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SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI  
REGISTER

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

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

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

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

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

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

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

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

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

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

## Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

### EMERGENCY AMENDMENT

**2 CSR 90-10.011 Inspection Authority—Duties.** The commission is amending sections (1), (2), (3), and (8).

*PURPOSE:* This amendment changes the inspection authority of liquefied petroleum gas safety, clarifies the officer charged with duties related to meter inspections, and changes the type of testing required.

*EMERGENCY STATEMENT:* This emergency amendment is necessary to comply with the requirements of section 323.025, RSMo Supp. 2007, which created the Missouri Propane Gas Commission to ensure the administration and enforcement of Chapter 323, Liquefied Petroleum Gases, and all rules and regulations and orders promulgated thereunder. This emergency amendment transfers authority from the director of the Missouri Department of Agriculture to the director of the Missouri Propane Gas Commission, enabling the commission to perform its most critical responsibility—the inspection of safety in the storage, handling, transportation, and use of liquefied petroleum gases. Since the time the Missouri Department of Agriculture lost its funding and ability to inspect and enforce standards, propane safety inspections have not been conducted, and are not currently being conducted, by any regulatory entity. It is imperative that this rule be amended as quickly as possible to give the

*Missouri Propane Gas Commission the authority to perform safety inspections. Inspections are necessary to discover and correct unsafe practices, equipment, containers, systems, and facilities. Under unsafe conditions, liquefied petroleum gas is extremely volatile and has been responsible for numerous accidents, many of which were catastrophic and fatal. Also, without safety inspections, the number of accidents is more likely to increase over time due to potential deterioration of equipment, containers, and systems, and lax practices of liquefied petroleum gas operations. Following the change in statute, the Missouri Department of Agriculture was unable to submit a proposed rule until members of the newly-created commission were appointed and approved by the governor with the advice and consent of the senate. The commission is comprised of members who represent various entities related to or interested in the propane industry, including multi-state and other retail marketers, wholesalers, or resellers, the Mechanical Contractors Association, the Plumbing Industry Council, an affiliated industry, Department of Agriculture, Department of Natural Resources, and the public. There was a delay in the appointment process due to a standstill by the senate. The appointment process was completed on March 20, 2008. Section 323.025, RSMo, states that any action taken by the commission may be authorized by resolution approved by a majority but not less than four (4) of the commissioners. The board's first meeting was on February 27, 2008. The proposed amendment was discussed at the April 23, 2008, board meeting, which was open to the public. Commissioners and other interested individuals were present and contributed to the discussion of the proposed amendment. Since that time, the commission sought and hired a director who was to coordinate this rulemaking. The director began employment on August 4, 2008. The amendment continued to be discussed and refined and was finalized on October 9, 2008. The Missouri Department of Agriculture believes this emergency amendment is necessary to protect the health, welfare, and safety of the public as it pertains to the storing, handling, and transportation of liquefied petroleum gases. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The Missouri Department of Agriculture believes this emergency amendment is fair to all interested persons and parties under the circumstances. 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*. This emergency amendment was filed on October 15, 2008, effective October 25, 2008, and expires April 22, 2009.*

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The director [of agriculture] is the officer in charge of [the collection of meter inspection fees, liquefied petroleum gas (LPG) meter inspection and] the safety in the storage, handling, transportation, and use of liquefied petroleum gas [in the Department of Agriculture] of the Missouri Propane Gas Commission referred to as the inspection authority.

(A) The director of the Missouri Department of Agriculture is the officer in charge of the collection of meter inspection fees and liquefied petroleum gas (LPG) meter inspections.

(2) The inspection authority shall have discretionary authority to require annual [pressure] leak testing of all LPG piping systems serving schools, churches, nursing homes, resorts, mobile home

parks, public housing, hospitals, amusement parks, summer camps (Boy Scout, Girl Scout, church, etc.), and other public buildings and institutions. It shall be the responsibility of the owner, administrator, superintendent, director, or other responsible person directly associated with any of the piping systems serving any of the listed public buildings, mobile home parks, summer camps (Boy Scout, Girl Scout, church, etc.), amusement parks, and institutions to assume full responsibility to secure the annual *[pressure]* leak test of the LPG system on or before September 1 of each calendar year with the exception of summer camps and amusement parks which shall be completed on or before June 1 of each calendar year. A copy of the test report shall be submitted to the inspection authority within five (5) days after completion of the test. Failure to complete the required annual *[pressure]* leak tests may be due cause to consider the LPG system unsafe for continued use and shall be reason to place the system out-of-service until the time a *[pressure]* leak test is completed and the system found to be free of leaks and safe for continued operation.

(3) The standards for storage and handling of LPGs and the standards for the installation of gas appliances and gas piping as published in the National Fire Protection Association publications, Numbers 54, 1999 edition; 58, 2001 edition; 59, 1984 edition; 501A, 1982 edition; and 501C, 1987 edition. All publications are published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, which are incorporated by reference, and will be adhered to by the inspection authority in the course of administering its duties. **This rule does not incorporate any subsequent amendments or additions to the referenced material.** These are adopted as rules in 2 CSR 90-10.020, 2 CSR 90-10.040, 2 CSR 90-10.060, and 2 CSR 90-10.090.

(8) If the director *[of the Department of Agriculture]* determines that any LPG container constitutes an immediate danger to the public or property, s/he shall require the immediate removal of liquid and vapor LPG from the container by a registered LPG dealer or company. If the director determines that any LPG appliance, equipment, or system constitutes an immediate danger to the public and property, s/he shall require the immediate disconnection by a registered LPG dealer or company from the LPG container.

**AUTHORITY:** section 323.020, RSMo [1986] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed April 3, 1990, effective June 28, 1990. Emergency amendment filed Oct. 15, 2008, effective Oct. 25, 2008, expires April 22, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 90—Weights and Measures**  
**Chapter 10—Liquefied Petroleum Gases**

**EMERGENCY AMENDMENT**

**2 CSR 90-10.012 Registration—Training.** The commission is amending sections (1), (3), and (5).

**PURPOSE:** This amendment changes the recipient of the application, administrator of the examination, and furnisher of application forms.

**[PUBLISHER'S NOTE:** The forms referenced in this rule may be accessed through the Missouri Department of Agriculture's website at [www.mda.state.mo.us](http://www.mda.state.mo.us) or by request from the agency at (573) 751-4278.]

**EMERGENCY STATEMENT:** This emergency amendment is necessary to comply with the requirements of section 323.025, RSMo Supp. 2007, which created the Missouri Propane Gas Commission to ensure the administration and enforcement of Chapter 323, Liquefied Petroleum Gases, and all rules and regulations and orders promulgated thereunder. This amendment requires that persons wanting to sell, handle, or transport liquefied petroleum gas (LPG) in Missouri, or install and service equipment and appliances for use with LPG in Missouri, apply to and get approval from the director of the Missouri Propane Gas Commission to become registered. The application is a critical means by which the commission is made aware of potential LPG business in Missouri, thereby enabling the commission to enforce safety regulations pertaining to business establishments and operations. Without this amendment, persons wanting to conduct LPG business in Missouri would not be required to apply for registration with the commission. The commission, therefore, would not be aware of these businesses, and the businesses could potentially be established and operational without proper safety regulations in place. Without these safety regulations, the potential for LPG accidents would be much greater. It is imperative that this rule be amended as quickly as possible so the commission can inspect and regulate the safety of all potential and existing LPG businesses. It is particularly important for potential and new businesses to have proper safeguards in place. Through early and on-going inspections, the commission will be able to prevent, discover, and correct unsafe LPG practices, equipment, containers, systems, and facilities. Under unsafe conditions, liquefied petroleum gas is extremely volatile and has been responsible for numerous accidents, many of which were catastrophic and fatal. Following the change in statute, the Missouri Department of Agriculture was unable to submit a proposed rule until members of the newly-created commission were appointed and approved by the governor with the advice and consent of the senate. The commission is comprised of members who represent various entities related to or interested in the propane industry, including multi-state and other retail marketers, wholesalers, or resellers, the Mechanical Contractors Association, the Plumbing Industry Council, an affiliated industry, Department of Agriculture, Department of Natural Resources, and the public. There was a delay in the appointment process due to a standstill by the senate. The appointment process was completed on March 20, 2008. Section 323.025, RSMo, states that any action taken by the commission may be authorized by resolution approved by a majority but not less than four (4) of the commissioners. The board's first meeting was on February 27, 2008. The proposed amendment was discussed at the April 23, 2008, board meeting, which was open to the public. Commissioners and other interested individuals were present and contributed to the discussion of the proposed amendment. Since that time, the commission sought and hired a director who was to coordinate this rulemaking. The director began employment on August 4, 2008. The amendment continued to be discussed and refined and was finalized on October 9, 2008. The Missouri Department of Agriculture believes this emergency amendment is necessary to protect the health, welfare, and safety of the public as it pertains to the storing, handling, and transportation of liquefied petroleum gases. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The Missouri Department of Agriculture believes this emergency amendment is fair to all interested persons and parties under the circumstances. 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*. This emergency amendment was filed on October 15, 2008, effective October 25, 2008, and expires April 22, 2009.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be

made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) As a prerequisite to registration in this state and receiving a numbered certificate of registration to engage in the business of selling at retail liquefied petroleum gas (LPG), or in the business of handling or transporting LPG over the highways of this state, or in the business of installing and servicing equipment and appliances for use with LPG in this state, application shall be made to the director [of agriculture] on forms, prescribed for this purpose with such reasonable information as shall be deemed necessary, **which may be obtained from the Missouri Propane Gas Commission at (573) 893-1073 and are incorporated by reference.**

(3) Every individual applying for registration to engage in the business of handling, storing, or transporting LPGs or in the business of installing, repairing, or servicing piping, equipment, or appliances for use with LPGs must score at least seventy-five percent (75%) on a written examination administered by the [Division of Weights and Measures] **Missouri Propane Gas Commission** before approval of registration will be granted.

(5) Residents of states other than Missouri who desire to engage in or continue to do business in this state shall submit an application for registration on forms **MPGC-1219, MPGC-0910, and MPGC-1136, all published in 2008, and** furnished for this purpose by the director [of agriculture.], **which may be obtained from the publisher, Missouri Propane Gas Commission at (573) 893-1073, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302, which are incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.** Qualifications and approval for this registration permit will be determined on the basis outlined in Chapter 323, RSMo. The information submitted shall be related to the requirements of this state and any additional provisions required by the LPG inspection authority of their state residency in determining eligibility for registration.

*AUTHORITY: section 323.020, RSMo 2000. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Emergency amendment filed Oct. 15, 2008, effective Oct. 25, 2008, expires April 22, 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—MO HealthNet Division  
Chapter 10—Nursing Home Program**

**EMERGENCY RULE**

**13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates**

*PURPOSE: This rule sets forth the global per diem adjustments to be applied to nursing facility reimbursement rates, established in 13 CSR 70-10.015, and HIV nursing facility reimbursement rates, established in 13 CSR 70-10.080. The global per diem adjustments were previously included in 13 CSR 70-10.015 and 13 CSR 70-10.080. This rule provides for a per diem increase to nursing facility and HIV nursing facility reimbursement rates by granting a trend adjustment resulting in an increase of six dollars and zero cents (\$6.00) effective for dates of service beginning July 1, 2008.*

*EMERGENCY STATEMENT: The Department of Social Services, MO HealthNet Division by rule and regulation must define the reasonable costs, manner, extent, quantity, quality, charges, and fees of medical assistance. Effective for dates of service beginning July 1, 2008, the appropriation by the General Assembly included additional funds to increase nursing facilities' and HIV nursing facilities' reimbursements to account for a trend adjustment for state fiscal year (SFY) 2009. The Centers for Medicare and Medicaid Services approved the Missouri Medicaid State Plan Amendment that added the six dollars and zero cents (\$6.00) increase on September 25, 2008. The MO HealthNet Division is carrying out the General Assembly's intent by providing for a per diem increase to nursing facility and HIV nursing facility reimbursement rates through the implementation of a trend adjustment effective for dates of service beginning July 1, 2008, of an additional six dollars and zero cents (\$6.00). The trend adjustment is necessary to ensure that payments for nursing facility and HIV nursing facility per diem rates are in line with the funds appropriated for that purpose. There is a total of five hundred and four (504) nursing facilities and HIV nursing facilities currently enrolled in MO HealthNet, which will receive a per diem increase to its reimbursement rate of six dollars and zero cents (\$6.00) effective for dates of service beginning July 1, 2008. This emergency rule will ensure payment for nursing facility and HIV nursing facility services to approximately twenty-five thousand (25,000) senior Missourians in accordance with the appropriation authority. This emergency rule must be implemented on a timely basis to ensure that quality nursing facility and HIV nursing facility services continue to be provided to MO HealthNet participants in nursing facilities and HIV nursing facilities during SFY 2009 in accordance with the appropriation authority. 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 MO HealthNet Division has a compelling government interest in providing continued cash flow for nursing facility and HIV nursing facility services. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The MO HealthNet Division believes this emergency rule is fair to all interested persons and parties under the circumstances. A proposed rule covering the six dollars and zero cents (\$6.00) increase was published in the Missouri Register on August 1, 2008 (33 MoReg 1429-1432). The final order of rulemaking relating to that proposed rule was filed with the Joint Committee on Administrative Rules on September 19, 2008 and will be filed with the secretary of state October 19, 2008. Therefore, the division believes this emergency to be fair to all interested persons and parties under the circumstances. This emergency rule was filed October 3, 2008, effective October 13, 2008, and expires April 10, 2009.*

(1) Authority. This regulation is established pursuant to the authorization granted to the Department of Social Services (department), MO HealthNet Division (division), to promulgate rules and regulations.

(2) Purpose. This regulation sets forth the global per diem adjustments to be applied to nursing facility reimbursement rates, established in 13 CSR 70-10.015, and Human Immunodeficiency Virus (HIV) nursing facility reimbursement rates, established in 13 CSR 70-10.080. All principles and definitions set forth in 13 CSR 70-10.015 are applicable to nursing facilities, and all principles and definitions set forth in 13 CSR 70-10.080 are applicable to HIV nursing facilities. The terms "facility" or "facilities" as used in this regulation shall apply to both nursing facilities and HIV nursing facilities.

(3) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed in 13 CSR 70-10.015, a nursing facility's reimbursement rate may be adjusted as described in this section. Subject to the limitations prescribed in 13 CSR 70-10.080, an HIV nursing

facility's reimbursement rate may be adjusted as described in this section.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments. Global per diem rate adjustments shall be added to the specified cost component ceiling.

1. FY-96 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1995, shall be granted an increase to their per diem effective October 1, 1995, of four and six-tenths percent (4.6%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

2. FY-97 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1996, shall be granted an increase to their per diem effective October 1, 1996, of three and seven-tenths percent (3.7%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

3. Nursing Facility Reimbursement Allowance (NFRA). Effective October 1, 1996, all facilities with either an interim rate or a prospective rate shall have its per diem adjusted to include the current NFRA as an allowable cost in its reimbursement rate calculation.

4. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on November 1, 1996, shall be granted an increase to their per diem effective November 1, 1996, of two dollars and forty-five cents (\$2.45) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the fifty-cent (50¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

5. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents (\$1.98) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty-cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

6. FY-98 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of three and four-tenths percent (3.4%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

7. FY-99 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of two and one-tenth percent (2.1%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

8. FY-2000 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of one and ninety-four hundredths percent (1.94%) of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

9. FY-2004 nursing facility operations adjustment.

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2003, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2003, through June 30, 2004, of four dollars and thirty-two cents (\$4.32) for the cost of nursing facility operations. Effective for dates of service beginning July 1, 2004, the per diem adjustment shall be reduced to three dollars and seventy-eight cents (\$3.78).

B. The operations adjustment shall be added to the facility's current rate as of June 30, 2003, and is effective for payment dates after August 1, 2003.

10. FY-2007 quality improvement adjustment.

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2006, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2006, of three dollars and seventeen cents (\$3.17) to improve the quality of life for nursing facility residents.

B. The quality improvement adjustment shall be added to the facility's current rate as of June 30, 2006, and is effective for dates of service beginning July 1, 2006, and after.

11. FY-2007 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on February 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning February 1, 2007, of three dollars and zero cents (\$3.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's reimbursement rate as of January 31, 2007, and is effective for dates of service beginning February 1, 2007, for payment dates after March 1, 2007.

12. FY-2008 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2007, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2007, and is effective for dates of service beginning July 1, 2007.

13. FY-2009 trend adjustment.



A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2008, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2008, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2008, and is effective for dates of service beginning July 1, 2008.

*AUTHORITY: section 208.159, RSMo 2000 and sections 208.153 and 208.201, RSMo Supp. 2007. Original rule filed July 1, 2008. Emergency rule filed Oct. 3, 2008, effective Oct. 13, 2008, expires April 10, 2009.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 500—Property and Casualty  
Chapter 7—Title**

**EMERGENCY AMENDMENT**

**20 CSR 500-7.030 General Instructions.**The division is adding a new subsection (1)(G) and renumbering subsequent subsections.

*PURPOSE: This rule is being amended to adopt a form required by proposed rule 20 CSR 500-7.080.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

*EMERGENCY STATEMENT: This emergency amendment incorporates by reference the forms required in proposed and emergency rule 20 CSR 500-7.080, which establishes the review standards and reporting format for the annual on-site review required by section 381.023, RSMo Supp. 2007. This section was enacted by Senate Bill 66, Laws 2007. This emergency rule is necessary to preserve the public welfare of Missouri citizens by ensuring that the public, title insurers, title agents, and title agencies understand the on-site requirements outlined in section 381.023, RSMo Supp. 2007. Between July 2007 and the present, the department has met with the Title Insurance Advisory Committee, which is comprised of underwriters and title agents, many of whom represented small businesses, to discuss how to best implement the new requirements in Senate Bill 66, Laws 2007. As a result of these meetings, in January 2008, the department proposed a package of rules to implement parts of Senate Bill 66, Laws 2007. Those rules became effective September 30, 2008. This proposed amendment adopts a form insurers need to comply with the rule package effective September 30, 2008, and proposed rule 20 CSR 500-7.080. Even though Senate Bill 66 required insurers to conduct an annual on-site review beginning January 1, 2008, members of the Title Insurance Advisory Committee asked the department to file an emergency rule effective January 1, 2009, so all insurers can begin using the approved form for their 2009 filings. Further, if this rule is promulgated as an emergency rule, the department can more efficiently review filings for compliance with Senate Bill 66 because the filings will be formatted similarly. As a result, the Missouri Department of Insurance, Financial Institutions and Professional Registration finds an immediate danger to the public welfare and a compelling governmental interest, which requires emergency action. The scope of this emergency amendment is limited*

*ed to the conditions creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency rule, representatives of the insurance industry were consulted. Further, the department continues to consult with industry representatives in developing a permanent proposed rule. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency rule was filed on October 15, 2008, effective January 1, 2009, and expires June 29, 2009.*

(1) Filing and Report Forms. The following forms are incorporated by reference and approved for filing with the department. The forms contain no later amendments or additions and are available to the public for inspection and copying at the department's website at [www.insurance.mo.gov](http://www.insurance.mo.gov) or at the department offices at 301 West High Street, Room 530, Jefferson City, MO 65101.

**(G) The Insurer's On-site Review Report form (Form T-6A and Form T-6B), revised September 9, 2008, or any form which substantially comports with the specified form.**

*[(G)](H) The Uniform Premium (Risk Rate) Report form (Form T-7), revised January 1, 2008, or any form which substantially comports with the specified form.*

*[(H)](I) The Seller's Closing Protection Letter form (Form T-8 and Form T-8alt), revised on January 17, 2008, or any form which substantially comports with the specified form.*

*[(I)](J) The Buyer's or Lender's Closing Protection Letter form (Form T-9 and Form T-9alt), revised on January 17, 2008, or any form which substantially comports with the specified form.*

*[(J)](K) The Title Plant Registration form (Form T-12), revised on May 21, 2008, or any form which substantially comports with the specified form.*

*AUTHORITY: section 374.045, RSMo 2000 and section 381.042, RSMo Supp. 2007. Emergency rule filed Jan. 16, 2008, effective Jan. 28, 2008, expired July 14, 2008. Original rule filed Jan. 16, 2008, effective Sept. 30, 2008. Emergency amendment filed Oct. 15, 2008, effective Jan. 1, 2009, expires June 29, 2009. A proposed amendment covering this same material appears in this issue of the Missouri Register.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 500—Property and Casualty  
Chapter 7—Title**

**EMERGENCY RULE**

**20 CSR 500-7.080 Insurer's Annual On-site Review**

*PURPOSE: This regulation prescribes requirements for the minimum threshold level of review, standards of review, and the approved review report to the director for the insurer's annual on-site review of title agencies or title agents. This report to the director is a review report and is not intended to limit the actions of insurers in performing more detailed reviews.*

*EMERGENCY STATEMENT: This emergency rule establishes the review standards and reporting format for the annual on-site review required by section 381.023, RSMo Supp. 2007. This section was enacted by Senate Bill 66, Laws 2007. This emergency rule is necessary to preserve the public welfare of Missouri citizens by ensuring that the public, title insurers, title agents, and title agencies understand the on-site requirements outlined in section 381.023, RSMo Supp. 2007. Between July 2007 and the present, the department has met with the Title Insurance Advisory Committee, which is comprised of underwriters and title agents, many of whom represented small*

*businesses, to discuss how to best implement the new requirements in Senate Bill 66, Laws 2007. As a result of these meetings, in January 2008, the department proposed a package of rules to implement parts of Senate Bill 66, Laws 2007. Those rules became effective September 30, 2008. This proposed rule requires a form insurers need to comply with the rule package effective September 30, 2008. Even though Senate Bill 66 required insurers to conduct an annual on-site review beginning January 1, 2008, members of the Title Insurance Advisory Committee asked the department to file an emergency rule effective January 1, 2009, so all insurers can begin using the approved form for their 2009 filings. Further, if this rule is promulgated as an emergency rule, the department can more efficiently review filings for compliance with Senate Bill 66 because the filings will be formatted similarly. As a result, the Missouri Department of Insurance, Financial Institutions and Professional Registration finds an immediate danger to the public welfare and a compelling governmental interest, which requires emergency action. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency rule, representatives of the insurance industry were consulted. Further, the department continues to consult with industry representatives in developing a permanent proposed rule. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed on October 15, 2008, effective January 1, 2009, and expires June 29, 2009.*

(1) Annual On-site Review Required Under Certain Circumstances.

(A) Insurers must conduct in each calendar year, after the initial contract year, an on-site review of agent/agency practices for each agent or agency that is currently appointed as a policy issuing agent. A report of such review shall be made to the director pursuant to subsection (2)(A) of this rule.

(B) The on-site review required under this rule constitutes minimum insurer review levels.

(2) Standards of Annual On-site Review. Insurer shall conduct an annual on-site review of underwriting, claims, and escrow practices of agencies where commitments and/or policies of the insurer have been issued that is reasonably designed to detect violations of Chapter 381, RSMo, compliance with the Issuing Agency Agreement and compliance with the underwriting standards and guidelines as established by the insurer. The insurer annual on-site review shall provide, at a minimum, for the following:

(A) Licensure Review. Each on-site review shall include a review of the title insurance agency license;

(B) Underwriting Practices and Claims. The title insurer shall review the agency's adherence to its established underwriting standards. The title insurer shall review the agency's procedures for notification of claims according to the terms of the Issuing Agency Contract between the title agency or agent and the insurer and the terms contained in the insurer's policies of title insurance;

(C) Insurer Remittances. Each on-site review shall verify that the funds held on behalf of the insurer are reasonably ascertainable from the books of account and records of the title agency or agent and are sufficient to satisfy the obligations of the title agency or agent to the insurer. Each on-site review shall verify that remittances are being paid to the insurer by the policy issuing agent in a timely manner in accordance with section 381.038.3, RSMo;

(D) Insurer-Agency Contract. Each on-site review shall include a review of the title insurer and title insurance agency/title insurance agent contracts to ensure a) the contract sets forth the responsibilities of each party and, when both parties share the responsibility for a particular function, specifies the division of responsibilities, and b) the contract is up-to-date and properly executed;

(E) Annual Statement. The title insurer shall obtain from the title insurance agent, or from the title insurance agency if the title insurance agent is employed by a title insurance agency, a statement of financial condition of the title insurance agent or title insurance

agency as required pursuant to section 381.023.2(2), RSMo, which includes an income statement and balance sheet or federal tax return showing the condition of the title insurance agent/agency affairs as of December 31 of the preceding year, or fiscal year. This statement of financial condition shall be certified by the title insurance agent or the title insurance agency's designated agent as being a true and correct representation of the financial condition. The title insurer shall document its receipt of the title insurance agent's or title insurance agency's statement of financial condition in the title insurer's on-site review report and shall maintain the documentation provided by the agent/agency in support of such statement for a period of at least four (4) years;

(F) Affiliated Business. The title insurer shall review the title insurance agent's affiliated business arrangements for conflicts of interest and regulatory compliance;

(G) Orders. Each on-site review shall reconcile the title agency or agent's orders with commitments, title searches and title policies of the insurer, and collection of premiums on behalf of the insurer;

(H) Commitments. Each on-site review shall include a review of:

1. The title insurance agent's procedure for tracking issued commitments of the insurer;

2. The title insurance agent's practices relating to cancellation of commitments of the insurer on transactions that do not close; and

3. The title insurance agent's procedures for follow-up after closing to track status of outstanding conditions required for timely issuance of policies of the insurer;

(I) Voiding Policies. Each on-site review shall include a review of the title insurance agent's procedure for voiding policies of the insurer according to the terms of the Issuing Agency Contract and other guidelines as may be established from time-to-time by the insurer;

(J) Escrow, Security, and Settlement File Tracking. Each on-site review shall include a review of the title insurance agent's tracking of its open escrow files, security settlement, or closing files where commitments or policies of the insurer have been issued;

(K) Policy Register. Each on-site review shall include a reconciliation of policy jackets provided to the title insurance agent by the insurer, compared to existing outstanding inventory and policies of the insurer issued by the title insurance agent;

(L) Policy Issuance. Each on-site review shall include a review of the title insurance agent's files, where commitments or policies of the insurer have been issued, to determine the average length of time between the issuance of the title policy and either all of the requirements to insure have been met or special circumstances for policy delay as contained in 20 CSR 500-7.090 have been met; and

(M) Escrow Practices and Account Reconciliation. For those agents performing escrow, security settlement, or closing services pursuant to section 381.022, RSMo, the title insurer shall review the title insurance agent's closing procedures and shall include a sample of escrow closing files where commitments or policies of the title insurer have been issued, and based upon the findings of a review of the monthly reconciliations of all of the fiduciary trust accounts, as certified by the title agent or agency to the insurer, prepared by the title agent or agency. The review shall include a determination of compliance with the following: a) use of escrow agreements; b) adherence to the "good funds" requirements; c) deposit practices; d) disbursement of funds in compliance with written instructions; and e) recording of all deeds, releases, and other documents required of the title insurance agent.

(3) Insurer's On-site Review Report (Form T-6A and T-6B).

(A) Insurers conducting an annual on-site review are required under section 381.023.4, RSMo, to report the findings to the director. This report shall be made utilizing the Insurer's On-site Review Report form (Form T-6A) and Title Insurer's On-site Review Sampling Methods (Form T-6B), or any form that substantially complies with the specified form.

(B) Review Reports T-6A and T-6B shall be submitted to the director within one hundred twenty (120) days of the completion of the review, except that findings relating to Section 14, Escrow Practices

and Account Reconciliation, of Form T-6A, that do not comply with the escrow standards of the insurer, shall be submitted to the director within ten (10) days of verification of such findings.

(C) The title insurer shall complete Form T-6B for each title insurance agent on-site review report. Form T-6B shall be deemed by the department to be a trade secret as defined by section 417.453(4), RSMo, inasmuch as such data possess economic value by virtue of its confidential status, the same or like information is unavailable through other sources, and insurers have made reasonable efforts to maintain the confidentiality of the data. As such, Form T-6B shall be considered confidential communications and immune from requests made under Chapter 610, RSMo, nor shall such data otherwise be made available to the public or unauthorized individuals except in the manner and form prescribed by this rule.

*AUTHORITY: section 374.045, RSMo 2000 and sections 381.023 and 381.042, RSMo Supp. 2007. Emergency rule filed Oct. 15, 2008, effective Jan. 1, 2009, expires June 29, 2009. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

**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  
08-32**

TO ALL DEPARTMENTS AND AGENCIES:

This is to advise that state offices will be closed on Friday, November 28, 2008.



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 2<sup>nd</sup> day of October, 2008.

**Matt Blunt  
Governor**

**ATTEST:**

**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 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

### PROPOSED RULE

#### 2 CSR 90-10.001 Definitions and General Provisions

*PURPOSE:* This rule reflects the terms of the Missouri Propane Gas Commission.

(1) Definitions. The following words and phrases shall mean:

(A) "Affiliated industry," any person or firm engaged in the manufacturing, assembling, and marketing of appliances, containers, and products used in the propane industry, the interstate or intrastate transportation or storage of propane, the installation or design of propane piping systems, or other such affiliation with the commercial, residential, or agricultural use of propane by consumers in Missouri;

(B) "Commission," the Missouri Propane Gas Commission;

(C) "Compressed natural gas" (CNG), a mixture of hydrocarbon gases and vapors, consisting principally of methane in gaseous form that has been compressed for use as a vehicular fuel;

(D) "Director," the executive director of the commission;

(E) "Director of the Missouri Department of Agriculture," the director of the Missouri Department of Agriculture or their designee;

(F) "Dispensing station," a system of compressors, safety devices, cylinders, piping, fittings, valves, regulators, gauges, relief devices, vents, installation fixtures, and other compressed natural gas equipment intended for use in conjunction with motor vehicle fueling by compressed natural gas but does not include a natural gas pipeline located upstream of the inlet of the compressor;

(G) "Liquefied petroleum gas," any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes (normal butane or isobutane), and butylenes;

(H) "Motor vehicle," all vehicles except those operated on rails which are propelled by internal combustion engines and are used or designed for use in the transportation of a person or persons or property;

(I) "Person," any individual, group of individuals, partnership, association, cooperative, corporation, or any other entity;

(J) "Producer," the owner of the propane at the time it is recovered at a manufacturing facility, irrespective of the state where production occurs;

(K) "Propane," propane, butane, mixtures of propane and butane, and liquefied petroleum gas, as defined by the National Fire Protection Association Standard 58 for the storage and handling of liquefied petroleum gases;

(L) "Public member," a member of the commission who is a resident of Missouri, is a user of odorized propane, and is not related by the third degree of consanguinity to any retailer or wholesale distributor of propane;

(M) "Retail marketer," a business engaged primarily in selling propane gas, its appliances, and equipment to the ultimate consumer or to retail propane dispensers;

(N) "Wholesaler" or "reseller," a seller of propane who is not a producer and who does not sell propane to the ultimate consumer.

*AUTHORITY:* section 323.010, RSMo Supp. 2007. Original rule filed Oct. 15, 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 Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

### PROPOSED AMENDMENT

**2 CSR 90-10.011 Inspection Authority—Duties.** The commission is amending sections (1), (2), (3), and (8).

*PURPOSE: This amendment changes the inspection authority of liquefied petroleum gas safety, clarifies the officer charged with duties related to meter inspections, and changes the type of testing required.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The director [of agriculture] is the officer in charge of [the collection of meter inspection fees, liquefied petroleum gas (LPG) meter inspection and] the safety in the storage, handling, transportation, and use of liquefied petroleum gas [in the Department of Agriculture] of the Missouri Propane Gas Commission referred to as the inspection authority.

**(A) The director of the Missouri Department of Agriculture is the officer in charge of the collection of meter inspection fees and liquefied petroleum gas (LPG) meter inspections.**

(2) The inspection authority shall have discretionary authority to require annual [pressure] leak testing of all LPG piping systems serving schools, churches, nursing homes, resorts, mobile home parks, public housing, hospitals, amusement parks, summer camps (Boy Scout, Girl Scout, church, etc.), and other public buildings and institutions. It shall be the responsibility of the owner, administrator, superintendent, director, or other responsible person directly associated with any of the piping systems serving any of the listed public buildings, mobile home parks, summer camps (Boy Scout, Girl Scout, church, etc.), amusement parks, and institutions to assume full responsibility to secure the annual [pressure] leak test of the LPG system on or before September 1 of each calendar year with the exception of summer camps and amusement parks which shall be completed on or before June 1 of each calendar year. A copy of the test report shall be submitted to the inspection authority within five (5) days after completion of the test. Failure to complete the required annual [pressure] leak tests may be due cause to consider the LPG system unsafe for continued use and shall be reason to place the system out-of-service until the time a [pressure] leak test is completed and the system found to be free of leaks and safe for continued operation.

(3) The standards for storage and handling of LPGs and the standards for the installation of gas appliances and gas piping as published in the National Fire Protection Association publications, Numbers 54, **1999 edition**; 58, **2001 edition**; 59, **1984 edition**; 501A, **1982 edition**; and 501C, **1987 edition**. **All publications are published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, which are incorporated by reference, and will be adhered to by the inspection authority in the course of administering its duties. This rule does not incorporate any subsequent amendments or additions to the referenced material.** These are adopted as rules in 2 CSR 90-10.020, 2 CSR 90-10.040, 2 CSR 90-10.060, and 2 CSR 90-10.090.

(8) If the director [of the Department of Agriculture] determines that any LPG container constitutes an immediate danger to the public or property, s/he shall require the immediate removal of liquid and vapor LPG from the container by a registered LPG dealer or company. If the director determines that any LPG appliance, equipment, or system constitutes an immediate danger to the public and property, s/he shall require the immediate disconnection by a registered LPG dealer or company from the LPG container.

*AUTHORITY: section 323.020, RSMo [1986] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed April 3, 1990, effective June 28, 1990. Emergency amendment filed Oct. 15, 2008, effective Oct. 25, 2008, expires April 22, 2009. Amended: Filed Oct. 15, 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 Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

### PROPOSED AMENDMENT

**2 CSR 90-10.012 Registration—Training.** The commission is deleting the old Publisher's Note and amending sections (1), (3), and (5).

*PURPOSE: This amendment changes the recipient of the application, administrator of the examination, and furnisher of application forms.*

*[PUBLISHER'S NOTE: The forms referenced in this rule may be accessed through the Missouri Department of Agriculture's website at [www.mda.state.mo.us](http://www.mda.state.mo.us) or by request from the agency at (573) 751-4278.]*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) As a prerequisite to registration in this state and receiving a numbered certificate of registration to engage in the business of selling at retail liquefied petroleum gas (LPG), or in the business of handling or transporting LPG over the highways of this state, or in the business of installing and servicing equipment and appliances for use with LPG in this state, application shall be made to the director [of agriculture] on forms, prescribed for this purpose with such reasonable information as shall be deemed necessary, **which may be obtained from the Missouri Propane Gas Commission at (573) 893-1073 and are incorporated by reference.**

(3) Every individual applying for registration to engage in the business of handling, storing, or transporting LPGs or in the business of installing, repairing, or servicing piping, equipment, or appliances for use with LPGs must score at least seventy-five percent (75%) on a written examination administered by the [Division of Weights and Measures] **Missouri Propane Gas Commission** before approval of registration will be granted.

(5) Residents of states other than Missouri who desire to engage in or continue to do business in this state shall submit an application for registration on forms **MPGC-1219, MPGC-0910, and MPGC-1136, all published in 2008, and** furnished for this purpose by the director *[of agriculture.]*, which may be obtained from the publisher, **Missouri Propane Gas Commission at (573) 893-1073, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302, which are incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.** Qualifications and approval for this registration permit will be determined on the basis outlined in Chapter 323, RSMo. The information submitted shall be related to the requirements of this state and any additional provisions required by the LPG inspection authority of their state residency in determining eligibility for registration.

*AUTHORITY: section 323.020, RSMo [2000] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Emergency amendment filed Oct. 15, 2008, effective Oct. 25, 2008, expires April 22, 2009. Amended: Filed Oct. 15, 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 Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights and Measures  
Chapter 10—Liquefied Petroleum Gases**

**PROPOSED AMENDMENT**

**2 CSR 90-10.013 Installation Requirements.** The commission is deleting the old Publisher's Note and amending sections (11) and (13).

*PURPOSE: This amendment corrects the type of cylinder capacity when filled.*

*[PUBLISHER'S NOTE: The forms referenced in this rule may be accessed through the Missouri Department of Agriculture's website at [www.mda.state.mo.us](http://www.mda.state.mo.us) or by request from the agency at (573) 751-4278.]*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(11) All LPG dispensers shall have recommended fill procedures posted in a conspicuous location and all cylinder fill dispensers shall

be equipped with a state-approved scale to be utilized for the safe filling of LPG cylinders. LP gas cylinders of one hundred (100) pounds *[water]* propane capacity or less shall be filled by weight only utilizing a state-approved scale. Cylinders of one hundred (100) pounds capacity or less shall not be filled from any LP gas delivery vehicle. An exception may be made by the inspection authority for cylinders utilized in hot air balloon service if the cylinders are approved for such service, have an accurate approved method of gauging, are in good condition, and are filled in a safe location away from any source of ignition.

(13) Polyethylene pipe or tubing may be used for LPG service if in compliance with the American Society of Testing and Materials (ASTM) D2513 Standards, National Fire Protection Association (NFPA) 58, 1995 Edition, **published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101 and incorporated by reference,** installed only underground and approved by the LPG inspection authority. Plastic pipe or tubing shall not be used. **This rule does not incorporate any subsequent amendments or additions to the referenced material.**

*AUTHORITY: section 323.020, RSMo [2000] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Amended: Filed Oct. 15, 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 Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights and Measures  
Chapter 10—Liquefied Petroleum Gases**

**PROPOSED AMENDMENT**

**2 CSR 90-10.014 Storage.** The commission is deleting the old Publisher's Note and amending section (8).

*PURPOSE: This amendment specifies material being referenced.*

*[PUBLISHER'S NOTE: The forms referenced in this rule may be accessed through the Missouri Department of Agriculture's website at [www.mda.state.mo.us](http://www.mda.state.mo.us) or by request from the agency at (573) 751-4278.]*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(8) All skid-mounted LPG storage container systems of four thousand (4000)-gallon capacity (single or multiple containers) shall comply with the National Fire Protection Association Manual Number 58, 1995 edition, section 3-2.8.10, **published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101 and incorporated by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material.**

*AUTHORITY: section 323.020, RSMo [1994] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Oct. 15, 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 Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights and Measures  
Chapter 10—Liquefied Petroleum Gases**

**PROPOSED AMENDMENT**

**2 CSR 90-10.016 Meters for Measurement—Specifications and Proving.** The commission is amending sections (6), (7), (8), and (9).

*PURPOSE: This amendment clarifies the enforcer and governing authority of the general standards of the rule and adds the entity who may suspend permits.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(6) A person, firm, or corporation owning or having in its possession an LPG measuring device which is installed for use to measure liquid gallons to a retail customer in this state shall permit the device to be tested after reasonable request is made by the *[inspection authority] director of the Department of Agriculture* and give full assistance and cooperation during the testing procedure. Tickets and other records of deliveries shall be made available upon request to determine that proper compliance and procedure is in effect for making deliveries to retail customers.

(7) When liquid meters are determined to be accurate within the tolerance limits in the *[current] 2008* edition of the National Institute of Standards and Technology Handbook 44, **published by the National Institute of Standards and Technology, Weights and**

**Measures Division, 100 Bureau Dr., Stop 2600, Gaithersburg, MD 20899-2600 and incorporated by reference, the *[inspection authority] director of the Department of Agriculture*, immediately upon completion of the test, shall seal the meter in a manner so as to prevent tampering which would affect the accuracy of measurement. No person shall remove, break, or tamper with the meter seal without the written consent of the *[inspection authority] director of the Department of Agriculture*. These requirements shall not preclude the necessity to make needed repairs to the metering device or to transfer to another tank. If it is necessary to break or remove the seal to accomplish repairs or transfer, written notice shall be given to the *[inspection authority] director of the Department of Agriculture* within forty-eight (48) hours from the date the repairs or transfer is made. **This rule does not incorporate any subsequent amendments or additions to the referenced material.****

(8) When a liquid meter is found to be inaccurate beyond the tolerance allowed in the *[current edition of the] National Institute of Standards and Technology Handbook 44*, after a test is made, it shall be conspicuously marked INACCURATE by the *[inspection authority] director of the Department of Agriculture* and shall not be used for measuring liquid gallons to retail customers until it has been corrected within tolerance limits.

(9) Any registrant delivering a lesser amount of LPG to a retail customer than is invoiced to the customer, if it is proven at a hearing conducted by the **director of the Department of Agriculture** for this purpose that the shortage of delivery and overbilling of the amount delivered was made with intent to defraud, shall be subject to having his/her registration permit suspended by the **inspection authority**.

*AUTHORITY: section 323.020, RSMo [1994] Supp. 2007. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Oct. 15, 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 Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights and Measures  
Chapter 10—Liquefied Petroleum Gases**

**PROPOSED RESCISSION**

**2 CSR 90-10.017 Mobile Homes.** This rule set minimum general standards governing the utilization of liquefied petroleum gas in mobile homes.

*PURPOSE: This rule is being rescinded as it is no longer an enforceable provision.*



*AUTHORITY: section 323.020, RSMo 1994. Original rule filed July 13, 1977, effective Nov. 11, 1977. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Rescinded: Filed Oct. 15, 2008.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights and Measures  
Chapter 10—Liquefied Petroleum Gases**

**PROPOSED AMENDMENT**

**2 CSR 90-10.020 NFPA Manual No. 54, National Fuel Gas Code.** The commission is eliminating the “Summary” and amending section (1).

*PURPOSE: This amendment adds the scope of the National Fire Protection Manual No. 54, National Fuel Gas Code to the text.*

*[SUMMARY: The scope of National Fire Protection Association (NFPA) Manual No. 54, National Fuel Gas Code, 1999 edition, is to develop fire safety codes, standards, recommended practices and manuals, as may be considered desirable, covering the installation of piping and appliances using fuel gases such as natural gas, manufactured gas, liquefied petroleum gas and liquefied petroleum gas-air mixture.]*

*PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Standards contained in National Fire Protection Association (NFPA) Manual No. 54, *National Fuel Gas Code*, 1999 edition, **published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101**, are incorporated herein by reference. **This rule does not incorporate any subsequent amendments or additions to the referenced material.** The balance of this rule sets forth requirements for liquefied petroleum (LPG) applications not covered in the manual. **The scope of National Fire Protection Association (NFPA) Manual No. 54, National Fuel Gas Code, 1999 edition, is to develop fire safety codes, standards, recommended practices, and manuals, as may be considered desirable, covering the installation of piping and appliances using fuel gases such as natural gas, manufactured gas, liquefied petroleum gas, and liquefied petroleum gas-air mixture.**

*AUTHORITY: section[s] 261.023.6, RSMo 2000 and section 323.020, RSMo [2000] Supp. 2007. Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. Amended: Filed Sept. 8, 1969, effective Sept. 18, 1969. Amended: Filed May 13, 1977, effective Jan. 13, 1978. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Amended: Filed Nov. 13, 1997, effective June 30, 1998. Amended: Filed Dec. 3, 2001, effective June 30, 2002. Amended: Filed Oct. 15, 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 Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights and Measures  
Chapter 10—Liquefied Petroleum Gases**

**PROPOSED AMENDMENT**

**2 CSR 90-10.040 NFPA Manual No. 58, Storage and Handling of Liquefied Petroleum Gases.** The commission is amending sections (1), (4), and (8).

*PURPOSE: This amendment identifies the entity who issues state decals, to whom forms are filed, and who approves the preparer of the Fire Safety Analysis.*

*PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) This rule incorporate[d/s] by reference National Fire Protection Association (NFPA) Manual No. 58, *Storage and Handling of Liquefied Petroleum Gases*, 2001 edition, **published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101**, as the current Standard for the Storage and Handling of Liquefied Petroleum Gases. **This rule does not incorporate any subsequent amendments or additions to the referenced material.**

(4) All this installed equipment shall be identified by a state decal issued by the *[Division of Weights and Measures, Department of Agriculture]* director and applied by the registered installer. Upon transfer of equipment from one (1) vehicle to another vehicle, the installation shall be reinspected and a new decal applied to the container and proper forms filed with the *[Division of Weights and Measures]* director.

(8) The written Fire Safety Analysis, required by the 2001 edition of the National Fire Protection Association’s Pamphlet 58, *Liquefied Petroleum Gas Code*, section 3.10.2.2, **published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, and incorporated by reference**, shall be prepared by a

person approved by the [Department of Agriculture's Division of Weights & Measures] Missouri Propane Gas Commission, who has relevant experience and is knowledgeable of the practices of the LP gas industry. Except for an engineered facility, the Fire Safety Analysis may be prepared by the owner of the facility in cooperation with the local fire department and/or Fire Marshall. The Fire Safety Analysis for an engineered facility, such as one that incorporates refrigerated storage, automated fuel standby (either industrial or utility) or pipeline terminals, shall be prepared, stamped and signed by a professional engineer who has relevant experience in LP gas or fire protection. **This rule does not incorporate any subsequent amendments or additions to the referenced material.**

**AUTHORITY:** section[s] 261.023.6, RSMo 2000 and section 323.020, RSMo [2000] Supp. 2007. Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 15, 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 Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. 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 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

### PROPOSED RESCISSION

**2 CSR 90-10.100 Inspection of School Buses Propelled by Liquefied Propane Gas.** This rule set forth the inspection procedure to be followed by all authorized inspectors of school buses which are equipped with liquefied propane gas carburetion. The annual inspection period, July through August, was established and the inspection was to be performed by an installer of liquefied propane gas registered with the Division of Weights and Measures, Department of Agriculture.

**PURPOSE:** This rule is being rescinded as it is no longer an enforceable provision.

**AUTHORITY:** section 323.020, RSMo 1986. Original rule filed Oct. 13, 1982, effective Feb. 11, 1983. Amended: Filed May 2, 1985, effective Sept. 27, 1985. Amended: Filed March 3, 1989, effective June 29, 1989. Rescinded: Filed Oct. 15, 2008.

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

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

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109. 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 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

### PROPOSED AMENDMENT

**3 CSR 10-4.111 Endangered Species.** The commission proposes to amend subsections (3)(B) and (C).

**PURPOSE:** This amendment removes the barn owl, bald eagle, and western fox snake from the list of species designated as "endangered" in Missouri.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(B) Birds: northern harrier, interior least tern, [barn-owl,] Swainson's warbler, snowy egret, king rail, Bachman's sparrow, [bald eagle,] peregrine falcon, American bittern, greater prairie-chicken.

(C) Reptiles: western chicken turtle, Blanding's turtle, Illinois mud turtle, yellow mud turtle, [western fox snake,] Mississippi green water snake, massasauga rattlesnake.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

### PROPOSED AMENDMENT

**3 CSR 10-4.113 Ginseng.** The commission proposes to amend sections (1) and (3) and delete the forms which follow in the Code of State Regulations.

**PURPOSE:** This amendment delays the sale/purchase date for dry wild ginseng from September 1 to September 15 and eliminates ginseng dealer forms from the Code.

(1) Wild ginseng (*Panax quinquefolium*) may be harvested from September 1 through December 31. Wild ginseng plants or roots harvested must possess three (3) or more true leaves (prongs). The entire stalk, minus the mature fruits, shall be kept with the plants until they are taken to the harvester's home or place of business. When harvesting wild ginseng, harvesters shall plant all seeds from

harvested plants within one hundred feet (100') of the parent plants. Plants or roots of wild ginseng taken in Missouri, or acquired from outside the state, may be purchased, sold, transported, or exported in dried form only from September [1] 15 through March 15; provided, wet or undried roots may be purchased, sold, transported, or exported from September 1 through March 15 and certified roots may be possessed, purchased, sold, transported, or exported throughout the year in accordance with this rule.

(3) Any person, group, or business that purchases ginseng roots in Missouri for resale must register annually with the department as a ginseng dealer, and submit quarterly reports of all transactions within fifteen (15) days of the preceding buying period and an annual report of inventory, on forms provided by the department [which are included herein]. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at [www.missouriconservation.org](http://www.missouriconservation.org). Annual registration shall be contingent upon compliance with this rule and receipt of the required reports. All records required by this rule shall be retained for three (3) years.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 29, 1983, effective Jan. 1, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

#### PROPOSED AMENDMENT

**3 CSR 10-4.117 Prohibited Species.** The commission proposes to amend subsections (2)(B), (C), and (D).

*PURPOSE: This amendment corrects the inaccurate spelling of the scientific name of pink starling (*Sturnus roseus*); adds black carp to the prohibited species list and corrects a scientific name; adds quagga mussels (*Dreissena rostriformis bugensis*) to the list of species that may not be possessed in Missouri; and corrects a spelling error.*

(2) For the purpose of this rule, prohibited species of wildlife shall include the following:

(B) Birds: pink starling or rosy pastor, *Sturnus [roseus] roseus*; species of dioch (including the subspecies black-fronted, red-billed or Sudan dioch), *Quelea quelea*; Java sparrow, *Padda oryzivora*; red whiskered bul-bul, *Pycnonotus jocosus*;

(C) Fishes: Live fish or viable eggs of black carp (*Mylopharyngodon piceus*); snakehead fish of the genera *Channa* or *Parachanna* (or the generic synonyms of *Bostrychoides*, *Ophicephalus*, *Ophiocephalus*, and *Parophio[icephalus]*); walking catfish of the family *Clariidae*; and

(D) Invertebrates: New Zealand mudsnail, *Potamopyrgus antipodarum*; rusty crayfish, *Orconectes rusticus*; Australian crayfish of the genus *Cherax*; mitten crabs of the genus *Eriocheir*; zebra mussels, *Dreissena polymorpha*; quagga mussels, *Dreissena rostriformis bugensis*; mysterysnails of the genus [*Cipangoepaludina*] *Cipangopaludina*.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 20, 2005, effective Sept. 30, 2005. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

#### PROPOSED AMENDMENT

**3 CSR 10-5.205 Permits Required; Exceptions.** The commission proposes to amend subsections (1)(A)–(R) and reletter accordingly.

*PURPOSE: This amendment removes references to “lessee”; removes reference to Hand Fishing Permits; excludes Conservation Order Permits from landowner privileges; eliminates the age sixty-five (65) fishing and hunting permit exemption for persons born on or after March 1, 1944; provides consistent age requirements for those accompanying and mentoring youth hunters; extends free trapping privileges to resident youth; and excludes Conservation Order Permit privileges granted to disabled military veterans.*

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses, or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping, or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(A) A resident landowner [or lessee], as defined in this Code, may hunt, trap, or fish as prescribed in Chapters 6, 7, and 8 without permit (except landowner deer and turkey hunting permits, Migratory Bird Hunting Permit, Resident Cable Restraint Permit [and Hand Fishing Permit], and Conservation Order Permit as prescribed), but only on land s/he owns [or, in the case of the lessee, upon which s/he resides], and may transport and possess wildlife so taken.

(B) Any resident of Missouri [sixty-five (65) years of age or older] born before March 1, 1944 may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing s/he carries a valid Missouri motor vehicle operator’s license, notarized affidavit, or similar official document proving his/her eligibility based on residency and age, and shall submit documentation for inspection by any agent of the department on request.

(C) Any resident of Missouri [sixty-five (65) years of age or older] born before March 1, 1944 may take wildlife as provided in Chapter 7 without permit (except all special hunting permits, [and]

the Migratory Bird Hunting Permit, and Conservation Order Permit as prescribed); provided, while hunting s/he carries a valid Missouri motor vehicle operator's license, notarized affidavit, or similar official document proving his/her eligibility based on residency and age, and shall submit documentation for inspection by any agent of the department on request.

(E) Any person fifteen (15) years of age or younger may take wildlife (except deer and turkey) as provided in Chapter 7 without permit[;] provided, s/he is in the immediate presence of a properly licensed adult hunter [or] who is **eighteen (18) years of age or older** and has in his/her possession a valid hunter education certificate card, **or was born before January 1, 1967**. Persons under eleven (11) years of age may not purchase firearms deer and turkey hunting permits except as provided in subsection (1)(F) of this rule (see 3 CSR 10-5.215(4)).

(F) Any person at least six (6) but not older than fifteen (15) years of age may purchase [a Youth] Deer and Turkey Hunting Permits without display of a hunter education certificate card. [, and may take one (1) deer of either sex statewide, during the firearms deer hunting seasons except that only an antlerless deer may be taken in seasons open only to antlerless deer; one (1) male turkey or turkey with visible beard during the spring turkey hunting season; and one (1) turkey of either sex during the fall firearms turkey hunting season; provided, s/he is hunting] **Such person must hunt** in the immediate presence of a properly licensed adult hunter who is **eighteen (18) years of age or older** and has in his/her possession a valid hunter education certificate card, [or in the immediate presence of a resident landowner or lessee as defined in this Code on lands owned or leased by the resident landowner or lessee, provided the resident landowner was born before January 1, 1967. Youth Deer and Turkey Hunting Permit holders, who attain the age of eleven (11) during the prescribed permit year and have a valid hunter education certificate card, may surrender unused portion(s) of the Youth Deer and Turkey Hunting Permit and purchase other firearms deer and turkey hunting permits. Deer and turkeys taken under the Youth Deer and Turkey Hunting Permit must be included in the total season limits] **or was born before January 1, 1967**.

(G) Any resident of Missouri fifteen (15) years of age or younger may take wildlife as provided in Chapter 8 without permit, except for cable restraint device requirements in rule 3 CSR 10-8.510 subsection (4)(B).

[(G)](H) Any person born on or after January 1, 1967 and at least sixteen (16) years of age and who does not possess a valid hunter education certificate card may purchase an Apprentice Hunter Authorization for no more than two (2) [consecutive] permit years (March 1 through the last day of February). The Apprentice Hunter Authorization allows the holder to purchase any firearms hunting permit as provided in this chapter [except the Youth Deer and Turkey Hunting Permit] without display of a hunter education certificate card. Such person must hunt in the immediate presence of a properly licensed adult hunter who is [twenty-one (21)] **eighteen (18) years of age or older** and who has in his/her possession a valid hunter education certificate card, **or was born before January 1, 1967**.

[(H)](I) Any hospital patient may fish without permit on the grounds of the hospital where under treatment.

[(I)](J) The director may issue special fishing permits for specified dates without cost to supervised groups involved in rehabilitation programs or groups of hospital patients or persons with disabilities under therapy.

[(J)](K) The director may issue special fishing permits authorizing persons assigned as trainees to a training or rehabilitation unit performing organized conservation or agricultural work under governmental supervision on federal, state, county, or municipal lands to take fish by gig and pole and line methods and to take frogs by

fishing methods on the public lands where such conservation or agricultural work is being performed, under regulations applicable to the area. Any person while exercising such privileges shall carry identification, issued by the training agency, showing current assignment to the training or rehabilitation unit.

[(K)](L) For educational purposes, the director may waive fishing permit or tag requirements for specified periods at specified sites and may authorize fishing in restricted waters.

[(L)](M) Any resident of Missouri having a visual acuity not exceeding 20/200 in the better eye with maximum correction, or having twenty degrees (20°) or less field of visual concentric contraction, and any resident who is so severely and permanently disabled as to be unable to move freely without the aid of a wheelchair, may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing s/he carries a certified statement of eligibility from a licensed ophthalmologist or optometrist or from a licensed physician.

[(M)](N) Any resident of Missouri with cerebral palsy or mental retardation as defined in section 630.005, RSMo, and who is so severely disabled that s/he cannot fish alone, may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing s/he is accompanied by a licensed adult fisherman and possesses a certified statement of eligibility from a licensed physician qualified to evaluate and treat the developmentally disabled.

[(N)](O) Any honorably discharged military veteran having a service-related disability of sixty percent (60%) or greater, or who was a prisoner of war during military service, may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed), and may take wildlife as provided in Chapter 7 without permit (except deer and turkey hunting permits and the Migratory Bird Hunting Permit and Conservation Order Permit as prescribed); provided, while hunting or fishing s/he carries a certified statement of eligibility from the U.S. Department of Veterans Affairs.

[(O)](P) Any Missouri resident who is the owner of land that wholly encloses a body of water, or any member of his/her immediate household, may fish without permit in those waters. In the case of corporate ownership, this privilege shall apply to those corporate owners whose domicile is on such corporate-owned land.

[(P)](Q) Any person may fish without permit, trout permit, and prescribed area daily tag during free fishing days. Free fishing days are the Saturday and Sunday following the first Monday in June.

[(Q)](R) A customer or guest of a licensed trout fishing area may fish for trout without permit (see 3 CSR 10-9.645).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable.** The commission proposes to amend section (2).

*PURPOSE:* This amendment eliminates the reference to the Youth Deer and Turkey Hunting Permit.

(2) A permit for the taking of wildlife may be issued only to an individual and may be used only by the individual to whom it is issued. No permit, application for permit, method exemption, Missouri Conservation Heritage Card, or special hunting or fishing tag may be loaned, predated, falsified, altered, or misrepresented in any manner, except that a Missouri Conservation Heritage Card may be presented by another to purchase permits on behalf of the person named thereon. No firearms hunting permit shall be issued without containing the hunter education certificate card number where applicable; *except that a Youth Deer and Turkey Hunting Permit may be issued to persons at least six (6) but not older than fifteen (15) years of age without requiring display of a hunter education certificate card*.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.220 Resident and Nonresident Permits.** The commission proposes to add a new section (6) and renumber subsequent sections.

*PURPOSE:* This amendment clarifies that a nonresident who is a registered student and living in Missouri may receive resident permit privileges.

(6) A nonresident who is a registered student attending a public or private secondary, post secondary, or vocational school located in this state, and living in this state, may purchase resident licenses and permits, except lifetime licenses. Students must carry evidence of a Missouri residence and student status while hunting, fishing, or trapping. Permits can be purchased only at Missouri Department of Conservation offices that sell permits.

[(6)](7) All persons who do not meet these qualifications shall possess a nonresident permit. Attendance at a Missouri school in itself does not constitute residency in the state.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 18, 1971, effective Dec. 31, 1971. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED RULE**

**3 CSR 10-5.222 Youth Pricing: Deer and Turkey Permits**

*PURPOSE:* This rule establishes reduced price deer and turkey permits for youth age fifteen (15) and younger.

Any person at least six (6), but not older than fifteen (15), years of age may purchase the following permits at fifty percent (50%) of the cost of a resident permit: Firearms Any-Deer Hunting Permit, Firearms Antlerless Deer Hunting Permit, Archer's Hunting Permit, Archery Antlerless Deer Hunting Permit, or Turkey Hunting Permits. When hunting on firearms deer or turkey permits, persons fifteen (15) years of age or younger must comply with the requirements in 3 CSR 10-5.205(1)(F).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.225 Permits: Permit Issuing Agents; Service Fees; Other Provisions.** The commission proposes to amend subsections (6)(A) and (B) and section (7).

*PURPOSE: This amendment deletes the reference to the Youth Deer and Turkey Hunting Permit and increases the fee for a replacement permit from two dollars (\$2) to three dollars (\$3).*

(6) Firearms hunting permits may not be sold to any persons born on or after January 1, 1967, unless an approved hunter education certificate card is displayed, or hunter education certification can be verified through direct access to computer data files; except that:

(A) Any firearms hunting permit [*except Youth Deer and Turkey Hunting Permit*] may be sold to any person born on or after January 1, 1967, and at least sixteen (16) years of age who purchases an Apprentice Hunter Authorization without display of a hunter education certificate card.

(B) [*Youth*] Deer and Turkey Hunting Permits may be sold to persons at least six (6), but not older than fifteen (15), years of age without requiring display of a hunter education certificate card.

(7) A replacement for a lost, destroyed, or mutilated permit may be issued by any permit issuing agent after verifying original permit through direct access of computer files. For a permit fee of [*two*] **three** dollars [*[\$2]*] (**\$3**), the permit issuing agent shall certify the permit number and type of permit being replaced and issue the replacement permit.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Aug. 26, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 cost private entities approximately one hundred fifty-three thousand one hundred seventy dollars (\$153,170) total in the five (5)-year aggregate. This information is based on 30,634 replacement permit buyers × \$1.00 increase per permit sold = \$30,634 aggregate cost per year. \$30,634 per year × the assumed 5-year life of the regulation = \$153,170 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

FISCAL NOTE  
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.225 Permits: Permit Issuing Agents; Service Fees; Other Provisions.**

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
30,634 replacement permit buyers	N/A	\$153,170

III. WORKSHEET

30,634 replacement permit buyers X \$1.00 increase per permit sold = \$30,634 aggregate cost per year.  
\$30,634 per year X the assumed 5 year life of the regulation = \$153,170 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.300 Apprentice Hunter Authorization.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the requirement that specifies when purchase of the Apprentice Hunter Authorization is allowed. Hunters are allowed to buy this permit for two (2) years—previously the two (2) years were required to be consecutive. This amendment also deletes the reference to the youth deer and turkey hunting permit.

To allow the purchase of firearms hunting permits [(except the Youth Deer and Turkey Hunting Permit)] by persons born on or after January 1, 1967, and at least sixteen (16) years of age without display of a hunter education certificate card. This authorization may be purchased annually for **no more than two (2) [consecutive]** permit years (March 1 through the last day of February). Fee: ten dollars (\$10).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 27, 2007, effective, Feb. 29, 2008. Amended: Filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.310 Resident Lifetime Conservation Partner Permit.** The commission proposes to amend section (1) and subsection (1)(D) and delete subsection (1)(E).

*PURPOSE:* This amendment eliminates the special price for the Resident Lifetime Conservation Partner Permit offered to persons age sixty (60) and older and includes the Conservation Order Permit privileges.

(1) To chase, pursue, take, possess, and transport fish (including trout), frogs, mussels, clams, turtles, crayfish, live bait, birds [(including] **blue, snow, and Ross's geese during the Conservation Order** and migratory birds; except wild turkey), and mammals (except deer), and to sell furbearers taken by hunting. Fee:

(D) For persons age forty (40) [through fifty-nine (59)] and older: six hundred dollars (\$600)

[(E) For persons age sixty (60) and older: seventy dollars (\$70)]

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.315 Resident Lifetime Fishing Permit.** The commission proposes to amend subsection (1)(D) and delete subsection (1)(E).

*PURPOSE:* This amendment eliminates the special price for the Resident Lifetime Fishing Permit offered to persons age sixty (60) and older.

(1) To pursue, take, possess, and transport fish (including trout), frogs, mussels, clams, turtles, crayfish, and live bait. Fee:

(D) For persons age forty (40) [through fifty-nine (59)] and older: Three hundred dollars (\$300)

[(E) For persons age sixty (60) and older: Thirty-five dollars (\$35)]

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001, effective March 1, 2002. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED AMENDMENT**



**3 CSR 10-5.320 Resident Lifetime Small Game Hunting Permit.**

The commission proposes to amend section (1) and subsection (1)(D) and delete subsection (1)(E).

*PURPOSE: This amendment eliminates the special price for the Resident Lifetime Small Game Hunting Permit offered to persons age sixty (60) and older and includes the Conservation Order Permit privileges.*

(1) To chase, pursue, take, possess, and transport birds (*including blue, snow, and Ross's geese during the Conservation Order and migratory birds; except wild turkey*), mammals (except deer), and frogs, and to sell furbearers taken by hunting. Fee:

(D) For persons age forty (40) [*through fifty-nine (59)*] and older: Three hundred dollars (\$300)

(E) For persons age sixty (60) and older: *Thirty-five dollars (\$35)*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001, effective March 1, 2002. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Sept. 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**PROPOSED RULE**

**3 CSR 10-5.321 Resident Senior Hunt and Fish Forever Permit**

*PURPOSE: This rule establishes the Resident Senior Hunt and Fish Forever Permit.*

(1) A life permit to pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish and live bait, birds (except wild turkey), and mammals (except deer), and to sell furbearers taken by hunting. A Trout Permit or daily trout tag is also required to possess trout or fish in some areas. A Migratory Bird Permit is also required to pursue, take, possess, and transport migratory birds during the prescribed seasons. The Conservation Order Permit is also required to take blue, snow, and Ross's geese during the light goose Conservation Order, and no other permits are needed. Fee:

(A) For persons age sixty through sixty-three (60–63): forty dollars (\$40)

(B) For persons age sixty-four (64) and older: twenty dollars (\$20)

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**PROPOSED RULE**

**3 CSR 10-5.322 Resident Senior Fish Forever Permit**

*PURPOSE: This rule establishes the Resident Senior Fish Forever Permit.*

(1) A life permit to pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. A Trout Permit or daily trout tag is also required to possess trout or fish in some areas. Fee:

(A) For persons age sixty through sixty-three (60–63): twenty-four dollars (\$24)

(B) For persons age sixty-four (64) and older: twelve dollars (\$12)

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**PROPOSED RULE**

**3 CSR 10-5.323 Resident Senior Hunt Forever Permit**

*PURPOSE: This rule establishes the Resident Senior Hunt Forever Permit.*

(1) A life permit to pursue, take, possess, and transport birds (except wild turkey), and mammals (except deer), and to sell furbearers taken by hunting. A Migratory Bird Permit is also required to pursue, take, possess, and transport migratory birds during the prescribed seasons. The Conservation Order Permit is also required to

take blue, snow, and Ross's geese during the light goose Conservation Order, and no other permits are needed. Fee:

(A) For persons age sixty through sixty-three (60-63): twenty-four dollars (\$24)

(B) For persons age sixty-four (64) and older: twelve dollars (\$12)

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.330 Resident Small Game Hunting and Fishing Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment increases the fee for a Resident Small Game Hunting and Fishing Permit from nineteen dollars (\$19) to twenty-two dollars (\$22).*

To chase, pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, live bait, birds (except wild turkey), and mammals (except deer), and to sell furbearers taken by hunting. Fee: [*nineteen*] **twenty-two** dollars [*(\$19)*] **(\$22)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.230. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 cost private entities approximately \$1,917,300 total in the five (5)-year aggregate. This information is based on 127,820 Resident Small Game Hunting and Fishing Permit buyers × \$3.00 increase per permit sold = \$383,460 aggregate cost per year. \$383,460 per year × the assumed 5-year life of the regulation = \$1,917,300 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.330 Resident Small Game Hunting and Fishing Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
127,820 Resident Small Game Hunting and Fishing permit buyers	N/A	\$1,917,300

**III. WORKSHEET**

127,820 Resident Small Game Hunting and Fishing permit buyers X \$3.00 increase per permit sold = \$383,460 aggregate cost per year. \$383,460 per year X the assumed 5 year life of the regulation = \$1,917,300 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.340 Resident Fishing Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment increases the fee for a Resident Fishing Permit from twelve dollars (\$12) to fourteen dollars (\$14).*

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: [*twelve*] **fourteen** dollars [*(\$12)*] **(\$14)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.235. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 cost private entities approximately \$5,110,010 total in the five (5)-year aggregate. This information is based on 511,001 Resident Fishing Permit buyers × \$2.00 increase per permit sold = \$1,022,002 aggregate cost per year. \$1,022,002 per year × the assumed 5-year life of the regulation = \$5,110,010 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.340 Resident Fishing Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
511,001 Resident Fishing permit buyers	N/A	\$5,110,010

**III. WORKSHEET**

511,001 Resident Fishing permit buyers X \$2.00 increase per permit sold = \$1,022,002 aggregate cost per year.  
\$1,022,002 per year X the assumed 5 year life of the regulation = \$5,110,010 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.345 Resident Small Game Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Resident Small Game Hunting Permit from ten dollars (\$10) to twelve dollars (\$12).

To chase, pursue, take, possess, and transport birds (except wild turkey), mammals (except deer), and frogs, and to sell furbearers taken by hunting. Fee: [*ten*] **twelve** dollars [*(\$10)*] **(\$12)**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.255. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 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 cost private entities approximately four hundred fifty-one thousand four hundred ten dollars (\$451,410) total in the five (5)-year aggregate. This information is based on 45,141 Resident Small Game Hunting Permit buyers × \$2.00 increase per permit sold = \$90,282 aggregate cost per year. \$90,282 per year × the assumed 5-year life of the regulation = \$451,410 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.345 Resident Small Game Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
45,141 Resident Small Game Hunting permit buyers	N/A	\$451,410

**III. WORKSHEET**

45,141 Resident Small Game Hunting permit buyers X \$2.00 increase per permit sold = \$90,282 aggregate cost per year. \$90,282 per year X the assumed 5 year life of the regulation = \$451,410 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.351 Resident Firearms Any-Deer Hunting Permit.**

The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Resident Firearms Any-Deer Hunting Permit from seventeen dollars (\$17) to twenty dollars (\$20).*

To pursue, take, possess, and transport one (1) deer of either sex statewide during the firearms deer hunting season. Fee: *[seventeen]* **twenty dollars [(\$17)] (\$20).**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 cost private entities approximately \$4,288,590 total in the five (5)-year aggregate. This information is based on 285,906 deer permit buyers × \$3.00 increase per permit sold = \$857,718 aggregate cost per year. \$857,718 per year × the assumed 5-year life of the regulation = \$4,288,590 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.351 Resident Firearms Any-Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
285,906 deer permit buyers	N/A	\$4,288,590

**III. WORKSHEET**

285,906 deer permit buyers X \$3.00 increase per permit sold = \$857,718 aggregate cost per year.  
\$857,718 per year X the assumed 5 year life of the regulation = \$4,288,590 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.352 Resident Firearms Antlerless Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Resident Firearms Antlerless Deer Hunting Permit from seven dollars (\$7) to ten dollars (\$10).*

To pursue, take, possess, and transport one (1) antlerless deer during the firearms deer hunting season. Fee: [*seven*] **ten** dollars [*(\$7)*] **(\$10)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 cost private entities approximately \$2,165,775 total in the five (5)-year aggregate. This information is based on 144,385 deer permit buyers × \$3.00 increase per permit sold = \$433,155 aggregate cost per year. \$433,155 per year × the assumed 5-year life of the regulation = \$2,165,775 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.352 Resident Firearms Antlerless Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
144,385 Antlerless deer permit buyers	N/A	\$2,165,775

**III. WORKSHEET**

144,385 deer permit buyers X \$3.00 increase per permit sold = \$433,155 aggregate cost per year.  
\$433,155 per year X the assumed 5 year life of the regulation = \$2,165,775 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.359 Resident Managed Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Resident Managed Deer Hunting Permit from seventeen dollars (\$17) to twenty dollars (\$20).

To pursue, take, possess, and transport deer during a prescribed managed deer hunt. Fee: [~~seventeen~~] **twenty** dollars [~~(\$17)]~~ **(\$20)**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed June 5, 2002, effective March 1, 2003. Amended: Filed Oct. 10, 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 cost private entities approximately ninety-two thousand nine hundred forty dollars (\$92,940) total in the five (5)-year aggregate. This information is based on 6,196 managed deer permit buyers  $\times$  \$3.00 increase per permit sold = \$18,588 aggregate cost per year. \$18,588 per year  $\times$  the assumed 5-year life of the regulation = \$92,940 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.359 Resident Managed Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6,196 Managed deer permit buyers	N/A	\$92,940

**III. WORKSHEET**

6,196 Managed deer permit buyers X \$3.00 increase per permit sold = \$18,588 aggregate cost per year.  
\$18,588 per year X the assumed 5 year life of the regulation = \$92,940 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.360 Resident Archer's Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Resident Archer's Hunting Permit from nineteen dollars (\$19) to twenty-three dollars (\$23).

To pursue, take, possess, and transport deer and wild turkey during the fall deer and turkey archery season and small game during prescribed seasons, and to sell furbearers taken by hunting. Fee: [*nineteen*] **twenty-three** dollars [*(\$19)*] (**\$23**).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.260. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 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 cost private entities approximately \$1,372,180 total in the five (5)-year aggregate. This information is based on 68,609 archery deer permit buyers  $\times$  \$4.00 increase per permit sold = \$274,436 aggregate cost per year. \$274,436 per year  $\times$  the assumed 5-year life of the regulation = \$1,372,180 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.360 Resident Archer's Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
68,609 Archery deer permit buyers	N/A	\$1,372,180

**III. WORKSHEET**

68,609 Archery deer permit buyers X \$4.00 increase per permit sold = \$274,436 aggregate cost per year.  
\$274,436 per year X the assumed 5 year life of the regulation = \$1,372,180 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.365 Resident Turkey Hunting Permits.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Resident Spring Turkey Hunting Permit from seventeen dollars (\$17) to twenty dollars (\$20) and the Resident Fall Turkey Hunting Permit from thirteen dollars (\$13) to fifteen dollars (\$15).

(1) To pursue, take, possess, and transport wild turkey during the prescribed open season.

(A) Spring Season Permit. Fee: [*seventeen*] **twenty** dollars [*(\$17)*] **(\$20)**.

(B) Fall Season Permit. Fee: [*thirteen*] **fifteen** dollars [*(\$13)*] **(\$15)**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.266. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 10, 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 cost private entities the following:

Spring season: 94,026 spring turkey permit buyers × \$3.00 increase per permit sold = \$282,078 aggregate cost per year. \$282,078 per year × the assumed 5-year life of the regulation = \$1,410,390 total aggregate cost over the five (5)-year term.

Fall season: 20,014 fall turkey permit buyers × \$2.00 increase per permit sold = \$40,028 aggregate cost per year. \$40,028 per year × the assumed 5-year life of the regulation = \$200,140 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.365 Resident Turkey Hunting Permits**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
114,040 Turkey permit buyers	N/A	\$1,610,530

**III. WORKSHEET**

Spring season: 94,026 spring turkey permit buyers X \$3.00 increase per permit sold = \$282,078 aggregate cost per year. \$282,078 per year X the assumed 5 year life of the regulation = \$1,410,390 total aggregate cost over the 5 year term.

Fall season: 20,014 fall turkey permit buyers X \$2.00 increase per permit sold = \$40,028 aggregate cost per year. \$40,028 per year X the assumed 5 year life of the regulation = \$200,140 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.370 Resident Trapping Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment changes the fee for the Resident Trapping Permit from ten dollars (\$10) to fourteen dollars (\$14).*

To attempt to take or take by trap only and to possess and transport furbearers, rabbits, and groundhogs, and to sell all these except rabbits. Fee: [*ten*] **fourteen** dollars [*(\$10)*] (**\$14**).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.290. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 cost private entities approximately one hundred two thousand five hundred sixty dollars (\$102,560) in the aggregate. This information is based on 5,128 Resident Trapping Permit buyers × \$4.00 increase per permit sold = \$20,512 aggregate cost per year. \$20,512 per year × the assumed 5-year life of the regulation = \$102,560 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.370 Resident Trapping Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5,128 Resident Trapping permit buyers	N/A	\$102,560

**III. WORKSHEET**

5,128 Resident Trapping permit buyers X \$4.00 increase per permit sold = \$20,512 aggregate cost per year.  
\$20,512 per year X the assumed 5 year life of the regulation = \$102,560 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.375 Resident Cable Restraint Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Resident Cable Restraint Permit from ten dollars (\$10) to ten dollars and fifty cents (\$10.50).

To attempt to take or take by cable restraint device only and to possess, transport, and sell furbearers. This permit may be issued only to the holder of a Resident Trapping Permit who has successfully completed a cable restraint training course, validated by a certified instructor. Fee: ten dollars **and fifty cents** (\$10.50).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006, effective Feb. 28, 2007. Amended: Filed Oct. 10, 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 cost private entities approximately twelve thousand eight hundred twenty-five dollars (\$12,825) in the aggregate. This information is based on 5,130 Resident Cable Restraint Permit buyers  $\times$  \$0.50 increase per permit sold = \$2,565 aggregate cost per year. \$2,565 per year  $\times$  the assumed 5-year life of the regulation = \$12,825 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.375 Resident Cable Restraint Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5,130 Resident Cable Restraint permit buyers	N/A	\$12,825

**III. WORKSHEET**

5,130 Resident Cable Restraint permit buyers X \$0.50 increase per permit sold = \$2,565 aggregate cost per year.  
\$2,565 per year X the assumed 5 year life of the regulation = \$12,825 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED RESCISSION**

**3 CSR 10-5.420 Youth Deer and Turkey Hunting Permit.** This rule established a minimum age and increased the maximum age for those eligible to obtain a youth deer and turkey hunting permit.

*PURPOSE:* This rule is being rescinded as the Youth Deer and Turkey Hunting Permit is being eliminated.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 6, 1998, effective March 1, 1999. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed Jan, 8, 2003, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed June 8, 2005, effective Nov. 30, 2005. Rescinded: Filed Oct. 10, 2008.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.425 Resident Archery Antlerless Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Resident Archery Antlerless Deer Hunting Permit from seven dollars (\$7) to ten dollars (\$10).

To pursue, take, possess, and transport an antlerless deer during the archery deer hunting season. Fee: [~~seven~~] **ten** dollars [~~(\$7)~~] **(\$10)**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed April 29, 2004, effective Sept. 30, 2004. Amended: Filed Oct. 10, 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 cost private entities approximately three hundred thirty-three thousand dollars (\$333,000) in the aggregate. This information is based on 22,200 Resident Archery Antlerless Deer Hunting Permit buyers × \$3.00 increase per permit sold = \$66,600 aggregate cost per year. \$66,600 per year × the assumed 5-year life of the regulation = \$333,000 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.425 Resident Archery Antlerless Deer Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
22,200 Resident Archery Hunting permit buyers	N/A	\$333,000

**III. WORKSHEET**

22,200 Resident Archery Hunting permit buyers X \$3.00 increase per permit sold = \$66,600 aggregate cost per year.  
\$66,600 per year X the assumed 5 year life of the regulation = \$333,000 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.430 Trout Permit.** The commission proposes to amend and number provisions of this rule and add a new section (2).

*PURPOSE: This amendment increases the fee for the trout permit from seven dollars (\$7) to ten dollars (\$10) and establishes a reduced price trout permit for anglers age fifteen (15) and under.*

**(1)** Required in addition to the prescribed fishing permit to possess and transport trout, except in areas where a daily trout fishing tag is required or as prescribed in 3 CSR 10-6.535(5). Fee: [~~seven~~] **ten** dollars [~~(\$7)]~~ **(\$10)**.

**(2) Any person fifteen (15) years of age or younger may purchase a Trout Permit at fifty percent (50%) of the cost.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.237. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 cost private entities approximately \$1,338,195 total in the five (5)-year aggregate. This information is based on 89,213 trout permit buyers × \$3.00 increase per permit sold = \$267,639 aggregate cost per year. \$267,639 per year × the assumed 5-year life of the regulation = \$1,338,195 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.430 Trout Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
89,213 trout permit buyers	N/A	\$1,338,195

**III. WORKSHEET**

89,213 trout permit buyers X \$3.00 increase per permit sold = \$267,639 aggregate cost per year. \$267,639 per year X the assumed 5 year life of the regulation = \$1,338,195 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.435 Migratory Bird Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Migratory Bird Hunting Permit from six dollars (\$6) to eight dollars (\$8).

Required of any person sixteen (16) years of age or older in addition to the prescribed hunting permit to pursue, take, possess, and transport waterfowl, doves, snipe, woodcock, and rails **during the prescribed seasons**. Fee: [*six*] **eight** dollars [*(\$6)*] **(\$8)**.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.256. Original rule filed Sept. 10, 1991, effective Feb. 6, 1992. Amended: Filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed Oct. 10, 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 cost private entities approximately seven hundred thirty-four thousand six hundred thirty dollars (\$734,630) in the aggregate. This information is based on 73,463 Migratory Bird Hunting Permit buyers × \$2.00 increase per permit sold = \$146,926 aggregate cost per year. \$146,926 per year × the assumed 5-year life of the regulation = \$734,630 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.435 Migratory Bird Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
73,463 Migratory Bird Hunting permit buyers	N/A	\$734,630

**III. WORKSHEET**

73,463 Migratory Bird Hunting permit buyers X \$2.00 increase per permit sold = \$146,926 aggregate cost per year.  
\$146,926 per year X the assumed 5 year life of the regulation = \$734,630 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED RULE**

**3 CSR 10-5.436 Resident Conservation Order Permit**

*PURPOSE: This rule establishes a Conservation Order permit for resident participants of the light goose Conservation Order.*

To pursue, take, possess, and transport blue, snow, or Ross's geese during the Conservation Order in accordance with federal regulations and as prescribed in 3 CSR 10-7.440(3)(I)1. Fee: Five dollars (\$5).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 10, 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 cost private entities approximately seventy-two thousand two hundred fifty dollars (\$72,250) total in the five (5)-year aggregate. This information is based on 2,890 resident goose hunters  $\times$  \$5.00 fee per permit sold = \$14,450 aggregate cost per year. \$14,450 per year  $\times$  the assumed 5-year life of the regulation = \$72,250 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed Rule

Rule Number and Name: **3 CSR 10-5.436 Resident Conservation Order Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,890 resident goose hunters	N/A	\$72,250

**III. WORKSHEET**

2,890 resident goose hunters X \$5.00 fee per permit sold = \$14,450 aggregate cost per year. \$14,450 per year X the assumed 5 year life of the regulation = \$72,250 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.440 Daily Fishing Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment increases the fee for a Daily Fishing Permit from seven dollars (\$7) to seven dollars and fifty cents (\$7.50).*

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: seven dollars **and fifty cents** (\$7.50) per day. A permit may be purchased for multiple days.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 cost private entities approximately six hundred fourteen thousand five hundred ninety-five dollars (\$614,595) total in the five (5)-year aggregate. This information is based on 245,838 Daily Fishing Permit buyers × \$0.50 increase per permit sold = \$122,919 aggregate cost per year. \$122,919 per year × the assumed 5-year life of the regulation = \$614,595 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.440 Daily Fishing Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
245,838 Daily Fishing permit buyers	N/A	\$614,595

**III. WORKSHEET**

245,838 Daily Fishing permit buyers X \$0.50 increase per permit sold = \$122,919 aggregate cost per year.  
\$122,919 per year X the assumed 5 year life of the regulation = \$614,595 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.445 Daily Small Game Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment changes the fee for the Daily Small Game Hunting Permit from eleven dollars (\$11) to twenty dollars (\$20).

To chase, pursue, take, possess, and transport birds (except wild turkey), mammals (except deer and furbearers), and frogs, and to chase furbearers for training dogs during the closed season. Fee: [~~eleven~~] **twenty** dollars [~~(\$ 11)~~] **(\$20)** per day. A permit may be purchased for multiple days.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 10, 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 cost private entities approximately three hundred nineteen thousand three hundred sixty-five dollars (\$319,365) total in the five (5)-year aggregate. This information is based on 7,097 Daily Small Game Hunting Permit buyers × \$9.00 increase per permit sold = \$63,873 aggregate cost per year. \$63,873 per year × the assumed 5-year life of the regulation = \$319,365 total aggregate cost over the five (5)-year term.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.



FISCAL NOTE  
PRIVATE ENTITY COST

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.445 Daily Small Game Hunting Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
7,097 Daily Hunting permit buyers	N/A	\$319,365

**III. WORKSHEET**

7,097 Daily Hunting permit buyers X \$9.00 increase per permit sold = \$63,873 aggregate cost per year. \$63,873 per year X the assumed 5 year life of the regulation = \$319,365 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.540 Nonresident Fishing Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE: This amendment increases the fee for a Nonresident Fishing Permit from forty dollars (\$40) to forty-two dollars (\$42).*

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: [*forty*] **forty-two** dollars [*(\$40)*] **(\$42)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.245. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 10, 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 cost private entities approximately five hundred twenty-three thousand nine hundred eighty dollars (\$523,980) total in the five (5)-year aggregate. This information is based on 52,398 Nonresident Fishing Permit buyers × \$2.00 increase per permit sold = \$104,796 aggregate cost per year. \$104,796 per year × the assumed 5-year life of the regulation = \$523,980 total aggregate cost over the five (5)-year term.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5 Permits

Type of Rulemaking: Proposed amendment

Rule Number and Name: **3 CSR 10-5.540 Nonresident Fishing Permit**

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
52,398 Nonresident Fishing permit buyers	N/A	\$523,980

**III. WORKSHEET**

52,398 Nonresident Fishing permit buyers X \$2.00 increase per permit sold = \$104,796 aggregate cost per year.  
\$104,796 per year X the assumed 5 year life of the regulation = \$523,980 total aggregate cost over the 5 year term.

**IV. ASSUMPTIONS**

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.