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SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI  
REGISTER

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

# Missouri Participating Libraries

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

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Missouri Western State College Hearnes Learning Resources Ctr. 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library University of Missouri-Rolla 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325	Lebanon-Laclede County Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Missouri Southern State University Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342	University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742	Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3615	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Southwest Missouri State University 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (636) 978-7997	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

## HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

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

**ORDER TERMINATING EMERGENCY RULE**

By the authority vested in the director of the Department of Agriculture under section 267.645, RSMo 2000, the director hereby terminates an emergency rule that became effective January 16, 2006, terminated March 2, 2006, as follows:

**2 CSR 30-2.014** Import Restrictions of Beef Cattle, Bison and Cervids from the State of Minnesota **is terminated.**

A notice of rulemaking containing the text of the emergency rule was published in the *Missouri Register* on February 15, 2006 (31 MoReg 277).

**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 symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**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.

(A) Removal of a dead human body, arrangements for final disposition, supervision of visitation and memorial ceremony, grave attendance, cremation, entering into a contractual relationship for performance of any other funeral services; **and**

(B) Embalming, cremation, care, preparation, shipment or transportation of a dead human body; *and*].

(C) *[Sale or rental to the public of funeral merchandise, services or paraphernalia.] Nothing in this section shall be construed to apply to persons exempt from Chapter 333, RSMo.*

*AUTHORITY: sections 333.041 and 333.042, RSMo Supp. [2004] 2005 and 333.091, 333.III and 333.121, RSMo 2000. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 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 State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via e-mail to: embalm@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 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 200—State Library

### PROPOSED RULE

#### 15 CSR 30-200.100 State Publications Access Program

*PURPOSE: This rule establishes the requirements for state agencies and participating libraries to comply with the State Publications Access Program.*

*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) State Agencies.

(A) Each state agency shall submit to the Missouri State Library an electronic copy, in one (1) file, of each publication created for general distribution. The electronic formats and their preferred order are:

1. Hypertext Markup Language (HTML);
2. Portable Document Format (PDF); or
3. Extended Markup Language (XML).

(B) An electronic version must be submitted to the Office of the Secretary of State, Missouri State Library via one (1) of the following delivery mechanisms:

1. File Transfer Protocol (FTP);

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 120—State Board of Embalmers and Funeral Directors Chapter 2—General Rules

### PROPOSED AMENDMENT

**4 CSR 120-2.060 Funeral Directing.** The board is proposing to amend section (18).

*PURPOSE: This amendment provides clarification relating to the sale of funeral merchandise.*

(18) No person other than a Missouri licensed funeral director shall be allowed to make the following at-need arrangements with the person having the right to control the incidents of disposition:

2. E-mail;
3. Optical storage media; or
4. Upload and submission facility to be provided by the Office of the Secretary of State.

(C) Each state agency producing publications for distribution to the public in paper shall submit five (5) paper copies, to the Missouri State Library, of each publication which is produced in paper.

(D) Each state agency digitizing older publications previously issued in paper must provide an electronic copy to the Missouri State Library.

(E) The director of each state agency shall assign a designee or designees as a contact for this program. Designee information shall be forward to the Missouri State Library by July 1 each year via the "Agency Designee Form" on the secretary of state's website at <http://www.sos.mo.gov/library/reference/statepubs/designee/>. The form shall include the following information: the name of the agency, the name of the agency director, the director's office telephone number and e-mail address, the name of the division, the name of the division designee for this program, the designee's office telephone number and e-mail address.

(F) It shall be the responsibility of the designees to send the five (5) paper copies and the single electronic file for each publication to the Missouri State Library.

(2) Participating Libraries.

(A) An entity shall meet the following criteria to be designated as a Participating Library for this program:

1. The entity shall be recognized as a library by the Missouri State Library, as defined in the *Missouri Five-Year State Plan 2003-2008 Library Services and Technology Act*, as incorporated by reference and published by the Office of the Secretary of State, Missouri State Library, 600 W. Main St., Jefferson City, MO 65101, November 2002. This reference does not include any later amendments or additions to this plan;

2. The library shall employ staff qualified to provide patrons with assistance in using state publications;

3. The library shall provide high-bandwidth electronic access to the publications in the secure, trusted repository;

4. The library shall require at least one (1) staff member to attend training in the use of state publications, when offered by the Missouri State Library;

5. The library shall require trained staff members to provide training for other libraries;

6. The library shall include the bibliographic record created by the Missouri State Library, on Online Computer Library Center (OCLC), in the library's online catalog, including links to the electronic version of the publication;

7. The library shall accept and house publications which are still produced in paper, if required by the secretary of state; and

8. The library shall maintain a historical collection of paper state publications distributed prior to January 1, 2005 for a minimum of five (5) years which, shall include:

- A. Annual reports of agencies;
- B. Statistical reports of agencies;
- C. Policy reports of agencies; and
- D. Strategic plans for agencies.

(B) The director of a library wishing to have the designation of Participating Library in the State Publications Access Program shall complete the Participating Library form on the secretary of state's website <http://www.sos.mo.gov/library/reference/statepubs/library/>. This application shall include, but not be limited to, the following information: the name of the institution, the name of the library, the mailing address of the library, the type of library, the name of library director, director's office telephone number and e-mail address.

(C) The secretary of state reserves the right to approve candidates for the designation of Participating Library to provide statewide geographic coverage.

*AUTHORITY: section 181.110, RSMo Supp. 2005. Original rule filed Feb. 16, 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 or in opposition to this proposed rule with the Office of the Secretary of State, Missouri State Library, Linda J. Harris, Director Reference Services, 600 W. Main St., PO Box 387, 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 16—RETIREMENT SYSTEMS  
Division 50—The County Employees' Retirement Fund  
Chapter 2—Membership and Benefits**

**PROPOSED AMENDMENT**

**16 CSR 50-2.035 Payment of Benefits.** The board is amending section (7).

*PURPOSE: This amendment clarifies corrections of overpayments under the plan.*

(7) Return of Mistaken Payments. Notwithstanding anything to the contrary, a participant or beneficiary is entitled to only those benefits provided by the plan and promptly shall return any payment, or portion thereof, made by mistake of fact or law. The board may offset the future benefits of any recipient who refuses to return an erroneous payment, in addition to pursuing any other remedies provided by law. **Without limiting the generality of the foregoing, in the event any payment is made to or on behalf of a deceased member after such member's death by mistake of fact or law, the recipient of or other person benefiting from such payment shall promptly return any such payment to the plan, and the board may offset the future benefits of any participant or beneficiary otherwise entitled to a benefit under the plan who received or benefited from any such mistaken payment made to or on behalf of a deceased member by such amount as the board deems appropriate, including by the amount of the mistaken payment and interest on such amount.**

*AUTHORITY: section 50.1032, RSMo 2000. Original rule filed July 29, 1997, effective Jan. 30, 1998. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed April 23, effective Oct. 30, 2003. Amended: Filed July 6, 2005, effective Jan. 30, 2006. Amended: Filed Nov. 10, 2005. Amended: Filed Feb. 21, 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 County Employees' Retirement Fund, 2121 Scotthill Woods Drive, Jefferson City, MO 65101. 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 16—RETIREMENT SYSTEMS**  
**Division 50—The County Employees' Retirement Fund**  
**Chapter 2—Membership and Benefits**

**PROPOSED AMENDMENT**

**16 CSR 50-2.160 Administration of Fund.** The board is adding new sections (6) and (7).

*PURPOSE:* This amendment clarifies the board's authority regarding notice and provides for information to be submitted by a county.

(6) In the event that a person required to provide notice under the plan claims to have mailed or otherwise sent such notice, but the notice was not received by the board or other intended recipient, the board may, in its discretion, conduct an investigation into the facts and circumstances to determine whether notice was in fact properly sent. In the event that the board determines that such notice was properly sent, even if not received, the board may, in its sole discretion, deem such notice properly given in accordance with the plan based on the facts and circumstances.

(7) With respect to any individual who becomes a participant on or after January 1, 2006, the county clerk shall provide the board or its designee with a copy of the Form I-9 with respect to such participant, or such other information as the board may designate as appropriate, including, for example, such participant's driver's license, Social Security card and/or birth certificate, upon such participant's entry date or at such other time and in such manner as may be prescribed by the board or its designee.

*AUTHORITY:* section 50.1032, RSMo [Supp. 1999] 2000. Original rule filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Nov. 10, 2005. Amended: Filed Feb. 21, 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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. 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 16—RETIREMENT SYSTEMS**  
**Division 50—The County Employees' Retirement Fund**  
**Chapter 3—Creditable Service**

**PROPOSED AMENDMENT**

**16 CSR 50-3.010 Creditable Service.** The board is adding a new section (5).

*PURPOSE:* This amendment permits a purchase of prior service for transfer to MOSERS or HTEHPRS.

(5) A former employee may elect to purchase his or her service excluded under subsections (2)(A), (2)(B), (2)(D), (2)(E) and/or (2)(F) at any time, whether before or after attaining age sixty-two

(62), but before such person begins receiving benefits under the plan, to the extent and in the manner prescribed by the board, in order to have such service transferred and credited under the Missouri State Employees' Retirement System, RSMo section 104.320, et seq. (MOSERS) or under the Highways and Transportation Employees and Highway Patrol Retirement System, RSMo section 104.010, et seq. (HTEHPRS), to the extent provided under and otherwise in accordance with the rules of such system. Such election shall be made in writing to the board at such time as the person desires to transfer such service to MOSERS or HTEHPRS, in accordance with applicable law and regulations, but in no event after the date on which such person begins receiving benefits under the plan. The written election shall include a statement indicating the portion of the excluded service he or she elects to purchase. If a former employee makes a request in accordance with this section to purchase service, the board, or its designee, will calculate the cost (if any) of buying back the service, and any required payment shall be made in accordance with rules established by the board. The board may, in its discretion, deny the election and prohibit the purchase and transfer of service as described in this section (5) for any reason the board deems appropriate, including, without limitation, in the event the board or the plan's actuary determines that any purchase and transfer of service hereunder would create an actuarial loss to the plan.

*AUTHORITY:* section 50.1032, RSMo 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Dec. 10, 2002, effective June 30, 2003. Amended: Filed Feb. 21, 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 County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. 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**  
**Division 10—General Administration**  
**Chapter 1—Organization**

**PROPOSED AMENDMENT**

**20 CSR 10-1.020 Interpretation of Referenced or Adopted Material.** The department is amending section (1), deleting section (2) and renumbering section (3) as section (2) to this rule.

*PURPOSE:* The purpose of this amendment is to update this rule to include referenced materials published after the currently stated date.

(1) The [versions of] Department of Insurance incorporates by reference in its rules under this title the following [materials] rules, regulations, standards, and guidelines of the National Association of Insurance Commissioners (NAIC) without publishing the materials in full. The most recent versions of such materials as published on or before [June 30, 2004] March 31,



2006, are incorporated by reference in the rules of the Department of Insurance under this title[:]. Such referenced rule, regulation, standard, or guideline does not include any later amendments or additions. The publisher's name and address is the NAIC—Executive Headquarters, 2301 McGee Street Suite 800, Kansas City, MO 64108-2662.

*[(A) Executive Orders 81-2 and 92-04;*

*(B) National Association of Insurance Commissioners (NAIC) publications, as follows:]*

*[1.] (A) Accounting Practices and Procedures Manual;*

*[2.] (B) Annual Statement Instructions;*

*[3.] (C) Valuation of Securities;*

*[4.] (D) Examiner's Handbook;*

*[5.] (E) NAIC Proceedings 1984, Volume I;*

*[6.] (F) NAIC uniform biographical data forms; and*

*[7.] (G) NAIC Uniform Application for Individual Insurance Producer License[:].*

*[(C) Uniform Customs and Practices for Documentary Credits of the International Chamber of Commerce (Publication 400); and*

*(D) Any other material expressly incorporated by reference in another rule under this title.]*

*[(2) Editions or modifications of these publications up to and including the date set forth in section (1) will be the effective and applicable publications as incorporated by reference in specific rules under this title. Editions or modifications after the date in section (1) shall not be deemed incorporated by reference.]*

*[(3)] (2) Application of incorporated by reference material shall be determined by other rules under this title which make specific reference to the incorporated material.*

*AUTHORITY: section 374.045, RSMo 2000. Original rule filed Nov. 24, 1992, effective Aug. 9, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 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 will be held on this proposed amendment at 10 a.m. on May 10, 2006. The public hearing will be held at the Harry S Truman State Office Building, 301 West High Street, Room 530, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on May 10, 2006. Written statements shall be sent to Stephen Gleason, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

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

**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 8—DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS  
Division 50—Division of Workers' Compensation  
Chapter 5—Determination of Disability**

**ORDER OF RULEMAKING**

By the authority vested in the Division of Workers' Compensation under section 287.650, RSMo 2000, the division amends a rule as follows:

**8 CSR 50-5.060 Evaluation of Hearing Disability is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2486-2487). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 10—Adjutant General  
Chapter 7—Missouri Military Family Relief Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Adjutant General under sections 41.160, RSMo 2000 and 173.239, RSMo Supp. 2005, the director adopts a rule as follows:

**11 CSR 10-7.010 Missouri Military Family Relief Fund  
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 2005 (30 MoReg 2556-2558). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.807.4, RSMo 2000, the commission amends a rule as follows:

**11 CSR 45-5.237 Shipping of Electronic Gaming Devices, Gaming  
Equipment or Supplies is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2488). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 1—Organization of Department of Revenue**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 144.190.7 and 536.021.10, RSMo Supp. 2005, the director amends a rule as follows:

**12 CSR 10-1.020 Letter Rulings is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2488-2489). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 2—Income Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 135.327, RSMo Supp. 2005, and 135.339, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-2.195 Special Needs Adoption Tax Credit is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2489). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 3—State Sales Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-3.470 Consumer Cooperatives is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2489). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 3—State Sales Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-3.566 Itinerant or Transitory Sellers is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2489–2490). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 3—State Sales Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-3.568 Sampling is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2490). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 3—State Sales Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-3.892 Light Aircraft—Light Aircraft Kits is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2490). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 6—Motor Vehicle Fuel Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 142.896.3 and 142.953, RSMo 2000, the director adopts a rule as follows:

**12 CSR 10-6.030 Motor Fuel Bond Trust Fund is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2490–2492). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 301.071–301.075, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-23.390 License Plates for Disabled Veterans is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2005 (30 MoReg 2559). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 301.301, RSMo Supp. 2005, the director rescinds a rule as follows:

**12 CSR 10-23.440 Replacement License Tabs is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2493). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Driver License Bureau Rules**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 302.530, RSMo Supp. 2005, the director amends a rule as follows:

**12 CSR 10-24.030 Hearings is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2493–2494). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Driver License Bureau Rules**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 302.171, RSMo Supp. 2005, the director rescinds a rule as follows:

**12 CSR 10-24.120 Assumed or Common Use Name is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2005 (30 MoReg 2559). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 101—Sales/Use Tax—Nature of Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 144.270 and 144.705, RSMo 2000, the director adopts a rule as follows:

**12 CSR 10-101.700 Bankruptcy and Other Court Appointments is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 2005 (30 MoReg 2559). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 103—Sales/Use Tax—Imposition of Tax**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.020.1, RSMo Supp. 2005, the director adopts a rule as follows:

**12 CSR 10-103.620 Florists is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 2005 (30 MoReg 2559–2562). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 28—Anesthesiologist Assistant Services**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under section 208.201, RSMo 2000, the director withdraws a proposed rule as follows:

**13 CSR 70-28.010 Medicaid Program Benefits for Anesthesiologist Assistant Services is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2005 (30 MoReg 2306–2307). This proposed rule is withdrawn.

**SUMMARY OF COMMENTS:** The Division of Medical Services received one (1) comment in opposition to proposed rule 13 CSR 70-28.010 during the thirty (30)-day comment period. The comment was opposed to the proposed rule because the “initial rules” required to be promulgated by the Missouri Board of Registration for the Healing Arts, with the assistance of the Advisory Commission for Anesthesiologist Assistants, have not been promulgated and published for comment as required by state statute, making this proposed rule premature.

**RESPONSE:** As a result of the comment, the Division of Medical Services is withdrawing this proposed rule.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 54—Exemptions and Federal Covered**  
**Securities**

**ORDER OF RULEMAKING**

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2005, the commissioner amends a rule as follows:

**15 CSR 30-54.260 Foreign Issuer Exemption is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2005 (30 MoReg 2563–2564). 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.

## STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

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

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

**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.

## NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST PHARMA-LINK, INC.

The Articles of Dissolution for Pharma-Link, Inc. were filed with the Missouri Secretary of State on February 7, 2006.

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

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

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