

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City Metropolitan
Area**

PROPOSED AMENDMENT

10 CSR 10-2.070 Restriction of Emission of Odors. The commission proposes to amend section (2) and subsection (4)(C). If the commission adopts this rule action, it is the department's intention not to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule restricts the emission of excessive odorous matter. This amendment removes the restriction on odor measurement methods requiring the source operator and staff director to agree on the method at the time of measurement. The amendment also replaces the current 5.4:1 dilution ratio specified in the rule for odorous emissions from Class 1A concentrated animal feeding operations with a 7:1 dilution ratio. The evidence supporting the need for the rulemaking is the September 30, 2004 Missouri Air Conservation Committee minutes directing the staff director to use a 7:1 dilution ratio for the Scentometer as the standard.

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.

(2) These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results *l, as agreed to at the time by the source operator and the staff director*].

(4) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with *five and four-tenths (5.4)] seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (4)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results l, as agreed to at the time by the source operator and the staff director*]; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as $Z_{OL} \geq 110$, as determined using American Society for Testing and Materials Standard [E 679-91 (Reapproved 1997)] E 679-04 (published April 2004) at an olfactometer flow rate of twenty (20) liters per minute. **This standard is incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions;** or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed March 26, 1970, effective April 5, 1970. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 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 will begin at 9:00 a.m., February 1, 2007. The public hearing will be held at the Lewis and Clark State Office Building, 1101 Riverside Drive, 1st Floor, LaCharrette Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 8, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 3—Air Pollution Control Rules Specific to the
Outstate Missouri Area**

PROPOSED AMENDMENT

10 CSR 10-3.090 Restriction of Emission of Odors. The commission proposes to amend section (4) and subsection (5)(C). If the commission adopts this rule action, it is the department's intention not to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule restricts the emission of excessive odorous matter. This amendment removes the restriction on odor measurement

methods requiring the source operator and staff director to agree on the method at the time of measurement. The amendment also replaces the current 5.4:1 dilution ratio specified in the rule for odorous emissions from Class 1A concentrated animal feeding operations with a 7:1 dilution ratio. The evidence supporting the need for the rulemaking is the September 30, 2004 Missouri Air Conservation Committee minutes directing the staff director to use a 7:1 dilution ratio for the Scentometer as the standard.

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.

(4) Method of Measurement. Measurements may be made with a [s]Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results [i, as agreed to at the time by the source operator and the staff director].

(5) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with [five and four-tenths (5.4)] seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (5)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results [i, as agreed to at the time by the source operator and the staff director]; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as $Z_{OL} \geq 110$, as determined using American Society for Testing and Materials Standard [E 679-91 (Reapproved 1997)] E 679-04 (published April 2004) at an olfactometer flow rate of twenty (20) liters per minute. This standard is incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

AUTHORITY: section 643.050, RSMo Supp. 2000. Original rule filed July 13, 1971, effective July 23, 1971. Amended: Filed Jan. 31, 1972, effective Feb. 10, 1972. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 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 will begin at 9:00 a.m., February 1, 2007. The public hearing will be held at the Lewis and Clark State Office Building, 1101 Riverside Drive, 1st Floor, LaCharrette Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 8, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 4—Air Quality Standards and Air Pollution
Control Regulations for the Springfield-Greene County
Area**

PROPOSED AMENDMENT

10 CSR 10-4.070 Restriction of Emission of Odors. The commission proposes to amend section (2) and subsection (4)(C). If the commission adopts this rule action, it is the department's intention not to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule restricts the emission of excessive odorous matter. This amendment removes the restriction on odor measurement methods requiring the source operator and staff director to agree on the method at the time of measurement. The amendment also replaces the current 5.4:1 dilution ratio specified in the rule for odorous emissions from Class 1A concentrated animal feeding operations with a 7:1 dilution ratio. The evidence supporting the need for the rulemaking is the September 30, 2004 Missouri Air Conservation Committee minutes directing the staff director to use a 7:1 dilution ratio for the Scentometer as the standard.

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.

(2) These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results [i, as agreed to at the time by the source operator and the staff director].

(4) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with [five and four-tenths (5.4)] seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (4)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results [, as agreed to at the time by the source operator and the staff director]; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as $Z_{OL} \geq 110$, as determined using American Society for Testing and Materials Standard [E 679-91 (Reapproved 1997)] E 679-04 (published April 2004) at an olfactometer flow rate of twenty (20) liters per minute. **This standard is incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions;** or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

AUTHORITY: section 643.050, RSMo [Supp.] 2000. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 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 will begin at 9:00 a.m., February 1, 2007. The public hearing will be held at the Lewis and Clark State Office Building, 1101 Riverside Drive, 1st Floor, LaCharrette Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 8, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area**

PROPOSED AMENDMENT

10 CSR 10-5.160 Control of Odors in the Ambient Air. The commission proposes to amend subsection (3)(C). If the commission adopts this rule action, it is the department's intention not to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule restricts the emission of excessive odorous matter. This amendment removes the restriction on odor measurement methods requiring the source operator and staff director to agree on the method at the time of measurement. The amendment also replaces the current 5.4:1 dilution ratio specified in the rule for odorous emissions from Class 1A concentrated animal feeding operations with a 7:1 dilution ratio. The evidence supporting the need for the rulemaking is the September 30, 2004 Missouri Air Conservation Committee minutes directing the staff director to use a 7:1 dilution ratio for the Scentometer as the standard.

(3) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter, beyond the property boundary of the facility or beyond the property boundary of a remote spreading location—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with [five and four-tenths (5.4)] seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (3)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results [, as agreed to at the time by the source operator and the staff director]; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as $Z_{OL} \geq 110$, as determined using American Society for Testing and Materials Standard [E 679-91 (Reapproved 1997)] E 679-04 (published April 2004) at an olfactometer flow rate of twenty (20) liters per minute. **This standard is incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions;** or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 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 will begin at 9:00 a.m., February 1, 2007. The public hearing will be held at the Lewis and Clark State Office Building, 1101 Riverside Drive, 1st Floor, LaCharrette Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 8, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance
Fund Board of Trustees
Chapter 2—Definitions

PROPOSED AMENDMENT

10 CSR 100-2.010 Definitions. The board is amending sections (4)–(20).

PURPOSE: The board is proposing these amendments to reflect and incorporate recent changes made by the Department of Natural Resources to its cleanup standards, to define two (2) terms used in the participation document that describes the insurance coverage provided to fund participants, and to correct typographical errors.

(4) “Annual aggregate” means the dollar amount of all benefits available to a fund participant for the period of time stated on the declarations page of each participation agreement issued by the board, regardless of how many separate occurrences, releases or third party claims may occur during this same period. State law establishes the annual aggregate at two (2) million dollars.

[[4]](5) “Board” means the board of trustees of the Petroleum Storage Tank Insurance Fund, or its employee, designated agent or representative.

[[5]](6) “Bodily injury” means physical injury, sickness, disease or damage to the body sustained by a person, including death resulting from any of these at any time. It does not include any loss or damage of an intangible nature, such as pain and suffering, mental distress or loss of use of any benefit. Nor does it mean personal injury.

[[6]](7) “Claim” means a written demand for money or services, including the service of a lawsuit, which is filed and adjudicated in a manner consistent with Missouri law.

[[7]](8) “Cleanup” consists of all actions necessary to investigate, contain, control, analyze, [treat,] assess, and treat, remediate or [monitor the effects] mitigate the risks of a petroleum release to achieve risk-based standards established by the Department of Natural Resources.

(9) “Deductible” means that portion of a covered loss borne by a fund participant for each occurrence before the participant is entitled to recovery from the fund for that occurrence.

[[8]](10) “Emergency response” means immediate actions taken to contain a release or eliminate a serious hazard.

[[9]](11) “Fund” means the Petroleum Storage Tank Insurance Fund.

[[10]](12) “Fund beneficiary” means any person who takes responsibility for cleanup of property where tanks previously were in use, but were taken out of use prior to December 31, 1997, and who qualifies to receive monies from the Petroleum Storage Tank Insurance Fund under section 319.131.9 or 319.131.10, RSMo.

[[11]](13) “Fund participant” means an owner or operator of a tank who has applied for and been accepted by the board as a person for whom the Petroleum Storage Tank Insurance Fund is serving as the financial responsibility mechanism required by section 319.114, RSMo, or for whom the Petroleum Storage Tank Insurance Fund is providing insurance coverage for releases from aboveground storage tanks[,]; or the owner of land upon which such a tank is located, if such person is named as an additional insured; or any other person named as an additional insured by the board.

[[12]](14) “In use” means the tank contains an accumulation of petroleum which is more than a *de minimus* amount; that is, the tank is not empty.

[[13]](15) “Marine terminal” means a large storage facility which receives product via barge or similar conveyance. It does not mean bulk storage facilities located near lakes or rivers, such as are used by petroleum distributors, and which typically receive product via truck.

(16) “Occurrence” means any sudden or nonsudden accidental release of petroleum from a tank that results in a covered loss.

[[14]](17) “Out of use” means the tank is empty—that is, [is] it does not contain more than a *de minimus* amount of petroleum—and is no longer regularly being [use] used to store petroleum.

[[15]](18) “Personal injury” means injury, other than bodily injury, arising out of one (1) or more of the following offenses:

- (A) False arrest, detention, imprisonment;
- (B) Malicious prosecution;
- (C) Wrongful entry into or eviction of a person from a room, dwelling, premises or property that the person occupies; or
- (D) Invasion of right of private occupancy.

[[16]](19) “Pipeline terminal” means a large storage facility which receives product via pipeline.

[[17]](20) “Property damage” means physical injury to or destruction of tangible property, excluding all resulting loss of use of that property. It does not include loss or damage of an intangible nature. Loss or damage of an intangible nature includes, but is not limited to, loss or interruption of business, pain and suffering, lost income, mental distress, loss of use of any benefit, and punitive damages.

[[18]](21) “Railroad corporation” means all corporations, companies or individuals now owning or operating, or which may hereafter own or operate, any railroad in this state.

[[19]](22) “Site” means real property held under one (1) deed, except that in exceptional circumstances involving very large tracts of land, the board may, at its discretion, recognize separate portions of a large tract as separate tank sites.

[[20]](23) “Tank” means—

- (A) An underground storage tank, as defined in section 319.100, RSMo, which is used to store petroleum; or

(B) An aboveground storage tank, as defined in this rule.

AUTHORITY: section 319.129, RSMo [Supp. 2003] Supp. 2005. Original rule filed April 1, 1999, effective Nov. 30, 1999. Amended: Filed March 31, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 3, 2003, effective May 30, 2004. Amended: Filed Sept. 1, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Executive Director of the Petroleum Storage Tank Insurance Fund, PO Box 836, Jefferson City, MO 65102. Statements may also be sent via facsimile to the Executive Director, PSTIF, 573-522-2354. 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance
Fund Board of Trustees
Chapter 4—Participation Requirements**

PROPOSED AMENDMENT

10 CSR 100-4.010 Participation Requirements for Underground Storage Tanks. The board is amending section (4).

PURPOSE: This amendment adds more specific language to clarify what benefits are provided to owners and operators of underground storage tanks when they choose to participate in the Petroleum Storage Tank Insurance Fund.

(4) Upon determination that an applicant has met the requirements for participation in the fund, the board shall issue a document to the applicant confirming that fact, and specifying the effective date of coverage and other terms and conditions of such coverage as the board may deem appropriate.

(B) The document shall confirm that the fund is providing coverage for risks associated with sudden or non-sudden accidental releases arising from the operation of underground storage tanks, including costs of cleaning up such releases, third-party property damage, and third-party bodily injury, subject to the limits specified in sections 319.129 through 319.131, RSMo. **These benefits are subject to the following limits:**

1. A per occurrence limit of one (1) million dollars;
2. An annual aggregate limit of two (2) million dollars; and
3. A deductible of ten thousand dollars (\$10,000) per occurrence.

(C) The document shall include a cover page which identifies the person or persons being insured by the fund, the name and location of the business or operation where the tanks are located, and the specific tanks which are covered. **A separate participation document shall be issued for each site.**

(D) For the purposes of coverage[,]—as well as cancellation, non-renewal of coverage or termination of coverage discussed elsewhere in this rule[,]—12:01 a.m. shall be the time of day that such actions become effective.

AUTHORITY: sections 319.129, 319.131 and 319.133, RSMo Supp. [2003] 2005. Original rule filed April 1, 1999, effective Nov. 30, 1999. Amended: Filed Nov. 15, 2001, effective May 30, 2002. Amended: Filed Nov. 3, 2003, effective May 30, 2004. Amended: Filed Sept. 1, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Executive Director of the Petroleum Storage Tank Insurance Fund, PO Box 836, Jefferson City, MO 65102. Statements may also be sent via facsimile to the Executive Director, PSTIF, 573-522-2354. 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance
Fund Board of Trustees
Chapter 4—Participation Requirements**

PROPOSED AMENDMENT

10 CSR 100-4.020 Participation Requirements for Aboveground Storage Tanks. The board is amending section (4).

PURPOSE: This amendment adds more specific language to clarify what benefits are provided to owners and operators of aboveground storage tanks when they choose to participate in the Petroleum Storage Tank Insurance Fund.

(4) Upon determination that an applicant has met the requirements for participation in the fund, the board shall issue a document to the applicant confirming that fact, and specifying the effective date of coverage and other terms and conditions of such coverage as the board may deem appropriate.

(B) The document shall confirm that the fund is providing financial protection for risks associated with sudden or non-sudden accidental releases arising from the operation of aboveground storage tanks, including costs of cleaning up such releases, third-party property damage, and third-party bodily injury, subject to the limits specified in sections 319.129 through 319.131, RSMo. **These benefits are subject to the following limits:**

1. A per occurrence limit of one (1) million dollars;
2. An annual aggregate limit of two (2) million dollars; and
3. A deductible of ten thousand dollars (\$10,000) per occurrence.

(C) The document shall include a cover page which identifies the person or persons being insured by the fund, the name and location of the business or operation where the tanks are located, and the specific tanks which are covered. **A separate participation document shall be issued for each site.**

AUTHORITY: sections 319.129, 319.131 and 319.133, RSMo Supp. [2003] 2005. Original rule filed April 1, 1999, effective Nov. 30, 1999. Amended: Filed Nov. 15, 2001, effective May 30, 2002. Amended: Filed Nov. 3, 2003, effective May 30, 2004. Amended: Filed Sept. 1, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Executive Director of the Petroleum Storage Tank Insurance Fund, PO Box 836, Jefferson City, MO 65102. Statements may also be sent via facsimile to the Executive Director, PSTIF, 573-522-2354. 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance
Fund Board of Trustees
Chapter 5—Claims

PROPOSED AMENDMENT

10 CSR 100-5.010 Claims for Cleanup Costs. The board is amending sections (8)–(10) and (12).

PURPOSE: This amendment changes the board's rules to reflect and incorporate recent changes made by the Department of Natural Resources to its cleanup standards.

(8) Fund participants and beneficiaries **who desire payments from the fund** are required to seek preapproval of cleanup costs by following the procedures outlined below:

(A) **Tank Removals**—Prior to removal of a petroleum storage tank, or other activity involving excavation of contaminated soil, a fund participant or beneficiary must—

1. Obtain an adequate number of bids or proposals from qualified contractors or consultants to demonstrate that a fair and reasonable price will be paid. The bids or cost estimates must include all tasks and services which may be necessary;

2. Submit the bid(s) or proposal(s) to the board, including:

A. A cost estimate for excavation and hauling of contaminated soil, expressed as a unit cost (e.g., per ton or per cubic yard);

B. A cost estimate for disposal or treatment of contaminated soil;

C. A cost estimate for backfill, expressed as a unit cost;

D. A cost estimate for removal, treatment and/or disposal of contaminated water which may be encountered during the excavation;

E. A cost estimate for project management, supervision and reporting;

F. A cost estimate for collection and/or analysis of soil and water samples;

G. A contingency cost estimate, expressed as unit costs, for any additional costs which may be incurred if field conditions warrant or necessitate more work than anticipated; and

H. A cost estimate for any other anticipated cleanup costs;

(B) **Site Characterizations**—Prior to conducting a site characterization which is required in response to a release, a fund participant or beneficiary must—

1. Obtain an adequate number of bids or proposals from qualified contractors or consultants to demonstrate that a fair and reasonable price will be paid. The bids or cost estimates must include all tasks and services which may be necessary[;], **including collection and documentation of historical and site-specific data which are necessary for risk assessment**; and

2. Submit the bid(s) or proposal(s) to the board, including:

A. A cost estimate for field activities;

B. A cost estimate for laboratory analysis of soil and/or water samples, as appropriate;

C. A cost estimate for project management, oversight, data analysis, reporting, and similar activities, as appropriate;

D. A contingency cost estimate, expressed in unit costs, for additional costs which may be incurred if field data indicates the need for expanded field investigation; and

E. A cost estimate for any other anticipated costs associated with the site characterization;

(C) **Risk Assessments**—

1. **Prior to preparing a risk assessment, a fund participant or beneficiary must submit a cost proposal to the board which—**

A. **Must include an estimate of all consulting time and other costs which may be incurred to conduct the risk assessment and prepare a risk assessment report;**

B. **May include costs for both a Tier 1 and a Tier 2 assessment; and**

C. **May include costs for preparation of a corrective action plan;**

2. **If a Tier 3 risk assessment is desired or required, the fund participant or beneficiary must submit a cost proposal to the board in advance, which must include all work necessary to complete the Tier 3 risk assessment report; and**

3. **The board may require a fund participant or beneficiary to prepare a Tier 2 or Tier 3 risk assessment before agreeing to pay for preparation or implementation of a corrective action plan;**

[(C)](D) **[Prior to conducting corrective action required in response to a release, a fund participant or beneficiary must—]Corrective Action Plans—**

1. **[Obtain an adequate number of bids or proposals from qualified contractors or consultants to demonstrate that a fair and reasonable price will be paid; and] Prior to conducting corrective action in response to a release, a fund participant or beneficiary must—**

[2. Submit the bid(s) or proposal(s) to the board;]

A. **Compare costs of an adequate number of alternatives for achieving the risk-based cleanup standards, and shall identify the most cost-efficient means to address identified risks. This may include:**

(I) **Treatment, reduction of concentrations or remediation of chemicals of concern;**

(II) **Mitigating or eliminating pathways of concern;**

(III) **Eliminating or preventing receptors; or**

(IV) **Any combination thereof.**

[(D)]2. **When corrective action includes the purchase and installation of equipment designed to clean up petroleum contamination, the fund participant or beneficiary is required to solicit competitive bids for such equipment and provide such bids to the board;**

(9) The fund will recognize eligible, reasonable and necessary costs incurred for the following activities:

(A) **Costs incurred to characterize the extent of and assess the risks presented by petroleum contamination which results from a release from a petroleum storage tank; and**

(10) **Costs not associated with cleanup of a release from a petroleum storage tank are not eligible. [Such costs] Ineligible costs include, but are not limited to:**

(F) **Markup of costs charged by a treatment or disposal facility which is used for disposition of contaminated soil or water;**

(H) **Markup by the environmental consultant or contractor of major subcontracted work [done as part of a site characterization], or material and equipment furnished by subcontractors, such as drilling, well installation or pushprobe investigation, purchase of backfill, purchase of remediation equipment, etc.;**

(12) When a fund participant or beneficiary incurs costs for cleanup of petroleum contamination, he or she shall comply with the procedures set forth below to request payment from the fund:

(A) Persons requesting payment from the fund must send invoices for the work done, along with a copy of any reports generated by consultants, contractors or laboratories as part of the work, to the address specified by the board.

1. To the extent possible, invoices shall resemble the format of the cost proposal(s) and shall itemize the same tasks, services, personnel, equipment, etc., as presented in the cost proposal(s).

[1.]2. Such invoices must be submitted within two (2) years of the date that a letter is issued by the Department of Natural Resources to the fund participant or beneficiary, stating that no additional corrective action is required. Failure to submit invoices within that time frame shall waive the fund participant's or beneficiary's rights, and those of their successors and assigns, to any benefits which would have otherwise been paid by the Petroleum Storage Tank Insurance Fund for such costs.

[2.]3. Original invoices are requested; if photocopies are submitted, they must be accompanied by a signed statement certifying that the copies are true and accurate;

AUTHORITY: sections 319.129, 319.131 and 319.132, RSMo Supp. [2001] 2005. Original rule filed April 1, 1999, effective Nov. 30, 1999. Amended: Filed March 31, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 15, 2001, effective May 30, 2002. Amended: Filed Sept. 1, 2006.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Executive Director of the Petroleum Storage Tank Insurance Fund, PO Box 836, Jefferson City, MO 65102. Statements may also be sent via facsimile to the Executive Director, PSTIF, 573-522-2354. 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.050 New Installations. The division is amending section (1).

PURPOSE: This amendment reflects the adoption of a more recent edition of the ASME standards by the Elevator Safety Board.

(1) Minimum Standards. All new elevator equipment [installed on or after the effective date of these rules and regulations] shall be constructed and installed in conformity with the standards prescribed in the American Society of Mechanical Engineers, ASME A17.1, [1996] 2004 edition with ASME A17.1a Addenda and ASME A17.1s 2005 supplement with amendments adopted by the board, Safety Code for Elevators and Escalators, A18.1 [1999] 2005 edition, Safety Standards for Platform Lifts and Stairway Chair Lifts, ASME A17.2.1 1996 edition, Inspector's Manual for Electric Elevators, ASME A17.2.2 1997 edition, Inspector's Manual for Hydraulic Elevators, ASME A17.2.3 1998 edi-

tion, Inspector's Manual for Escalators and Moving Walks,] **A17.2 2004 edition Guide for Inspection of Elevators, Escalators, and Moving Walks, American National Institute Safety Code for Manlifts ANSI A90.1, [1998] 2003 edition, American National Standard Institute Safety Code for Personnel Hoist ANSI A10.4, [1990] 2004 edition, unless as exempted by section 701.359, RSMo.**

AUTHORITY: section 701.355, RSMo 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000, effective Feb. 28, 2001. Amended: Filed Dec. 16, 2002, effective June 30, 2003, Amended: Filed Dec. 4, 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 Division of Fire Safety, PO Box 844, 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.065 Missouri Minimum Safety Code for Existing Elevator Equipment. The Division of Fire Safety is amending subsection (1)(G).

PURPOSE: This amendment reflects the adoption of a more recent edition of the ASME standards by the Elevator Safety Board.

(1) In a political subdivision or municipality that had adopted an edition of ASME A17.1 code, annual safety inspection and tests shall be performed to the code adopted and enforced at the time the elevator equipment was installed. The following standards apply to all existing elevator equipment installed prior to July 1, 1999 as provided in 11 CSR 40-5.060. Any installation which is in compliance with the latest ASME A17.1 version adopted and amended by the Elevator Safety Board, unless as exempted by 701.359, RSMo shall be considered to be in compliance with 11 CSR 40-5.065.

(G) Maintenance, Repair, and Alterations.

1. All maintenance, **repair and replacement** shall comply with ASME A17.1, [1996 edition,] section [1200] **8.6 2004 edition with 2005 Addenda and 2005s supplement.**

2. All [repairs and] alterations shall comply with ASME A17.1, [1996 edition,] section[1200] **8.7 2004 edition with ASME A17.1A 2005 Addenda and ASME A17.1S 2005 supplement.**

3. All maintenance, repair and alterations to platform lifts and stairway chair lifts [must] shall comply with ASME A18.1 [1999] 2005 edition, Safety Standard for Platform Lifts and Stairway Chair Lifts.

AUTHORITY: section 701.355, RSMo 2000. Original rule filed Aug 26, 1998, effective July 1, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 4, 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 cost private entities \$5,474,000 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	11CSR40-5.065
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
146 single bottom jacks	Building owners that have elevators	\$5,110,000.00
104 escalators	Building owners w/escalators	\$364,000.00

III. WORKSHEET

See attached

IV. ASSUMPTIONS

See attached

III. Worksheet

This proposed amendment only applies to escalators and hydraulic elevators. The Department's database currently contains approximately 9450 hydraulic elevators and 695 escalators. Based upon information provided by elevator companies it is estimated that approximately (146) elevators and (104) escalators will be affected by the proposed amendment.

Since the mid 1970's elevator manufacturers discontinued manufacturing hydraulic elevators with single bottom jacks due to revised national code standards which require double bottom jacks. Code revisions were the result of the need to provide increased safety measures. Since the mid 1970's elevator companies have and continue to upgrade hydraulic single bottom jack elevators. Many times these upgrades are the result of a failure of the single bottom jack.

Skirt indexing upgrades on escalators have been and are being conducted by elevator companies due to national code revisions in 2000.

The average cost to replace a single bottom jack is \$35,000 and skirt indexing upgrade is estimated to cost \$3,500.

Single bottom jack replacement – (146 units x \$35,000 = \$5,110,000)

Skirt indexing upgrade – (104 units x \$3,500 = \$364,000)

The following options are available to an owner if replacement of the single bottom jack is not chosen. However, if one of these options is selected and the single bottom jack fails at a later date, the jack would then have to be replaced with a double bottom jack creating additional costs to the owner.

- install elevator car safeties (average cost per unit \$7,000)
146 x \$7,000 = \$1,022,000
- install plunger grippers (average cost per unit \$7,000)
146 x \$7,000 = \$1,022,000

IV. Assumptions

For several years elevator companies have been proactive in addressing single bottom jack replacement on hydraulic elevators and skirt indexing upgrades on escalators. To reduce liability exposure, elevator companies who provide maintenance contracts to owners with hydraulic elevators have been and are electing not to renew such contracts unless the owner upgrades to a double bottom jack.

Due to the age of single bottom jacks still in existence, their life expectancy is running short on time. Failure of the jack not only creates a safety risk to a rider(s) but creates an underground environmental hazard due to leakage of hydraulic oil. Financial issues in either situation become more costly to the owner, especially relating to clean up requirements per EPA.

An owner impacted by the proposed amendment will have an option to request a time extension variance from the Elevator Safety Board. On a case by case basis the Board will review information provided by the owner relating to possible financial issues and time frame needed to comply.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.070 Accessibility to the Disabled. The division is amending section (1).

PURPOSE: This amendment reflects the adoption of a more recent edition of the ASME standards by the Elevator Safety Board.

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) New Installations of Accessible Passenger Elevators and Wheelchair Lifts. *[New installations of accessible passenger elevators and wheelchair lifts shall be installed to meet the requirements of]* **In addition to the standards imposed, the board hereby adopts and incorporates herein the American National Standards Institute Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Disabled People, ANSI A117.1 [1998 edition] 2003 edition, Sections [4.10.1 through 4.10.14 and 4.11 latest version] 407, 408, and 410, American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016 adopted [and amended] by the Elevator Safety Board. This rule does not include any later amendments or additions.**

AUTHORITY: section 701.355, RSMo 2000. Original rule filed Aug 26, 1998, effective July 1, 1999. Amended: Filed Dec. 16, 2002, effective June 30, 2003, Amended: Filed Dec. 4, 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 the proposed amendment with the Division of Fire Safety, PO Box 844, 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.080 Alterations. This division is amending section (1).

PURPOSE: This amendment specifically identifies those alterations that require a plan review and acceptance inspection of existing elevators and reflects the adoption of a more recent edition of the ASME

standard by the Elevator Safety Board. This amendment eliminates a number of items that were previously considered to be an alteration.

(1) Minimum Standards. When any alterations are made, all elevator equipment, as a minimum, shall conform to the requirements of *[(Part XIII)]* section 8.7 of the ASME A17.1 **2004 edition with 17.1 2005 addendum and 2005 supplement [of the latest version adopted and]** as amended by the Elevator Safety Board.

(A) Alterations listed below require an alteration permit to be obtained and submission of plans or scope of work for review by the division. The plan review fee is one hundred fifty dollars (\$150) plus twenty-five dollars (\$25) per each floor opening including the bottom floor plus twenty-five dollars (\$25) for the alteration permit fee. An acceptance inspection shall be conducted after completion of the alteration.

<i>Item</i>	<i>Electric</i>	<i>Hydraulic</i>	<i>MW & Esc.</i>
**Alternating current, change to direct current	8.7.2.27.3	8.7.3.31.4	
*Car, increase/decrease in dead weight of	8.7.2.15.2	8.7.3.21	
**Controller	8.7.2.27.4	8.7.3.31.5	
**Direct current, change to alternating current	8.7.2.27.3	8.7.3.31.4	
**Driving machine	8.7.2.25.1	8.7.3.23.1	
*Driving machine, change in location	8.7.2.25.2	8.7.3.23.6	
**Electrically operated control valve		8.7.3.24	
**Freight elevator change to passenger service	8.7.2.16.3	8.7.3.17	
*Increase in rated load	8.7.2.16.4	8.7.3.20	
**Increase in rated speed	8.7.2.17.1	8.7.3.22.2&3	
*Increase in travel	8.7.2.17.1	8.7.3.22.1	
*Operation, change in type of	8.7.2.16.1	8.7.3.17	
**Pressure, working change in		8.7.3.23.4	
*Addition of elevator to existing hoistway	8.7.2.1.2	8.7.2.1.2	
**Car decrease or increase in dead weight of	8.7.2.15.2	8.7.3.21	
*Decrease in travel	8.7.2.17.1	8.7.3.22.1	
*Freight elevator permitted to carry passengers	8.7.2.16.3	8.7.3.19	
*Location of driving machine, change in	8.7.2.25.2	8.7.3.23.4	
*Location of hydraulic jack, change in		8.7.3.23.5	
*Location of hydraulic machine, change in		8.7.3.23.6	
*Relocation of moving walk			8.7.6.2.2
*Relocation of escalator			8.7.6.2.1
*Top of car operating device	8.7.2.27.1	8.7.3.31.1	
* Plans submitted with permit			
** Scope of work submitted with permit			

(B) Alterations listed below only require an alteration permit to be obtained and an acceptance inspection conducted. Alteration permit fee is twenty-five dollars (\$25).

<i>Item</i>	<i>Electric</i>	<i>Hydraulic</i>
*Buffer	8.7.2.23	8.7.3.27
*Car safeties	8.7.2.18	8.7.3.15
**Check valve		8.7.3.24
**Control valve		8.7.3.24
*Counterweight safeties	8.7.2.18	8.7.3.15
*Hydraulic Jack		8.7.3.23
**Door, power operation of	8.7.2.12	8.7.3.10
**Emergency operation (not signaling devices)	8.7.2.28	8.7.3.31.8
**Final terminal stopping device	8.7.2.26	none
**Firefighters service	8.7.2.28	8.7.3.31.8
*Governor	8.7.2.19	8.7.3.16
**Governor rope (not if same type, size and material)	8.7.2.19	8.7.2.16
**Guide rail	8.7.2.24	8.7.3.28
**Hoist-way door, power operation of	8.7.2.12	8.7.3.12
**Normal terminal stopping device	8.7.2.26	8.7.3.30
**Piping supply		8.7.3.24
*Piston		8.7.3.23.2
**Rope, suspension (not if same type, size & material)	8.7.2.21.1	8.7.3.25.1
**Plunger Gripper		8.7.3.23.7
*Operating device	8.7.2.27	8.7.3.31
*Overlay	8.7.2.27.6	8.7.3.31.5
**Sleeving		8.7.3.23.3
*Spring Buffer	8.7.2.27	8.7.3.27
**Wire rope	8.7.2.21	8.7.3.25
**Valve		8.7.3.24
**Brake	8.7.2.25.1	
**Capacity	8.7.2.16	

* Plans submitted with permit
** Scope submitted with permit

(C) All other alterations are required to conform to A17.1-2004 with 2005 Addendum and 2005 Supplement section 8.7.

AUTHORITY: section 701.355, RSMo 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Dec. 16, 2002, effective June 30, 2003. Amended: Filed Dec. 4, 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 the proposed amendment with the Division of Fire Safety, PO Box 844, 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.090 Inspection and Testing. The division is amending section (1).

PURPOSE: The purpose of this amendment is to provide clarification of requirements for periodic inspections and tests of elevators.

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) Minimum Standard. All inspections and testing required by Missouri Statute 701.350–701.380 and these rules and regulations shall be made in accordance with the standards established by these rules and regulations and the American Society of Mechanical Engineers Manuals for Elevators and Escalators, ASME A17.1 **April 30, 2004, with A17-1a April 29, 2005 Addenda and 17.1s March 23, 2005 supplement, 17.2 March 20, 2005, and [A17.2.1, A17.2.2,] A18.1 November 29, 2005, American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016, [and A17.2.3, latest version] adopted [and amended] by the Elevator Safety Board excluding [routine] periodic inspection requirements of [part 10] Table N-1, six (6)-month interval in ASME A17.1 [pertaining to the six (6) month routine inspection only]. The requirements of the six (6)-month periodic inspection is to be performed with the twelve (12)-month periodic inspection. The foregoing standards are incorporated by reference in this rule. **This rule does not include any later amendments or additions.****

AUTHORITY: section 701.355, RSMo 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000, effective Feb. 28, 2001. Amended: Filed June 14, 2004, effective Dec. 30, 2004. Amended: Filed Dec. 4, 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 the proposed amendment with the Division of Fire Safety, PO Box 844, 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.110 Fees and Penalties. The division is amending subsection (1)(E).

PURPOSE: This amendment increases the state operating permit fee to twenty-five dollars (\$25) as authorized by 701.377, RSMo allowing the elevator safety program to remain self-funding without the use of general fund monies. No fee increase has occurred since the program's inception.

(1) New Construction.

(E) State Operating Certificate Fee. The annual state operating certificate fee of [twenty dollars(\$20)] **twenty-five dollars (\$25)** shall be paid directly to the department for each unit of elevator equipment installed within the state regardless of geographic location of the elevator. If fees are not paid to the department within the required amount of time, revocation of operation may be enforced, per 11 CSR 40-5.100.

AUTHORITY: section 701.355, RSMo 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Feb. 20, 2003, effective Aug. 30, 2003. Amended: Filed April 27, 2005, effective Nov. 30, 2005. Amended: Filed Dec. 4, 2006.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions five hundred sixty-five dollars (\$565) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities eighty-three thousand two hundred fifty dollars (\$83,250) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	11CSR40-5.110 Fees and Penalties
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
State of Missouri	\$565.00
City and County Government Entities	Unable to determine

III. WORKSHEET

The Department has currently identified 18,500 elevator related equipment located in Missouri. Approximately six tenths (6/10) of one (1) percent will be required to comply with the proposed rule amendment. The cost per unit is five (\$5.00) dollars. According to data supplied to the Department from the Office of Administration one hundred thirteen (113) elevator related equipment is owned by the State of Missouri.

$$113 \times \$5.00 = \$565.00$$

There is no way to determine how many elevator related equipment is owned by City & County Government entities.

IV. ASSUMPTIONS

Based upon data recieved from the Office of Administration the Division believes 113 elevator relateed equipment owned by the State of Missouri will be required to comply with the proposed amendment.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	11CSR40-5.110 Fees and Penalties
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
16650	Building owners that have elevators	\$83,250.00

II. WORKSHEET

The Department has identified 18,500 elevator related equipment located within Missouri. Approximately 90% (16,650) of these elevator related equipment shall be required to comply with the proposed amendment. The cost per unit is five (\$5.00) dollars.

$$16,650 \times \$5.00 = \$83,250.00$$

IV. ASSUMPTIONS

Based upon information in our data base the Department has identified 18,500 elevator related equipment in Missouri. Approximately 90% (16,650) of these elevator related equipment will be required to comply with this proposed amendment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

PROPOSED AMENDMENT

11 CSR 45-13.055 Emergency Order Suspending License Privileges—Expedited Hearing. The commission is adding subsection (1)(G).

PURPOSE: This amendment to 11 CSR 45-13.055 establishes a procedure for immediately suspending the privileges to serve liquor under a license where the public health, safety or welfare is endangered and preservation of the public interest requires such suspension of privileges.

(1) Upon a finding that sufficient facts exist to show that a licensee has violated a provision of section 313.004 to 313.090, RSMo, or sections 313.800 to 313.850, RSMo or any rule promulgated by the commission under 11 CSR 30, et seq. or 11 CSR 45, et seq. as may be amended from time-to-time and that such facts constitute an immediate threat to the public health, safety or welfare, the director may issue an emergency order immediately suspending the privileges under the license that allow the licensee to—

- (F) Sell or manufacture bingo supplies[.]; or
- (G) Serve, offer for sale, sell or supply intoxicating liquor.

AUTHORITY: sections 313.004, 313.052, 313.560 and 313.805, RSMo [1994] 2000 and 313.800, RSMo Supp. 2005. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Feb. 24, 2000. Original rule filed Dec. 17, 1999, effective July 30, 2000. Emergency amendment filed Nov. 30, 2006, effective Dec. 10, 2006, expires June 7, 2007. Amended: Filed Nov. 30, 2006.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10:00 a.m. on February 8, 2007, at the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**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 6—Fees**

PROPOSED AMENDMENT

20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees. The board is proposing to amend subsections (1)(J) and (1)(M).

PURPOSE: The State Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects is statutorily

obligated to enforce and administer the provisions of section 327.041, RSMo. Fees are set 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 327, RSMo.

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects:

(J) 327.391 or 327.392 Application Filing Fee	\$200
(M) Individual Renewal Fee	\$100

1. For the renewal period between January 1, 2007 and December 31, 2008 **\$ 30**

2. For the renewal period between January 1, 2008 and December 31, 2009 **\$ 30**

AUTHORITY: section 327.041, RSMo Supp. 2005. This rule originally filed as 4 CSR 30-6.015. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For interviewing history, please consult the *Code of State Regulations*. Amended: Filed Oct. 16, 2006.

PUBLIC COST: This proposed amendment will reduce the State Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Fund approximately \$1,509,340 during FY08 and FY09. It is anticipated that the costs will occur during FY08 and FY09, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will have a cost savings to private entities approximately \$1,509,340 during FY08 and FY09. It is anticipated that the cost savings will occur during FY08 and FY09, may vary with inflation and are 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 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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2030 - State Board of Architects, Professional Engineers,
Professional Land Surveyors and Landscape Architects
Chapter 6 - Fees**

Proposed Amendment - 20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and Miscellaneous 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 cost savings with compliance of the amendment by affected entities:
21,562	Licensees (Individual Renewal Fee - Cost Savings of \$70.00)	\$1,509,340
	Estimated Cost Savings During FY08 and FY09	\$1,509,340

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Based on FY06 the board estimates that approximately 21,562 licensees will be effected by the proposed amendment.
2. It is anticipated that the total savings will recur during FY08 and FY09, 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 2115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2115-2.010 Application for Licensure/Grandfather Clause/Reciprocity. The board is proposing to amend sections (1) and (5).

PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 Code of State Regulations the chapters were re-numbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.

(1) Applications for licensure shall be submitted on the forms provided by the committee and may be obtained by writing the committee at 3605 Missouri Boulevard, P/.JO/.] Box 1335, Jefferson City, MO 65102, by calling (573) 522-3438 or by electronic mail (*[E-mail]* email) at *[diet@mail.state.mo.us.] diet@pr.mo.gov*. The TDD number is (800) 735-2966.

(5) In order to file an application for licensure under section 324.210.4, RSMo, the grandfather clause, communication, such as a letter of intention, to apply for licensure pursuant to that provision shall have been postmarked no later than July 1, 2000. To complete the application process for licensure pursuant to section 324.210.4, RSMo, the information outlined in *[4 CSR 115-2.020(2)] 20 CSR 2115-2.020* (grandfather clause) shall be submitted to the state committee within one (1) year of the effective date of this rule following the receipt of the letter of intent postmarked by July 1, 2000.

AUTHORITY: sections 324.210.4, 324.212, and 324.215, RSMo Supp. 2005 and 324.228, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 115-2.010. Original rule filed March 15, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2115-2.010, effective Aug. 28, 2006. Amended: Filed Nov. 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 Missouri State Committee of Dietitians, Kristi Klamet, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489 or via email at *diet@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 2115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2115-2.050 Duplicate License. The board is proposing to amend section (2).

PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Effective September 30, 2006 the chapters of the rules were re-numbered in the Code of State Regulations to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.

(2) Requests for duplicate licenses must be in writing and accompanied by the appropriate fee. If a duplicate license reflecting a name change is desired, the current license, required fee and verification of name change pursuant to *[4 CSR 115-1.030]* **20 CSR 2115-1.030** shall be submitted to the committee office.

AUTHORITY: sections 324.212.3, RSMo Supp. 2005 and 324.228, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 115-2.050. Original rule filed March 15, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2115-2.050, effective Aug. 28, 2006. Amended: Filed Nov. 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 Missouri State Committee of Dietitians, Kristi Klamet, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489 or via email at *diet@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 2210—State Board of Optometry
Chapter 1—Organization and Description of Board**

PROPOSED AMENDMENT

20 CSR 2210-1.010 General Organization. The board is amending sections (1), (2), (4), (5), (7) and (8) and deleting the annotations that immediately follow this rule in the Code of State Regulations.

PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 Code of State Regulations the chapters were re-numbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.

(1) Whenever used in *[4 CSR 210]* **20 CSR 2210**, the word board means the State Board of Optometry.

(2) The State Board of Optometry is a unit of the Division of Professional Registration/, Department of Economic Development/ in the Department of Insurance, Financial Institutions and Professional Registration.

(4) The board consists of five (5) licensed doctors of optometry and one (1) public member. The governor appoints the members of the board, with the advice and consent of the senate, from nominees submitted by the director of the [Department of Economic Development] **Division of Professional Registration**. The terms of the licensed doctors are five (5) years and the term of the public member is four (4) years.

(5) The board is authorized by section 336.160, RSMo [(1986)] to adopt rules for the application and enforcement of Chapter 336, RSMo.

(7) The board [shall have at least two (2) regularly scheduled meetings each year] is required to meet at least once in every six (6) months and such other meetings as determined by the board. The time and location for each meeting may be obtained by contacting the board's executive director[,] at P[.JO[.] Box 672, Jefferson City, MO 65102-0672.

(8) Unless otherwise provided by statute or regulation, regular and special meetings of the board shall be governed by *Robert's Rules of Order (Newly Revised 10th Edition)*.

AUTHORITY: sections 336.130.4 and 336.140, RSMo 2000 and 536.023.3, RSMo [1994] Supp. 2005. This rule originally filed as 4 CSR 210-1.010. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Sept. 13, 1995, effective March 30, 1996. Moved to 20 CSR 2210-1.010, effective Aug. 28, 2006. Amended: Filed Nov. 29, 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 Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-8216 or by email at optometry@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 2210—State Board of Optometry
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2210-2.011 Licensure by Reciprocity. The board is adding new language in subsections (1)(E) and (1)(F) and renumbering the remaining subsection.

PURPOSE: The amendment will allow the board to conduct background checks.

(1) The board may issue a license to practice optometry by reciprocity and without examination to an individual licensed in another state which the board determines has licensing standards substantially equivalent to the standards in Missouri. The applicant shall provide the following documentation to the board:

(E) Certification from each state in which s/he is currently licensed verifying that the applicant is in good standing and has never had his/her license to practice in that state disciplined in any manner and that the applicant is not the subject of any pending complaints; [and]

(F) **Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor; and**

[(F)](G) Such additional information as the board may request to determine eligibility for licensure by reciprocity.

AUTHORITY: sections 336.090 and 336.160.1, RSMo 2000. This rule originally filed as 4 CSR 210-2.011. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 29, 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 cost private entities approximately one hundred fifty-three dollars (\$153) annually for the life of the rule with a continuous annual increase of fifty dollars and ninety-five cents (\$50.95). It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are 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 State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8216 or via email at optometry@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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2210 - State Board of Optometry
Chapter 2 - General Rules
Proposed Amendment - 20 CSR 2210-2.011 Licensure by Reciprocity
 Prepared September 26, 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 of compliance with the amendment by affected entities:
3	Applicants (fingerprinting fees - \$50.95)	\$153
Estimated Annual Cost of Compliance for the Life of the Rule		\$153 with a continuous annual increase of \$50.95

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Based on FY05 actuals, the board anticipates 3 applicants will be required to pay \$50.95 to the Identix system to have their fingerprints electronically processed. The board anticipates all applicants will use the electronic processing option. However, should an applicant choose to submit paper fingerprinting directly to the board for processing with the Missouri State Highway Patrol, applicants will be required to submit \$38.00 for such processing.
2. The board anticipates a 1% increase in the number of applicants affected by this amendment annually.
3. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol will receive the estimated \$153 annually with a continuous annual increase of \$50.95 for the life of the rule.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2210—State Board of Optometry
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2210-2.020 Licensure by Examination. The board is proposing to amend sections (3) and (5).

PURPOSE: The amendment will allow the board to conduct background checks. Additionally, pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 Code of State Regulations the chapters were re-numbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.

(3) All applicants must pay the application and licensing fees and submit proof of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.

(5) In addition to the above requirements, all applicants for a certificate of registration must be certified by the board as qualified to use diagnostic pharmaceutical agents and therapeutic pharmaceutical agents in accordance with the guidelines stated in [4 CSR 210-2.080 and 4 CSR 210-2.081] **20 CSR 2210-2.080**.

AUTHORITY: sections 336.050, 336.160.1, and 336.220.1, RSMo 2000. This rule originally filed as 4 CSR 210-2.020. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For interviewing history, please consult the Code of State Regulations. Amended: Filed Nov. 29, 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 cost private entities approximately three thousand six hundred sixty-eight dollars (\$3,668) annually for the life of the rule with a continuous annual increase of fifty dollars and ninety-five cents (\$50.95). It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are 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 State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8216 or via email at optometry@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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

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

Division 2210 - State Board of Optometry

Chapter 2 - General Rules

Proposed Amendment - 20 CSR 2210-2.020 Licensure by Examination

Prepared September 26, 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 of compliance with the amendment by affected entities:
72	Applicants (fingerprinting fees - \$50.95)	\$3,668
Estimated Annual Cost of Compliance for the Life of the Rule		\$3,668 with a continuous annual increase of \$50.95

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Based on FY05 actuals, the board anticipates 3 applicants will be required to pay \$50.95 to the Identix system to have their fingerprints electronically processed. The board anticipates all applicants will use the electronic processing option. However, should an applicant choose to submit paper fingerprinting directly to the board for processing with the Missouri State Highway Patrol, applicants will be required to submit \$38.00 for such processing.
2. The board anticipates a 1% increase in the number of applicants affected by this amendment annually.
3. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol will receive the estimated \$3,668 annually with a continuous annual increase of \$50.95 for the life of the rule.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2210—State Board of Optometry
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2210-2.070 Fees. The board is proposing to add subsection (1)(O).

PURPOSE: This amendment allows the board to conduct background checks.

(1) The following fees are established by the State Board of Optometry:

(O) Fingerprinting Fee (amount determined by the Missouri State Highway Patrol)

AUTHORITY: sections 336.140 and 336.160, RSMo 2000. This rule originally filed as 4 CSR 210-2.070. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For interviewing history, please consult the *Code of State Regulations*. Amended: Filed Nov. 29, 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 Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8216 or via email at optometry@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 2245—Real Estate Appraisers
Chapter 1—Organization and Description of Commission**

PROPOSED AMENDMENT

20 CSR 2245-1.010 General Organization. The commission is proposing to amend sections (1), (2) and (5) and add section (7).

PURPOSE: Pursuant to Executive Order 06-04 the title of the department is being amended. This amendment also corrects the commission's address and phone number and adds section (7) which was previously included in 20 CSR 2245-5.020.

(1) The Missouri Real Estate Appraisers Commission, an agency of the Division of Professional Registration of the Department of [Economic Development, created by section 339.507, RSMo] Insurance, Financial Institutions and Professional Registration, is responsible for the examination, licensing and regulation of persons who engage in real estate appraisal business as set out in sections 339.500–339.547, RSMo.

(2) The commission consists of seven (7) members who, except one (1) voting public member, [must] shall have had at least five (5) years of experience as a real estate appraiser. The members are appointed by the governor with the advice and consent of the senate. Each member is appointed to a term of three (3) years and one (1) of the members acts as chairman as appointed by the governor.

(5) Requests for general information, applications for examination and for certificates or licenses, complaint forms or copies of regulations may be directed to the Missouri Real Estate Appraisers Commission, P./O./ Box [202] 1335, Jefferson City, MO 65102, telephone [(314)] (573) 751-0038.

(7) The commission shall transmit to the Appraisal Subcommittee, at least monthly, a roster listing individuals who have received a state certificate or license and are eligible to perform appraisals in federally-related transactions. The commission shall transmit to the Federal Financial Institutions Examination Council (FFIEC) a monthly registry fee as determined by the Appraisal Subcommittee for those individuals who are listed on the roster provided to the Appraisal Subcommittee. The registry fee is included in the fees in section 20 CSR 2245-5.020(2).

AUTHORITY: sections 339.507 and 339.509, RSMo [Supp. 1990] 2000. This rule originally filed as 4 CSR 245-1.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-1.010, effective Aug. 28, 2006. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Blvd., PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 1—Organization and Description of Commission**

PROPOSED RESCISSION

20 CSR 2245-1.020 Commission Compensation. This rule fixed the compensation for the members of the Missouri Real Estate Appraisers Commission in compliance with the mandates of section 339.507, RSMo.

PURPOSE: This rule is being rescinded because board member compensation and reimbursement is established by statute, therefore, rule language is not necessary.

AUTHORITY: sections 339.507 and 339.509, RSMo Supp. 1990. This rule originally filed as 4 CSR 245-1.020. Emergency rule filed

Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Moved to 20 CSR 2245-1.020, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2245-2.020 Commission Action. The commission is proposing to add new language in section (4).

PURPOSE: The proposed amendment allows the commission to investigate anonymous complaints.

(4) The commission may investigate anonymous complaints that state specific information sufficient to identify the appraisal at issue.

AUTHORITY: section 339.509, RSMo [Cum. Supp. 1990] 2000. This rule originally filed as 4 CSR 245-2.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Sept. 2, 1993, effective April 9, 1994. Moved to 20 CSR 2245-2.020, effective Aug. 28, 2006. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 2—General Rules**

PROPOSED RESCISSION

20 CSR 2245-2.040 Appraiser's Seal. This rule required the use of a seal.

PURPOSE: With the advancement of technology (digital signature, etc.) requiring the use of seal is burdensome on licensed and certified appraisers, therefore, the rule is being rescinded.

AUTHORITY: section 339.509, RSMo Supp. 1990. This rule originally filed as 4 CSR 245-2.040. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed July 21, 1992, effective April 8, 1993. Moved to 20 CSR 2245-2.040, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2245-2.050 Appraiser's Assignment Log. The commission is proposing to amend section (1).

PURPOSE: The proposed amendment clarifies what must be contained in appraiser's assignment log.

(1) Every licensee shall maintain a summarized listing of the real estate appraisal assignments which the licensee is required to retain under section 339.537, RSMo. This summarized listing shall include, at a minimum, the following information:

- (A) Date [of] the appraisal **report is signed**;
- (B) Location [/identification] **or address** of the property appraised;
- (E) Property type; [and]
- (F) Appraised value[.]; **and**
- (G) **Type of form used, if any.**

AUTHORITY: section 339.509, RSMo [1994] 2000. This rule originally filed as 4 CSR 245-2.050. Original rule filed Sept. 12, 1996,

effective March 30, 1997. Moved to 20 CSR 2245-2.050, effective Aug. 28, 2006. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 3—Applications for Certification and Licensure**

PROPOSED RULE

20 CSR 2245-3.005 Trainee Real Estate Appraiser Registration

PURPOSE: This rule prescribes the process for an individual to register as a trainee real estate appraiser and the rules governing the practice of real estate appraising by a trainee real estate appraiser.

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) For purposes of this rule, "registrant" shall mean a "trainee real estate appraiser" and "registration" shall mean the registration with the commission of a "trainee real estate appraiser."

(2) A person may apply for a registration by submitting the following to the commission:

(A) An application on a form prescribed by the commission, including, but not limited to, the name and license number of each certified appraiser under which the registrant will provide appraisal services;

(B) An affidavit signed by each supervising appraiser acknowledging the supervisory relationship on a form prescribed by the commission;

(C) Verification of completion of the core curriculum educational requirements set forth in 20 CSR 2245-6.015(2)(D); and

(D) The prescribed fee.

(3) There is no examination requirement for the registration other than as is required to earn credit for completion of the prerequisite educational courses set forth in 20 CSR 2245-6.015(2)(D).

(4) No real estate appraisal experience is required as a prerequisite for registration.

(5) Training.

(A) The registrant shall be subject to direct supervision by a super-

vising appraiser(s) in good standing, who shall be state-certified.

(B) The supervising appraiser(s) shall be responsible for the training, guidance, and direct supervision of the registrant by:

1. Accepting responsibility for the appraisal report by signing and certifying that the report complies with the *Uniform Standards of Professional Appraisal Practice* (USPAP). The USPAP, 2006 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722 or at www.appraisalfoundation.org. This rule does not incorporate any subsequent amendments or additions to the USPAP;

2. Reviewing and signing the appraisal report(s) for which the registrant has provided appraisal services; and

3. Personally inspecting each appraised property with the registrant until the supervising appraiser determines the registrant trainee is competent, in accordance with the competency rule of USPAP.

(C) The registrant is permitted to have more than one (1) supervising appraiser, but a supervising appraiser may not supervise more than three (3) registrants at one (1) time.

(D) The registrant and a supervising appraiser shall notify the commission of a newly created supervisory relationship and submit an affidavit from the supervising appraiser acknowledging the supervisory relationship prior to the registrant performing appraisal services under the supervising appraiser. A registrant shall not receive credit for appraisal experience under a certified appraiser unless the registrant has first notified the commission of the certified appraiser's name and license number. Within ten (10) days of the termination of a supervisory relationship, the registrant and the supervising appraiser shall notify the commission that the supervisory relationship has been terminated.

(E) The registrant and each supervising appraiser shall maintain an appraisal log. This appraisal log may be maintained jointly, but each shall be individually responsible to assure the completion and availability of the appraisal log regardless of the agreement or practice of the registrant and the supervising appraiser regarding its maintenance. Separate appraisal logs shall be maintained for each supervising appraiser. The registrant and the supervising appraiser shall provide a copy of the appraisal log to the commission upon request. At a minimum, the appraisal log shall include the information required by 20 CSR 2245-2.050 and the following:

1. Description of work performed by the trainee and scope of the review and supervision of the supervising appraiser;

2. Number of actual work hours by the trainee on the assignment; and

3. The name and state certification number of the supervising appraiser.

(F) The Missouri certification of the supervising appraiser shall be in good standing and not subject to revocation or suspension within the last two (2) years. "Subject to revocation or suspension within the last two (2) years" shall mean that any term of revocation or suspension shall be terminated more than two (2) years prior to a licensee serving as supervising appraiser. Anyone subject to probation cannot supervise trainees during the probationary period, unless otherwise ordered by the commission.

(G) A non-licensee will be given credit for appraisal experience accrued prior to July 1, 2008, and which was accrued without the non-licensee having been registered as a trainee real estate appraiser until June 30, 2010. After June 30, 2010, all appraisal experience credit earned by a non-licensee prior to being registered as a trainee real estate appraiser shall be forfeited. For the purpose of this rule, "non-licensee" shall mean any person who is not state licensed or certified.

(6) Continuing Education. An appraiser trainee who remains in this classification in excess of two (2) years shall be required in the third and successive years to obtain:

(A) The equivalent of fourteen (14) classroom hours of instruction in continuing education courses or seminars approved by the commission for each year during the period preceding the renewal; and

(B) Appraiser trainees shall successfully complete the seven (7) hours National USPAP Update Course, or its equivalent, at a minimum of every two (2) years. Equivalency shall be determined through the Appraisers Qualifications Board (AQB) Course Approval Program or by an alternate method established by the AQB.

AUTHORITY: section 339.509(8), RSMo 2000. Original rule filed Nov. 21, 2006.

PUBLIC COST: This proposed rule will cost state agencies an increase of approximately twenty thousand twenty dollars and forty-eight cents (\$20,020.48) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities an increase of approximately twenty-two thousand seven hundred twenty-two dollars (\$22,722) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are 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 rule with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489 or via email to reacom@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 2245 - Real Estate Appraisers

Chapter 3 - Applications for Certification and Licensure

Proposed Rule - 20 CSR 2245-3.005 Trainee Real Estate Appraiser

Prepared September 27, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Increase of Revenue
Real Estate Appraisers	\$20,020.48
Total Annual Increase of Revenue for the Life of the Rule	
	\$20,020.48

III. WORKSHEET

Increase of Revenue

The board anticipates 300 applicants will apply for trainee real estate appraiser registration annually. The cost of the application is \$75, therefore, the commission anticipates an increase of revenue totaling \$22,500 annually for the life of the rule.

Total Increase of Revenue \$22,500

Personal Service Costs

The Licensing Technician II will process the applications, verify education and supervisor eligibility, enter information into the division's licensing system and issue and mail the license.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensing Technician II	\$23,910	\$35,599.60	\$17.12	\$0.29	20 minutes	\$5.71	\$1,711.52

Total Personal Service Costs \$1,711.52

Expense and Equipment Dollars for Initial Applications

Application Printing	\$0.80		
Letterhead Printing	\$0.15		
Application Envelope	\$0.16		
Application Postage	\$1.03		
Printing of Registration	\$0.05		
Registration Postage	\$0.37		
Total Expense and Equipment Cost	\$2.56		
		Total Expense and Equipment Costs	\$768.00

IV. ASSUMPTION

1. Based on FY06 actuals and FY07 and FY08 projections, the commission estimates approximately 300 applications will apply for trainee real estate appraiser registration annually.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2245 - Real Estate Appraisers****Chapter 3 - Applications for Certification and Licensure****Proposed Rule - 20 CSR 2245-3.005 Trainee Real Estate Appraiser**

Prepared September 27, 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 rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
300	Applicants (Trainee Real Estate Appraiser - \$75)	\$22,500.00
300	Applicants (postage @ \$.74)	\$222.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$22,722.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Based on FY06 actuals and FY07 and FY08 projections, the board estimates approximately 300 trainee real estate appraiser applicants will apply for registration annually.
2. It is anticipated that the total cost 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.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 339.500-339.549, RSMo. Pursuant to Section 326.513, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 339.500-339.549, 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 sections 339.500-339.549, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 3—Applications for Certification and Licensure**

PROPOSED AMENDMENT

20 CSR 2245-3.010 Applications for Certification and Licensure. The commission is proposing to amend sections (2) and (5), amend and renumber the remaining sections, and add a new section (8).

PURPOSE: This amendment requires all original applicants to submit documentation of a criminal background check; clarifies what is considered satisfactory appraisal experience for each level of certification or licensure; and effective January 1, 2008, creates an additional option for obtaining satisfactory appraisal experience.

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.

(2) All applications for certification, licensure, renewal and examination shall be made on forms provided by the commission and completed and signed by the applicant, with the signature acknowledged before a notary public. **All original applications shall include proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.** All applications shall include the appropriate fees as established pursuant to 20 CSR 2245-5.020 and physical work and home addresses for the applicant. The commission will not consider an application which is incomplete or with which the correct fees have not been submitted.

(5) Prerequisite for Certification.

(A) State-Certified General Real Estate Appraiser.

1. As a prerequisite for certification as a state-certified general real estate appraiser, an applicant shall present satisfactory evidence to the commission that the applicant possesses three thousand (3,000) hours of appraisal experience obtained continuously over a period of not less than thirty (30) months. **The applicant must have at least fifty percent (50%) of the required experience hours in the state of Missouri.** Hours may be treated as cumulative in order to achieve the necessary three thousand (3,000) hours of appraisal experience, and there are no limitations on the number of hours which may be awarded in any year. The applicant, for experience credit, *[must]* shall have accumulated a total of three thousand (3,000) hours of appraisal experience of which at least fifty percent (50%) (one thousand five hundred (1,500) hours) *[must]* shall be in non-residential appraisal work **and under the supervision of a state-certified general real estate appraiser.** *[Resident is defined as one to four (1-4) residential units.]*

(B) State-Certified Residential Appraiser.

1. The prerequisite for certification as a state-certified residential appraiser shall be two thousand five hundred (2,500) hours of appraisal experience obtained continuously over a period of not less than twenty-four (24) months **under the supervision of a state-certified real estate appraiser.** **The applicant must have at least fifty percent (50%) of the required experience hours in the state of**

Missouri. Hours may be treated as cumulative in order to achieve the necessary two thousand five hundred (2,500) hours of appraisal experience and there is no limitation on the number of hours[,] which may be awarded in any year. Each applicant for certification shall furnish, under oath, a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commission a sample of appraisal reports which the applicant has prepared in the course of the applicant's appraisal practice. For the purposes of this section, "prepared" means the participation in any function of the real estate appraisal report. **Education may not be substituted for experience except as allowed in section (8) of this rule. All experience shall have been obtained after January 30, 1989, and shall be Uniform Standards of Professional Appraisal Practice (USPAP) compliant. The USPAP, 2006 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722 or at www.appraisalfoundation.org. This rule does not incorporate any subsequent amendments or additions to the USPAP.** Acceptable appraisal experience as defined by the Appraiser Qualifications Board (AQB) includes, but is not limited to, the following (this should not be construed as limiting credit to only those individuals who are state-certified or state-licensed):

- [(A)]* A. Fee and staff appraisal;
- [(B)]* B. *Ad valorem* tax appraisal;
- [(C)]* C. Technical review appraisal;
- [(D)]* D. Appraisal analysis;
- [(E)]* E. Real estate consulting;
- [(F)]* F. Highest and best use analysis;
- [(G)]* G. Feasibility analysis/study; and
- [(H)]* H. Condemnation appraisal.

[(6)](C) State-Licensed Real Estate Appraiser.

1. As a prerequisite for licensure as a state-licensed real estate appraiser, an applicant shall present satisfactory evidence to the commission that the applicant possesses the equivalent of two thousand (2,000) hours of appraisal experience **obtained over a period of not less than twelve (12) months under the supervision of a state-certified real estate appraiser** and supported by adequate written reports or file memoranda. **The applicant must have at least fifty percent (50%) of the required experience hours in the state of Missouri.** Hours may be treated as cumulative in order to achieve the necessary two thousand (2,000) hours of appraisal experience.

(D) All Applicants.

1. Each applicant for licensure shall furnish, under oath, a summarized listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commission a sample of the appraisal reports *[which]* that the applicant has prepared in the course of the applicant's appraisal practice. For the purposes of this section, "prepared" means the participation in any functions of the real estate appraisal report.

2. **Education may not be substituted for experience except as allowed in section (8) of this rule. All experience shall have been obtained after January 30, 1989, and shall be USPAP compliant.** Acceptable appraisal experience as defined by the *[Appraiser Qualifications Board]* AQB includes, but is not limited to, the following (this should not be construed as limiting credit to only those individuals who are state-certified or state-licensed):

- [(A)]* A. Fee and staff appraisal;
- [(B)]* B. *Ad valorem* tax appraisal;
- [(C)]* C. Technical review appraisal;
- [(D)]* D. Appraisal analysis;
- [(E)]* E. Real estate consulting;
- [(F)]* F. Highest and best use analysis;
- [(G)]* G. Feasibility analysis/study; and
- [(H)]* H. Condemnation appraisal.

[(7)](6) Maximum number of hours that shall be awarded for various types of appraisal and other experience is as follows with exceptions noted in subsection [(7)](6)(M):

(A) R1=single family, condo., or similar*	10 hrs
(B) R2=2, 3, or 4 unit family dwellings	15 hrs
(C) R3=vacant residential sites (up to 40 acres)	5 hrs
(D) G1=apartments 5-12 units	20 hrs
(E) G2=apartments 13 and more units	35 hrs
(F) G3=vacant land (other than single family)**	10 hrs
(G) G4=industrial	35 hrs
(H) G5=office space	35 hrs
(I) G6=retail space	35 hrs
(J) G7=special use property (provide explanation)	35 hrs
(K) G8=operating or special use agriculture***	35 hrs
(L) G9=other (provide detailed explanation)	

*1. Includes homes on acreage, hobby farms, etc.

**2. Includes non-crop acreage, commercial land, etc.

***3. If operating, primary income *[must]* shall come from property. Some explanation relating to type of use should be provided.

(M) Additional Hours May be Credited for Appraisals. Experience hours listed in subsection [(7)](6)(A) through (L) are considered typical. If an applicant feels more hours should be awarded for an appraisal, s/he *[must]* shall list the hours requested and attach a written justification to the appraisal log. The commission will consider the additional hours based upon the applicant justification statement and may request a *[photo]*copy of the appraisal(s) to assist in the decision. Experience credit will be awarded on time spent in the development of the appraisal and preparation of the report. Travel and clerical time will not be considered.

[(8)](7) Include the signature of the individual responsible for the analysis, opinions and conclusions contained in the report. The applicant seeking experience credit shall have signed the report or shall be listed in the report as an individual who provided a significant contribution. An affidavit of significant contribution shall be considered by the commission if it is signed by the appraiser who signed the report or by an official of the organization, government, firm or other entity who was responsible for causing the appraisal to be prepared.

(8) Effective January 1, 2008, there need not be a client in order for an appraisal to qualify for experience, but experience gained for work without a client cannot exceed fifty percent (50%) of the total experience requirement. Case study or practicum courses that are approved by the AQB course approval program or by an alternate method established by the AQB, can satisfy the non-client experience requirement. A case study or practicum course shall include the generally applicable methods of appraisal practice for the credential category. A real estate appraisal assignment from a case study or practicum course shall require actual problem solving skills for a variety of property types for the credential category. Credit shall be granted for a maximum of thirty (30) classroom hours of instruction and a maximum of ninety (90) hours of experience credit per course. Content of case study or practicum courses shall include, but not be limited to:

(A) Requiring the student to produce credible appraisals that utilize an actual subject property;

(B) Performing actual market research containing actual sales analysis; and

(C) Applying and reporting the applicable appraisal approaches in conformity with USPAP.

AUTHORITY: sections 339.509, RSMo 2000, and 339.515 and 339.517, RSMo [Supp. 1998] Supp. 2005. This rule originally filed as 4 CSR 245-3.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For inter-

vening history, please consult the Code of State Regulations. Amended: Filed Nov. 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: The proposed amendment will cost private entities approximately twenty-six thousand seven hundred forty-nine dollars (\$26,749) during FY06; approximately thirty thousand five hundred seventy dollars (\$30,570) during FY07; and fifteen thousand two hundred eighty-five dollars (\$15,285) annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

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

Division 2245 - Real Estate Appraisers

Chapter 3 - Applications for Certification and Licensure

Proposed Rule - 20 CSR 2245-3.010 Applications for Certification and Licensure

Prepared September 27, 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 of compliance with the amendment by affected entities:
525	FY06 Applicants (fingerprinting fees - \$50.95)	\$26,749
600	FY07 Applicants (fingerprinting fees - \$50.95)	\$30,570
300	FY08 and annually thereafter Applicants (fingerprinting fees - \$50.95)	\$15,285
Estimated Annual Cost		
FY06		\$26,749
FY07		\$30,570
FY08 and annually thereafter		\$15,285

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. It is estimated that 525 applicants will apply in FY06, 600 applicants will apply in FY07 and, approximately 300 applicants will apply in FY08. Applicants will be required to pay \$50.95 to the Itentix system to have their fingerprints electronically processed annually. It is anticipated that all applicants will use the electronic processing option. However, should an applicant choose to submit paper fingerprinting directly to the board for processing with the Missouri State Highway Patrol, applicants will be required to submit the appropriate fee for such processing.
2. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol will receive the estimated \$26,749 in FY06; \$30,570 in FY07; and \$15,285 annually thereafter for the life of the rule.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 3—Applications for Certification and Licensure**

PROPOSED AMENDMENT

20 CSR 2245-3.020 Certification and Licensure Examinations. The commission is proposing to amend sections (4)–(6) and remove the forms following the rule from the *Code of State Regulations*.

PURPOSE: This amendment will allow the commission to waive the six (6)-month requirement for an applicant to wait after failing an examination for the third time.

(4) Every certification and licensure application [must] shall be accompanied by proof acceptable to the commission that the applicant successfully has completed the prescribed courses in a school approved by the commission.

(5) No applicant shall be permitted to take any memoranda, pamphlet, book or paper into an examination room and otherwise shall be subject to the rules imposed by the administrator of the examination. If any applicant [shall] gives or receives any assistance while taking an examination or copy any part of any examination paper, this act shall be reason to deny issuance of a certificate or license to the applicant(s) involved.

(6) Any applicant for certification and licensure who fails an examination for the third time shall wait at least six (6) months prior to taking an examination for the fourth time and an additional six (6) months for each subsequently failed examination **unless otherwise authorized by the commission.**

AUTHORITY: sections 339.509, **RSMo 2000** and 339.515 and 339.517, *RSMo Supp. [1990] 2005*. This rule originally filed as 4 CSR 245-3.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed July 21, 1992, effective April 8, 1993. Moved to 20 CSR 2245-3.020, effective Aug. 28, 2006. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 4—Certificates and Licenses**

PROPOSED AMENDMENT

20 CSR 2245-4.040 Individual License; Business Name; Pocket Card. The commission is proposing to amend section (1).

PURPOSE: This amendment corrects a reference for compliance when making a change in a business name. Additionally, pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 *Code of State Regulations* the chapters were re-numbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.

(1) A licensee shall not conduct his/her business under any other name or at any other address than the one for which his/her individual certificate or license is issued unless s/he first complies with [4 CSR 245-4.020] **20 CSR 2245-4.020**. If a licensee changes his/her name or business address, s/he shall notify the commission in writing within thirty (30) days after the change becomes effective.

AUTHORITY: sections 339.509 and 339.529, *RSMo [Supp. 1990] 2000*. This rule originally filed as 4 CSR 245-4.040. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Moved to 20 CSR 2245-4.040, effective Aug. 28, 2006. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 4—Certificates and Licenses**

PROPOSED AMENDMENT

20 CSR 2245-4.050 Nonresident Certification or Licensure; Reciprocity. The commission is proposing to amend sections (2) and (4).

PURPOSE: The amendment is to ensure that nonresident applicants who are not certified or licensed in their state of domicile have some real estate appraisal experience in the state of Missouri.

(2) The commission may issue a certificate or license to an individual who is certified or licensed in his/her state of domicile, provided the commission is furnished verification that the appraiser is in good standing with his/her state of domicile and any other state that he/she has held licensure or certification. An individual applicant for a certificate or license who is not certified or licensed in his/her state of domicile may be granted a certificate or license **as long as the**

applicant has at least fifty percent (50%) of the required experience hours in the state of Missouri and upon meeting all other requirements of a resident for that certificate or license.

(4) The commission may exempt the examination, application process, application and/or fees, as prescribed by the certification or licensure law a nonresident individual duly certified or licensed in any other state under the laws of which a similar exemption is extended to licensees of Missouri, provided a written agreement for reciprocal certification or licensure exists between the licensing authorities of the states involved. A nonresident applicant may petition the commission to waive the examination when a written agreement for reciprocal certification or licensure does not exist between Missouri and the nonresident's state of domicile. A nonresident applicant *[must]* **shall** provide the commission with a letter from the licensing authority of his/her state of domicile indicating that the nonresident applicant successfully passed an examination approved by the Appraisal Qualifications Board of the Appraisal Foundation.

AUTHORITY: sections 339.509, [and] 339.523, RSMo Supp. 1998,] and 339.521, RSMo [1994] 2000. This rule originally filed as 4 CSR 245-4.050. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 4—Certificates and Licenses**

PROPOSED AMENDMENT

20 CSR 2245-4.060 Temporary Nonresident Certificate or License. The commission is proposing to amend sections (1) and (2).

PURPOSE: This amendment will allow temporary permits to request an extension of time at no charge. Additionally, pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 Code of State Regulations the chapters were re-numbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.

(1) A nonresident applicant, who is certified or licensed and in good standing under the laws of another state, may obtain a Missouri temporary appraiser certification or license for a maximum of six (6) months for the purpose of completing a particular appraisal assign-

ment. To obtain a temporary certification or license, the applicant shall make application on a form prescribed by the commission requesting the specific term of the certificate up to six (6) months, setting forth the particular assignment for which the temporary certificate or license is requested, and paying the prescribed fees as outlined in *[4 CSR 245-5.020] 20 CSR 2245-5.020*. The commission may grant an extension **for an additional three (3) months, at no charge**, if made in writing and for just cause.

(2) The commission may refuse to issue a certificate or license for one (1) or any combination of causes set forth in section 339.532, RSMo. The scope of the temporary appraiser certification or license shall be limited to the particular appraisal assignment described in the application.

AUTHORITY: sections 339.503, 339.509 and 339.521, RSMo 2000. This rule originally filed as 4 CSR 245-4.060. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed March 14, 1996, effective Sept. 30, 1996. Amended: Filed June 25, 2004, effective Feb. 28, 2005. Moved to 20 CSR 2245-4.060, effective Aug. 28, 2006. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 5—Fees**

PROPOSED AMENDMENT

20 CSR 2245-5.010 Payment. The commission is proposing to amend sections (1) and (2).

PURPOSE: This amendment updates the rule to allow the commission to accept credit cards and deletes obsolete language.

(1) All fees shall be *[paid by cashier's check, money order or personal check made]* payable to the Missouri Real Estate Appraisers Commission and delivered to the commission.

(2) *[Beginning January 1, 2000, a]*All certificates and licenses will expire on June 30 of even-numbered years. The commission may prorate continuing education and fees in order to put all licensees on a biennial renewal. Initial certificates and licenses may be prorated on a quarterly basis. The prorated fee shall not be less than one hundred dollars (\$100). That proration shall not apply to expired certificates and license renewal. All renewal applications and fees *[must]*

shall be delivered to the commission office or be postmarked prior to June 30 of even-numbered years.

AUTHORITY: sections 339.509 and 339.513, RSMo 2000. This rule originally filed as 4 CSR 245-5.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 5—Fees**

PROPOSED AMENDMENT

20 CSR 2245-5.020 Application, Certificate and License Fees. The commission proposes to amend section (2) and delete section (3) and renumber section (4).

PURPOSE: This proposed amendment establishes various fees for the commission and moves section (3) of this rule to 20 CSR 2245-1.010.

(2) The following fees shall be paid for original issuance and renewal of certificates or licenses:

(G) Delinquent Renewal Fee (per month not to exceed a maximum of \$600)	\$ 50
(H) Reissuance of a Certificate or License, or Replacement of a Lost, Destroyed or Stolen Certificate or License Fee	[\$25.00] \$5
(I) Reissuance of a wallhanging certificate, or replacement of a lost, destroyed or stolen wallhanging certificate	\$ 15
[[I]](J) Six (6)-Month Extension Fee	\$100
[[J]](K) Temporary Practice Permit (valid for six (6) months)	\$150
[[K]](L) Letter of Good Standing (per letter)	\$10./.
(M) Trainee Real Estate Appraiser Registration Fee	\$ 75
(N) Fingerprint Background Check Fee—Determined by the Missouri State Highway Patrol (MSHP) or its approved vendor	
(O) Continuing Education Course Approval Fee (per course)	\$ 25
(P) Continuing Education Course Renewal Fee (per course)	\$ 10

[[3] The commission shall transmit to the Appraisal Subcommittee, at least annually, a roster listing individuals who have received a state certificate or license and are eligible to perform appraisals in federally-related transactions. The commission shall transmit to the Federal Financial Institutions Examination Council (FFIEC) an annual registry fee as determined by the Appraisal Subcommittee for those individuals who are listed on the roster provided to the Appraisal Subcommittee. The registry fee is included in the fees in section (2).]

[[4] (3) All fees are nonrefundable.

AUTHORITY: sections 339.509, 339.513, and 339.525.5, RSMo 2000. This rule originally filed as 4 CSR 245-5.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 21, 2006.

PUBLIC COST: The proposed amendment will cost state agencies an increase of approximately six hundred ten dollars (\$610) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: The proposed amendment will cost private entities an increase of approximately six hundred ten dollars (\$610) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245 - Real Estate Appraisers

Chapter 5 - Fees

Proposed Rule - 20 CSR 2245-5.020 Application, Certificate and License Fees

Prepared September 27, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Decrease of Revenue
Real Estate Appraisers	\$610.00
Total Annual Decrease of Revenue for the Life of the Rule	
	\$610.00

III. WORKSHEET

Decrease in Revenue

Based on FY05, it is estimated that approximately 28 duplicate licenses will be issued annually.

Duplicate Licenses Issued \$20 x 28 = \$560

Wall Hanging Certificates \$10 x 5 = \$50

Total Decrease in Revenue **\$610**

IV. ASSUMPTION

1. Licensee requesting a duplicate license will save \$20 per duplicate and those requesting a duplicate wall hanging will save \$10 per duplicate wall hanging.
2. Fiscal estimates for the review of continuing education courses is reported in 20 CSR 2045-8.020 and for fingerprinting are reported 20 CSR 2045-3.010.
3. It is anticipated that the total savings will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2245 - Real Estate Appraisers****Chapter 5 - Fees****Proposed Rule - 20 CSR 2245-5.020 Application, Certificate and License Fees**

Prepared September 27, 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 rule:	Classification by type of the business entities which would likely be affected:	Estimated cost savings of compliance with the rule by affected entities:
28	Licenseses (duplicate license - \$20 savings)	\$560.00
5	Licenseses (Wallhanging - \$10 savings)	\$50.00
	Estimated Annual Cost Savings for the Life of the Rule	\$610.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Licensees requesting a duplicate license will save \$20 per duplicate and those requesting a duplicate wall hanging will save \$10 per duplicate.
2. Fiscal estimates for the review of continuing education courses is reported in 20 CSR 2045-8.020 and for fingerprinting are reported 20 CSR 2045-3.010.
3. It is anticipated that the total savings will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 339.500-339.549, RSMo. Pursuant to Section 326.513, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 339.500-339.549, 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 sections 339.500-339.549, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 6—Educational Requirements**

PROPOSED RULE

20 CSR 2245-6.015 Examination and Education Requirements

PURPOSE: Effective July 1, 2007, this rule defines the examination and education requirements for each level of registration, licensure and certification.

(1) Examination and Education Requirements.

(A) State-Certified Real Estate Appraiser.

1. To obtain certification as a state-certified general real estate appraiser, an applicant shall successfully complete the Appraisers Qualifications Board (AQB)-approved State Certified General Real Property Appraiser Examination. There is no alternative to successful completion of the examination. On or after July 1, 2007, to qualify for taking the AQB-approved Uniform State Certified General Real Property Appraiser Examination, an applicant shall satisfy the educational requirements set forth under subsection (2)(A) of this rule. Prior to July 1, 2007, an applicant for examination as a state-certified general real estate appraiser may either satisfy the educational requirements set forth in this rule or in 20 CSR 2245-6.010.

(B) State-Certified Residential Real Estate Appraiser.

1. To obtain a certification as a state-certified residential real estate appraiser, an applicant shall successfully complete the AQB-approved Certified Residential Real Property Appraiser Examination. There is no alternative to successful completion of the examination. The Certified General Real Property Appraiser Examination is not equivalent to the Certified Residential Real Property Appraiser Examination. On and after July 1, 2007, to qualify for taking the AQB-approved Certified Residential Real Property Appraiser Examination, an applicant shall satisfy the educational requirements set forth in subsection (2)(B) of this rule. Prior to July 1, 2007, an applicant for examination as a state-certified residential real estate appraiser may either satisfy the educational requirements set forth in this rule or in 20 CSR 2245-6.010.

(C) State-Licensed Real Estate Appraiser.

1. To obtain a license as a state-licensed real estate appraiser, an applicant shall successfully complete the AQB-approved Licensed Residential Real Property Appraiser Examination. There is no alternative to successful completion of the examination. On and after July 1, 2007, to qualify for taking the AQB-approved Licensed Residential Real Property Appraiser Examination, an applicant shall satisfy the educational requirements set forth in subsection (2)(C) of this rule. Prior to July 1, 2007, an applicant for licensure as a state-licensed real estate appraiser may either satisfy the examination requirements set forth in this rule or in 20 CSR 2245-6.010.

(D) Trainee Real Estate Appraiser.

1. There is no examination requirement for registration as a trainee real estate appraiser other than as is required to earn credit for completion of the prerequisite educational courses.

(2) Qualifying Education.

(A) State-Certified General Real Estate Appraiser.

1. Applicants for the certified general certification shall hold a bachelor's degree or higher from a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, unless the requirements of the following paragraph (2)(A)2. are satisfied.

2. In lieu of the bachelor's degree, an applicant for the certified general certification shall successfully pass thirty (30) semester credit hours, or its equivalent, including each of the following collegiate

subject matter courses from a college, junior college, community college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools:

- A. English Composition;
- B. Micro Economics;
- C. Macro Economics;
- D. Finance;
- E. Algebra, Geometry, or higher Mathematics;
- F. Statistics;
- G. Introduction to computers, word processing, and spreadsheets;
- H. Business Law or Real Estate Law; and
- I. Two (2) elective courses in accounting, geography, ag-economics, business management or real estate.

3. If a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, accepts the College-Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam showing its approval, it will be considered as credit for the college course.

4. The applicant shall submit verification of completion of three hundred (300) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

A. Basic Appraisal Principles	30 Hours
B. Basic Appraisal Procedures	30 Hours
C. The 15-Hour National Uniform Standards of Professional Appraisal Practice (USPAP) Course or its Equivalent	15 Hours
D. General Appraiser Market Analysis and Highest and Best Use	30 Hours
E. Statistics, Modeling and Finance	15 Hours
F. General Appraiser Sales Comparison Approach	30 Hours
G. General Appraiser Site Valuation and Cost Approach	30 Hours
H. General Appraiser Income Approach	60 Hours
I. General Appraiser Report Writing and Case Studies	30 Hours
J. Appraisal Subject Matter Electives (Electives may include hours over minimum shown above in other modules)	30 Hours
Total	300 Hours

5. Applicants shall demonstrate that their education includes the core courses listed in these criteria, with particular emphasis on non-residential properties.

(B) State-Certified Residential Real Estate Appraiser.

1. Applicants for the certified residential certificate shall hold an associate degree or higher from a college, junior college, community college, or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, unless the requirements of paragraph (2)(B)2. of this rule are satisfied.

2. In lieu of the associate degree, an applicant for the certified residential certification shall successfully pass twenty-one (21) semester credit hours, or its equivalent, of college courses, including each of the following subject matter courses from a college, junior college, community college, or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools:

- A. English Composition;
- B. Principles of Economics (Micro or Macro);
- C. Finance;
- D. Algebra, Geometry, or higher Mathematics;

E. Statistics;
F. Introduction to computers, word processing, and spreadsheets; and
G. Business Law or Real Estate Law.

3. If a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools accepts the College-Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

4. The applicant shall submit verification of completion of two hundred (200) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

A. Basic Appraisal Principles	30 Hours
B. Basic Appraisal Procedures	30 Hours
C. The 15-Hour National USPAP Course	15 Hours
D. Residential Market Analysis and Highest and Best Use	15 Hours
E. Residential Appraiser Site Valuation and Cost Approach	15 Hours
F. Residential Sales Comparison and Income Approaches	30 Hours
G. Residential Report Writing and Case Studies	15 Hours
H. Statistics, Modeling and Finance	15 Hours
I. Advanced Residential Applications and Case Studies	15 Hours
J. Appraisal Subject Matter Electives (Electives may include hours over the minimum shown above in other modules)	20 Hours
Total	200 Hours

(C) State-Licensed Real Estate Appraiser.

1. The applicant shall submit verification of completion of one hundred fifty (150) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

A. Basic Appraisal Principles	30 Hours
B. Basic Appraisal Procedures	30 Hours
C. The 15-Hour National USPAP Course or its Equivalent	15 Hours
D. Residential Market Analysis and Highest and Best Use	15 Hours
E. Residential Appraiser Site Valuation and Cost Approach	15 Hours
F. Residential Sales Comparison and Income Approaches	30 Hours
G. Residential Report Writing and Case Studies	15 Hours
Total	150 Hours

(D) Trainee Real Estate Appraiser Registration.

1. The applicant shall submit verification of completion of seventy-five (75) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

A. Basic Appraisal Principles	30 Hours
B. Basic Appraisal Procedures	30 Hours
C. The 15-Hour National USPAP Course or its Equivalent	15 Hours
Total	75 Hours

AUTHORITY: sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2005. Original rule filed Nov. 21, 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 6—Educational Requirements**

PROPOSED RESCISSION

20 CSR 2245-6.020 Correspondence Courses. This rule validated correspondence courses and proclaimed attendance requirements.

PURPOSE: This rule is being rescinded because the commission will no longer be approving pre-license education courses.

AUTHORITY: sections 339.509, RSMo Supp. 1990 and 339.517, RSMo Supp. 1993. This rule originally filed as 4 CSR 245-6.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-6.020, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 6—Educational Requirements**

PROPOSED RESCISSION

20 CSR 2245-6.030 Distance Education. This rule validated distance education and proclaimed attendance requirements.

PURPOSE: This rule is being rescinded because the commission will no longer be approving pre-license education courses.

AUTHORITY: sections 339.509 and 339.517, RSMo Supp. 1998. This rule originally filed as 4 CSR 245-6.030. Original rule filed

Sept. 1, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2245-6.030, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 6—Educational Requirements**

PROPOSED RULE

20 CSR 2245-6.040 Case Study Courses

PURPOSE: This rule establishes the criteria for real estate appraisal education providers to obtain approval of case study courses that can be offered for both education and experience credit towards licensure and/or certification.

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) General.

(A) The case study course is an educational offering which shall be designed to investigate the intellectual development and practical application of constructing and reporting a real property appraisal. Any such course shall include both classroom and on-site instruction and experience, including the passage of a final examination for pre-licensure education credit, and the submission of one (1) or more acceptable appraisal reports for experience credit.

(B) Case study courses shall be at least thirty (30) hours of instruction. For each case study course, experience credit hours may not exceed three (3) times the education credit granted, and in no event shall the experience credit granted for a single course exceed ninety (90) hours. An applicant for licensure or certification may receive thirty (30) hours of pre-licensure education credit upon passage of an examination approved by the Appraiser Qualifications Board (aqb) course approval program or by an alternate method established by the aqb. A licensee may receive twenty-eight (28) hours of continuing education credit for a case study course as allowed pursuant to 20 CSR 2245-8.010. An applicant for licensure or certification will receive the experience credit upon completing one (1) or more Uniform Standards of Professional Appraisal Practice (uspap) compliant appraisal reports for the course. The USPAP, 2006 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111,

Washington, DC 20005, by calling (202) 347-7722 or at www.appraisalfoundation.org. This rule does not incorporate any subsequent amendments or additions to the USPAP. The amount of education and experience credit available from a case study course will be determined at the time it is approved by the aqb course approval program or by an alternate method established by the aqb.

(C) A course provider may offer case study courses in the following areas:

1. Residential, including but not limited to, single family, modular, condominium, two (2) to four (4) family residential, manufactured, and other unique residences;
2. Commercial, including but not limited to, the following uses: office, retail, shopping center, hotel or motel, convenience store, restaurant, apartments (five (5) or more units), subdivisions, or any combination thereof;
3. Industrial, including but not limited to, warehouses;
4. Special uses, including but not limited to, houses of worship;
5. Agricultural, including but not limited to, farms (row crop and/or pasture), and timberland;
6. Review appraisals in any of the areas listed above in this subsection;
7. Appraisal consulting, including but not limited to, feasibility studies or marketability studies in any of the areas listed above in this subsection;
8. Appraisal management, including but not limited to, 1) supervisory appraiser responsibilities, functions and liabilities, and 2) management of an appraisal office including but not limited to staff management and supervision, databank, and plant set-up;
9. Miscellaneous, including but not limited to, condemnation appraisals in any of the areas listed above in this subsection; and
10. Any other area approved by the aqb.

(D) A case study course shall require completion of one (1) or more appraisal reports of the type of property to which the course pertains. The appraisal report(s) may value any real property interest, including, but not limited to, fee simple, leased-fee, leasehold, sub-leasehold, fractional interest, physical segment or partial holding. Personal property and business valuation issues shall be addressed if related to the appraisal of real property, but shall not be the primary focus of the course.

(E) The provider shall assure that the course includes review of the appraisal process, including an in-depth review of the methods and techniques used in the three (3) approaches that pertain to the type of property appraised and the development and reporting requirements of the USPAP. The instruction regarding USPAP principles should include, at a minimum, discussion regarding the scope of work, the type of report used (self-contained, summary, restricted-use, or oral) and the other specific methods and techniques required in the report. Other appraisal report preparation issues that shall be discussed in the course include report format (narrative or form), grammar and syntax issues, quality control, and details relating to pertinent addendum for the type of property or report. The instructor or other approved USPAP reviewer shall be available to answer questions from and provide input to the students as to the deficiencies in the submitted appraisal report(s).

(F) A case study course shall include substantial time with the instructor in the field as well as in classroom instruction. The case study course shall include the following for each appraisal report completed, if applicable: inspect the subject property and neighborhood, view and photograph the comparable sales and rental properties used in the three (3) approaches, research and analyze data to apply the three (3) approaches to value, and reconcile the estimated values from each valuation approach to develop a final value opinion. The class may visit the courthouse, use data accessible via the internet (multiple listing service (mls), sales/listings, public information, demographic websites, etc.), and other sources, to collect the necessary data to perform the appraisal. To obtain experience credit from the course, an applicant for certification or licensure shall write a USPAP compliant appraisal report(s) reviewed and found acceptable by the course instructor or other approved USPAP reviewer.

Before experience credit will be granted to an applicant for certification or licensure, the instructor or other approved USPAP reviewer shall certify to the commission that the appraisal report(s) required for the case study course is compliant with USPAP.

(G) A case study course regarding residential real property shall include completion of a written complete summary appraisal report of the subject property. A case study course regarding nonresidential real property shall include completion of a written complete self-contained appraisal report of the subject property. The appraisal report(s) shall be submitted to the course provider within thirty (30) days after taking the course final examination. The course instructor or other approved USPAP reviewer will identify USPAP reporting deficiencies in the appraisal report. The provider will notify the student of any deficiencies noted in the appraisal report. The student shall correct all deficiencies to the satisfaction of the instructor or other approved USPAP reviewer.

(H) All audio or visual teaching aids used in the course shall be used under the personal supervision of the instructor approved to conduct the course and may not exceed twenty percent (20%) of the total presentation. Guest speakers may not be used for more than ten percent (10%) of a course presentation and such guest speakers do not have to possess instructor credentials.

(I) Upon submitting a statement from the provider of successful completion of a case study course, including passage of the course examination and completion of the required appraisal(s), an applicant for certification or licensure or a licensee shall receive the number of education and experience hours for which the case study course is approved, not to exceed thirty (30) hours of pre-licensure education credit, twenty-eight (28) hours of continuing education credit or ninety (90) hours of experience credit.

(2) Course Approval Application Process.

(A) Any course provider desiring to provide a case study course to licensed and/or certified real estate appraisers and/or to applicants for licensure or certification as real estate appraisers shall obtain from the AQB or by an alternate method established by the AQB, approval of each case study course, its instructor(s), and any other USPAP reviewer(s), if any, prior to enrolling any students in the case study course. A course provider shall submit verification to the commission that a case study course has been approved by the AQB.

(3) Course Administration Requirements.

(A) Prior to enrolling a person for a particular case study course, the course provider shall require each prospective student to provide documentation of satisfactory completion of all course work required to obtain the license or certificate that is required under 20 CSR 2245-9.010(3) for an appraiser to perform the type of appraisal that is the subject of the case study course.

1. If a student is not licensed or certified when enrolled in a case study course, the documentation shall include completion certificates for all pre-licensure courses required for licensure or certification.

2. If a student is already licensed or certified when applying for a case study course, the documentation shall include a copy of the student's state license or certificate and, if the course is for a type of appraisal which is outside of the scope of practice of the student's current certification as defined by 20 CSR 2245-9.010, the documentation shall include completion certificates for any additional pre-licensure courses required for the different certification.

(B) All course providers shall maintain a list of case study curriculum classes offered with the following information on record and available for audit by the commission:

1. Course title;
2. The name, address, and business phone number for each instructor and USPAP reviewer, if any;
3. Class location, including facility name and city;
4. Class dates;
5. Student roster, including student name, address, phone number;

6. Student registration, license or certification number, if any;
7. Type of credit student earned (e.g., pre-licensure education, continuing education, and/or number of experience credits); and
8. Documentation of AQB approval.

(C) Upon successful completion of each case study course, the course provider shall provide each student with a certificate specifying the type and number of education hours (pre-licensure or continuing education) and the number of experience hours he/she has earned.

(4) Course Objectives. Each case study course shall include the following objectives:

(A) Cognitive. After completing an appraisal case study course, an individual should be able to:

1. Recall verbally or in writing the controlling steps and sequences in the appraisal process;
2. Demonstrate verbally or in writing the elements of problem identification;
3. Demonstrate verbally or in writing the steps for proper scope of work decisions;
4. Recall verbally or in writing relevant USPAP and advisory references;
5. Recall verbally or in writing the appraiser's ethical obligations;
6. Demonstrate verbally or in writing appraisal competency requirements;
7. Demonstrate verbally or in writing the binding requirements for appraisal development;
8. Recall verbally or in writing the binding requirements for appraisal reporting; and
9. Distinguish verbally or in writing between the various classifications of appraisals and appraisal reports;

(B) Affective. After completing an appraisal case study course, an individual should develop an understanding of:

1. Competency as it relates to the scope of work decision;
2. The kind of information that shall be identified and considered regarding the clients intended use of an appraisal;
3. Relevant characteristics;
4. How to analyze the effect of assignment conditions on the appraisal process;
5. The relationship between intended use and a credible solution;
6. How the standard of value affects the scope of work decision;
7. Reasonable exposure time;
8. How the appraiser's workfile preserves evidence of all applicable data that supports the appraiser's opinions and conclusions; and
9. The appraiser's responsibility to demonstrate proper judgment and execution; and

(C) Skills. After completing a real property appraisal case study course the student should be able to do the following:

1. Identify the appraisal problem;
2. Make a proper scope of work decision;
3. Conduct a market analysis;
4. Identify the subject property's neighborhood and conduct a neighborhood analysis;
5. Identify relevant real property characteristics;
6. Discern assignment conditions;
7. Describe site improvements;
8. Describe real property improvements;
9. Collect and analyze cost construction data;
10. Collect and analyze sales comparison data;
11. Collect and analyze income approach data;
12. Reconcile data into final value opinion; and
13. Prepare a written real property appraisal report in compliance with USPAP.

(5) Unit Titles. The following is a sample of possible unit titles and time allocations that might be used for a case study course curriculum.

(A) Problem Identification and Scope of Work Decision (4 Hours)—

1. The appraisal process defined;
2. The eleven (11) basic controlling steps and their sequence;
3. Ethics and Competency;
4. Prohibitions and Exhortations;
5. Judgment and Execution;
6. Intended Use and Intended Users Interview;
7. Work Order;
8. Problem Identification;
9. Departure Possibilities;
10. Scope of Work;
11. Preliminary Survey and Appraisal Plan; and
12. Appraisal Contract.

(B) Data Collection and Analysis—General Data (5 Hours)—

1. Market Analysis;
2. Financial Analysis;
3. Economic Base;
4. Market Trends;
5. Forecasts;
6. Neighborhood Analysis; and
7. Measures of Central Tendency.

(C) Data Collection and Analysis—Specific Data (7 Hours)—

1. Property Rights;
2. Physical Characteristics of the Site and Improvements;
3. Environmental Issues;
4. Conformity;
5. Cost and Depreciation Data;
6. Comparative Properties;
7. Elements of Comparison;
8. Units of Comparison; and
9. Income Analysis.

(D) Appraisal Development (9 Hours)—

1. Identify the Client and Other Intended Users;
2. Identify the Intended Use of the Appraiser's Opinions and Conclusions;
3. Identify the Purpose of the Assignment—Standard of Value;
4. Identify the Effective Date of the Appraiser's Opinions and Conclusions;
5. Identify the Characteristics of the Property that are Relevant to the Purpose and Intended Use of the Appraisal;
6. Identify the Scope of Work Necessary to Complete the Assignment;
7. Identify any Extraordinary Assumptions Necessary in the Assignment;
8. Identify any Hypothetical Conditions Necessary in the Assignment;
9. When Applicable, Develop an Opinion of Highest and Best Use;
10. Analyze and Collate Site Data;
11. Analyze and Collate Cost Construction Data;
12. Analyze and Collate Sales Comparison Data;
13. Analyze and Collate Income Data;
14. Analyze all Agreements of Sale, Options, or Listings of the Subject Property that are Current as of the Effective Date of the Appraisal;
15. Analyze all Sales of the Subject Property that Occurred Within the Three (3) Years Prior to the Effective Date of the Appraisal;
16. Reconcile the Quality and Quantity of Data Available and Analyzed Within the Approaches Used; and
17. Reconcile the Applicability or Suitability of the Approaches Used to Arrive at the Value Conclusion.

(E) Appraisal Reporting (5 Hours)—

1. Review Competency Requirements for Reporting;

2. Review Reporting Formats;

3. Report the Identity of the Client and any Intended User by Name or by Type;

4. Report the Intended Use of the Appraisal;

5. Describe Information Sufficient to Identify the Real Estate Involved;

6. Report the Real Property Interest Appraised;

7. Report the Purpose of the Appraisal, Including the Type and Definition of Value and its Source;

8. State the Effective Date of the Appraisal and Date of the Report;

9. Report Sufficient Information to Disclose the Scope of Work;

10. State all Assumptions, Hypothetical Conditions, and Limiting Conditions;

11. Report the Information Analyzed, the Appraisal Procedures Followed, and the Reasoning that Supports the Analyses, Opinions, and Conclusions;

12. Address the Use of the Property that is the Subject of the Appraisal;

13. Report and Explain any Permitted Departures;

14. Include a Signed Certification; and

15. Discuss Work File Requirements.

(F) Appraisal Practicum—

1. All case study students will demonstrate appraisal development and reporting skills by submitting an acceptable appraisal on an assigned property. The appraisal will be a culminating activity performed in partial fulfillment of the requirements for the "Case Study Course" related to appraisal licensure or certification; and

2. Appraisal reports may be submitted in sections for instructor review and approval. When all sections are completed satisfactorily, the entire report accompanied by the appraisal work file shall be presented to the instructor or other approved USPAP reviewer.

AUTHORITY: section 339.509.3 and 339.509.4, RSMo 2000. Original rule filed Nov. 21, 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 7—Preliminary Course Approval**

PROPOSED AMENDMENT

20 CSR 2245-7.010 Standards for Preliminary Course Approval.

The commission is proposing to delete section (1), renumber remaining sections accordingly, amend the newly renumbered section (1), and add a new section (2).

PURPOSE: This rule requires all applications for preliminary education course approval be submitted to the Appraisal Qualifications Board to obtain approval for courses offered in the state of Missouri.

[(1) For the purposes of this section, the term prelicense course is defined as course title.]

[[2]](1) Until July 1, 2007, providers of [p]Prelicense real estate appraisal courses, [which are not included under section 339.517.5., RSMo, for certification and licensure examinations in Missouri may be approved by] shall obtain approval of each course from the commission, [upon] that will be granted upon proof of compliance with the following requirements:

(A) The prelicense courses of study offered by the course provider shall include the subjects set forth in the one hundred eighty (180) classroom hours for state-certified general real estate appraisers, the one hundred twenty (120) classroom hours for state-certified residential real estate appraisers, the ninety (90) classroom hours for state-licensed real estate appraisers, or **[both] any combination of;**

(B) Each area of study shall be conducted and supervised by an instructor who shall be present in the classroom at all times. Each instructor shall be qualified by specialized preparation, training and experience to ensure competent instruction. The qualifications of each instructor **[must] shall** be approved by the commission prior to **[his/her]** participation in a course of study. As a minimum requirement, each instructor shall—

1. Be a certified or licensed Missouri real estate appraiser with at least two (2) years of real estate appraisal experience acquired within a period of five (5) years immediately preceding the filing for approval. The commission may waive the certification or licensure requirements **for good cause;** and

2. Have verifiable practical experience in an area of study to be taught which, in the opinion and discretion of the commission, is substantially equivalent to the **[previous] foregoing** requirements. The commission may request documentation be provided to them; and

(C) All audio or visual teaching aids employed by a course provider **[must] shall** be used under the personal supervision of the instructor approved to conduct the prelicense course and may not exceed twenty percent (20%) of the total prelicense course presentation. Guest speakers may not be used for more than ten percent (10%) of a prelicense course presentation and they do not have to possess instructor credentials.

(2) Effective July 1, 2007, providers of prelicense real estate appraisal courses shall attain approval for each course and instructor(s) from the Appraisal Qualifications Board (AQB) Course Approval Program or an AQB approved course approval program.

AUTHORITY: sections 339.509, RSMo 2000 and 339.517, RSMo Supp. [1998] 2005. This rule originally filed as 4 CSR 245-7.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 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: The proposed amendment will cost private entities an increase of approximately sixty-six thousand nine hundred fifty dollars (\$66,950) annually beginning in FY08 until FY11. Beginning in FY11 the proposed amendment will cost private entities approximately eleven thousand seven hundred dollars (\$11,700) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

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

Division 2245 - Real Estate Appraisers

Chapter 3 - Applications for Certification and Licensure

Proposed Rule - 20 CSR 2245-7.010 Standards for Prelicensure Course Approval

Prepared September 27, 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 of compliance with the amendment by affected entities:
13	Course Provider (AQB initial approval - \$4250/3 year annual approval)	\$55,250
13	Course Provider (AQB renewal - \$900/annual average)	\$11,700
Estimated Annual Cost		
Annual Cost for Initial Approval Beginning in FY08		\$66,950
Annual Cost for Renewal of AQB Approval Beginning in FY11		\$11,700

III. WORKSHEET

The commission will no longer be reviewing prelicensure course material to ensure that it meets Appraiser Qualifications Board (AQB) criteria. With the federally mandated education changes taking place in Missouri on July 1, 2007, the commission feels that the most qualified entity for reviewing and approving the education is the AQB. After July 1, 2007 all applications for prelicensure course will be submitted to the AQB of the Appraisal Foundation.

Original Approval

It is estimated that there are 13 real estate appraisal course providers that will be affected by this rule. As of September, 2006, the AQB charges \$1,950 for a 30+ hours course and \$1,650 for a 15-29 hour course. This fee covers course approval for 3 years. On average, each provider offers 4 30+ hour courses and 3 15-29 hour courses (one of which is the 15 hour USPAP).

4 x \$1,950 = \$7,800

3 x \$1,650 = \$4,950

TOTAL - \$12,750

Annually for the first 3 years the cost would be approximately \$4,250. (\$12,750/3)

Renewal

After 3 years the course can be renewed for \$125 per course if there have been no major revisions to the course. The renewal fee for the 15 hour Uniform Standards of Professional Appraisal Practice (USPAP) course is \$650 and must be renewed annually.

6 AQB Approved Course x \$125 renewal = \$750/3 = \$250 + \$650 USPAP 15 hour course renewal = Annual cost would be an average of \$900 for the next 3 years.

AQB course approval extends to sponsors of the courses; means automatic approval for continuing education; and is also automatic approval in all states. There are at least 3 course providers in the State of Missouri whose courses are already AQB approved and they have not been included in this estimation.

IV. ASSUMPTION

1. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 7—Prelicensure Course Approval**

PROPOSED AMENDMENT

20 CSR 2245-7.020 Application for Prelicensure Course Approval. The commission is proposing to amend section (1) and add new language in section (3) and remove the forms following the rule from the *Code of State Regulations*.

PURPOSE: This rule is being amended to establish a date for the Appraiser Qualification Board to begin approving prelicensure courses.

(1) **Until July 1, 2007, [A]ny person or entity seeking initial approval from the commission for a real estate appraisal course of study for certification or licensure examination in Missouri shall submit the following:**

(2) Instructors *[must]* **shall** teach all courses in close adherence to the outline on file with the commission. In the event a substantive change is proposed, the sponsor *[must]* **shall** file a revised course outline at least thirty (30) days in advance of the scheduled course offering. Approval in writing from the commission *[must]* **shall** be received prior to implementation of any substantive course change.

(3) **Effective July 1, 2007, providers of prelicensure real estate appraisal courses shall attain approval for each course and instructor(s) from the Appraisal Qualifications Board (AQB) Course Approval Program or an AQB approved course approval program.**

AUTHORITY: sections 339.509, RSMo [Supp. 1990] 2000 and 339.517, RSMo Supp. [1993] 2005. This rule originally filed as 4 CSR 245-7.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-7.020, Aug. 28, 2006. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 7—Prelicensure Course Approval**

PROPOSED RESCISSION

20 CSR 2245-7.030 Prelicensure Correspondence Courses. This rule made known the specific requirements of offering a prelicensure correspondence course.

PURPOSE: This rule is being rescinded as the commission will no longer be approving prelicensure education courses.

AUTHORITY: sections 339.509, RSMo Supp. 1990 and 339.517, RSMo Supp. 1993. This rule originally filed as 4 CSR 245-7.030. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-7.030, effective Aug. 28, 2006. Amended: Filed Nov. 21, 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 7—Prelicensure Course Approval**

PROPOSED RESCISSION

20 CSR 2245-7.040 Approval and Renewal for Prelicensure Courses. This rule confirmed the level of performance or credentials of the educational courses or instructors detrimental to the public interest.

PURPOSE: This rule is being rescinded as the commission will no longer be approving prelicensure education courses.

AUTHORITY: sections 339.509, 339.513 and 339.517, RSMo Supp. 1990. This rule originally filed as 4 CSR 245-7.040. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-7.040, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 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 Real Estate Appraisers Commission, 3605 Missouri

Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 7—Prelicense Course Approval**

PROPOSED RESCISSION

20 CSR 2245-7.050 Records. This rule regulated the criteria for maintaining prelicense course records.

PURPOSE: This rule is being rescinded as the commission will no longer be approving prelicense education courses.

AUTHORITY: sections 339.509, RSMo Supp. 1990 and 339.517, RSMo Supp. 1993. This rule originally filed as 4 CSR 245-7.050. Original rule filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-7.050, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 7—Prelicense Course Approval**

PROPOSED AMENDMENT

20 CSR 2245-7.060 Investigation and Review. The commission is proposing to amend section (1).

PURPOSE: This amendment updates who may investigate an approved or proposed course offering.

(1) The commission may investigate approved or proposed course offerings by conferring with a **representative(s) of the Appraisal Qualifications Board (AQB) Course Approval Program** or by the **representative of an alternate method established by the AQB**, the course providers or instructors, visitation with or without prior notice, or by surveys to participants, instructors or course providers.

AUTHORITY: sections 339.509, RSMo [Supp. 1990] 2000 and 339.517, RSMo Supp. [1993] 2005. This rule originally filed as 4 CSR 245-7.060. Original rule filed Aug. 14, 1991, effective Jan. 13,

1992. Moved to 20 CSR 2245-7.060, effective Aug. 28, 2006. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 8—Continuing Education**

PROPOSED AMENDMENT

20 CSR 2245-8.010 Requirements. The commission is proposing to amend sections (2) and (3), delete section (4), renumber the remaining sections accordingly, and amend newly renumbered sections (6)–(8) and add new section (11).

PURPOSE: This amendment ensures that Missouri requirements are equivalent to the criteria of the Appraisal Qualifications Board (AQB).

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) Each licensee who holds a certificate or license shall complete, during the two (2)-year license period prior to renewal, as a condition precedent to certification or license renewal, the required number of hours of real estate appraisal instruction approved for continuing education credit by the Missouri Real Estate Appraisers Commission as specified in section (2) of this rule. Licensees shall maintain their evidence of course participation or course completion certificates for the period set for appraisal file retention. Such evidence **[must] shall** be submitted upon request by the commission.

(2) *[Licensees whose renewal period began prior to January 1, 1998 are required to complete ten (10) hours of continuing education per year as approved by the commission. Licensees whose renewal period began subsequent to January 1, 1998 are required to complete fourteen (14) hours of continuing education per year, as approved by the commission.] Licensees are required to complete twenty-eight (28) hours of continuing education during the two (2)-year renewal cycle.* The commission may require specific courses of continuing education. A licensee shall provide verification of completion of continuing education by affidavit at the time of renewal. The affidavit

[must] shall contain a truthful statement of approved courses by the commission of continuing education taken by the licensee.

(3) Individual licensees may receive continuing education credit for courses taken in Missouri or another state **with which Missouri has a reciprocal agreement** which have not been submitted previously by the course provider for approval; provided course content, instructor qualifications and course administration are acceptable to the commission. *[Applications for nonpreapproved course credit must be received by the commission on or before December 31 in the year preceding license expiration and must be on a form prescribed by the commission.]*

[(4)] The commission may waive all or part of the continuing education requirements upon a showing by the licensee that due to serious physical injury or illness, active duty in the armed services for an extended period of time, residence outside the United States or other good cause it was and is not feasible for the licensee to satisfy the requirements prior to the renewal date.]

[(5)](4) The following offerings will not be considered by the commission to meet Missouri continuing education requirements even though the offerings may be approved by states with which Missouri enters into continuing education reciprocity:

- (A) Training or education not directly related to real estate appraisal or real estate appraisal practice;
- (B) Training or education in office and business skills, such as typing, speedreading, memory improvement, report writing, personal motivation, salesmanship, sales psychology and time management;
- (C) Sales promotions or other meetings held in conjunction with general real estate brokerage activity;
- (D) Meetings which are a normal part of in-house training;
- (E) That portion of any offering devoted to meals or refreshments;
- (F) Sales or brokerage preclicensure education; and
- (G) Any course or program that is less than two (2) hours in duration.

[(6)](5) Hours obtained in excess of the requirement for continuing education shall not be carried forward to satisfy the requirements for any subsequent renewal period.

[(7)](6) A licensee *[must]* shall be physically present in the classroom during at least ninety percent (90%) of the actual classroom instruction.

[(8)](7) Credit will be given to a licensee for attending a specific or substantially similar course offering only once during a certificate or license renewal period *[with the exception of Uniform Standards of Professional Appraisal Practices (USPAP) as will be determined by the commission]*.

[(9)](8) Time spent as an instructor may be counted as classroom attendance for an approved instructor who is also a licensee. This credit may be gained by an instructor only once for each course or substantially similar course offered during any renewal period. Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks or similar activities which are determined to be equivalent to obtaining continuing education. **The number of credit hours granted will be equivalent to the number of hours allowed by the current Appraiser Qualifications Board (AQB) criteria.**

[(10)](9) Passing an examination shall not be required for credit under this chapter even when an examination is required by the provider of the course. Time devoted to examinations, other than

brief periods for review and self-graded quizzes, may not be credited toward the required minimum hours of continuing education.

[(11)](10) No part of any course for continuing education shall be used to solicit memberships in organizations, recruit licensees for affiliation with any organization or advertise the merits of any organization.

(11) All licensees of the state of Missouri shall complete, for continuing education credit, the seven (7) hour national Uniform Standards of Professional Appraisal Practice (USPAP) update course or its equivalent during each renewal cycle. The USPAP, 2006 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 3477722 or at www.appraisalfoundation.org. This rule does not incorporate any subsequent amendments or additions to the USPAP.

AUTHORITY: sections 339.509 and 339.530, RSMo [Supp. 1998] 2000. This rule originally filed as 4 CSR 245-8.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 8—Continuing Education**

PROPOSED AMENDMENT

20 CSR 2245-8.020 Course Approval. The commission is proposing to amend sections (2) and (5) and remove the form following the rule from the *Code of State Regulations*.

PURPOSE: This amendment requires all applicants for continuing education course approval to be accompanied by a fee.

(2) All applications for course approval shall be submitted by the course provider at least ninety (90) days prior to the date the course is expected to be offered. Applications shall be submitted on a form prescribed by the Missouri Real Estate Appraisers Commission and **shall be accompanied by the required fee for course approval.** *[t]*The commission will respond in writing to all requests for course approval within sixty (60) days of receipt of a properly completed application. The commission will either assign a course number or other identification to a course when it is approved or will notify the

course provider of the grounds for the course not being approved, as provided in section (4) of this rule.

(5) Instructors *[must]* **shall** teach all courses in close adherence to the outline on file with the commission. In the event a substantive change is proposed, the course provider *[must]* **shall** file a revised course outline at least thirty (30) days in advance of the scheduled course offering. Approval in writing from the commission *[must]* **shall** be received prior to implementation of any substantive course change.

AUTHORITY: sections 339.509 and 339.530, RSMo [1994] 2000. This rule originally filed as 4 CSR 245-8.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-8.020, effective Aug. 28, 2006. Amended: Filed Nov. 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: The proposed amendment will save private entities approximately one thousand seven hundred fifty-five dollars (\$1,755) annually for the life of the rule. It is anticipated that the savings will recur for the life of the rule, may vary with inflation and are 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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.*

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

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

Division 2245 - Real Estate Appraisers

Chapter 8 - Continuing Education

Proposed Rule - 20 CSR 2245-8.020 Course Approval

Prepared September 27, 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 rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
25	Continuing Education Courses (original approval @ \$25)	\$625.00
113	Continuing Education Courses (renewal @ \$10)	\$1,130.00
	Estimated Annual Cost Savings for the Life of the Rule	\$1,755.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures were based on FY08 and FY09 projections.
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 annually at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 339.500-339.549, RSMo. Pursuant to Section 326.513, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 339.500-339.549, 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 sections 339.500-339.549, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 8—Continuing Education**

PROPOSED AMENDMENT

20 CSR 2245-8.030 Instructor Approval. The commission is proposing to amend section (1) and add new sections (4) and (5).

PURPOSE: This amendment clarifies that all instructors for the National Uniform Standards of Professional Appraisal Practice (USPAP) course must be approved by the Appraisal Qualifications Board (AQB).

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) All continuing education course offerings *[must]* shall be conducted by an approved instructor.

(4) All instructors of the National Uniform Standards of Professional Appraisal Practice (USPAP) course, the national USPAP update course, or their equivalents shall be approved through the instructor certification program of the Appraisal Qualifications Board (AQB) or by an alternate method established by the AQB. The USPAP, 2006 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 3477722 or at www.appraisalfoundation.org. This rule does not incorporate any subsequent amendments or additions to the USPAP.

(5) Education credit shall be given for courses on the USPAP offered by colleges or universities accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, provided that the college or university utilizes the national USPAP course, the national USPAP update course, or their equivalents, and at least one (1) of the course instructors, who is a state certified appraiser, shall be approved through the AQB instructor certification program.

AUTHORITY: sections 339.509 and 339.530, RSMo [1994] 2000. This rule originally filed as 4 CSR 245-8.030. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-8.030, effective Aug. 28, 2006. Amended: Filed Nov. 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

Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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 2245—Real Estate Appraisers
Chapter 8—Continuing Education**

PROPOSED AMENDMENT

20 CSR 2245-8.040 Records. The commission is proposing to amend sections (1) and (2).

PURPOSE: This amendment will allow approved course providers the ability to provide course completion certificates to individuals who have satisfactorily completed the continuing education course within thirty (30) days after the course.

(1) Licensees shall maintain evidence of course participation or course completion certificates for the period set for appraisal file retention. Such evidence or certificate *[must]* shall be submitted upon request by the commission.

(2) *[At the close of any continuing education course, t/The course provider shall [hand] within thirty (30) days of the end date of any continuing education course provide to each individual licensee who has satisfactorily completed the course a certificate of course completion in duplicate in a form prescribed by the commission.*

AUTHORITY: sections 339.509 and 339.530, RSMo [Supp. 1998] 2000. This rule originally filed as 4 CSR 245-8.040. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Amended: Filed June 22, 1999, effective Dec. 30, 1999. Moved to 20 CSR 2245-8.040, effective Aug. 28, 2006. Amended: Filed Nov. 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 cost private entities an increase of approximately one thousand one hundred seventy dollars (\$1,170) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are 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 Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

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

Division 2245 - Real Estate Appraisers

Chapter 8 - Continuing Education

Proposed Rule - 20 CSR 2245-8.040 Records

Prepared September 27, 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 rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3000	Continuing Education Providers (postage to mail certificate @ \$.39)	\$1,170.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$1,170.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures were based on FY07 actuals and FY08 and FY09 projections.
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 annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 8—Continuing Education**

PROPOSED AMENDMENT

20 CSR 2245-8.050 Investigation and Review. The commission is amending section (2).

PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 Code of State Regulations the chapters were renumbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.

(2) If the commission determines that a course provider's instructor or course is in violation of any of these rules or otherwise fails to maintain reasonable standards, notice in writing specifying the defect will be transmitted promptly to the course provider or the instructor, or both. Failure of the course provider or the instructor or both to correct the defects within thirty (30) days shall be grounds for suspension or revocation of approval. The commission may deny, revoke, suspend or place on probation the approval of an instructor or course, if not in compliance with the license law or these rules or if their level of performance or credentials are not in the public interest, or that their application (see [4 CSR 245-3] **20 CSR 2245 Chapter 3**) or supporting material contains any false statement or substantial misrepresentation.

AUTHORITY: sections 339.509 and 339.530, RSMo [Supp. 1990] 2000. This rule originally filed as 4 CSR 245-8.050. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-8.050, effective Aug. 28, 2006. Amended: Filed Nov. 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 Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@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.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE
Division 110—Office of the Director
Chapter 2—Missouri Qualified Biodiesel Producer Incentive Program

ORDER OF RULEMAKING

By the authority vested in the director of agriculture under section 142.031, RSMo Supp. 2005, the director adopts a rule as follows:

2 CSR 110-2.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 1, 2006 (31 MoReg 1306-1309). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Agriculture received two (2) comments on the proposed rule.

COMMENT: A member of a potential biodiesel plant stated that (2)(G)2., (3)(C), and (4)(B)5. were unclear as to whether the requirement that facilities be "at least 51% owned by agricultural producers who are residents of this state . . ." was determined by the value of the investment in the facility or by the number of investors. **RESPONSE AND EXPLANATION OF CHANGE:** As a result of this comment, the department has changed (2)(G)2., (3)(C), and (4)(B)5. to clearly state that the fifty-one percent (51%) ownership requirement is based on the value of the investment in the biodiesel facility.

COMMENT: A member of a biodiesel plant stated that it may not be possible to comply with paragraph (5)(D)13. regarding feedstock purchased from an out-of-state source because out-of-state sources are sometimes unwilling to disclose either the quantity of Missouri agricultural products purchased or the volume of biodiesel feedstock produced from Missouri agricultural products.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department has changed the rule to also allow certifications from Missouri agricultural producers regarding the quantity of Missouri agricultural products that they have delivered to the out-of-state sources of feedstock. In addition, out-of-state sources can meet the requirement by providing either the quantity of Missouri agricultural products purchased or the volume of biodiesel feedstock produced from Missouri agricultural products, but do not have to provide both.

2 CSR 110-2.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Biodiesel Producer Incentive Program

(2) Definitions.

(G) Missouri qualified biodiesel producer (MQBP)—A facility located in Missouri that produces biodiesel and is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, where:

1. One hundred percent (100%) of the feedstock used by the facility originates in the United States; and

2. At least eighty percent (80%) of the feedstock used by the facility originates in the state of Missouri, or the value of the investment in the facility is at least fifty-one percent (51%) owned by agricultural producers who are residents of Missouri and who are actively engaged in agricultural production for commercial purposes.

(3) Criteria for Classification as a Missouri Qualified Biodiesel Producer. To be classified as a MQBP by the department a biodiesel production facility must:

(C) Have at least fifty-one percent (51%) of its investment value owned by residents of Missouri who are actively engaged in agricultural production for commercial purposes, or at least eighty percent (80%) of the feedstock used by the facility must originate in the state of Missouri;

(4) Procedures for Obtaining a Missouri Qualified Biodiesel Producer License.

(B) The license application must include:

1. The biodiesel producer's registration number from the United States Environmental Protection Agency according to the requirements of 40 CFR 79;

2. The biodiesel producer's federal employer identification number or Social Security number;

3. If incorporated, a copy of the biodiesel producer's Certificate of Good Standing issued by the Missouri Secretary of State;

4. Complete name and address of the biodiesel producer's owner, or, if a partnership, the names and addresses of the partners, or, if a corporation, the names and addresses of the principal officers;

5. Certification by the biodiesel producer's board of directors that:

A. One hundred percent (100%) of the feedstock to be used by the facility will originate in the United States; and

B. At least eighty percent (80%) of the feedstock to be used by the facility will originate in the state of Missouri, or the value of the investment in the facility is at least fifty-one percent (51%) owned by agricultural producers who are residents of Missouri and who are actively engaged in agricultural production for commercial purposes;

6. Diagram of the premises (location of the production plant, etc.);
7. Description of the production facilities, including the plant's capacity;
8. Description of the laboratory analyses protocol that will be followed to ensure the biodiesel conforms to ASTM Standard D-6751 specifications;
9. The amount and source (i.e., name, address, phone number) of the feedstocks to be used annually by the facility;
10. The maximum number of gallons of biodiesel to be produced annually by the facility; and
11. The amount and source of funds invested in the facility.

(5) Grant Application Procedures.

(D) The grant application must include the:

1. Complete name and address of the owner, or the complete names and addresses of the partners if the MQBP is a partnership, or the complete names and addresses of the principal officers if the MQBP is a corporation;
2. Address and location of all biodiesel plants owned by the MQBP. Each MQBP must include all Missouri plants as well as plants outside Missouri;
3. Production capacity of each biodiesel plant;
4. Estimated number of employees needed to reach the production capacity of each biodiesel plant;
5. Estimated production in the July 1–June 30 time period at each biodiesel plant;
6. Total number of employees and the number of Missouri citizens employed by the MQBP during the preceding month;
7. Number of bushel equivalents of Missouri agricultural products used by the MQBP in the production of biodiesel during the preceding month;
8. Gallons of biodiesel produced during the month for which the grant is applied;
9. Gallons of biodiesel produced from Missouri feedstock during the month for which the grant is applied;
10. Quantity of all feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;
11. Quantity and source (i.e., name, address, phone number) of Missouri-produced feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;
12. Quantity and source (i.e., name, address, phone number) of United States-produced feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;
13. If the feedstock used by the MQBP was purchased from an out-of-state source, either the MQBP must provide certification from Missouri agricultural producers as to the date and quantity of Missouri agricultural products delivered to the out-of-state source, or the out-of-state source must provide certification of:
 - A. The quantity of Missouri agricultural products purchased to produce the biodiesel feedstock; or
 - B. The volume of biodiesel feedstock produced from Missouri agricultural products;
14. Total amount of biodiesel produced by the MQBP during the current fiscal year (July 1 through June 30); and
15. A copy of the most recent laboratory analyses verifying that the biodiesel conforms to ASTM Standard D-6751 specifications.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 345—Missouri School Improvement Program**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.518, 160.545, 161.092 and 163.031.5(3), RSMo Supp. 2005 and 161.210, RSMo 2000, the board rescinds a rule as follows:

**5 CSR 50-345.020 Policies on Waiver of Regulations
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 15, 2006 (31 MoReg 1223). 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 805—Educator Preparation**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092 and 168.021, RSMo Supp. 2005 and 161.097 and 161.099, RSMo 2000, the board amends a rule as follows:

5 CSR 80-805.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2006 (31 MoReg 1223–1225). Changes have been made in the text of the proposed amendment and the Missouri Standards for Teacher Education Programs (MoSTEP) which is incorporated by reference. Those sections of the proposed amendment 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 board received four (4) letters of comment on the proposed amendment.

COMMENT: A faculty member at a state university submitted a comment noting that the language of a term listed in the glossary of the Missouri Standards for Teacher Education Programs (MoSTEP), which is incorporated by reference, is not consistent with the term as it is used in the standards and in the text of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The board has considered the comment and has decided to change the wording of the term in subsection (1)(I) of the rule and in the MoSTEP glossary, which is incorporated by reference, to provide consistency of language in all references.

COMMENT: The chairperson of the education department in a private independent college submitted a letter of comment recommending that criteria used in another administrative rule for consideration of alternative clinical practice for candidates in teacher education be restated in section 3.6 of the MoSTEP document, which is incorporated by reference.

RESPONSE: No change is proposed. The board has considered the comment and has decided not to change section 3.6 of the MoSTEP document, which is incorporated by reference.

COMMENT: The chairperson of the education department in a private independent college and the Missouri Association of Colleges for Teacher Education submitted letters of comment expressing dismay that language requiring candidates to have no grade lower than a "C" in their professional education coursework has been removed

from the Missouri Standards for Teacher Education Programs (MoSTEP). The letters strongly recommend that such language be reinstated in the MoSTEP document, which is incorporated by reference.

RESPONSE AND EXPLANATION OF CHANGE: The board has considered the comments and has decided to amend the wording in Standard 4, sub-indicator 4.4.4 of the MoSTEP document, which is incorporated by reference in this rule, to reinstate language requiring candidates to have no grade lower than a "C" in their professional education coursework.

5 CSR 80-805.015 Procedures and Standards for Approval of Professional Education Programs in Missouri

(1) For the purpose of this rule, unless the context clearly requires otherwise, the following terms shall mean:

(I) Preliminary teacher education program. A program that provides the introductory or early phases of teacher preparation culminating in a two (2)-year associate's degree;

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 80—Solid Waste Management Chapter 2—General Provisions

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources under sections 260.205 and 260.225, RSMo 2000, the department amends a rule as follows:

10 CSR 80-2.010 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 1141-1145). 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:

COMMENT: One comment was received that suggested the definition of "permeable geologic media" found in 10 CSR 80-2.010(70) be modified so as not to include the hydraulic conductivity value of 1×10^{-6} .

RESPONSE: Permeable geologic media is defined as "soil or lithified earth material that has a hydraulic conductivity of greater than 1.0×10^{-6} centimeters per second (cm/sec)." The emphasis of the rule language where this term is utilized will be to define those areas that have permeable geologic media present that also provide a direct connection to the uppermost regional aquifer. The intention of the rule is to exclude sites that could easily contaminate a regionally important water supply. A consensus on the definition was reached during the stakeholder process. No changes have been made to the rule as a result of this comment.

COMMENT: One comment was received that suggested the definition of "uppermost regional aquifer" found in 10 CSR 80-2.010(116) be modified so as not to include a quantifiable yield of three hundred sixty (360) gallons per day.

RESPONSE: This portion of the rule is intended to define those aquifers that are currently or reasonably likely to be used as future domestic groundwater resources. The Missouri Risk Based Corrective Action process for underground storage tanks guidance document was used to establish this standard. A consensus on the definition was reached during the stakeholder process. No changes have been made to the rule as a result of this comment.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 80—Solid Waste Management Chapter 2—General Provisions

ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources under sections 260.205 and 260.225, RSMo 2000, the department amends a rule as follows:

10 CSR 80-2.015 Preliminary Site Investigation, Detailed Site Investigation Workplan, and Detailed Site Investigation and Characterization Report 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 1145-1154). 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 Geological Survey Program received four (4) comments related to the use of engineering design and/or engineering controls to overcome adverse geologic or hydrologic site characteristics. A public hearing on this proposed amendment was held on August 31, 2006, and the public comment period ended September 7, 2006. At the public hearing, two (2) comments were received relating to the use of engineering design and/or engineering controls to overcome adverse geologic or hydrologic site characteristics. At the public hearing, two (2) comments were received that acknowledged the stakeholder process as being beneficial and offered support of the proposed amendment.

COMMENT: A list of geologic and hydrologic conditions which render a site unsuitable for development of a solid waste disposal area are too restrictive because it rules out the possibility of consideration of engineering design and engineering controls to overcome adverse geologic and hydrologic conditions.

RESPONSE: Section 260.205, RSMo, established the two-phase site investigation process for the purpose of screening out sites for consideration as a landfill on the basis of geologic and hydrologic characteristics. The statute does not state that engineering can or should be factored into the geologic and hydrologic site suitability decision. Therefore, providing clarity to the meaning of geologic and hydrologic characteristics, through the establishment of a list of unsuitable characteristics, is appropriate. The proposed amendment recognizes that there are sites that may have some level of geologic and hydrologic limitations that can be addressed through engineering and the department believes that this is captured in the proposed amendment at 10 CSR 80-2.015(2)(A)2. No changes have been made to the rule as a result of this comment.

COMMENT: The stakeholder group represented a number of diverse points of view. The final list of siting criteria is reasonable and workable and these rules are better than what we have had in the past. The final list of siting criteria for utility waste landfills is also reasonable and workable. We support the solid waste rule amendment as proposed and appreciate the hard work of all who were involved in its development.

RESPONSE: No response. No changes have been made to the rule as a result of this comment.

COMMENT: One comment was received that offered alternative rule language in 10 CSR 80-2.015(1) that would further clarify the intent of geologic and hydrologic site approval.

RESPONSE: The department agrees that one part of the rulemaking effort is to clarify the conditions in which a site would receive geologic and hydrologic site approval. Much of the suggested

language is incorporated into the rule and can be found in 10 CSR 80-2.015(2). No changes have been made to the rule as a result of this comment.

COMMENT: One comment was received that suggested rule language be changed to incorporate a gravity drainage layer or similar construction into 10 CSR 80-2.015(1)(A)1.A.(I).

RESPONSE: Rule language related to geologic or hydrologic conditions that can be addressed by engineering can be found in 10 CSR 80-3.010(5)(B)3., 10 CSR 80-4.010(4)(B)8. and 10 CSR 80-11.010(5)(A)3. No changes have been made to the rule as a result of this comment.

COMMENT: One comment was received that suggested rule language, pertaining to the word “pathway” in 10 CSR 80-2.015(1)(A)1.A.(II) and 10 CSR 80-2.015(1)(A)1.A.(III), be further clarified.

RESPONSE: The emphasis of this language is to identify conditions that are characterized by permeable geologic media that provide a pathway for the rapid migration of contaminants to the uppermost regional aquifer. The intention of the rule language is to identify those sites that could easily contaminate a regionally important water supply. No changes have been made to the rule as a result of this comment.

COMMENT: One comment was received that suggested that the standard aquifer yield of three hundred sixty (360) gallons per day found in 10 CSR 80-2.015(1)(A)3.B. is too stringent.

RESPONSE: This well production number is being used in this part of the rule as a means of establishing, at the preliminary site investigation phase, which sites appear to be well-suited for a landfill at the preliminary site investigation phase. The department believes that setting the production number too high could result in an approval of a site in an area where a regionally important water supply could be impacted. This would undermine the intent of this provision, which is to provide an incentive for applicants to select sites with favorable geologic and hydrologic characteristics. The Missouri Risk Based Corrective Action process for underground storage tanks guidance document was used to establish this standard. A consensus on the standard yield of three hundred sixty (360) gallons per day was reached during the stakeholder process. No changes have been made to the rule as a result of this comment.

COMMENT: The department should use caution when evaluating a proposed solid waste disposal area and applying site suitability criteria to a proposed site. There are sound engineering solutions that can allow landfills to be developed in areas where adverse geologic or hydrologic conditions may exist. Appropriate engineering design and application can overcome those adverse conditions and make a site acceptable.

RESPONSE: Section 260.205, RSMo, established the two-phase site investigation process for the purpose of screening out sites for consideration as a landfill on the basis of geologic and hydrologic characteristics. The statute does not state that engineering can or should be factored into the geologic and hydrologic site suitability decision. Therefore, providing clarity to the meaning of “geologic and hydrologic characteristics,” through the establishment of a list of unsuitable characteristics, is appropriate. The proposed amendment recognizes that there are sites that may have some level of geologic and hydrologic limitations that can be addressed through engineering and the department believes that this is captured in the proposed amendment at 10 CSR 80-2.015(2)(A)2. No changes have been made to the rule as a result of this comment.

COMMENT: The stakeholder group represented a number of diverse points of view. The final list of siting criteria is reasonable and these rules are better than what we have had in the past. The final list of siting criteria for utility waste landfills is also reasonable.

RESPONSE: No response. No changes have been made to the rule as a result of this comment.

**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 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 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 adopts a rule as follows:

13 CSR 70-3.180 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 1155-1156). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The director of the Division of Medical Services received four (4) comments on the proposed rule.

COMMENT: North Kansas City Hospital, University of Missouri Health Care, HCA Midwest Health System, and the Missouri Hospital Association commented that there is no published listing of outpatient hospital services requiring pre-certification.

RESPONSE AND EXPLANATION OF CHANGE: The Purpose section and section (1) will be amended to clarify that the list of procedures and services that will be pre-certified will be published in provider manuals, provider bulletins, or clinical edits criteria, which will be incorporated by reference and made a part of this rule as of the date listed in the regulation. This rule incorporates the July 5, 2006 physician bulletin which documents the pre-certification process for radiological services.

COMMENT: North Kansas City Hospital, University of Missouri Health Care, HCA Midwest Health System, and the Missouri Hospital Association expressed concern that the pre-certification process would be very costly and would add to the current administrative burdens placed on hospitals without getting at the target of the

rule—unnecessary over utilization of services by nonhospital providers.

RESPONSE: The pre-certification process is highly automated using the Medicaid web based tool—CyberAccess. The CyberAccess tool allows each pre-certification to automatically reference the individual recipient's claim history, including ICD-9 diagnosis codes and CPT procedure codes. The clinical edit criteria is posted on the Missouri Medicaid website located at www.dss.mo.gov/dms. No change has been made to the public or private cost statement.

COMMENT: North Kansas City Hospital, University of Missouri Health Care, HCA Midwest Health System, and the Missouri Hospital Association expressed concern that the pre-certifications must be done in a timely manner.

RESPONSE: The highly automated web based tool, CyberAccess, has proved to be effective in addressing the factor of processing the pre-certifications in a timely manner. No change has been made to the rule.

13 CSR 70-3.180 Medical Pre-Certification Process

PURPOSE: This rule establishes the medical pre-certification process of the Missouri Medical Assistance Program for certain covered diagnostic and ancillary procedures and services prior to provision of the procedure or service as a condition of reimbursement. This rule shall only apply to those diagnostic and ancillary procedures or services that are listed in the provider manuals, provider bulletins, or clinical edits criteria which are incorporated by reference and made a part of this rule. The medical pre-certification process serves as a utilization management tool, allowing payment for services that are medically necessary, appropriate, and cost-effective without compromising the quality of care provided to Missouri medical assistance recipients.

(1) Providers are required to seek pre-certification for certain specified services listed in the provider manuals, provider bulletins, or clinical edits criteria before delivery of the services. This rule shall apply to diagnostic and ancillary procedures and services listed in the provider manuals, provider bulletins, or clinical edits criteria when ordered by a healthcare provider unless provided in an inpatient hospital or emergency room setting. This pre-certification process shall not include primary services performed directly by the provider. In addition to services and procedures that are available through the traditional medical assistance program, expanded services are available to children twenty (20) years of age and under through the Healthy Children and Youth (HCY) Program. Some expanded services also require pre-certification. Certain services require pre-certification only when provided in a specific place or when they exceed certain limits. These limitations are explained in detail in subsections 13(3) and 14(4) of the applicable provider manuals, provider bulletins, or clinical edits criteria, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109, at its website at www.dss.mo.gov/dms, August 1, 2006. The rule does not incorporate any subsequent amendments or additions. This rule shall only apply to those diagnostic and ancillary procedures or services that are listed in the provider manuals, provider bulletins, or clinical edits criteria which are incorporated by reference and made a part of this rule.

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 February 1, 2007.

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

- Email:** 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 # MP040429033

Applicant's Name & Age: Harlan D. Glaser
Relevant Physical Condition: Mr. Glaser's best-corrected visual acuity in his right eye is 20/15-1 Snellen and he has no light perception in his left eye. He had trauma to the left eye at age 5, approximately 1947.

Relevant Driving Experience: Mr. Glaser has 30 years experience operating commercial motor vehicles through self-employment as a farmer, hauling hogs, corn and beans. Mr. Glaser recently completed Basic Truck Driver Training in Hazelwood, Missouri. He currently has a Class A CDL. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in June 2006, his ophthalmologist certified, "In my medical opinion, Mr. Glaser'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: December 1, 2006

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

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

IN ADDITION

The Department of Economic Development filed a proposed rule for 4 CSR 220-2.500 on September 2, 1997 and it was published in the October 1, 1997 issue of the *Missouri Register* (22 MoReg 1548-1555) and the final order of rulemaking was published in the March 2, 1998 issue of the *Missouri Register* (23 MoReg 494-495). In the proposed rule there were two section (5)s followed by section (6). The second section (5), plus section (6) are published correctly here as sections (6) and (7). Additionally, pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration effective August 28, 2006.

20 CSR 2220-2.500 Nuclear Pharmacy—Minimum Standards for Operation

(6) Reference Manuals.

(A) Each nuclear pharmacy shall have a copy of the Missouri Pharmacy Practice Act and current regulations under the act; one recognized text in nuclear pharmacy, and a current copy of state and federal regulations governing the safe storage, handling, use, dispensing, transport and disposal of radioactive material.

(7) Any preparation of Positron Emission Tomographic (PET) radiopharmaceuticals shall comply with 4 CSR 220-2.200 Sterile Pharmaceuticals and with applicable USP standards.

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

NOTICE OF DISSOLUTION OF CORPORATION

Notice is hereby given that The American Thrift Association for Columbia Housing, Incorporated, a Missouri corporation ("the corporation"), has been dissolved pursuant to the Missouri Corporations, Associations and Partnerships Law. This notice is being given pursuant to Section 351.482 of the Corporations, Associations and Partnerships Law of Missouri.

In order to file a claim with the corporation, the claimant must provide the following: (1) the amount of the claim, (2) the basis for the claim, and (3) documentation of the claim. The claim must be mailed to:

Ronald N. Sweet
OLIVER WALKER WILSON LLC
401 Locust Street, Suite 406
P.O. Box 977
Columbia, MO 65205-0977

A claim against the corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of the notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST MONTEREY HOMES, INC.

On November 22, 2006, Monterey Homes, Inc., a Missouri corporation, was dissolved upon the filing of their articles of dissolution by the Missouri Secretary of State.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation % Helfrey, Neiers & Jones, P.C., 120 S. Central Avenue, Suite 1500, Clayton, MO 63105 Attention: David F. Neiers, Esquire. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the documentation of the claim, and the date(s) of the event(s) on which the claim is based occurred.

NOTICE: BECAUSE OF THE DISSOLUTION OF MONTEREY HOMES, INC. ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION OF THE TWO NOTICES AUTHORIZED BY STATUTE, WHICHEVER IS PUBLISHED LAST.

**Notice of Dissolution
of Limited Liability Company
To All Creditors or
Claimants Against
T-5, LLC**

On November 28, 2006, T-5, LLC, a Missouri Limited Liability Company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

T-5, LLC requests all persons and organizations who have claims against it present them immediately by letter to:

**T-5, LLC.
Butch Giessman
18377 Edison Avenue
Chesterfield, Missouri 63005**

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

NOTICE: Because of the dissolution of T-5, LLC, any claim against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the three notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
K C & C, L.L.C.**

On November 9, 2006, K C & C, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o John M. Carnahan, III, Esq., Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

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