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SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI  
REGISTER

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May 1, 2008 May 15, 2008	<b>June 2, 2008</b> <b>June 16, 2008</b>	June 30, 2008 June 30, 2008	July 30, 2008 July 30, 2008
June 2, 2008 June 16, 2008	<b>July 1, 2008</b> <b>July 15, 2008</b>	July 31, 2008 July 31, 2008	August 30, 2008 August 30, 2008
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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## HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2007.

## EXECUTIVE ORDER

08-19

Whereas, I have been advised by the Director of the State Emergency Management Agency that the ongoing and forecast severe storm systems have caused, or have the potential to cause, damages associated with tornados, high winds, hail, flooding, and flash-flooding in communities throughout the state of Missouri; and

Whereas, the severe weather that began on June 1, 2008, and is continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the state of Missouri beyond the capabilities of some local and other established agencies; and

Whereas, the State Emergency Management Agency has been responding to requests from affected communities for sandbags; and

Whereas, the state will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

Whereas, the citizens and communities of Missouri are still recovering from the effects of the January, February, March, and May 2008 major disasters; and

Whereas, an invocation of the provisions of Sections 44.100 and 44.110 RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

Now, Therefore, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the state of Missouri, including Section 41.480.2 RSMo, order and direct the Adjutant General of the state of Missouri, or his designee, to forthwith 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 it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the governor of this state.

This order shall terminate on July 11, 2008, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 11<sup>th</sup> day of June, 2008.

A handwritten signature in black ink that reads "Matt Blunt". The signature is written in a cursive style.

---

**Matt Blunt**  
Governor

**ATTEST:**

A handwritten signature in black ink that reads "Robin Carnahan". The signature is written in a cursive style.

---

**Robin Carnahan**  
Secretary of State

**EXECUTIVE ORDER**

**08-20**

Whereas, I have been advised by the Director of the State Emergency Management Agency that the ongoing and forecast severe storm systems have caused, or have the potential to cause, damages associated with tornados, high winds, hail, flooding, and flash-flooding in communities throughout the state of Missouri; and

Whereas, the severe weather that began on June 1, 2008, and is continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the state of Missouri beyond the capabilities of some local and other established agencies; and

Whereas, the State Emergency Management Agency has been responding to requests from affected communities for sandbags; and

Whereas, the state will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

Whereas, the citizens and communities of Missouri are still recovering from the effects of the January, February, March, and May 2008 major disasters; and

Whereas, the resources of the state of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

Whereas, an invocation of the provisions of Section 44.100 and 44.110 RSMo will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

Now, Therefore, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the state of Missouri, including Sections 44.100 and 44.110 RSMo, hereby declare that a State of Emergency exists in the state of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on July 11, 2008, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 11<sup>th</sup> day of June, 2008.

A handwritten signature in black ink that reads 'Matt Blunt'.

---

**Matt Blunt**  
**Governor**

**ATTEST:**

A handwritten signature in black ink that reads 'Robin Carnahan'.

---

**Robin Carnahan**  
**Secretary of State**



**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

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

**PROPOSED AMENDMENT**

**2 CSR 110-2.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Biodiesel Producer Incentive Program.** The department is amending sections (2), (3), (5), (6), and (7).

*PURPOSE: This amendment eliminates the Missouri-produced feedstock requirement for biodiesel produced by a Missouri farmer-owned facility and adds specific deadlines that facilities must meet regarding registration, construction, and production of biodiesel.*

(2) Definitions.

**(B) Begun construction—A facility that has a duly executed and binding written construction contract, or has a duly executed and binding written construction loan commitment from a lender, or has placed an order for processing equipment and all financial obligations of the order have been met.**

*[(B)]* **(C) Biodiesel—Fuel that meets the American Society for Testing and Materials (ASTM) Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels.**

*[(C)]* **(D) Department—The Missouri Department of Agriculture.**

*[(D)]* **(E) Director—The director of the Missouri Department of Agriculture.**

*[(E)]* **(F) Feedstock—An agricultural, horticultural, viticultural, [or] vegetable, [product, grapes grown to be processed into wine, bees, honey, fish or other] aquacultural, [product, planting seed,] livestock, [or a livestock product, a] forestry, [product, poultry] or [a] poultry product, either in its natural [form] or processed [form, that has been produced, processed, or otherwise had value added to it in this] state[;].**

*[(F)]* **(G) Material participation—An agricultural producer shall materially participate only if the producer is involved in the agricultural production operation on a basis which is regular, continuous, and substantial.**

*[(G)]* **(H) Missouri qualified biodiesel producer (MQBP)—A facility located in Missouri that [produces biodiesel] has registered with the department by September 1, 2007, has begun construction of the facility before November 1, 2007, has begun production of biodiesel before March 1, 2009, and is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, where:**

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

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

*[(H)]* **(I) Qualified biodiesel—Biodiesel produced by an MQBP.**

**(J) Registered—A facility that has filed a Missouri qualified biodiesel producer license application that has been accepted by the department.**

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

**(E) Be registered with the department by September 1, 2007;**

**(F) Have begun construction of the facility before November 1, 2007;**

**(G) Have begun production of biodiesel before March 1, 2009;**

*[(E)]* **(H) Be licensed by the department to produce biodiesel; and**

*[(F)]* **Make formal application for monthly grants from the Missouri Qualified Biodiesel Producer Incentive Fund; and**

*[(G)]* **(I) Conform to all other requirements of this rule.**

(5) Grant Application Procedures.

**(D) The grant application must include the:**

1. Complete name and address of the owner, or the complete names and addresses of the partners if the MQBP is a partnership, or the complete names and addresses of the principal officers if the MQBP is a corporation;

2. Address and location of all biodiesel plants owned by the MQBP. Each MQBP must include all Missouri plants as well as plants outside Missouri;

3. Production capacity of each biodiesel plant;

4. Estimated number of employees needed to reach the production

capacity of each biodiesel plant;

5. Estimated production in the July 1–June 30 time period at each biodiesel plant;

6. Total number of employees and the number of Missouri citizens employed by the MQBP during the preceding month;

7. Number of bushel equivalents of Missouri *[agricultural products]* feedstock, and out-of-state feedstock, used by the MQBP in the production of biodiesel during the preceding month;

8. Gallons of biodiesel produced during the month for which the grant is applied;

9. Gallons of biodiesel produced from Missouri feedstock during the month for which the grant is applied;

10. Quantity of all feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;

11. Quantity and source (i.e., name, address, phone number) of Missouri-produced feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;

12. Quantity and source (i.e., name, address, phone number) of United States-produced feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;

*[13. If the feedstock used by the MQBP was purchased from an out-of-state source, either the MQBP must provide certification from Missouri agriculture producers as to the date and quantity of Missouri agricultural products delivered to the out-of-state source, or the out-of-state source must provide certification of:*

*A. The quantity of Missouri agricultural products purchased to produce the biodiesel feedstock; or*

*B. The volume of feedstock produced from Missouri agricultural products;]*

*[14.]* 13. Total amount of biodiesel produced by the MQBP during the current fiscal year (July 1 through June 30); and

*[15.]* 14. A copy of the most recent laboratory analyses verifying that the biodiesel conforms to ASTM Standard D-6751 specifications.

(6) Grant Disbursement Procedures.

(C) The amount of each monthly grant is calculated by first determining the number of gallons of qualified biodiesel produced from *[Missouri agricultural products]* feedstock in the preceding month of the fiscal year, as certified by the department. That number is then multiplied by the per gallon credit established in section 142.031, RSMo and this rule. Each MQBP shall be eligible for a total grant in any fiscal year equal to thirty cents (30¢) per gallon for the first fifteen (15) million gallons of qualified biodiesel produced from *[Missouri agricultural products]* feedstock in the fiscal year, plus ten cents (10¢) per gallon for the next fifteen (15) million gallons of qualified biodiesel produced from *[Missouri agricultural products]* feedstock in the fiscal year. All such qualified biodiesel produced by a MQBP in excess of thirty (30) million gallons in a fiscal year shall not be applied to the computation of a grant.

(7) Record Keeping Requirements and Verification Procedures.

(A) Each MQBP shall keep accurate purchase and production records and source documents for at least three (3) years. The records and source documents must be sufficient to verify the—

1. Actual monthly production, inventory, and disposition of biodiesel for each Missouri biodiesel plant;

*[2. Actual monthly quantities of Missouri agricultural products purchased and used to produce biodiesel at each Missouri biodiesel plant;]*

*[3.]* 2. Name, address, zip code, phone number, *[of]* and quantity purchased from every source of *[purchased Missouri agricultural products]* feedstock used to produce biodiesel.

*[4.]* 3. Laboratory analyses conducted to ensure the biodiesel complies with ASTM Standard D-6751 specifications;

(B) The department *[is authorized to]* may examine records,

documents, books, premises, and products of the MQBP to determine the validity of all information and reports submitted by the MQBP.

(C) The department *[is authorized to]* may examine any other information it deems necessary to ensure that grants shall be made only to Missouri qualified biodiesel producers.

*AUTHORITY:* section 142.031, RSMo Supp. [2005] 2007. Emergency rule filed July 20, 2006, effective Aug. 28, 2006, expired Feb. 23, 2007. Original rule filed July 20, 2006, effective Feb. 28, 2007. Amended: Filed June 4, 2008.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Attention: Robin Perso, 1616 Missouri Blvd., PO Box 630, Jefferson City, MO 65102 or via email to Robin.Perso@mda.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 70—Soil and Water Districts Commission Chapter 5—State Funded Cost-Share Program

### PROPOSED AMENDMENT

**10 CSR 70-5.040 Cost-Share Rates and Reimbursement Procedures.** The commission is amending section (1).

*PURPOSE:* This amendment will allow the Missouri Soil and Water Districts Commission to provide state cost-share assistance based on estimated costs instead of actual costs.

(1) Cost-Share Rates. Cost-share rates shall not exceed seventy-five percent (75%) of the *[actual]* estimated approved costs of eligible practices or the incentive rates established annually by the commission for certain management practices which have proven to be effective soil and water conservation methods.

*AUTHORITY:* *[sections 278.070(4) and 278.110.8, RSMo 2000 and] section 278.080[.5(9)], RSMo Supp. [2003] 2007. Original rule filed August 12, 1980, effective Jan. 1, 1981. For intervening history, please consult the Code of Regulations. Amended: Filed June 3, 2008.*

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may submit a written statement in support of or in opposition to the proposed amendment with the Department of Natural Resources, Bill Foster, director of the Soil and Water Conservation Program, PO Box 176, Jefferson City, MO 65102, (573) 751-1172. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 70—Soil and Water Districts Commission  
Chapter 8—State Funded Special Area Land Treatment  
(SALT) Program**

**PROPOSED AMENDMENT**

**10 CSR 70-8.040 SALT Cost-Share Rates and Reimbursement Procedures.** The commission is amending section (1).

*PURPOSE:* This amendment will allow the Missouri Soil and Water Districts Commission to provide Special Area Land Treatment cost-share assistance based on estimated costs instead of actual costs.

(1) Special Area Land Treatment (SALT) Cost-Share Rates. SALT cost-share rates shall not exceed seventy-five percent (75%) of the [actual] estimated approved costs of eligible practices or incentive rates established by the commission for certain management practices which have proven to be effective to address agricultural non-point source pollution.

*AUTHORITY:* [sections 278.070(4) and 278.110.8, RSMo 2000 and] section 278.080[.5(9)], RSMo Supp. [2001] 2007. Original rule filed November 13, 2002, effective June 30, 2003. Amended: Filed June 3, 2008.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may submit a written statement in support of or in opposition to the proposed amendment with the Department of Natural Resources, Bill Foster, director of the Soil and Water Conservation Program, PO Box 176, Jefferson City, MO 65102, (573) 751-1172. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 70—Division of Alcohol and Tobacco Control  
Chapter 2—Rules and Regulations**

**PROPOSED AMENDMENT**

**11 CSR 70-2.020 Application for License.** The division is amending sections (1), (10), (11), and (13) and subsection (12)(F), deleting subsection (12)(G) and relettering the remaining subsections, and adding section (15).

*PURPOSE:* The addition of section (15) will allow the Supervisor of Alcohol and Tobacco Control to issue temporary licenses. The division's name will be changed to Division of Alcohol and Tobacco Control in all applicable sections. Subsection (12)(G) will be eliminated as it is no longer necessary or valid since section 311.080, RSMo was changed in 2005 to prohibit sales of liquor near schools and churches.

(1) Applications for licenses must be addressed to the Supervisor of [Liquor] Alcohol and Tobacco Control, Jefferson City, MO 65101. A bank draft, United States or express money order, certified check, or cashier's check made payable to the director of revenue of Missouri for the correct amount of the license fee shall accompany the application. Remittance for renewal of licenses filed on or before the first day of May of each year may be made by personal or busi-

ness check. If such check is returned for insufficient funds, the division will notify the licensee, by regular mail to the licensee's address listed on the renewal application, of the return, and the licensee shall replace such check within fourteen (14) days from the date the division mails said notice, by remitting payment by certified check, cashier's check, or other form of guaranteed funds. If the licensee has not replaced such check within said fourteen (14) days, then beginning with the fifteenth day, if such licensee's renewed license has been issued, such renewed license shall be suspended until the day following the day the licensee makes restitution for the insufficient funds check, or if such licensee's renewed license has not been issued, the renewed license shall not be issued until on or after the day following the day the licensee makes restitution for the insufficient funds check.

(10) If the [s/Supervisor of [liquor] Alcohol and Tobacco [c/Control] has reason to believe that an applicant has a criminal record and is not a person of good moral character, the supervisor may require that the applicant submit to being fingerprinted and fingerprints forwarded to the Department of Justice to ascertain if the applicant has been convicted of any crime.

(11) The surety on the bond of any licensee at any time may notify the [s/Supervisor of [liquor] Alcohol and Tobacco [c/Control] and the licensee that s/he desires after a date named, which shall be at least thirty (30) days after the receipt of notification by the licensee and the supervisor, to be relieved of liability on the bond. Upon receipt, the privileges of the principal under the license as is supported by the bond shall be terminated and cancelled on the date specified, unless supported by other sufficient bond(s), and the surety shall be relieved of liability on the bond for any default of the principal accruing on and after the date named.

(12) Every applicant for a license to sell intoxicating liquor or non-intoxicating beer at retail or for a license to permit consumption of liquor must present the following with his/her application:

(F) The [s/Supervisor of [liquor] Alcohol and Tobacco [c/Control] shall accept either personal or corporate bonds.

1. If the bond is a personal bond, there must be attached to it an affidavit and certificate signed by either an abstract company or a title insurance company in the following form:

Affidavit and Certificate

I, \_\_\_\_\_ being duly sworn upon my oath, state and certify that I have examined the records pertaining to the property described as (give legal description as it appears on affidavit of sureties on bond) \_\_\_\_\_ that the present recorded owner (owners) is (are) \_\_\_\_\_ that the mortgage encumbrances against said property are \_\_\_\_\_ (give name of mortgagor and mortgagee, and amount of mortgage and where recorded) \_\_\_\_\_ that the assessed value for taxation of said property is that all taxes due and owing on said property are paid; that there are no unsatisfied judgments recorded against the above named owner (owners) of said property and that there are no pending bankruptcy proceedings in any of the divisions of the District Court of the United States for any district in Missouri, against or by any of the owners of said property.

Abstract Company or Title Insurance Company  
By: \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_  
[19/20] \_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

2. If the bond is a personal bond, there also must be attached to it an affidavit by the surety (or sureties) in the following form:

I, \_\_\_\_\_ being duly sworn upon my oath, state that the following are all of the bonds, notes and other instruments of potential liability upon which I am or may become liable, (List in detail.) \_\_\_\_\_

(Surety or sureties, name)

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_  
[19]20 \_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_;

*[(G) If the application is for a license to sell intoxicating liquor and the premises sought to be licensed are within one hundred feet (100') of a school, church or other building regularly used as a place of religious worship or within three hundred feet (300') of these buildings, church or other building regularly used as a place of religious worship, in cities where, by ordinance, the sale of liquor is prohibited within three hundred feet (300') of them, then there shall be submitted a written consent of the majority of the board of directors of the school or the majority of the managing board of the church or place of worship;]*

*[(H)](G)* Each applicant for a retail license to sell intoxicating liquor and nonintoxicating beer shall submit, with his/her application for a license, a copy of his/her retail sales license issued by the director of revenue and before any license is issued or renewed under the provisions of Chapter 311 or 312, RSMo, each applicant shall submit with his/her application a certificate of no sales or use tax due from the director of revenue; and

*[(I)](H)* If application is being made by a corporation, applicant shall present a copy of its franchise tax receipt, provided the corporation has been in existence for a period of sufficient length to have incurred liability for the tax.

(13) All applications for wholesale licenses must be made on blanks furnished by the Division of *[Liquor] Alcohol and Tobacco Control* and all information and data set out as required on the blanks must be furnished at the time the application is submitted.

**(15) The Supervisor of Alcohol and Tobacco Control, at his or her discretion and for good cause, may issue a temporary license for up to ten (10) days. A completed application with all required current documents and payment of license fees and any late charges must be in receipt of the Division of Alcohol and Tobacco Control before a temporary license will be considered by the Supervisor of Alcohol and Tobacco Control. An original signature of the Supervisor of Alcohol and Tobacco Control or his or her designee is required for this temporary license to be effective.**

*AUTHORITY: section 311.660, RSMo [1994] 2000. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed July 11, 1984, effective Oct. 11, 1984. Amended: Filed Dec. 2, 1993, effective June 6, 1994. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Sept. 22, 1998, effective March 30, 1999. Amended: Filed June 5, 2008.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Karen Gaut, Alcohol and Tobacco Control, 1738 East Elm, Lower Level, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**PROPOSED RULE**

**12 CSR 10-2.740 Addition Modification for Income Tax**

*PURPOSE: Sections 143.431.2 and 143.141.2, RSMo require an addition modification for other states' income tax in determining Missouri taxable income for any C-corporation filing a Missouri corporation income tax return. This rule explains which states' taxes are required to be added back.*

(1) In general, in determining its Missouri taxable income, a corporation is required to add to its federal taxable income any state income tax. Effective for tax years beginning on or after January 1, 2009, the states' taxes to be added back are listed below.

(2) Definition of Terms.

(A) Income tax—any tax, regardless of the label used in the other state, imposed solely on the net income from past business conducted in the state.

(B) State—Missouri, any other state of the United States or any political subdivision thereof, or the District of Columbia.

(3) Basic Application.

(A) A corporation in determining its Missouri taxable income must add back the income tax that was deducted in determining its federal taxable income/loss for the taxable year even if line (1) on the Missouri return is zero or negative.

(B) The state taxes that are to be added back—

1. Alabama;
2. Alaska;
3. Arizona;
4. Arkansas;
5. California (income tax and franchise tax);
6. Colorado;
7. Delaware;
8. Florida;
9. Georgia (excludes net worth tax);
10. Hawaii;
11. Idaho;
12. Illinois (includes replacement tax);
13. Indiana;
14. Iowa;
15. Kansas;
16. Kentucky;
17. Louisiana;
18. Maine;
19. Maryland;
20. Michigan;
21. Minnesota;
22. Mississippi;
23. Missouri;
24. Montana;
25. Nebraska;
26. New Mexico;
27. North Carolina;
28. North Dakota;
29. Oklahoma;

30. Oregon;
31. Pennsylvania;
32. Rhode Island;
33. South Carolina (excludes capital stock tax);
34. South Dakota;
35. Tennessee (excise tax);
36. Texas;
37. Utah;
38. Vermont;
39. Virginia;
40. West Virginia;
41. District of Columbia (franchise tax); and
42. Other city income taxes outside Missouri.

(C) This list is correct at the time of filing. Taxpayers should review other states' statutes for subsequent amendment.

(4) Examples.

(A) A corporation does business in Missouri. On its federal income tax return it deducted the—

1. Tennessee excise tax;
2. Cleveland, Ohio city tax;
3. Ohio franchise tax;
4. New York City city tax;
5. Michigan business tax;
6. Missouri corporate income tax;
7. Missouri corporation franchise tax; and
8. St. Louis City earnings tax.

On its Missouri corporate income tax return the corporation must add back the—

1. Tennessee excise tax;
2. Cleveland, Ohio city tax;
3. Michigan business tax;
4. Missouri corporate income tax; and
5. New York City city tax.

The corporation does not add back the Ohio franchise tax because it is an annual tax imposed on corporations in Ohio and it is not based solely on income. The corporation does not add back the Missouri corporation franchise tax because it is not based upon net income. The corporation does not add back the St. Louis City earnings tax because section 143.141.2, RSMo specifically excludes adding back such Missouri municipality tax.

(B) A corporation does business in Missouri. On its federal income tax return it deducted the Tennessee excise tax and the Cleveland, Ohio city tax. The corporation has a net operating loss on line (30) of its federal income tax return for the taxable year. On its Missouri corporate income tax return the corporation must add back the Tennessee excise tax and the Cleveland, Ohio city tax.

(C) A corporation does business in Missouri and incurs a net operating loss for the current year. The corporation carries the net operating loss back for federal income tax purposes. On its amended prior year federal income tax return there were no changes to the original return deductions. On its amended prior year Missouri return the corporation may not change its original income tax add back.

*AUTHORITY: sections 143.141 and 143.961, RSMo 2000 and 143.431, RSMo Supp. 2007. Original rule filed June 16, 2008.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental*

*Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**Division 2065—Endowed Care Cemeteries  
Chapter 1—Organization and Description**

**PROPOSED AMENDMENT**

**20 CSR 2065-1.030 Definitions.** The board is proposing to amend the original purpose statement.

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 65 are being amended throughout the rule.*

*PURPOSE: This rule defines terms used in [4 CSR 65] 20 CSR 2065.*

*AUTHORITY: sections 214.270[, RSMo Supp. 1999] and 214.392.1(5), RSMo [1994] Supp. 2007. This rule originally filed as 4 CSR 65-1.030. Original rule filed April 14, 2000, effective Oct. 30, 2000. Moved to 20 CSR 2065-1.030, effective Aug. 28, 2006. Amended: Filed June 16, 2008.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Endowed Care Cemeteries, Jefferson City, MO 65102, by facsimile at 573-526-3489 or via email at endocare@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**Division 2145—Missouri Board of Geologist  
Registration  
Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2145-1.040 Fees.** The board is proposing to amend subsection (1)(F).

*PURPOSE: This amendment removes expired renewal fees.*

(1) The following fees are established by the Board of Geologist Registration and are payable in the form of a cashier's check, personal check, or money order:

(F) License Renewal Fees:

1. Until February 28, 2006

\$100.00

- [2. Beginning March 1, 2006 with the  
2007 Renewal \$200.00]
- [3.]2. Beginning March 1, 2008 with the  
[2009] 2010 Renewal \$ 10.00

*AUTHORITY:* section 256.465.2, RSMo Supp. 2007. This rule originally filed as 4 CSR 145-1.040. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 16, 2008.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at [geology@pr.mo.gov](mailto:geology@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2205—Missouri Board of Occupational  
Therapy  
Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2205-1.010 Definitions.** The board is proposing to amend the original purpose statement.

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 205 are being amended throughout the rule.

*PURPOSE:* This rule defines terms used in [4 CSR 205] 20 CSR 2205.

*AUTHORITY:* sections 324.050, 324.056, 324.065, 324.068, 324.077, and 324.080, RSMo [Supp. 1997] 2000. This rule originally filed as 4 CSR 205-1.010. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Moved to 20 CSR 2205-1.010, effective Aug. 28, 2006. Amended: Filed June 16, 2008.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Occupational Therapy, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489 or via email at [ot@pr.mo.gov](mailto:ot@pr.mo.gov).

To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2255—Missouri Board for Respiratory Care  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2255-2.060 Reinstatement.** The board is proposing to amend section (2).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 255 are being amended throughout the rule.

(2) A licensee whose license has been lapsed for fewer than thirty (30) days may obtain renewal of that license by mailing the complete renewal application pursuant to [4 CSR 255-2.040] 20 CSR 2255-2.040 and proper renewal fee to the board postmarked no later than the thirtieth day of lapse. Satisfactory explanation of the lapse will be presumed. The board at its discretion may not renew the license of any licensee who is subject to disciplinary action, but the board shall advise the licensee of the statutory right to file a complaint with the Administrative Hearing Commission (AHC).

*AUTHORITY:* sections 334.800, 334.840.2, 334.850, 334.910, and 334.920, RSMo 2000 and sections 334.870 and 334.880.2, RSMo Supp. [2001] 2007. This rule originally filed as 4 CSR 255-2.060. Original rule filed June 25, 1998, effective Jan. 30, 1999. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 16, 2008.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Respiratory Care, Attention: Vanessa Beauchamp, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489 or via email to [rcp@pr.mo.gov](mailto:rcp@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2267—Office of Tattooing, Body Piercing, and  
Branding  
Chapter 1—General Organization and Procedures**

**PROPOSED AMENDMENT**

**20 CSR 2267-1.030 Tattoo, Body Piercing, and Branding Establishment—Change of Name, Ownership, or Location.** The board is proposing to amend subsection (3)(A).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 267 are being amended throughout the rule.*

(3) Change of Ownership.

(A) The operator of a tattoo, body piercing, and/or branding establishment shall promptly notify the division of his or her intention to cease operations and shall supply the division with the name and mailing address of the new operator, if any. An establishment license is not transferable. A new operator shall submit a notarized application and fee as required in [4 CSR 267-2.010] **20 CSR 2267-2.010** and [4 CSR 267-2.020] **20 CSR 2267-2.020** and obtain a new license before operating the establishment.

*AUTHORITY: section 324.522, RSMo Supp. [2001] 2007. This rule originally filed as 4 CSR 267-1.030. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. Moved to 20 CSR 2267-1.030, effective Aug. 28, 2006. Amended: Filed June 16, 2008.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2267—Office of Tattooing, Body Piercing, and  
Branding  
Chapter 2—Licensing Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2267-2.030 License Renewal.** The board is proposing to amend section (1).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 267 are being amended throughout the rule.*

(1) All practitioner and establishment licenses shall be renewed biennially. All licenses shall be renewed in odd numbered years and shall expire on June 30 as defined in [4 CSR 231-2.010] **20 CSR 2231-2.010**. Failure of a practitioner or the holder of an establishment license to renew the license shall cause the license to expire. A practitioner who continues to practice or a holder of an establishment license who continues to operate without a valid license shall be

deemed to be practicing in violation of sections 324.520 to 324.524, RSMo.

*AUTHORITY: section 324.522, RSMo Supp. [2001] 2007. This rule originally filed as 4 CSR 267-2.030. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. Moved to 20 CSR 2267-2.030, effective Aug. 28, 2006. Amended: Filed June 16, 2008.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2267—Office of Tattooing, Body Piercing, and  
Branding  
Chapter 5—Standards of Practice**

**PROPOSED AMENDMENT**

**20 CSR 2267-5.010 Standards of Practice.** The board is proposing to amend subsection (3)(A).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 267 are being amended throughout the rule.*

(3) Client Welfare.

(A) Each practitioner shall:

1. Conduct business and professional activities with honesty and integrity;
2. Obtain a signed informed consent from each patron prior to performing a tattooing, body piercing, and/or branding procedures;
3. Not engage in the practice of tattooing, body piercing, or branding on a patron with an exposed rash, skin lesion, boil, or any situation where contraindications exist;
4. Not engage in the practice of tattooing, body piercing, or branding while under the influence of alcohol or drug(s);
5. Not allow smoking or consumption of food or alcohol in the area where a tattoo, body piercing, or branding procedure is performed. Licensees and patrons may consume non-alcoholic beverages during the procedure. Alcoholic beverages shall not be consumed on the premises;
6. Utilize universal precautions at all times as defined in [4 CSR 267-1.010] **20 CSR 2267-1.010**. This includes hand washing before and after each procedure and refraining from exposing clients to infectious or contagious diseases;
7. Thoroughly wash his or her hands and the exposed portions of his or her arms with dispensed soap and tempered water before and after each procedure and more often as necessary to keep them clean;
8. Dry his or her hands and arms with individual single-service

towels;

9. Maintain a high degree of personal cleanliness and conform to good hygiene practices during procedures;

10. Wear clean, washable outer clothing;

11. Wear non-absorbent gloves when preparing the skin and while performing each procedure. The non-absorbent gloves shall be for single-use only and disposed of after the completion of each procedure;

12. If while performing a tattoo, body piercing, or body branding, the practitioner's glove is pierced, torn, or otherwise contaminated, the contaminated gloves shall be immediately discarded and replaced with new gloves; and

13. If interrupted during a procedure and the interruption requires the use of the hands, a practitioner shall rewash his or her hands and put on new gloves before resuming the procedure.

*AUTHORITY: section 324.522, RSMo Supp. [2001] 2007. This rule originally filed as 4 CSR 267-5.010. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. Moved to 20 CSR 2267-5.010, effective Aug. 28, 2006. Amended: Filed June 16, 2008.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2267—Office of Tattooing, Body Piercing, and  
Branding  
Chapter 5—Standards of Practice**

**PROPOSED AMENDMENT**

**20 CSR 2267-5.030 Cleaning and Sterilization.** The board is proposing to amend subsection (1)(C).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, references to 4 CSR 267 are being amended throughout the rule.*

(1) Cleaning.

(C) All containers holding contaminated tubes, branding irons, other branding equipment, reusable body piercing equipment, and container lids shall be cleaned and disinfected with an approved disinfectant as defined in [4 CSR 267-1.010] **20 CSR 2267-1.010**.

*AUTHORITY: section 324.522, RSMo Supp. [2001] 2007. This rule originally filed as 4 CSR 267-5.030. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. Moved to 20 CSR 2267-5.030, effective Aug. 28, 2006. Amended: Filed June 16, 2008.*



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

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

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**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 10-5.205 Permits Required; Exceptions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2008 (33 MoReg 907). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The commission received six (6) comments on the proposed amendment, five (5) in favor and one (1) in opposition.

**COMMENT #1:** The opposing comment was that Missouri should not give non-resident disabled veterans free hunting and fishing privileges if other states do not give Missouri residents similar privileges. **RESPONSE:** The commission values public input and is supportive of other states offering non-resident disabled veterans free hunting and fishing privileges. However, the commission feels it is important to support our disabled veterans, even without reciprocity with other states. No changes have been made to the rule as a result of this comment.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**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 10-5.220 Resident and Nonresident Permits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2008 (33 MoReg 907-908). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The commission received six (6) comments on the proposed amendment, five (5) in favor and one (1) in opposition.

**COMMENT #1:** The opposing comment was that Missouri should not give non-resident disabled veterans free hunting and fishing privileges if other states do not give Missouri residents similar privileges. **RESPONSE:** The commission values public input and is supportive of other states offering non-resident disabled veterans free hunting and fishing privileges. However, the commission feels it is important to support our disabled veterans, even without reciprocity with other states. No changes have been made to the rule as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 4—Grants**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 644.026 and 644.121, RSMo 2000, the commission amends a rule as follows:

**10 CSR 20-4.010 Construction Grant and Loan Priority System is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2008 (33 MoReg 198-205). No changes have been made in the text of the proposed amendment, so it has not been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held March 12, 2008 and the public comment period ended March 19, 2008. At the hearing, Water Protection Program staff explained the proposed amendment and one (1) comment was made. One (1) email comment was received by the Water Protection Program staff during the comment period.

**COMMENT #1:** Stan Christopher of Archer Engineers requested that the department review subparagraph (1)(A)1.B. and consider awarding points where the applicant has previously eliminated wastewater discharge to a metropolitan no-discharge stream.

RESPONSE: Water Protection Program staff have reviewed subparagraph (1)(A)1.B. Staff believe that only those applicants proposing a project that will eliminate wastewater discharge to a metropolitan no-discharge stream should be awarded points. No changes have been made to this rule as a result of this comment.

COMMENT #2: John Reece of Little Blue Valley Sewer District requested that the department review subparagraph (1)(A)1.B. and consider awarding points where the applicant has previously eliminated wastewater discharge to a lake or metropolitan no-discharge stream.

RESPONSE: Water Protection Program staff have reviewed subparagraph (1)(A)1.B. Staff believe that only those applicants proposing a project that will eliminate wastewater discharge to a lake or metropolitan no-discharge stream should be awarded points. No changes have been made to this rule as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 7—Water Quality**

**ORDER OF RULEMAKING**

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

10 CSR 20-7.031 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2008 (33 MoReg 205-212). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received thirty-seven (37) comments. Comments #18 and #35 resulted in modifications being made to the Antidegradation Implementation Procedure (AIP) that is being incorporated by reference into this rule. These modifications were approved by the Clean Water Commission (CWC) on May 7, 2008. Because of these modifications, the cover (title) page of the AIP was also revised to reflect the effective date of the modifications. Consequently, the reference to the AIP was changed in the proposed rule in subsection (2)(D) to reflect the updated, May 7, 2008, version of the AIP.

COMMENT #1: Several comments requested a review of the AIP after one (1) year from its effective date and encouraged the Department of Natural Resources (department) to make any modifications deemed necessary from this review.

RESPONSE: The AIP, along with all other parts of the water quality standards, will be reviewed for needed modifications during the next triennial review required by 40 CFR 131.20(a). The next review is scheduled during calendar years 2009 through 2011. Unless extremely urgent, the department will propose needed modifications to the AIP in conjunction with the modifications identified for the other sections of the standards. Combining all of the modifications identified during a triennial review is less burdensome to the department and to the stakeholders involved in the standards development.

COMMENT #2: Clarify how the department will apply antidegradation requirements to discharges authorized by general permits (GPs).

RESPONSE: The department intends to reopen the GP templates at their renewal and explore options at that time to incorporate the requirements of the AIP. Generally, the department must demonstrate for each activity qualifying for a GP, that any discharge permitted by the GP is necessary to accommodate important socio-economic development. Further ideas about how the department will

accomplish this demonstration are described in responses to Comments #3 through #8. Whatever approach is developed, the new GP templates will involve the required elements stated in 40 CFR 131.12. One (1) of those required elements is public participation. The department encourages the public to be involved with the GP development and to watch for public notices on the draft GPs during the renewal periods following the effective date of the proposed rule amendment.

COMMENT #3: The department must clarify in its response to comments how it intends to ensure that GPs will not be used in situations that could lead to significant degradation on an individual or cumulative basis. At a minimum, the department's response should indicate how the department will consider antidegradation requirements, including alternative analyses and socio-economic considerations, when reviewing and approving GP templates.

RESPONSE: The department will identify Best Management Practices (BMPs) and/or effluent limits for typical discharge scenarios that satisfy the three (3) parts of the alternative analysis (i.e., practicability, economic efficiency, and affordability). Those BMPs and/or limits must meet the criteria for the selection of a pollution control alternative appropriate for the type of discharging activity proposed. Because GPs contain standard terms and conditions, the identified BMPs and/or limits will be required at all permitted sites involving that type of activity. The basic premise is that the use of these standard BMPs and/or limits will represent the highest level of pollution control generally accepted as practicable, economically efficient, and affordable for the type of activity causing the discharge. The administrative record created at the time a GP template is rewritten must also provide the documentation that, for the types of discharge activities covered by the GP, no other cost-effective and reasonable alternatives are available to prevent or lessen a discharge from the activity covered by the GP.

COMMENT #4: How does the department intend to ensure that the continued use of existing GPs will not lead to significant degradation prior to the expiration of the GP template?

RESPONSE: The antidegradation policy does not require assurance against significant degradation. It requires that, before significant degradation occurs, a demonstration be made of the necessity of the discharge for important socio-economic development. The policy is designed to prevent significant degradation where non-discharging or minimally-degrading alternatives are reasonably available. Also, the proposed procedures should provide better assurance by requiring a review for these alternatives. Even under the new proposed procedures, the protection of water quality at a level above the numeric water quality criteria is dependent on the availability of reasonable alternatives. The only assurance provided by the proposed procedures, and by the current procedures to some extent, is that degradation will only occur after non-discharging and less-degrading alternatives have been explored and determined to not be practicable, economically efficient, or affordable.

COMMENT #5: How will the department ensure that individual permits (and associated antidegradation reviews) will be required for any activity that poses a risk of causing significant degradation?

RESPONSE: The AIP requires an antidegradation review on any activity that would result in a new or expanding point source discharge. This review ensures that a reasonable set of alternatives are explored for achieving either a non-discharging, minimally-degrading or least-degrading alternative. The alternative is selected through an alternatives analysis that finds the alternative that offers the most pollution reduction and is practicable, economically efficient, and affordable.

COMMENT #6: How will the department ensure that GPs are not used in circumstances in which degradation could occur to sensitive

waters of biological significance, including waters providing habitat for rare or endangered species?

RESPONSE: During the renewal of the GP templates, the department will also explore the option of establishing a subset of GPs to address different, but common, site scenarios where different BMPs or limits are needed to protect sensitive species. If a GP cannot be developed because of unique or site-specific requirements for the protection of a species, the department will pursue a site-specific permit in coordination with the state and federal wildlife management agencies to ensure the discharges do not adversely impact the sensitive species.

COMMENT #7: Explain how the department intends to account for cumulative impacts to water quality caused by the total amount of discharges authorized by GPs over time.

RESPONSE: The response here is similar to the department's response to Comment #4. The antidegradation policy does not require assurance against significant (or cumulative) degradation. It requires the evaluation of the necessity of a discharge and its socio-economic importance before significant degradation occurs; therefore, the amount of cumulative degradation depends on the availability of reasonable alternatives to prevent degradation. GPs are renewed every five (5) years. As these renewals occur, the department will re-examine the availability of alternatives that offer greater pollution reduction. Where greater pollution reduction can be achieved through new advancements in technology (making greater pollution reduction practicable, economically efficient, or affordable), then those alternatives will be incorporated into the requirements of the GP during the next five (5) years.

COMMENT #8: How will the department ensure that the total impact of activities authorized by the GP (including both point and nonpoint source components of that activity) will be *de minimis*?

RESPONSE: Only point sources are regulated by a state operating permit; therefore, any discharge regulated by a GP must undergo an antidegradation review during the template development to ensure these discharges are documented as the least-degrading alternatives available for the type of activities covered. Permits on concentrated animal feeding operations do not allow a point source discharge. Any pollutant load coming from fields upon which wastewater is land applied must be *de minimis* and not capable of causing significant degradation. Any significant degradation of water quality resulting from runoff of land application fields where nutrients are not applied at agronomic rates would be a permit violation.

COMMENT #9: Clarify how the department will implement Tier 2 antidegradation protection for pollutants (most notably sediment and nutrients) for which there are no numeric criteria. Furthermore, please clarify that in all cases in which phosphorus, nitrogen, or other pollutants for which there are no numeric criteria that may be contained in the proposed loading, that the department will either determine in the record that loading will not be significant or require an analysis of whether the loading is necessary to accommodate important socio-economic development.

RESPONSE: The department will require a Tier 2 antidegradation review on pollutants for which there are no numeric criteria but for which a pollution threshold (numeric translator) can be reasonably developed. It is reasonable to expect applicants to explore a range of pollution control alternatives for these pollutants when sufficient science is available to understand the effects that these pollutants have on water quality and the attainability of beneficial uses. Sufficient science is available to understand the effects of nutrients and sediments on aquatic life, and the current science provides a reasonable basis for calculating waste load allocations for these pollutants on point source discharges. Examples of these calculations are found in several recent total maximum daily loads (TMDLs) written by the department and the Environmental Protection Agency (EPA).

The effects of emerging pollutants such as pharmaceuticals, endocrine disruptors, and caffeine are still not understood well enough to establish a meaningful threshold or reliable process for their control. These emerging chemicals will be included into the antidegradation reviews after our understanding improves on the pollutant thresholds critical to protecting water uses and on the wastewater treatment processes effective for their control.

An administrative record will be created for each application involving a new or expanding discharge. The record may consist of either a narrative within the fact sheet or Water Quality Review Sheet (WQRS), or as part of the information provided by the applicant. The record will document the extent to which the antidegradation policy applies to each pollutant of concern (POC). Furthermore, the record will provide a basis for determining the necessity to discharge and the importance of the discharging activity to socio-economic development. This administrative record will be available for public review when a public notice is made of a draft permit as required by the current permitting procedures.

COMMENT #10: Clarify how the department will determine whether an alternative is cost effective and reasonable. Also, clarify that the rule will not be construed to allow permits for increased loadings of pollutants to be issued merely based on a showing that pollution avoidance or minimization exceeds an arbitrary cost threshold. Furthermore, clarify that the department will examine both the treatment costs and the corresponding level of water quality improvements when determining whether an alternative is "cost effective" and that the rules will require implementation of all affordable pollution avoidance or minimization measures that will yield significant pollution reductions.

RESPONSE: A "cost effective and reasonable" alternative is defined in the AIP as an alternative that is selected through a properly conducted alternatives analysis. Such analysis determines an appropriate alternative by examining a range of pollution control options and selecting the one (1) that provides the greatest pollution control that is also practical, economically efficient, and affordable.

The use of three (3) measures (practicability, economic efficiency, and affordability) ensures that the selected alternative will be chosen through a structured analysis that considers the factors that determine the most cost effective and reasonable options for reducing pollution when new or expanded discharges are necessary to accommodate important economic development.

COMMENT #11: Clarify how the department intends to implement Tier 1 protections for pollutants that "qualify" for Tier 1 protection. Furthermore, please clarify that new and expanded discharges typically will not be allowed when a given pollutant "qualifies for a Tier 1 review" as described at the bottom of page 13. If, instead, the department understands Tier 1 protections to generally allow new or expanded discharges where existing water quality (EWQ) is already "at, near or violating water quality standards (WQS)" (page 13), then the department should clarify its intent for the record and explain how this is consistent with Missouri and federal law.

RESPONSE: New or expanded discharges will not be allowed under any circumstances if they create a reasonable potential for exceeding WQS. In that Tier 1 pollutants are "at, near or in violation" of the numeric water quality criteria (i.e., where no assimilative capacity remains), an additional discharge of these pollutants would be largely restricted to unique conditions. One (1) possible scenario may be in a trading situation where the pollutants are reduced in one (1) segment to offset the increase of the same pollutant in another. The redistribution of pollutants in this manner may be part of an effort to move the pollutant to less sensitive segments (e.g., away from mussel beds) or to accommodate a longer range plan for reducing pollutants within a watershed, such as when individual treatment facilities are connected to a centralized system.

Any water body that presents little or no assimilative capacity for additional pollutants will be protected through a Tier 1 review. The

review must assure that the new or expanded discharge does not require the assimilation of a pollutant in order to achieve a WQS. An example where this may be true is where the total mass of a pollutant in the discharge is increasing but the concentration of the pollutant in the discharge will continue to meet the water quality criterion at the outfall.

**COMMENT #12:** Clarify how the department intends to implement Tier 1 protection for existing uses that cannot be tied to violations of water quality criteria. Furthermore, please clarify how this review will take place to ensure that all existing uses of receiving waters are fully protected by the department's Tier 1 implementation procedures, whether or not such uses are designated in the state's WQS.  
**RESPONSE:** The comment identifies "hydrologic modification" and "habitat destruction" as examples of activities that are not addressed by the state's numeric water quality criteria. The numeric criteria generally address the protection of the chemical and biological integrity of the waters of the state. These criteria provide the basis for the effluent limitations specified by the state operating permits on point source discharges. The protection of physical integrity of a water body is generally addressed through the Section 404 permits and 401 certifications. The AIP states that 401 certifications are also subject to an antidegradation review, and that these requirements are met through the alternatives analysis and mitigation requirements contained in the 401 certification procedures.

**COMMENT #13:** With regard to determining the importance of socio-economic development, please clarify that the department will consider the overall impact of a proposed activity on a community and will not consider projected socio-economic development to be "important" if the predicted benefits of the proposed activity are outweighed by the foreseeable socio-economic tradeoffs resulting from lost assimilative capacity and increased pollution.

**RESPONSE:** These situations are very site specific and cannot be accurately described or predicted by the AIP; however, the AIP specifies that, during the "practicability" portion of the alternatives analysis, the applicant must consider unique or special environmental values of the water body while examining alternatives. If an applicant proposes to discharge to a water body that has values not identified by its designated uses, the department would still consider those values in determining the threshold for deciding on practicability, economic efficiency, and affordability of more protective treatment options.

Because these unique water uses and values are best recognized and described by the persons who make special use of the waters, this situation spotlights the importance of allowing public participation in the antidegradation review. The department encourages public participation as a way to ensure the proper balance between environmental quality and important socio-economic benefits.

**COMMENT #14:** With regard to public participation, please confirm that the department will accept information relevant to the department's antidegradation determination at any point in the antidegradation review process and not only after the department has issued a preliminary determination. Also, please clarify how the department intends to inform the public of the initiation of an antidegradation review, so that members of the public can provide relevant information to help inform the department's decision.

**RESPONSE:** Making documents available on the department's web site is a reasonable request provided it is consistent with the department's permitting process and the available documents. The department is currently placing draft permits and fact sheets on the department's web page at the following web address: <http://www.dnr.mo.gov/env/wpp/permits/permit-pn.htm>. After the effective date of the AIP, the department will begin making the documents associated with the antidegradation reviews available consistent with the procedures currently utilized in the permitting process. The information made available to the public will include the infor-

mation listed in the AIP on page 39 under Section VI. Administrative Record of Decisions.

**COMMENT #15:** Please confirm that the department intends to make an independent judgment in making 401 certifications. If this is not the case, please clarify whether it intends to abdicate its authority for the record.

**RESPONSE:** The comment is not clear on what authority the department would be abdicating. According to the AIP, the current 404 and 401 process fulfills the requirements of the AIP. The requirements that fulfill the policy include the alternative analyses and mitigation plans that are submitted as part of applications for 404 and 401 certifications.

Generally, the requirements for project design and completion specified by 404(b)(1) Guidelines Part 230.10 contain elements that satisfy EPA's requirements for antidegradation reviews at 40 CFR 131.12(a)(2). These federal requirements ensure that each project undergoes an alternative analysis and considers practicable mitigation of impact on aquatic ecosystems. Each project is reviewed through a sequence of questions aimed at ensuring the least amount of stream degradation possible. Example questions include: 1) Can adverse impact to the aquatic ecosystem be avoided through the selection of a least environmentally damaging practicable alternative?; 2) Can any unavoidable impacts be minimized through appropriate and practicable measures?; and 3) Can any unavoidable adverse impacts, which remain after minimizing measures have been taken, be compensated through appropriate and applicable measures?

The federal guidance also further states that no discharge shall be permitted if there is a practicable alternative which would have less impact on the aquatic ecosystem. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics.

Therefore, each 401 certification provides assurance that each project is designed following an alternatives analysis and an examination of available methods to mitigate impact. If these provisions are met, all projects receiving a 401 certification should satisfy the fundamental requirements of the AIP.

Anyone wanting to review the specific guidance establishing the level of review afforded to 401 certifications may find documents containing guidance at the following web addresses:

<http://www.mvs.usace.army.mil/permits/guidelines.pdf>

<http://www.nwk.usace.army.mil/regulatory/compensatory%20mitigation/MSMM%20February%202007.pdf>

<http://www.epa.gov/owow/wetlands/regs/mitigate.html>

**COMMENT #16:** Please confirm that any proposal to lower water quality in an unclassified water will be fully justified as "necessary to accommodate important social and economic development" as required by state and federal law. If this is not the case, then the department should clarify its intent for the record.

**RESPONSE:** The AIP affords the same level of review on unclassified waters as it does for classified waters; however, the water quality criteria are different (chronic criteria versus acute criteria) and therefore the calculation of assimilative capacity will reflect these differences. Otherwise, the reviews between unclassified and classified waters should be identical.

**COMMENT #17:** Please confirm that the department intends to apply an exception only to facilities that have previously undergone an antidegradation review consistent with these proposed procedures. If this is not the case, the department should clarify its intent for the record.

**RESPONSE:** There has been little documentation up to this date of the decisions made relative to the current antidegradation rule; therefore, it is difficult to determine the methods being used now to fulfill

the requirements of the rule. Performing an antidegradation review on existing facilities, or those already approved for construction, would not be productive, would invite legal challenges, or would not likely result in any significant environmental benefit.

COMMENT #18: Please delete the exemption for treatment by-products of Combined Sewer Overflows (CSOs) and Sanitary Sewer Overflows (SSOs), or in your response to these comments, clarify that this language will not be construed to exempt treatment by-products from antidegradation review.

RESPONSE AND EXPLANATION OF CHANGE: The department needs more experience in administering the AIP in order to fully understand how the antidegradation policy can effectively interrelate with wet weather issues. There is a general lack of federal guidance on this issue and an absence of clarity in other states as well. More time is needed to fully identify how the antidegradation rule assists in identifying the best approach to address new and expanded discharges resulting from improvements in wet weather treatment strategies.

SSOs are prohibited by the Clean Water Act. Therefore, there is no benefit of reference to SSOs in the AIP, since no discharge through an SSO will be permitted. Consequently, the department is removing any reference to exemptions to SSOs in the AIP.

CSOs are generally remnants of historic and large scale sewer collection systems requiring long-term solutions achieved through incremental improvements. The methods for addressing wet weather discharges are much different than the methods used to control the new or expanding discharges associated with future community growth and development. The department agrees that further clarification is needed with respect to the applicability of antidegradation reviews to treatment proposals affecting CSOs. The department is seeking clarification from EPA.

In the meantime, the department will give deference to the requirements dictated by the national CSO policies when addressing these discharges. These policies set forth distinct approaches for reducing the effects of wet weather discharges (e.g., Nine Minimum Control Measures, Long-Term Control Plan, etc.). Both the antidegradation and wet weather policies emphasize the need for maximum pollution reduction, but offer different approaches to meet that goal. The approaches needed to address the widespread, historic, and long-term needs generally presented by wet weather issues require different approaches than the approaches generally used in determining appropriate wastewater treatment needed to accommodate new growth. For example, in some cases, short-term degradation may be necessary to achieve long-term improvements in streams affected by wet weather discharges. This short-term degradation may result from the redistribution of wastewater flows within a collection system or from incremental adjustments in treatment that results in the generation of by-products. By exempting certain wet weather discharges, the AIP recognizes these separate regulatory programs and supports the existing, yet different, regulatory approaches to achieve the reduction or elimination of wet weather discharges.

To avoid any interference the AIP may have with implementing the CSO policies, the department is revising the AIP to simply reference the national CSO policies in the AIP for determining future permitting decisions regarding wet weather discharges. A similar approach was used in coordinating the AIP with the 404 permitting and 401 certification activities on pages 36 and 37 of the AIP. The changes in the AIP will appear on page 16 and clarify that all wet weather discharges are subject to the national wet weather policies and are not subject to additional review under the AIP as long as the discharger is in compliance with these national policies.

COMMENT #19: With regard to water quality trading, please confirm that, in order to be recognized, any proposal would need to be based on concrete and enforceable offsets in the same watershed as the proposed activity.

RESPONSE: The department needs more experience in administer-

ing the AIP in order to fully understand how the antidegradation policy can effectively interrelate with water quality trading proposals. There is a general lack of federal guidance on this issue and an absence of clarity in other states as well. More time is needed to fully identify how the antidegradation rule assists in identifying the best approach to address new and expanded discharges resulting from improvements in water quality trading strategies.

Generally, the department supports trading and agrees that the redistribution of pollutant loads may be part of an overall strategy to reduce pollution within a watershed; however, many factors complicate the development of guidance or restrictions on its use. Until these factors are better understood, or are guided by decisions at the federal level, the department reserves the right to review each trading situation independently.

COMMENT #20: Please clarify how the department intends to monitor and track degradation for the purposes of determining cumulative impacts until such a system is finalized.

RESPONSE: Until a tracking system is developed, the department will rely on the administrative record filed with each permit to provide a permanent accounting of the cumulative use of assimilative capacity within water body segments. Specifically, the department will review the records of issued permits on segments containing past approvals of degradation under the AIP to determine the assimilative capacity likely remaining and available for new or expanding discharges. Each successive administrative record prepared on a new or expanding discharge will provide a summary of the degradation approved previous to the present request. This information will be among the documents available for public review when the draft permit is open for public review and comment.

COMMENT #21: Please verify that the department will require all permit applicants (including those that apply for a construction or an operating permit prior to the effective date of the proposed rules) to comply with both the state and federal antidegradation regulations. Also, please verify that, before allowing any lowering of water quality, the department will insure that such an allowance is necessary and important pursuant to 10 CSR 20-7.031(2) and 40 CFR 131.12. Finally, please clarify how the department will enforce antidegradation requirements prior to the effective date of the proposed rules. Another similar comment thought that wording on page 34 of the AIP and to statements made by the department to the CWC on April 20, 2007, indicated reluctance by the department to implement the existing antidegradation rule prior to the effective date of the AIP.

RESPONSE: The department is already working with applicants on preparing for implementation of the AIP. The current rule prohibits the department from requiring the specific steps of the AIP until the new rule is in effect; however, most permit holders should be aware of the proposed August 2008 effective date and be taking steps to ensure that applications for construction permits following that date adhere to the new requirements. The department is also holding workshops with permit holders to provide the best possible assurance that full implementation of the procedures will be achieved upon the effective date of the rule amendment.

The wording from the AIP on page 34 quoted by the comment was a reminder that the current state rule prohibits the department from requiring the steps outlined in the AIP until these procedures are promulgated into the rule. It would be clearer if the sentence read: "The department will not require an antidegradation review *in accordance with these procedures* for any proposed new or expanded discharges for which an entity submits an application for a construction or an operating permit prior to the effective date of these procedures."

The portion of the minutes of the April 20, 2007, CWC meeting quoted by the comment were meant to remind the CWC and anyone reading the AIP of two (2) requirements that exist when establishing state standards satisfying the federal antidegradation policy at 40 CFR 131.12. States must develop statewide antidegradation policies and identify the methods for implementing such policies. The

department developed an antidegradation policy many years ago, through the CWC, which was promulgated into the *Code of State Regulations* (CSR) at 10 CSR 20-7.031(2). The department wanted to be clear that no changes were being proposed to the existing policy. Providing that distinction was intended only to keep the discussion properly focused on the second requirement, i.e., the development of an *implementation* procedure and to not invite reopening the policy which has already been approved by the EPA.

The department's current decisions on permit applications relative to the antidegradation rule are not guided by any written procedure, such as the AIP; therefore, past and current decisions were and are currently based strictly on each individual's reading of the antidegradation policy as stated in the rule. Each permitting office relies on the judgment of their staff. This includes each of the department's regional offices which rely on occasional advice from the central office. Furthermore, only occasionally are the details of these decisions found in fact sheets or WQRS; therefore, an explanation of the current permitting decisions relative to the antidegradation rule would require specific inquiries with each permitting office on a substantial group of past permits involving increased discharges. The department does not have the available time or resources to make this level of review or to provide a detailed response prior to the deadline for providing responses to your comments on this rulemaking. Also, the department sees no viable way to provide instant and useable guidance to all permitting offices short of requiring use of the AIP. As you know, that action is prohibited by rule where it requires the AIP to be "effective," i.e., in rule, before implementation. The department encourages all persons with interest in improving the implementation of the antidegradation requirements to assist the state in ensuring the full implementation of these new procedures that will be effective in only a few months.

**COMMENT #22:** Please verify that the term "Pollutant of Concern" (POC) does not exclude pollutants that have the potential to degrade water quality, but that lack specific numeric criteria. Also, please state the conditions under which pollutants such as nitrogen, phosphorus, and sediment, for which no numeric criteria currently exist in Missouri's water quality regulations, will be considered POCs in an antidegradation review. Furthermore, please state how the "significance" of the proposed degradation will be calculated in an antidegradation review for pollutants that lack numeric criteria.

**RESPONSE:** The department will require a Tier 2 antidegradation review on pollutants for which there are no numeric criteria if an assimilative capacity within the receiving water exists and if a pollution threshold (numeric translator) can be reasonably developed. It is reasonable to expect applicants to explore a range of pollution control alternatives for these pollutants when sufficient science is available to understand the effects that these pollutants have on water quality and the attainability of beneficial uses. Sufficient science is available to understand the effects of nutrients and sediments on aquatic life, and the current science provides a reasonable basis for calculating waste load allocations for these pollutants on point source discharges. Examples of these calculations are found in several recent TMDLs written by the department and the EPA.

The effects of emerging pollutants such as pharmaceuticals, endocrine disruptors, and caffeine are still not understood well enough to establish a meaningful threshold or reliable process for their control. These emerging chemicals will be included into the antidegradation reviews as our understanding improves on the pollutant thresholds critical to protecting water uses and on the wastewater treatment processes effective for their control.

An administrative record will be created for each application involving a new or expanding discharge. The record may consist of either a narrative within the fact sheet or WQRS, or as part of the information provided by the applicant. The record will document how the antidegradation policy applies to each identified POC. Furthermore, the record will provide a basis for determining the necessity to discharge and the importance of the discharging activity

to socio-economic development. This administrative record will be available for public review when a public notice is made of a draft permit as required by the current permitting procedures.

**COMMENT #23:** Please verify that additional loadings of pollutants that are at, near, or violating water quality criteria will be prohibited without a prior showing that such additional loadings will meet the applicable water quality criteria at the end of the pipe. In the alternative, please verify that additional loadings of pollutants that are at, near, or violating water quality criteria will be prohibited without a prior showing that such additional loadings will not cause or contribute to a violation of WQS. Furthermore, please provide the legal and scientific basis for the statistical approach for determining tier review levels. Please explain the rationale for requiring a Tier 1 review when the 90th percentile of the data is greater than 95% of the applicable criterion. Finally, please verify that a minimum of five (5) samples will be required for the statistical analysis set forth in Appendix 2.

**RESPONSE:** New or expanded discharges will not be allowed under any circumstances if they create a reasonable potential for exceeding WQS. In that Tier 1 pollutants are "at, near, or in violation" of the numeric water quality criteria (i.e., where no assimilative capacity remains), an additional discharge of these pollutants would be largely restricted to unique conditions. One (1) possible scenario may be in a trading situation where the pollutants are reduced in one (1) segment to offset the increase of the same pollutant in a different segment of the same waterbody. The redistribution of pollutants in this manner may be part of an effort to move the pollutant to a less sensitive segment (e.g., away from mussel beds) or to accommodate a longer range plan for reducing pollutants within a watershed, such as when individual treatment facilities are connected to a centralized system.

Any waterbody that presents little or no assimilative capacity for additional pollutants will be protected through a Tier 1 review. The review must ensure that the new or expanded discharge does not rely on the assimilation of a pollutant in order to achieve a WQS. An example where this may be true is where the concentration of the POC in the discharge meets the water quality criterion at the outfall; however, the department must also consider if an increase in pollutant mass (total amount versus concentration) would pose a reasonable potential for a standards violation.

The statistical factors used in Appendix 2 are simply examples. The purpose of Appendix 2 is to illustrate how data may be evaluated in the process of determining EWQ. Each situation may require a different approach based on the actual levels, as well as the variations in the levels, of the pollutants found. Also, data needs may be affected by types of discharge occurring (storm water versus dry-weather releases). The department encourages applicants to discuss sampling plans in enough advance of the need for permit action in order to ensure a sufficient collection of representative data. When EWQ determinations are integral to an antidegradation review, the data supporting the determination will be available for public review during the public notice of the draft permit. The department invites public participation in the review of the EWQ data as added assurance of making a proper decision on allowing degradation.

**COMMENT #24:** Please verify that the proposed rules do not allow rejection of an alternative based simply on a cost calculation that exceeds one hundred twenty percent (120%) of the base cost. Also, please verify that the department will, in each case, examine treatment alternatives in making its determination of reasonableness and necessity.

**RESPONSE:** A "cost-effective and reasonable" alternative is defined in the AIP as an alternative that is selected through a properly conducted alternatives analysis. Such analysis determines an appropriate alternative by examining a range of pollution control options and selecting the one (1) that provides the greatest pollution control that is also practical, economically efficient, and affordable. The use of

these three (3) measures (practicability, economic efficiency, and affordability) ensures that the selected alternative will be chosen through a structured analysis that considers the factors that determine the most cost-effective and reasonable options for reducing pollution.

The one hundred twenty percent (120%) threshold of the current base operating costs is a “rule of thumb” for determining the economic efficiency of an alternative. A higher threshold may be appropriate if the water body receiving the discharge has a unique or an especially high value. The department would support a higher threshold for economic efficiency when the public prefers preserving the quality of water over keeping their cost for wastewater treatment below two percent (2%) of their median household income. The department will examine available water body information that may justify a close examination of the thresholds used in the alternative analysis. Information may include recorded locations of sensitive aquatic species, scientific significance, and special recreational uses. The department also encourages public review and comment on draft permit actions to identify other unique situations that justify special attention.

**COMMENT #25:** Will the department require a demonstration on the part of the discharger that water quality degradation will in fact be temporary before exempting a discharge from a Tier 2 review? If so, what kind of showing of temporary impacts will be required?

**RESPONSE:** The AIP defines temporary degradation on page 8 and provides guidance on page 23 for identifying activities that would result in temporary degradation. The applicant must provide information sufficient for the department to evaluate the temporary nature of the discharge in accordance with the AIP. This information and the department’s preliminary findings will be published for public review with the draft permit. The final determination will be made by the department based on the guidance within the AIP and following the review of any public comments.

A follow-up review of the activity is not required by the AIP, but one (1) may be provided depending on the potential for the discharge to result in significant degradation of water quality. Conditions may also be placed on site-specific permits so that the applicant must monitor and report the effects of a discharge. Any significant differences discovered between the findings following an antidegradation review and the actual effects measured in the water body receiving the discharge may be reason for the department to reopen the permit to address the discrepancy.

**COMMENT #26:** Please state whether the department will perform (or require the discharger to perform) minimal degradation calculations using both the acute and the chronic criteria (where applicable) with the appropriate corresponding effluent concentrations for each POC.

**RESPONSE:** The AIP requires EWQ be measured during “critical flow conditions.” This generally means when the waterbody is most susceptible to the effects of pollution. Because uses may become susceptible to chronic or acute criteria, the AIP does not limit the review of EWQ to chronic criteria. The example equations provided in Appendix 3 of the AIP serve to demonstrate the process for determining EWQ and percentage use of the facility assimilative capacity (FAC) or segment assimilative capacity (SAC). The decision to base the equation on chronic or acute criteria is best made on a site-by-site basis considering factors such as the POC, the susceptibility of attainable uses to the POC, and discharge scenarios (e.g., storm water versus dry-weather discharges).

**COMMENT #27:** In reference to the fiscal note that accompanied the proposed amendment, the department’s estimate of costs to municipalities in obtaining new or expanding permits is too low. Also, several categories of cost were not considered, such as the hiring of personnel and contractors necessary to comply with the AIP, performing calculations (models) of the effects on water quality on a range of alternatives, the cost of building more advanced treatment as

a result of the expanded alternatives analysis, and the inflationary cost incurred during potential delays in permit issuance.

**RESPONSE:** The department recognizes the limitations in the fiscal note, and the comment identifies events that may create additional costs for permittees; however, deriving a reasonably accurate estimate is extremely difficult. There is no certainty about the actual number of permits that will be subject to an antidegradation review. The department estimated the work from the record of the number of WQRS written during the past year. This record provides an indication of the number of permits requesting new or expanding discharges and for which the department evaluates for water quality based effluent limitations. The department has not identified any other more reliable source from which to derive an estimate of the work or to estimate the costs.

Without more specific information regarding other potential costs, or a reasonable approach to estimate the other potential costs that may be caused by this proposed amendment, the department is not able to identify any specific changes appropriate to the fiscal note; however, the comments will be contained within the administrative record. These comments broaden the understanding of the events that may lead to additional costs and may provide the readers a greater opportunity to recognize how the rule may impact them.

**COMMENT #28:** With regard to the Regulatory Impact Report (RIR) published before the proposed amendment, this comment restated the comments made in a letter received by the department from the same entity dated September 13, 2007, when the RIR was open for public review and comment.

**RESPONSE:** Rather than restating our responses to the earlier letter regarding the RIR, the department refers the entity making the comment to the department’s response letter dated October 16, 2007, in which the department provided a response to the comments in the letter dated September 13, 2007.

**COMMENT #29:** The AIP should recognize the applicant’s option to provide additional data from which EWQ may be determined.

**RESPONSE:** The AIP explains the process for determining EWQ on pages 16–21. When water quality data are necessary to perform an antidegradation review, the AIP encourages the applicants to collect the data. Recently collected data are always preferable to the use of older data or to the use of a modeling approach based on best available information. If an applicant wishes to provide additional or different data to support a determination on EWQ, the data collection must follow adequate quality control and quality assurance procedures. The AIP encourages applicants to jointly develop their sampling plans with the department well in advance of the need for an antidegradation review.

**COMMENT #30:** This comment presented various ideas on how to ensure an appropriate review of the socio-economic importance of a discharging activity and revealed some of the challenges that applicants may face. The comment also states that socio-economic importance cannot be adequately determined through the use of EPA’s Interim Economic Guidance for WQS.

**RESPONSE:** The AIP outlines the requirements for determining socio-economic importance on pages 30 and 31. The importance of a proposed project, both socially and economically, is determined by the benefits of the project to the community and the project’s effect on the community’s standard of living. The AIP does not outline any specific approach to making this determination. Generally, a socio-economic analysis should explore the project’s effect on employment rates, average wages, housing, and other community infrastructure needs, the overall environment, and opportunity for community improvement or expansion. The department agrees that EPA’s Interim Economic Guidance for WQS does not provide a good method for making this analysis, and the AIP does not support this approach. This guidance is better suited as a method for determining affordability of treatment options during the alternatives analysis



and is referenced by the AIP when addressing options for determining affordability on page 27.

While the AIP does not mention the consideration of long-range socio-economic trends and high-priority funding areas as a means for determining the socio-economic status of a community, the department supports these and possibly other considerations as a part of the comprehensive socio-economic review.

**COMMENT #31:** Nonpoint source controls should only be considered in an antidegradation review when these controls are part of a "lawfully-enacted regulatory scheme," nor should these considerations cause a delay in the issuance of permits to point source discharges.

**RESPONSE:** Nonpoint source projects will only be considered when the projects have been approved as part of a funding program administered by the department and are designed to control the same pollutant(s) to be discharged by the proposed new or expanded point source. While the nonpoint source project may not be required by law or regulation, the department has responsibility to ensure the proper implementation of these state- or federally-funded projects and to administer an efficient and effective program for controlling water pollution. Comprehensive control of pollutants relies on coordination between various point and nonpoint sources that share the same POC. Examples of pollutants commonly seen from both point and nonpoint sources that may require a comprehensive management effort include bacteria, nutrients, and sediment. The AIP supports efficient, effective, and comprehensive water quality management by requiring the department to properly oversee the nonpoint source projects while reviewing new or expanding permits on point sources. No delay to the issuance of permits on point source discharges are expected from this effort.

**COMMENT #32:** This comment supports the department's approach to applying the antidegradation policy to GPs and requests the establishment of a separate workgroup to discuss revisions necessary to the GPs at template renewal.

**RESPONSE:** Generally, the department intends to reopen the GPs at renewal and explore options at that time, with stakeholders, to incorporate the requirements of the AIP. For example, for land disturbance permits, the department will identify BMPs for typical land disturbance scenarios that satisfy the three (3) parts of the alternative analysis (i.e., practicability, economic efficiency, and affordability). Those BMPs that are identified as measures that usually meet these criteria will be expected to be used at the permitted site. The basic premise is that the use of these BMPs will represent the highest level of pollution control generally accepted as practicable, economically efficient, and affordable. The department will also explore the option of establishing a set of different GPs if needed to address scenarios (such as in sensitive watersheds) where a different set of BMPs are needed to satisfy the criteria of the alternatives analysis. Whatever approach is developed, the department will want to retain the ability to offer a GP without subjecting the permit to further technical review or public participation following the receipt of an application; otherwise, the benefits of the GP procedure would be greatly compromised if not completely eliminated.

**COMMENT #33:** This comment supports the department's approach to applying the antidegradation policy to 401 certifications.

**RESPONSE:** The department acknowledges the support.

**COMMENT #34:** The AIP should support an opportunity to appeal the department's preliminary decision based on an antidegradation review, if such decision was made well in advance of a decision on a permit application.

**RESPONSE:** The AIP currently supports a review by the department's director of any preliminary antidegradation decision by the program with which the applicant disagrees. The purpose of this opportunity is to allow the applicant to address any disagreement

promptly following the antidegradation review by the department. While the comment offered alternative language for this section of the AIP, the current language in the AIP appears to satisfy the comment's goal.

**COMMENT #35:** In reference to the AIP, this comment stated that section II.A.3 is inconsistent with Appendix 3. Specifically, the narrative in section II.A.3 states that the water quality *downstream* of the discharge is measured to determine EWQ, whereas the example calculations for assimilative capacity uses the upstream water quality.

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees that clarification is needed concerning how the available assimilative capacity (AAC\*) is calculated. The narrative sections of the document clearly state that existing discharges are to be included in the calculation of AAC; however, the example equations in Appendix 3 do not clearly demonstrate how the existing loads are considered when determining EWQ. As the comment points out, the examples indicate that the AAC is determined from *upstream* water quality, which implies that existing discharges are not calculated into the AAC.

The correct interpretation of the procedure's intent is found in the AIP narrative. The purpose of making allowances for pre-existing discharges is to ensure that the antidegradation review does not target the reduction or elimination of discharges already approved by issued permits. The AIP focuses the review on the AAC that would remain following the water's receipt of pollutant loads from existing, new, and/or expanding facilities once full design flow and maximum allowable pollutant loads are reached. Therefore, the equations in Appendix 3 of the AIP should include a factor (i.e.,  $Qd_1$ ) that clearly shows how the existing approved discharge is calculated into the AAC in addition to the new or expanding loads.

The comment provides a good example of how to revise the example equations in Appendix 3 to better ensure inclusion of existing discharges into determining the AAC. Furthermore, the department does not anticipate any objections to this clarification from stakeholders as this change would be consistent with the narrative portion of the AIP; therefore, the department is revising the AIP to reflect the clarification suggested by the comment.

\*The use of the phrase available assimilative capacity refers to either the FAC or SAC described by the AIP.

**COMMENT #36:** The department should more fully describe the statistical approaches it intends to use and clarify how those methods will provide an appropriate representation of the EWQ with consideration of the magnitude, duration, and frequency of criterion exceedance in assigning tiers.

**RESPONSE:** Section II.A.1(d) of the AIP only attempts to demonstrate the quantity of data needed to make a confident conclusion about EWQ; it is not intended that the methods to ensure data adequacy affect how the water quality criteria, or AAC, are interpreted. To ensure this result, all data will be reviewed in context of the units of measurement used by the water quality criteria to determine compliance. For example, to ensure appropriate consideration of magnitude, duration, and frequency, the pollutants for which the criteria are expressed as a geometric mean will be measured, and their existing levels (as well as the AAC) will be calculated, as a geometric mean. Determining the AAC would be through a comparison of the geometric mean of the data representing the existing pollutant concentration with the expected geometric mean of the expected pollutant concentration after the proposed discharge. Another example of how duration and frequency are considered is in how, when, and where stormwater pollutants are measured. The general rule is that measurements will be made at and during critical points when the pollutant levels are likely to be at their maximum within the receiving waterbody. Defining that point may require the applicant to consider the fate and transport of the pollutant. For example,



biochemical oxygen demand may need to be measured where oxygen depletion (sag) is expected to be at its maximum within the waterbody.

The strength of an antidegradation procedure is not in how accurately it determines EWQ, rather greater importance should be given on ensuring that alternative analyses are conducted whenever reasonable benefits (i.e., pollution reduction) are expected from such analyses. Attempts to finely design methods to accurately depict EWQ would detract from the emphasis that should be placed on performing thorough reviews of feasible and achievable wastewater treatment technologies that provide the greatest reduction of pollution during new or expanding discharges.

COMMENT #37: Explain the intent of the final sentence in this section, which states: "Appropriate enforcement action and/or compliance schedules on facilities that are out of compliance will satisfy the assurance requirement."

RESPONSE: EWQ is defined in the AIP as the "approved" level of a pollutant within a waterbody. Approved levels are the amounts expected after full implementation of treatment or pollution control activities dictated through an administrative action. These actions may be dictated as permit terms and conditions, or through an administrative agreement issued through an enforcement action. A waterbody under an administrative action that contains pollutants at, near, or in violation of WQS would normally be given Tier 1 protection for those pollutants (i.e., shall be protected to maintain or achieve compliance with the numeric water quality criteria). However, any administrative action, permit, or enforcement agreement that provides effective assurances for achieving a higher level of water quality (such as restoring assimilative capacity to a waterbody) may be the basis for requiring a Tier 2 review on future discharges from other sources. For example, if an enforcement action requires a facility to achieve technology-based limits at an outfall, and that achievement would restore a certain amount of assimilative capacity in the receiving water, the department would consider the "expected restored quality" as the approved level or EWQ. This provision protects what is to be gained from existing administrative actions; likewise, this provision protects against other discharges being approved that avoid an antidegradation review because the water quality had not yet been restored through the administrative action. Without this provision, an antidegradation review may be limited to Tier 1 and ignore the gains (the expected assimilative capacity) to be achieved through existing administrative or enforcement agreements. To count as an "approved" level of achievable water quality, the action providing the assurance must be an enforceable agreement, such as a permit or a signed administrative agreement.

#### 10 CSR 20-7.031 Water Quality Standards

(2) Antidegradation. The antidegradation policy shall provide three (3) levels of protection.

(D) The three (3) levels of protection provided by the antidegradation policy in subsections (A) through (C) of this section shall be implemented according to procedures hereby incorporated by reference and known as the "Missouri Antidegradation Rule and Implementation Procedure, April 20, 2007, Revised May 7, 2008." No later amendments or additions are included. This document shall be made available to anyone upon written request to the Department of Natural Resources, Water Protection Program, Water Pollution Control Branch, PO Box 176, Jefferson City, MO 65102-0176.

### Title 16—RETIREMENT SYSTEMS Division 20—Missouri Local Government Employees' Retirement System (LAGERS) Chapter 2—Administrative Rules

#### ORDER OF RULEMAKING

By the authority vested in the Board of Trustees of the Missouri Local Government Employees' Retirement System under section 70.605.21, RSMo Supp. 2007, the board amends a rule as follows:

#### 16 CSR 20-2.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2008 (33 MoReg 723-724). 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 16—RETIREMENT SYSTEMS Division 20—Missouri Local Government Employees, Retirement System (LAGERS) Chapter 2—Administrative Rules

#### ORDER OF RULEMAKING

By the authority vested in the Board of Trustees of the Missouri Local Government Employees' Retirement System under section 70.605.21, RSMo Supp. 2007, the board amends a rule as follows:

#### 16 CSR 20-2.015 Determination of Certain Allowances is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2008 (33 MoReg 724). 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 2220—State Board of Pharmacy Chapter 2—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.010, 338.140, 338.240, and 338.280, RSMo 2000 and section 338.210, RSMo Supp. 2007, the board amends a rule as follows:

#### 20 CSR 2220-2.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2008 (33 MoReg 651-654). 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 State Board of Pharmacy received two (2) comments on the proposed amendment.

COMMENT #1: W. Bryant McNally of Missouri Hospital Association suggested changing section (7) from ". . . 19 CSR 30 . . ." to read ". . . 19 CSR 30.1 . . ." thus limiting the board of pharmacy representatives access to records required by Chapter 1 of 19 CSR 30, instead of the whole regulation. Mr. McNally thought that the

amendment gave the board access to records it has either no legitimate interest in or authority to review.

RESPONSE: The board's consensus is that it must have access to all records, including patient records, and to make no change to the amendment based on Mr. McNally's comment.

COMMENT #2: Upon board review, the board noted that section (7) currently reads ". . . 19 CSR 30 shall be available for photocopying by a . . ." and should be revised to read, ". . . 19 CSR 30 shall be available for photocopying or electronic duplication by a . . ." to allow for technology advancements.

RESPONSE AND EXPLANATION OF CHANGE: It was the board's consensus to approve and make this revision.

#### **20 CSR 2220-2.010 Pharmacy Standards of Operation**

(7) All records required by Chapters 195 and 338, RSMo or divisions 20 CSR 2220 and 19 CSR 30 shall be available for photocopying or electronic duplication by a board of pharmacy representative.

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

#### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.020, 338.035, 338.040, 338.070, 338.140, and 338.280, RSMo 2000 and section 338.030, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2220-2.030 Educational and Licensing Requirements  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2008 (33 MoReg 655-657). 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 2220—State Board of Pharmacy  
Chapter 2—General Rules**

#### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under section 338.140, RSMo 2000 and section 338.043, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2220-2.036 Temporary License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2008 (33 MoReg 658). 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 2220—State Board of Pharmacy  
Chapter 2—General Rules**

#### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.100, 338.140, and 338.280, RSMo 2000, the board amends a rule as follows:

**20 CSR 2220-2.120 Transfer of Prescription Information for the  
Purpose of Refill is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2008 (33 MoReg 658-659). 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 2220—State Board of Pharmacy  
Chapter 2—General Rules**

#### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.010, 338.140, 338.240, and 338.280, RSMo 2000, the board amends a rule as follows:

**20 CSR 2220-2.200 Sterile Pharmaceuticals is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2008 (33 MoReg 659-666). 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 2220—State Board of Pharmacy  
Chapter 2—General Rules**

#### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.140 and 338.280, RSMo 2000, the board amends a rule as follows:

**20 CSR 2220-2.450 Fingerprint Requirements is amended.**

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

2008 (33 MoReg 667-670). 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 2220—State Board of Pharmacy  
Chapter 3—Negative Generic Drug Formulary**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under section 338.280, RSMo 2000, the board amends a rule as follows:

20 CSR 2220-3.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2008 (33 MoReg 671). 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 one (1) verbal comment in regards to the proposed amendment.

COMMENT #1: Lee Trotter, pharmacist-in-charge of Aetna Rx Home Deliver, LLC of Kansas City, Missouri offered a verbal comment concerning whether language needs to be inserted regarding proper storage requirements, such as refrigeration, etc., before a product can be returned to stock and reused.

RESPONSE AND EXPLANATION OF CHANGE: The board decided to revise section (3) to include such language.

**20 CSR 2220-3.040 Return and Reuse of Drugs and Devices**

(3) Pharmacists and pharmacies may return to stock prescriptions that have not been received by the patient and shall delete the dispensing from the pharmacy's records and reverse the claim with the third party payor, if applicable. In order for a product to be returned to stock, it must have been stored at all times at the manufacturer's labeled storage requirements. The drug must be maintained in the patient container with the dispensing date, prescription number, and name of drug visible. The expiration date of the drug shall become the lesser of one (1) year from the dispensing date on the label or the manufacturer's original expiration date, if known.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2220—State Board of Pharmacy  
Chapter 5—Drug Distributor**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.333, 338.343, and 338.350, RSMo 2000, the board amends a rule as follows:

**20 CSR 2220-5.030 Definitions and Standards for Drug Wholesale and Pharmacy Distributors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2008 (33 MoReg 677). 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 2220—State Board of Pharmacy  
Chapter 5—Drug Distributor**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.050, 338.333, 338.335, 338.337, and 338.340, RSMo 2000, the board amends a rule as follows:

**20 CSR 2220-5.070 Standards of Operation for Medical Gas Distributors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2008 (33 MoReg 677-678). 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 August 15, 2008.

**ADDRESSES:** You may submit comments concerning an applicant, identified by the application number stated below, by any of the following methods:

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

**COMMENTS RECEIVED  
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 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. 2007, 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 # MP050502016**

**Applicant's Name & Age:** Mark Gerard Kleinheider, 43

**Relevant Physical Condition:** Mr. Kleinheider's best uncorrected visual acuity in his right eye is 20/30 Snellen, and he has a prosthesis in his left eye due to an accident that occurred in 1989.

**Relevant Driving Experience:** Currently employed as a laborer for a company in Hermann, MO moving and loading vehicles on the lot. Previously employed as a laborer and supervisor for companies in New Haven, MO. Mark has no previous commercial motor vehicle experience, except on the company lot.

Drives personal vehicle(s) daily.

**Doctor's Opinion & Date:** Following an examination in February 2008, his ophthalmologist certified, "In my medical opinion, Mr. Kleinheider's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

**Traffic Accidents and Violations:** No accidents or violations within the past three (3) years.

**Application # MP060120001**

**Renewal Applicant's Name & Age:** Andrew Mullison Hahn, 29

**Relevant Physical Condition:** Mr. Hahn's best uncorrected visual acuity in his left eye is 20/20 Snellen, and he has a prosthesis in his right eye due to an accident that occurred in 1988.

**Relevant Driving Experience:** Currently self-employed as an insurance agent and farmer. Previously employed by Farm Coop in Centralia, MO as a straight truck/trailer operator, and a truck tractor/semi-trailer combination operator from June 1999 to March 2004 and drove 20 hours per week. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2008, his optometrist certified, "In my medical opinion, Mr. Hahn's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

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

**Request for Comments**

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

Issued on: June 15, 2008

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

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

“Notice of Corporate Dissolution to all Creditors  
and All Claimants against MABS DESIGN LIMITED.

MABS DESIGN LIMITED filed its Articles of Dissolution with the Secretary of State on April 3, 2008. Any and all claims against MABS DESIGN LIMITED may be sent to David D. Mattern, Esq. 7733 Forsyth, 20<sup>th</sup> Floor, St. Louis, Missouri, 63105. Each claim should include the following: name, address, and telephone number of claimant; amount of claim; and basis of the claim. Any claims against MABS DESIGN LIMITED will be barred unless a proceeding to enforce the claim is commenced within two years after the date of this publication.”

## **NOTICE OF DISSOLUTION**

**To All Creditors and Claimants Against Any of  
NELFM, L.C., PAR INVESTMENT PROPERTIES, L.C., ARNOLD EQUITY  
PROPERTIES, LC, formerly known as Saddle Brooke Pointe, L.C., PREMIER  
PROPERTIES OF CAPE GIRARDEAU, L.C., PRESTONWOOD TRAILS, L.C.,  
WHISPERING OAKS OF CAPE GIRARDEAU, LC, and WILLOWBROOK  
BEND, LC,  
All Missouri Limited Liability Companies**

On June 6, 2008, each of NELFM, L.C., PAR INVESTMENT PROPERTIES, L.C., ARNOLD EQUITY PROPERTIES, LC, formerly known as Saddle Brooke Pointe, L.C., CASTLE ROCK, L.C., PREMIER PROPERTIES OF CAPE GIRARDEAU, L.C., PRESTONWOOD TRAILS, L.C., WHISPERING OAKS OF CAPE GIRARDEAU, LC, and WILLOWBROOK BEND, LC, each being a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. The effective date of each Company’s dissolution and commencement of winding up of its business was that date.

Each of the above Companies requests that all persons who have claims against the Company present them immediately by letter addressed to the Company at 300 N. Maryland, P.O. Box 307, Jackson, Missouri 63755.

All claims must include the following: the name and address of the claimant; the amount claimed; the basis of the claim; and documentation of the claim.

Pursuant to Section 347.141 of the Revised Statutes of Missouri, as amended, any claim against NELFM, L.C., PAR INVESTMENT PROPERTIES, L.C., ARNOLD EQUITY PROPERTIES, LC, formerly known as Saddle Brooke Pointe, L.C., CASTLE ROCK, L.C., PREMIER PROPERTIES OF CAPE GIRARDEAU, L.C., PRESTONWOOD TRAILS, L.C., WHISPERING OAKS OF CAPE GIRARDEAU, LC, and/or WILLOWBROOK BEND, LC, will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST**

**LKL, LLC**

On June 9, 2008, LKL, LLC, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: 222 South Central Ave., Suite 901, St. Louis, Missouri 63105; Attn: Joshua K. Gilson, Esq. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

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

**NOTICE OF DISSOLUTION OF LIMITED PARTNERSHIP  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
DEFABIO FAMILY L.P.**

On June 13, 2008, DeFabio Family L.P., a Missouri limited partnership, filed its Certificate of Cancellation of Limited Partnership with the Missouri Secretary of State, effective on September 1, 2008.

Said partnership requests that all persons and organizations who have claims against it present them immediately by letter to the partnership in the care of Jerry J. Murphy, Esq., Murphy Wasinger, L.C., 1401 South Brentwood Boulevard, Suite 550, St. Louis, Missouri 63144. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

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

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
STRAFFORD CARE CENTER, L.L.C.**

**On June 4, 2008, STRAFFORD CARE CENTER, L.L.C. filed notice of winding up for limited liability company with the Missouri Secretary of State. Notice was effective on the filing date. Persons with claims against STRAFFORD CARE CENTER, L.L.C. should submit in writing in accordance with the following procedure: 1) Amount of the claim; 2) Basis for the claim; 3) Documentation for the claim. The claim must be mailed to Richard Griffin, PO Box 2207, Ft. Smith, AR 72902. A claim against the limited liability company will be barred unless a proceeding to enforce a claim is commenced within three years after the publication of the notice.**

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
WINDSOR CARE CENTER, L.L.C.**

**On June 4, 2008, WINDSOR CARE CENTER, L.L.C. filed notice of winding up for limited liability company with the Missouri Secretary of State. Notice was effective on the filing date. Persons with claims against WINDSOR CARE CENTER, L.L.C. should submit in writing in accordance with the following procedure: 1) Amount of the claim; 2) Basis for the claim; 3) Documentation for the claim. The claim must be mailed to Richard Griffin, PO Box 2207, Ft. Smith, AR 72902. A claim against the limited liability company will be barred unless a proceeding to enforce a claim is commenced within three years after the publication of the notice.**

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

To: All creditors of and claimants against The Cabins at Grand Mountain, L.L.C., a Missouri Limited Liability Company.

On May 23, 2008, The Cabins at Grand Mountain, L.L.C., a Missouri Limited Liability Company, Charter Number LC0054683, filed its notice of winding up with the Missouri Secretary of State.

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

All claims must include the following information:

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

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



**NOTICE OF WINDING UP LIMITED LIABILITY COMPANY**

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
ADVANTEC SYSTEMS, LLC, a Missouri limited liability company**

On May 27, 2008, **ADVANTEC SYSTEMS, LLC**, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State.

The Company requests that all persons and organizations with claims against it present them immediately, by letter, to the attention of BRADFORD J. CYTRON, GALLOP, JOHNSON & NEUMAN, L.C., 101 South Hanley, 17<sup>th</sup> Floor, St. Louis, MO 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication.

**NOTICE TO UNKNOWN CREDITORS OF  
COALITION FOR ASBESTOS REFORM**

Coalition for Asbestos Reform (the "Corporation"), has been dissolved pursuant to Section 355.681 of the Missouri Nonprofit Corporation Act by filing its Articles of Dissolution with the Missouri Secretary of State effective May 29, 2008. Pursuant to Section 355.696 of the Missouri Nonprofit Corporation Act, any claims against the Corporation must be sent to:

Coalition for Asbestos Reform  
c/o BCRA Co.  
221 Bolivar Street, Suite 101  
Jefferson City, Missouri 65101

Claims submitted must include the following information: (1) claimant name, address, and phone number; (2) name of debtor; (3) account or other number by which the debtor may identify the creditor; (4) a brief description of the nature of the debt or the basis of the claim; (5) the amount of the claim; (6) the date the claim was incurred; and (7) supporting documentation for the claim, if any.

**NOTICE: CLAIMS OF CREDITORS OF THE CORPORATION WILL BE  
BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS  
COMMENCED WITHIN TWO (2) YEARS OF THE DATE OF THIS NOTICE.**

## 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
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-9.010	Commissioner of Administration		33 MoReg 407	33 MoReg 1087	
1 CSR 10-11.030	Commissioner of Administration		33 MoReg 7	33 MoReg 1087	
1 CSR 70-1.010	Missouri Assistive Technology Advisory Council ( <i>Changed to 5 CSR 110-1.010</i> )		33 MoReg 194	33 MoReg 1089	
1 CSR 70-1.020	Missouri Assistive Technology Advisory Council ( <i>Changed to 5 CSR 110-1.020</i> )		33 MoReg 197	33 MoReg 1090	
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-1.020	Animal Health		33 MoReg 1221		
2 CSR 30-2.040	Animal Health		33 MoReg 717		
2 CSR 70-40.015	Plant Industries		33 MoReg 627		
2 CSR 70-40.017	Plant Industries		33 MoReg 628		
2 CSR 70-40.025	Plant Industries		33 MoReg 628		
2 CSR 70-40.040	Plant Industries		33 MoReg 629		
2 CSR 70-40.055	Plant Industries		33 MoReg 630R		
2 CSR 90-10	Weight and Measures				33 MoReg 1193
2 CSR 90-30.040	Weights and Measures	33 MoReg 399			
2 CSR 110-2.010	Office of the Director		32 MoReg 1909 This Issue		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-1.010	Conservation Commission		33 MoReg 1073		
3 CSR 10-5.205	Conservation Commission		33 MoReg 907	This Issue	
3 CSR 10-5.220	Conservation Commission		33 MoReg 907	This Issue	
3 CSR 10-7.432	Conservation Commission		N.A.	33 MoReg 1087	
3 CSR 10-7.433	Conservation Commission		N.A.	33 MoReg 1088	
3 CSR 10-7.435	Conservation Commission		N.A.	33 MoReg 1088	
3 CSR 10-7.437	Conservation Commission		N.A.	33 MoReg 1088	
3 CSR 10-7.455	Conservation Commission		N.A.	33 MoReg 261	33 MoReg 276
3 CSR 10-12.109	Conservation Commission		33 MoReg 1075		
3 CSR 10-12.135	Conservation Commission		33 MoReg 1075		
3 CSR 10-12.140	Conservation Commission		33 MoReg 1076		
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 240-18.010	Public Service Commission		33 MoReg 1133		
4 CSR 240-23.010	Public Service Commission		33 MoReg 407	33 MoReg 1173	
4 CSR 240-33.160	Public Service Commission		33 MoReg 522		
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 50-270.010	Division of School Improvement		33 MoReg 436	33 MoReg 1289	
5 CSR 50-340.050	Division of School Improvement		33 MoReg 439	33 MoReg 1289	
5 CSR 60-120.010	Division of Career Education		N.A.	33 MoReg 1179	
5 CSR 80-631.010	Teacher Quality and Urban Education		33 MoReg 1076R		
5 CSR 80-800.200	Teacher Quality and Urban Education		33 MoReg 525		
5 CSR 80-800.220	Teacher Quality and Urban Education		33 MoReg 526		
5 CSR 80-800.230	Teacher Quality and Urban Education		33 MoReg 526		
5 CSR 80-800.260	Teacher Quality and Urban Education		33 MoReg 527		
5 CSR 80-800.270	Teacher Quality and Urban Education		33 MoReg 527		
5 CSR 80-800.280	Teacher Quality and Urban Education		33 MoReg 527		
5 CSR 80-800.285	Teacher Quality and Urban Education		33 MoReg 974		
5 CSR 80-800.350	Teacher Quality and Urban Education		33 MoReg 528		
5 CSR 80-800.360	Teacher Quality and Urban Education		33 MoReg 528		
5 CSR 80-800.380	Teacher Quality and Urban Education		33 MoReg 529		
5 CSR 80-850.045	Teacher Quality and Urban Education		33 MoReg 529R		
			33 MoReg 530		
5 CSR 80-860.050	Teacher Quality and Urban Education		33 MoReg 535	33 MoReg 1290	
5 CSR 110-1.010	Missouri Assistive Technology Advisory Council ( <i>Changed from 1 CSR 70-1.010</i> )		33 MoReg 194	33 MoReg 1089	
5 CSR 110-1.020	Missouri Assistive Technology Advisory Council ( <i>Changed from 1 CSR 70-1.020</i> )		33 MoReg 197	33 MoReg 1090	
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-25.010	Missouri Highways and Transportation Commission				This Issue

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-2.150	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-4.140	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.250	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-6.020	Air Conservation Commission		33 MoReg 630		
10 CSR 10-6.070	Air Conservation Commission		33 MoReg 908		
10 CSR 10-6.075	Air Conservation Commission		33 MoReg 909		
10 CSR 10-6.080	Air Conservation Commission		33 MoReg 910		
10 CSR 10-6.110	Air Conservation Commission		33 MoReg 1231		
10 CSR 10-6.220	Air Conservation Commission		33 MoReg 643		
10 CSR 20-4.010	Clean Water Commission		33 MoReg 198	This Issue	
10 CSR 20-6.010	Clean Water Commission		33 MoReg 1134		
10 CSR 20-6.300	Clean Water Commission		33 MoReg 1134		
10 CSR 20-7.031	Clean Water Commission		33 MoReg 205	This Issue	
10 CSR 70-5.040	Soil and Water Districts Commission		This Issue		
10 CSR 70-8.040	Soil and Water Districts Commission		This Issue		
10 CSR 140-2	Division of Energy				33 MoReg 1103 33 MoReg 1193
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 40-7.010	Division of Fire Safety	33 MoReg 967	33 MoReg 976		
11 CSR 45-4.050	Missouri Gaming Commission		33 MoReg 41R	33 MoReg 1181	
11 CSR 70-2.020	Division of Alcohol and Tobacco Control		This Issue		
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-2.740	Director of Revenue		This Issue		
12 CSR 10-26.010	Director of Revenue		33 MoReg 1153		
12 CSR 10-26.040	Director of Revenue		33 MoReg 1157		
12 CSR 10-26.210	Director of Revenue		33 MoReg 1157		
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 30-4.010	Child Support Enforcement		33 MoReg 1078R		
13 CSR 70-3.170	MO HealthNet Division		33 MoReg 785		
13 CSR 70-3.190	Division of Medical Services		33 MoReg 329	33 MoReg 1290	
13 CSR 70-4.080	Division of Medical Services		33 MoReg 542	33 MoReg 1290	
			33 MoReg 1231		
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-5.010	MO HealthNet Division		33 MoReg 545	33 MoReg 1291	
13 CSR 70-15.020	MO HealthNet Division		33 MoReg 545	33 MoReg 1291	
13 CSR 70-26.010	MO HealthNet Division		33 MoReg 1234		
13 CSR 70-30.010	MO HealthNet Division		33 MoReg 1235		
13 CSR 70-45.010	MO HealthNet Division		33 MoReg 789		
13 CSR 70-92.010	Division of Medical Services		33 MoReg 213	33 MoReg 1091	
13 CSR 70-97.010	MO HealthNet Division		33 MoReg 548	33 MoReg 1291	
13 CSR 70-98.015	MO HealthNet Division		33 MoReg 1235		
<b>ELECTED OFFICIALS</b>					
15 CSR 30-51.170	Secretary of State		33 MoReg 910		
15 CSR 30-51.172	Secretary of State		33 MoReg 913		
<b>RETIREMENT SYSTEMS</b>					
16 CSR 20-2.010	Missouri Local Government Employees' Retirement System (LAGERS)		33 MoReg 723	This Issue	
16 CSR 20-2.015	Missouri Local Government Employees' Retirement System (LAGERS)		33 MoReg 724	This Issue	
<b>BOARDS OF POLICE COMMISSIONERS</b>					
17 CSR 20-2.025	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.065	St. Louis Board of Police Commissioners		33 MoReg 1159		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		33 MoReg 1161		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		33 MoReg 1162		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		33 MoReg 1162		
<b>PUBLIC DEFENDER COMMISSION</b>					
18 CSR 10-2.010	Office of State Public Defender		33 MoReg 333	33 MoReg 1181	
18 CSR 10-4.010	Office of State Public Defender	33 MoReg 313	33 MoReg 334	33 MoReg 1181	
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 30-20.125	Division of Regulation and Licensure		33 MoReg 550		
19 CSR 30-40.308	Division of Regulation and Licensure		33 MoReg 1238		
19 CSR 30-40.331	Division of Regulation and Licensure		33 MoReg 1243		
19 CSR 30-40.342	Division of Regulation and Licensure		33 MoReg 1250		
19 CSR 30-40.410	Division of Regulation and Licensure		33 MoReg 1257		
19 CSR 30-40.420	Division of Regulation and Licensure		33 MoReg 1258		
19 CSR 30-40.430	Division of Regulation and Licensure		33 MoReg 1261		
19 CSR 30-40.528	Division of Regulation and Licensure		33 MoReg 1271		
19 CSR 30-82.010	Division of Regulation and Licensure		33 MoReg 790		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-83.010	Division of Regulation and Licensure		33 MoReg 792		
19 CSR 30-84.020	Division of Regulation and Licensure		33 MoReg 793		
19 CSR 30-84.030	Division of Regulation and Licensure		33 MoReg 798		
19 CSR 30-85.022	Division of Regulation and Licensure		33 MoReg 812		
19 CSR 30-85.032	Division of Regulation and Licensure		33 MoReg 817		
19 CSR 30-86.012	Division of Regulation and Licensure		33 MoReg 819		
19 CSR 30-86.022	Division of Regulation and Licensure		33 MoReg 820		
19 CSR 30-86.032	Division of Regulation and Licensure		33 MoReg 827		
19 CSR 30-86.045	Division of Regulation and Licensure		33 MoReg 829		
19 CSR 30-86.047	Division of Regulation and Licensure		33 MoReg 830		
19 CSR 30-88.010	Division of Regulation and Licensure		33 MoReg 836		
19 CSR 60-50	Missouri Health Facilities Review Committee				33 MoReg 1195 33 MoReg 1302
19 CSR 73-2.015	Missouri Board of Nursing Home Administrators		33 MoReg 334	33 MoReg 1291	
19 CSR 73-2.020	Missouri Board of Nursing Home Administrators		33 MoReg 338	33 MoReg 1292	
19 CSR 73-2.025	Missouri Board of Nursing Home Administrators		33 MoReg 338	33 MoReg 1292	
19 CSR 73-2.031	Missouri Board of Nursing Home Administrators		33 MoReg 339	33 MoReg 1293	
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators		33 MoReg 339	33 MoReg 1293	
19 CSR 73-2.051	Missouri Board of Nursing Home Administrators		33 MoReg 341	33 MoReg 1294	
19 CSR 73-2.053	Missouri Board of Nursing Home Administrators		33 MoReg 341	33 MoReg 1296	
19 CSR 73-2.055	Missouri Board of Nursing Home Administrators		33 MoReg 342	33 MoReg 1296	
19 CSR 73-2.060	Missouri Board of Nursing Home Administrators		33 MoReg 342	33 MoReg 1296	
19 CSR 73-2.070	Missouri Board of Nursing Home Administrators		33 MoReg 343	33 MoReg 1296	
19 CSR 73-2.080	Missouri Board of Nursing Home Administrators		33 MoReg 343	33 MoReg 1297	
19 CSR 73-2.085	Missouri Board of Nursing Home Administrators		33 MoReg 344	33 MoReg 1297	
19 CSR 73-2.090	Missouri Board of Nursing Home Administrators		33 MoReg 344	33 MoReg 1298	
19 CSR 73-2.120	Missouri Board of Nursing Home Administrators		33 MoReg 345	33 MoReg 1298	
<b>DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION</b>					
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667 33 MoReg 150
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 33 MoReg 150
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150
20 CSR 100-1.010	Insurer Conduct		32 MoReg 2381	33 MoReg 1091	
20 CSR 100-1.020	Insurer Conduct		32 MoReg 2382	33 MoReg 1091	
20 CSR 100-1.040	Insurer Conduct		32 MoReg 2382R	33 MoReg 1091R	
20 CSR 100-1.050	Insurer Conduct		32 MoReg 2382	33 MoReg 1092	
20 CSR 100-1.100	Insurer Conduct		32 MoReg 2383	33 MoReg 1092	
20 CSR 100-1.200	Insurer Conduct		32 MoReg 2384	33 MoReg 1092	
20 CSR 100-2.100	Insurer Conduct		32 MoReg 2384	33 MoReg 1092	
20 CSR 100-2.200	Insurer Conduct		32 MoReg 2385	33 MoReg 1093	
20 CSR 100-2.300	Insurer Conduct		32 MoReg 2385R	33 MoReg 1093R	
20 CSR 100-3.100	Insurer Conduct		32 MoReg 2385	33 MoReg 1093	
20 CSR 100-4.010	Insurer Conduct		32 MoReg 2386	33 MoReg 1093	
20 CSR 100-4.020	Insurer Conduct		32 MoReg 2386	33 MoReg 1093	
20 CSR 100-4.030	Insurer Conduct		32 MoReg 2387	33 MoReg 1094	
20 CSR 100-4.100	Insurer Conduct		32 MoReg 2387	33 MoReg 1094	
20 CSR 100-5.010	Insurer Conduct		32 MoReg 2388	33 MoReg 1094	
20 CSR 100-5.020	Insurer Conduct		32 MoReg 2388	33 MoReg 1094	
20 CSR 100-6.100	Insurer Conduct		32 MoReg 2389	33 MoReg 1094	
20 CSR 100-7.002	Insurer Conduct		33 MoReg 915		
20 CSR 100-7.005	Insurer Conduct		33 MoReg 916		
20 CSR 100-7.010	Insurer Conduct		32 MoReg 2390	33 MoReg 1094	
20 CSR 100-8.002	Insurer Conduct		33 MoReg 916		
20 CSR 100-8.005	Insurer Conduct		33 MoReg 917		
20 CSR 100-8.008	Insurer Conduct		33 MoReg 918		
20 CSR 100-8.010	Insurer Conduct		32 MoReg 2390	33 MoReg 1095	
20 CSR 100-8.012	Insurer Conduct		33 MoReg 919		
20 CSR 100-8.014	Insurer Conduct		33 MoReg 919		
20 CSR 100-8.015	Insurer Conduct		33 MoReg 920		
20 CSR 100-8.016	Insurer Conduct		33 MoReg 921		
20 CSR 100-8.017	Insurer Conduct		33 MoReg 921		
20 CSR 100-8.018	Insurer Conduct		33 MoReg 922		
20 CSR 100-8.020	Insurer Conduct		32 MoReg 2390	33 MoReg 1095	
20 CSR 100-8.040	Insurer Conduct		32 MoReg 2391	33 MoReg 1095	
20 CSR 200-6.100	Insurance Solvency and Company Regulation		33 MoReg 1163		
20 CSR 200-18.010	Insurance Solvency and Company Regulation		33 MoReg 557		
20 CSR 200-18.020	Insurance Solvency and Company Regulation		33 MoReg 557		
20 CSR 200-18.110	Insurance Solvency and Company Regulation		33 MoReg 559		
20 CSR 200-18.120	Insurance Solvency and Company Regulation		33 MoReg 561		
20 CSR 400-1.010	Life, Annuities and Health		33 MoReg 1276		
20 CSR 400-1.050	Life, Annuities and Health		33 MoReg 1276R		
20 CSR 400-1.170	Life, Annuities and Health		33 MoReg 1278		
20 CSR 400-1.175	Life, Annuities and Health		33 MoReg 1281		
20 CSR 400-2.065	Life, Annuities and Health		32 MoReg 2398	33 MoReg 1096	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 400-4.050	Life, Annuities and Health		32 MoReg 2512	33 MoReg 1096	
20 CSR 400-4.100	Life, Annuities and Health		32 MoReg 2513	33 MoReg 1097	
20 CSR 400-4.110	Life, Annuities and Health		32 MoReg 2532	33 MoReg 1098	
20 CSR 400-4.120	Life, Annuities and Health		32 MoReg 2535	33 MoReg 1100	
20 CSR 400-7.180	Life, Annuities and Health		33 MoReg 1165		
20 CSR 500-7.020	Property and Casualty	33 MoReg 507	33 MoReg 562		
20 CSR 500-7.030	Property and Casualty	33 MoReg 507	33 MoReg 563		
20 CSR 500-7.050	Property and Casualty	33 MoReg 508	33 MoReg 563		
20 CSR 500-7.060	Property and Casualty	33 MoReg 509	33 MoReg 566		
20 CSR 500-7.070	Property and Casualty	33 MoReg 510	33 MoReg 566		
20 CSR 500-7.090	Property and Casualty	33 MoReg 510	33 MoReg 567		
20 CSR 500-7.100	Property and Casualty	33 MoReg 511	33 MoReg 567		
20 CSR 500-7.130	Property and Casualty	33 MoReg 514	33 MoReg 570		
20 CSR 500-7.200	Property and Casualty	33 MoReg 515	33 MoReg 571		
20 CSR 700-1.005	Insurance Licensing		33 MoReg 71	33 MoReg 1181	
20 CSR 700-1.010	Insurance Licensing		33 MoReg 72	33 MoReg 1182	
20 CSR 700-1.012	Insurance Licensing		33 MoReg 76	33 MoReg 1182	
20 CSR 700-1.020	Insurance Licensing		33 MoReg 76	33 MoReg 1182	
20 CSR 700-1.025	Insurance Licensing		33 MoReg 77	33 MoReg 1183	
20 CSR 700-1.030	Insurance Licensing		33 MoReg 77R	33 MoReg 1183R	
20 CSR 700-1.040	Insurance Licensing		33 MoReg 77	33 MoReg 1183	
20 CSR 700-1.100	Insurance Licensing		33 MoReg 78	33 MoReg 1184	
20 CSR 700-1.110	Insurance Licensing		33 MoReg 80R	33 MoReg 1184R	
20 CSR 700-1.140	Insurance Licensing		33 MoReg 80	33 MoReg 1184	
			33 MoReg 1167		
20 CSR 700-1.145	Insurance Licensing		33 MoReg 82	33 MoReg 1184	
20 CSR 700-1.146	Insurance Licensing		33 MoReg 82	33 MoReg 1185	
20 CSR 700-1.147	Insurance Licensing		33 MoReg 85	33 MoReg 1188	
20 CSR 700-1.148	Insurance Licensing		33 MoReg 88	33 MoReg 1101W	
			33 MoReg 1078		
20 CSR 700-1.152	Insurance Licensing		33 MoReg 91	33 MoReg 1189	
20 CSR 700-2.005	Insurance Licensing		33 MoReg 93	33 MoReg 1189	
20 CSR 700-2.100	Insurance Licensing		33 MoReg 93	33 MoReg 1190	
20 CSR 700-2.300	Insurance Licensing		33 MoReg 94	33 MoReg 1190	
20 CSR 700-3.200	Insurance Licensing		33 MoReg 94	33 MoReg 1190	
20 CSR 700-4.100	Insurance Licensing		33 MoReg 96	33 MoReg 1190	
20 CSR 700-6.100	Insurance Licensing		33 MoReg 96	33 MoReg 1191	
20 CSR 700-6.150	Insurance Licensing		33 MoReg 97	33 MoReg 1191	
20 CSR 700-6.160	Insurance Licensing		33 MoReg 97	33 MoReg 1191	
20 CSR 700-6.170	Insurance Licensing		33 MoReg 98	33 MoReg 1191	
20 CSR 700-6.200	Insurance Licensing		33 MoReg 98	33 MoReg 1191	
20 CSR 700-6.250	Insurance Licensing		33 MoReg 99	33 MoReg 1192	
20 CSR 700-6.300	Insurance Licensing		33 MoReg 99	33 MoReg 1192	
20 CSR 700-7.100	Insurance Licensing		33 MoReg 99	33 MoReg 1192	
20 CSR 700-8.005	Insurance Licensing		33 MoReg 575		
20 CSR 700-8.100	Insurance Licensing	33 MoReg 519	33 MoReg 576		
20 CSR 700-8.150	Insurance Licensing	33 MoReg 520	33 MoReg 577		
20 CSR 700-8.160	Insurance Licensing	33 MoReg 521	33 MoReg 577		
20 CSR 1100-1.010	Division of Credit Unions		33 MoReg 1081		
20 CSR 1100-2.012	Division of Credit Unions		33 MoReg 1081		
20 CSR 1100-2.030	Division of Credit Unions		33 MoReg 1082		
20 CSR 1100-2.040	Division of Credit Unions		33 MoReg 1082		
20 CSR 1100-2.060	Division of Credit Unions		33 MoReg 1083		
20 CSR 1100-2.130	Division of Credit Unions		33 MoReg 1083		
20 CSR 1100-2.135	Division of Credit Unions		33 MoReg 1084		
20 CSR 1100-2.205	Division of Credit Unions		33 MoReg 1084		
20 CSR 1100-2.230	Division of Credit Unions		33 MoReg 1085		
20 CSR 2010-1.020	Missouri State Board of Accountancy		33 MoReg 1283		
20 CSR 2030-4.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 724R	33 MoReg 1298R	
			33 MoReg 725	33 MoReg 1299	
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 444	33 MoReg 1101	
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 730	33 MoReg 1299	
20 CSR 2030-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 733	33 MoReg 1299	
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 733	33 MoReg 1299	
20 CSR 2030-11.035	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 447	33 MoReg 1101	
20 CSR 2030-21.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 451	33 MoReg 1102	
20 CSR 2065-1.030	Endowed Care Cemeteries		This Issue		
20 CSR 2145-1.040	Missouri Board of Geologist Registration		This Issue		
20 CSR 2150-4.060	State Board of Registration for the Healing Arts		33 MoReg 923		
20 CSR 2150-4.080	State Board of Registration for the Healing Arts		33 MoReg 926		
20 CSR 2150-7.137	State Board of Registration for the Healing Arts		33 MoReg 1167		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2150-7.300	State Board of Registration for the Healing Arts		33 MoReg 1285		
20 CSR 2200-4.010	State Board of Nursing		33 MoReg 736	33 MoReg 1299	
20 CSR 2200-4.020	State Board of Nursing		33 MoReg 739	33 MoReg 1300	
20 CSR 2200-4.025	State Board of Nursing		33 MoReg 644	33 MoReg 1300	
20 CSR 2200-4.026	State Board of Nursing		33 MoReg 645	33 MoReg 1300	
20 CSR 2200-4.027	State Board of Nursing		33 MoReg 649	33 MoReg 1300	
20 CSR 2200-4.028	State Board of Nursing		33 MoReg 650	33 MoReg 1300	
20 CSR 2200-4.029	State Board of Nursing		33 MoReg 650	33 MoReg 1300	
20 CSR 2200-4.030	State Board of Nursing		33 MoReg 1285		
20 CSR 2200-4.040	State Board of Nursing		33 MoReg 1286		
20 CSR 2205-1.010	Missouri Board of Occupational Therapy		This Issue		
20 CSR 2210-2.011	State Board of Optometry		33 MoReg 1168		
20 CSR 2210-2.080	State Board of Optometry		33 MoReg 1085		
20 CSR 2220-2.010	State Board of Pharmacy		33 MoReg 651	This Issue	
20 CSR 2220-2.030	State Board of Pharmacy		33 MoReg 655	This Issue	
20 CSR 2220-2.036	State Board of Pharmacy		33 MoReg 658	This Issue	
20 CSR 2220-2.120	State Board of Pharmacy		33 MoReg 658	This Issue	
20 CSR 2220-2.200	State Board of Pharmacy		33 MoReg 659	This Issue	
20 CSR 2220-2.450	State Board of Pharmacy		33 MoReg 667	This Issue	
20 CSR 2220-3.040	State Board of Pharmacy		33 MoReg 671	This Issue	
20 CSR 2220-4.010	State Board of Pharmacy		33 MoReg 671	33 MoReg 1301	
20 CSR 2220-5.030	State Board of Pharmacy		33 MoReg 677	This Issue	
20 CSR 2220-5.070	State Board of Pharmacy		33 MoReg 677	This Issue	
20 CSR 2220-6.040	State Board of Pharmacy	33 MoReg 1069	33 MoReg 1086		
20 CSR 2232-1.020	Missouri State Committee of Interpreters		33 MoReg 1287		
20 CSR 2232-2.010	Missouri State Committee of Interpreters		33 MoReg 1287		
20 CSR 2232-2.020	Missouri State Committee of Interpreters		33 MoReg 1287		
20 CSR 2232-2.030	Missouri State Committee of Interpreters		33 MoReg 1288		
20 CSR 2232-3.020	Missouri State Committee of Interpreters		33 MoReg 1288		
20 CSR 2245-3.010	Real Estate Appraisers		33 MoReg 927		
20 CSR 2245-6.040	Real Estate Appraisers		33 MoReg 927		
20 CSR 2245-8.010	Real Estate Appraisers		33 MoReg 928		
20 CSR 2245-8.030	Real Estate Appraisers		33 MoReg 928		
20 CSR 2255-2.060	Missouri Board for Respiratory Care		This Issue		
20 CSR 2267-1.030	Office of Tattooing, Body Piercing, and Branding		This Issue		
20 CSR 2267-2.010	Office of Tattooing, Body Piercing, and Branding		33 MoReg 985		
20 CSR 2267-2.020	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1168R		
			33 MoReg 1169		
20 CSR 2267-2.030	Office of Tattooing, Body Piercing, and Branding		This Issue		
20 CSR 2267-5.010	Office of Tattooing, Body Piercing, and Branding		This Issue		
20 CSR 2267-5.030	Office of Tattooing, Body Piercing, and Branding		This Issue		
20 CSR 2270-4.031	Missouri Veterinary Medical Board		33 MoReg 929		
20 CSR 2270-4.041	Missouri Veterinary Medical Board		33 MoReg 929		

# Emergency Rule Table

Agency	Publication	Effective	Expiration
<b>Department of Mental Health</b>			
<b>Director Department of Mental Health</b>			
<b>9 CSR 10-31.030</b>	Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance . . . . .	Next Issue . . . . .	July 11, 2008 . . . . .Dec. 28, 2008
<b>Department of Public Safety</b>			
<b>Division of Fire Safety</b>			
<b>11 CSR 40-7.010</b>	Blasting-Licensing, Registration, Notification, Requirements, and Penalties . . . . .	.33 Moreg 967 . . . . .	July 1, 2008 . . . . .Jan. 1, 2009
<b>Department of Social Services</b>			
<b>MO HealthNet Division</b>			
<b>13 CSR 70-3.170</b>	Medicaid Managed Care Organization Reimbursement Allowance . . . . .	Next Issue . . . . .	July 1, 2008 . . . . .Dec. 28, 2008
<b>13 CSR 70-10.030</b>	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services . . . . .	Next Issue . . . . .	July 1, 2008 . . . . .Dec. 28, 2008
<b>13 CSR 70-15.010</b>	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology . . . . .	Next Issue . . . . .	July 1, 2008 . . . . .Dec. 28, 2008
<b>13 CSR 70-15.110</b>	Federal Reimbursement Allowance (FRA) . . . . .	Next Issue . . . . .	July 1, 2008 . . . . .Dec. 28, 2008
<b>Department of Insurance, Financial Institutions and Professional Registration</b>			
<b>Insurer Conduct</b>			
<b>20 CSR 100-8.040</b>	Insurer Record Retention . . . . .	Next Issue . . . . .	July 30, 2008 . . . . .Feb. 26, 2009
<b>Market Conduct Examinations</b>			
<b>20 CSR 300-1.100</b>	Unfair Claims Settlement Rates . . . . .	Next Issue . . . . .	July 30, 2008 . . . . .Feb. 26, 2009
<b>20 CSR 300-1.200</b>	Fraudulent or Bad Faith Conduct Rules . . . . .	Next Issue . . . . .	July 30, 2008 . . . . .Feb. 26, 2009
<b>20 CSR 300-2.100</b>	File and Record Documentation for Claims . . . . .	Next Issue . . . . .	July 30, 2008 . . . . .Feb. 26, 2009
<b>20 CSR 300-2.200</b>	Records Required for Purposes of Market Conduct Examinations . . . . .	Next Issue . . . . .	July 30, 2008 . . . . .Feb. 26, 2009
<b>Property and Casualty</b>			
<b>20 CSR 500-7.020</b>	Scope and Definitions . . . . .	.33 MoReg 507 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>20 CSR 500-7.030</b>	General Instructions . . . . .	.33 MoReg 507 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>20 CSR 500-7.050</b>	Disclosure of Premiums and Charges . . . . .	.33 MoReg 508 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>20 CSR 500-7.060</b>	Disclosure of Coverage Limitation . . . . .	.33 MoReg 509 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>20 CSR 500-7.070</b>	Affiliated Business Arrangements . . . . .	.33 MoReg 510 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>20 CSR 500-7.090</b>	Special Circumstances for Policy Delay . . . . .	.33 MoReg 510 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>20 CSR 500-7.100</b>	Rate Schedules . . . . .	.33 MoReg 511 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>20 CSR 500-7.130</b>	Insurance and Closing Protection Form Filings . . . . .	.33 MoReg 514 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>20 CSR 500-7.200</b>	Standards For Policy Issuance . . . . .	.33 MoReg 515 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>Insurance Licensing</b>			
<b>20 CSR 700-8.100</b>	Applications for License . . . . .	.33 MoReg 519 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>20 CSR 700-8.150</b>	Examination Requirements . . . . .	.33 MoReg 520 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>20 CSR 700-8.160</b>	Continuing Education . . . . .	.33 MoReg 521 . . . . .	Jan. 28, 2008 . . . . .July 25, 2008
<b>State Board of Pharmacy</b>			
<b>20 CSR 2220-6.040</b>	Administration by Medical Prescription Order . . . . .	.33 MoReg 1069 . . . . .	May 11, 2008 . . . . .Feb. 18, 2009

**Executive  
Orders****Subject Matter****Filed Date****Publication**2008

<b>08-01</b>	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401
<b>08-02</b>	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
<b>08-03</b>	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
<b>08-04</b>	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
<b>08-05</b>	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
<b>08-06</b>	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith 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	February 12, 2008	33 MoReg 623
<b>08-07</b>	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
<b>08-08</b>	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
<b>08-09</b>	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
<b>08-10</b>	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
<b>08-11</b>	Calls organized militia into active service	March 18, 2008	33 MoReg 897
<b>08-12</b>	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
<b>08-13</b>	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
<b>08-14</b>	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
<b>08-15</b>	Calls organized militia into active service	April 1, 2008	33 MoReg 905
<b>08-17</b>	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
<b>08-18</b>	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
<b>08-19</b>	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith 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	June 11, 2008	This Issue
<b>08-20</b>	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	This Issue
<b>08-21</b>	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	Next Issue
<b>08-22</b>	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	August 15, 2008 Issue

2007

<b>07-01</b>	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
<b>07-02</b>	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
<b>07-03</b>	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
<b>07-04</b>	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



**Executive  
Orders**

Order	Subject Matter	Filed Date	Publication
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	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
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	32 MoReg 965
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	32 MoReg 967
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	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391
07-23	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
07-25	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	32 MoReg 1902
07-26	Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs	August 30, 2007	32 MoReg 1904
07-27	Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne	September 7, 2007	32 MoReg 2035
07-28	The Executive Order denoted 05-16 is hereby rescinded	September 10, 2007	32 MoReg 2037

<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>07-29</b>	Amends the membership and the duties of the Governor's Advisory Council on Aging	September 17, 2007	32 MoReg 2038
<b>07-30</b>	Lists members of staff having supervisory authority over departments, divisions or agencies	September 13, 2007	32 MoReg 2041
<b>07-31</b>	Creates the Rural High-Speed Internet Access Task Force to deal with the lack of high-speed Internet access in rural Missouri communities	October 10, 2007	32 MoReg 2217
<b>07-32</b>	Declares that state offices will be closed on Friday, November 23, 2007	October 23, 2007	32 MoReg 2339
<b>07-33</b>	Declares that state offices will be closed on Monday December 24, 2007	December 4, 2007	33 MoReg 185
<b>07-34</b>	Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007	December 9, 2007	33 MoReg 186
<b>07-35</b>	Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007	December 9, 2007	33 MoReg 188
<b>07-36</b>	Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on December 8, 2007	December 10, 2007	33 MoReg 190
<b>Emergency Declaration</b>	Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue until the overpass has been removed and replaced	December 10, 2007	33 MoReg 192
<b>07-37</b>	Designates members of staff with supervisory authority over selected state agencies	December 26, 2007	33 MoReg 317
<b>07-38</b>	Extends Executive Order 07-01 through January 1, 2009	December 29, 2007	33 MoReg 319
<b>07-39</b>	Extends Executive Orders 07-34 and 07-36 through February 15, 2008	December 28, 2007	33 MoReg 321

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