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SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN
SECRETARY OF STATE

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July 15, 2009	August 17, 2009	August 31, 2009	September 30, 2009

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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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.

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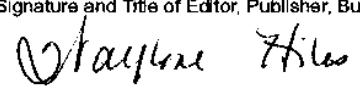
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Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling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

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

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

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

EMERGENCY AMENDMENT

10 CSR 20-7.050 Methodology for Development of Impaired Waters List. The department's Water Protection Program is removing the reference in subsection (4)(B) to the "Methodology for the Development of the 2006 Section 303(d) List for Missouri" and the reference in subsection (4)(C) to the methodology as set forth in subsection (4)(B).

PURPOSE: This emergency amendment allows the state to remove subsection (4)(B) and reference to subsection (4)(B) in subsection (4)(C). This removes the requirement to amend the rule whenever an impaired waters list is produced.

EMERGENCY STATEMENT: This emergency amendment serves a compelling government interest in preserving the state's authority under federal law to complete a list of impaired waters as required by Section 303(d) of the Federal Clean Water Act, by removing subsection (4)(B) and reference to subsection (4)(B) in subsection (4)(C). The emergency amendment will allow the state to complete the development of the Department of Natural Resources' Impaired Waters List for 2008, in accordance with the federally mandated schedule. The current rule references a specific dated version of a methodolo-

gy document that was updated in January 2008. Referencing the latest updated version into rule will further delay the department from producing the required 2008 Impaired Waters List, which was due to Environmental Protection Agency (EPA) on April 1, 2008. In anticipation of filing this emergency amendment, the 2008 Impaired Waters List was developed with public assistance using the current latest methodology document. Without the prompt revision through an emergency amendment, the department will not be able to proceed with finalizing the list for 2008 in accordance with the latest methodology, nor will it be able to submit a final list to EPA within a reasonable time. Further delay in submitting the list to EPA may result in federal action superseding the state's work. Reference within the rule to the methodology for listing waters is not necessary. The methodology identifies scientific methods, not legal standards, for evaluating the conditions of Missouri's waters. Furthermore, the methodology is not a substitute for the state's water quality standards. Regular updates to the methodology are necessary to accommodate the best scientific tools and to include the most recent and most valuable scientific information available. The use of the most recent science and data to evaluate water quality would not be possible if the rule continues to require that the methodology updates be incorporated by reference into the rule.

While the department has known of the need for a solution for some time, it was not certain of the exact method to achieve the solution. The department was engaged in legal analysis up until now to accomplish two (2) things: 1) to be certain that a rule codifying the procedure was not necessary to satisfy section 536.010(6), RSMo; and 2) to ensure that the emergency rule, which is limited to six (6) months, would be in effect at the time the Clean Water Commission (CWC) officially adopted the 2008 list. Furthermore, pinpointing the exact date the CWC adopts the list is complicated by the department's ample allowance for stakeholder participation in both the procedure and list development. Stakeholder participation may continue for months until the department is certain of widespread support for the proposals to be made to the CWC. Now that the department has completed its discussions with stakeholders on the proposed list for 2008, it is ready to finalize a schedule for both the proposed and emergency rule amendments.

The scope of this emergency amendment is limited to the circumstances creating the emergency rulemaking amendment and complies with the protections extended in the *Missouri* and *United States Constitutions*. The CWC believes this emergency rule amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed on September 15, 2008, is effective January 2, 2009, and expires June 30, 2009.

(4) Creation of the Proposed 303(d) List.

[(B)] The methodology established in accordance with subsection (4)(A) of this rule is hereby incorporated by reference and is known as the "Methodology for the Development of the 2006 Section 303(d) List for Missouri," Missouri Department of Natural Resources, Division of Environmental Quality, Water Protection Program—Approved by the Clean Water Commission on June 7, 2006. 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. The department will maintain a copy of this document on the web at <http://www.dnr.mo.gov/>

[(C)](B) The 303(d) list shall be developed in accordance with section 644.036.5, RSMo. [and in accordance with the methodology set forth in subsection (4)(B) of this rule.]

[(D)](C) The department shall establish priority ratings or schedules for the creation of total maximum daily loads (TMDLs) for waters on the proposed 303(d) list in accordance with the Federal Water Pollution Control Act, Section 303(d).

AUTHORITY: section 644.026, RSMo 2000. Original rule filed Nov. 5, 2003, effective July 30, 2004. Emergency amendment filed Oct. 16, 2006, effective Oct. 26, 2006, expired April 23, 2007. Amended: Filed Nov. 14, 2006, effective Aug. 30, 2007. Emergency amendment filed Sept. 15, 2008, effective Jan. 2, 2009, expires June 30, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—[Division of Medical Services]
MO HealthNet Division
Chapter 20—Pharmacy Program

EMERGENCY AMENDMENT

13 CSR 70-20.320 Pharmacy Reimbursement Allowance. The division is amending sections (1) and (2).

PURPOSE: This amendment changes the name of Missouri's medical assistance program to MO HealthNet, revises the name of the administering agency to MO HealthNet Division, changes program recipients to participants, corrects statutory references, and updates the tax rate methodology and maximum percentage.

EMERGENCY STATEMENT: The Department of Social Services (DSS), MO HealthNet Division must by rule establish the licensed retail pharmacy's tax rate which is required by state statute for the privilege of providing outpatient prescription drugs in Missouri. The tax is imposed upon the gross retail prescription receipts earned from filling outpatient retail prescriptions. The pharmacy tax has been in state statute since 2002. Beginning July 1, 2008, the Department of Social Services was required by the Centers for Medicare and Medicaid Services (CMS) to make modification to the taxing structure of the pharmacy tax used in State Fiscal Year 2008. As a condition of the Medicaid Partnership Plan, signed by CMS on April 10, 2008, CMS required the Department of Social Services to modify the taxing structure for the tax on outpatient prescription drugs in order to comply with the federal regulations at 42 Code of Federal Regulations 433 Subpart B, that require taxes be applied in a broad based and uniform manner with no hold harmless provisions and subject to an annual demonstration of any redistribution arrangement, changing it from the previous structure that utilized different tax rates for different "bands" of pharmacies. The terms and conditions of the Medicaid Partnership Plan govern the financial arrangements between CMS and DSS for the state's MO HealthNet program as of July 1, 2008. For the fiscal year that ended June 30, 2008, the state's budget included \$42 million to fund enhanced dispensing fees for pharmacies. The pharmacy tax supports the funding for the enhanced dispensing fees, which in turn ensures access to quality pharmacy services for MO HealthNet participants. The Department of Social Services in cooperation with all the outpatient retail pharmacies in Missouri has struggled with how to implement the state law in a manner that will be allowed by CMS. The collection of the provider tax and payment of the enhanced dispensing fees was temporarily suspended July 1, 2008. This emergency amendment provides for the modification of the pharmacy tax for the state fiscal year beginning July 1, 2008. The pharmacy tax structure, as outlined in the emergency amendment, complies with CMS's requirements. These adjustments to the pharmacy tax rate are estimated to continue to collect \$42 million. The pharmacy tax proceeds support enhanced dispensing fees for MO HealthNet prescriptions and medication therapy management. There are a total of one thousand two hundred (1,200) retail pharmacies currently enrolled in MO HealthNet. MO HealthNet pays more than nine hundred thousand (900,000) claims for prescription drugs for its participants each month. This emergency amendment modifies the pharmacy tax rate in order for CMS to recognize the state's tax on outpatient prescription

drugs as a permissible funding source for the MO HealthNet program to provide needed health care to the program's participants. This emergency amendment must be implemented on a timely basis to allow for the collection of the pharmacy tax and the payment of the enhanced dispensing fee to be resumed immediately, in order to ensure that quality pharmacy services continue to be provided to MO HealthNet participants during State Fiscal Year 2009. As a result, the MO HealthNet Division finds an immediate danger to public health, safety, and/or welfare and a compelling governmental interest, which requires emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The MO HealthNet Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 12, 2008, effective September 22, 2008, and expires March 20, 2009.

(1) Pharmacy Reimbursement Allowance (PRA). PRA shall be assessed as described in this section.

(A) Definitions.

1. Department—Department of Social Services.

2. Director—Director of Department of Social Services.

3. Division—[Division of Medical Services] MO HealthNet Division.

4. [Monthly g]Gross retail prescription receipts—For ease of administration for the department as well as the industry, this shall be an annual amount. The basis of tax in any fiscal year will be the gross prescription sales of the last calendar year prior to the previous fiscal year.

(B) Each pharmacy engaging in the business of providing outpatient prescription drugs in Missouri to the general public shall pay a PRA.

1. The PRA owed for existing pharmacies shall be calculated by multiplying the pharmacy's total gross retail prescription receipts by the tax rate determined by the department. Subject to the limitations established in section [538.520] 338.520, RSMo, [the range of] such said tax rate shall be [uniformly distributed in bands determined by a ratio of total Medicaid prescriptions divided by total sales] uniform and shall not exceed [six percent (6%)] five percent (5%).

2. The PRA shall be divided by and collected over the number of months for which the PRA is effective.

3. The initial PRA owed by a newly licensed pharmacy shall be calculated by estimating the total prescription sales and multiplying the estimate by the rate determined by the department, as described in paragraph (1)(B)1.

4. If a pharmacy ceases to provide outpatient prescription drugs to the general public, the pharmacy is not required to pay the PRA during the time it did not provide outpatient prescription drugs.

5. If the pharmacy reopens, it shall resume paying the PRA. It shall owe the same PRA as it did prior to closing, if the PRA has not changed per paragraph (1)(B)1.

(C) Each pharmacy shall submit an affidavit to the department with the following information:

1. Pharmacy name;

2. Contact;

3. Telephone number;

4. Address;

5. Federal tax ID number;

6. [Medicaid] MO HealthNet pharmacy number (if applicable);

7. Pharmacy sales (total);

8. [Medicaid] MO HealthNet pharmacy sales;

9. Number of paid [Medicaid] MO HealthNet prescriptions;

and

10. Gross receipts attributable to prescription drugs that are delivered directly to the patient via common carrier, by mail, or a courier service.

(2) Payment of the PRA.

(A) Offset.

1. Each pharmacy may request that its PRA offset against any [Missouri Medicaid] MO HealthNet payment due to that pharmacy.

A. A statement authorizing the offset must be on file with the division before any offset may be made relative to the PRA by the pharmacy.

B. Assessments shall be allocated and deducted over the applicable service period.

C. Any balance due after the offset shall be remitted to the [D]irector of the Department of Revenue and be deposited in the state treasury to the credit of the Pharmacy Reimbursement Allowance Fund.

D. If the remittance is not received before the next [Medicaid] MO HealthNet payment cycle, the division shall offset the balance due from that check.

(C) Failure to comply with this request for information or failure to pay the PRA.

1. If a pharmacy fails to comply with a request for information from the [Division of Medical Services] MO HealthNet Division or fails to pay its PRA within thirty (30) days of notice, the PRA shall be delinquent.

2. For any delinquent PRA, the department may:

A. Proceed to enforce the state's lien of the property of the pharmacy;

B. Cancel or refuse to issue, extend, or reinstate the [Medicaid] MO HealthNet provider agreement; or

C. Seek denial, suspension, or revocation of license granted under Chapter 338, RSMo.

3. The new owner, as a result of a change in ownership, shall have his/her PRA paid by the same method the previous owner elected.

(D) Each pharmacy, upon receiving written notice of the final determination of its PRA, may file a protest with the director of the department setting forth the grounds on which the protest is based, within thirty (30) days from the date of receipt of written notice from the department. The director of the department shall reconsider the determination and, if the pharmacy so requested, grant the pharmacy a hearing to be held within forty-five (45) days after the protest was filed, unless extended by agreement between the pharmacy and the director. The director shall issue a final decision within forty-five (45) days of the completion of the hearing. After a final decision by the director, a pharmacy's appeal of the director's final decision shall be to the Administrative Hearing Commission in accordance with section/s] 208.156, RSMo 2000 and section 621.055, RSMo Supp. [2001] 2007.

(E) PRA Rates.

1. The PRA tax [rates] rate will be [done in bands and will be determined by the ratio of paid Medicaid claims to total prescription sales] a uniform effective rate of eighty-nine hundredths percent (.89%) with an aggregate annual adjustment, by the MO HealthNet Division, not to exceed five hundredths percent (.05%) based on the pharmacy's total prescription volume.

2. The maximum rate shall be [six percent (6%)] five percent (5%).

[3. Adjustments will be made to the tax rate if the average Medicaid prescription charge for an individual entity is statistically different than that of the other entities in the assigned tax band.]

AUTHORITY: sections 208.201, RSMo 2000] and 338.505, RSMo Supp. [2003] 2007. Emergency rule filed June 20, 2002, effective July 1, 2002, expired Feb. 27, 2003. Original rule filed July 15, 2002, effective Feb. 28, 2003. Amended: Filed Feb. 3, 2003, effective Aug. 30, 2003. Amended: Filed Nov. 3, 2003, effective April 30, 2004. Emergency amendment filed Sept. 12, 2008, effective Sept. 22,

2008, expires March 20, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

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

EMERGENCY AMENDMENT

15 CSR 30-10.110 Manual Recount. The secretary is amending sections (2) and (3), adding new sections (4) and (7), and renumbering remaining sections accordingly.

PURPOSE: This amendment enhances the method for the election authority, the secretary of state, and the general public to compare electronically tabulated vote results with manual recounts of selected races and ballot issues in certain election precincts by increasing the number of election precincts that are selected for these manual recounts and changing the races and ballot issues that are selected.

EMERGENCY STATEMENT: The Help America Vote Act (HAVA) of 2002 required each state to enact laws and regulations to improve election administration and to provide voting systems which are accessible to individuals with disabilities and which provide notice to a voter who has overvoted with an opportunity to correct their ballot before it is cast. Missouri has in place HAVA-compliant voting systems statewide, and the Elections Division is taking proactive steps to enhance the current audit procedures with regard to those systems. After the 2006 general election, from early 2007 through April 2008, in anticipation of the first presidential election in which all states will use HAVA-compliant voting systems, several states have conducted studies of the new electronic voting systems and have issued reports on their strengths and weaknesses. Some of these states also determined that these weaknesses can be mitigated with enhanced post-election audit procedures. In 2007, California conditioned continued use of its Direct Recording Electronic systems (DREs) on enhanced post-election audit requirements and established post-election manual count auditing requirements which included increased manual count sample sizes for close races. Connecticut has established extensive post-election audit procedures that include a manual audit of the votes recorded in not less than ten percent (10%) of the voting districts in the state. Several national public policy organizations have also issued reports suggesting that enhanced post-election audit requirements are vital to voting system security. In 2007, the Brennan Center for Justice's report, entitled "Post-Election Audits: Restoring Trust in Elections," stated that "[p]ost-election audits of voter-verifiable paper records are a critical tool for detecting ballot-counting errors, discouraging fraud, and improving the security and reliability of electronic voting machines. . . ." The Elections Division has been in the process of reviewing these reports as they are published and communicating with the local election authorities. The secretary of state's office convened a group of local election authorities on April 30, 2008, to receive their input on the need for enhanced post-election audit requirements. In the months following this meeting, the secretary of state's office worked with the local election authorities to incorporate their comments into the proposed amendment and to develop a fiscal note. In November 2008, all Missouri voters will cast their ballots using either DREs or Optical Scan Counters or some combination of the two. As the local jurisdictions are in the process of preparing for the first general gubernatorial and presidential elections in which these voting systems will be used, it is apparent that the potential for a record turnout in November 2008 (for example, the presidential preference primary held in Missouri in February 2008 generated a record turnout of thirty-six percent (36%)) and the national trend toward narrow margins in election results makes enhanced post-election audit requirements crucial to the improvement of election administration and continued public confidence in the

election process. Without an emergency rule, there would be no way to implement enhanced post-election audit procedures that are based on the reports of other states and organizations prior to the November election. The above statement demonstrates that a compelling governmental interest exists for enhanced post-election audit requirements for use with voting on electronic voting systems in Missouri. The secretary of state has filed a proposed amendment and an emergency amendment establishing such requirements. This amendment provides improved audit procedures for Optical Scan and Direct Recording Electronic voting systems.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed September 15, 2008, effective September 25, 2008, and expires March 23, 2009.

(2) [After the electronic recount provided for in 15 CSR 30-10.060(2)(G) and p] Prior to the certification of the election results, the accuracy certification team shall randomly select not less than [one (1) precinct for every one hundred (100) election precincts or fraction thereof] **five percent (5%) of all election precincts through the use of a random drawing**, but not less than one (1) precinct, in order to conduct a manual recount of selected contested races and ballot issues in the selected precinct(s). **Random selection of the precincts shall be open to any member of the public, and the election authority shall notify the public of the time and place of the selection process no later than forty-eight (48) hours prior to the beginning of the selection process by posting a notice in a prominent place, which is easily accessible to the public and clearly designated for that purpose, at the principal office of the election authority.**

(3) Recount of the randomly selected precinct(s) shall be conducted in the following manner:

(C) One (1) contested race or ballot issue to be manually recounted shall be randomly selected from each of the following categories, where applicable:

1. Presidential and Vice-Presidential electors, United States senate candidates and state-wide candidates;
2. State-wide ballot issues;
3. United States representative candidates and state general assembly candidates;

4. Partisan circuit and associate circuit judge candidates and all nonpartisan judicial retention candidates; [and]

5. In addition to the candidates and issues previously listed, the manual recount team shall select not less than [three (3)] **one (1) contested race[s] or ballot issue[s]** from all political subdivisions and special districts, including the county, in the selected precinct(s). *When there are three (3) or fewer contested races or ballot issues within this category at a selected precinct, all shall be counted.;* and

6. **In addition to the candidates and issues previously listed, the manual recount team shall select all races in which the margin of victory between the two (2) top candidates is equal to or less than one-half of one percent (0.5%) of the number of votes cast for the office or issue.**

(4) **If the results of the manual recount of the selected races and ballot issues differ by more than one-half of one percent (0.5%) from the results of the electronically tabulated vote results, the manual recount team shall immediately notify the election authority, who shall investigate the causes of any discrepancy and resolve any discrepancies prior to the date of certification set forth in section 115.507, RSMo.**

[(4)](5) The secretary of state, at his/her sole discretion, and upon the showing of good cause by an election authority not less than three (3) weeks prior to the date of an election, may waive the manual recount requirement for any political subdivision or special district holding an election on the election date.

[(5)](6) Upon completion of the manual recount, the manual recount team shall reseal the ballots and other support materials in the appropriate containers. The results of the manual recount shall be reported on certificates provided by the secretary of state. One (1) copy shall be filed with the secretary of state within four (4) weeks of the election date and one (1) copy shall be filed with the public records of the election.

(7) The secretary of state may make grant funds available to reimburse election authorities for the cost of conducting manual recounts under section (2) and paragraph (3)(C)6. of this rule.

AUTHORITY: section 115.225.1., RSMo [1986] Supp. 2007. Original rule filed Jan. 3, 1990, effective March 26, 1990. Emergency amendment filed Sept. 15, 2008, effective Sept. 25, 2008, expires March 23, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

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

EXECUTIVE ORDER 08-29

WHEREAS, the Missouri Department of Health and Senior Services is established by Chapter 192 RSMo.; and

WHEREAS, the Missouri Department of Transportation is established by Article IV, Section 12 of the Missouri Constitution and Chapter 226, RSMo.; and

WHEREAS, Chapters 306 and 577, RSMo., require the Missouri Department of Health and Senior Services to license and regulate the chemical analysis used in determining the alcohol or drug content of motor vehicle and watercraft operators; and

WHEREAS, the Breath Alcohol Program is responsible for performing on-site inspection of breath analyze, as well as, approving permits to operate and maintain evidential breath analyzers; permits to analyze blood, urine and saliva for drugs; and courses to instruct permit holders in the use of breath analyzer equipment; and

WHEREAS, the Breath Alcohol Program was established to ensure alcohol and drug testing is conducted in a uniform way throughout the state; and

WHEREAS, Executive Order 07-05 transferred by Type I transfer the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation under gubernatorial powers expressed in the Omnibus State Reorganization Act of 1974 in expectance of increased efficiencies and cost savings; and

WHEREAS, Executive Order 07-05 became effective on August 28, 2007; and

WHEREAS, unforeseen administrative issues with the transfer made by Executive Order 07-05 have made the transfer inefficient and not cost effective; and

WHEREAS, the Department of Health and Senior Services continues to administer the Breath Alcohol Program.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the state of Missouri, including the Omnibus State Reorganization Act of 1974, do hereby order the Missouri Department of Transportation and the Missouri Department of Health and Senior Services to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services, by Type I transfer, as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the Breath Alcohol Program to the Missouri Department of Health and Senior Services; and
3. Transfer the responsibility for staff support for the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services; and
4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this transfer.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95th General Assembly.



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 the 12th day of September, 2008.

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-30**

Whereas, I have been advised by the Director of the State Emergency Management Agency that the on-going and forecasted 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 September 11, 2008 and is continuing, has the potential to create 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 jurisdictions, and other established agencies; and

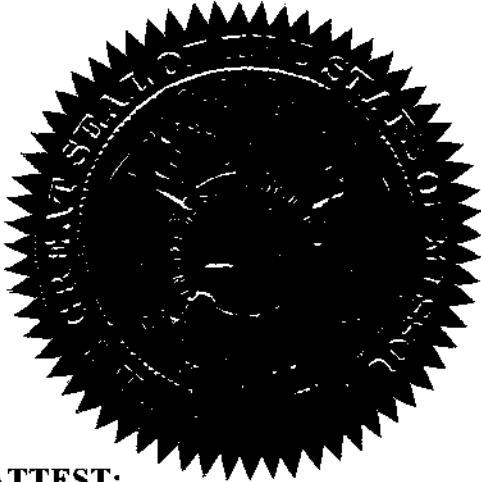
Whereas, the state will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

Whereas, the citizens and communities of Missouri are still recovering from the effects of the February, March, May, and June 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, PETER KINDER, LIEUTENANT GOVERNOR OF THE STATE OF MISSOURI, upon express delegation of Matt Blunt, Governor of the state of Missouri, and by virtue of the authority vested in him 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 October 15, 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 the 15th day of September, 2008.

Peter Kinder
Lieutenant Governor

ATTEST:

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-31**

Whereas, I have been advised by the Director of the State Emergency Management Agency that the on-going and forecasted 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 September 11, 2008 and is continuing, has the potential to create 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 jurisdictions, and other established agencies; 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 February, March, May, and June 2008 major disasters; and

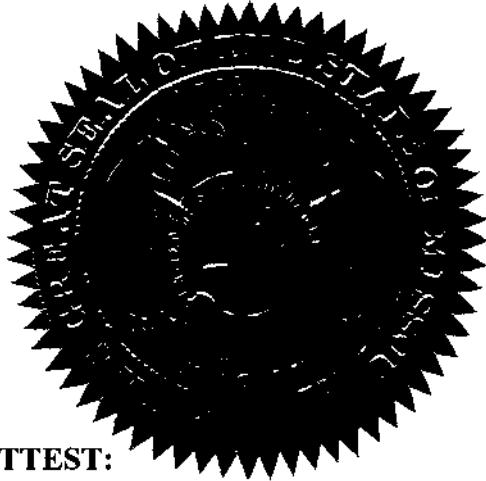
Whereas, the resources of the state of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

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, PETER KINDER, LIEUTENANT GOVERNOR OF THE STATE OF MISSOURI, upon express delegation of Matt Blunt, Governor of the state of Missouri, and by virtue of the authority vested in him by the Constitution and Laws of the state of Missouri, including Sections 44.100 and 44.110, RSMo, do 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 October 15, 2008, unless extended in whole or in part.



ATTEST:

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 the 15th day of September, 2008.

A handwritten signature in black ink that reads "Peter Kinder".

Peter Kinder
Lieutenant Governor

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

Robin Carnahan
Secretary of State