted by this Code in commercial waters within the boundary of Missouri and adjacent to the state where the fisherman or musseler is licensed. Shovelnose sturgeon may not be harvested except as permitted in 3 CSR 10-10.722, 3 CSR 10-10.724, 3 CSR 10-10.725 and section (6) of this rule.

(6) Any person possessing a valid commercial permit or license to harvest shovelnose sturgeon issued by the state of Tennessee may fish within, and harvest shovelnose sturgeon from the Missouri portion of the Mississippi River adjacent to Tennessee without further license, as permitted by this Code.

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

This amendment filed May 23, 2006, effective **June 15, 2006**.

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

ORDER OF RULEMAKING

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

3 CSR 10-11.120 Pets and Hunting Dogs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 603). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

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

3 CSR 10-11.135 Wild Plants, Plant Products, and Mushrooms is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006

(31 MoReg 603–604). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

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

3 CSR 10-11.180 Hunting, General Provisions and Seasons is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 604–605). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

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

3 CSR 10-11.205 Fishing, Methods and Hours is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 605). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.110 Use of Boats and Motors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 605). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.110 is amended.

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

The Department of Conservation amended 3 CSR 10-12.110 by changing provisions for hunting and fishing on Smithville Lake Waterfowl Refuge.

3 CSR 10-12.110 Use of Boats and Motors

PURPOSE: This amendment establishes provisions for closing boat use on Smithville Lake Waterfowl Refuge from October 15 through January 31 in units designated by posting.

(10) All boating on Smithville Lake Waterfowl Refuge is closed from October 15 through January 31 in units designated by posting.

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

This amendment filed May 23, 2006, effective **June 15, 2006**.

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

ORDER OF RULEMAKING

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

3 CSR 10-12.115 Bullfrogs and Green Frogs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 605–606). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.125 Hunting and Trapping is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 606–607). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.125 is amended.

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

The Department of Conservation amended 3 CSR 10-12.125 by changing provisions for hunting and fishing on Smithville Lake Waterfowl Refuge.

3 CSR 10-12.125 Hunting and Trapping

PURPOSE: This amendment establishes provisions for closing all hunting and trapping on Smithville Lake Waterfowl Refuge from October 15 through January 31 in units designated by posting.

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

(I) All hunting is closed on Smithville Lake Waterfowl Refuge from October 15 through January 31 in units designated by posting.

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

This amendment filed May 23, 2006, effective **June 15, 2006**.

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

ORDER OF RULEMAKING

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

3 CSR 10-12.130 is amended.

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

The Department of Conservation amended 3 CSR 10-12.130 by changing provisions for hunting and fishing on Smithville Lake Waterfowl Refuge.

3 CSR 10-12.130 Fishing, General Provisions and Seasons

PURPOSE: This amendment establishes provisions for closing all fishing on Smithville Lake Waterfowl Refuge from October 15 through January 31 in units designated by posting.

(5) All fishing on Smithville Lake Waterfowl Refuge is closed from October 15 through January 31 in units designated by posting.

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

This amendment filed May 23, 2006, effective **June 15, 2006**.

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

ORDER OF RULEMAKING

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

3 CSR 10-12.135 Fishing, Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 607). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.140 Fishing, Daily and Possession Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 607). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.145 Fishing, Length Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2006 (31 MoReg 607-608). 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 150-9.010 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 292). 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 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 150-9.020 Effective Date of Licensure is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 292). 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: One (1) comment was received from James Deutsch, on behalf of the Missouri Association of Nurse Anesthetists.

COMMENT: Mr. Deutsch stated that the proposed rule violates multiple statutes in allowing for the grandfathering of Anesthesiologist Assistants (AA) currently practicing within the state of Missouri. Mr. Deutsch further stated that the Board of Healing Arts (BOHA) is not authorized by law to allow non-licensed AA to practice within the state of Missouri.

RESPONSE: The Board of Healing Arts and the Advisory Commission for Anesthesiologist Assistants would like to thank the individuals who took the time to review the proposed rules governing the practice of anesthesiologist assistants within the state of Missouri. The proposed rules went through many changes and revisions before reaching the final form. We appreciate the thoughtful comments of the Missouri Association of Nurse Anesthetists.

Delegatory authority is expressly recognized by the BOHA. It is well accepted in various medical specialties, including anesthesiology, that a physician has the authority to delegate tasks or duties related to the practice of medicine to qualified individuals so long as the physician: 1) remains ultimately responsible to the patient; 2) assures that the individual performing the tasks is qualified to do so; and 3) it does not violate state statutes. The BOHA had previously determined that an AA may act under delegatory authority until such time as rules are promulgated by the BOHA. Section 334.430.9, RSMo codifies that right. Section 334.428.2, RSMo further clarifies an AA's ability to continue to practice by stating that nothing in sections 334.400 to 334.430, RSMo shall be construed as prohibiting any individual, regardless of whether the individual is licensed pursuant to sections 334.400 to 334.430, RSMo from providing the services of anesthesiologist assistant, so long as those services are lawfully performed pursuant to the individual's scope of practice as authorized by law or, *regulation* (emphasis added).

In all states, a medical practice act and similar legislation establish a state medical board with the authority to regulate the practice of medicine. The board is given, among other rights, the authority to promulgate rules and guidelines for the practice of medicine, the responsibility of licensing and credentialing physicians, overseeing and regulating prescriptive authority and disciplining physicians who violate the established rules or state laws. In many jurisdictions, the state's medical board also has statutory authority over the activity of physician extenders (anesthesiologist assistants fall into this category) excluding nursing personnel who are usually regulated by a state nursing board.

Physician extenders may function under either *delegatory* or *regulatory* rules established by the state medical board. Legislative language determines whether the rules are delegatory or regulatory. Under delegatory rules, a board may allow a physician to utilize the services of a physician extender. The duties of the extender are outlined and determined by the physician and delegated based upon training and experience. The duties (or scope of practice) of the extender must usually be approved by the medical board and also by the operating bylaws or rules of any institution where the physician extender may work. A physician assumes liability for the actions of the physician extender. Under regulatory rules, the medical board defines what minimal training and experience, examination requirements and any other pertinent characteristics the physician extender must possess in order to obtain certification or licensure to function in that state. The scope of practice is determined and detailed by the state medical board. The license of the physician extender is typically linked to a licensed physician in that state.

In addition, a historical review shows that similar rules have been used in the past to assist in the transition from non-licensure to licensure. See 4 CSR 150-8.001(1) which became effective on June 30, 1999.

It is also the board's belief that it was not the intent of the legislature to require individuals currently practicing as AA in the state of Missouri to cease practicing until a licensure application is completed, processed, reviewed and approved by the board. Not only would this stop the professional's income source it would also have a negative impact on patient care if the AA was required to cease practicing until a license has been issued. Therefore, the board voted to make no change to the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.400, 334.404, 334.406 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 150-9.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 292-295). The section with changes is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three (3) comments were received from James Deutsch, on behalf of the Missouri Association of Nurse Anesthetists.

COMMENT: Mr. Deutsch requests that a provision, from a previous draft of the rules, requiring a letter of reference from the anesthesiologist assistant (AA) program director or from a current supervising anesthesiologist be reinstated to "ensure patient safety and the integrity of the licensing process."

RESPONSE: The draft provision requiring an applicant to submit a letter of recommendation from the program director of their school or a letter of recommendation from a supervising anesthesiologist does not provide an objective basis to evaluate an applicant for licensure. It is assumed that an accredited program will not grant a degree to an individual who does not meet the basic standards of the program. Further, a letter from a physician unknown to the State Board of Registration for the Healing Arts (BOHA) and who is not accountable to the BOHA would be of limited use in determining the eligibility of an applicant for licensure within Missouri. The statute and this rule require the applicant to provide proof of graduation from an accredited AA program and verification of passage of the certifying examination. The BOHA also retains the right to have the applicant make a personal appearance before the board before rendering a final decision concerning licensure. Missouri statute or rules do not prohibit the BOHA from seeking additional information about the applicant, if the board deems it appropriate. The board feels that these requirements ensure patient safety and the integrity of the licensing process; therefore, the board voted to make no change to the proposed rule.

COMMENT: Mr. Deutsch suggests that section (9) is unclear in whether the applicant could submit the information themselves, rather than from the licensing agencies.

RESPONSE AND EXPLANATION OF CHANGE: The board concurred and will amend the rule to clarify that the verification of

licensure, registration and/or certification must be submitted directly to the board from the licensing agency.

COMMENT: Mr. Deutsch inquired about the decision to allow "other evidence of licensure" if a licensing agency fails, refused, or is reluctant to provide verification of licensure of an applicant. Furthermore, Mr. Deutsch suggests the BOHA is attempting "to discourage other licensing agencies submissions."

RESPONSE: There is no attempt by the BOHA to subvert the application process or "discourage other licensing agency submissions, particularly if unfavorable to the applicant" as inferred in Mr. Deutsch's statement. The BOHA has discretion in determination of the sufficiency of "other evidence." Recent events in New Orleans following Hurricane Katrina are a perfect example in which a licensing agency might be unable to provide verification of data. As an example, if a state disaster prevented data from being transmitted to the BOHA, the applicant could produce an original license as supporting document as "evidence of licensure" until the licensing agency was able to provide the requested data. An applicant should not be held hostage to circumstances which may be beyond their control. Finally, the BOHA may reject any application that it determines does not meet the minimal requirements for licensure. Sections 334.414.5(3), (11) and (12), RSMo grant the board the authority to discipline a license if fraud, deception or misrepresentation was used in securing a license. Therefore, the board voted to make no change to the proposed rule.

4 CSR 150-9.030 Applicants for Licensure

(9) Applicants shall have verification of licensure, registration and/or certification submitted from every state and/or country in which the applicants have ever held privileges to practice. This verification must be submitted directly to the board from the licensing agency and include the type of license, registration or certification, the issue and expiration date, and information concerning any disciplinary or investigative actions. If the licensing agency refuses or fails to provide a verification, the board may consider other evidence of licensure.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 150—State Board of Registration for the Healing Arts Chapter 9—Licensing of Anesthesiologist Assistants

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.402, 334.404 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 150-9.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 296). The section with changes is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Ten (10) comments were received from James Deutsch, on behalf of the Missouri Association of Nurse Anesthetists.

COMMENT: Mr. Deutsch requested that the proposed rule enumerate the activities in which an anesthesiologist assistant (AA) may participate.

RESPONSE: Missouri statutes 334.402.1(1)-(11), RSMo, enumerate the activities in which an AA may participate and section 334.424.2, RSMo clearly states that supervision agreements must

"delineates the services that the AA is authorized to provide and the manner in which the anesthesiologist will supervise the AA." It is redundant to provide in rules what is required in statute. If the statute were modified then the section of rules would have no meaning. Therefore, the board voted to make no change to the proposed rule.

COMMENT: Mr. Deutsch also requested the board delineate between supervisory agreements when the AA holds a temporary versus a permanent license.

RESPONSE: The board intends to hold temporary licensees to the same standards as individuals who possess a permanent license to practice as an AA in Missouri. No distinction will be made between AA with temporary or permanent license as to the requirements of the supervisory agreements. Therefore, the board voted to make no change to the proposed rule.

COMMENT: Mr. Deutsch, raised an issue that the proposed definition of "Assistance" (subsection (1)(B)) is in conflict with section 334.402, RSMo.

RESPONSE: It appears that the questioner is confused on the use of the word "assists" and "assistance" as used in statute. The board's intent with the proposed definition is to define the word "assistance" as used in section 334.402.3(3), RSMo. Therefore, the board voted to make no change to the proposed rule.

COMMENT: Mr. Deutsch requested that the rule be amended to mandate that the written AA supervision agreement conform to the statutory requirements of section 334.424.2, RSMo.

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

COMMENT: Mr. Deutsch expressed concern about the use of the word "facility" and "location."

RESPONSE: The language is taken from Missouri statute 334.400.1(7) and 334.402.3(3), RSMo. Mr. Deutsch errs in his interpretation of subsections (3) and (4). As a matter of statute, AAs may practice in any location in the state of Missouri where an anesthesiologist has privileges to provide services. Had section 334.426, RSMo, been intended to limit the practice of AA to only hospitals, the language in the statute would have been declaratory. Instead, the only limitation imposed is that a hospital, and only a hospital, may limit the functions and activities that an AA performs. Therefore, the board voted to make no change to the proposed rule.

COMMENT: Mr. Deutsch, on behalf of the Missouri Association of Nurse Anesthetists requested that sections 334.402.1 and 334.401.1 RSMo be reiterated in the rules.

RESPONSE: Again, the board feels that it is redundant to state in rules what is required in statute. Therefore, the board voted to make no change to the proposed rule.

COMMENT: Mr. Deutsch requested that if an anesthesiologist has a restriction placed on his or her practice that the anesthesiologist should be prohibited from supervision.

RESPONSE: The board has the authority to restrict the practice of physicians if it has been determined that a physician has violated statutes or rules governing professional practices. But, that decision rests with the board. If this change were implemented, it would prevent any anesthesiologist, who had any restriction placed upon their license, from medically directing an AA. No such restriction applies to the supervision of Certified Registered Nurse Anesthetists, either by surgeons or anesthesiologists. This change would not improve patient safety. Therefore, it is left to the board to determine when a physician may supervise any physician extenders. The board voted to make no change to the proposed rule.

COMMENT: Mr. Deutsch is concerned that the statement "an AA shall practice only under the direct supervision of an anesthesiologist who is physically present or immediately available" is not contained within section (7).

RESPONSE: The board directs the questioner to the following areas:

4 CSR 150-9.040(4), sections 344.400.1(7), RSMo, 334.402.3(3), RSMo, and 334.424.2, RSMo. The specific language requested by the questioner is already present in section 4 CSR 150-9.040(4) as well as clearly delineated in statute (see above). The requirements for the supervision agreements are stipulated by statute. It is unnecessary to restate within the body of the supervision agreement what is previously defined and required by Missouri statute. Therefore, the board voted to make no change to the proposed rule.

COMMENT: Mr. Deutsch requests the addition of the language consistent with 42 CFR 415.110.

RESPONSE: The board directs Mr. Deutsch to the following statutes: 344.400.1(9), RSMo and 334.424.1, RSMo. Currently, any anesthesiologist practicing in the United States or its territories are subject to federal regulations 42 CFR 415.110. Federal regulations are subject to change periodically. As such, Missouri statute 334.424.1 requires supervising anesthesiologist to supervise AAs "consistent with federal rules or regulations." The board may require physicians practicing in Missouri to comply with Missouri statutes, rules and guidelines that may be more restrictive than the federal government but those requirements would be placed within the framework of rules and regulations governing physician conduct. No additional clarification of the rule is necessary.

COMMENT: Mr. Deutsch requests that the rule be amended to include the specific acts prohibited which an AA may not perform.

RESPONSE: See Missouri statute 334.424.2, RSMo. The requirements for the supervision agreements are stipulated by statute. It is unnecessary to restate within the body of the supervision agreement what is previously defined and required by Missouri statute. Therefore, the board voted to make no change to the proposed rule.

4 CSR 150-9.040 Anesthesiologist Assistant Supervision Agreements

(7) The anesthesiologist assistant supervision agreement between a supervising anesthesiologist and a licensed anesthesiologist assistant shall—

(D) Be signed and dated by the supervising anesthesiologist and licensed anesthesiologist assistant prior to its implementation;

(E) Contain the mechanisms for evaluation of serious or significant adverse outcomes to a patient or patients, and/or deviations from standard of care, as established by the practice or community based standards; and

(F) Anesthesiologist assistant supervisory agreements must be consistent with the statutory requirements of section 334.424.2, RSMo.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 9—Licensing of Anesthesiologist Assistants

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.406 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 150-9.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 296–297). The section with changes is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three (3) comments were received from James Deutsch, on behalf of the Missouri Association of Nurse Anesthetists.

COMMENT: Mr. Deutsch states that proposed section (1) does not require that an anesthesiologist assistant (AA) be a graduate of an accredited AA program as required by section 334.400(2)(a), RSMo.

RESPONSE: This requirement is stated in proposed section (6). In addition, the issuance of a temporary license is limited, by statute, to those individuals who have graduated from an approved AA school and are awaiting the results of the certifying examination. Once a student matriculates from a certified program and has taken the certifying exam, the state of Missouri may grant a temporary license to practice, until the results of the certifying examination are known. The questioner may not be aware of the eligibility requirements for the certifying examination process for anesthesiologist assistants. The following statement from the National Commission for Certification of Anesthesiologist Assistants lists the eligibility requirements for taking the certifying exam including graduating from a Commission on Accreditation of Allied Health Education Programs (CAAHEP) accredited educational program or a student who will graduate from a CAAHEP accredited within one hundred eighty (180) days of the certifying exam. This information satisfies the requirement that an applicant must be a graduate of an approved educational program.

COMMENT: Mr. Deutsch expresses concern that the applicant for a temporary license could send certifications, registrations or licensure information directly to the board as opposed to have the licensing agency send the information directly to the board.

RESPONSE AND EXPLANATION OF CHANGE: The board will amend this rule to clarify that the information must be submitted *directly to the board* from the licensing agency.

COMMENT: Mr. Deutsch inquired about the decision to allow "other evidence of licensure" if a licensing agency fails, refused, or is reluctant to provide verification of licensure of an applicant.

RESPONSE: There is no attempt by the board to subvert the application process or "discourage other licensing agency submissions, particularly if unfavorable to the applicant" as inferred in Mr. Deutsch's statement. The board has discretion in determination of the sufficiency of "other evidence." Recent events in New Orleans following Hurricane Katrina are a perfect example in which a licensing agency might be unable to provide verification of data. As an example, if a state disaster prevented data from being transmitted to the Board of Healing Arts (BOHA), the applicant could produce an original license as supporting document as "evidence of licensure" until the licensing agency was able to provide the requested data. An applicant should not be held hostage to circumstances which may be beyond their control. Finally, the BOHA may reject any application that it determines does not meet the minimal requirements for licensure. Sections 334.414.5(3), (11) and (12), RSMo grant the board the authority to discipline a license if fraud, deception or misrepresentation was used in securing a license. Therefore, the board voted to make no change to the proposed rule.

4 CSR 150-9.050 Applicants for Temporary Licensure

(7) All applicants are required to submit verification of licensure, registration or certification from every state or territory in which the applicant is or has ever been licensed, registered or certified to practice as an anesthesiologist assistant; and all other professional licenses, registrations, or certifications issued to the applicant regardless of whether or not such license, registration or certification is current. This verification must be submitted directly to the board from the licensing agency. If the licensing agency refuses or fails to provide a verification, the board may consider other evidence of licensure.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board withdraws a proposed rule as follows:

4 CSR 150-9.051 Applicants for Temporary Licensure Renewal is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 297-298). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: Four (4) comments were received from James Deutsch, on behalf of the Missouri Association of Nurse Anesthetists.

COMMENT: Mr. Deutsch states the statute 334.406, RSMo does not authorize the board to renew a temporary license when an applicant fails the certifying exam.

RESPONSE: The board feels that the statute is very clear that it is within their discretion to renew a temporary license, however, has decided to withdraw the proposed rule at this time.

COMMENT: Mr. Deutsch requests that the temporary license expire the same day that the applicant is informed of their failure.

RESPONSE: The rules clearly state that if the applicant fails the examination that the temporary license is immediately terminated.

COMMENT: Mr. Deutsch requests and suggests that the board force any employer to terminate the employment of any anesthesiologist assistant (AA) applicant if the applicant fails the certifying exam.

RESPONSE: The board is uncertain if the Missouri Association of Nurse Anesthetists understands the role of the board. It is the duty of the board to administer and execute the statutes, rules and regulations of the Healing Arts Practice Act. Responsibilities of the board include: promoting ethical standards, examination, licensure, regulation, investigation of complaints and discipline of individuals practicing in the field. The board is not in a position to dictate to private entities who they may and may not employ.

COMMENT: Mr. Duetsch asks for specific penalties for an AA who fails to notify their employer and all of their supervising anesthesiologists that he/she failed their certifying exam.

RESPONSE: Missouri statutes provide for penalties for violation of any section of 334.400-334.430, RSMo. No additional penalty is required.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 150-9.060 Licensure Renewal is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 298-300). 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: One (1) comment was received from James Deutsch, on behalf of the Missouri Association of Nurse Anesthetists.

COMMENT: Mr. Deutsch requests that statutory requirements be enumerated within this rule.

RESPONSE: Rules are operating principles or orders created by an office of the state under authority granted by the legislature. These administrative rules have the force and effect of law. Sometimes, it is difficult to understand a law unless it is placed into the proper context. Fortunately, the Missouri statute governing renewal of certificate of registration is specific and clear in its requirements. Section 334.416, RSMo instructs the Board of Healing Arts (BOHA) as to the specific information that shall be contained on the form and no further clarification is required.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 150-9.070 Continuing Education is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 301-302). 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 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 150-9.080 Fees is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 303). 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 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 150-9.090 Late Registration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 303). 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 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

**4 CSR 150-9.100 Minimum Requirements for Reinstatement
of Licensure is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 303–304). 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 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

**4 CSR 150-9.110 Employment, Name and Address Change
Requirements, Retirement Affidavits is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 304). 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 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 150-9.120 Duplicate Licenses is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 304–305). 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 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

**4 CSR 150-9.130 Code of Ethics of the Anesthesiologist
Assistant Profession is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 305). 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 150—State Board of Registration for the
Healing Arts
Chapter 9—Licensing of Anesthesiologist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.414, RSMo Supp. 2005, the board adopts a rule as follows:

**4 CSR 150-9.140 Advisory Commission for Anesthesiologist
Assistants is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 305-308). 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 9—DEPARTMENT OF MENTAL HEALTH
Division 50—Admission Criteria
Chapter 2—Mental Health Services**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.705, RSMo 2000, the director withdraws a proposed amendment as follows:

9 CSR 50-2.010 Admissions to Children's Supported Community Living Services is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2006 (31 MoReg 462-465). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The department received numerous comments on this proposed amendment. Most of the comments were against the proposed amendment. The comments questioned whether the amendment would cost more than five hundred dollars (\$500) in the aggregate. The comments also emphasized concern from the provider community regarding the process of admittance to services and the appeal process.

RESPONSE: As a result, the director is withdrawing this rulemaking.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 50—Admission Criteria
Chapter 2—Mental Health Services**

ORDER OF RULEMAKING

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

9 CSR 50-2.020 Guidelines for Conditional Release is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2006 (31 MoReg 465-466). 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 9—DEPARTMENT OF MENTAL HEALTH
Division 50—Admission Criteria
Chapter 2—Mental Health Services**

ORDER OF RULEMAKING

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

9 CSR 50-2.510 Admissions to Adult Placement Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2006 (31 MoReg 466-468). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo 2000, the commission amends a rule as follows:

12 CSR 30-3.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2006 (31 MoReg 217-218). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received four (4) comments on this proposed amendment.

COMMENT: The commission received comments from Patricia Hughes, Assistant County Counselor for Clay County. Ms. Hughes' comments contained seven (7) points which are summarized as follows:

(1) The counties' cost to prepare an appraisal in compliance with the proposed amendment could easily be between twenty thousand dollars (\$20,000) and five hundred thousand dollars (\$500,000) per property;

(2) No public hearing was held on the proposed amendment;

(3) The amendment does not require a taxpayer to provide acquisition cost or date of acquisition of the property under appeal;

(4) The amendment's emphasis on the use of an inventory list rather than an asset list could lead to increased costs to the county and could result in missed assets;

(5) The amendment gives no rational basis by which to limit an initial period of discovery to only the access of the property in order to prepare an inventory listing and cooperation between the parties;

(6) The amendment gives no rational basis to limit the second period of discovery to only the workfile; and

(7) Uniform Standards of Professional Appraisal Practice (USPAP) standards are not standards, but are merely suggestions.

RESPONSE AND EXPLANATION OF CHANGE: The commission makes its response to Ms. Hughes' comments as follows:

On point (1) the commission believes this amendment will create no new cost to the county except for the cost of providing the workfile, which should be offset by the cost savings realized by the taxpayer providing the taxpayer's workfile at no cost. It should be pointed out the amendment retains the verb "should" and does not replace it with "shall." Further, it does not set out a required format for appraisal reports. A party is free to present any valuation evidence the party believes to be relevant and probative in any format. Additionally, there is NO requirement that a party inventory the property under appeal. The amendment only requires the taxpayer to

make access available IF the county chooses to perform an inventory.

On point (2), the commission points out no public hearing is required for proposed amendments. However, before proposing the amendment, the commission held a public hearing and received input from parties on both sides as well as from officials of the American Society of Appraisers. As a result of the testimony and documents submitted, the commission drafted the proposed amendment.

On point (3), the commission agrees the complainant should provide a descriptive list of the property to the respondent. To clarify the process, the commission voted to change the amendment by setting out a series of steps the parties should follow when preparing for an appeal.

On point (4), the commission points out the proposed amendment does not REQUIRE use of an inventory list, but it has been the experience of the commission that asset lists often do not accurately reflect the current assets of the company. The requirement that the complainant supply a list and description of the property under appeal is designed to notify the county the specific items of property the taxpayer believes are under appeal. By using this list and by conducting an inventory, the chance of missed assets should be minimized.

The commission responds to point (5) by stating the proposed amendment does not limit the scope of initial discovery to inventory and cooperation only.

As to point (6), the commission responds that except in rare circumstances, the only new event immediately prior to the second discovery period is the exchange of exhibits, including the appraisal report and written direct testimony. Broad discovery should be completed in the first phase and it would not be judicially efficient to reopen full discovery after the exchange of exhibits. However, as is currently the case, if circumstances warrant reopening discovery, a party may move to do so.

As to point (7), the commission agrees that USPAP standards are merely suggestions, but also points out that USPAP standards allow appraisers to apply their own judgment, but if appraisers exercise that judgment to an extreme that prevents them from sufficiently justifying or explaining their opinion of value, it is done at the appraisers' own peril.

COMMENT: The commission received comments from Paula Lerner, Associate County Counselor for St. Louis County. Ms. Lerner made several comments that are summarized as follows:

(1) For each piece of personal property, the taxpayer should be required to provide the manufacturer's name, the model and serial number, year of manufacture, acquisition date and cost, the legal, licensing and leasehold interests, condition, effective age, and, if available, the maintenance history of the property;

(2) The amendment should contain an explanation of the market approach to value and require sales data such as source of sale data, circumstances of the sale, and description of the property sold (as in "1" above); and

(3) The commission needs to specify the data that will comprise an acceptable cost approach.

RESPONSE AND EXPLANATION OF CHANGE: The commission makes its response to Ms. Lerner's comments as follows:

As to point (1), the commission believes specific information concerning property under appeal should be obtainable either on the list supplied by the complainant or through discovery. To that end, the commission believes the complainant should provide a descriptive list of the property to the respondent. To clarify the process, the commission voted to require the complainant to provide a listing of the property under appeal.

As to point (2), the commission believes each party, party's expert, and/or attorney must determine what he or she thinks is sufficient to prove value. Weaknesses may be discovered through examination of the workfile and depositions and exposed by cross-examination.

As to point (3), while not addressed by the proposed amendment, commission decisions have repeatedly stressed that a cost approach

which uses a depreciation schedule by which it can be shown to be related to market conditions would be acceptable.

COMMENT: The commission received comments from Thomas L. Caradonna, an attorney in St. Louis, Missouri, who has represented many Missouri business taxpayers in personal property appeals before the commission. Mr. Caradonna's comments can be summarized as follows:

(1) The requirement for each party to bear the cost of producing its own appraiser's workfile is contrary to practice in civil cases and adds a significant cost;

(2) The requirement that the workfile be present at hearing is reasonable, but flexibility should be allowed for the manner of keeping and providing access to the appraiser's workfile; and

(3) The commission should not place an additional burden on either party to compile information from a confidential source or in a manner inconsistent with the current industry standard.

RESPONSE AND EXPLANATION OF CHANGE: The commission makes its response to Mr. Caradonna's comments as follows:

As to point (1), the commission believes requiring each party to bear the costs of providing its own workfile is not an uncommon practice, and ensures that neither party will attempt to thwart full disclosure by estimating a prohibitive cost to the other party for such information. This is a much less costly alternative to a self-contained appraisal, and the alleged increase in cost should be largely offset by receiving the opposing party's workfile at no cost.

As to point (2), the commission agrees that flexibility in keeping and providing access to the workfile should be looked upon favorably. The commission voted to change the amendment to address this issue more clearly.

As to point (3), the commission acknowledges USPAP standards require appraisers to maintain a workfile. The commission will look to those standards as its guide and will deal with any variances on a case-by-case basis.

COMMENT: The commission received comments from Wayne A. Tenenbaum, an attorney in Kansas City, Missouri, who has represented many Missouri business taxpayers in personal property appeals before the commission. Mr. Tenenbaum's comments can be summarized as follows:

(1) Generally, Mr. Tenenbaum supports the proposed amendment, but noted in some circumstances the requirement to provide a copy of the appraiser's workfile might be onerous and in large appeals (for example, one involving more than three (3) million dollars of personal property), each party should have the opportunity to request the workfile only on a specific number of items of the requesting party's choice;

(2) The workfile may contain proprietary information;

(3) The cost of the proposed amendments may exceed five hundred dollars (\$500); and

(4) The rule should require a simultaneous exchange of exhibits and testimony.

RESPONSE AND EXPLANATION OF CHANGE: The commission makes its response to Mr. Tenenbaum's comments as follows:

As to point (1), the commission responds that the number of items in most appeals is proportional to the assessment reduction the appealing taxpayer hopes to achieve. There is no reason to provide a special exception to a taxpayer whose property value totals three (3) million dollars, when, for example, the combined property of five other taxpayers may total three (3) million dollars. When an appeal is made, if either party hopes to prevail, it must appraise every item of property under appeal and each party should have an opportunity to examine the basis for the valuation of each item.

As to point (2), the commission acknowledges USPAP standards require a workfile primarily so the appraiser may justify his or her opinion of value. The commission believes if that justification cannot be examined by the opposing party, the purpose of the USPAP standards would appear to be undermined.

As to point (3), the commission believes any additional cost created by the proposed amendment should be largely offset by receiving the opposing party's workfile at no cost.

As to point (4), because the proposed amendment is being changed (due to other comments received) to require the complainant to provide a list and description of the property, the commission voted to change the proposed amendment to also provide for simultaneous exchanges of exhibits.

12 CSR 30-3.060 Exchange of Exhibits, Prefiled Direct Testimony and Objections

(2) In appeals pertaining to the assessment of business personal property, the commission shall issue scheduling orders. Unless judicial economy or fairness dictates otherwise, a scheduling order for personal property appeals shall include but is not limited to the following procedure:

(A) Initial Discovery Period. This time frame shall commence before and extend after the list and complete description of the subject property is provided and may be used to gather pertinent information which allows for full and complete preparation of a party's case-in-chief. During this period, the complainant shall be required to provide—

1. Access to the subject personal property. The complainant must provide reasonable access to the property. The parties are urged to agree to a simultaneous inventory by appraisers of both parties; however, if this proves to be impracticable, the appraiser for the respondent must be given a reasonable amount of time and adequate cooperation to thoroughly inspect and inventory the subject property.

2. List of appealed property. The complainant, by a date certain, shall provide a list and complete description of the personal property, and said description shall include but not be limited to the acquisition cost and the date of acquisition of each item of personal property. Such list shall be forwarded to the commission and the respondent;

(B) Simultaneous Exchange of Exhibits. The parties shall simultaneously exchange the original of all exhibits to be used in their case-in-chief and serve upon opposing counsel a copy of same. Complainant's exhibits shall be marked with letters beginning with the letter A, with the appeal number. Respondent's exhibits shall be marked with numbers beginning with the number 1, with the appeal number. Exhibits filed with and retained by the commission should be no larger than eight and one-half by eleven inches (8 1/2" × 11"), although for purposes of demonstration at the hearing, the parties may use larger copies of the submitted exhibits. Exhibits which consist of photographs shall be affixed to or copied on eight and one-half by eleven inch (8 1/2" × 11") paper, and each photograph shall be identified in a brief statement or phrase on the face of the exhibit. More than one (1) photograph may be placed on one (1) page, if space so permits to identify each photograph;

(C) Written Direct Testimony. Parties shall file with the commission the original of written direct testimony of each witness expected to be called for the party's case-in-chief, and serve upon opposing counsel or party a copy of the same. Written direct testimony shall be in a question and answer form with each question numbered sequentially, typed on eight and one-half by eleven inch (8 1/2" × 11") paper. Written direct testimony must be as complete and accurate as if it were oral testimony; and

(D) Additional Discovery Period. In addition to the initial discovery period, the scheduling order shall provide for a second period of discovery after the exchange of exhibits. The additional discovery period shall be short and limited in scope to the workfiles, as defined by the Uniform Standards of Professional Appraisal Practice (USPAP) and to the deposition(s) of appraiser(s). Upon request of the opposing party and at the cost of the party providing the workfile, each party shall forward to the requesting party, within twenty (20) days of the request, a copy of the workfile related to the exchanged

appraisal. The workfile provided shall contain the specific data required in the USPAP standard, not contain extraneous materials which would hinder an efficient examination of the materials, and shall be a hard copy or in a format agreed to by the opposing party.

(3) After compliance with the scheduling order as set out in section (2), an evidentiary hearing will be scheduled. The order scheduling the evidentiary hearing shall require all appraisers to have their workfile present and accessible at hearing.

(4) Sanctions. Upon finding that a party has not complied with a provision of a scheduling order, the commission shall exact sanctions, which may include exclusion of the offending party's evidence or dismissal of the appeal.

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

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo 2000, the commission amends a rule as follows:

12 CSR 30-3.065 Appraisal Evidence is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2006 (31 MoReg 218). 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: The commission received three (3) comments on this proposed amendment.

COMMENT: The commission received comments from Patricia Hughes, Assistant County Counselor for Clay County. Ms. Hughes' comments contained seven (7) points which are summarized as follows:

(1) The counties' cost to prepare an appraisal in compliance with the proposed amendment could easily be between twenty thousand dollars (\$20,000) and five hundred thousand dollars (\$500,000) per property;

(2) No public hearing was held on the proposed amendment;

(3) The amendment does not require a taxpayer to provide acquisition cost or date of acquisition of the property under appeal;

(4) The amendment's emphasis on the use of an inventory list rather than an asset list could lead to increased costs to the county and could result in missed assets;

(5) The amendment gives no rational basis by which to limit an initial period of discovery to only the access of the property in order to prepare an inventory listing and cooperation between the parties;

(6) The amendment gives no rational basis to limit the second period of discovery to only the workfile; and

(7) Uniform Standards of Professional Appraisal Practice (USPAP) standards are not standards, but are merely suggestions.

COMMENT: The commission received comments from Paula Lerman, Associate County Counselor for St. Louis County. Ms. Lerman made several comments that are summarized as follows:

(1) For each piece of personal property, the taxpayer should be required to provide the manufacturer's name, the model and serial number, year of manufacture, acquisition date and cost, the legal, licensing and leasehold interests, condition, effective age, and, if available, the maintenance history of the property;

(2) The amendment should contain an explanation of the market approach to value and require sales data such as source of sale data, circumstances of the sale, and description of the property sold (as in “1” above); and

(3) The commission needs to specify the data that will comprise an acceptable cost approach.

COMMENT: The commission received comments from Wayne A. Tenenbaum, an attorney in Kansas City, Missouri, who has represented many Missouri business taxpayers in personal property appeals before the commission. Mr. Tenenbaum’s comments can be summarized as follows:

(1) Generally, Mr. Tenenbaum supports the proposed amendment, but noted in some circumstances the requirement to provide a copy of the appraiser’s workfile might be onerous and in large appeals (for example, one involving more than three (3) million dollars of personal property), each party should have the opportunity to request the workfile only on a specific number of items of the requesting party’s choice;

(2) The workfile may contain proprietary information;

(3) The cost of the proposed amendments may exceed five hundred dollars (\$500); and

(4) The rule should require a simultaneous exchange of exhibits and testimony.

RESPONSE: The commission believes the comments of Ms. Hughes, Ms. Lemerman and Mr. Tenenbaum have already been addressed by language in its order of rulemaking of 12 CSR 30-3.060 which has been filed simultaneously so no changes are made to the proposed amendment.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 4—Agricultural Land Productive Values**

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo 2000, the commission amends a rule as follows:

**12 CSR 30-4.010 Agricultural Land Productive Values
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2006 (31 MoReg 218–219). 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: The commission received eleven (11) comments regarding this proposed amendment.

COMMENT: Comments were received from Ann Auer, President of the Missouri Growth Association; Patrick Lanane, Assistant Superintendent and Chief Financial Officer of Lindbergh School District; Victor Buehler, Superintendent of Dunklin R-5 School District; David Glaser, Chief Financial Officer of Rockwood School District; Larry E. Ewing, Superintendent of Fort Osage R-1 School District; Sandy Rothschild, President of Sandy Rothschild and Associates, Inc.; Timothy A. Ricker, Superintendent of Mehlville School District; John Sharp, member of the Hickman Mills Consolidated School District Number One Board of Education; Mikel A. Stewart, Superintendent of Ste. Genevieve School District R-II; Patrick Sullivan, Executive Vice President of Home Builders Association of Greater St. Louis; and F. Supple, Chief Financial Officer of Francis Howell School District. Because all the comments were similar, if not identical, they are summarized and addressed in the aggregate. All the comments objected to the proposed amendment and are summarized as follows:

(1) Keeping values flat is inconsistent with the public hearing record and inconsistent with reality in that the University of Missouri—Columbia (UMC) School of Agriculture has consistently recommended increasing values for soil grades and that has been the only credible evidence before the commission in the past five (5) cycles;

(2) The University of Missouri—St. Louis (UMSL) submitted a study corroborating the UMC School of Agriculture’s recommendations;

(3) The proposed amendment will give one subclass of property owners a discount against what the law and *Missouri Constitution* say the burden should be and may spawn tax appeals costing well over the five hundred dollars (\$500) cost estimate;

(4) The City of St. Louis has no agricultural land but some of its residents pay taxes to some taxing entities which own farm land and potentially, appeals could be filed on that farm land based on the theory of discrimination between subclasses;

(5) The proposed amendment undervalues the size of many rural jurisdictions’ tax base and over time shifts the tax burden to other subclasses of real property;

(6) Agricultural land’s share of the tax burden has decreased and it is the only economic subclass sheltered from economic reality.

RESPONSE: The commission responds to these comments as follows:

As to point (1), prior to the promulgation of the proposed amendment, a public hearing was held to receive input from the public. Various points of view were expressed at the public hearing, including those questioning the reliability of the formula established in 1978 by the UMC Department of Agriculture using almost thirty (30)-year old assumptions to determine present productive values. Experts from Farm Credit provided testimony reflecting a capital structure significantly different than the capital structure employed in the capitalization of net operating income used in the 1978 formula. The representative of Farm Credit testified that the actual capital structure used in capitalizing agricultural income differs substantially from the UMC study. Following the public hearing, the commission concluded that the best evidence was the stabilized net operating income data presented by the Food and Agricultural Policy Research Institute (FAPRI), also with the UMC Department of Agriculture.

As to point (2), the commission believes the UMSL study primarily indicated the market value of farm land has increased over the years while productive values have not increased proportionately. However, the *Missouri Constitution* provides that agricultural land shall be assessed based upon its productive value rather than market value.

As to point (3), the proposed amendment does not provide a “discount” to agricultural land owners. Article X, Section 4 of the *Constitution of Missouri* mandates that agricultural land be treated differently than other subclasses of real property (i.e., based upon productive value rather than agricultural value). If unique treatment of agricultural land is required by the state constitution, implementing that treatment as required is not discrimination. The commission stands by its estimate of cost for the proposed amendment.

As to point (4), the commission’s response to this point is that this theory of discrimination has been rejected by Missouri courts. See *Westwood Partnership v. Gogarty*, 103 S.W.3d 152 (Mo. App. E. D. 2003).

As to point (5), the commission points out that land being used for agricultural or horticultural purposes is to be valued based upon its productive value capability and valuing it as the law requires is not an understatement of the jurisdiction’s tax base. Because the *Constitution of Missouri* provides for unique treatment of agricultural land, it does not guarantee that agricultural land will provide any set percentage of the tax burden. Over time, much more agricultural land is being converted to commercial or residential uses than commercial or residential land being converted to agricultural use. That factor alone skews any comparison of relative tax burdens.

As to point (6), the *Missouri Constitution* specifically provides for unique treatment of agricultural land and to the extent that agricultural land assessments are based upon productive value rather than market value, the law intentionally insulates agricultural lands from market value reality. That approach is the result of a legislative policy decision beyond the purview of this agency.

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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before August 2, 2006.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- E-mail: Kathy.Hatfield@modot.mo.gov
- Mail: PO Box 893, Jefferson City, MO 65102-0893
- Hand Delivery: 1320 Creek Trail Drive, Jefferson City, MO 65109
- Instructions: All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket: For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, *Missouri Revised Statutes* (RSMo) Supp. 2005, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP051122058

Applicant's Name & Age: Gary W. Kirkland, 42
Relevant Physical Condition: Mr. Kirkland's best-corrected visual acuity in both eyes is 20/20 Snellen. He has insulin-treated diabetes mellitus and has been using insulin for control since August 2005.
Relevant Driving Experience: Mr. Kirkland has driven over 20 years and has been employed as a hostler for K & T Switching Service, Inc. since 1999. He has also been self-employed as a farmer, driving farm trucks and equipment since 1989. He has driven tractor-trailers, straight trucks, dump trucks, grain trailers, lowboys, and vans, both automatic and manual with and without air brakes. He currently has a Class A CDL. Drives personal vehicle(s) daily.
Doctor's Opinion & Date: Following an examination in December 2005, his endocrinologist certified, "In my medical opinion, Mr. Kirkland's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents or violations within the past 3 years.

Application # MP050117002

Applicant's Name & Age: Marty K. Campbell, 33
Relevant Physical Condition: Mr. Campbell's best uncorrected visual acuity in his left eye is 20/25 Snellen, and corrected visual acuity in the left eye is 20/20 Snellen. He was born with slight hand motion and light perception in the right eye.
Relevant Driving Experience: Employed by McDonalds in maintenance. Drove a dump truck for Goose Creek Dirt Works, Mt. Vernon, MO from June to December 2004. Drives personal vehicle(s) daily.
Doctor's Opinion & Date: Following an examination in August 2005, his optometrist certified, "In my medical opinion, Mr. Campbell's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and

that his condition will not adversely affect his ability to operate a commercial motor vehicle safely.”

Traffic Accidents and Violations: No accidents or violations within the past 3 years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: June 1, 2006

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Stan Buffington DBA Buffington Brothers Heating & Cooling		110 N. Riverview Poplar Bluff, MO 63901	10/26/05	10/26/2005-10/26/06

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

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

On May 16, 2006, GCT, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on May 16, 2006.

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

GCT, Inc.
Attn: Robert J. Kaufman
Address: 8129 Stanford
University City, MO 63130

With copy to:

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

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

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

**Notice of Dissolution of the Limited Liability Company
to all Creditors of and Claimants Against ELKO, LLC**

On May 18, 2006, ELKO, LLC, A Missouri LLC, was dissolved upon the filing of articles of dissolution by the Missouri Secretary of State. Claims against the company may be mailed to John W. Gillum, CPA 310 South Elson St., Kirksville, MO 63501. Claims must include the name and address of the claimant, amount of the claim; basis for the claim; and documentation of the claim. A claim against the company will be barred unless a proceeding to enforce the claim is commenced within three years of the date of this publication.

**Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
Standard Republic Healthcare Enterprises, Inc.**

On May 1, 2006 Standard Republic Healthcare Enterprises, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on May 1, 2006.

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

Robert M. Beachy
C/o VanOsdol, Magruder, Erickson & Redmond, P.C.
911 Main St., Ste. 2400
Kansas City, MO 64105

All claims must include the name and address of the claimant, the amount claimed, the basis for the claim and the date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or the basis for the claim.

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

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
Signatures Investors, LLC**

On May 11, 2006, Signatures Investors, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Catalano, Catalano, Evans, Cantwell & Brown, P.C., 2505 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY
COMPANY TO ALL CREDITORS OF AND CLAIMANTS
AGAINST WHITE & WATSON FUNERAL HOME, LLC**

On May 26, 2006, WHITE & WATSON FUNERAL HOME, LLC, a Missouri Limited Liability Company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective the date of filing.

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

White & Watson Funeral Home
c/o Donald E. White
P.O. Box 890
Cassville, MO 65625
(417) 847-1339

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

NOTICE: Because of the notice of winding up of WHITE & WATSON FUNERAL HOME, LLC, any claims against it will be barred unless a proceeding to enforce the claims is commenced within three (3) years after the publication date of the notices authorized by the statute, whichever is published last.

**Notice of Winding Up of Limited Liability Company
To All Creditors of and
Claimants Against
Gateway Chemical Technology, L.L.C.**

On May 30, 2006, Gateway Chemical Technology, L.L.C., a Missouri limited liability company, filed its Articles of Termination and Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on May 30, 2006.

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

Gateway Chemical Technology, L.L.C.
Attn: Robert J. Kaufman
Address: 8129 Stanford
University City, MO 63130

With a copy to: Sandberg, Phoenix & von Gontard P.C.
Attn: April Greer, Esq.
One City Centre, 15th Floor
St. Louis, MO 63101
(314) 231-3332

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

NOTICE: Because of the notice of winding up of Gateway Chemical Technology, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the notices authorized by statute, whichever is published last.