

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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods Limits**

ORDER OF RULEMAKING

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

3 CSR 10-6.410 is amended.

This rule establishes provisions associated with hand fishing seasons and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-6.410 by rescinding a season for hand fishing in Missouri.

3 CSR 10-6.410 Fishing Methods

PURPOSE: This amendment removes hand fishing as a method for taking fish.

(1) Fish may be taken by the use of pole and line, trotline, throwline, limb line, bank line, jug line, gig, longbow, crossbow, underwater spearfishing, snagging, snaring or grabbing, but only as specifically authorized in 3 CSR 10-6.415 through 3 CSR 10-6.550. No person may attempt to take fish by rock or hand fishing, with or without hook. Live bait, mussels, clams, bullfrogs, green frogs, common

snapping turtles and soft-shelled turtles may be taken only as specifically authorized in 3 CSR 10-6.605 through 3 CSR 10-6.620.

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

This amendment filed April 23, 2007, effective **May 7, 2007**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods Limits**

ORDER OF RULEMAKING

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

3 CSR 10-6.511 is rescinded.

This rule rescinds the hand fishing season in Missouri and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation rescinded 3 CSR 10-6.511 by rescinding a season for hand fishing in Missouri.

3 CSR 10-6.511 Experimental Catfish Hand Fishing Season, Methods, Limits. This rule established an experimental hand fishing, dates and limits.

PURPOSE: This amendment rescinds the experimental catfish hand fishing season in Missouri.

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

This rescission filed April 23, 2007, effective **May 7, 2007**.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the commissioner of higher education under section 173.210, RSMo 2000, the commissioner amends a rule as follows:

6 CSR 10-2.020 Student Eligibility and Application Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 303). 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 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the commissioner of higher education under section 173.250, RSMo 2000, the commissioner amends a rule as follows:

6 CSR 10-2.080 Higher Education Academic Scholarship Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 303-304). 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 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the commissioner of higher education under section 173.262, RSMo 2000, the commissioner amends a rule as follows:

6 CSR 10-2.120 Competitiveness Scholarship Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 304-305). 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 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**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-2.070 Restriction of Emission of Odors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 39). 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 Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from two (2) sources, the Interdisciplinary Environmental Clinic at Washington University in St. Louis representing CLEAN (Citizens Legal Environmental Action Network) and Friends of Agriculture for the Reform of Missouri Environmental Regulations (FARMER).

COMMENT: CLEAN presented both oral and written testimony on the proposed amendment. Due to the similar nature of the testimony this comment summarizes both. CLEAN commented that the change in the screening standard from a dilution ratio of 5.4:1 to a ratio of 7:1 seems inappropriate when odor problems continue to threaten the health and quality of life of rural Missourians. This change is a decrease or relaxation in stringency. CLEAN also requests that the commission adopt the following additional changes to the odor regulations: remove the overly burdensome requirement for additional, outside testing to determine an odor violation related to concentrated animal feeding operations (CAFOs); extend statewide and to the CAFO context the approach currently used in the St. Louis area regulations to protect residential and other sensitive areas affected by offensive odors; specifically, the commission should establish a 2:1 dilution threshold for odors affecting Missourians at their homes; require entities that generate offensive odors to do more to prevent such odors from occurring; and for CAFOs, this would mean to revise and update their odor control plans every five (5) years and following a violation of the odor standard. CLEAN did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. The department's Air Pollution Control Program is responding to the concerns that CLEAN has about the odor regulations and to their petition by convening the odor workgroup. The odor workgroup will examine the state's odor regulations to determine if changes are necessary. Therefore, no wording changes have been made as a result of this comment.

COMMENT: FARMER commented in support of the change from 5.4:1 to 7:1 for the screening threshold. They also do not oppose the use of the nasal ranger without contacting the source for approval. They do request that the industry would like to be notified when samples are to be taken. FARMER had no comment on the change to the American Society for Testing and Materials. FARMER did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. Therefore, no wording changes have been made as a result of this comment.

**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**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-2.390 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2006 (31 MoReg 1941–1965). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments on the proposed amendment from two (2) sources: the Mid-America Regional Council (MARC) and the U.S. Environmental Protection Agency (EPA).

COMMENT: EPA commented that in the rule purpose the reference to Clean Air Act section 176(c) should read section 176(c)(4)(E) as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has made the recommended reference revision.

COMMENT: EPA suggested that clarifying language be added in the rule purpose regarding the rule applicability should Kansas City violate the standard and be redesignated as nonattainment.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the clarifying language.

COMMENT: EPA suggested that in subsection (1)(A) the phrase — After EPA revokes the one (1)-hour ozone standard — be deleted and the sentence start with — If any Missouri....

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has revised the language as suggested.

COMMENT: EPA suggested that clarifying language be added to subsection (1)(B) that the rule addresses and gives full legal effect to the three (3) requirements of the Federal Transportation Conformity Rule regarding consultation procedures, written commitments to control measures, and written commitments to mitigation measures.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the additional clarifying language.

COMMENT: EPA suggested that section (2)—1) incorporate by reference the definitions in subsection 40 CFR (*Code of Federal Regulations*) 93.101 of 40 CFR 93 Subpart A, 2) list participants in the interagency consultation process, and 3) include the identity and definition of the metropolitan planning organization.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has organized section (2) definitions as suggested.

COMMENT: EPA suggested that clarifying language be added at the end of the first sentence of subparagraph (3)(A)2.A. to read — and associated conformity determinations.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the additional clarifying language.

COMMENT: EPA commented that the rule indicates in part (3)(A)2.C.(II) consultation on planning assumptions that there will be a meeting to review planning assumptions in August of each year and that the department's Air Pollution Control Program should confirm that August is still the appropriate month for the meeting.

RESPONSE: The August meeting to review planning assumptions has been reconfirmed with MARC, the metropolitan planning organization for the Kansas City metropolitan area. No wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: MARC submitted a comment suggesting updating the rule language in subparagraph (3)(A)2.D. and part (3)(A)2.D.(I). Formerly, MARC maintained notebooks in the public libraries in the Kansas City region for posting documents for public inspection. The advent of MARC's website on the Internet has replaced the notebooks in the public libraries as the means for posting documents for public inspection.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the rule language in subparagraph (3)(A)2.D. and part (3)(A)2.D.(I). has been revised to reflect the updated rule language.

COMMENT: EPA suggested that rule language be revised in part (3)(A)3.B.(I) so that conformity determinations are not triggered by a change in planning assumptions.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has revised the rule language so as not to trigger a conformity determination when there is a change(s) in planning assumptions.

COMMENT: EPA suggested that rule text — adopt or approve of a regionally significant project — in the first sentence of part (3)(A)3.D.(III) be enclosed with quotation marks.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the quotation marks to enclose the rule text.

COMMENT: EPA suggested that Missouri include rule language reflecting that the governors are able to delegate their responsibilities in the hearing of appeals in paragraph (3)(A)4.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has included the recommended language in new subparagraph (3)(A)4.C.

COMMENT: EPA suggested that, in paragraph (3)(A)5. Missouri use verbatim the language from 40 CFR 93.105 of the Federal Transportation Conformity Rule regarding the Public Consultation Procedures.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has used verbatim the language from 40 CFR 93.105 of the Federal Transportation Conformity Rule regarding the Public Consultation Procedures in paragraph (3)(A)5.

COMMENT: EPA suggested that in subsection (3)(B) Requirement to Fulfill Commitments to Control Measures that language be added that entities have ability and authority to implement control measures.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the suggested language.

COMMENT: EPA suggested that in subsection (3)(C) Requirement to Fulfill Commitments to Mitigation Measures that language be added that project sponsors committing to mitigation measures to facilitate positive conformity determinations must comply with such written commitments.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the suggested language.

10 CSR 10-2.390 Kansas City Area Transportation Conformity Requirements

PURPOSE: This rule implements section 176(c)(4)(E) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401–7671q.), and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of

Transportation (DOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). This rule sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to the applicable implementation plan, developed pursuant to section 110 and Part D of the CAA. This rule would apply to the Kansas City attainment area should Kansas City violate the standard and be redesignated as nonattainment.

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) Applicability.

(A) If any Missouri portion of the Kansas City metropolitan area is redesignated as a nonattainment area for any transportation-related criteria pollutant, the provisions of this rule shall apply to the Missouri counties and the portions of Missouri counties located within the redesignated nonattainment area.

(B) This rule meets the requirements for state transportation conformity state implementation plans as provided in section 6011(f)(4) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. This regulation addresses and gives full legal effect to the following three (3) requirements of the Federal Transportation Conformity Rule, 40 CFR part 93 subpart A: 1) 40 CFR 93.105, which addresses consultation procedures; 2) 40 CFR 93.122(a)(4)(ii), which states that conformity plans must require written commitments to control measures to be obtained prior to a conformity determination if the control measures are not included in a metropolitan planning organization's transportation plan and transportation improvement program, and that such commitments be fulfilled; and 3) 40 CFR 93.125(c), which states that conformity plans must require written commitments to mitigation measures to be obtained prior to a project-level conformity determination, and that project sponsors comply with such commitments.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in subsection 40 CFR 93.101 of 40 CFR 93 Subpart A, promulgated as of July 1, 2006, which is hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Participants in the interagency consultation process must include the following public agencies:

1. Federal Highway Administration, Kansas Division;
2. Federal Transit Administration, Region 7;
3. Johnson County (Kansas) Environmental Department;
4. Johnson County (Kansas) Transit;
5. Kansas City Area Transportation Authority;
6. Kansas City, Missouri, Department of Health Air Quality Program;
7. Kansas Department of Health, Bureau of Air & Radiation;
8. Kansas Department of Transportation;
9. Mid-America Regional Council;
10. Missouri Department of Natural Resources' Air Pollution Control Program;
11. Missouri Department of Transportation;
12. Unified Government Health Department, Air Quality Program;
13. Unified Government Transit Department; and
14. U.S. Environmental Protection Agency, Region 7.

(C) Metropolitan planning organization (MPO)—That organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 5303. It is the forum for cooperative transportation decision-making. The Mid-America Regional Council is the MPO for the Kansas City metropolitan area and the organization responsible for conducting the planning required under section 174 of the CAA.

(D) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Interagency Consultation Procedures (Federal Code Location: 40 CFR 93.105).

1. General. Procedures for interagency consultation (federal, state, and local), resolution of conflicts, and public consultation are described in paragraphs (3)(A)1.–(3)(A)5. of this rule. Public consultation procedures meet the requirements for public involvement in 23 CFR part 450.

A. The implementation plan revision required shall include procedures for interagency consultation (federal, state, and local), resolution of conflicts, and public consultation as described in paragraphs (3)(A)1.–(3)(A)5. of this rule. Public consultation procedures will be developed in accordance with the requirements for public involvement in 23 CFR part 450.

B. MPOs and state departments of transportation will provide reasonable opportunity for consultation with state air agencies, local air quality and transportation agencies, Department of Transportation (DOT), and U.S. Environmental Protection Agency (EPA), including consultation on the issues described in subparagraph (3)(A)3.A. of this rule, before making conformity determinations.

2. Interagency consultation procedures—general factors.

A. Representatives of the MPO and its regional transportation policy advisory committee, state transportation agencies, state and local air quality agencies, and regional air quality policy advisory organization designated by the state air quality agencies under the provisions of CAA section 174 shall participate in an interagency consultation process in accordance with this section with each other and with Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) and EPA on the development of the implementation plan, the list of Transportation Control Measures (TCMs) in the applicable implementation plan, the unified planning work program under 23 CFR section 450.314, the transportation plan, the Transportation Improvement Plan (TIP), and any revisions to the preceding documents and associated conformity determinations. Use of existing advisory committee structures will be the preferred mechanism for interagency consultation during the early stages of planning or programming processes. Expansion of representation will occur as necessary to assure that consulting agencies have the opportunity to receive background information as it is developed and share ideas and concerns early in the planning or programming process. Where consultation takes place outside of existing advisory committee structures, local government transportation interests will be represented by four (4) persons (representing transit and roadway interests from each state) appointed by the chairs of the regional transportation policy advisory committee and local government air quality interests will be represented by four (4) persons (at least one (1) from each state) appointed by the chairs of the regional air quality advisory organization. The air quality representation shall not duplicate representation from transportation agencies.

B. Roles and responsibilities of consulting agencies.

(I) It shall be the affirmative responsibility of the agency(ies) with the responsibility for preparing the final document to initiate the consultation process by notifying other participants of the proposed planning or programming process for the development of the following planning or programming documents: the regional transportation plan and the regional TIP, including revisions, the unified planning work program, and any conformity determinations,

with the MPO as the responsible agency; the statewide transportation plan and State Transportation Improvement Plan for northern Clay and northern and western Platte Counties, with the state transportation agency as the responsible agency; and the state air quality implementation plans with motor vehicle emissions budgets and control strategies, including revisions, with the state air quality agency in cooperation with the MPO as the responsible agencies.

(II) The adequacy of the consultation process for each type of document listed in subparagraph (3)(A)2.B. of this rule shall be assured by the agency responsible for that document, by meeting the requirements of subparts (3)(A)2.B.(II)(a)-(c) of this rule.

(a) The proposed planning or programming process must include at a minimum the following:

I. The roles and responsibilities of each agency at each stage in the planning process, including technical meetings;

II. The proposed organizational level of regular consultation;

III. A process for circulating (or providing ready access to) draft documents and supporting materials for comment before formal adoption or publication;

IV. The frequency of, or process for convening, consultation meetings and responsibilities for establishing meeting agendas; and

V. A process for responding to the significant comments of involved agencies.

(b) The time sequence and adequacy of the consultation process will be reviewed and determined for each type of planning or programming document by consensus of the consultation agencies at a meeting convened by the responsible agency for that purpose. These procedures shall subsequently become binding on all parties until such time as the procedures are revised by consensus of the consulting agencies.

(c) As a matter of policy, planning or programming processes must meet two (2) tests—

I. Consultation opportunities must be provided early in the planning process. Early participation is intended to facilitate sharing of information needed for meaningful input and to allow the consulting agencies to confer with the responsible agency during the formative stages of the plan or program. At a minimum, proposed transportation planning or programming processes must specifically include opportunities for the consulting agencies to confer upon the conformity analysis required to make conformity determinations for transportation plans and TIPs prior to consideration of draft documents by the regional air quality advisory organization, the regional transportation policy advisory committee or the state transportation agency for the transportation planning area outside of the metropolitan planning area for transportation planning. Air quality planning processes must specifically include opportunities for the consulting agencies to confer upon the motor vehicle emissions budget before the budget is considered by the regional air quality advisory organization, the regional transportation policy advisory committee, and the state air quality agency. Additionally, if TCMs are to be considered in transportation plans, TIPs or the state implementation plan, specific opportunities to consult upon TCMs by air quality and transportation agencies must be provided; and

II. Additional consultation opportunities must be provided prior to any final action by any responsible agency listed in subparagraph (3)(A)2.B. of this rule. Prior to formal action approving any plan or program, the consulting agencies must be given an opportunity to communicate their views in writing to the responsible agency. The responsible agency must consider the views of the consulting agencies and respond in writing to those views in a timely and complete manner prior to any final action on any plan or program. Such views and written response shall be made part of the record of any decision or action. Opportunities for formal consulting agency comment may run concurrent with other public review time frames. Participation or lack of participation by a consulting agency early in the planning or programming process has no bearing on their oppor-

tunity to submit formal comment prior to official action by the responsible agency.

C. Consultation on planning assumptions.

(I) Representatives of the conformity consulting agencies shall meet no less frequently than once per calendar year for the specific purpose of reviewing changes in transportation and air quality planning assumptions that could potentially impact the state implementation plan (SIP) motor vehicle emissions inventory, motor vehicle emissions budget and/or conformity determinations.

(II) It shall be the affirmative responsibility of each of the consulting agencies to advise the MPO of any pending changes in their planning assumptions. The MPO shall be responsible for convening a meeting to review planning assumptions in August of each year, unless an alternate date is agreed to by the consulting agencies, and at such other times as any of the consulting agencies proposes a change to any of these planning inputs. The purpose of the meeting(s) is to share information and evaluate the potential impacts of any proposed changes in planning assumptions, and to inform each other regarding the timetable and scope of any upcoming studies or analyses that may lead to future revision of planning assumptions.

(III) If any consulting agency proposes to undertake a data collection, planning or study process to evaluate a planning assumption that may have a significant impact on the state implementation plan (SIP) motor vehicle emissions inventory, motor vehicle emissions budget and/or conformity determinations, all of the consulting agencies shall be given an opportunity to provide advisory input into that process. Examples of data, planning or study topics that may be of interest in this context include (but are not limited to):

- (a) Estimates of vehicle miles traveled;
- (b) Estimates of current vehicle travel speeds;
- (c) Regional population and employment projections;
- (d) Regional transportation modeling assumptions;
- (e) The methodology for determining future travel speeds;
- (f) The motor vehicle emissions model; and
- (g) The methodology for estimating future vehicle miles traveled.

(IV) Whenever a change in air quality or transportation planning assumptions is proposed that may have a significant impact on the SIP motor vehicle emissions inventory, motor vehicle emissions budget and/or conformity determinations, the agency proposing the change must provide all of the consulting agencies an opportunity to review the basis for the proposed change. All consulting agencies shall be given at least thirty (30) days to evaluate the impact of a proposed change in planning assumptions prior to final action by the agency proposing the change. (In the case of an EPA motor vehicle emissions model change, this would occur as part of the federal rulemaking process.)

D. It shall be the affirmative responsibility of the responsible agency to maintain a complete and accurate record of all agreements, planning and programming processes, and consultation activities required under this rule and to make these documents available for public inspection upon request. In addition, it shall be the affirmative responsibility of the responsible agency to post the following information on the Mid-America Regional Council's Internet website to provide public access—

(I) The full text of any transportation or air quality document specified in subparagraph (3)(A)2.B. of this rule and undergoing public comment pending final action by the responsible agency;

(II) Summary of planning and programming processes for transportation plans, TIPs and SIPs identified in subparagraph (3)(A)2.B. of this rule, after approval by consensus of the consulting agencies; and

(III) Reasonably understandable summaries of final planning and programming documents for the general public. This summary information must be accompanied by a complete list of all supporting information, reports, studies, and texts which provide background or further information, along with the location of the documents and instructions on how they can be accessed. Summaries of

final documents shall be provided to the other consulting agencies and to the MPO within fourteen (14) days of final approval by the responsible agency. Summaries of the following documents are specifically required:

- (a) Regional unified planning work program;
- (b) Official projections of regional population and employment;
- (c) Regional transportation plan;
- (d) State transportation plans for areas within the air quality planning area but outside of the metropolitan planning area for transportation;
- (e) Regional transportation improvement program;
- (f) State transportation improvement program for areas within the air quality planning area but outside of the metropolitan planning area for transportation;
- (g) State air quality plan and emissions inventories, including motor vehicle emissions budgets; and
- (h) The most recent analysis upon which a transportation/air quality conformity determination was made for a transportation plan or TIP.

3. Interagency consultation procedures: specific processes. Interagency consultation procedures shall also include the following specific processes:

A. An interagency consultation process in accordance with paragraph (3)(A)2. of this rule involving the MPO, the regional transportation policy advisory committee, the regional air quality advisory organization, the state transportation and air quality agencies, EPA, FHWA and FTA shall be undertaken for the following:

(I) Evaluating and choosing a model (or models) and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses;

(II) Determining which minor arterials and other transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule regarding change in planning assumptions;

(III) Evaluating whether projects otherwise exempted from meeting the requirements of 40 CFR 93.126 and 93.127 should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the transportation planning and TIP programming processes;

(IV) Developing a list of TCMs to be included in the applicable implementation plan. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the state air quality implementation plan development process;

(V) Making a determination, as required by 40 CFR 93.113(c)(1), whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the transportation planning and TIP programming processes. This process shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures;

(VI) Notification of transportation plan or TIP revisions or amendments which merely add or delete exempt projects listed in 40

CFR 93.126 or 40 CFR 93.127. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the transportation planning and TIP programming processes. The MPO shall notify all conformity consulting agencies in writing within seven (7) calendar days after taking action to approve such exempt projects. The notification shall include enough information about the exempt projects for the consulting agencies to determine their agreement or disagreement that the projects are exempt under 40 CFR 93.126 or 40 CFR 93.127;

(VII) Determining whether the project is included in the regional emissions analysis supporting the current conforming TIP's conformity determination, even if the project is not strictly included in the TIP for purposes of MPO project selection or endorsement, and whether the project's design concept and scope have not changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility. This process shall be initiated by the MPO and conducted in accordance with paragraph (3)(A)2. of this rule in the context of the TIP programming process;

(VIII) Determining what forecast of vehicle miles traveled (VMT) to use in establishing or tracking emissions budgets, developing transportation plans, TIPs, or applicable implementation plans, or making conformity determinations. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule regarding planning assumptions;

(IX) Determining the definition of reasonable professional practice for the purposes of 40 CFR 93.122. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule regarding planning assumptions;

(X) Determining whether the project sponsor or the MPO has demonstrated that the requirements of 40 CFR 93.118 are satisfied without a particular mitigation or control measure, as provided in 40 CFR 93.125(d). This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the transportation planning and TIP programming processes; and

(XI) Choosing conformity tests and methodologies for isolated rural nonattainment and maintenance areas, as required by 40 CFR 93.109(I)(2).

B. An interagency consultation process in accordance with paragraph (3)(A)2. of this rule involving the MPO, the regional air quality advisory organization, the regional transportation policy advisory committee and the state air quality and transportation agencies for the following:

(I) Evaluating events which will trigger new conformity determinations in addition to those triggering events established in 40 CFR 93.104. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule; and

(II) Consulting on emissions analysis for transportation activities which cross the borders of the MPOs or nonattainment or maintenance area or air basin. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule.

C. Prior to establishing a metropolitan planning area for transportation planning that does not include the entire nonattainment or maintenance area, the interagency consultation process described in paragraph (3)(A)2. of this rule shall be supplemented by a formal memorandum of agreement, incorporated in the applicable state implementation plan, executed by the MPO and the state air quality and transportation agencies for cooperative planning and analysis. This executed memorandum of agreement shall specify procedures for determining conformity of all regionally significant transportation projects outside the metropolitan planning boundary for transportation planning and within the nonattainment or maintenance area.

(I) The interagency consultation process established by the executed memorandum of agreement for such an area shall apply in addition to all other consultation requirements.

(II) At a minimum, any memorandum of agreement establishing a state transportation planning area outside of the MPO metropolitan planning area for transportation planning, but within the nonattainment or maintenance area, shall provide for state air quality agency concurrence in conformity determinations for areas outside of the metropolitan planning boundary for transportation planning, but within the nonattainment or maintenance area. Such agreement shall also establish a process involving the MPO and the state transportation agency in cooperative planning and analysis for determining conformity of all projects outside the metropolitan planning area for transportation planning and within the nonattainment or maintenance area in the context of the total regional transportation system that serves the nonattainment or maintenance area.

D. An interagency consultation process shall be undertaken to ensure that plans for construction of regionally significant projects which are not FHWA/FTA projects (including projects for which alternative locations, design concept and scope, or the no-build option are still being considered), including those by recipients of funds designated under Title 23 U.S.C. or Title 49 U.S.C., are disclosed to the MPO on a regular basis, and to ensure that any changes to those plans are immediately disclosed. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.B. of this rule in the context of the transportation planning and TIP programming processes. At a minimum, the disclosure procedures shall meet the requirements of parts (3)(A)2.D.(I)-(3)(A)2.D.(III) of this rule.

(I) The sponsor of any such regionally significant project, and any agency that becomes aware of any such project through applications for approval, permitting or funding shall disclose such project to the MPO in a timely manner. Such disclosure shall be made not later than the first occasion when any of the following actions is sought: any policy board action necessary for the project to proceed, the issuance of administrative permits for the facility or for construction of the facility, the execution of a contract to design or construct the facility, the execution of any indebtedness for the facility, any final action of a board, commission or administrator authorizing or directing employees to proceed with design, permitting or construction of the project, or the execution of any contract to design or construct or any approval needed for any facility that is dependent on the completion of a regionally significant project. The sponsor of any potential regionally significant project shall disclose to the MPO each project for which alternatives have been identified through the National Environmental Policy Act (NEPA) process, and, in particular, any preferred alternative that may be a regionally significant project. This information shall be provided to the MPO in accordance with the time sequence and procedures established under subparagraph (3)(A)2.B. of this rule for each transportation planning and TIP development process.

(II) In the case of any such regionally significant project that has not been disclosed to the MPO and other agencies participating in the consultation process before action is taken to adopt or approve, such regionally significant project shall be deemed not to be included in the regional emissions analysis supporting the currently conforming TIP's conformity determination and not to be consistent with the motor vehicle emissions budget in the applicable implementation plan, for the purposes of 40 CFR 93.121.

(III) For the purposes of subparagraph (3)(A)3.D. of this rule, the phrase "adopt or approve of a regionally significant project" means the first time any action necessary to authorizing a project occurs, such as any policy board action necessary for the project to proceed, the issuance of administrative permits for the facility or for construction of the facility, the execution of a contract to construct the facility, any final action of a board, commission or administrator authorizing or directing employees to proceed with construction of the project, or any written decision or authorization from the MPO that the project may be adopted or approved.

E. This interagency consultation process shall be undertaken in accordance with subsection (3)(A) of this rule involving the MPO

and other recipients of funds designated under Title 23 U.S.C. or Title 49 U.S.C. for assuming the location and design concept and scope of projects which are disclosed to the MPO as required by subparagraph (3)(A)3.D. of this rule but whose sponsors have not yet decided these features in sufficient detail to perform the regional emissions analysis according to the requirements of 40 CFR 93.122. This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule as it relates to planning assumptions.

F. This interagency consultation process outlined in paragraph (3)(A)2. of this rule involves the MPO, the regional transportation policy advisory committee, the regional air quality advisory organization, and the state transportation and air quality agencies shall be undertaken for the design, schedule, and funding of research and data collection efforts and regional transportation model development by the MPO (e.g., household/travel transportation surveys). This process shall be initiated by the MPO and conducted in accordance with subparagraph (3)(A)2.C. of this rule as it relates to planning assumptions.

G. This process insures providing final documents (including applicable implementation plans and implementation plan revisions) and supporting information to each agency after approval or adoption. This process is applicable to all agencies described in subparagraph (3)(A)1.A. of this rule, including federal agencies.

4. Resolving conflicts.

A. Any conflict among state agencies or between state agencies and the MPO regarding a final action on any conformity determination by the MPO on a plan or program subject to these consultation requirements shall be escalated to the governor(s), if the conflict cannot be resolved by the heads of the involved agencies. Such agencies shall make every effort to resolve any differences, including personal meetings between the heads of such agencies or their policy-level representatives, to the extent possible.

B. After the MPO has notified the state air quality agencies in writing of the disposition of all air quality agency comments on a proposed conformity determination, state air quality agencies shall have fourteen (14) calendar days from the date that the written notification is received to appeal such proposed determination of conformity to the governor of Missouri. If the Missouri air quality agency appeals to the governor of Missouri, the final conformity determination will automatically become contingent upon concurrence of the governor of Missouri. If the Kansas air quality agency presents an appeal to the governor of Missouri regarding a conflict involving both Kansas and Missouri agencies or the MPO, the final conformity determination will automatically become contingent upon concurrence of both the governor of Missouri and the governor of Kansas. The Missouri air quality agency shall provide notice of any appeal under this subsection to the MPO, and the state transportation agencies, and the Kansas air quality agency. If neither state air quality agency appeals to the governor(s) within fourteen (14) days of receiving written notification, the MPO may proceed with the final conformity determination.

C. The governor may delegate the role of hearing any such appeal under this paragraph and of deciding whether to concur in the conformity determination to another official or agency within the state, but not to the head or staff of the state air quality agency or any local air quality agency, the state department of transportation, a state transportation commission or board, any agency that has responsibility for only one (1) of these functions, or an MPO.

5. Public consultation procedures. Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the agency at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, consistent with these requirements and those of 23 CFR 450.316(b). Any charges

imposed for public inspection and copying should be consistent with the fee schedule contained in 49 CFR 7.43. In addition, these agencies must specifically address in writing all public comments that known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.

(B) Requirement to Fulfill Commitments to Control Measures (Federal Code Location: 40 CFR 93.122(a)(4)(ii)). Written commitments to control measures that are not included in the transportation plan and TIP must be obtained from the entity or entities with authority and ability to implement the control measures prior to a conformity determination and such commitments must be fulfilled.

(C) Requirement to Fulfill Commitments to Mitigation Measures (Federal Code Location: 40 CFR 93.125(c)). Written commitments to project-level mitigation measures which are conditions for making conformity determinations for a transportation plan or transportation improvement program must be obtained from the project sponsor prior to a positive conformity determination. Project sponsors committing to mitigation measures to facilitate positive conformity determinations must comply with such commitments.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-3.090 Restriction of Emission of Odors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 39–40). 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 Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from two (2) sources, the Interdisciplinary Environmental Clinic at Washington University in St. Louis representing CLEAN (Citizens Legal Environmental Action Network) and Friends of Agriculture for the Reform of Missouri Environmental Regulations (FARMER).

COMMENT: CLEAN presented both oral and written testimony on the proposed amendment. Due to the similar nature of the testimony this comment summarizes both. CLEAN commented that the change in the screening standard from a dilution ratio of 5.4:1 to a ratio of 7:1 seems inappropriate when odor problems continue to threaten the health and quality of life of rural Missourians. This change is a decrease or relaxation in stringency. CLEAN also requests that the commission adopt the following additional changes to the odor regulations: remove the overly burdensome requirement for additional, outside testing to determine an odor violation related to concentrated animal feeding operations (CAFOs); extend statewide and to the CAFO context the approach currently used in the St. Louis area regulations to protect residential and other sensitive areas affected by offensive odors; specifically, the commission should establish a 2:1 dilution threshold for odors affecting Missourians at their

homes; require entities that generate offensive odors to do more to prevent such odors from occurring; and for CAFOs, this would mean to revise and update their odor control plans every five (5) years and following a violation of the odor standard. CLEAN did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. The department's Air Pollution Control Program is responding to the concerns that CLEAN has about the odor regulations and to their petition by convening the odor workgroup. The odor workgroup will examine the state's odor regulations to determine if changes are necessary. Therefore, no wording changes have been made as a result of this comment.

COMMENT: FARMER commented in support of the change from 5.4:1 to 7:1 for the screening threshold. They also do not oppose the use of the nasal ranger without contacting the source for approval. They do request that the industry would like to be notified when samples are to be taken. FARMER had no comment on the change to the American Society for Testing and Materials. FARMER did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. Therefore, no wording changes have been made as a result of this comment.

**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**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-4.070 Restriction of Emission of Odors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 40–41). 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 Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from two (2) sources, the Interdisciplinary Environmental Clinic at Washington University in St. Louis representing CLEAN (Citizens Legal Environmental Action Network) and Friends of Agriculture for the Reform of Missouri Environmental Regulations (FARMER).

COMMENT: CLEAN presented both oral and written testimony on the proposed amendment. Due to the similar nature of the testimony this comment summarizes both. CLEAN commented that the change in the screening standard from a dilution ratio of 5.4:1 to a ratio of 7:1 seems inappropriate when odor problems continue to threaten the health and quality of life of rural Missourians. This change is a decrease or relaxation in stringency. CLEAN also requests that the commission adopt the following additional changes

to the odor regulations: remove the overly burdensome requirement for additional, outside testing to determine an odor violation related to concentrated animal feeding operations (CAFOs); extend statewide and to the CAFO context the approach currently used in the St. Louis area regulations to protect residential and other sensitive areas affected by offensive odors; specifically, the commission should establish a 2:1 dilution threshold for odors affecting Missourians at their homes; require entities that generate offensive odors to do more to prevent such odors from occurring; and for CAFOs, this would mean to revise and update their odor control plans every five (5) years and following a violation of the odor standard. CLEAN did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. The department's Air Pollution Control Program is responding to the concerns that CLEAN has about the odor regulations and to their petition by convening the odor workgroup. The odor workgroup will examine the state's odor regulations to determine if changes are necessary. Therefore, no wording changes have been made as a result of this comment.

COMMENT: FARMER commented in support of the change from 5.4:1 to 7:1 for the screening threshold. They also do not oppose the use of the nasal ranger without contacting the source for approval. They do request that the industry would like to be notified when samples are to be taken. FARMER had no comment on the change to the American Society for Testing and Materials. FARMER did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. Therefore, no wording changes have been made as a result of this comment.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.160 Control of Odors in the Ambient Air
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 41–42). 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 Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from two (2) sources, the Interdisciplinary Environmental Clinic at Washington University in St. Louis representing CLEAN (Citizens Legal Environmental Action Network) and Friends of Agriculture for the Reform of Missouri Environmental Regulations (FARMER).

COMMENT: CLEAN presented both oral and written testimony on the proposed amendment. Due to the similar nature of the testimo-

ny this comment summarizes both. CLEAN commented that the change in the screening standard from a dilution ratio of 5.4:1 to a ratio of 7:1 seems inappropriate when odor problems continue to threaten the health and quality of life of rural Missourians. This change is a decrease or relaxation in stringency. CLEAN also requests that the commission adopt the following additional changes to the odor regulations: remove the overly burdensome requirement for additional, outside testing to determine an odor violation related to concentrated animal feeding operations (CAFOs); extend statewide and to the CAFO context the approach currently used in the St. Louis area regulations to protect residential and other sensitive areas affected by offensive odors; specifically, the commission should establish a 2:1 dilution threshold for odors affecting Missourians at their homes; require entities that generate offensive odors to do more to prevent such odors from occurring; and for CAFOs, this would mean to revise and update their odor control plans every five (5) years and following a violation of the odor standard. CLEAN did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. The department's Air Pollution Control Program is responding to the concerns that CLEAN has about the odor regulations and to their petition by convening the odor workgroup. The odor workgroup will examine the state's odor regulations to determine if changes are necessary. Therefore, no wording changes have been made as a result of this comment.

COMMENT: FARMER commented in support of the change from 5.4:1 to 7:1 for the screening threshold. They also do not oppose the use of the nasal ranger without contacting the source for approval. They do request that the industry would like to be notified when samples are to be taken. FARMER had no comment on the change to the American Society for Testing and Materials. FARMER did recognize the recently formed odor workgroup to examine the current odor regulations.

RESPONSE: The changes made to the rule are consistent with the agreement that the commission reached with FARMER in settlement of the lawsuit that FARMER brought against the commission. Therefore, no wording changes have been made as a result of this comment.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.480 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2006 (31 MoReg 1965–1990). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments on the proposed amendment from one (1) source: the U.S. Environmental Protection Agency (EPA).

COMMENT: EPA commented that in the rule purpose the reference to Clean Air Act section 176(c) should read section 176(c)(4)(E) as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has made the recommended reference revision.

COMMENT: EPA suggested that clarifying language be added to subsection (1)(B) that the rule addresses and gives full legal effect to the three (3) requirements of the Federal Transportation Conformity Rule regarding consultation procedures, written commitments to control measures, and written commitments to mitigation measures.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the additional clarifying language.

COMMENT: EPA suggested that section (2)—1) incorporate by reference the definitions in subsection 40 CFR (Code of Federal Regulations) 93.101 of 40 CFR 93 Subpart A, 2) list participants in the interagency consultation process; and 3) include the identity and definition of the metropolitan planning organization.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has organized section (2) definitions as suggested.

COMMENT: EPA suggested that clarifying language be added at the end of subparagraph (3)(A)2.A. to read — and associated conformity determinations.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the additional clarifying language.

COMMENT: EPA suggested that, in paragraph (3)(A)6. Missouri use verbatim the language from 40 CFR 93.105 of the Federal Transportation Conformity Rule regarding the Public Consultation Procedures.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has used verbatim the language from 40 CFR 93.105 of the Federal Transportation Conformity Rule regarding the Public Consultation Procedures in paragraph (3)(A)6.

COMMENT: EPA suggested that in subsection (3)(B) Requirement to Fulfill Commitments to Control Measures that language be added that entities have ability and authority to implement control measures.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the suggested language.

COMMENT: EPA suggested that in subsection (3)(C) Requirement to Fulfill Commitments to Mitigation Measures that language be added that project sponsors committing to mitigation measures to facilitate positive conformity determinations must comply with such written commitments.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has added the suggested language.

COMMENT: EPA commented that the rule indicates that there will be a meeting to review planning assumptions in August of each year and that the department's Air Pollution Control Program should confirm that August is still the appropriate month for the meeting.

RESPONSE: The August meeting to review planning assumptions is applicable and specific to the Kansas City Area Transportation Conformity Rule. No wording changes have been made to the proposed rulemaking as a result of this comment.

10 CSR 10-5.480 St. Louis Area Transportation Conformity Requirements

PURPOSE: This rule implements section 176(c)(4)(E) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401-7671q.), and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (DOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). This rule sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to the applicable implementation plan, developed pursuant to section 110 and Part D of the CAA. This rule applies to the St. Louis ozone and PM_{2.5} nonattainment and carbon monoxide maintenance areas.

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) Applicability.

(A) This rule applies to the St. Louis ozone and PM_{2.5} nonattainment and carbon monoxide maintenance areas.

(B) This rule meets the requirements for state transportation conformity state implementation plans as provided in section 6011(f)(4) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. This regulation addresses and gives full legal effect to the following three (3) requirements of the Federal Transportation Conformity Rule, 40 CFR part 93 subpart A: 1) 40 CFR 93.105, which addresses consultation procedures; 2) 40 CFR 93.122(a)(4)(ii), which states that conformity plans must require written commitments to control measures to be obtained prior to a conformity determination if the control measures are not included in a metropolitan planning organization's transportation plan and transportation improvement program, and that such commitments be fulfilled; and 3) 40 CFR 93.125(c), which states that conformity plans must require written commitments to mitigation measures to be obtained prior to a project-level conformity determination, and that project sponsors comply with such commitments.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in subsection 40 CFR 93.101 of 40 CFR 93 Subpart A, promulgated as of July 1, 2006, which is hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Participants in the interagency consultation process must include the following public agencies:

1. City of St. Louis Department of Health Air Pollution Control Program;
2. East-West Gateway Council of Governments;
3. Federal Highway Administration, Illinois Division;
4. Federal Highway Administration, Missouri Division;
5. Federal Transit Administration, Region 7;
6. Illinois Department of Transportation;
7. Illinois Environmental Protection Agency;
8. Madison County Highway Department;
9. Madison County Transit District;
10. Metro (Bi-State Development Agency);

11. Missouri Department of Natural Resources' Air Pollution Control Program;
12. Missouri Department of Transportation;
13. St. Clair County Department of Roads and Bridges;
14. St. Clair County Transit District;
15. St. Louis County Department of Health;
16. St. Louis County Department of Highways;
17. U.S. Environmental Protection Agency, Region 5; and
18. U.S. Environmental Protection Agency, Region 7.

(C) Metropolitan planning organization (MPO)—That organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 5303. It is the forum for cooperative transportation decision-making. The East-West Gateway Council of Governments is the MPO for the St. Louis metropolitan area and the organization responsible for conducting the planning required under section 174 of the CAA.

(D) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Interagency Consultation Procedures (Federal Code Location: 40 CFR 93.105).

1. General. Procedures for interagency consultation (federal, state and local), resolution of conflicts, and public consultation are described in paragraphs (3)(A)1.–(3)(A)6. of this rule. Public consultation procedures meet the requirements for public involvement in 23 CFR part 450.

A. The implementation plan revision required shall include procedures for interagency consultation (federal, state, and local), resolution of conflicts, and public consultation as described in paragraphs (3)(A)1.–(3)(A)6. of this rule. Public consultation procedures will be developed in accordance with the requirements for public involvement in 23 CFR part 450.

B. MPOs and state departments of transportation will provide reasonable opportunity for consultation with state air agencies, local air quality and transportation agencies, Department of Transportation (DOT), and U.S. Environmental Protection Agency (EPA), including consultation on the issues described in subparagraph (3)(A)3.A. of this rule, before making conformity determinations.

2. Interagency consultation procedures—General factors.

A. Representatives of the MPO, state and local air quality planning agencies, state and local transportation agencies shall undertake an interagency consultation process in accordance with this section with each other and with local or regional offices of the EPA, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) on the development of the implementation plan, the list of Transportation Control Measures (TCMs) in the applicable implementation plan, the unified planning work program under 23 CFR section 450.314, the transportation plan, the Transportation Improvement Plan (TIP), and any revisions to the preceding documents and associated conformity determinations.

B. The state air quality agency shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process as required by this section with respect to the development of the applicable implementation plans and control strategy implementation plan revisions and the list of TCMs in the applicable implementation plan. The MPO shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process as required by this section with respect to the development of the unified planning work program under 23 CFR section 450.314, the transportation plan, the TIP, and any amendments or revisions thereto. The MPO shall also be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process as required by this section with respect to any determinations of conformity under this rule for which the MPO is responsible.

C. In addition to the lead agencies identified in subparagraph (3)(A)2.B. of this rule, other agencies entitled to participate in any interagency consultation process under this rule include:

(I) The Illinois Department of Transportation, the Missouri Department of Transportation, the Federal Highway Administration, the Federal Transit Administration, the U.S. Environmental Protection Agency, the Illinois Environmental Protection Agency and the Missouri Department of Natural Resources;

(II) Local transportation agencies through the appointment of one (1) representative from local transportation agency interests on the Illinois side of the St. Louis area and the appointment of one (1) representative from local transportation agency interests on the Missouri side of the St. Louis area. The MPO and the Illinois Department of Transportation shall jointly appoint the Illinois representative, and the MPO and Missouri Department of Transportation shall jointly appoint the Missouri representative;

(III) Local air quality agencies through the appointment of one (1) representative from each of the two (2) local air quality agencies. The MPO and the Missouri Department of Natural Resources shall jointly appoint the local air quality agency representatives; and

(IV) Local mass transit agencies through the appointment of one (1) representative from local mass transit agency interests on the Illinois side of the St. Louis area and the appointment of one (1) representative from local mass transit agency interests on the Missouri side of the St. Louis area. The MPO and the Illinois Department of Transportation shall jointly appoint the Illinois representative, and the MPO and Missouri Department of Transportation shall jointly appoint the Missouri representative;

(V) Nothing in this paragraph shall preclude the authority of the lead agency listed in subparagraph (3)(A)2.B. of this rule to involve additional agencies in the consultation process which are directly impacted by any project or action subject to this rule;

(VI) Representatives appointed under parts (3)(A)2.C.(II)–(3)(A)2.C.(V) of this rule shall not come from an agency already represented as a consulting agency under this section.

D. It shall be the responsibility of the appropriate lead agency designated in subparagraph (3)(A)2.B. of this rule to solicit early and continuing input from all other consulting agencies, to provide those agencies with all relevant information needed for meaningful input and, where appropriate, to assure policy-level contact with those agencies. The lead agency shall, at a minimum, provide opportunities for discussion and comment in accordance with the interagency consultation procedures detailed in this section. The lead agency shall consider the views of each other consulting agency prior to making a final decision, shall respond in writing to those views and shall assure that such views and response (or where appropriate a summary thereof) are made part of the record of any decision or action.

E. It shall be the responsibility of each agency listed in subparagraph (3)(A)2.C. of this rule (other than the lead agency designated under subparagraph (3)(A)2.B. of this rule) to confer with the lead agency and the other participants in the consultation process, to review and make relevant comment on all proposed and final documents and decisions in a timely manner and to attend consultation and decision meetings. To the extent requested by the lead agency or other agencies involved, or as required by other provisions of this rule, each agency shall provide timely input on any area of substantive expertise or responsibility (including planning assumptions, modeling, information on status of TCM implementation, and interpretation of regulatory or other requirements), and shall comply with any reasonable request to render such technical assistance to the lead agency as may be needed to support the development of the document or decision.

F. For documents or decisions subject to this rule for which the MPO is the designated lead agency, the MPO shall, through the regular meetings of its board of directors and committees, be the primary forum for discussion at the policy level. The MPO shall ensure that all consulting agencies are provided with opportunity to participate throughout the decision-making process including the early

planning stages. The MPO shall modify or supplement its normal schedule of meetings, if needed, to provide adequate opportunity for discussion of the matters subject to this rule.

G. It shall be the responsibility of the lead agency designated under subparagraph (3)(A)2.B. of this rule to initiate the consultation process by notifying other consulting agencies of the following:

(I) The decision(s) or document(s) for which consultation is being undertaken; and

(II) The proposed planning or programming process for the development of the decision(s) or document(s). The proposed planning or programming process shall include at a minimum:

(a) The roles and responsibilities of each agency at each stage in the planning process, including technical as well as policy aspects;

(b) The organizational level of regular consultation;

(c) The proposed schedule of, or process for convening, consultation meetings, including the process and assignment of responsibilities for selecting a chairperson and setting meeting agendas;

(d) The process for circulating or otherwise making available all relevant materials in a timely fashion at each stage in the consultation process, and in particular for circulating or otherwise making available drafts of proposed documents or decisions before formal adoption or publication;

(e) The process and assignment of responsibility for maintaining an adequate record of the consultation process; and

(f) The process for responding to the significant comments of involved agencies;

(III) The consultation planning and programming process to be followed for each document or decision subject to this rule shall be determined by consensus among the consulting agencies and shall thereafter be binding on all parties until such time as it may be revised by consensus among the consulting agencies.

H. All drafts and supporting materials subject to consultation shall be provided at such level of detail as each consulting agency may need to determine its response. Any consulting agency may request, and the appropriate lead agency shall supply, supplemental information as is reasonably available for the consulting agency to determine its response.

I. The time allowed at each stage in the consultation process shall not be less than that specified by regulation or this rule, published by the lead agency in any document describing the consultation procedures to be followed under 23 CFR part 450, 40 CFR part 51 or this rule, or otherwise previously agreed by consensus of the consulting agencies. Where no such time has been specified, published or agreed to, the time shall be determined by consensus of the consulting agencies based upon the amount of material subject to consultation, the extent of prior informal or technical consultation and discussion, the nature of the decision to be made, and such other factors as are previously agreed by the consulting agencies. The time allowed for consultation shall be the same for all agencies being consulted, and any extension of time granted to one (1) agency shall also be allowed all other agencies.

J. Determining the adequacy of consultation opportunities.

(I) Representatives of the consulting agencies listed in subparagraph (3)(A)2.C. of this rule shall meet once each calendar year for the purpose of reviewing the sequence and adequacy of the consultation planning and programming processes established or proposed under subparagraph (3)(A)2.G. of this rule for each type of document or decision. Responsibility for convening this meeting shall rest with the appropriate lead agency designated in subparagraph (3)(A)2.B. of this rule.

(II) In any year (other than the first after the adoption of this rule) in which there is an agreed upon consultation planning or programming process in effect and no consulting agency has requested any change to that process, the appropriate lead agency may propose that this process remain in effect. Upon notification of acceptance of this proposal by all consulting agencies, no further action by

the lead agency shall be required and the meeting and review required under part (3)(A)2.J.(I) of this rule need not take place for that year.

K. The consultation planning and programming processes proposed and agreed to under subparagraph (3)(A)2.G. of this rule shall comply with the following general principles:

(I) Consultation shall be held early in the planning process, so as to facilitate sharing of information needed for meaningful input and to allow the consulting agencies to confer with the lead agency during the formative stages of developing any document or decision subject to this rule;

(II) For conformity determinations for transportation plan revisions or TIPs, the consultation process shall, at a minimum, specifically include opportunities for the consulting agencies to confer upon the analysis required to make conformity determinations. This consultation shall normally take place at the technical level, except to the extent agreed by consensus under subparagraph (3)(A)2.J. of this rule, and shall take place prior to the consideration of draft documents or conformity determinations by the MPO;

(III) For state implementation plans, the consultation process shall, at a minimum, specifically include opportunities for the consulting agencies to confer upon the motor vehicle emissions budget. This consultation shall take place at the technical and policy levels, except to the extent agreed by consensus under subparagraph (3)(A)2.J. of this rule, and shall take place prior to the consideration of the draft budget by the state air quality agency;

(IV) In addition to the requirements of parts (3)(A)2.K.(II)–(3)(A)2.K.(III) of this rule, if TCMs are to be considered in transportation plans, TIPs or state implementation plans, specific opportunities to consult regarding TCMs by air quality and transportation agencies must be provided prior to the consideration of the TCMs by the appropriate lead agency; and

(V) Additional consultation opportunities must be provided prior to any final action being taken by any of the lead agencies defined in subparagraph (3)(A)2.B. of this rule on any document or decision subject to this rule. Before taking formal action to approve any plan, program, document or other decision subject to this rule, the consulting agencies shall be given an opportunity to communicate their views in writing to the lead agency. The lead agency shall consider those views and respond in writing in a timely and appropriate manner prior to any final action. Such views and written response shall be made part of the record of the final decision or action. Opportunities for formal consulting agency comment may run concurrently with other public review time frames.

L. Consultation on planning assumptions.

(I) The MPO shall convene a meeting of the consulting agencies listed in subparagraph (3)(A)2.C. of this rule no less frequently than once each calendar year for the purpose of reviewing the planning, transportation and air quality assumptions, and models and other technical procedures in use or proposed to be used for the state implementation plan (SIP) motor vehicle emissions inventory, motor vehicle emissions budget, and conformity determinations. This meeting shall normally take place at the technical level except to the extent agreed by consensus under subparagraph (3)(A)2.J. of this rule.

(II) In all years when it is intended to determine the conformity of a transportation plan revision or TIP, the meeting required in part (3)(A)2.L.(I) of this rule shall be held before the MPO commences the evaluation of projects submitted or proposed for inclusion in the transportation plan revision or TIP, and before the annual public meeting held in accordance with 23 CFR section 450.322(c). The MPO shall consider the views of all consulting agencies before making a decision on the latest planning assumptions to be used for conformity determinations. The state air quality agencies shall consider the views of all consulting agencies before making a decision on the latest planning assumptions to be used for developing the SIP motor vehicle emissions inventory, motor vehicle emissions budget and for estimating the emissions reductions associated with TCMs.

(III) It shall be the responsibility of each of the consulting agencies to advise the MPO of any pending changes to their planning

assumptions or methods and procedures used to estimate travel, forecast travel demand, or estimate motor vehicle emissions. Where necessary the MPO shall convene meetings, additional to that required under part (3)(A)2.L.(I) of this rule, to share information and evaluate the potential impacts of any proposed changes in planning assumptions, methods or procedures and to exchange information regarding the timetable and scope of any upcoming studies or analyses that may lead to future revision of planning assumptions, methods or procedures.

(IV) Whenever a change in air quality or transportation planning assumptions, methods or procedures is proposed that may have a significant impact on the SIP motor vehicle emissions inventory, motor vehicle emissions budget or conformity determinations, the agency proposing the change shall provide the consulting agencies an opportunity to review the basis for the proposed change. All consulting agencies shall be given at least thirty (30) days to evaluate the impact of the proposed change prior to final action by the agency proposing the change. To the fullest extent practicable, the time frame for considering and evaluating proposed changes shall be coordinated with the procedures for consultation on planning assumptions in parts (3)(A)2.L.(I)–(3)(A)2.L.(III) of this rule.

M. A meeting that is scheduled or required for another purpose may be used for the purposes of consultation if the consultation purpose is identified in the public notice for the meeting and all consulting agencies are notified in advance of the meeting.

N. In any matter which is the subject of consultation, no consulting agency may make a final decision or move to finally approve a document subject to this rule until the expiry of the time allowed for consultation and the completion of the process notified under subparagraph (3)(A)2.G. of this rule. Notwithstanding the previous sentence, any consulting agency may make a final decision or move to finally approve a document subject to this rule if final comments on the draft document or decision have been received from all other consulting agencies. The lead agency designated under subparagraph (3)(A)2.B. of this rule shall, in making its decision, take account of all views expressed in response to consultation.

3. Interagency consultation procedures—specific processes. Interagency consultation procedures shall also include the following specific processes:

A. An interagency consultation process in accordance with paragraph (3)(A)2. of this rule involving the MPO, state and local air quality planning agencies, state and local transportation agencies, the EPA and the DOT shall be undertaken for the following (except where otherwise provided, the MPO shall be responsible for initiating the consultation process):

(I) Evaluating and choosing a model (or models) and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses;

(II) Determining which minor arterials and other transportation projects should be considered “regionally significant” for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP;

(III) Evaluating whether projects otherwise exempted from meeting the requirements of 40 CFR 93.126 and 93.127 should be treated as nonexempt in cases where potential adverse emissions impacts may exist for any reason;

(IV) Making a determination, required by 40 CFR 93.113(c)(1), whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs over other projects within their control. This process shall also consider whether delays in TCM implementation necessi-

tate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures;

(V) Notification of transportation plan or TIP revisions or amendments which merely add or delete exempt projects listed in 40 CFR 93.126 or 40 CFR 93.127. In any year when it is intended to prepare a transportation plan revision, TIP or TIP amendment that merely adds or deletes exempt projects, the MPO shall notify all consulting agencies in writing within seven (7) calendar days after taking action to approve such exempt projects. The notification shall include enough information about the exempt projects for the consulting agencies to determine their agreement or disagreement that the projects are exempt under 40 CFR 93.126 or 40 CFR 93.127;

(VI) Determining whether a project is considered to be included in the regional emissions analysis supporting the currently conforming TIP’s conformity determination, even if the project is not strictly included in the TIP for the purposes of MPO project selection or endorsement, and whether the project’s design concept and scope have not changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility;

(VII) Advising on the horizon years to be used for conformity determinations, in accordance with 40 CFR 93.106;

(VIII) Advising whether the modeling methods and functional relationships used in the model are consistent with acceptable professional practice and are reasonable for the purposes of emission estimation, as specified in 40 CFR 93.122;

(IX) Reviewing the models, databases and other requirements specified in 40 CFR 93.123 and advising if there are grounds for recommending to the EPA regional administrator that these models, databases or requirements are inappropriate. In such an event, the consulting agencies shall propose alternative methods to satisfy the requirements for conformity in accordance with 40 CFR 93.123;

(X) Determining what forecast of vehicle miles traveled to use in establishing or tracking motor vehicle emissions budgets, developing transportation plans, TIPs or applicable implementation plans, or in making conformity determinations;

(XI) Determining whether the project sponsor or the MPO has demonstrated that the requirements of 40 CFR 93.116–93.119 are satisfied without a particular mitigation or control measure, as provided in 40 CFR 93.125;

(XII) Developing a list of TCMs to be included in the applicable implementation plan; and

(XIII) Choosing conformity tests and methodologies for isolated rural nonattainment and maintenance areas, as required by 40 CFR 93.109(I)(2);

B. An interagency consultation process in accordance with paragraph (3)(A)2. involving the MPO, state and local air quality planning agencies and state and local transportation agencies for the following (except where otherwise provided, the MPO shall be responsible for initiating the consultation process):

(I) Evaluating events which will trigger new conformity determinations in addition to those triggering events established in 40 CFR 93.104. Any of the consulting agencies listed in subparagraph (3)(A)2.C. of this rule may request that the MPO initiate the interagency consultation process to evaluate an event which should, in the opinion of the consulting agency, trigger a need for a conformity determination. The MPO shall initiate appropriate consultation with the other consulting agencies in response to such request, and shall notify the consulting agencies and the requesting agency in writing of its proposed action in response to this evaluation and consultation; and

(II) Consulting on the procedures to be followed in performing emissions analysis for transportation activities which cross the borders of the MPO’s region or the St. Louis nonattainment area or air basin;

C. Consultation on nonfederal projects.

(I) An interagency consultation process in accordance with paragraph (3)(A)2. of this rule involving the MPO, state and local air

quality agencies and state and local transportation agencies shall be undertaken to ensure that plans for construction of regionally significant projects which are not FHWA/FTA projects (including projects for which alternative locations, design concept and scope, or the no-build option are still being considered), including all those by recipients of funds designated under Title 23 U.S.C. or Title 49 U.S.C., are disclosed to the MPO on a regular basis, and to assure that any changes to those plans are immediately disclosed.

(II) Notwithstanding the provisions of part (3)(A)3.A.(I) of this rule, it shall be the responsibility of the sponsor of any such regionally significant project, and of any agency that becomes aware of any such project through applications for approval, permitting or funding, to disclose such project to the MPO in a timely manner. Such disclosure shall be made not later than the first occasion on which any of the following actions is sought: any policy board action necessary for the project to proceed, the issuance of administrative permits for the facility or for construction of the facility, the execution of a contract to design or construct the facility, the execution of any indebtedness for the facility, any final action of a board, commission or administrator authorizing or directing employees to proceed with design, permitting or construction of the project, or the execution of any contract to design or construct or any approval needed for any facility that is dependent on the completion of the regionally significant project.

(III) Any such regionally significant project that has not been disclosed to the MPO in a timely manner shall be deemed not to be included in the regional emissions analysis supporting the conformity determination for the TIP and shall not be consistent with the motor vehicle emissions budget in the applicable implementation plan, for the purposes of 40 CFR 93.121.

(IV) For the purposes of this section and of 40 CFR 93.121, the phrase adopt or approve of a regionally significant project means the first time any action necessary to authorizing a project occurs, such as any policy board action necessary for the project to proceed, the issuance of administrative permits for the facility or for construction of the facility, the execution of a contract to construct the facility, any final action of a board, commission or administrator authorizing or directing employees to proceed with construction of the project, or any written decision or authorization from the MPO that the project may be adopted or approved;

D. This interagency consultation process involving the agencies specified in subparagraph (3)(A)2.C. of this rule shall be undertaken for assuming the location and design concept and scope of projects which are disclosed to the MPO as required by subparagraph (3)(A)3.C. of this rule but whose sponsors have not yet decided these features in sufficient detail to perform the regional emissions analysis according to the requirements of 40 CFR 93.122. This process shall be initiated by the MPO;

E. The MPO shall undertake an ongoing process of consultation with the agencies listed in subparagraph (3)(A)2.C. of this rule for the design, schedule, and funding of research and data collection efforts and regional transportation model development by the MPO. This process shall, as far as practicable, be integrated with the cooperative development of the Unified Planning Work Program under 23 CFR section 450.314; and

F. This process insures providing final documents (including applicable implementation plans and implementation plan revisions) and supporting information to each agency after approval or adoption. This process is applicable to all agencies described in subparagraph (3)(A)1.A. of this rule, including federal agencies.

4. Record keeping and distribution of final documents.

A. It shall be the responsibility of the lead agency designated under subparagraph (3)(A)2.B. of this rule to maintain a complete and accurate record of all agreements, planning and programming processes, and consultation activities required under this rule and to make these documents available for public inspection upon request.

B. It shall be the affirmative responsibilities of the lead agency designated under subparagraph (3)(A)2.B. of this rule to provide to the other consulting agencies copies of any final document or

final decision subject to this rule within thirty (30) days of final action by the lead agency.

5. Resolving conflicts.

A. Conflicts among state agencies or between state agencies and the MPO regarding a final action on any conformity determination subject to this rule shall be escalated to the governor if the conflict cannot be resolved by the heads of the involved agencies. Such agencies shall make every effort to resolve any differences, including personal meetings between the heads of such agencies or their policy-level representatives, to the extent possible.

B. It shall be the responsibility of the state air quality agency to provide timely notification to the MPO and other consulting agencies of any proposed conformity determination where the agency identifies a potential conflict which, if unresolved, would, in the opinion of the agency, justify escalation to the governor. To the extent that consultation is not otherwise required under this rule, the state air quality agency shall consult with the other agencies listed in subparagraph (3)(A)2.C. of this rule in advance of escalating a potential conflict to the governor, and, if necessary, shall convene the meetings required under subparagraph (3)(A)5.A. of this rule.

C. When the MPO intends to make a final determination of conformity for a transportation plan, plan revision, TIP or TIP amendment, the MPO shall first notify the director of the state air quality agency of its intention and include in that notification a written response to any comments submitted by the state air quality agency on the proposed conformity determination. Upon receipt of such notification (including the written response to any comments submitted by the state air quality agency), the state air quality agency shall have fourteen (14) calendar days in which to appeal a proposed determination of conformity to the governor. If the Missouri air quality agency appeals to the governor of Missouri, the final conformity determination will automatically become contingent upon concurrence of the governor of Missouri. If the Illinois air quality agency presents an appeal to the governor of Missouri regarding a conflict involving both Illinois and Missouri agencies or the MPO, the final conformity determination will automatically become contingent upon concurrence of both the governor of Missouri and the governor of Illinois. The state air quality agency shall provide notice of any appeal under this subsection to the MPO, the state transportation agency and the Illinois air quality agency. If neither state air quality agency appeals to the governor(s) within fourteen (14) days of receiving written notification, the MPO may proceed with the final conformity determination.

D. The governor may delegate the role of hearing any such appeal under this subsection and of deciding whether to concur in the conformity determination to another official or agency within the state, but not to the head or staff of the state air quality agency or any local air quality agency, the state department of transportation, a state transportation commission or board, any agency that has responsibility for only one (1) of these functions, or an MPO.

6. Interagency consultation procedures—public consultation procedures. Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the agency at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, consistent with these requirements and those of 23 CFR 450.316(b). Any charges imposed for public inspection and copying should be consistent with the fee schedule contained in 49 CFR 7.43. In addition, these agencies must specifically address in writing all public comments that known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.

(B) Requirement to Fulfill Commitments to Control Measures (Federal Code Location: 40 CFR 93.122(a)(4)(ii)). Written commitments to control measures that are not included in the transportation plan and TIP must be obtained from the entity or entities with authority and ability to implement the control measures prior to a conformity determination and such commitments must be fulfilled.

(C) Requirement to Fulfill Commitments to Mitigation Measures (Federal Code Location: 40 CFR 93.125(c)). Written commitments to project-level mitigation measures which are conditions for making conformity determinations for a transportation plan or transportation improvement program must be obtained from the project sponsor prior to a positive conformity determination. Project sponsors committing to mitigation measures to facilitate positive conformity determinations must comply with such commitments.

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

ORDER OF RULEMAKING

By the authority vested in the Board of Trustees under section 319.129, RSMo Supp. 2006, the board amends a rule as follows:

10 CSR 100-2.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 42-43). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received two (2) comments on the proposed amendment.

COMMENT: The Department of Natural Resources suggested it is unnecessary to describe its environmental standards as “risk-based” and recommended deletion of this modifier, noting that the department could potentially change its standards in the future in such a way that they are not “risk-based,” and noting that some cleanups which began under its “Closure Guidance Document” are still being completed.

RESPONSE: The Missouri General Assembly enacted HB 251 in 1995, requiring that the Department of Natural Resources’ corrective action standards for underground tank site cleanups be risk-based. This statutory requirement is found at section 319.109, RSMo. In response, the department issued a 1996 version of its Closure Guidance Document, which contained the corrective action standards applicable to tank sites. Subsequently, in February 2004, the department issued its Final Draft version of “Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks,” which contained revised corrective action standards and replaced the Closure Guidance Document. All cleanups being funded by the PSTIF are being completed under one of these two sets of standards, both of which, according to the department, are “risk-based.”

While it is true that the standards may change in the future, any change that would impose standards that are not risk-based would have to be a statutory change. Should such occur, the board would have ample time to again amend its rules.

COMMENT: The Department of Natural Resources suggested deletion of the word “and” between the words “assess” and “treat.”

RESPONSE AND EXPLANATION OF CHANGE: In the proposed amendment, the board was presenting two (2) lists separated by the conjunction “and.” While this was accurate, the board agrees with the department that removing the word “and” makes the wording

clearer and has changed section (8) accordingly.

10 CSR 100-2.010 Definitions

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

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 4—Participation Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Trustees under section 319.129, RSMo Supp. 2006, the board amends a rule as follows:

10 CSR 100-4.010 Participation Requirements for Underground Storage Tanks **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 43). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 4—Participation Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Trustees under section 319.129, RSMo Supp. 2006, the board amends a rule as follows:

10 CSR 100-4.020 Participation Requirements for Aboveground Storage Tanks **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 43-44). 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 5—Claims**

ORDER OF RULEMAKING

By the authority vested in the Board of Trustees under section 319.129, RSMo Supp. 2006, the board withdraws a proposed amendment as follows:

10 CSR 100-5.010 Claims for Cleanup Costs **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 44-45). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The board received a total of ten (10) comments from four (4) environmental consulting firms, one (1) trade association, one (1) laboratory, and one (1) state agency. Several complimented the board for updating its regulation to reflect the fact that the Department of Natural Resources has changed its cleanup requirements and, as a result, there are now new tasks the board must pay for. Some expressed opposition to the changes proposed to subsections (10)(F) and (10)(H), and the board agreed to withdraw these proposed changes. Deletion of the abbreviation, "etc." was suggested, and the board concurred with this suggestion. At its meeting on March 28, 2007, the board voted to publish a final order of rulemaking with these changes. However, as a result of an inquiry from the chairmen of the Joint Committee on Administrative Rules, the board reconsidered its decision and voted on April 25, 2007 to withdraw the proposed amendment to allow time for further dialogue with these legislators.

RESPONSE: As a result, the board is withdrawing this proposed amendment.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153, 208.159 and 208.201, RSMo 2000, the division amends a rule as follows:

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 332-334). 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 20—Pharmacy Program**

ORDER OF RULEMAKING

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

13 CSR 70-20.031 List of Excludable Drugs for Which Prior Authorization Is Required **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 335). 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 20—Pharmacy Program**

ORDER OF RULEMAKING

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

13 CSR 70-20.032 List of Drugs Excluded From Coverage Under the Missouri Medicaid Pharmacy Program **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 335). 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 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.152, RSMo Supp. 2006 and 208.153 and 208.201, RSMo 2000, the division amends a rule as follows:

13 CSR 70-20.034 List of Non-Excludable Drugs for Which Prior Authorization Is Required **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2007 (32 MoReg 335-336). 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 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**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under section 327.041, RSMo Supp. 2006, the board amends a rule as follows:

20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 55-57). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 1—Organization and Description of Commission**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.507 and 339.509, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 63). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 1—Organization and Description of Commission**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.507 and 339.509, RSMo 2000, the commission rescinds a rule as follows:

20 CSR 2245-1.020 Commission Compensation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 63-64). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-2.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 64). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted the need to clarify the commission's ability to investigate anonymous complaints. The proposed amendment may be construed to limit the commission's ability to protect the public by investigating complaints that do not identify a specific appraisal. Due to the nature of the profession, an appraiser may commit misconduct that may not be readily tied to a specific appraisal.

RESPONSE AND EXPLANATION OF CHANGE: In the interest of protecting the public, the commission has amended the regulation to clarify that the commission may investigate an anonymous complaint if deemed appropriate.

20 CSR 2245-2.020 Commission Action

(4) The commission, may at its discretion, investigate anonymous complaints.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000, the commission rescinds a rule as follows:

20 CSR 2245-2.040 Appraiser's Seal is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 64). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-2.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 64-65). The section with changes is reprinted here.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted the requirement of subsection (1)(B) that an appraiser identifies the "Location or address" of the property appraised in the appraiser's assignment log is unclear.

RESPONSE AND EXPLANATION OF CHANGE: The rule has been amended to require designation of the "specific location or address of the property appraised." This clarification will assist those appraisers of property without a designated address. The clarification will allow the commission to better identify the property appraised when reviewing an assignment log.

20 CSR 2245-2.050 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:

(B) Specific location or address of the property appraised;

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

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.509(8), RSMo 2000, the commission adopts a rule as follows:

20 CSR 2245-3.005 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2007 (32 MoReg 65-68). The 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: One (1) comment was received.

COMMENT: A staff member noted that trainee registration established by the proposed rule did not intend to be a designated license classification and does not grant authority to an unlicensed individual to perform any activity for which a license is required.

RESPONSE AND EXPLANATION OF CHANGE: After further review, the commission has amended the rule to clarify this intent. Specifically, the rule has been amended to remove the educational requirements that are historically applicable only to persons holding a license or certificate from the commission. The rule has also been amended to clarify that trainees are only required to register with the commission and are not entitled to an application review at the time of registration. Further, the commission has authority to determine the type of appraisal experience that will be credited at the time of application for licensure or certification. The rule has been amended to more specifically clarify the commission's intent to only recognize appraisal experience earned after registering as an appraisal trainee.

20 CSR 2245-3.005 Trainee Real Estate Appraiser Registration

(2) An applicant for licensure or certification shall only receive credit for appraisal experience earned after the applicant has registered as a trainee real estate appraiser with the commission.

(3) A person may register as a trainee real estate appraiser 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; and

(C) The prescribed fee.

(5) Training.

(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), 2006 Edition. 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.

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

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000 and 339.515 and 339.517, RSMo Supp. 2006, the commission amends a rule as follows:

**20 CSR 2245-3.010 Applications for Certification and
Licensure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 69-71). No changes have been made to 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 20—DEPARTMENT OF INSURANCE
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 3—Applications for Certification and Licensure**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000 and 339.515 and 339.517, RSMo Supp. 2006, the commission amends a rule as follows:

**20 CSR 2245-3.020 Certification and Licensure Examinations
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 72). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 4—Certificates and Licenses**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.529, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-4.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 72). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted a clerical error in section (1).
RESPONSE AND EXPLANATION OF CHANGE: The citation of 20 CSR 2245-4.020 has been changed to 20 CSR 2245-4.030.

20 CSR 2245-4.040 Individual License; Business Name; Pocket Card

(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 he/she first complies with 20 CSR 2245-4.030. If a licensee changes his/her name or business address, he/she shall notify the commission in writing within thirty (30) days after the change becomes effective.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 4—Certificates and Licenses**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, 339.521 and 339.523, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-4.050 Nonresident Certification or Licensure;
Reciprocity is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 72-73). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 4—Certificates and Licenses**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.503, 339.509 and 339.521, RSMo 2000, the commission amends a rule as follows:

**20 CSR 2245-4.060 Temporary Nonresident Certificate or
License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 73). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 5—Fees**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.513, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-5.010 Payment is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 73-74). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 5—Fees**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, 339.513 and 339.525.5, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-5.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 74-76). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) Comment was received. The board did not receive an official comment, however upon final review of the amendment noted to amend eliminating the trainee fee. RESPONSE AND EXPLANATION OF CHANGE: The trainee registration designated in the rules of the board is elective and not intended to be a designated license classification. As a result, the commission has eliminated the trainee fee established in the proposed amendment.

20 CSR 2245-5.020 Application, Certificate and License Fees

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

- (M) Fingerprint Background Check Fee—Determined by the Missouri State Highway Patrol (MSHP) or its approved vendor
- (N) Continuing Education Course Approval Fee (per course) \$25
- (O) Continuing Education Course Renewal Fee (per course) \$10

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

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission adopts a rule as follows:

20 CSR 2245-6.015 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2007 (32 MoReg 77-78). The section with changes is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted proposed rule 20 CSR 2245-3.005, it is unclear whether the proposed changes to 20 CSR 2245-6.015 create a trainee registration license classification. The original proposed rule of 20 CSR 2245-6.015 created educational requirements that are historically applicable to only persons licensed or certified by the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission has deleted the educational requirements for trainee registrant in subsection (2)(D) to clarify the commission's intent. Section (2) is reprinted in its entirety.

20 CSR 2245-6.015 Examination and Education Requirements

(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 30 Hours
(Electives may include hours over minimum shown above in other modules)

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 20 Hours
(Electives may include hours over the minimum shown above in other modules)

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

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

**Division 2245—Real Estate Appraisers
Chapter 6—Educational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission rescinds a rule as follows:

20 CSR 2245-6.020 Correspondence Courses is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 78). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2245—Real Estate Appraisers
Chapter 6—Educational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission rescinds a rule as follows:

20 CSR 2245-6.030 Distance Education is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 78-79). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2245—Real Estate Appraisers
Chapter 6—Educational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.509 (3 and 4), RSMo 2000, the commission adopts a rule as follows:

20 CSR 2245-6.040 Case Study Courses is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2007 (32 MoReg 79-81). No changes have been made to the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**Division 2245—Real Estate Appraisers
Chapter 7—Prelicense Course Approval**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517 RSMo Supp. 2006, the commission amends a rule as follows:

20 CSR 2245-7.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 81-84). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted that the current proposed rule requires course providers to have instructors approved by the Appraisal Qualifications Board (AQB). However, the AQB informed state appraisal licensing entities that it does not approve instructors for AQB approved courses.

RESPONSE AND EXPLANATION OF CHANGE: As such, the rule has been changed to only require AQB course approval.

20 CSR 2245-7.010 Standards for Prelicense Course Approval

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

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

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-7.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 85). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: A staff member noted that the current proposed amendment requires course providers to have instructors approved by the Appraisal Qualifications Board (AQB). However, the AQB informed state appraisal licensing entities that it does not approve instructors for AQB approved courses.

RESPONSE AND EXPLANATION OF CHANGE: As such, the rule has been changed to only require AQB course approval.

20 CSR 2245-7.020 Application for Prelicense Course Approval

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

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

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission rescinds a rule as follows:

**20 CSR 2245-7.030 Prelicense Correspondence Courses
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 85). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 7—Prelicense Course Approval**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.513, RSMo 2000, and 339.517, RSMo Supp. 2006, the commission rescinds a rule as follows:

**20 CSR 2245-7.040 Approval and Renewal for Prelicense
Courses is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 85-86). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 7—Prelicense Course Approval**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission rescinds a rule as follows:

20 CSR 2245-7.050 Records is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2007 (32 MoReg 86). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 7—Prelicense Course Approval**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission amends a rule as follows:

20 CSR 2245-7.060 Investigation and Review is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 86). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 8—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2006, the commission amends a rule as follows:

20 CSR 2245-8.010 Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 86–87). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 8—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.530, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-8.020 Course Approval is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 87–89). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 8—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.530, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-8.030 Instructor Approval is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 90). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 8—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.530, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-8.040 Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 90–91). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 8—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under sections 339.509 and 339.530, RSMo 2000, the commission amends a rule as follows:

20 CSR 2245-8.050 Investigation and Review is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 92). No changes have been made to 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.

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 June 30, 2007.

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

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

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket: For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 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. 2006, 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 # MP040310020

Renewal Applicant's Name & Age: Rodman R. Brandt, 39
Relevant Physical Condition: Mr. Brandt's best-corrected visual acuity in his right eye is 20/20 Snellen and his left eye is 20/20 Snellen. He has been diagnosed as having diabetes mellitus since July 1998. Relevant Driving Experience: Mr. Brandt has been employed since 1983 with Economy Express Trucking, Inc. St. Joseph, MO. He has approximately 20 years of commercial motor vehicle driving experience. He currently has a Class A CDL. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in November 2006, his endocrinologist certified, "In my medical opinion, Mr. Brandt's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations on record.

Application # MP041229091

Renewal Applicant's Name & Age: Marc Christopher Grooms, 37
Relevant Physical Condition: Mr. Grooms has Amblyopia in his right eye and his best-corrected visual acuity in the right eye is 20/60 Snellen and uncorrected is 20/200. His best corrected and uncorrected visual acuity in his left eye is 20/20 Snellen.

Relevant Driving Experience: Employed by World Outdoor Emporium, St. Charles, MO as a route sales driver from April 1992 to present. He drives a straight truck, dump and flat approximately 3 hours per day. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in March 2007, his optometrist certified, "In my medical opinion, Mr. Groom's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No violations within the past 3 years and 1 accident in a CMV, no citation issued to the driver.

Application # MP041221087

Renewal Applicant's Name & Age: Timothy Lee Nelson, 48
Relevant Physical Condition: Mr. Nelson has Myopic Degeneration in his right eye and his best-corrected visual acuity in his right eye is 20/30 Snellen and his left eye is 20/60 Snellen.

Relevant Driving Experience: Mr. Nelson has been employed since 1992 as a route sales driver for Interstate Bakeries, St. Louis MO. He has approximately 22 years of commercial motor vehicle driving experience. He currently has a Class E license. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in April 2007, his ophthalmologist certified, "In my medical opinion, Mr. Nelson's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No violations on record and one accident in a CMV before initial SPE issued.

Application # MP050826041

Applicant's Name & Age: Chad Michael Skinner, 27
Relevant Physical Condition: Mr. Skinner's best-corrected visual acuity in his right eye is 20/20 Snellen and his left eye is 20/25 Snellen. He has been diagnosed as having diabetes mellitus since 1984.

Relevant Driving Experience: Mr. Skinner has been employed since 2004 with Alliance Water Resources, O'Fallon, MO. He has approximately 6 years of commercial motor vehicle driving experience. He currently has a Class B CDL. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in February 2007, his endocrinologist certified, "In my medical opinion, Mr. Skinner's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No violations on record and two accidents in 2006, one in a company vehicle and one in a personal vehicle.

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: May 1, 2007

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

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 LIMITED LIABILITY
COMPANY TO ALL CREDITORS OF AND CLAIMANTS
AGAINST TWO RIVERS CATTLE, LLC

On April 4, 2007, Two Rivers Cattle, LLC filed Notice of Winding Up with the Missouri Secretary of State.

Claims against Two Rivers Cattle, LLC, may be submitted to Tom J. Bowman, McCalley, Gorham and Bowman, P.C., 206 West Main Street, P.O. Box 319, Richmond, Missouri 64085. Claims must include the name, address and telephone number of the claimant; the amount claimed; the date on which the claim arose; basis for claim; and documentation of claim.

All claims against Two Rivers Cattle, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS AND CLAIMANTS
AGAINST
LAKE OZARK INNS, INC.

Lake Ozark Inns, Inc. was dissolved as of the 10th day of April, 2007. Any and all claims against Lake Ozark Inns, Inc. may be sent to Teresa Reinking, Husch & Eppenberger, LLC, 1200 Main Street, Ste. 2300, Kansas City, Missouri 64105. Each such claim should include the following: the name, address and telephone number of the claimant; amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim was based occurred; and whether the corporation has been previously notified of the claim, and if so, when. Any and all claims against Lake Ozark Inns, Inc. will be barred unless a proceeding to enforce the claim is commenced within two years after the date of this publication.

**NOTICE OF DISSOLUTION OF
THE WARRANTY TEAM, LLC**

On the 12th day of April, 2007, The Warranty Team, LLC filed its Notice of Winding Up with the Missouri Secretary of State. The dissolution of the LLC was effective on the 12th day of April, 2007.

You are hereby notified that if you believe you have a claim against The Warranty Team, LLC, you must submit a summary in writing of the circumstances surrounding your claim to the limited liability company to the attention of Carl J. Lumley, Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, St. Louis, Missouri 63105, no later than April 24, 2010.

The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant;
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against The Warranty Team, LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice. Claims will also be barred as provided in Section 347.141 R.S.Mo.

NOTICE OF CORPORATION DISSOLUTION

To: All creditors of and claimants against JACKSON COUNTY IMPLEMENT COMPANY, INC.

On April 16, 2007, JACKSON COUNTY IMPLEMENT COMPANY, INC., a Missouri corporation, Charter Number **00094616**, was dissolved pursuant to the filing of Articles of Dissolution by the Corporation Division, Missouri Secretary of State

All persons or organizations having claims against JACKSON COUNTY IMPLEMENT COMPANY, INC., are required to present them immediately in writing to:

Nancy E. Blackwell, Attorney at Law
CHINNERY EVANS & NAIL, P.C.
200 S.E. Douglas, Suite 200
Lee's Summit, MO 64063

Each claim must contain the following information:

1. Name and current address of the claimant.
2. A clear and concise statement of the facts supporting the claim.
3. The date the claim was incurred.
4. The amount of money or alternate relief demanded.

NOTE: CLAIMS AGAINST JACKSON COUNTY IMPLEMENT COMPANY, INC., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
RPS BENEFITS, INC.**

On October 18, 2006, RPS Benefits, Inc., a Missouri corporation (“Corporation”) agreed to dissolve and wind up the Corporation.

The Corporation requests that all persons and organizations who have claims against it present those claims immediately by letter to Thomas H. Mug at Gallop, Johnson and Neuman, L.C., 101 South Hanley, Suite 1700, St. Louis, Missouri 63105. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF RPS BENEFITS, INC., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS AFTER MAY 15, 2007.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				30 MoReg 2435
DEPARTMENT OF AGRICULTURE					
2 CSR 30-10.010	Animal Health		32 MoReg 578		
2 CSR 80-2.010	State Milk Board		32 MoReg 526		
2 CSR 80-2.020	State Milk Board		32 MoReg 527		
2 CSR 80-2.030	State Milk Board		32 MoReg 528		
2 CSR 80-2.040	State Milk Board		32 MoReg 528		
2 CSR 80-2.050	State Milk Board		32 MoReg 529		
2 CSR 80-2.060	State Milk Board		32 MoReg 529		
2 CSR 80-2.070	State Milk Board		32 MoReg 530		
2 CSR 80-2.080	State Milk Board		32 MoReg 532		
2 CSR 80-2.091	State Milk Board		32 MoReg 532		
2 CSR 80-2.101	State Milk Board		32 MoReg 533		
2 CSR 80-2.110	State Milk Board		32 MoReg 533		
2 CSR 80-2.121	State Milk Board		32 MoReg 534		
2 CSR 80-2.130	State Milk Board		32 MoReg 534		
2 CSR 80-2.141	State Milk Board		32 MoReg 535		
2 CSR 80-2.151	State Milk Board		32 MoReg 535		
2 CSR 80-2.161	State Milk Board		32 MoReg 535		
2 CSR 80-2.170	State Milk Board		32 MoReg 536		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.130	Conservation Commission		32 MoReg 696		
3 CSR 10-5.460	Conservation Commission		N.A.	32 MoReg 721	
3 CSR 10-5.465	Conservation Commission		N.A.	32 MoReg 721	
3 CSR 10-6.410	Conservation Commission		N.A.	This Issue	
3 CSR 10-6.511	Conservation Commission		N.A.	This IssueR	
3 CSR 10-6.535	Conservation Commission		32 MoReg 215	32 MoReg 644	
3 CSR 10-7.455	Conservation Commission				32 MoReg 261
3 CSR 10-9.105	Conservation Commission		N.A.	32 MoReg 721	
3 CSR 10-9.220	Conservation Commission		N.A.	32 MoReg 726	
3 CSR 10-9.353	Conservation Commission		N.A.	32 MoReg 726	
3 CSR 10-9.560	Conservation Commission		N.A.	32 MoReg 727	
3 CSR 10-9.565	Conservation Commission		N.A.	32 MoReg 727	
3 CSR 10-9.625	Conservation Commission		N.A.	32 MoReg 729	
3 CSR 10-9.627	Conservation Commission		N.A.	32 MoReg 729	
3 CSR 10-9.628	Conservation Commission		N.A.	32 MoReg 729	
3 CSR 10-11.125	Conservation Commission		N.A.	32 MoReg 730	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects <i>(Changed to 20 CSR 2030-6.015)</i>		31 MoReg 1392	31 MoReg 2056	
4 CSR 262-1.010	Small Business Regulatory Fairness Board		32 MoReg 9	32 MoReg 800	
4 CSR 262-1.020	Small Business Regulatory Fairness Board		32 MoReg 13	32 MoReg 800	
4 CSR 265-9.010	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.010)</i>		32 MoReg 15	32 MoReg 800	
4 CSR 265-9.020	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.020)</i>		32 MoReg 16	32 MoReg 800	
4 CSR 265-9.040	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.040)</i>		32 MoReg 17	32 MoReg 801	
4 CSR 265-9.050	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.050)</i>		32 MoReg 19	32 MoReg 801	
4 CSR 265-9.060	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.060)</i>		32 MoReg 19	32 MoReg 801	
4 CSR 265-9.070	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.070)</i>		32 MoReg 19	32 MoReg 801	
4 CSR 265-9.090	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.090)</i>		32 MoReg 20	32 MoReg 801	
4 CSR 265-9.100	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.100)</i>		32 MoReg 20	32 MoReg 801	
4 CSR 265-9.110	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.110)</i>		32 MoReg 21	32 MoReg 801	
4 CSR 265-9.130	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.130)</i>		32 MoReg 24	32 MoReg 802	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 265-9.140	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.140)</i>		32 MoReg 24	32 MoReg 802	
4 CSR 265-9.150	Division of Motor Carrier and Railroad Safety <i>(Changed to 7 CSR 265-9.150)</i>		32 MoReg 25	32 MoReg 802	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-261.040	Division of Administrative and Financial Services		32 MoReg 26	32 MoReg 730	
5 CSR 30-640.010	Division of Administrative and Financial Services		31 MoReg 1869R	32 MoReg 595R	
5 CSR 30-660.065	Division of Administrative and Financial Services		31 MoReg 1869R	32 MoReg 595R	
5 CSR 50-200.010	Division of School Improvement		31 MoReg 1764	32 MoReg 595	
5 CSR 50-200.050	Division of School Improvement		31 MoReg 1641		
5 CSR 50-350.040	Division of School Improvement		32 MoReg 33	32 MoReg 730	
5 CSR 50-500.010	Division of School Improvement		32 MoReg 412		
5 CSR 60-100.050	Division of Career Education		31 MoReg 1644R 32 MoReg 629R		
5 CSR 80-800.200	Teacher Quality and Urban Education		32 MoReg 759		
5 CSR 80-800.220	Teacher Quality and Urban Education		32 MoReg 759		
5 CSR 80-800.230	Teacher Quality and Urban Education		32 MoReg 760		
5 CSR 80-800.260	Teacher Quality and Urban Education		32 MoReg 760		
5 CSR 80-800.270	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.280	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.350	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.360	Teacher Quality and Urban Education		32 MoReg 762		
5 CSR 80-800.380	Teacher Quality and Urban Education		32 MoReg 762		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-2.020	Commissioner of Higher Education		32 MoReg 303	This Issue	
6 CSR 10-2.080	Commissioner of Higher Education		32 MoReg 303	This Issue	
6 CSR 10-2.120	Commissioner of Higher Education		32 MoReg 304	This Issue	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-4.020	Missouri Highways and Transportation Commission		32 MoReg 629		
7 CSR 10-6.070	Missouri Highways and Transportation Commission		32 MoReg 536		
7 CSR 10-10.010	Missouri Highways and Transportation Commission		32 MoReg 133		
7 CSR 10-10.030	Missouri Highways and Transportation Commission		32 MoReg 134		
7 CSR 10-10.040	Missouri Highways and Transportation Commission		32 MoReg 135		
7 CSR 10-10.050	Missouri Highways and Transportation Commission		32 MoReg 135		
7 CSR 10-10.060	Missouri Highways and Transportation Commission		32 MoReg 136		
7 CSR 10-10.070	Missouri Highways and Transportation Commission		32 MoReg 136		
7 CSR 10-10.080	Missouri Highways and Transportation Commission		32 MoReg 138		
7 CSR 10-10.090	Missouri Highways and Transportation Commission		32 MoReg 138		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				32 MoReg 666 This Issue
7 CSR 10-25.030	Missouri Highways and Transportation Commission <i>(Changed from 12 CSR 20-3.010)</i>	32 MoReg 521	32 MoReg 541		
7 CSR 265-9.010	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-9.010)</i>		32 MoReg 15	32 MoReg 800	
7 CSR 265-9.020	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-9.020)</i>		32 MoReg 16	32 MoReg 800	
7 CSR 265-9.040	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-9.040)</i>		32 MoReg 17	32 MoReg 801	
7 CSR 265-9.050	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-9.050)</i>		32 MoReg 19	32 MoReg 801	
7 CSR 265-9.060	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-9.060)</i>		32 MoReg 19	32 MoReg 801	
7 CSR 265-9.070	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-9.070)</i>		32 MoReg 19	32 MoReg 801	
7 CSR 265-9.090	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-9.090)</i>		32 MoReg 20	32 MoReg 801	
7 CSR 265-9.100	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-9.100)</i>		32 MoReg 20	32 MoReg 801	
7 CSR 265-9.110	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-9.110)</i>		32 MoReg 21	32 MoReg 801	
7 CSR 265-9.130	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-9.130)</i>		32 MoReg 24	32 MoReg 802	
7 CSR 265-9.140	Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-9.140)</i>		32 MoReg 24	32 MoReg 802	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 265-9.150	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.150)		32 MoReg 25	32 MoReg 802	
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.130	Division of Employment Security		32 MoReg 537		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.070	Air Conservation Commission		32 MoReg 39	This Issue	
10 CSR 10-2.390	Air Conservation Commission		31 MoReg 1941	This Issue	
10 CSR 10-3.090	Air Conservation Commission		32 MoReg 39	This Issue	
10 CSR 10-4.070	Air Conservation Commission		32 MoReg 40	This Issue	
10 CSR 10-5.160	Air Conservation Commission		32 MoReg 41	This Issue	
10 CSR 10-5.220	Air Conservation Commission		32 MoReg 215		
10 CSR 10-5.375	Air Conservation Commission		32 MoReg 305R		
10 CSR 10-5.380	Air Conservation Commission		32 MoReg 305R		
10 CSR 10-5.381	Air Conservation Commission		32 MoReg 306		
10 CSR 10-5.480	Air Conservation Commission		31 MoReg 1965	This Issue	
10 CSR 10-6.062	Air Conservation Commission		31 MoReg 1766	32 MoReg 644	
10 CSR 10-6.070	Air Conservation Commission		32 MoReg 139		
10 CSR 10-6.075	Air Conservation Commission		32 MoReg 139		
10 CSR 10-6.080	Air Conservation Commission		32 MoReg 141		
10 CSR 10-6.300	Air Conservation Commission		32 MoReg 538		
10 CSR 10-6.350	Air Conservation Commission		31 MoReg 1766	32 MoReg 645	
10 CSR 10-6.360	Air Conservation Commission		31 MoReg 1767	32 MoReg 646	
10 CSR 10-6.362	Air Conservation Commission		31 MoReg 1769	32 MoReg 646	
10 CSR 10-6.364	Air Conservation Commission		31 MoReg 1781	32 MoReg 654	
10 CSR 10-6.366	Air Conservation Commission		31 MoReg 1791	32 MoReg 660	
10 CSR 10-6.368	Air Conservation Commission		31 MoReg 1797	32 MoReg 661	
10 CSR 20-4.023	Clean Water Commission	32 MoReg 395	32 MoReg 633		
10 CSR 20-4.030	Clean Water Commission	32 MoReg 396	32 MoReg 636		
10 CSR 20-4.061	Clean Water Commission	32 MoReg 396	32 MoReg 638		
10 CSR 20-7.050	Clean Water Commission	31 MoReg 1845	31 MoReg 2049		
10 CSR 23-3.100	Division of Geology and Land Survey		32 MoReg 320		
10 CSR 23-5.050	Division of Geology and Land Survey		32 MoReg 322		
10 CSR 25-2.020	Hazardous Waste Management Commission		32 MoReg 640		
10 CSR 60-13.010	Public Drinking Water Program	32 MoReg 398	32 MoReg 641		
10 CSR 80-8.020	Solid Waste Management		32 MoReg 224		
10 CSR 80-8.030	Solid Waste Management		32 MoReg 226		
10 CSR 80-8.040	Solid Waste Management		32 MoReg 227R		
10 CSR 80-8.050	Solid Waste Management		32 MoReg 228		
10 CSR 80-8.060	Solid Waste Management		32 MoReg 238		
10 CSR 80-9.010	Solid Waste Management		32 MoReg 323R		
10 CSR 80-9.030	Solid Waste Management		32 MoReg 241		
10 CSR 80-9.035	Solid Waste Management		32 MoReg 242		
10 CSR 80-9.050	Solid Waste Management		32 MoReg 323		
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 42	This Issue	
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 43	This Issue	
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 43	This Issue	
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 44	This IssueW	
10 CSR 140-2	Division of Energy				32 MoReg 599
10 CSR 140-6.010	Division of Energy		32 MoReg 696		
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11 CSR 30-11.010	Office of the Director		32 MoReg 142		
11 CSR 40-5.050	Division of Fire Safety		32 MoReg 45	32 MoReg 663	
11 CSR 40-5.065	Division of Fire Safety		32 MoReg 45	32 MoReg 663	
11 CSR 40-5.070	Division of Fire Safety		32 MoReg 50	32 MoReg 664	
11 CSR 40-5.080	Division of Fire Safety		32 MoReg 50	32 MoReg 664	
11 CSR 40-5.090	Division of Fire Safety		32 MoReg 52	32 MoReg 664	
11 CSR 40-5.110	Division of Fire Safety		32 MoReg 52	32 MoReg 664	
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11 CSR 45-1.090	Missouri Gaming Commission		32 MoReg 579		
11 CSR 45-5.051	Missouri Gaming Commission		32 MoReg 581		
11 CSR 45-5.183	Missouri Gaming Commission		32 MoReg 581		
11 CSR 45-5.184	Missouri Gaming Commission		32 MoReg 582		
11 CSR 45-5.185	Missouri Gaming Commission		32 MoReg 585		
11 CSR 45-5.265	Missouri Gaming Commission		32 MoReg 587		
11 CSR 45-8.130	Missouri Gaming Commission		32 MoReg 590		
11 CSR 45-9.030	Missouri Gaming Commission		32 MoReg 591		
11 CSR 45-12.080	Missouri Gaming Commission		31 MoReg 1990	32 MoReg 595	
11 CSR 45-13.055	Missouri Gaming Commission	32 MoReg 5	32 MoReg 55	32 MoReg 731W	
11 CSR 45-30.280	Missouri Gaming Commission		31 MoReg 1990	32 MoReg 596	
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12 CSR 10-41.010	Director of Revenue	31 MoReg 1935	31 MoReg 1991	32 MoReg 596	
12 CSR 10-42.110	Director of Revenue		31 MoReg 1994R	32 MoReg 596R	
12 CSR 10-400.200	Director of Revenue		31 MoReg 1994	32 MoReg 596	
12 CSR 10-400.210	Director of Revenue		31 MoReg 1998	32 MoReg 597	
12 CSR 10-405.105	Director of Revenue		31 MoReg 2001	32 MoReg 597	

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12 CSR 10-405.205	Director of Revenue		31 MoReg 2001	32 MoReg 597	
12 CSR 20-3.010	Highway Reciprocity Commission (Changed to 7 CSR 10-25.030)	32 MoReg 521	32 MoReg 541		
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13 CSR 40-32.010	Family Support Division	32 MoReg 693			
13 CSR 70-3.020	Division of Medical Services		32 MoReg 697		
13 CSR 70-3.030	Division of Medical Services		31 MoReg 2050 32 MoReg 698	32 MoReg 597	
13 CSR 70-10.015	Division of Medical Services		32 MoReg 700		
13 CSR 70-10.030	Division of Medical Services	32 MoReg 293	32 MoReg 332	This Issue	
13 CSR 70-10.080	Division of Medical Services		32 MoReg 716		
13 CSR 70-15.010	Division of Medical Services		32 MoReg 593		
13 CSR 70-20.031	Division of Medical Services		32 MoReg 335	This Issue	
13 CSR 70-20.032	Division of Medical Services		32 MoReg 335	This Issue	
13 CSR 70-20.034	Division of Medical Services		32 MoReg 335	This Issue	
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15 CSR 30-51.180	Secretary of State	32 MoReg 399 32 MoReg 400T 32 MoReg 400	32 MoReg 415		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 30-20.001	Division of Regulation and Licensure		32 MoReg 336		
19 CSR 30-30.010	Division of Regulation and Licensure		32 MoReg 336		
19 CSR 30-30.020	Division of Regulation and Licensure		32 MoReg 337		
19 CSR 30-40.410	Division of Regulation and Licensure		32 MoReg 338		
19 CSR 30-40.430	Division of Regulation and Licensure		32 MoReg 339		
19 CSR 30-40.450	Division of Regulation and Licensure		31 MoReg 995	31 MoReg 2017W	
19 CSR 30-80.030	Division of Regulation and Licensure		32 MoReg 415		
19 CSR 60-50	Missouri Health Facilities Review Committee				32 MoReg 733 32 MoReg 806
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20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019
20 CSR	State Legal Expense Fund Cap				32 MoReg 668
20 CSR 400-7.095	Life, Annuities and Health		32 MoReg 142	32 MoReg 731	
20 CSR 500-5.020	Property and Casualty	32 MoReg 401	32 MoReg 416		
20 CSR 500-5.025	Property and Casualty	32 MoReg 403	32 MoReg 423		
20 CSR 500-5.026	Property and Casualty	32 MoReg 404	32 MoReg 423		
20 CSR 500-5.027	Property and Casualty	32 MoReg 404	32 MoReg 424		
20 CSR 700-4.100	Licensing		32 MoReg 718		
20 CSR 700-6.350	Licensing		31 MoReg 931		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 55	This Issue	
20 CSR 2040-3.030	Office of Athletics		32 MoReg 719		
20 CSR 2040-4.090	Office of Athletics		32 MoReg 719		
20 CSR 2040-8.010	Office of Athletics		32 MoReg 763		
20 CSR 2040-8.020	Office of Athletics		32 MoReg 764		
20 CSR 2040-8.030	Office of Athletics		32 MoReg 770		
20 CSR 2040-8.040	Office of Athletics		32 MoReg 774		
20 CSR 2040-8.050	Office of Athletics		32 MoReg 778		
20 CSR 2040-8.060	Office of Athletics		32 MoReg 779		
20 CSR 2040-8.070	Office of Athletics		32 MoReg 783		
20 CSR 2040-8.080	Office of Athletics		32 MoReg 783		
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20 CSR 2040-8.110	Office of Athletics		32 MoReg 789		
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20 CSR 2040-8.130	Office of Athletics		32 MoReg 792		
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20 CSR 2040-8.160	Office of Athletics		32 MoReg 795		
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20 CSR 2040-8.180	Office of Athletics		32 MoReg 798		
20 CSR 2040-8.190	Office of Athletics		32 MoReg 799		
20 CSR 2115-2.010	State Committee of Dietitians		32 MoReg 58	32 MoReg 664	
20 CSR 2115-2.050	State Committee of Dietitians		32 MoReg 58	32 MoReg 664	
20 CSR 2120-1.010	State Board of Embalmers and Funeral Directors		32 MoReg 424		
20 CSR 2120-1.040	State Board of Embalmers and Funeral Directors		32 MoReg 428		

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20 CSR 2120-2.010	State Board of Embalmers and Funeral Directors		32 MoReg 431		
20 CSR 2120-2.040	State Board of Embalmers and Funeral Directors		32 MoReg 432		
20 CSR 2120-2.050	State Board of Embalmers and Funeral Directors		32 MoReg 433		
20 CSR 2120-2.071	State Board of Embalmers and Funeral Directors		32 MoReg 434		
20 CSR 2120-2.090	State Board of Embalmers and Funeral Directors		32 MoReg 435		
20 CSR 2120-2.100	State Board of Embalmers and Funeral Directors		32 MoReg 437		
20 CSR 2150-4.052	State Board of Registration for the Healing Arts		31 MoReg 1876	32 MoReg 664W	
20 CSR 2150-6.020	State Board of Registration for the Healing Arts		31 MoReg 1877	32 MoReg 665	
20 CSR 2193-1.010	Interior Design Council		32 MoReg 148	32 MoReg 802	
20 CSR 2193-1.020	Interior Design Council		32 MoReg 148	32 MoReg 802	
20 CSR 2193-2.010	Interior Design Council		32 MoReg 148	32 MoReg 803	
20 CSR 2193-2.040	Interior Design Council		32 MoReg 149	32 MoReg 803	
20 CSR 2193-3.010	Interior Design Council		32 MoReg 149	32 MoReg 803	
20 CSR 2193-3.020	Interior Design Council		32 MoReg 150	32 MoReg 803	
20 CSR 2193-5.010	Interior Design Council		32 MoReg 150	32 MoReg 803	
20 CSR 2200-2.001	State Board of Nursing		This IssueR		
20 CSR 2200-2.010	State Board of Nursing		This IssueR		
20 CSR 2200-2.020	State Board of Nursing		This IssueR		
20 CSR 2200-2.030	State Board of Nursing		This IssueR		
20 CSR 2200-2.035	State Board of Nursing		This IssueR		
20 CSR 2200-2.040	State Board of Nursing		This IssueR		
20 CSR 2200-2.050	State Board of Nursing		This IssueR		
20 CSR 2200-2.060	State Board of Nursing		This IssueR		
20 CSR 2200-2.070	State Board of Nursing		This IssueR		
20 CSR 2200-2.080	State Board of Nursing		This IssueR		
20 CSR 2200-2.085	State Board of Nursing		This IssueR		
20 CSR 2200-2.090	State Board of Nursing		This IssueR		
20 CSR 2200-2.100	State Board of Nursing		This IssueR		
20 CSR 2200-2.110	State Board of Nursing		This IssueR		
20 CSR 2200-2.120	State Board of Nursing		This IssueR		
20 CSR 2200-2.130	State Board of Nursing		This IssueR		
20 CSR 2200-2.180	State Board of Nursing		This IssueR		
20 CSR 2200-3.001	State Board of Nursing		This IssueR		
20 CSR 2200-3.010	State Board of Nursing		This IssueR		
20 CSR 2200-3.020	State Board of Nursing		This IssueR		
20 CSR 2200-3.030	State Board of Nursing		This IssueR		
20 CSR 2200-3.035	State Board of Nursing		This IssueR		
20 CSR 2200-3.040	State Board of Nursing		This IssueR		
20 CSR 2200-3.050	State Board of Nursing		This IssueR		
20 CSR 2200-3.060	State Board of Nursing		This IssueR		
20 CSR 2200-3.070	State Board of Nursing		This IssueR		
20 CSR 2200-3.080	State Board of Nursing		This IssueR		
20 CSR 2200-3.085	State Board of Nursing		This IssueR		
20 CSR 2200-3.090	State Board of Nursing		This IssueR		

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20 CSR 2200-3.100	State Board of Nursing		This IssueR This Issue		
20 CSR 2200-3.110	State Board of Nursing		This IssueR This Issue		
20 CSR 2200-3.120	State Board of Nursing		This IssueR This Issue		
20 CSR 2200-3.130	State Board of Nursing		This IssueR This Issue		
20 CSR 2200-3.180	State Board of Nursing		This IssueR This Issue		
20 CSR 2210-1.010	State Board of Optometry		32 MoReg 58	32 MoReg 665	
20 CSR 2210-2.011	State Board of Optometry		32 MoReg 59	32 MoReg 665	
20 CSR 2210-2.020	State Board of Optometry		32 MoReg 61	32 MoReg 665	
20 CSR 2210-2.070	State Board of Optometry		32 MoReg 63	32 MoReg 665	
20 CSR 2235-1.015	State Committee of Psychologists		32 MoReg 150	32 MoReg 732	
20 CSR 2235-1.050	State Committee of Psychologists		32 MoReg 151	32 MoReg 732	
20 CSR 2235-1.063	State Committee of Psychologists		32 MoReg 151	32 MoReg 732	
20 CSR 2235-2.040	State Committee of Psychologists		32 MoReg 720		
20 CSR 2245-1.010	Real Estate Appraisers		32 MoReg 63	This Issue	
20 CSR 2245-1.020	Real Estate Appraisers		32 MoReg 63R	This IssueR	
20 CSR 2245-2.020	Real Estate Appraisers		32 MoReg 64	This Issue	
20 CSR 2245-2.040	Real Estate Appraisers		32 MoReg 64R	This IssueR	
20 CSR 2245-2.050	Real Estate Appraisers		32 MoReg 64	This Issue	
20 CSR 2245-3.005	Real Estate Appraisers		32 MoReg 65	This Issue	
20 CSR 2245-3.010	Real Estate Appraisers		32 MoReg 69	This Issue	
20 CSR 2245-3.020	Real Estate Appraisers		32 MoReg 72	This Issue	
20 CSR 2245-4.040	Real Estate Appraisers		32 MoReg 72	This Issue	
20 CSR 2245-4.050	Real Estate Appraisers		32 MoReg 72	This Issue	
20 CSR 2245-4.060	Real Estate Appraisers		32 MoReg 73	This Issue	
20 CSR 2245-5.010	Real Estate Appraisers		32 MoReg 73	This Issue	
20 CSR 2245-5.020	Real Estate Appraisers		32 MoReg 74	This Issue	
20 CSR 2245-6.015	Real Estate Appraisers		32 MoReg 77	This Issue	
20 CSR 2245-6.020	Real Estate Appraisers		32 MoReg 78R	This IssueR	
20 CSR 2245-6.030	Real Estate Appraisers		32 MoReg 78R	This IssueR	
20 CSR 2245-6.040	Real Estate Appraisers		32 MoReg 79	This Issue	
20 CSR 2245-7.010	Real Estate Appraisers		32 MoReg 81	This Issue	
20 CSR 2245-7.020	Real Estate Appraisers		32 MoReg 85	This Issue	
20 CSR 2245-7.030	Real Estate Appraisers		32 MoReg 85R	This IssueR	
20 CSR 2245-7.040	Real Estate Appraisers		32 MoReg 85R	This IssueR	
20 CSR 2245-7.050	Real Estate Appraisers		32 MoReg 86R	This IssueR	
20 CSR 2245-7.060	Real Estate Appraisers		32 MoReg 86	This Issue	
20 CSR 2245-8.010	Real Estate Appraisers		32 MoReg 86	This Issue	
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20 CSR 2245-8.040	Real Estate Appraisers		32 MoReg 90	This Issue	
20 CSR 2245-8.050	Real Estate Appraisers		32 MoReg 92	This Issue	
20 CSR 2263-2.032	State Committee for Social Workers		32 MoReg 152	32 MoReg 803	
20 CSR 2263-2.050	State Committee for Social Workers		32 MoReg 154	32 MoReg 804	
20 CSR 2263-2.052	State Committee for Social Workers		32 MoReg 156	32 MoReg 804	
20 CSR 2263-2.060	State Committee for Social Workers		32 MoReg 158	32 MoReg 804	
20 CSR 2263-2.062	State Committee for Social Workers		32 MoReg 160	32 MoReg 804	
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22 CSR 10-2.010	Health Care Plan	32 MoReg 209	32 MoReg 245	32 MoReg 804	
22 CSR 10-2.060	Health Care Plan	32 MoReg 210	32 MoReg 246	32 MoReg 805	
22 CSR 10-2.067	Health Care Plan	32 MoReg 210	32 MoReg 249	32 MoReg 805	
22 CSR 10-2.090	Health Care Plan	32 MoReg 211R	32 MoReg 252R	32 MoReg 805R	

Agency	Publication	Expiration
Department of Transportation		
Missouri Highways and Transportation Commission		
7 CSR 10-25.030 Apportion Registration	32 MoReg 521	August 29, 2007
Department of Natural Resources		
Clean Water Commission		
10 CSR 20-4.023 State Forty Percent Construction Grant Program	32 MoReg 395	August 30, 2007
10 CSR 20-4.030 Grants for Sewer Districts and Certain Small Municipal Sewer Systems	32 MoReg 396	August 30, 2007
10 CSR 20-4.061 Storm Water Grant and Loan Program	32 MoReg 396	August 30, 2007
Public Drinking Water Program		
10 CSR 60-13.010 Grants for Public Water Supply Districts and Small Municipal Water Supply Systems	32 MoReg 398	August 30, 2007
Department of Public Safety		
Missouri Gaming Commission		
11 CSR 45-13.055 Emergency Order Suspending License Privileges—Expedited Hearing	32 MoReg 5	June 7, 2007
Department of Revenue		
Director of Revenue		
12 CSR 10-41.010 Annual Adjusted Rate of Interest	31 MoReg 1935	June 29, 2007
Highway Reciprocity		
12 CSR 20-3.010 Apportion Registration	32 MoReg 521	August 29, 2007
Department of Social Services		
Family Support Division		
13 CSR 40-32.010 Basis of Payment	32 MoReg 693	September 27, 2007
Division of Medical Services		
13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services	32 MoReg 293	August 1, 2007
Elected Officials		
Secretary of State		
15 CSR 30-51.180 Exemptions from Registration for Broker-Dealers, Agents, Investment Advisors, and Investment Advisors Representatives	32 MoReg 400	August 10, 2007
Department of Insurance, Financial Institutions and Professional Registration		
Property and Casualty		
20 CSR 500-5.020 Medical Malpractice Insurance Rate Filings	32 MoReg 401	August 10, 2007
20 CSR 500-5.025 Determination of Inadequate Rates	32 MoReg 403	August 10, 2007
20 CSR 500-5.026 Determination of Excessive Rates	32 MoReg 404	August 10, 2007
20 CSR 500-5.027 Determination of Unfairly Discriminatory Rates	32 MoReg 404	August 10, 2007
Statistical Reporting		
20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting	July 2, 2007 Issue	February 28, 2008
Missouri Consolidated Health Care Plan		
Health Care Plan		
22 CSR 10-2.010 Definitions	32 MoReg 209	June 29, 2007
22 CSR 10-2.060 PPO and Co-Pay Plan Limitations	32 MoReg 210	June 29, 2007
22 CSR 10-2.067 HMO and POS Limitations	32 MoReg 210	June 29, 2007
22 CSR 10-2.090 Pharmacy Benefit Summary	32 MoReg 211	June 29, 2007

Executive Orders

Subject Matter

Filed Date

Publication

2007

07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	This Issue
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	Next Issue
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	Next Issue
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	Next Issue
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	Next Issue

2006

06-01	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
06-02	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
06-03	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371

Executive Orders	Subject Matter	Filed Date	Publication
06-04	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
06-05	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
06-06	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
06-07	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
06-08	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
06-09	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
06-10	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
06-11	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
06-12	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
06-13	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
06-14	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
06-15	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
06-16	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
06-17	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649
06-18	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
06-19	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652
06-20	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765
06-21	Designates members of staff with supervisory authority over selected state agencies	June 2, 2006	31 MoReg 1055
06-22	Healthy Families Trust Fund	June 22, 2006	31 MoReg 1137
06-23	Establishes Interoperable Communication Committee	June 27, 2006	31 MoReg 1139
06-24	Establishes Missouri Abraham Lincoln Bicentennial Commission	July 3, 2006	31 MoReg 1209
06-25	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	July 20, 2006	31 MoReg 1298
06-26	Directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	July 20, 2006	31 MoReg 1300
06-27	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	July 21, 2006	31 MoReg 1302

Executive Orders	Subject Matter	Filed Date	Publication
06-28	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	July 22, 2006	31 MoReg 1304
06-29	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	August 11, 2006	31 MoReg 1389
06-30	Extends the declaration of emergency contained in Executive Order 06-25 and the terms of Executive Order 06-27 through September 22, 2006, for the purpose of continuing the cleanup efforts in the east central part of the State of Missouri	August 18, 2006	31 MoReg 1466
06-31	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	September 23, 2006	31 MoReg 1699
06-32	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	September 26, 2006	31 MoReg 1701
06-33	Governor Matt Blunt orders all state employees to enable any state owned wireless telecommunications device capable of receiving text messages or emails to receive wireless AMBER alerts	October 4, 2006	31 MoReg 1847
06-34	Governor Matt Blunt amends Executive Order 03-26 relating to the duties of the Information Technology Services Division and the Information Technology Advisory Board	October 11, 2006	31 MoReg 1849
06-35	Governor Matt Blunt creates the Interdepartmental Coordination Council for Job Creation and Economic Growth	October 11, 2006	31 MoReg 1852
06-36	Governor Matt Blunt creates the Interdepartmental Coordination Council for Laboratory Services and Utilization	October 11, 2006	31 MoReg 1854
06-37	Governor Matt Blunt creates the Interdepartmental Coordination Council for Rural Affairs	October 11, 2006	31 MoReg 1856
06-38	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Employee Career Opportunity	October 11, 2006	31 MoReg 1858
06-39	Governor Matt Blunt creates the Mental Health Transformation Working Group	October 11, 2006	31 MoReg 1860
06-40	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Service Delivery Efficiency	October 11, 2006	31 MoReg 1863
06-41	Governor Matt Blunt creates the Interdepartmental Coordination Council for Water Quality	October 11, 2006	31 MoReg 1865
06-42	Designates members of staff with supervisory authority over selected state departments, divisions, and agencies	October 20, 2006	31 MoReg 1936
06-43	Closes state offices on Friday, November 24, 2006	October 24, 2006	31 MoReg 1938
06-44	Adds elementary and secondary education as another category with full membership representation on the Regional Homeland Security Oversight Committees in order to make certain that schools are included and actively engaged in homeland security planning at the state and local level	October 26, 2006	31 MoReg 1939
06-45	Directs the Department of Social Services to prepare a Medicaid beneficiary employer report to be submitted to the governor on a quarterly basis. Such report shall be known as the Missouri Health Care Responsibility Report	November 27, 2006	32 MoReg 6
06-46	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	December 1, 2006	32 MoReg 127
06-47	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	December 1, 2006	32 MoReg 129
06-48	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	December 1, 2006	32 MoReg 131
06-49	Directs the Department of Mental Health to implement recommendations from the Mental Health Task Force to protect client safety and improve the delivery of mental health services	December 19, 2006	32 MoReg 212
06-50	Extends the declaration of emergency contained in Executive Order 06-46 and the terms of Executive Order 06-48 through March 1, 2007, for the purpose of continuing the cleanup efforts in the affected Missouri communities	December 28, 2006	32 MoReg 214

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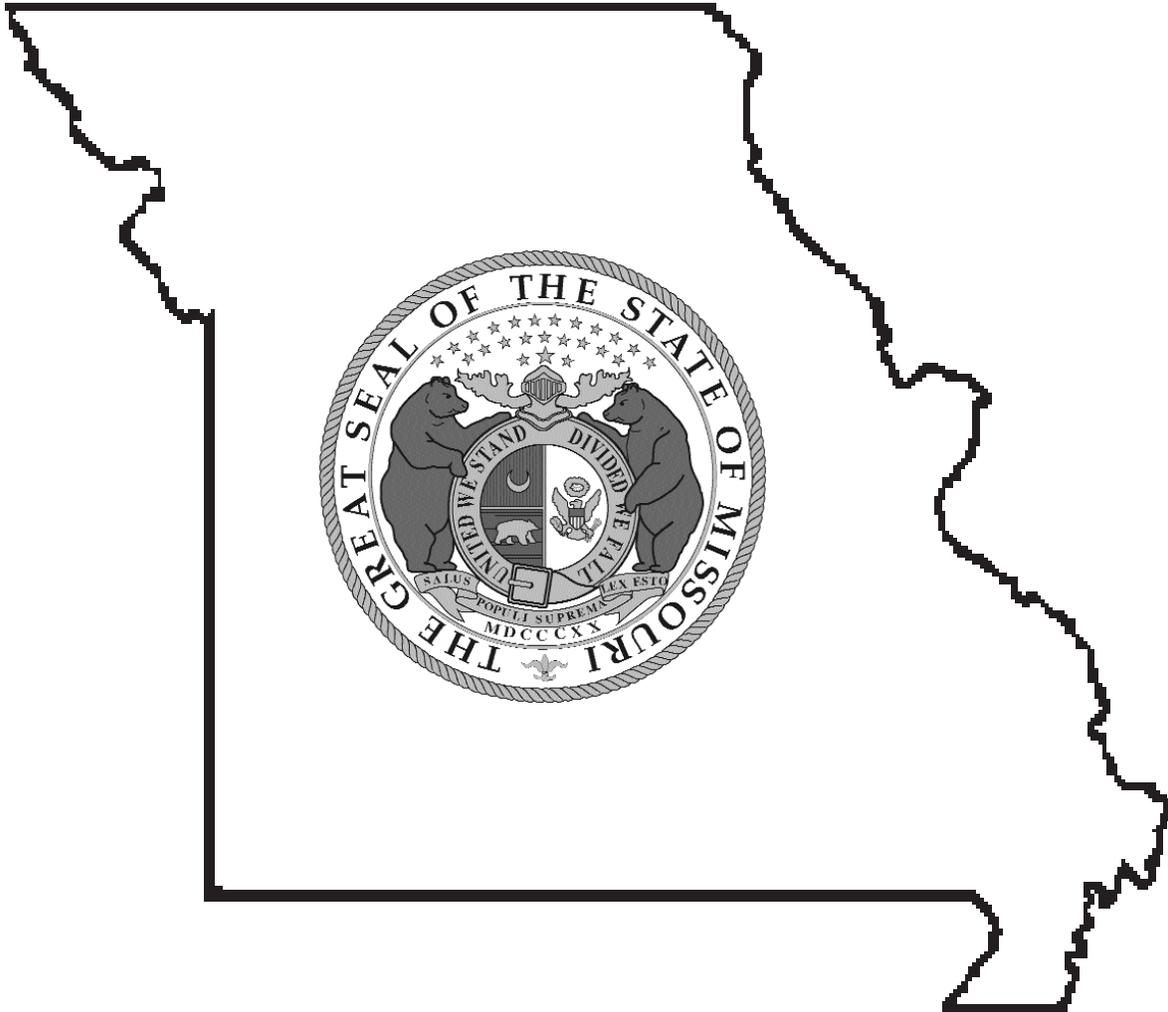
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