

**U**nder 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."

**E**ntirely 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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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.

**A**n 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.

**I**f 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*.

**A**n 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.

**I**f 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 20—Personnel Advisory Board and Division  
of Personnel  
Chapter 4—Appeals, Investigations, Hearings and  
Grievances**

**PROPOSED AMENDMENT**

**1 CSR 20-4.010 Appeals.** The Personnel Advisory Board is amending subsections (3)(A) and (B).

*PURPOSE: This amendment is necessary because the original version only provided four (4) days, which the board determined to be an inadequate amount of time, and there needed to be a designation as to whether it was calendar or business days. Also, this amendment is necessary to clarify that no post-hearing motions or rehearings are granted by the board, and that if any are filed, the board does not have to convene a special meeting to address such motions.*

*It is also necessary to provide direction to the parties on attorney's fees, as a fair number of parties have been confused about this issue.*

(3) Appeals Must Be Submitted and Hearings Conducted Following the Procedures and Guides Provided in this Rule.

(A) Appeal submission and preparation for hearing are governed by the following provisions:

1. Appeals shall be written. The appeal may be filed by fax, by mail or by other delivery to the board's office. The written appeal must provide substantially the following information: appellant's name; appointing authority and agency; the type of disciplinary action appealed; the effective date of the disciplinary action; the appellant's reason for appealing the disciplinary action; the appellant's response to the reasons given by the appointing authority; names of witnesses to be subpoenaed if a hearing is granted; a detailed description of any books, papers or records to be subpoenaed, along with their location, and a statement of the reasons that the items are needed for the hearing; the name, address, telephone number and signature of the appellant's attorney, if any; the appellant's signed acknowledgement and certification of truth for the information supplied in the written appeal;

2. The appellant may file the appeal on the form for appeal prescribed by the board. The information required for completion of that form shall be deemed sufficient to satisfy the requirement for a written appeal. The board will provide to the appellant or to the appointing authority, on request, a copy of the current form for appeal. The appointing authority shall deliver a copy of the form to an employee receiving any appealable disciplinary action. The completed form or other written appeal must be received at the office of the board within thirty (30) days after the effective date of the disciplinary action appealed. A copy of the appellant's contentions set out in the appeal will be furnished to the appointing authority;

3. A party may file a document by—

A. Registered or certified mail. A document filed by registered or certified mail is deemed filed on the date *[shown on the United States Post Office records]* that it is delivered to and received by the board;

B. Electronic facsimile transmission (fax). A document filed by fax is deemed filed at the time the board receives a fax of the complete document, **provided that the original of the document is sent to the board and received within ten (10) business days of the fax.** If a document arrives by fax after 5:00 p.m. and before 12:00 midnight or on a Saturday, Sunday or legal holiday, it is filed on the board's next business day, unless the board orders otherwise;

(I) The time controlling when a fax arrives at the board's office is the board's fax machine's journal;

(II) The person fax filing a document bears the risk of loss in transmission, nonreceipt or illegibility. If the document is not received or is materially illegible, the document is deemed not filed and totally null and void for all purposes;

*[(III) If the original document is not received by the board within four (4) business days following the fax filing, the document is deemed not filed and totally null and void for all purposes;]*

*[(IV)](III) Any party or attorney who lists a fax number on a letterhead or pleading in the case file or in a telephone or professional directory or otherwise shall be deemed to have consented to receive service of documents by fax from the board or any other party or attorney; or*

C. Any other method. A document filed by any method other than registered mail, certified mail or fax is deemed filed on the date the board receives the document in its office;

4. A party filing by fax shall—

A. Notify the board in advance, if possible, of its intention to file the document by fax;

B. Fax the document to the board's dedicated fax number;

C. Fax the document, if possible, to all other parties having electronic facsimile equipment. If unable to fax, a party shall notify

all other parties of its intention to file the document by fax. The notice need not be in writing. A good faith attempt at compliance with this notice requirement shall satisfy the requirements of this subparagraph. This subparagraph does not apply to fax filing of the original appeal;

D. Send the original signed document to the board;

E. Certify in the documents—

(I) The method of notice used to fulfill the requirements of subparagraph (3)(A)4.C. of this rule; and

(II) Compliance with the requirements of subparagraph (3)(A)4.D. of this rule; and

F. Send a copy of the document to all other parties except when filing the original appeal;

5. Appellants may represent themselves and handle their own cases but shall have the right to be represented by duly licensed attorneys. A party to an appeal cannot be represented by anyone other than a duly licensed attorney except that the appointing authority may appear by an employee in the agency. If either party intends to employ and be represented by an attorney, that party promptly shall notify the Personnel Advisory Board of the name and address of his/her attorney;

6. If either party to an appeal desires the issuance of a subpoena for any witness or records at any hearing, that party must apply for it sufficiently in advance of the hearing that the subpoena may be delivered to the requesting party by mail or by fax at least one (1) day before the hearing. The requesting party shall provide the name and address of any witness subpoenaed, a detailed description of any records to be subpoenaed and a statement of what is intended to be proved by the records. The Personnel Advisory Board issues the subpoena by request, but the service of the subpoena rests in the hands of the party requesting it. Service of the subpoena is to be effected in accordance with section 536.077, RSMo;

7. Upon the acceptance of an appeal, the appellant and appointing authority or their representatives may meet with the Personnel Advisory Board, at a time and place set by the board for a prehearing conference to determine the facts at issue. At the prehearing conference both parties may stipulate on mutually agreed matters relevant to the disciplinary action or the appeal may be resolved by agreement of the parties. If, during the prehearing conference, the case is not resolved and the appeal goes forward to a hearing before the Personnel Advisory Board, the board may confine the hearing to the law and facts at issue as stipulated by mutual agreement of the parties to the appeal. All parties are required to provide the board with a current address and telephone number. If the appellant fails to provide the board with a current address and telephone number and cannot be reached to schedule a prehearing conference, or does not participate in the prehearing conference after receiving written notice of the date, time and location of the prehearing conference, it shall be deemed that the appellant no longer wishes to proceed with the appeal and is withdrawing the appeal;

8. All motions or other pleadings by the parties shall be submitted in writing with a copy served or mailed to the opposing party. Parties to an appeal may amend their pleadings as a matter of course at any time before a responsive pleading is filed and served or if the pleading is one to which no responsive pleading is required and the action has not been set for hearing, the party may so amend it at any time within thirty (30) days after it is filed. Otherwise, a party may amend a pleading only by leave of the Personnel Advisory Board or by written consent of the adverse party; and leave shall be given freely when justice so requires. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten (10) days after service of the amended pleading, whichever period may be the longer, unless the Personnel Advisory Board otherwise orders; and

9. Service of filings other than the original appeal:

A. Unless otherwise provided by these rules or by other law, any party to a proceeding before the board or any person who seeks to become a party shall serve upon all attorneys of record and unrepresented parties a copy of any document or item the party files;

B. Methods of service.

(I) A person may service a document on an attorney by:

(a) Delivering it to the attorney;

(b) Leaving it at the attorney's office with a secretary, clerk or attorney associated with or employed by the attorney served;

(c) Mailing it to the attorney's last known address; or

(d) Facsimile transmitting (faxing) it to the attorney's last known fax number;

C. Any document or item filed shall contain or be accompanied by a certification of how and when the filing party has met the provisions of subparagraph (3)(A)9.A. of this rule; and

D. The requirements of this paragraph shall not apply to an original appeal.

(B) Hearings Procedure. The conduct of hearings before the Personnel Advisory Board is subject to the following provisions:

1. Hearings will be held in the Office of the Personnel Advisory Board in Jefferson City, Missouri, unless a different location is specified by action of the board;

2. If no prehearing conference has been held, the board will make a determination of what questions are at issue based upon the notice of the disciplinary action and the appellant's contentions in the appeal prior to the taking of testimony. The hearing shall be confined to and come within the scope of law and facts that the board has determined to be at issue. The board may exclude evidence which is purely cumulative;

3. The person who imposed the discipline is to attend the hearing. If that person is not the appointing authority, it must be the subordinate to whom authority has been delegated. The person who imposed the discipline does not have to attend the hearing if:

A. The appellant has waived his or her attendance;

B. The parties agree to present his or her testimony by other means such as stipulation, affidavit, or testimony over the telephone or if either party wishes to present the testimony by deposition; or

C. He or she is unable to attend the hearing and the absence of his or her testimony would not unduly prejudice the appellant;

4. If the person who imposed the discipline is unavailable to provide his or her testimony for the hearing and the board determines that not having this testimony unduly prejudices the appellant, then the board may disapprove the appellant's discipline;

5. The person conducting the hearing will read a statement citing the appropriate sections of the merit system law applicable to appeals;

6. The person conducting the hearing will read the charges of the appointing authority and the contentions of the appellant. By agreement these documents may be inserted in the record without reading before commencing the taking of testimony;

7. All witnesses will be sworn or affirmed. When possible, witnesses will stand to be sworn or affirmed;

8. The Personnel Advisory Board, on request of either party or on its own motion, may order that the witnesses be separated so as to preclude any witness, other than the parties and their attorneys, from hearing the testimony of other witnesses. When requested by the appellant, only one (1) person in addition to counsel shall remain in the room to represent the appointing authority;

9. The appointing authority will be required to present his/her case first. Experience has shown this method gives the board a clearer and quicker picture of the issues. This is not a shift of the burden of proof, but is only the burden of going ahead with the proof;

10. The Personnel Advisory Board may take notice of its rules, the class specifications, official records of the Personnel Division and the pay plan without the necessity of an offer in evidence;

11. The Personnel Advisory Board may fix the total time to be allowed for oral argument;

12. At the hearing the entire proceedings will be tape recorded. After the board announces its findings of fact, conclusions of law, decision and order, or at an earlier time if the board determines that the interest of efficient administration would be served, a copy of the recording, will be made available to either party. The board will not transcribe the record from aural to written form. The cost of a transcription will be borne by the requesting party. The transcription may be performed by any commercial business or agency selected by the

requesting party. The board will forward directly to the selected business or agency a copy of the aural recording;

13. No rehearing, which includes any post-hearing motion other than a **Nunc Pro Tunc, Request for Attorney's Fees or Motion for Back Pay**, shall be granted from a final decision of the Personnel Advisory Board. **Should such a post-hearing motion be filed, it shall be deemed denied by the board and no ruling from the board is necessary**; however, at any time prior to issuance of the decision, the board may require the production of additional documents and records, the presentation of additional testimony after prior notification to both parties, or both;

14. **When the board issues an order dismissing an appeal or its findings of fact, conclusions of law and decision, that order is a final decision on the merits and may be appealed as provided in Chapter 536, RSMo. A motion for attorney's fees, if any, is due to the board within thirty (30) days of its dismissing an appeal or its findings of fact, conclusions of law and decision. The filing of a petition for judicial review or the fact that back pay has not been determined does not stay the thirty (30)-day requirement for filing the motion for attorney's fees with the board.**

[14.]15. An appeal set for hearing may be continued by the Personnel Advisory Board for cause deemed sufficient or by consent of both parties to the appeal. However, a continuance will not be granted except for compelling cause or to serve the ends of justice. If an appellant requests and is granted a continuance, the Personnel Advisory Board, in its discretion, may deny the appellant any compensation for that portion of time lost by reason of the continuance made at the request if the appellant's appeal is finally sustained. If an appeal scheduled for hearing is not reached, it shall be reset and given precedence over any subsequent appeal;

[15.]16. The finding of the board will be announced in writing subsequent to the hearing. Parties will be notified by letter sent by certified mail. The finding will be made as provided in section 36.390(5), RSMo; and

[16.]17. As appropriate and where no specific rule governs the issue, the Personnel Advisory Board will utilize the rules of the civil procedure for guidance.

*AUTHORITY: sections 36.060 and 36.070, RSMo 2000. Original rule filed July 9, 1947, effective July 19, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 16, 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 on this proposed amendment is scheduled at 1:00 p.m., Tuesday, January 9, 2007, in Room 500 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Written comments will be received until January 9, 2007. Comments should be directed to the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30—Division of Administrative and Financial  
Services  
Chapter 640—School Buildings**

**PROPOSED RESCISSION**

**5 CSR 30-640.010 School Building Revolving Fund.** This rule implemented the guidelines for operation of the School Building

Revolving Fund established for the deposit of forfeitures of assets transferred pursuant to section 166.131, all gifts and bequests to such fund, and such moneys as may be appropriated to the fund shall be deposited into the School Building Revolving Fund.

*PURPOSE: This rule is being rescinded due to changes in section 166.300, RSMo in SB 675 (2003) requiring that the cash balance in the School Building Revolving Fund at that time be transferred to aid the public schools and all future deposits to the School Building Revolving Fund be transferred to the State School Moneys Fund.*

*AUTHORITY: sections 166.275 and 166.300, RSMo 1994. Original rule filed May 11, 1995, effective Dec. 30, 1995. Rescinded: Filed Oct. 12, 2006.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the 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.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30—Division of Administrative and Financial  
Services  
Chapter 660—School Finance**

**PROPOSED RESCISSION**

**5 CSR 30-660.065 Definition of Nonathletic, Classroom, Instructional Facilities and Classroom Instructional Capital Outlay.** This rule implemented procedure for the leasing of buildings or structures, and defined the eligibility criteria for local districts to transfer funds from the incidental fund to the Capital Projects Fund.

*PURPOSE: This rule is rescinded due to the repeal of the statutory authority for the rule (subsection 165.011.5, RSMo and subsection 165.011.2, RSMo) in Senate Bill 287, which was passed by the 93rd General Assembly and signed by the governor.*

*AUTHORITY: section 165.011, RSMo Supp. 1993. Original rule filed July 22, 1994, effective Feb. 26, 1995. Rescinded: Filed Oct. 12, 2006.*

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

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

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

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 23—Motor Vehicle**

**PROPOSED AMENDMENT**

**12 CSR 10-23.255 Issuance of New and Replacement Vehicle Identification Numbers [Tabs—DR and DRX Numbers].** The director proposes to amend the title, purpose, sections (1)–(4), and delete section (5) and the Form 50, Application for DRX number, which accompanies this rule in Code.

*PURPOSE:* Section 301.380, RSMo, provides for the Department of Revenue to issue a special number to a motor vehicle or trailer when the manufacturer's number has been destroyed, removed, covered, altered, defaced or is unknown. This amendment requires law enforcement to inspect the motor vehicle or trailer and affix the number plate, provides for a new inspection form, and clarifies where the special number should be placed on a motorcycle or trailer.

*PURPOSE:* This rule clarifies the issuance of a Department of Revenue vehicle identification number [tabs] to motor vehicles and trailers which were never assigned a vehicle identification number plate by their manufacturer; have had a number destroyed, removed, covered or altered; or were reconstructed with various major component parts of other motor vehicles or trailers which have conflicting or different vehicle identification [number plate] numbers.

*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) Upon certified application, the department may authorize the issuance of one (1) adhesive vehicle identification number (VIN) [tab] known as a **DR number** which shall be affixed by **authorized law enforcement** in an upright position to the inside facing of the driver's door adjacent to the number it is replacing on a motor vehicle; **on the front fork of a motorcycle**; or in a prominent, upright position on the left side [near the corner] of the tongue of a trailer; [and] which shall serve as the VIN of the motor vehicle or trailer.

(2) [Before the issuance of any VIN tab] **The Department of Revenue (department) shall require an inspection before issuing a DR number** to a motor vehicle[, a physical inspection of the motor vehicle to determine the need for a replacement vehicle identification number tab (DR Number) must be made] by an officer of a law enforcement agency approved by the department [for that purpose]. The inspecting officer shall certify the inspection on a Vehicle Examination Certificate provided by the department [and may retain a copy. The inspecting officer shall also provide a copy of the Vehicle Examination Certificate to the owner]. If the Vehicle Examination Certificate indicates conflicting VINs for the public VIN and the police VIN, and at least three (3) or more new or used major component parts have been used in reconstructing the vehicle, the department will issue a [replacement vehicle identification number tab (DR Number)] **DR number** for the inspecting officer to affix to the motor vehicle as described in section (1). **If a DR number is required but the applicant has not rebuilt or reconstructed the vehicle, the inspection may be completed on an Application for Vehicle/Trailer Identification Number Plate or Verification. The Vehicle Examination Certificate (revised 4-04) and the Application for Vehicle/Trailer**

**Identification Number Plate or Verification (published 4-06), which have been incorporated by reference, are published by the Missouri Department of Revenue, PO Box 100, Jefferson City, MO 65105-0100.** These forms do not include any amendments or additions to the revision/publication dates shown. The Vehicle Examination Certificate is available at all contract offices and the department's central office, or by mailing a written request to the Missouri Department of Revenue, PO Box 100, Jefferson City, MO 65105-0100. The Application for Vehicle/Trailer Identification Number Plate or Verification is available at all contract offices and the department's central office, or may be ordered at <http://www.dort.mo.gov/mvdl/formorder/> or by mailing a written request to the Missouri Department of Revenue, PO Box 100, Jefferson City, MO 65105-0100.

[ (3) Before issuance of any VIN tab to the owner of a home-made trailer, the owner must present verification from an official Missouri Motor Vehicle Inspection Station that the trailer is indeed homemade. The certificate will describe the trailer as HMDE and record the VIN as NONE To obtain a DRX Number, the owner must submit the inspection certificate along with a completed Department of Revenue Form 50, Application for DRX Number.]

[ (4) (3) Before issuance of [any VIN tab] a **DR number** to the owner of a manufactured trailer, the need for a DR [N/]number must be established through inspection of the trailer by [a designated, official Motor Vehicle Inspection Station.] **an officer of a law enforcement agency approved by the department. The inspecting officer shall certify the inspection on an Application for Vehicle/Trailer Identification Number Plate or Verification provided by the department.** If the manufactured trailer does not have a VIN, [the inspection station will record UNKNOWN in the appropriate area on the inspection certificate. T]the department will issue, upon certified application for title by the owner, a DR [N/]number for the trailer. The DR [N/]number [tab] shall be affixed by [the owner] **authorized law enforcement** as described in section (1).

(4) **If an inspection of a motor vehicle or trailer reveals the public number has been destroyed, removed, covered, altered, or defaced but the confidential number assigned by the manufacturer can be located, the department will issue a replacement number containing the original VIN assigned by the manufacturer.**

[ (5) If the make of a manufactured trailer cannot be determined by the inspection station, the station will record the make as UMFG on the inspection certificate. In addition, if the manufactured trailer lacks a VIN, the department will issue, upon certified application for title by the owner, a DRX Number for the trailer. The DRX Number tab shall be affixed by the owner as described in section (1).]

*AUTHORITY:* sections 301.020, RSMo Supp. 2005 and 301.380, RSMo [1986] 2000. Original rule filed March 21, 1986, effective July 11, 1986. Amended: Filed Oct. 6, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred (\$500) in the aggregate, but will result in a decrease in revenue to the highway fund of approximately three thousand three hundred seventy-five dollars (\$3,375) each year.

*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 Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. 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**

<b>Rule Number and Name:</b>	12 CSR 10-23.255 <b>Issuance of New and Replacement Vehicle Identification Numbers [Tabs—DX and DRX Numbers]</b>
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimate Cost of Compliance in the Aggregate.</b>
Department of Revenue	Not more than \$500.
Private entities	Not more than \$500.

**III. WORKSHEET**

<b>Fund Affected</b>	<b>Estimated Decrease In Revenue FY07</b>	<b>Estimated Decrease in Revenue FY08</b>	<b>Estimated Decrease in Revenue FY09</b>
Highway Fund	\$1,700	\$3,375	\$3,375

**IV. ASSUMPTIONS**

Owners of rebuilt or reconstructed vehicles must purchase a twenty-five dollar (\$25) Vehicle Examination Certificate to document the inspection of the vehicle. It is estimated that 135 fewer Vehicle Examination Certificates will be purchased each year due to this proposed amendment. This results in a decrease in revenue to the highway fund of approximately three thousand three hundred seventy-five dollars (\$3,375) each year.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 23—Motor Vehicle**

**PROPOSED AMENDMENT**

**12 CSR 10-23.270 Watercraft and Outboard Motor Identification [Plates] Numbers.** The director proposes to amend the title, the purpose, sections (1) through (7), and the authority.

*PURPOSE: Section 306.031, RSMo, provides for the department to issue a special number to watercraft or outboard motors when the manufacturer's number has been destroyed, removed, covered, altered, defaced or is unknown. This amendment includes outboard motors in the special number provisions and establishes the inspection form required and the format of the identification number.*

*PURPOSE: This rule sets forth the procedures for issuance of watercraft and outboard motor identification [plates] numbers.*

*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) Every watercraft sold in this state after January 1, 1970, must have die stamped on or within three feet (3') of the transom or stern a factory number or serial number. If the watercraft does not have a factory or serial number, the owner must make application to the Department of Revenue for the issuance of a new or replacement identification number plate to be affixed to the watercraft. Upon application, the Department of Revenue may authorize the issuance of one (1) metal identification plate, which will serve as the identification number of the watercraft.]*

*[(2)] (1) The Department of Revenue (department) shall require an inspection [B]before [the issuance of any metal] issuing a new or replacement identification [plate, a physical inspection of the] number for a watercraft [shall be made] or outboard motor by an officer of a law enforcement agency approved by the [D]epartment. [of Revenue for that purpose. The physical inspection of the watercraft will determine either the true and complete identification number for the watercraft or that no identification number exists. The inspecting officer shall certify the physical] The inspection shall be completed on [the Boat/Outboard Motor Certification] a Watercraft and/or Outboard Motor Affidavit of Ownership and Inspection provided by the department. The Watercraft and/or Outboard Motor Affidavit of Ownership and Inspection (revised July 2004), which has been incorporated by reference, is published by the Missouri Department of Revenue, PO Box 100, Jefferson City, MO 65105-0100. The form does not include any amendments or additions to the July 2004 revision. The form is available at all contract offices and the department's central office, or may be ordered at <http://www.dort.mo.gov/mvdl/formorder/> or by mailing a written request to the Missouri Department of Revenue, PO Box 100, Jefferson City, MO 65105-0100.*

*[(3)] (2) If the physical inspection of the watercraft discloses that the watercraft is homemade, the assigned identification number will begin with the prefix MOZ followed by [the last two (2) numeric digits of the calendar year the watercraft was constructed, a three (3) numeric] a five (5) digit control number [and four*

*(4) numeric digits which will identify the month and year], the letter corresponding to the month of issuance, one (1) digit year the number was issued, and the two (2) digit model year of the watercraft (if unknown, the year of the inspection).*

*[(4)] (3) If the physical inspection of the watercraft or outboard motor discloses the true and complete identification number, the assigned identification number will contain the same identification number as placed on the watercraft or outboard motor by the manufacturer [of the watercraft].*

*[(5)] (4) If the physical inspection of the watercraft discloses that the watercraft is manufactured and the true and complete identification number cannot be determined, the assigned identification number will begin with the prefix [MOM followed by the last two (2) numeric digits of the calendar year the watercraft was manufactured, a three (3) numeric] MOZA followed by a four (4) digit control number [and four (4) numeric digits which will identify the month and year], the letter corresponding to the month of issuance, one (1) digit year the number was issued, and the two (2) digit model year of the watercraft (if unknown, the year of the inspection).*

*(5) If the physical inspection of the outboard motor discloses that the outboard motor is homemade, or manufactured and the true and complete identification number cannot be determined, the assigned identification number will begin with OB, followed by a four (4) digit number, two (2) digit year the plate was issued, and MO.*

*(6) After the identification [plate] number is issued, [the watercraft owner will affix] the identification [plate] number must be affixed on or within three feet (3') of the transom or stern of the watercraft or on the outboard motor below the motor cover and above the waterline.*

*[(7) The fee for the identification plate will be seven dollars and fifty cents (\$7.50) per identification plate.]*

*AUTHORITY: sections 306.030 and 306.031, RSMo [1986] 2000. Emergency rule filed March 17, 1986, effective March 27, 1986, expired July 25, 1986. Original rule filed March 17, 1986, effective June 28, 1986. Amended: Filed Oct. 6, 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 Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 23—Motor Vehicle**

**PROPOSED AMENDMENT**

**12 CSR 10-23.446 Notice of Lien.** The director proposes to amend sections (1) and (2), add a new section (3), and renumber existing sections accordingly.

*PURPOSE: Section 301.620, RSMo, establishes the requirements for perfecting a lien. This amendment provides for uniform requirements when filing liens by paper or electronically. This amendment also clarifies the Notice of Lien forms accepted for perfecting a lien when there is no complete change of ownership. A title application may also be used as a Notice of Lien when such designation is properly indicated.*

*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) A lien on a motor vehicle, trailer, manufactured home, all terrain vehicle, boat or outboard motor is perfected when a notice of lien meeting the requirements in section (2) is delivered to the director of revenue, whether or not the ownership thereof is being transferred. A processing fee is collected when the notice of lien is delivered to the director. Delivery to the director of revenue may be physical delivery of the notice of lien to the director by mail, or to the director or agent of the director in a Department of Revenue office, or by electronic filing of the notice of lien. A received date stamp placed on the notice of lien application receipt or an electronic confirmation receipt issued by the director or his/her agent will be *prima facie* proof of the date of delivery. If ownership is not being transferred the lien may not be filed electronically because the lienholder must also submit the application for title, the ownership document, title fee and processing fees with the notice of lien **or with the Notice of Lien box marked on the title application** on behalf of the owner to have a new title produced reflecting the lien.

(2) A notice of lien for a motor vehicle, trailer, manufactured home, all terrain vehicle, boat or outboard motor shall be in a form or electronic format provided or approved by the director of revenue entitled "Notice of Lien" *[and]* **or on the title application if ownership is not transferred by marking the Notice of Lien box. The Notice of Lien shall contain, but not be limited to, the following information:**

(B) Unit description, by make, *[model]* and identification number;

(D) Name and address of first and second lienholder(s), if applicable; **and**

(E) Subject to future advances if applicable.; *and*

(F) *If filing electronically, the following information is also required:*

1. Lien date, net price, previous title number and state;
2. Lienholder identification number as outlined below:

A. Federal Deposit insurance Corporation (FDIC) number;

B. Dealer Number;

C. Federal Employer Identification Number (FEIN);

D. Social Security number; or

E. Other lienholder identification number or information deemed necessary by the director.]

(3) The Notice of Lien or Lien Release (revised 11-03), which has been incorporated by reference, is published by the Missouri Department of Revenue, PO Box 100, Jefferson City, MO 65105-0100. The form does not include any amendments or additions to the revision/publication date shown. It is available at all contract offices and the department's central office, or may be ordered at <http://www.dort.mo.gov/mvdl/formorder/> or by mailing a written request to the Missouri Department of Revenue, PO Box 100, Jefferson City, MO 65105-0100.

*[(3)] (4) As used in this rule, the term "boat" includes all motor-boats, vessels or watercraft as the terms are defined in section 306.010, RSMo.*

*[(4)] (5) Any lienholder who elects to file a lien electronically must apply to use this option and be approved by the director.*

*AUTHORITY: sections 301.600, 301.610, 301.620, 301.660, 306.400, 306.405, 306.410, 306.430, 700.350, 700.355, 700.360 and 700.380, RSMo Supp. [2002] 2005. Emergency rule filed Aug. 18, 1999, effective Aug. 28, 1999, expired Feb. 23, 2000. Original rule filed Aug. 18, 1999, effective Feb. 29, 2000. Amended: Filed June 13, 2000, effective Dec. 30, 2000. Amended: Filed April 9, 2003, effective Oct. 30, 2003. Amended: Filed Oct. 6, 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 Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 50—Tickets and Prizes

### PROPOSED RULE

#### 12 CSR 40-50.050 Claim Period

*PURPOSE: The purpose of this rule is to set the period in which prizes may be claimed.*

(1) All winning tickets for any instant game must be claimed within one hundred eighty (180) days of the announced end of the game. The announced end of the game may be obtained from any Missouri Lottery office or [www.molottery.com](http://www.molottery.com).

(2) All winning tickets for any on-line game must be claimed within one hundred eighty (180) days of the last winning draw date on that ticket.

(3) Players must redeem a winning pull-tab ticket the same day as it was purchased and must redeem all winning pull-tab tickets at the retailer at which the ticket was purchased. If the winning ticket is a ticket which must be redeemed at a Missouri Lottery office, then the claim period is one hundred eighty (180) days from the announced end of the game. The announced end of the game may be obtained from any Missouri Lottery office or [www.molottery.com](http://www.molottery.com).

*AUTHORITY: section 313.220, RSMo Supp. 2005. Original rule filed Oct. 6, 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 Missouri Lottery, Terry Skinner, Director of Budget and Planning, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 40—State Lottery  
Chapter 80—General Rules—Instant Game**

**PROPOSED RESCISSION**

**12 CSR 40-80.080 Claim Period.** This rule is to set the period in which prizes might be claimed.

*PURPOSE: This rule is being rescinded to relocate the rule to the general ticket section that better defines the claim period for lottery games.*

*AUTHORITY: section 313.220, RSMo Supp. 2005. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed March 17, 1987, effective July 3, 1987. Amended: Filed Aug. 28, 2002, effective March 30, 2003. Amended: Filed Nov. 15, 2005, effective June 30, 2006. Rescinded: Filed Oct. 6, 2006.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, PO Box 1603, Jefferson City, MO 65102-1603. 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Landscape Architects  
Chapter 3—Seals**

**PROPOSED AMENDMENT**

**20 CSR 2030-3.060 Licensee's Seal.** The board is proposing to amend section (3).

*PURPOSE: This rule is being amended to specify the location for the personal seal of an architect, a professional engineer, a professional land surveyor, and a landscape architect.*

(3) In addition to the personal seal, the licensee shall also affix his/her signature *[on or through his/her seal]* and place the date when the document was originally sealed, *[under the seal,]* at the minimum, to the original of each sheet in a set of plans, drawings, specifications, estimates, reports and other documents which were prepared by the licensee or under his/her immediate personal supervision. The term "signature," as used herein shall mean a handwritten identification containing the name of the person who applied it;

or for electronic or digital documents shall mean an electronic authentication process attached to or logically associated with the document. The digital signature must be unique to, and under the sole control of the person using it; it must also be capable of verification and be linked to a document in such manner that the digital signature is invalidated if any data on the document is altered.

*AUTHORITY: sections 327.041 and 327.411, RSMo Supp. [2003] 2005. This rule originally filed as 4 CSR 30-3.060. Original rule filed July 24, 2003, effective Feb. 29, 2004. Moved to 20 CSR 2030-3.060, effective Aug. 28, 2006. Amended: Filed Oct. 16, 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 Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Landscape Architects  
Chapter 11—Renewals**

**PROPOSED AMENDMENT**

**20 CSR 2030-11.015 Continuing Professional Competency for Professional Engineers.** The board is proposing to amend subsection (2)(A) and section (10).

*PURPOSE: This amendment changes the time period in which a licensee can substantiate the original claim to earn other credits to meet the minimum requirements.*

(2) Definitions.

(A) Board. The Missouri Board for Architects, Professional Engineers, *[and]* Professional Land Surveyors, **and Landscape Architects.**

(10) Disallowance. The board will review all claimed PDH credits for compliance with the regulation. If in the review the board finds that the PDH credit is not acceptable, the board shall inform the *[registrant]* licensee of the criteria that has not been adhered to. The *[registrant]* licensee shall have *[one hundred eighty (180) days after notification]* **three (3) months from the license renewal date in which** to substantiate the original claim or to earn other credits to meet the minimum requirements.

*AUTHORITY: sections 327.041, RSMo Supp. [2001] 2005 and 327.261, RSMo 2000. This rule originally filed as 4 CSR 30-II.015. Original rule filed Nov. 1, 2001, effective June 30, 2002. Moved to 20 CSR 2030-II.015, effective Aug. 28, 2006. Amended: Filed Oct. 16, 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 Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Landscape Architects  
Chapter 11—Renewals**

**PROPOSED AMENDMENT**

**20 CSR 2030-11.025 Continuing Education for Architects.** The board is proposing to amend subsection (9)(A).

*PURPOSE:* This amendment changes the time period in which a licensee can substantiate the original claim to earn other credits to meet the minimum requirements.

**(9) Records.**

(A) The responsibility of maintaining records, which can be used to support credits claimed, is the responsibility of the licensee. Each architect shall complete and submit the required reporting form certifying that he/she has acquired the required continuing education hours. These records must be maintained for a period of four (4) years and copies must be furnished to the board for audit verification purposes, if requested. At its discretion, the board may randomly audit a portion of licensees each renewal period or a specific licensee if a complaint has been filed against the licensee. Any untrue or false statements or the use thereof with respect to course attendance or any other aspect of continuing education activity is fraud or misrepresentation and will subject the architect to license revocation or other disciplinary action. If in the review, the board finds that the CEU is not acceptable, the board shall inform the licensee of the criteria that has not been adhered to. The licensee shall have *[one hundred eighty (180) days after notification]* **three (3) months from the license renewal date in which** to substantiate the original claim or to earn other credits to meet the minimum requirements.

*AUTHORITY:* sections 327.041, RSMo Supp. [2003] 2005 and 41.946 and 327.171, RSMo 2000. This rule originally filed as 4 CSR 30-II.025. Original rule filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2030-II.025, effective Aug. 28, 2006. Amended: Filed Oct. 16, 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 Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 4—Licensing of Speech-Language Pathologists  
and Audiologists**

**PROPOSED AMENDMENT**

**20 CSR 2150-4.052 Continuing Education Requirements.** The board is proposing to amend sections (2), (3) and (5).

*PURPOSE:* This amendment clearly defines the requirements for reinstatement of licensure.

(2) The period for completion of the continuing education requirements shall be the twenty-four (24)-month period beginning January 1 and ending December 31 of each reporting period. Continuing education hours cannot be carried over into the next reporting period. A licensee who has failed to obtain and report, in a timely fashion, the required thirty (30) hours of continuing education shall not engage in the practice of speech-language pathology and/or audiology unless an extension is obtained and approved pursuant to rule *[4 CSR 150-4.054]* **20 CSR 2150-4.054**.

(3) Each licensee shall certify by *[signature]* **attestation**, on his/her licensure renewal form, under penalty of perjury, that s/he has completed the required thirty (30) hours of continuing education, and that the continuing education obtained meets the qualifying criteria specified in rule *[4 CSR 150-4.053]* **20 CSR 2150-4.053**.

**(5) Reinstatement.**

(A) To reinstate the license of a speech-language pathologist and/or audiologist whose license has been in a noncurrent state for any reason, for a period of three (3) years or less, that licensee shall obtain, in addition to any other requirements of law, all the continuing education that the licensee would otherwise have been required to obtain if the license had been current and active during that period.; **or**

(B) To reinstate a license which has been noncurrent for any reason, for more than three (3) years, that licensee shall **submit sixty (60) hours of continuing education completed within the last four (4) years as defined in rule 20 CSR 2150-4.053** or comply with rule *[4 CSR 150-4.030]* **20 CSR 2150-4.030** and any other requirements of law. No license shall be reinstated unless and until all required continuing education is obtained and reported to the board and all other requirements of law have been satisfied.

*AUTHORITY:* sections 345.030, 345.051 and 345.075, RSMo [Supp. 1998] 2000. This rule originally filed as 4 CSR 150-4.052. Original rule filed Nov. 17, 1997, effective June 30, 1998. Amended: Filed Nov. 16, 1998, effective July 30, 1999. Moved to 20 CSR 2150-4.052, effective Aug. 28, 2006. Amended: Filed Oct. 16, 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 Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 6—Licensure of Athletic Trainers**

**PROPOSED AMENDMENT**

**20 CSR 2150-6.020 Applicants for Licensure as Athletic Trainers.** The board is proposing to amend sections (4) and (5).

*PURPOSE:* This amendment corrects a typographical error and updates the edition number of the NATA BOC's role delineation study.

(4) If the applicant is applying for licensure as an athletic trainer based upon meeting the National Athletic Trainers Association Board of Certification's (NATA BOC's) or its successor agency's certification qualifications, then the applicant shall provide proof that the NATA BOC [of] or its successor agency's certification is current at the time the application is submitted to the board.

(5) If the applicant is applying for licensure as an athletic trainer pursuant to 334.708.1(3), RSMo, they must provide proof which is acceptable to the board of experience and educational quality equal to that as required by section 334.708.1(1), RSMo. Said proof is set forth by a role delineation study completed by the NATA BOC, [4th] 5th Edition, 4223 South 143rd Circle, Omaha, NE 68137-4505 or its successor agency which is incorporated by reference and retained at the office of the board. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY:* sections 334.125, RSMo 2000 and 334.702, 334.704, 334.706, 334.708, 334.710 and 334.712, RSMo Supp. [2004] 2005. This rule originally filed as 4 CSR 150-6.020. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 16, 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing [healingarts@pr.mo.gov](mailto:healingarts@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2165-1.020 Fees.** The board is amending subsections (1)(G) and (1)(K).

*PURPOSE:* Pursuant to section 346.115, RSMo, which states the board shall by rule and regulation set the amount of fees authorized by Chapter 346, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 346, RSMo. Therefore, the board is reducing the fees associated with Hearing Instrument Specialists renewal. Additionally, the board is amending the insufficient funds fee.

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

(G) License Renewal	<b>\$250.00</b>
1. Prior to January 1, 2004	\$ 125.00
2. Effective January 1, 2004	\$250.00
(K) Insufficient Funds Check	[ <del>\$ 50.00</del> ] <b>\$25.00</b>

*AUTHORITY:* section 346.115.1(7) and (8), RSMo 2000. This rule originally filed as 4 CSR 165-1.020. Emergency rule filed March 18, 1996, effective March 28, 1996, expired Sept. 23, 1996. Emergency rule filed Oct. 28, 1996, effective Nov. 7, 1996, expired May 5, 1997. Original rule filed Oct. 16, 1996, effective May 30, 1997. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 16, 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 Missouri Board of Examiners for Hearing Instrument Specialists, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102 or at [behis@pr.mo.gov](mailto:behis@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2270—Missouri Veterinary Medical Board  
Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2270-1.021 Fees.** The board is proposing to amend subsections (1)(A), (1)(B) and (1)(C).

*PURPOSE:* This rule is being amended to increase the national examination fee and establish various fees related to facility permits.

(1) The following fees are established by the Missouri Veterinary Medical Board:

(A) Veterinarians—	
1. Registration Fee	\$ 50.00
2. State Board Examination Fee	\$100.00
3. Reciprocity Fee	\$150.00
4. Grade Transfer Fee	\$150.00
5. Faculty License Fee	\$200.00
6. Temporary or Provisional License Fee	\$100.00
A. Temporary or Provisional License Extension	\$ 50.00
7. Annual Renewal Fee—	
A. Active	\$ 80.00
B. Inactive	\$ 50.00
C. Faculty	\$ 80.00
8. <b>Late Renewal</b> Penalty Fee	\$100.00
9. Name Change Fee	\$ 15.00
10. Wall Hanging Replacement Fee	\$ 15.00
(B) Veterinary Technicians—	
1. Registration Fee	\$ 50.00
2. State Board Examination Fee	\$ 30.00
3. National Examination Fee	<i>[\$ 100.00]</i> <b>\$110.00</b>
4. Reciprocity Fee	\$ 50.00
5. Grade Transfer Fee	\$ 50.00
6. Provisional Registration Fee	\$ 50.00
7. Annual Renewal Fee—	
A. Active	\$ 20.00
B. Inactive	\$ 10.00
8. <b>Late Renewal</b> Penalty Fee	\$ 50.00
9. Name Change Fee	\$ 15.00
10. Wall Hanging Replacement Fee	\$ 15.00
(C) Facility Permit Fee—	
1. Initial <b>Application</b> Fee	\$100.00
2. <b>Change of Ownership</b> Fee	<b>\$100.00</b>
3. <b>Change of Physical Address</b> Fee	<b>\$100.00</b>
<i>[2.]</i> 4. Annual Review Fee	\$ 25.00
5. <b>Change in Function</b> Fee	<b>\$ 25.00</b>
6. <b>Change in Facility Name</b> Fee	<b>\$ 25.00</b>
<i>[3.]</i> 7. <b>Late Renewal</b> Penalty Fee	\$ 50.00

*AUTHORITY: sections 340.210 and 340.232, RSMo 2000. This rule originally filed as 4 CSR 270-1.021. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 16, 2006.*

*PUBLIC COST: This proposed amendment will reduce the Missouri Veterinary Medical Fund approximately two thousand six hundred seventy-five dollars (\$2,675) annually for the life of the rule. It is anticipated that the total reduction will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed amendment will cost private entities an estimated three thousand two hundred twenty-five dollars (\$3,225) annually for the life of the rule. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Dana Hoelscher, PO Box 633, Jefferson City, MO 65102, via fax at (573) 526-3856 or via email at [vets@pr.mo.gov](mailto:vets@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**PUBLIC ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2270 - Missouri Veterinary Medical Board**

**Chapter 1 - General Rules**

**Proposed Rule - 20 CSR 2270-1.021 Fees**

Prepared September 19, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Loss of Revenue
Missouri Veterinary Medical Board	<b>\$2,675.00</b>

**Total Loss of Revenue  
 Biennially for the Life of the Rule                      \$2,675.00**

**III. WORKSHEET**

26	Change of Ownership	\$2,600
18	Change of Physical Address	\$1,800
14	Change in Function	(\$1,050)
9	Change in Facility Name	(\$675)

**IV. ASSUMPTION**

1. The above figures were based on FY05 and FY06 actuals.
2. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

## PRIVATE ENTITY FISCAL NOTE

### I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2270 - Missouri Veterinary Medical Board**

**Chapter 1 - General Rules**

**Proposed Rule - 20 CSR 2270-1.021 Fees**

Prepared September 19, 2006 by the Division of Professional Registration

### II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost with compliance of the amendment by affected entities:
55	Applicants (National Examination Fee - increase of \$10)	\$550
26	Licensees (Change of Ownership @ \$100)	\$2,600
18	Licensees (Change of Physical Address @ \$100)	\$1,800
14	Licensees (Change in Function - cost savings of \$75)	(\$1,050)
9	Licensees (Change in Facility Name - cost savings of \$75)	(\$675)
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$3,225</b>

### III. WORKSHEET

See table above.

### IV. ASSUMPTION

1. The above estimates are based on FY05 and FY06 actuals. Licensees pay \$100 for the above services of the board pursuant to paragraph (1)(C)1. of the current rule. The above estimates reflect costs licensee can expect to pay for these services upon the effective date of the proposed amendment.
  
2. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2270—Missouri Veterinary Medical Board  
Chapter 4—Minimum Standards**

**PROPOSED AMENDMENT**

**20 CSR 2270-4.042 Minimum Standards for Continuing Education for Veterinarians.** The board is proposing to add new language in section (14).

*PURPOSE: This proposed amendment clarifies the maximum number of continuing education hours required to reactivate licensure.*

(14) Any licensee who seeks to renew an inactive, retired or non-current license shall submit proper evidence that s/he has obtained at least ten (10) continuing education hours for each year that his/her license was inactive, retired or noncurrent. **These required approved continuing education credits shall not exceed a total of fifty (50) hours.** The required hours must have been obtained within three (3) years prior to renewal.

*AUTHORITY: sections 41.946, 340.210, 340.258 and 340.268, RSMo 2000. This rule originally filed as 4 CSR 270-4.042. Original rule filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed April 1, 2003, effective Sept. 30, 2003. Amended: Filed June 25, 2004, effective Dec. 30, 2004. Moved to 20 CSR 2270-4.042, effective Aug. 28, 2006. Amended: Filed Oct. 16, 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 Missouri Veterinary Medical Board, Attention: Dana Hoelscher, PO Box 633, Jefferson City, MO 65102, via fax at (573) 526-3856 or via email at [vets@pr.mo.gov](mailto:vets@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**T**his 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*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

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

**ORDER OF RULEMAKING**

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

**1 CSR 20-5.020 Leaves of Absence is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 17, 2006 (31 MoReg 1057-1058). 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 85—Division of Community and Economic Development  
Chapter 4—Tax Increment Financing**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Economic Development under sections 99.845, RSMo Supp. 2005 and 99.865, RSMo 2000, the department adopts a rule as follows:

**4 CSR 85-4.010 Application Process is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 3, 2006 (31 MoReg 973-982). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 386.250, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-3.545 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2006 (31 MoReg 902). The section with a change is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Leo Bub filed written comments for Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri. John Idoux filed written comments for Embarq Missouri, Inc. and Embarq Communications, Inc. (collectively Embarq). Michael Dandino filed written comments for the Office of the Public Counsel. Larry Dority filed written comments for CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel (collectively CenturyTel). Natelle Dietrich filed written comments for the Staff of the Missouri Public Service Commission. Those written comments support the proposed amendment of 4 CSR 240-3.545(16) to allow rate decreases for competitive telecommunications services on one (1) day's notice to the commission. Embarq recommended that additional tariff filings should be allowed on one (1) day's notice to the commission. At the public hearing held on July 20, 2006, Embarq's recommendation was discussed.

COMMENT: The five (5) commenters support the proposed amendment to allow rate decreases for competitive telecommunications services on one (1) day's notice rather than seven (7) day's notice because the amendment reflects that section 392.500, RSMo was amended by SB 237 to allow such rate decreases on one (1) day's notice to the commission.

RESPONSE: No changes have been made to the amendment as a result of these comments.

COMMENT: In addition to a decrease in rates or charges, section 392.500, RSMo and the proposed amendment also allow, on one (1) day's notice, a "proposed change in any classification or tariff resulting in a decrease in rates or charges" for a competitive telecommunications service. This staff suggests that this phrase needs clarification.

RESPONSE AND EXPLANATION OF CHANGE: This suggestion was explored at the hearing. The commission agrees the phrase requires clarification. The proposed amendment will be modified to provide clarification to the phrase and the rule.



COMMENT: Embarq recommends the commission take this opportunity to review the notice requirements for all tariff changes including: (a) changes to the terms and conditions of existing services; (b) the introduction of new services; and (c) the elimination of existing services.

RESPONSE: Embarq's recommendation is beyond the scope of this rulemaking. The notice of proposed rulemaking states that the commission is amending section (16) of 4 CSR 240-3.545. Section (16) implements section 392.500, RSMo. The notice of proposed rulemaking states as the purpose of the proposed amendment:

This rule is being modified to allow rate decreases for competitive telecommunications on one (1)-day's notice to create consistency with changes to Missouri's telecommunications laws.

As noted above, SB 237 had amended section 392.500 by shortening the minimum notice period for rate decreases for competitive telecommunications services from seven (7) days to one (1) day. No change has been made to the amendment as a result of this comment.

#### 4 CSR 240-3.545 Filing Requirements for Telecommunications Company Tariffs

(16) Requirements for Tariff Filings Pursuant to Section 392.500, RSMo.

(A) The commission shall be notified at least ten (10) days in advance of a proposed increase in rates or charges or a proposed change in any classification or tariff resulting in an increase in rates or charges for competitive telecommunications services.

1. A proposed increase in rates or charges or a proposed change in any classification or tariff resulting in an increase in rates or charges pursuant to section 392.500 is defined as a rate increase to existing rates or charges for any competitive service.

2. No other tariff changes, except as directed by commission order or as allowed under section (19) below, are permitted on ten (10) days' notice.

3. Commission notice shall be in the form of a tariff filing with a proposed effective date that is ten (10) days after the tariff has been filed.

(B) The commission shall be notified at least one (1) day in advance of a proposed decrease in rates or charges or a proposed change in any classification or tariff resulting in a decrease in rates or charges for competitive telecommunications services.

1. A proposed decrease in rates or charges or a proposed change in any classification or tariff resulting in a decrease in rates or charges pursuant to section 392.500 is defined as:

A. A rate decrease to existing rates or charges for any competitive service;

B. A proposal to establish or revise a package of services involving a regulated intrastate service provided all regulated intrastate telecommunications services in the package are currently tariffed on an individual basis.

2. No other tariff changes, except as directed by commission order, are permitted on one (1) day's notice.

3. Commission notice shall be in the form of a tariff filing with a proposed effective date that is one (1) day after the tariff has been filed.

(C) A thirty (30)-day tariff filing is required to introduce or revise the terms and conditions of any competitive service available on an individual basis. A thirty (30)-day tariff filing is required to eliminate any package of services.

### Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 1—Organization

#### ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission under section 644.026, RSMo 2000, the commission adopts a rule as follows:

#### 10 CSR 20-1.020 Clean Water Commission Appeals and Requests for Hearings is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2006 (31 MoReg 851-852). No changes have been made in the text of the proposed rule, so it has not been reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held July 12, 2006 and public comment period ended July 19, 2006. At the hearing the Water Protection Program presented the proposed rule. Comments were made by Robert Brundage and William Bryan. A memo was attached from William Bryan. A letter was attached from Dan Sherburne, representing the Missouri Coalition for the Environment.

COMMENT: Robert Brundage with Newman, Comley & Ruth P.C. commented: "First of all, I want to point out that one thing the rule does not do, which I think confuses the matter, is that still present in the regulations in a different regulation, the 6.020 regulation, which is proposed—which there are no changes proposed to that—includes a lot of provisions on how appeals are filed. So I personally don't understand why that portion of rule was not combined with the proposed—what's proposed here in 1.020. Is that—my understanding this 1.020 is a brand new regulation, so I don't understand why they weren't put together. And I recommend they would be put together."

RESPONSE: We understand the concerns noted here. The 10 CSR 20-6.020(5)(C) and (6)(D) rules will be changed to be consistent with the proposed rule. The department believes the currently proposed rule, 10 CSR 20-1.020 Clean Water Commission Appeals and Requests for Hearings, to be consistent with Chapter 640, section 640.013 and the intent of the commissioner's core work group. The department will proceed with the necessary changes to the Chapter 6 rule under the commission's oversight. No changes have been made to this rule as a result of this comment.

COMMENT: Robert Brundage recommended the following: "I would recommend the Clean Water Commission try to lay out some parameters and some guidance for the Administrative Hearing Commission and yourself and for everybody who would consider filing an appeal, you know, who is adversely effected."

RESPONSE: As described in the hearing by Mr. Brundage and Mr. Bryan, the question of what an "affected party" is, or who has standing to take legal action, has been decided by the Missouri Supreme Court in a clean water law case. The department does not believe the commission may alter this court interpretation of statute by adding more specific qualifications in rule. No changes have been made to this rule as a result of this comment.

COMMENT: Robert Brundage commented, "It's been also my experience in the last six months with the appeals for the Administrative Hearing Commission that they basically do not impose any requirements on how an appeal must be addressed. At least in the Clean Water Commission regulations—and this is the regulation that you're not changing, or not proposing any changes to—the 6.020. It says in there that, you know, you're supposed to put the quote of reasons why the appellant believes the actions of the department or commission should be reversed or modified. Right now, the Administrative Hearing Commission is not even requiring that level, at least in my opinion."

RESPONSE: The new rule transfers responsibilities for conducting

hearings to the Administrative Hearing Commission (AHC). This proposed rule is not imposing requirements beyond what the AHC currently practices at this time, consistent with other commissions. No changes have been made to this rule as a result of this comment.

COMMENT: Robert Brundage indicated, "I'd like to see a regulation where it says whoever is filing the appeal must go first and present their evidence and then the Department go second."

RESPONSE: The department is the respondent in these matters. The respondent presents evidence first according to AHC rule 1 CSR 15-3.490(5). The department will comply with this requirement. No changes have been made to this rule as a result of this comment.

COMMENT: Robert Brundage commented on answering appeals, "Another matter is answers; the Administrative Hearing Commission has a rule that says that the Department of Natural Resources must file an answer to every appeal. In the past that's never been done. I don't necessarily have a problem with that, but I know the Attorney General's Office has struggled on what to put in an answer, especially when you're dealing with appeals that are not written very well and you don't know exactly what they're appealing. So you don't know exactly what to put in your answer. And that's been a challenge. And I think that the rule ought to say at least that the only thing you have to do is answer the specific obligations in the appeal."

RESPONSE: The department must file an answer that meets the requirements of 1 CSR 15-3.380. The answer will meet the requirements of that rule. While it may be difficult to respond to an appeal that does not specify the reasons for the appeal, the department will answer nonetheless and strive to identify the relevant issues as the appeal proceeds. No changes have been made to this rule as a result of this comment.

COMMENT: Robert Brundage commented, "The last thing at least I wanted to make you aware of is that the Administrative Hearing Commission has decided that they do not have statutory authority to render motions for summary judgements. They call them motions for summary determination, but it's the same thing as a summary judgement in a Circuit Court. Of course the Clean Water Commission can't do anything about that, you know, in regulation."

RESPONSE: The law directs the AHC to conduct a hearing and provide a recommendation to the commission. The AHC may include a recommendation to grant a motion to dismiss among its recommendations, but it must also conduct the hearing in a timely manner according to the law. The department understands this may cause hearings to occur that might have been avoided through a decision for summary judgment. The department appreciates the suggestion this part of the process might be streamlined. No changes have been made to this rule as a result of this comment.

Letter from the Missouri Coalition for the Environment:

COMMENT LETTER: The Missouri Coalition for the Environment comment letter provides commentary on the question of legal standing to appeal and recommended no changes in the draft rule.

RESPONSE: We appreciate all comments. No changes have been made to this rule as a result of this comment letter.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 3—Conditions of Provider Participation,  
Reimbursement and Procedure of General Applicability**

**ORDER OF RULEMAKING**

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

**13 CSR 70-3.030 Sanctions for False or Fraudulent Claims  
for Title XIX Services is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1155). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 15—Hospital Program**

**ORDER OF RULEMAKING**

By the authority vested in the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000 and 208.152 and 208.471, RSMo Supp. 2005, the division amends a rule as follows:

**13 CSR 70-15.010 Inpatient Hospital Services  
Reimbursement Plan; Outpatient Hospital Services  
Reimbursement Methodology is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1156-1159). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 10—Voting Machines (Electronic)**

**ORDER OF RULEMAKING**

By the authority vested in the Secretary of State under section 115.225, RSMo Supp. 2005, the secretary amends a rule as follows:

**15 CSR 30-10.010 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1160). 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 Elections Division received a total of nine (9) comments on the proposed amendment. Four (4) of the individuals submitting comments were Missouri local election authorities. Four (4) of the individuals submitting comments are associated with Missourians for Honest Elections (MHE). One (1) candidate for office on the Progressive Party ballot also submitted a general comment on the integrity of the election process.

The MHE commenters asked questions, expressed opinions about state and federal law and displayed general dissatisfaction with electronic voting systems.

COMMENT: Two (2) of the MHE commenters disagreed with the fiscal impact statements alleging that the cost to public and private entities would be more than five hundred dollars (\$500).

RESPONSE: The commenters did not provide any data in support of their allegations. No changes were made to the proposed amendment in response to these comments.

COMMENT: Three MHE commenters provided observations on selected definitions in 15 CSR 30-10.010. Two (2) objected to the definition of "Accessible voting station," expressing their opinion that no device meets the criteria.

RESPONSE: The secretary of state (SOS) has used widely accepted and distributed definitions from the federal Voluntary Voting Systems Guidelines (VVSG) to assure consistency with federal testing and regulatory guidelines. No changes were made to the proposed amendment in response to these comments.

COMMENT: One (1) MHE commenter requested additional definitions for the terms "accumulate votes" and "electronic medium."

RESPONSE: The definitions, as described in the previous response, are taken from accepted federal definitions. No changes were made to the proposed amendment in response to this comment.

COMMENT: Three (3) MHE commenters made statements and asked questions regarding the proposed amendment that included a desire for archival quality paper stock for recording votes.

RESPONSE: Paper stock used during an election is required to be kept, at most, for twenty-two (22) months in a sealed container. Archival stock is neither practical nor necessary. No changes were made to the proposed amendment in response to these comments.

COMMENT: Three (3) MHE commenters made statements and asked questions regarding the proposed amendment that included a report that poll workers in a particular jurisdiction did not understand equipment requirements.

RESPONSE: Poll worker training issues are not addressed in these regulations. The suggestions will be shared with local election authorities. No changes were made to the proposed amendment in response to these comments.

COMMENT: Three (3) MHE commenters made statements and asked questions regarding the proposed amendment that included a question as to whether system counters had "ever" been changed.

RESPONSE: System counters count only the number of ballots cast (not votes) so that election workers can reconcile the number of ballots cast to the number of voters who sign the poll book. No changes were made to the proposed amendment in response to these comments.

COMMENT: Three (3) MHE commenters made statements and asked questions regarding the proposed amendment that included a question as to whether the SOS would consider changing the equipment it will certify in the future.

RESPONSE: The SOS will continue its statutory responsibility to certify voting equipment according to state and federal law. No changes were made to the proposed amendment in response to these comments.

COMMENT: Three (3) MHE commenters made statements and asked questions regarding the proposed amendment that included a request for precinct counters to alert voters to overvotes.

RESPONSE: Precinct counters currently alert voters to overvotes, as required by federal guidelines not covered in these rules. No changes were made to the proposed amendment in response to these comments.

COMMENT: Three (3) MHE commenters made statements and asked questions regarding the proposed amendment that included questions as to the "legal" definition of "ballot."

RESPONSE: Legal definitions are those that are defined by statutes or regulations. The SOS has taken care to use widely accepted definitions that do not constrain the local election authority's ability to conduct accurate and efficient elections. No changes were made to the proposed amendment in response to these comments.

### **Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 10—Voting Machines (Electronic)**

#### **ORDER OF RULEMAKING**

By the authority vested in the Secretary of State under section 115.225, RSMo Supp. 2005, the secretary amends a rule as follows:

#### **15 CSR 30-10.020 Certification Statements for New or Modified Electronic Voting Systems is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1160-1162). 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 Elections Division received a total of nine (9) comments on the proposed amendment. Four (4) of the individuals submitting comments were Missouri local election authorities. Four (4) of the individuals submitting comments are associated with Missourians for Honest Elections (MHE). One (1) candidate for office on the Progressive Party ballot also submitted a general comment on the integrity of the election process.

The MHE commenters asked questions, expressed opinions about state and federal law and displayed general dissatisfaction with electronic voting systems.

COMMENT: Two (2) of the MHE commenters disagreed with the fiscal impact statements alleging that the cost to public and private entities would be more than five hundred dollars (\$500).

RESPONSE: The commenters did not provide any data in support of their allegations. No changes were made to the proposed amendment in response to these comments.

COMMENT: One (1) commenter expressed an opinion that the emergency statement for emergency rule 15 CSR 30-10.020 was not strong enough and advocated open source codes and the requirement that voting system manufacturers' source codes be reviewed by qualified nonpartisan citizen organizations.

RESPONSE: The rule requires voting system manufacturers to provide system source codes for examination by a committee appointed by the secretary of state. The members of the committee represent a variety of election and technical experts, advocacy groups and citizen organizations. No changes to the proposed amendment were made in response to this comment.

COMMENT: One (1) MHE commenter posed several questions regarding the secretary of state's monitoring of federal testing authority processes and procedures.

RESPONSE: The questions posed by this commenter do not address specific aspects of these regulations. No changes to the proposed amendment were made in response to that comment.

COMMENT: One (1) MHE commenter stated her opinion that federal law did not require removal of punchcard voting systems and

requested that paper ballots be “certified” for use in Missouri counties that choose to use them.

RESPONSE: In response to the request for paper ballot “certification,” the secretary of state responds that this administrative rule addresses electronic voting systems. This rule, in and of itself, does not preclude any Missouri jurisdiction from using paper ballots. No changes to the proposed amendment were made in response to this comment.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 10—Voting Machines (Electronic)**

**ORDER OF RULEMAKING**

By the authority vested in the Secretary of State under section 115.225, RSMo Supp. 2005, the secretary adopts a rule as follows:

15 CSR 30-10.130 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1162-1163). Changes have been made to the text of section (5) and are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Elections Division received a total of nine (9) comments on the proposed rule. Four (4) of the individuals submitting comments were Missouri local election authorities. Four (4) of the individuals submitting comments are associated with Missourians for Honest Elections (MHE). One (1) candidate for office on the Progressive Party ballot also submitted a general comment on the integrity of the election process.

The MHE commenters asked questions, expressed opinions about state and federal law and displayed general dissatisfaction with electronic voting systems.

COMMENT: Two (2) of the MHE commenters disagreed with the fiscal impact statements alleging that the cost to public and private entities would be more than five hundred dollars (\$500).

RESPONSE: The commenters did not provide any data in support of their allegations. No changes were made to the proposed rule in response to these comments.

COMMENT: Two (2) MHE commenters alleged that particular assistive devices were absent from polling places for use by voters with disabilities. It is unknown whether the devices were actually absent or were simply not observed.

RESPONSE AND EXPLANATION OF CHANGE: To insure that an adequate number of assistive devices are provided at each polling place for use with all accessible voting systems, changes were made to section (5) of the proposed rule which explicitly added assistive devices, such as sip-and-puff input devices and headphones, to the list of items to be delivered to each polling place.

COMMENT: One (1) MHE commenter stated that the number of optical scan ballots and scanners must be adequate to serve the voters.

RESPONSE: The number of ballots provided to each polling place is governed by section 115.247, RSMo. No changes were made to the proposed rule in response to this comment.

COMMENT: One (1) MHE commenter stated that poll workers should not take voting equipment home with them overnight.

RESPONSE: Although that is apparently a common practice in other states, it is not common practice in Missouri for poll workers to take voting equipment home with them. No changes were made to the

proposed rule in response to this comment.

**15 CSR 30-10.130 Voter Education and Voting Device Preparation (DREs and Precinct Counters)**

(5) Vote Recording Preparation—Polling Place. In addition to those supplies required for the conduct of elections generally, the election authority shall cause to have prepared and delivered to each polling place using DREs and Precinct Counters no later than forty-five (45) minutes prior to the opening of the polls, a sufficient quantity of the following:

(A) In jurisdictions in which DREs are the principal system used to cast votes, each polling place in a primary or general election shall be provided with at least one (1) DRE for each one hundred fifty (150) registered voters. A sufficient number of DREs shall be provided for other elections. A sufficient number of assistive devices (i.e., sip-and-puff input devices, headphones, etc.) shall be provided for use with each unit provided. The DREs shall have been put in order, set, adjusted, and ready to open for voting when delivered to the polling places;

(B) In jurisdictions in which DREs or electronically-assisted ballot marking devices are used to provide an accessible voting station, at least one (1) DRE or one (1) ballot marking device shall be provided in each polling location with a sufficient number of assistive devices (i.e., sip-and-puff input devices, headphones etc.) for use with each unit provided. The units shall have been put in order, set, adjusted, and ready to open for voting when delivered to the polling places;

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 10—Voting Machines (Electronic)**

**ORDER OF RULEMAKING**

By the authority vested in the Secretary of State under section 115.225, RSMo Supp. 2005, the secretary adopts a rule as follows:

15 CSR 30-10.140 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1163-1164). One change to correct a typographical error has been made to the text of section (6) and is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Elections Division received a total of nine (9) comments on the proposed rule. Four (4) of the individuals submitting comments were Missouri local election authorities. Four (4) of the individuals submitting comments are associated with Missourians for Honest Elections (MHE). One (1) candidate for office on the Progressive Party ballot also submitted a general comment on the integrity of the election process.

The MHE commenters asked questions, expressed opinions about state and federal law and displayed general dissatisfaction with electronic voting systems.

COMMENT: Two (2) of the MHE commenters disagreed with the fiscal impact statements alleging that the cost to public and private entities would be more than five hundred dollars (\$500).

RESPONSE: The commenters did not provide any data in support of their allegations. No changes were made to the proposed rule in response to these comments.

COMMENT: One (1) commenter located a typographical error in a reference to another section of the rule in 15 CSR 30-10.140(6)(E).

RESPONSE AND EXPLANATION OF CHANGE: The correct reference is 15 CSR 30-10.040(6)(B). The text of this rule is changed accordingly.

COMMENT: Two (2) MHE commenters suggested that bipartisan teams witness the programming of any voting device and that equipment preparation be videotaped.

RESPONSE: The counting preparation and pre-election Logic and Accuracy testing governed by this rule is observed by candidates and the public pursuant to this rule and section 115.233, RSMo. No changes were made to the proposed rule in response to this comment.

COMMENT: One (1) MHE commenter expressed opinions and posed questions regarding potential tampering with election equipment.

RESPONSE: Security provisions are included throughout these rules and in Best Practices followed by the local election authorities. No changes were made to the proposed rule in response to this comment.

COMMENT: Two (2) MHE commenters posed questions about the counting program and backup tabulation method mentioned in this rule.

RESPONSE: No suggestions for changes were made by the commenters. No changes to the proposed rule were made in response to these questions.

**15 CSR 30-10.140 Electronic Ballot Tabulation—Counting Preparation and Logic and Accuracy Testing (DREs and Precinct Counters)**

(6) Prior to election day the election authority shall supervise a public logic and accuracy test of the DREs and Precinct Counters conducted by the accuracy certification team(s).

(E) After the team(s) is satisfied that the equipment is tabulating the votes properly, each candidate on the ballot or any representative of a group which has notified the election authority pursuant to 15 CSR 30-10.140(6)(B) may inspect the paper audit trail for the DRE and inspect and manually recount the optical scan test deck.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 10—Voting Machines (Electronic)**

**ORDER OF RULEMAKING**

By the authority vested in the Secretary of State under section 115.225, RSMo Supp. 2005, the secretary adopts a rule as follows:

15 CSR 30-10.150 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1164–1165). Changes have been made to the text of sections (6) and (8) and are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Elections Division received a total of nine (9) comments on the proposed rule. Four (4) of the individuals submitting comments were Missouri local election authorities. Four (4) of the individuals submitting comments are associated with Missourians for Honest Elections (MHE). One (1) candidate for office on the Progressive Party ballot also submitted a general comment on the integrity of the election process.

The MHE commenters asked questions, expressed opinions about state and federal law and displayed general dissatisfaction with electronic voting systems.

COMMENT: Two (2) of the MHE commenters disagreed with the fiscal impact statements alleging that the cost to public and private entities would be more than five hundred dollars (\$500).

RESPONSE: The commenters did not provide any data in support of their allegations. No changes were made to the proposed rule in response to these comments.

COMMENT: One (1) local election authority commented on 15 CSR 30-10.150(6), stating that it can be difficult for local election authorities to locate an appropriately secure area within a polling location for temporarily storing voting equipment before it is returned to the central location.

RESPONSE AND EXPLANATION OF CHANGE: In response to this comment the last sentence of section (6) was amended.

COMMENT: Three (3) local election authorities commented that 15 CSR 30-10.150(8) should be amended to account for circumstances in which the paper cast vote record was unreadable.

RESPONSE AND EXPLANATION OF CHANGE: In response to this comment section (8) was amended by adding a sentence to the end of the section.

COMMENT: One (1) MHE commenter expressed the opinion that the provisions in section (2) of this rule for handling “abandoned ballots” were unnecessary.

RESPONSE: The local election authorities who assisted in drafting these provisions were in agreement that these provisions were necessary. No changes were made to the proposed rule in response to this comment.

**15 CSR 30-10.150 Closing Polling Places (DREs and Precinct Counters)**

(6) After completing the procedures in sections (3)–(5), the memory components shall be removed from any unit that will not be returned to the central location on election night or shall remain sealed in any unit that will be returned to the central location, as appropriate for the make, model and version of the system in use. The DREs and Precinct Counters shall be turned off and secured in their cases and locked or resealed. The number of each seal shall be entered on the appropriate form along with the serial number of the unit or unit case on which it is used. The units or cases shall then be secured.

(8) Audit trail tapes, voter access cards, supervisor’s card, ballot encoder devices, precinct binders, numbered lists of voters, voter certificates, recap sheets, and other such paperwork shall be transported to the election authority. In the event the paper cast vote record is unreadable, the audit trail tapes shall be available as an official record when a manual recount of votes is ordered.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 10—Voting Machines (Electronic)**

**ORDER OF RULEMAKING**

By the authority vested in the Secretary of State under section 115.225, RSMo Supp. 2005, the secretary adopts a rule as follows:

15 CSR 30-10.160 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1165–1166). Changes have been made to the text of sections (7) and (8) and are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Elections Division received a total of nine (9) comments on the proposed rule. Four (4) of the individuals submitting comments were Missouri local election authorities. Four (4) of the individuals submitting comments are associated with Missourians for Honest Elections (MHE). One (1) candidate for office on the Progressive Party ballot also submitted a general comment on the integrity of the election process.

The MHE commenters asked questions, expressed opinions about state and federal law and displayed general dissatisfaction with electronic voting systems.

**COMMENT:** Two (2) of the MHE commenters disagreed with the fiscal impact statements alleging that the cost to public and private entities would be more than five hundred dollars (\$500).

**RESPONSE:** The commenters did not provide any data in support of their allegations. No changes were made to the proposed rule in response to these comments.

**COMMENT:** Two (2) local election authorities commented that 15 CSR 30-10.150(8) should be amended to account for circumstances in which the paper cast vote record was unreadable.

**RESPONSE AND EXPLANATION OF CHANGE:** In response to this comment section (8) of 15 CSR 30-10.160 was also amended by adding the phrase “audit trail tapes” to the items that are kept secured until they must be unsealed to be hand counted.

**COMMENT:** Three (3) local election authorities commented that clarification was needed in 15 CSR 30-10.160(7) to ensure the preservation of election results stored on memory components in the system.

**RESPONSE AND EXPLANATION OF CHANGE:** In response to these concerns, a sentence was added to section (7).

**COMMENT:** One (1) local election authority suggested eliminating the requirement for post-election Logic and Accuracy Testing because the new equipment makes it a lengthy and burdensome process and in the most recent election, relatively few votes were cast on most DREs.

**RESPONSE:** Post-election Logic and Accuracy Testing is necessary to ensure confidence in the new voting systems. No changes to the proposed rule were made.

**COMMENT:** The MHE commenters recommended that candidates, representatives of organizations and the general public be permitted to attend the ballot counting process.

**RESPONSE:** Section (4) of this rule and section 115.477, RSMo currently require tabulation to be open to the public. No change to the proposed rule is necessary.

**COMMENT:** The MHE commenters recommend hand counting at least five percent (5%) of the ballots in the post-election verification of electronic results referred to in section (8) of this rule and required by 15 CSR 30-10.110. They also recommend auditing a percentage of the units on which votes are cast as well as ballots.

**RESPONSE:** No changes are being made to 15 CSR 30-10.110 at this time.

**COMMENT:** One (1) MHE commenter stated that the post-election logic and accuracy testing procedures were difficult for the average citizen to understand.

**RESPONSE:** The commenter did not elaborate which terms were difficult to understand or suggest alternative language. No changes to the proposed rule were made in response to this comment.

**COMMENT:** One (1) MHE commenter recommended that tabulation of ballots using bar code readers should be “explicitly rejected.”  
**RESPONSE:** No documentation was provided in support of this recommendation. No changes were made to the proposed rule in response to this comment.

## 15 CSR 30-10.160 Electronic Ballot Tabulation—Election Procedures (DREs and Precinct Counters)

(7) Prior to certification of the election results, the accuracy and certification team shall tabulate the same set of votes used in the pre-election internal logic and accuracy test performed pursuant to 15 CSR 30-10.140(6) on each memory component used at the polling locations to tabulate votes on DREs and precinct counters. This section shall not apply to any memory component on which election results are stored.

(8) The paper cast vote records, audit trail tapes and ballots shall be kept secured until they must be unsealed to be hand counted in the post-election verification of electronic results pursuant to 15 CSR 30-10.110 or until they must be unsealed to be hand counted when a manual recount of votes is ordered. They shall only be unsealed in the presence of bipartisan teams which shall verify that the seal is intact, before the seal is broken and which shall reseal the containers in such a manner that if the container is opened, the seal will be broken beyond repair after the post-election audit or the manual recount is complete. When sealing and unsealing the containers, the members of the bipartisan teams shall verify the seal numbers by their signatures on a log sheet designed for that purpose.

## Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 15—Division of Senior and Disability Services Chapter 7—Service Standards

### ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 660.050, RSMo Supp. 2005, the department amends a rule as follows:

19 CSR 15-7.021 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 3, 2006 (31 MoReg 989-994). 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 Department of Health and Senior Services received two (2) letters of comments, both of which were from statewide associations that represent providers of in-home services.

**COMMENT:** The department received two (2) comments recommending a change in the proposed language in section (8) regarding other individuals or entities that may be held responsible for providing certain chore services.

**RESPONSE:** After careful review, the department believes the proposed language more clearly follows applicable federal guidelines for chore services than the alternative language suggested in the comments. No changes have been made to the rule as a result of this comment.

**COMMENT:** The department received two (2) comments asking for clarification in section (17) that nurse visits are billed on a per visit basis rather than in fifteen (15)-minute increments.

**RESPONSE:** Nurse visits are addressed in 13 CSR 70-91.010 Personal Care Program. The service is not further addressed within this rule and therefore the billing increments described in this rule do not apply to nurse visits. No changes have been made to the rule as a result of this comment.

COMMENT: The department received two (2) comments recommending that language in subsection (18)(X) be changed to clarify employer responsibility for the safety of employees and to delete specific requirements relating to protection of employees.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (18)(X) will be changed to substitute the word “promote” for “ensure” in the first sentence. With this change, providers will be required to have established policies to promote the safety of their employees. The department strongly believes 1) that providers should make available public information sources so their employees will be able to evaluate possible threats to their own safety, and 2) providers should take steps to protect employees while continuing to provide services to the department’s clients, when possible. The remainder of subsection (18)(X) has not been changed.

COMMENT: The department received two (2) comments asking for clarification of the language regarding the requirement for employers to conduct criminal background checks.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (24)(D) will be changed to accurately reflect the intent of the department in regard to documentation of completion of background checks.

COMMENT: Department staff noted that the reference to section 660.050, RSMo 2000 in the Authority section was incorrect since the statute was amended in 2001 and is included in the 2005 Supplement to the *Revised Statutes of Missouri*. The reference should have stated “section 660.050, RSMo Supp. 2005.”

RESPONSE AND EXPLANATION OF CHANGE: The Authority section of the rule will be changed to reference the most recent version of the statute.

### 19 CSR 15-7.021 In-Home Service Standards

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

(X) Have established policies to promote 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;

(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 (EDL) 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. Providers that use the Family Care Safety Registry (FCSR) to conduct EDL and criminal background screenings shall maintain documentation of each

FCSR 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.

*AUTHORITY: section 660.050, RSMo Supp. 2005. This rule previously filed as 13 CSR 15-7.021. 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.*

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 200—Insurance Solvency and Company Regulation

#### Chapter 18—Warranties and Service Contracts

### ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 200-18.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1166–1173). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from the Insurance Solvency and Company Regulation Division (the division) of the Department of Insurance, Financial Institutions and Professional Registration (the department) and from the Service Contract Industry Council (the council) and the National Risk Retention Association (NRRA). Although comments were generally supportive of the proposed rule, two (2) comments suggested modifications to the proposed rule:

COMMENT 1: The division suggested removing the appendices and replacing the references to each appendix with references to forms provided by the department, because the forms printed as appendices were incorrect in some minor respects and because the department may need to make non-substantive changes to the forms from time-to-time and should be allowed to do so without the necessity of publishing a proposed change to the rule.

RESPONSE AND EXPLANATION OF CHANGE: The director of the department agrees with this comment and has changed the proposed rule accordingly.

COMMENT 2: The council requested a clarification of the term “provider” so that only those persons accepting risk on a service contract would be considered a provider.

RESPONSE AND EXPLANATION OF CHANGE: The director of the department agrees with this comment and has changed the proposed rule accordingly.

### Division 200—Insurance Solvency and Company Regulation

#### 20 CSR 200-18.010 Registration of Service Contract Administrators

(1) Each “administrator,” as that term is used in sections 407.1200 to 407.1227, RSMo, shall register with the director by completing and filing a Service Contract Administration Registration on a form provided by the director and in accordance with the instructions contained therein. Effective January 1, 2007, each administrator is required to register at the following times:

(A) Before administering any “service contract,” as that term is used in sections 407.1200 to 407.1227, RSMo, unless such administration occurs in January 2007, in which case registration must occur between January 1 and February 1 of 2007; and

(B) Annually thereafter between January 1 and February 1.

(2) Each completed and filed registration form must be accompanied by:

(B) A completed provider exhibit, on a form provided by the director and in accordance with the instructions contained therein, for each provider, including the registering administrator if the administrator is also a provider, on behalf of whom the administrator is or will be administering any service contract. Each provider exhibit shall be accompanied by the surety bond or the guaranty in the form set forth in Appendices A and B to rule 20 CSR 200-18.020 of this chapter, if the provider’s assurance of the faithful performance of its obligations to its contract holders includes a surety bond or guaranty.

(4) Copies of the Service Contract Administrator Registration and Provider Exhibit forms may be obtained from the director at: Attention: Admissions Specialist, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

(5) For purposes of this rule and rule 20 CSR 200-18.020, the term “provider” refers only to the party that is contractually obligated to provide service under a motor vehicle extended service contract. Such term does not refer to an administrator or seller of the product that is not so obligated.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 200—Insurance Solvency and Company  
Regulation**

**Chapter 18—Warranties and Service Contracts**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 200-18.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1174-1180). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** Comments were received from the Insurance Solvency and Company Regulation Division (the division) of the Department of Insurance, Financial Institutions and Professional Registration (the department) and from the Service Contract Industry Council (the council) and the National Risk Retention Association (NRRRA). Although comments were generally supportive of the proposed rule, two (2) comments suggested modifications to the proposed rule:

**COMMENT 1:** The council suggested deducting items of “dealer commission, administrator fees, and provider profit and contingency” from the amounts paid by or on behalf of the service contract holder when calculating the numerator of the formula used to calculate the partial reserve account balance required for providers using a reimbursement insurance policy with a deductible to satisfy finan-

cial responsibility requirements, because such items are not typically included in reserving for expected losses.

**RESPONSE AND EXPLANATION OF CHANGE:** The director rejects this suggestion. Although such items are generally deducted from calculation of required reserves for losses, such items are not directly taken into consideration in the statutory formula for fully funded reserve accounts in section 407.1203.3(2)(a), RSMo. Instead, the statutory formula indirectly takes such items into consideration by requiring the reserves be based on only a minimum of forty percent (40%) of the gross considerations received, thereby freeing up to sixty percent (60%) of gross considerations received for payment of expenses like the items noted in this comment. That the statutory formula indirectly takes into account the payment of these expenses would make express reference to such expenses redundant. The rule as proposed adopts the statutory formula but allows for the formula to be applied only to the net considerations received (namely the gross considerations received less the premiums paid for the reimbursement policy with the deductible). Accordingly, the proposed rule, like the statute, indirectly takes into account such items.

**COMMENT 2:** The council and the NRRRA recommended allowing registered risk retention groups (RRGs) to be considered authorized insurers for purposes of satisfying financial responsibility requirements of providers who use a reimbursement insurance policy. The council cited the case of *National Warranty Insurance Company RRG v. Greenfield*, 214 F.3d 1073 (9th Cir. 2000), in support of this recommendation.

**RESPONSE AND EXPLANATION OF CHANGE:** The director accepts these comments in part and rejects them in part.

In the *National Warranty Insurance Company* case, the court noted that the Federal Liability Risk Retention Act generally preempted many state insurance law requirements, but did allow states to dictate acceptable means of demonstrating financial responsibility subject only to the requirement that such financial responsibility not discriminate against RRGs. The court held the Oregon’s service contract law could not categorically exclude all insurance coverage from RRGs through its requirement that an insurer offered as meeting the financial responsibility requirements possess a certificate of authority. The certificate of authority requirement was found to be discriminatory against RRGs because federal law expressly denies to RRGs permission to become a member of a state insurance guaranty association. Membership in a state insurance guaranty association is a requirement of obtaining a certificate of authority in Oregon (as well as in most other states including Missouri). Thus, no RRG could ever obtain a certificate of authority and the court ruled that on account of the legal inability to obtain a certificate of authority, the Oregon service contract law discriminated against all RRGs.

Based on these comments and the *National Warranty Insurance Company RRG* case, the director accepts the comments to the extent that the financial responsibility rules for service contract providers cannot discriminate against RRGs. Accordingly, the director has modified the rule to allow an RRG to satisfy the financial responsibility requirements, if the RRG meets certain relevant, non-discriminatory financial standards.

**COMMENT:** The council further stated at the hearing that certain financial standards, such as a requirement for application of statutory accounting principles, might still violate the anti-discrimination provisions of the Federal Liability Risk Retention Act because states are generally prohibited from imposing such accounting principles on RRGs and because most, if not all, RRGs, do not apply statutory accounting principles. See, e.g., 15 U.S.C. section 3902(a)(1) (a risk retention group is generally exempt from any State law, rule, regulation, or order to the extent that such law, rule, regulation, or order would “. . . make unlawful, or regulate, directly or indirectly, the operation of a risk retention group. . .”).

**RESPONSE:** The director of the department disagrees with such statement.



Although the federal act generally preempts state laws that would apply statutory accounting principles and other financial standards to RRGs, the federal act, 15 U.S.C. section 3905(d), specifically permits states to apply requirements to RRGs that are offered as satisfying the state's financial responsibility requirements, subject only to the non-discrimination requirement of 15 U.S.C. section 3902(a)(4). Thus, the general preemption provisions of 15 U.S.C. section 3902(a)(1) do not apply to a state's financial responsibility requirements.

The statutory accounting principles, as well as the other financial standards stated in the rule as modified in response to this comment, are requirements that will apply with equal vigor to insurance companies with a certificate of authority and to RRGs. Unlike federally prohibited membership in a state insurance guaranty fund, an RRG's adherence to statutory accounting principles and the other financial standards is a matter of choice and not a legal impossibility. Accordingly, the financial standards will meet the nondiscrimination requirement of 15 U.S.C. section 3905(d).

Absent the application of such non-discriminatory financial standards, the use of RRGs would likely allow service contract providers effectively to evade the consumer protection afforded by the financial responsibility requirements specifically permitted by the federal act. The consistent application of statutory accounting principles is necessary for meaningful comparison of financial condition of the insurance claims-paying ability of all insurance companies, including RRGs. Other accounting principles do not have as their primary focus the ability to discharge insurance claims when due. Other requirements, such as surplus and deposit requirements, likewise provide a legislatively determined margin against error and undue optimism.

National Warranty Insurance Company RRG, the respondent in the case cited by the council, has become bankrupt and has failed to discharge all claims against the service contract reimbursement policies it issued. National Warranty Insurance Company RRG thus has provided not only an example of controlling case law, but also an example of consumer harm occasioned by the lack of nondiscriminatory financial standards for insurance companies providing financial responsibility for service contract providers. Perhaps the considerable consumer harm caused by the bankruptcy of that RRG would have been avoided had it been subject to non-discriminatory financial standards such as are applied by this rule.

The final version of the proposed rule follows this Summary of Comments. The appendices and the fiscal notes are not reprinted here.

#### Division 200—Insurance Solvency and Company Regulation

#### 20 CSR 200-18.020 Faithful Performance of a Provider's Obligations to its Contract Holder

(2) To assure the faithful performance of a provider's obligations to its contract holders:

(A) Each provider electing to insure all service contracts under a reimbursement insurance policy, as set forth in section 407.1203.3(1), RSMo, and subsection (1)(A) of this rule, shall comply with the following requirements:

1. Any such policy shall be issued by an insurance company authorized to transact insurance in this state. As used in this paragraph, the term "insurance company authorized to transact insurance in this state" means either an insurance company with a valid certificate of authority from the director to transact liability insurance or a financially responsible risk retention group (RRG). A financially responsible risk retention group (RRG), is any RRG that meets each of the following requirements:

A. Such RRG is registered with the director pursuant to sections 375.1080-375.1105, RSMo.

B. Such RRG files with the director its most recent sworn annual statement reporting at a minimum its balance sheet (assets and liabilities, surplus and other funds), income statement or statement of

profit and loss (summary of operations), and cash flow statement, which annual statement:

(I) Was prepared with the consistent application of statutory accounting principles, as shown by the National Association of Insurance Commissioner's (NAIC's) *Accounting Practices and Procedures Manual* as provided in 20 CSR 200-1.020, with only those deviations from such principles as are commonly allowed insurance companies which possess a certificate of authority from the director to transact liability insurance; and

(II) Has been, within five (5) years after the "as of" date of such annual statement, examined by this department or any other state insurance regulatory authority which was, at the time of the examination, accredited pursuant to the Financial Regulation Standards and Accreditation Program of the NAIC; and

(III) Shows that on the basis of such statutory accounting principles, the RRG maintains at least \$1,600,000 in surplus as regards policyholders, has deposited with the insurance regulatory authority of its state of domicile for the security of all its policyholders and creditors cash or securities valued at no less than eight hundred thousand dollars (\$800,000), and is not in a hazardous financial condition;

2. Either:

A. No such policy may have any deductible or retention payable by the policyholder or claimant under the policy; or

B. To the extent that any such policy has a deductible or retention payable by the policyholder or claimant under the policy, the provider must either:

(I) Maintain a funded reserve account and place in trust with the director a financial security deposit as provided in section 407.1203.3(2)(a) and (b), RSMo, and this rule, for the difference between the amount paid by or on behalf of the service contract holder for the service contract and the amount paid by or on behalf of the provider for the reimbursement insurance policy; or

(II) Maintain a net worth of at least that percentage of one hundred (100) million dollars which is determined by dividing the difference between the total amount paid by or on behalf of all service contract holders for the service contracts insured under the reimbursement insurance policy and the total amount paid by or on behalf of the provider for the reimbursement insurance policy by the total amount paid by or on behalf of all service contract holders for the service contracts insured under the reimbursement insurance policy and provide the information required under section 407.1203.3(3)(b), RSMo.

(C) Each provider placing in trust with the director a financial security deposit, as set forth in section 407.1203.3(2)(b), RSMo, and subsection (1)(B) of this rule, shall comply with the following requirements:

1. The amount of such deposit shall at least equal the greater of five percent (5%) of the gross consideration received, less claims paid, on the sale of all service contracts issued and in force or twenty-five thousand dollars (\$25,000); and

2. To the extent, if any, that such deposit consists of:

A. Cash or securities as permitted by section 407.1203.3(2)(b)b or c, RSMo, such deposit shall be made with the same depository and upon the same terms and conditions as the capital deposits of insurance companies domiciled in this state, except that the amount of the deposit will be determined by the provisions of section 407.1203.3(2)(b), RSMo and this rule;

B. A surety bond, as provided in section 407.1203.3(2)(b)a, RSMo, that shall be acceptable only if the bond is completed on the form included herein as Appendix A to this rule and filed with the director along with the provider's completed provider exhibit; or

C. A letter of credit, as provided in section 407.1203.3(2)(b)e, RSMo, that shall comply with the following requirements:

(I) The letter of credit must be issued by a "qualified financial institution" as defined in section 375.246.3(1), RSMo, or such other financial institution as specifically approved in writing by the director; and

(II) The terms of the letter of credit must comply with the terms and conditions for letters of credit stated in subsections (A), (B), (C) and (D) of section (9) of 20 CSR 200-2.100, including, but not limited to, the requirements that such letter of credit be clean, irrevocable and unconditional, except that the beneficiary shall be the director and his or her successors in office.

(D) Each provider maintaining a net worth of one hundred (100) million dollars and establishing such net worth through the provider's parent company, as set forth in section 407.1203.3(3)(b), RSMo, and subsection (1)(C) of this rule, shall comply with the following requirements with respect to the guaranty of the parent company:

1. The guaranty shall be in writing in the form included herein as Appendix B to this rule; and

2. The guaranty shall be filed with the director along with the provider's completed provider exhibit.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 1100—Division of Credit Unions  
Chapter 2—State-Chartered Credit Unions**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director adopts a rule as follows:

**20 CSR 1100-2.075 Mergers and Consolidations is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published as 4 CSR 100-2.075 in the *Missouri Register* on July 17, 2006 (31 MoReg 1058-1061). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Division of Credit Unions received four (4) comments on the proposed rule.

**COMMENT:** The Missouri Credit Union Association submitted a comment in support of the proposed rule.

**RESPONSE:** The Missouri Division of Credit Unions appreciates the comment from the Missouri Credit Union Association.

**COMMENT:** Alliance Credit Union submitted a comment in support of the proposed rule.

**RESPONSE:** The Missouri Division of Credit Unions appreciates the comment from Alliance Credit Union.

**COMMENT:** Anheuser-Busch Employees' Credit Union submitted a comment for informational purposes. Anheuser-Busch Employees' Credit Union is concerned that a credit union may elect not to consider a merger or consolidation because the requirements may appear to be overwhelming.

**RESPONSE:** The Missouri Division of Credit Unions appreciates the comment from Anheuser-Busch Employees' Credit Union. The Missouri Division of Credit Unions does not feel that the rule would prevent a necessary merger from occurring.

**COMMENT:** The Missouri Bankers Association submitted a comment in opposition of the proposed rule. The Missouri Bankers Association feels that the proposed rule should include provisions that require compliance with field of membership limitations on credit unions so that the surviving credit union is only a community group or the other category, including association or employer group. Also, the resulting area of a geographic area credit union should

include only persons who reside or work in a well-defined local neighborhood, community or rural district as limited by law.

The Missouri Bankers Association also recommended that subsections (8)(E) and (23)(E) should be amended to state, "provided however, the words 'contrary to law' shall include any court decision that voids or invalidates a law or regulation that has permitted the credit union to expand as a geographic credit union, until that court decision is finally resolved."

The Missouri Bankers Association also recommended a change to subsection (29)(E). However, it is assumed they intended the recommendation to be to subsection (20)(G) and section (29) based on the wording they recommended. They request the words "limited potential of growth" needed for the director to waive a membership vote to be strictly construed against the credit union desiring the waiver. **RESPONSE:** The Missouri Division of Credit Unions appreciates the comments from the Missouri Bankers Association. The Missouri Division of Credit Unions feels that the surviving credit union assumes all of the merging credit unions' rights, privileges, immunities and franchises. The Missouri Division of Credit Unions agrees with the Missouri Bankers Association in that the words "limited potential of growth" should be strictly construed when deciding on a waiver of a membership vote. A waiver has been and will continue to be only granted when the credit union is in a state of serious difficulty.

**NOTE:** As a result of Executive Order 06-04, the Division of Credit Unions is transferring from the Department of Economic Development to the Department of Insurance, Financial Institutions and Professional Registration. The effective date of this transfer was August 28, 2006. The proposed rule appeared in the *Missouri Register* on July 17, 2006 under Title 4 and Division 100 under the Department of Economic Development.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 1105—Credit Union Commission  
Chapter 3—Credit Union Membership and Chartering**

**ORDER OF RULEMAKING**

By the authority vested in the Credit Union Commission under section 370.063, RSMo 2000, the commission withdraws a proposed amendment as follows:

**20 CSR 1105-3.010 Definitions is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published as 4 CSR 105-3.010 in the *Missouri Register* on July 17, 2006 (31 MoReg 1061-1062). This proposed amendment is withdrawn.

**SUMMARY OF COMMENTS:** The Credit Union Commission received comments on this proposed amendment. Nearly all comments recommended withdrawing the proposed amendment due to the current legal proceedings with the current rule.

**RESPONSE:** The Credit Union Commission has decided to withdraw the proposed amendment due to the comments in opposition and the current legal proceedings.

**NOTE:** As a result of Executive Order 06-04, the Division of Credit Unions is transferring from the Department of Economic Development to the Department of Insurance, Financial Institutions and Professional Registration. The effective date of this transfer was August 28, 2006. The proposed amendment appeared in the *Missouri Register* on July 17, 2006 under Title 4 and Division 105 under the Department of Economic Development.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 1105—Credit Union Commission  
Chapter 3—Credit Union Membership and Chartering**

*Register* on July 17, 2006 under Title 4 and Division 105 under the Department of Economic Development.

**ORDER OF RULEMAKING**

By the authority vested in the Credit Union Commission under section 370.063, RSMo 2000, the commission withdraws a proposed rule as follows:

**20 CSR 1105-3.011** Definitions—Immediate Family  
**is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published as 4 CSR 105-3.011 in the *Missouri Register* on July 17, 2006 (31 MoReg 1062-1063). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: One (1) entity commented in favor of the proposed rule. Two (2) entities commented in opposition to parts of the proposed rule.

RESPONSE: The Credit Union Commission has decided to withdraw the proposed rule. The withdrawal of the amendment to 20 CSR 1105-3.010 necessitates this withdrawal.

NOTE: As a result of Executive Order 06-04, the Division of Credit Unions is transferring from the Department of Economic Development to the Department of Insurance, Financial Institutions and Professional Registration. The effective date of this transfer was August 28, 2006. The proposed rule appeared in the *Missouri Register* on July 17, 2006 under Title 4 and Division 105 under the Department of Economic Development.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 1105—Credit Union Commission  
Chapter 3—Credit Union Membership and Chartering**

**ORDER OF RULEMAKING**

By the authority vested in the Credit Union Commission under section 370.063, RSMo 2000, the commission withdraws a proposed rule as follows:

**20 CSR 1105-3.012** Definitions—Underserved and  
Low-Income **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published as 4 CSR 105-3.012 in the *Missouri Register* on July 17, 2006 (31 MoReg 1063). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: Three (3) entities commented in favor of the proposed rule. One (1) entity commented in opposition to the proposed rule.

RESPONSE: The Credit Union Commission has decided to withdraw the proposed rule. The withdrawal of the amendment to 20 CSR 1105-3.010 necessitates this withdrawal.

NOTE: As a result of Executive Order 06-04, the Division of Credit Unions is transferring from the Department of Economic Development to the Department of Insurance, Financial Institutions and Professional Registration. The effective date of this transfer was August 28, 2006. The proposed rule appeared in the *Missouri*

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 December 14, 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](mailto: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 # MP051128059**

Applicant's Name & Age: Cary A. Hagen

Relevant Physical Condition: Mr. Hagen's best-corrected visual acuity in his left eye is 20/15 Snellen and he has a prosthetic right eye. He had trauma to the right eye in August 2001 and it was removed in February 2002.

Relevant Driving Experience: Mr. Hagen is currently employed for Pace Construction as a Teamster Driver and Paver operator. Previous employment includes driving a truck-tractor combination from March 1997 to August 2001 for Hagen Trucking and a substitute school bus driver for Phelps Co. R-3 School. He has approximately 18 years of commercial motor vehicle driving experience. He currently has a Class A CDL. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in February 2006, his ophthalmologist certified, "In my medical opinion, Mr. Hagen's visual 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 on record.

**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: August 15, 2006

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

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

**EXPEDITED APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the expedited applications listed below. A decision is tentatively scheduled for November 22, 2006. These applications are available for public inspection at the address shown below:

**Date Filed**

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

**10/11/06**

**#3996 HS:** Barnes-Jewish Hospital  
St. Louis (St. Louis City)  
\$1,936,590, Replace magnetic resonance imager (MRI)

**#3997 HS:** Missouri Baptist Medical Center  
St. Louis (St. Louis County)  
\$1,602,616, Replace MRI

**#3995 RS:** Eastgate Manor  
St. Joseph (Buchanan County)  
\$0, Replace 2 assisted living facility beds

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by November 13, 2006. All written requests and comments should be sent to:

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
Post Office Box 570  
Jefferson City, MO 65102

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

## Construction Transient Employers

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
9 MILE BORING & TRENCHING INC	6436 VISTA DR	SHAWNEE	KS	66218
A & B PROCESS SYSTEMS CORP	201 S WISCONSIN AVE	STRATFORD	WI	54484
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADECCO USA INC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
ADVANTAGE PROFESSIONAL OF PHOENIX LLC	1995 WEHRLE DR	WILLIAMSVILLE	NY	14221
AERIAL SOLUTIONS INC	7074 RAMSEY FORD ROAD	TABOR CITY	NC	28463
AJILON PROFESSIONAL STAFFING LLC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
AKERMAN CONSTRUCTION CO INC	2915 SH 74 SOUTH	PURCELL	OK	73080
AKI CONTROL SYSTEMS INC	P O BOX 444	WALLER	TX	77484
ALLIANCE ENTERPRISES INC	5421 PENINSULA DR S E	OLYMPIA	WA	98513
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED STEEL CONSTRUCTION CO LLC	2211 NW FIRST TERRACE	OKLAHOMA CITY	OK	73107
ALLIED UNIKING CORPORATION INC	4750 CROMWELL AVE	MEMPHIS	TN	38118
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
ALVAREZ ENVIRONMENTAL LLC	4631 INVERNESS DR	POST FALLS	ID	83854
AMERICAN DIGITAL SYSTEMS\FIBRACOM	1725 W RENO AVE	BROKEN ARROW	OK	74012
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANYTHING AQUATIC INC	2217 WESTCHESTER RD	LAWRENCE	KS	66049
APPLIKON BIOTECHNOLOGY INC	1180 CHESS DRIVE	FOSTER CITY	CA	94404
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARCHITECTURAL WALL SYSTEMS CO	3000 30TH ST	DES MOINES	IA	50310
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234
ARKA TEX REMODELING INC	8100 COLONEL GLENN RD	LITTLE ROCK	AR	72204
ARKANSAS CONTRACTORS	1308 CHURCH	BARLING	AR	72952
ARMAND RESOURCE GROUP INC	107 MUNN AVE	TEANECK	NJ	07666
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125
ARR ROOFING LLC	8909 WASHINGTON ST	OMAHA	NE	68127

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ARROWHEAD SERVICES INC	12920 METCALF STE 150	OVERLAND PARK	KS	66213
ATLANTIC ENGINEERING GROUP INC	1136 ZION CHURCH RD	BRASELTON	GA	30517
ATWOOD ELECTRIC INC	23124 HIGHWAY 149	SIGOURNEY	IA	52591
AUGERS UNLIMITED INC	11933 KAW DRIVE	KANSAS CITY	KS	66111
AUREUS RADIOLOGY LLC	11825 Q ST	OMAHA	NE	68137
AUTOMATIC BAR CONTROLS INC	790 EUBANKS DR	VACAVILLE	CA	95688
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
B & K MANAGEMENT INC	545 J ST	LINCOLN	NE	68508
BANKERS EDGE	1288 VALLEY FORGE STE 50	VALLEY FORGE	PA	19482
BARNESCO INC	2002 CEDAR CREST	ARKANSAS CITY	KS	67005
BARROWS EXCAVATION INC	49 COUNTY RD #404	BERRYVILLE	AR	72616
BAXTER KENWORTHY ELECTRIC INC	4600 S 76TH CIRCLE	OMAHA	NE	68127
BAZIN EXCAVATING INC	20160 W 191ST	SPRINGHILL	KS	66083
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM	AL	35243
BECERRA CONSTRUCTION	2323 WAGON RD	FT SCOTT	KS	66701
BEL CLAIR ELECTRIC INC	912 S BELT W	BELLEVILLE	IL	62220
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BERBERICH TRAHAN & CO PA	3630 SW BURLINGAME ROAD	TOPEKA	KS	66611
BERNIE JANNING TERRAZZO & TILE INC	17509 HWY 71	CARROLL	IA	51401
BEST PLUMBING & HEATING	421 SECTION OD	SCAMMON	KS	66773
BESTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
BIGGE CRANE AND RIGGING CO	10700 BIGGE AVE	SAN LEANDRO	CA	94577
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BIVOUAC ENGINEERING & SERVICE CO LLC	588 MEADOW LANE	MARION	OH	43302
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLUESTONE CONSTRUCTION LLC	13271 OBANNON STATION WAY	LOUISVILLE	KY	40223
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BOYTER INSULATION SERVICE INC	801 MERCURY AVE	DUNCANVILLE	TX	75137
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BRUCE TRUCKING AND EXCAVATING INC	4401 HWY 162	GRANITE CITY	IL	62040
BUILDER SERVICES GROUP INC	2339 BEVILLE RD	DAYTONA BEACH	FL	32119
BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
CABLE CONSTRUCTORS INC	105 KENT ST	IRON MOUNTAIN	MI	49801
CARRICO CONSTRUCTION COMPANY INC	4015 MAY AVE	WICHITA	KS	67213
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE	IL	60172
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CASYSTEMS INTERNATIONAL INC	8300 COLESVILLE RD 700	SILVER SPRING	MD	20910

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CD SMITH CONSTRUCTION INC	889 EAST JOHNSON ST	FOND DU LAC	WI	54935
CDK SKANSKA INC	800 S HUTTON RD	FARMINGTON	NM	87401
CELLXION WIRELESS SERVICES LLC	5031 HAZEL JONES RD	BOSSIER CITY	LA	71111
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTURY BUILDERS INC	11250 CHARLES RD	HOUSTON	TX	77041
CHANCE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHASE CONTRACTORS INC	800 W 35TH PARKWAY	CHANUTE	KS	66720
CHESTER PHILLIPS CONSTRUCTION COMPANY	1501 N UNIVERSITY STE 740	LITTLE ROCK	AR	72207
CHR SOLUTIONS INC	4747 SOUTH LOOP 289	LUBBOCK	TX	79424
CHRIS GEORGE HOMES INC	2111 E SANTA FE #112	OLATHE	KS	66062
CHRISTIE DIGITAL SYSTEMS USA INC	10550 CAMDEN DRIVE	CYPRESS	CA	90630
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COLE RAYWID & BRAVERMAN LLP	1919 PENNSYLVANIA AVE NW	WASHINGTON	DC	20006
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
CONCO INC	3030 ALL HALLOWS	WICHITA	KS	67217
CONEL INC	13235 CHANDLER ROAD STE B	OMAHA	NE	68138
CONLEY SPRINKLER INC	822 MAIN	PLEASANTON	KS	66075
CONSTRUCTION MANAGEMENT INC	108 JACKMAN ST	GEORGETOWN	MA	01833
CONSTRUCTORS INC	6225 CHOCTAW DR	BATON ROUGE	LA	70805
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
CONTROL INSTALLATIONS OF IOWA INC	6200 THORNTON AVE STE 190	DES MOINES	IA	50321
COOPERS STEEL FABRICATORS	PO BOX 149	SHELBYVILLE	TN	37162
CORE RESOURCES INC	7795 FIVE MILE RD	CINCINNATI	OH	45230
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONADO INC	1835 WALL ST	SALINA	KS	67401
COST OF WISCONSIN INC	4201 HWY P	JACKSON	WI	53037
COWARTS CONSTRUCTION COMPANY INC	223 AIRPORT RD	SALEM	AR	72576
CREEK ELECTRIC INC	2811 W PAWNEE ST	WICHITA	KS	67213
CRONISTER & COMPANY INC	FORBES FIELD BL 281 UNT E	TOPEKA	KS	66619
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CUST O FAB FIELD SERVICE LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUSTOMER CARE SOLUTIONS	1 IRVINGTON CTR 700 KING	ROCKVILLE	MD	20850
D & D PIPELINE CONSTRUCTION CO INC	4700 W HWY 117	SAPULPA	OK	74066
D ROSS CONSTRUCTION LLC	12420 HIGH DR	LEAWOOD	KS	66209
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379



<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
DARDEN GLOEB REEDER INC	8601 I STREET	OMAHA	NE	68127
DAVE OSBORNE CONSTRUCTION CONTRACTI	15600 28TH AVE N	PLYMOUTH	MN	55447
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DDD COMPANY	8000 CORPORATE DR STE 100	LANDOVER	MD	20785
DEAN STEEL ERECTION COMPANY INC	5366 N VALLEY PIKE	HARRISONBURG	VA	22803
DECORATING AND COATING APPLICATIONS LLC	2355 CLYDE DRIVE	CHAMBLEE	GA	30341
DEJAGER CONSTRUCTION	75 60TH ST SW	WYOMING	MI	49508
DENISON DRYWAQLL CONTRACTING INC	2307 HWY 30 EAST	DENISON	IA	51442
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND SURFACE INC	13792 REIMER DR N	MAPLE GROVE	MN	55311
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DOSTER CONSTRUCTION CO INC	2100 INTERNATIONAL PARK D	BIRMINGHAM	AL	35243
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
E ROBERTS ALLEY & ASSOCIATES INC	300 10TH AVE S	NASHVILLE	TN	37203
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFOREST	WI	53532
EBM CONSTRUCTION INC	1014 SHERWOOD ROAD	NORFOLK	NE	68701
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELECTRICAL CONTROLS & SYSTEMS INC	P O BOX 100816	BIRMINGHAM	AL	35210
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
ELLIS MOTOR FREIGHT LLC	74 ABEL DRIVE	GUTTENBERG	IA	52052
EMPLOYEE RESOURCE ADMINISTRATION LP	12400 COIT RD #1030	DALLAS	TX	75251
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENERGY SYSTEMS GROUP LLC	4655 ROSEBUD LANE	NEWBURGH	IN	47630
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXCEL STUCCO INC	14123 MANOR DR	LEAWOOD	KS	66224
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
F&F CONSTRUCTION INC	7377 OLD ALEXANDRIA FERRY	CLINTON	MD	20735
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALEWITCH CONSTRUCTION SERVICES INC	8720 S 114TH ST STE 100	LAVISTA	NE	68128
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOUNDATION FENCE INC	320 SOUTHLAND RD	BURNET	TX	78611
FREESIN INC	316 S PEARL	BLUFFS	IL	62621
G & S INC	14202 HILLSDALE CIRCLE	OMAHA	NE	68137

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
GENE FRITZEL CONSTRUCTION COMPANY I	643 MASSACHUSETTS STE 300	LAWRENCE	KS	66044
GEOPIER FOUNDATION CO MIDWEST	6336 HICKMAN STE 203	DES MOINES	IA	50322
GEOTECH SERVICES INC	350 GOLDEN OAK PARKWAY	OAKWOOD VILLAGE	OH	44146
GFV CONSTRUCTION CO	4535 MEADOWVIEW DR	LAKELAND	FL	33810
GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GLENN H JOHNSON CONSTRUCTION CO	2521 GROSS POINT RD	EVANSTON	IL	60201
GLOBAL INDUSTRIAL INC	19801 EAST 6TH ST	TULSA	OK	74108
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GOLEY INC	P O BOX 309	DUPO	IL	62239
GORDONS ENHANCED TECHNOLOGY MARKETING INC	4500 RATLIFF LN #108	ADDISON	TX	75001
GRABER AGRI-BUILDERS INC	CO RD 450 E BOX 436A	MONTGOMERY	IN	47558
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
H & H SYSTEMS & DESIGN INC	130 EAST MAIN ST	NEW ALBANY	IN	47150
HAGEMANN CONSTRUCTION INC	7537 MCCOY ST	SHAWNEE	KS	66227
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARMAN & SON CONSTRUCTION INC	1810 B EIGHTH AVE	FORT WORTH	TX	76110
HARNESS ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HASTCO INC	813 GRAHAM	EMPORIA	KS	66801
HEBER E COSTELLO INC	609 COSTELLO ROAD	OAK GROVE	LA	71263
HENDERSON ENGINEERS INC	8325 LENEXA DR STE 400	LENEXA	KS	66214
HENNING CONSTRUCTION COMPANY	5870 MERLE HAY RD	JOHNSTON	IA	50131
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HINRICHS GROUP INC THE	141 MARKET PL DR STE 105	FAIRVIEW HEIGHTS	IL	62208
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOLIAN ASBSTS RMVL & ENCPSTLN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HOOPER CORPORATION	P O BOX 7455	MADISON	WI	53707
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZON GROUP INC	1325 N E BOND ST	PEORIA	IL	61603
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	4222 HWY 52	META	MO	65058
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INDUSTRY SERVICES CO INC	5550 TODD ACRES DR	MOBILE	AL	36619
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INTERIOR SYSTEMS INC	5446 W STATE STREET	BOISE	ID	83703

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
INTERNATIONAL INDUSTRIAL CONTRACTING CORPORATION	35900 MOUND RD	STERLING HEIGHTS	KS	48310
INTERSTATES CONSTRUCTION SERVICES INCORPORATED	1520 INDUSTRIAL PARK	SIoux CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IRBY CONSTRUCTION CO	817 S STATE ST	JACKSON	MS	39201
J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
JACK HOPE DESIGN BUILD INC	1440 N 3RD ST	LAWRENCE	KS	66044
JANTON INDUSTRIES INC	13 42ND STREET	BROOKLYN	NY	11232
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JET HEATING INC	P O BOX 7362	SALEM	OR	97303
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JM MECHANICAL LLC	3685 NORTH HWY 91	HYDE PARK	UT	84318
JMC CONSTRUCTION INC	9893 UNIVERSITY DR STE119	MCKINNEY	TX	75070
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58108
JOHNSON CONSTRUCTION SERVICES INC	402 E MAIN ST	ATTICA	IN	47918
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JOY MASONRY	124 S BALTIMORE STE I	DERBY	KS	67037
JT WILKINS INC	209 HARRELSON RD	TUMBLING SHOALS	AR	72581
KANE FIRE PROTECTION INC	170 E ALTON AVE	EAST ALTON AVE	IL	62024
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3609 E SUPERIOR AVE	PHOENIX	AZ	85040
KEELEY & SONS INC	5 LOISEL VILLAGE SHOP CTR	EAST ST LOUIS	IL	62203
KENJURA TILE INC	BOX 158	BRENHAM	TX	77834
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	76013
KLINE CONSTRUCTION CORPORATION	9385 HAMILTON DR	MENTOR	OH	44060
KNIGHT TRENCHING & EXCAVATING INC	14168 SANTA FE TRAIL DR	LENEXA	KS	66215
KNK TELECOM LLC	308 WEST ELM STREET	OLATHE	KS	66061
KOSS CONSTRUCTION CO	4090 WESTOWN PKWY STE B	W DES MOINES	IA	50266
KUHLMAN REFRIGERATION INC	N58W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
L & L INSULATION & SUPPLY CO	3810 B PAULE AVE	ST LOUIS COUNTY	MO	63125

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LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	62214
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LARSON CONTRACTING INC	508 WEST MAIN STREET	LAKE MILLS	IA	50450
LAW CO INC	345 RIVERVIEW ST	WICHITA	KS	67203
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	2050 MARCONI DR STE 200	ALPHARETTA	GA	30005
LINAWEAVER CONSTRUCTION INC	719 GILMAN RD	LANSING	KS	66043
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LITTON ENTERPRISES INC	600 HALFWAY RD	MARION	IL	62959
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FAL	WI	54615
M A MORTENSON CO	700 MEADOW LN N	MINNEAPOLIS	MN	55422
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MAHAFFEY CONSTRUCTION	102 ESTATES DR	GREEN FOREST	AR	72638
MAINSTREET MUFFLER AND BRAKE	1406 N MAIN STREET	HARRISON	AR	72601
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCCLAIN ELECTRICAL CONTRACTOR INC	2912 N SHIELDS BLVD	MOORE	OK	73160
MCKITTRICK CONSTRUCTION	13283 BLUEJACKET	OVERLAND PARK	KS	66225
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MDS BUILDERS INC	5455 N FEDERAL HWY	BOCA RATON	FL	33487
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086
MERIT GENERAL CONTRACTORS INC	950 KANSAS AVE	KANSAS CITY	KS	66105
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MID AMERICA SERVICES INC	3981 STATE RT 3 NORTH	CHESTER	IL	62233
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDWEST PARTITIONS INC	509 WALNUT STREET	THEDFORD	NE	69166
MIDWESTERN SERVICES INC	1913 7TH ST	SNYDER	TX	79549
MILENDER WHITE CONSTRUCTION CO	1503 BIG PINEY RD # 1018	FORT LEONARD WOOD	MO	65473
MILLENNIUM BROKERAGE GROUP	611 COMMERCE ST STE 2704	NASHVILLE	TN	37203
MILLER INSULATION CO INC	US HWY 65 & MO HWY 127	MALTA BEND	MO	65339
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MK MECHANICAL CORPORATION	9041 EXECUTIVE PARK #117	KNOXVILLE	TN	37923
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GODFREY	IL	62035
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIPLE CONCRETE ENTERPRISES	1680 W 1000 N	LAYTON	UT	84041
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410

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NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NES TRAFFIC SAFETY LP	8770 W BRYN MAWR 4TH FLR	CHICAGO	IL	60631
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NO FAULT INDUSTRIES INC	15556 PERKINS RD	BATON ROUGE	LA	70810
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OMEGA INSURANCE SERVICES INC	100 1ST AVE SOUTH STE 530	ST PETERSBURG	FL	33701
OMNI ENGINEERING INC	14012 GILES RD	OMAHA	NE	68138
OSTROM PAINTING & SANDBLASTING INC	1110-8TH AVE	ROCK ISLAND	IL	61201
P & P CONSTRUCTION CO	1132 E LINCOLN ST	RIVERTON	IL	62561
PADGETT BUILDING & REMODELING INC	4200 SMELTING WORKS RD	BELLEVILLE	IL	62226
PAIGE TECHNOLOGIES LLC	5305 PIN OAK LAND	SEDALIA	MO	65301
PARKER CONSTRUCTION CO	4572 DRY FORK ROAD	WHITES CREEK	TN	37189
PARSONS ELECTRIC LLC	5960 MAIN ST NE	MINNEAPOLIS	MN	55432
PENNS LANDING SUPPLY COMPANY DBA WYATT INC	4545 CAMPBELLS RUN RD	PITTSBURGH	PA	15205
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PHARMANET INC	504 CARNÉGIE CENTER	PRINCETON	NJ	08540
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PIKE ELECTRIC INC	100 PIKE WAY	MOUNT AIRY	NC	27030
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PLOWMAN CONSTRUCTION COMPANY INC	905 E PARK ST	OLATHE	KS	66061
PLUM RHINO CONSULTING LLC	1010 HUNTCLIFF STE 1350	ATLANTA	GA	30350
P-N-G CONTRACTING INC	917 CARLA DR	TROY	IL	62294
PRANGER ENTERPRISES INC	101 W STATE ROAD 4	HUDSON	IN	46747
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053
PRECISION CASEWORK & TRIM INC	816 SE 83RD ST	OKLAHOMA CITY	OK	73149
PRECISION ELECTRICAL CONTRACTORS INC	2403 SIDNEY ST SUITE 125	PITTSBURGH	PA	15203
PRIMARY RESIDENTAL MORTGAGE INC	829 E CAVENDISH CIRCLE	SANDY	UT	84094
PRITCHARD ELECTRIC COMPANY INC	2425 EIGHTH AVENUE	HUNTINGTON	WV	25703
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	MN	55376
PROVIDENCE CONTRACTORS LLC	374 F MORRISON RD	COLUMBUS	OH	43213
PULTE PAYROLL CORPORATION	100 BLOOMFIELD HILLS #300	BLOOMFIELD HILLS	MI	48034
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66061
PYRAMID ELECTRICAL CONTRACTORS INC	300 MONTICELLO PLACE	FAIRVIEW HEIGHTS	IL	62208
QUALITY TRANSPORTATION SERVICES INC	5220 S CAMERON ST	LAS VEGAS	NV	89118
QUOVADX INC	7600 E ORCHARD RS 300 S	GREENWOOD VILLAGE	CO	80111
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226
RADIOLOGY STAFFING INC	13705 B ST	OMAHA	NE	68144
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E US HIGHWAY 80	ABILENE	TX	79601

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RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLDT	TN	38343
RECOR SERVICES INC	4122 NE 185TH AVE	PORTLAND	OR	97230
REDDINGER CONSTRUCTORS INC	6301 OLD BOONVILLE HWY	EVANSVILLE	IN	47715
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
REED CONSTRUCTION DATA INC	275 WASHINGTON ST	NEWTON	MA	02458
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL PLANNING & CONSTRUCTION INC	735 BIRCH AVE	BENSALEM	PA	19020
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
RFB CONSTRUCTION CO INC	565 E 520TH AVE	PITTSBURGH	KS	66762
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
ROOF USA LLC	3761 EAST LAKE RD	DUNKIRK	NY	14048
ROSE LAN CONTRACTORS INC	820 CHEYENNE AVE	KANSAS CITY	KS	66105
ROSTER COMPANY INC	1602 57TH STREET	GARRISON	IA	52229
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RUPP MASONRY CONSTRUCTION CO	1501 N 18TH STREET	QUINCY	IL	62301
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
S A COMUNALE CO INC	2900 NEWPARK DR	BARBERTON	OH	44203
SA SMITH ELECTRIC INC	525 JERSEY ST	QUINCY	IL	62301
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SCHUMACHER ELEVATOR COMPANY	ONE SCHUMAKER WAY	DENVER	IA	50622
SCHUPPS LINE CONSTRUCTION INC	10 PETRA LANE	ALBANY	NY	12205
SCOTT ENTERPRISES ROOFING & SHEET METAL	1217 S MAIN ST	MARYVILLE	MO	64468
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY 5-100	IRVING	TX	75063
SHAMBURG UNLIMITED LLC	3244 SE STANLEY RD	TECUMSEH	KS	66542
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHIELDS TELECOMM INC	7 CIRCLE DR	MOUNT VERNON	IL	62864
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SLUDGE TECHNOLOGY INC	8101 W 33RD STREET S	MUSKOGEE	OK	74401
SNELL NORTHCUTT ELECTRIC INC	P O BOX 24601	LITTLE ROCK	AR	72221
SOUTHEAST DIRECTIONAL DRILLING LLC	2323 S HARDY DRIVE	TEMPE	AZ	85282
SOUTHWESTERN CONSTRUCTION SERVICES INC	4542 STATE RT 160	HIGHLAND	IL	62249
SPARKS & WIEWEL CONSTRUCTION CO	6200 BROADWAY	QUINCY	IL	62301
SPARTAN CONSTRUCTORS LLC	2100 DRAYTON RD	DRAYTON	SC	29333
SPORTEXE CONSTRUCTION SERVICES INC	1809 MERRITVILLE FONTHIL	ONT CAN LOS1E6	ON	99999
STELLAR GROUP INC	2900 HARTLEY RD	JACKSONVILLE	FL	32257
STEPHENS & SMITH CONSTRUCTION CO INC	1542 S 1ST ST	LINCOLN	NE	68502
STERLING BOILER & MECHANICAL INC	1420 KIMBER LANE	EVANSVILLE	IN	47715
STILL CONSTRUCTION CO INC	PO BOX 70	LEAD HILL	AR	72644

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STILL CONTRACTORS LLC	15740 S MAHAFFIE ST	OLATHE	KS	66062
STORY ENTERPRISES INC	7735 WASHINGTON AVE STE G	KANSAS CITY	KS	66112
STOVALL CONSTRUCTION INC	7409 US HWY 287	ARLINGTON	TX	76001
STRAUB CONSTRUCTION CO INC	7775 MEADOW VIEW DR	SHAWNEE	KS	66227
STREAM WORKS INC	5455 7UP LANE	LINCOLN	MT	59639
STREICHER EXCAVATING INC	1718 EAST BREMER AVE	WAVERLY	IA	50677
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STRUKEL ELECTRIC INC	375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNDSTROMS PIT PUMPING LLC	310 CEDAR STREET	COLFAX	WI	54730
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SURVEYS LAND & CONSTRUCTION INC	111 WEST NORTH MAIN	ELLSWORTH	KS	67439
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
SWORD CONSTRUCTION LLC	1701 NORTHPARK DR STE 6	KINGWOOD	TX	77339
SYSTEMS INTEGRATION & DEVELOPMENT INC	15200 SHADY GROVE RD	ROCKVILLE	MD	20850
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TEFCO INC	11022 SAWMILL RD	ELBERFELD	IN	47613
TENCON INC	530 JONES ST	VERONA	PA	15147
TENOCH CONSTRUCTION INC	6216 MISSION RD	FAIRWAY	KS	66205
TERRA ENGINEERING & CONSTRUCTION CORPORATION	2201 VONDRON RD	MADISON	WI	53718
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
THOMAS L BEAR CONSTRUCTION INC	14758 202ND ST	BLOOMFIELD	IA	52537
THOMPSON ELECTRIC COMPANY OF OMAHA	P O BOX 207	SIOUX CITY	IA	51102
TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TNT CONSTRUCTION CO INC	144 EASY ST	CAROL STREAM	IL	60188
TOTAL WESTERN INC	8049 SOMERSET BLVD	PARAMOUNT	CA	90723
TOURNEAR ROOFING CO	2605 SPRING LAKE RD	QUINCÿ	IL	62305
TOWER MECHANICAL SERVICES	2125 W 20TH AVE	OSHKOSH	WI	54904
TPQ CORPORATION	8522 E 61ST ST	TULSA	OK	74133
TR MANAGEMENT INC	6700 SW TOPEKA BLVD #344	TOPEKA	KS	66619
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRAXLER CONSTRUCTION INC	625 COMMERCE DRIVE	LE CENTER	MN	56057
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRIAGE CONSULTING GROUP	221 MAIN STREET STE 1100	SAN FRANCISCO	CA	94105
TRIDAQ INC	1011 LEAVENWORTH	OMAHA	NE	68102

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TRINITY EXCAVATING & CONSTRUCTION INC	1500 KANSAS CITY RD	OLATHE	KS	66061
UNITED CONTRACTORS INC	6678 NW 62ND AVE	JOHNSTON	IA	50131
UNITED EXCEL CORPORATION	8041 W 47 ST STE 100	OVERLAND PARK	KS	66204
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL LIMITED INC	932 ALTON PARKWAY	BIRMINGHAM	AL	35210
US ASPHALT CO	14012 GILES RD	OMAHA	NE	68138
VERSENT GROUP LLC	13608 W 95TH ST	LENEXA	KS	66215
VHP ENTERPRISES INC	728 WESLEY AVE	TARPON SPRINGS	FL	34689
VICS CRANE & HEAVY HAUL INC	3000 145TH STREET EAST	ROSEMOUNT	MN	55068
VINTAGE SPORTS CARDS INC	410 S TRADE CNTR PKWY #A8	CONROE	TX	77385
VLS SYSTEMS INC	9900 MAIN ST #304	FAIRFAX	VA	22031
VON ALST HOLDING COMPANY	2416 SMELTING WORKS RD	SWANSEA	IL	62226
W & G LLC	5075 CARPENTER RD	YPSILANTI	MI	48197
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WACHTER ELECTRIC COMPANY	16001 W 99TH ST	LENEXA	KS	66219
WADE & ASSOCIATES INC	2500 W 6TH ST STE E	LAWRENCE	KS	66049
WALKER CENTRIFUGE SERVICES LLC	516 B GRAVES BOULEVARD	SALINA	KS	67401
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALSH CONSTRUCTION COMPANY OF ILLIN	819 WALNUT	KANSAS CITY	MO	64106
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66048
WALTERS EXCAVATING	24060 K 68 HWY	PAOLA	KS	66071
WANZEK CONSTRUCTION INC	16553 37R ST SE	FARGO	ND	58103
WEATHERCRAFT COMPANY OF LINCOLN	545 J ST	LINCOLN	NE	68508
WEGMAN INC	608 W LASLEY	ST MARYS	KS	66546
WEITZ COMPANY LLC THE	400 LOCUST STE 300	DES MOINES	IA	50309
WELSH COMPANIES	8200 NORMANDEALE BLVD #200	MINNEAPOLIS	MN	55437
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN CAROLINA PLUMBING	25 SANDTRAP RD	WAYNESVILLE	NC	28786
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WILKINS GROUP INC	1710 FIRMAN DR #200	RICHARDSON	TX	75081
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WINTER CONSTRUCTION INC	1/4 M E ON 54 SOUTH	FORT SCOTT	KS	66701
WONDER PLUMBING INC	14216 DAYTON CIRCLE STE13	OMAHA	NE	68137
WOODS CONSTRUCTION INC	6396 PRODUCT DRIVE	STERLING HEIGHTS	MI	48312
WORLEY CLAIMS SERVICE INC	4736 W NAPOLEAN AVE	METAIRIE	LA	70001
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WS BOWLWARE CONSTRUCTION INC	3140 W BRITTON RD STE 204	OKLAHOMA CITY	OK	73120
YOUNGLOVE CONSTRUCTION LLC	2015 EAST 7TH STREET	SIOUX CITY	IA	51101
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126TH ST	OVERLAND PARK	KS	66213

Updated: 10/02/2006 8:55:46 AM



**T**he 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 by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

Notice is hereby given that Solomon Brothers Realty Co., a Missouri corporation, with its registered office at 8820 Ladue Road, Suite 200, St. Louis, Missouri 63124, has been dissolved as of December 29, 2006, pursuant to the provisions of The General and Business Corporation Law of Missouri. Solomon Brothers Realty Co. requests that persons with claims against the corporation present the claims in accordance with the Missouri general corporate code. Any claim must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred and whether the claim is secured, and if so, the collateral used as security. The claim must be sent to Solomon Brothers Realty Co., c/o Brad Cytron, Gallop, Johnson & Neuman, L.C., 101 South Hanley, Suite 1600, St. Louis, Missouri 63102. Any claim against Solomon Brothers Realty Co. not otherwise barred, will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of the notices authorized by statute, whichever is published last.

**NOTICE OF CORPORATE DISSOLUTION  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
STEVEN H.T. CHUA, INC.**

On May 30, 2006, STEVEN H.T. CHUA, INC. (formerly known as Steven H.T. Chua, M.D., Inc. Professional Corporation), a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. Dissolution was effective on May 30, 2006.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to Alex M. Kanter, Esq., 7711 Bonhomme Ave. #850, St. Louis Missouri 63105.

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

NOTICE: Because of the dissolution of STEVEN H.T. CHUA, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the date of this publication.

**Notice of Dissolution  
of Limited Liability Company  
To All Creditors of and  
Claimants Against Pine Bluff Villas, L.L.C.**

On September 25, 2006, Pine Bluff Villas, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Helfrey, Neiers & Jones, P. C., ATTN: David F. Neiers, Esq., 120 S. Central Ave., Ste. 1500, St. Louis, Missouri 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY**

To: All creditors of and claimants against The Grande Legacy, L.L.C., a Missouri Limited Liability Company.

On September 28, 2006, The Grande Legacy, L.L.C., a Missouri Limited Liability Company, Charter Number LC0034612, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company at 245 S. Wildwood Drive, Branson, MO 65616.

All claims must include the following information:

1. Name and address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up The Grande Legacy, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the three notices authorized by statute, whichever is published last.