

Volume 33, Number 23
Pages 2299-2410
December 1, 2008

SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015, RSMo Supp. 2007 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

ROBIN CARNAHAN

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

WAYLENE W. HILES

•

EDITORS

CURTIS W. TREAT

SALLY L. REID

ASSOCIATE EDITOR

SARAH JORGENSEN

•

PUBLICATION TECHNICIAN

JACQUELINE D. WHITE

•

ADMINISTRATIVE ASSISTANT

LUKE RIEKE

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/adrules/csr/csr.asp>. These websites contain rulemakings and regulations as they appear in the Registers and CSR. These websites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo Supp. 2007. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by e-mail at rules@sos.mo.gov.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



IN THIS ISSUE:

EMERGENCY RULES

Department of Public Safety	
Missouri Gaming Commission	.2303
Department of Revenue	
Director of Revenue	.2307

EXECUTIVE ORDERS .2308

PROPOSED RULES

Department of Natural Resources	
Air Conservation Commission	.2315
Department of Public Safety	
Missouri Gaming Commission	.2317
Department of Revenue	
Director of Revenue	.2326
Department of Social Services	
MO HealthNet Division	.2331
Department of Health and Senior Services	
Division of Community and Public Health	.2331
Division of Regulation and Licensure	.2343
Department of Insurance, Financial Institutions and Professional Registration	
Insurance Solvency and Company Regulation	.2358

ORDERS OF RULEMAKING

Department of Natural Resources	
Soil and Water Districts Commission	.2370
Department of Social Services	
MO HealthNet Division	.2370
Department of Health and Senior Services	
Division of Regulation and Licensure	.2371

Department of Insurance, Financial Institutions and Professional Registration

Insurer Conduct	.2378
Market Conduct Examinations	.2378
Life, Annuities and Health	.2379
Board of Therapeutic Massage	.2381
Missouri Board of Occupational Therapy	.2381
State Board of Podiatric Medicine	.2381
State Committee of Psychologists	.2381
Missouri Veterinary Medical Board	.2383

IN ADDITIONS

Department of Transportation	
Missouri Highways and Transportation Commission	.2384
Department of Health and Senior Services	
Missouri Health Facilities Review Committee	.2386
Department of Insurance, Financial Institutions and Professional Registration	
Real Estate Appraisers	.2386

DISSOLUTIONS .2387

SOURCE GUIDES

RULE CHANGES SINCE UPDATE	.2389
EMERGENCY RULES IN EFFECT	.2396
EXECUTIVE ORDERS	.2398
REGISTER INDEX	.2401

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
November 3, 2008 November 17, 2008	December 1, 2008 December 15, 2008	December 31, 2008 December 31, 2008	January 30, 2009 January 30, 2009
December 1, 2008 December 15, 2008	January 2, 2009 January 16, 2009	January 29, 2009 January 29, 2009	February 28, 2009 February 28, 2009
January 2, 2009 January 16, 2009	February 3, 2009 February 17, 2009	February 28, 2009 February 28, 2009	March 30, 2009 March 30, 2009
February 3, 2009 February 17, 2009	March 2, 2009 March 16, 2009	March 31, 2009 March 31, 2009	April 30, 2009 April 30, 2009
March 2, 2009 March 16, 2009	April 1, 2009 April 15, 2009	April 30, 2009 April 30, 2009	May 30, 2009 May 30, 2009
April 1, 2009 April 15, 2009	May 1, 2009 May 15, 2009	May 31, 2009 May 31, 2009	June 30, 2009 June 30, 2009
May 1, 2009 May 15, 2009	June 1, 2009 June 15, 2009	June 30, 2009 June 30, 2009	July 30, 2009 July 30, 2009

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

Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2007), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Hearnes Learning Resources Ctr. Missouri Western State University 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library Missouri University of Science and Technology 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325	Lebanon-Laclede County Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Spiva Library Missouri Southern State University 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342	University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742	Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3615	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden/Webster Library Eden Theological Seminary/ Webster University 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library University of Central Missouri 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Missouri State University—West Plains 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Library Maryville University 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Miller Nichols Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
Pickler Memorial Library Truman State University 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Smiley Memorial Library Central Methodist University 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	

HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

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

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

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

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration**

EMERGENCY AMENDMENT

11 CSR 45-1.090 Definitions. The commission is amending subsection (5)(H).

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency amendment deletes rule provisions repealed by voter initiative during the last general election. This emergency amendment changes the definition of "excursion" and provides Class B licensees no longer need to track and enforce the five hundred dollar (\$500)-loss limit. Without this emergency amendment, enforcement of the current rule would require patrons to stop gambling until the two (2)-hour gaming session ended. Implementation of this emergency amendment defining "excursion," in light of the changes approved by voters in Proposition A, gives gaming patrons the authority to continue to play after spending five hundred dollars (\$500) without waiting for the next gaming session to begin. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with the vote of the people. As a result, the Missouri Gaming Commission finds an immediate danger to the public health,

safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

(5) Definitions beginning with E—

(H) Excursion—A two (2)-hour period approved by the commission that an excursion gaming boat shall operate and, if required, cruise[, provided; however, that when circumstances beyond the control of the Class A licensee arise that create an inability to track the five hundred dollar (\$500)-loss limit for any excursion, as provided in 11 CSR 45-6.040, the excursion shall automatically terminate and the following excursion must consist of the remaining time scheduled for the terminated excursion plus the entire time of the immediately following scheduled excursion. This period of time shall include reasonable time for boarding and exiting the boat, which shall be established by the commission based on the licensee's ability to enforce the five hundred dollar (\$500)-loss limit]. The commission may allow patrons to board and exit the boat at will if the [licensee can demonstrate that the five hundred dollar (\$500)-loss limit can be enforced and that the] integrity of the admission fee collection process can be maintained. Gaming may be permitted at any time during the excursion. The commission shall approve all schedules of excursion prior to the schedule becoming effective. The provisions of this definition to the contrary notwithstanding, the commission may approve an excursion schedule that includes a single three (3)-hour excursion if it is the last excursion of the gaming day.

AUTHORITY: sections 313.004, 313.805, and 313.817, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

EMERGENCY AMENDMENT

11 CSR 45-5.053 Policies. The commission is deleting section (5) and renumbering section (6) to section (5).

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency amendment deletes rule provisions repealed by voter initiative during the last general election. This emergency amendment removes the requirement that Class B licensees track the five hundred dollar (\$500)-loss limit during each scheduled gaming excursion. Without this emergency amendment, Class B licensees would be required to continue using current

standards no longer applicable with the passage of Proposition A. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with the vote of the people. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

[(15) The holder of a Class A license will insure that a person's maximum loss will be no more than five hundred dollars (\$500) during each gambling excursion.]

[(16)](5) Wagers may only be made—

- (A) By a person present on a licensed gambling boat;
- (B) By persons twenty-one (21) years of age or older; and
- (C) At the times allowed by the commission.

AUTHORITY: sections 313.004, 313.805, [RSMo 1994] and 313.807, RSMo [Supp. 1999] 2000. Original rule filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999. Amended: Filed March 1, 2000, effective Sept. 30, 2000. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 6—Operation of the Riverboat**

EMERGENCY RESCISSION

11 CSR 45-6.040 Five Hundred Dollar-Loss Limit. This rule established enforcement of five hundred dollar (\$500)-loss limits.

PURPOSE: This rule is being rescinded as the five hundred dollar (\$500)-loss limit was repealed during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency rescission deletes rule provisions repealed by voter initiative during the last general election. This rule ensured each licensed excursion gambling boat specified in the internal controls procedures to enforce and prevent the loss of more than five hundred dollars (\$500) by patrons during each gambling excursion. With the approval of Proposition A by the voters of Missouri there are no longer any loss limits applicable to gaming patrons at Missouri casinos. This emergency rescission will remove the internal control procedures Class B licensees used to track and enforce the loss limits. This emergency rescission is necessary to protect the public health, safety and welfare to remove rule language that is inconsistent with statute. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed rescission which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emer-

gency rescission was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

AUTHORITY: sections 313.004 and 313.805, RSMo [1994] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Emergency rescission filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

EMERGENCY AMENDMENT

11 CSR 45-8.120 Handling of Cash at Gaming Tables. The commission is amending subsections (1)(B) and (1)(C) and deleting subsection (1)(D).

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency amendment deletes rule provisions repealed by voter initiative during the last general election. This emergency amendment removes requirements in the rule which specify procedures to be followed by Class B licensees at the gaming tables preventing patrons from losing more than five hundred dollars (\$500) during each gambling excursion. Without this emergency amendment, the current procedures would continue to limit the patron to the five hundred dollar (\$500)-loss limit, in conflict with Missouri voters' approval of Proposition A. This emergency amendment ensures patrons there will be no loss-limits imposed during their gaming excursion. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with statute. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

(1) Whenever cash is presented by a patron at a gaming table for exchange of gaming chips, the following procedures and requirements shall be observed:

(B) The cash value amount shall be verbalized by the dealer or box person accepting it in a tone of voice calculated to be heard by the patron and the casino supervisor assigned to that gaming table; **and**

(C) Immediately after that, the cash shall be taken from the top of the gaming table and placed by the dealer or box person into the drop box attached to the gaming table[; **and**].

[(D) All of subsections (1)(A)–(C) shall be consistent with the boat's enforcement of five-hundred (\$500) dollar-loss limits.]

AUTHORITY: sections 313.004, 313.805, and 313.817, RSMo [Supp. 1993] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5,

1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

EMERGENCY AMENDMENT

11 CSR 45-9.030 Minimum Internal Control Standards. The commission is amending section (1) and Appendix A, as incorporated by reference, by changing the requirements in Chapter D—Table Games (Live Games), Chapter E—Electronic Gaming Devices (EGDs), Chapter J—Admissions, Chapter N—Security and Chapter Q—Disassociated Persons and deleting Chapter P—\$500 Buy-In Limit.

PURPOSE: This amendment updates requirements related to admissions taxes and deletes requirements for the five hundred dollar (\$500)-loss limit which were changed during the general election by voter initiative by amending the requirements in Appendix A as incorporated by reference in Chapters D, E, J, N and Q and deletes Chapter P of the Minimum Internal Control Standards.

EMERGENCY STATEMENT: This emergency amendment updates rule provisions for admissions tax and deletes the requirements for the five hundred dollar (\$500)-loss limit approved by voters during the last general election. This emergency amendment clarifies the revisions to the Minimum Internal Control Standards as incorporated by reference in this rule as applicable to the five hundred dollar (\$500)-loss limit, identification of players and the collection of the admission taxes, providing the Class B licensees the authority to update their internal controls in a timely fashion to comply with the provisions of Proposition A. It is imperative for the Missouri Gaming Commission to immediately begin collecting the taxes, remove the five hundred dollar (\$500)-loss limit and update the internal controls to reflect the provisions of Proposition A. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with statute. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 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. This incorporated material (Appendix A) may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in Appendix A, which has been incorporated by reference herein, as published by the Missouri Gaming

Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. This rule does not incorporate any subsequent amendments or additions. The minimum internal control standards [were published by the commission in 2007 and do not include any later amendments or additions] are adopted as approved by the commission on October 29, 2008.

AUTHORITY: sections 313.004 and 313.805, RSMo 2000 and section 313.800, RSMo Supp. [2006] 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

EMERGENCY AMENDMENT

11 CSR 45-9.040 Commission Approval of Internal Control System. The commission is deleting paragraph (1)(C)1. and renumbering paragraphs (1)(C)2.-25.

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency amendment deletes rule provisions repealed by voter initiative during the last general election. Implementation of this emergency amendment—1) will remove the requirement for a detailed, narrative description of the riverboat licensee's accounting procedures for tracking the five hundred dollar (\$500)-loss limit from their internal controls and 2) limit patron identification to enter the gambling area solely to establish that an individual is at least twenty-one (21) years of age. Class B licensees will submit emergency changes to their internal controls, thereby providing the Missouri Gaming Commission immediate documentation of the procedures to ensure compliance with the provisions of Proposition A as approved by Missouri voters. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with statute. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

(1) Each licensee shall describe, in a manner that the commission may approve or require, its administrative and accounting procedures in detail in a written system of internal control. Each written system must include a detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of 11 CSR 45-9.020 and 11 CSR 45-9.030(1). Additionally, this description shall include a separate section for the following:

(C) A detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of 11

CSR 45-9.020 and 11 CSR 45-9.030(1). Additionally, this description shall include a separate section for the following:

[1.] *Procedures to insure that no person shall lose more than five hundred dollars (\$500) during each gambling excursion;*

[2.]/1. Procedures to account for the total number and amount of money received from admissions, including free passes or complimentary admission tickets;

[3.]/2. Physical characteristics of drop box and tip box;

[4.]/3. Transportation of drop and tip boxes to and from gaming tables;

[5.]/4. Procedures for table inventories;

[6.]/5. Procedures for opening and closing gaming tables;

[7.]/6. Procedures for fills and credits;

[8.]/7. Procedures for accepting tips or gratuities;

[9.]/8. Procedures for transporting chips and tokens to and from gaming tables;

[10.]/9. Procedures for shift changes at gaming tables;

[11.]/10. Drop bucket characteristics;

[12.]/11. Transportation of drop buckets to and from electronic gaming devices;

[13.]/12. Procedures for chip and token purchases;

[14.]/13. Procedures for hopper fills;

[15.]/14. Procedures for transportation of electronic gaming devices;

[16.]/15. Procedures for jackpot payout;

[17.]/16. Layout and physical characteristics of cashier's cage;

[18.]/17. Procedures for accounting controls;

[19.]/18. Procedures for exchange of checks submitted by gaming patrons;

[20.]/19. Procedures for credit card and debit card transactions;

[21.]/20. Procedures for acceptance, accounting for and redemption of patron's cash deposits;

[22.]/21. Procedures for control of coupon redemption and other complimentary distribution programs;

[23.]/22. Procedures for shoreside facilities, which is defined for purposes of this rule as those facilities based or built upon land;

[24.]/23. Procedures for federal cash transactions reporting; and

[25.]/24. Procedures for security and accountability of dice and cards; and

AUTHORITY: sections 313.004[,] and 313.805, RSMo [1994] 2000 and section 313.800, RSMo Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

EMERGENCY AMENDMENT

11 CSR 45-11.020 Deposit Account—Taxes and Fees. The commission is amending section (1).

PURPOSE: This rule is being amended to increase the tax rate as approved during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency amendment informs affected individuals and entities the gaming tax rate has increased to twenty-one percent (21%) from the previous level of twenty percent

(20%). With the passage of Proposition A, it is economically in the best interest of the state to collect the additional one percent (1%) tax on the adjusted gross receipts as approved by voters in an expedited manner. Immediate implementation of this emergency amendment will allow the state to ensure the collection of additional taxes. Without this emergency amendment, collection of the taxes will be delayed. It is imperative to begin immediate collection of the gambling boat tax and fee revenues thereby increasing state revenue. This emergency amendment is necessary to protect the public health, safety and welfare as some entities may file their taxes at the inappropriate rate, thereby creating the need to file amended returns, and possibly being assessed late filing charges. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

(1) As authorized in section 313.822, RSMo, a tax is imposed on the adjusted gross receipts received from gambling games at the rate of [twenty] **twenty-one percent [(20%)] (21%)** (the "gaming tax").

AUTHORITY: sections 313.004, 313.805, 313.807, and 313.822, RSMo [1994] 2000 and sections 313.800, 313.820, and 313.835, RSMo [Supp. 1997] Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

EMERGENCY AMENDMENT

11 CSR 45-11.050 Admission Fee. The commission is amending section (1).

PURPOSE: This amendment clarifies the definition for a ticket of admission.

EMERGENCY STATEMENT: This emergency amendment clarifies the definition of the ticket of admission which will provide an accurate accounting of patrons for the admissions tax since rule provisions were repealed by voter initiative during the last general election. This rule change eliminates the requirement of a player's card for admission, which currently serves as a ticket of admission; therefore, this emergency amendment provides an appropriate definition for the ticket of admission that allows for another means of counting admissions and ensuring the proper collection of admission taxes. Immediate implementation of this emergency amendment will allow the state to verify the number of tickets of admission and ensure the collection of additional taxes which provides the state additional revenue. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with statute. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare

and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

(1) An [admission boat] excursion gambling boat licensee shall pay to the commission an admission fee of two dollars (\$2) for each person embarking on an excursion gambling boat with a ticket of admission and one dollar (\$1) of this shall be paid to the home dock city or county; provided, however, that the licensee may charge any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat.

(A) As used in this chapter "ticket of admission" shall mean a device, mechanism, or procedure approved by the commission which provides a complete and accurate accounting of all patrons embarking on an excursion gambling boat.

AUTHORITY: sections 313.004[,] and 313.805, RSMo 2000 and section 313.820, RSMo [Supp. 1993] Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

EMERGENCY AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The department proposes to amend section (1).

PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2009 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2009.

EMERGENCY STATEMENT: The director of revenue is mandated to establish, not later than October 22, an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the 2009 calendar year. A proposed amendment that covers the same material is published in this issue of the Missouri Register. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the Missouri and United States Constitutions. Emergency amendment filed October 21, 2008, effective January 1, 2009, and expires June 29, 2009.

(1) Pursuant to section 32.065, RSMo, the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the

Board of Governors of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%

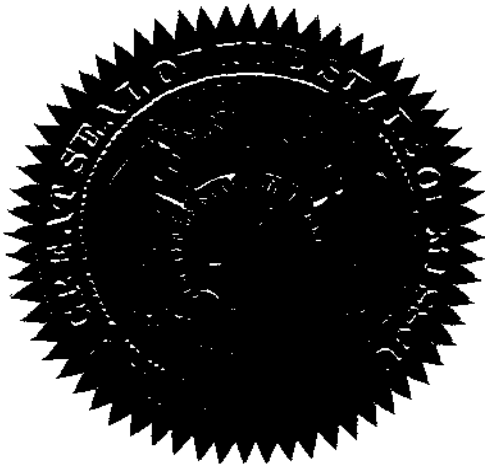
AUTHORITY: section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 21, 2008, effective Jan. 1, 2009, expires June 29, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

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

**EXECUTIVE ORDER
08-33**

TO ALL DEPARTMENTS AND AGENCIES:

This is to advise that state offices will be closed on Friday, December 26, 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 29th day of October, 2008.



Matt Blunt
Governor

ATTEST:



Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-34**

Whereas, the United States Census of Population is a critical component of our nation's democratic society; and

Whereas, the United States Census of Population is used to apportion seats in the United States House of Representatives; and

Whereas, the state of Missouri faces the possible loss of a seat in the United States House of Representatives based on Missouri's population counts relative to those of all other states; and

Whereas, federal funds vital to Missourians are distributed based on population counts collected during the United States Census of population; and

Whereas, the United States Census Bureau encourages all states to form a Complete Count Committee whose goal shall be to heighten awareness about the 2010 Census and encourage the populace to participate in the United States Census of Population; and

Whereas, I am committed to ensuring Missouri has an accurate count of its citizens during the 2010 Census.

Now, Therefore, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and the laws of the state of Missouri, do hereby order the establishment of a Complete Count Committee.

1. The committee is charged with heightening Missouri's awareness of the 2010 Census, encouraging participation in the process and working to ensure that every resident is counted.
2. The committee will be chaired by the Lieutenant Governor.
3. No more than 30 additional members will be appointed by the Governor. Additional appointments will represent Missouri's diverse population. Membership on the committee will be bipartisan and representative of the state. The State Demographer shall be one of the members.
4. The Governor will, whenever possible, appoint members who have interaction with Complete Count Committees that have been, or will be, established at the local or sub-state level.
5. The committee shall begin work on an action plan soon after its formation that will identify specific areas or groups within Missouri, which are isolated geographically, linguistically, racially, culturally, or otherwise, that may be hard to enumerate. The plan also should identify strategies to overcome recognized barriers; develop campaigns targeted towards the identified areas or groups, which will build awareness of Census 2010; and encourage cooperation with enumerators.
6. The chair, in consultation with the Governor, will decide if the committee will have subcommittees. The purpose of each subcommittee will be to help the committee better effect its mission on a particular geographic region of group of citizens within the state of Missouri.

7. The committee members shall not be compensated for their services other than reimbursement of costs directly associated with the execution of their duties, subject to appropriation.
8. The committee is authorized to submit requests for appropriations necessary to carry out its charge.
9. The committee shall fulfill this charge in the most cost-effective manner possible.
10. Staff support will be provided by the Lt. Governor and Office of Administration.
11. The committee shall meet at least quarterly until March 31, 2010, and as often as is required thereafter to complete this charge.
12. Wherever possible, the committee should coordinate its efforts with those of the United States Bureau of the Census and Complete Count Committees established at the local or sub-state level.
13. The committee shall submit a final report to the Governor summarizing its activities and suggesting improvements to Missouri's Complete Count Committee for Census 2020.

The committee will complete its work and submit its final report by June 30, 2011.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21st day of October, 2008.



Matt Blunt
Governor



Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-35**

WHEREAS, the Division of Mental Retardation and Developmental Disabilities was established within the Department of Mental Health in 1974; and

WHEREAS, the Division serves a population that has developmental disabilities such as mental retardation, cerebral palsy, head injuries, autism, epilepsy, and certain learning disabilities; and

WHEREAS, the Division strives to improve the lives of persons with developmental disabilities through programs and services to enable those persons to live independently and productively; and

WHEREAS, the Division should be restructured to reflect more accurately its broad mission of assisting those with developmental disabilities.

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

1. Create a division to be known as the Division of Developmental Disabilities; and
2. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Mental Retardation and Developmental Disabilities to the Division of Developmental Disabilities, by Type I transfer, as defined under the Reorganization Act of 1974; and
3. Develop mechanisms and processes necessary to effectively transfer the Division of Mental Retardation and Developmental Disabilities to the Division of Developmental Disabilities; and
4. Transfer the responsibility for staff support for the Division of Mental Retardation and Developmental Disabilities to the Division of Developmental Disabilities;
5. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this transfer; and
6. Abolish the Division of Mental Retardation and Developmental Disabilities.

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



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 16th day of October, 2008.

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-36**

WHEREAS, the effects of a pandemic influenza would be widespread and disruptive to Missouri citizens, including employees of the state of Missouri; and

WHEREAS, it is the mission of the state of Missouri to maintain or improve the quality of life for its citizens; and

WHEREAS, many employees wish to help their fellow employees who may need assistance during a pandemic; and

WHEREAS, it is in the best interests of all Missourians to encourage teamwork and feelings of mutual concern and support among state employees; and

NOW, THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order that the Departments and Agencies of the Executive Branch of Missouri State Government are authorized to adopt a Pandemic Flu Share Leave Program by which employees may donate a portion of their accrued annual or compensatory leave benefits to other employees who are unable to return to work for a significant period of time due to contracting influenza themselves or being required to care for family members who have been affected with influenza, and who have exhausted all accrued leave balances.

IT IS FURTHER ORDERED that a flu share leave program adopted under this order will adhere to the following terms and limitations:

Employees may donate any portion of their accrued annual or compensatory leave as defined by the Personnel Advisory Board.

Recipient employees must have exhausted all of their accrued leave.

Donations will be made to a departmental or agency donation pool established specifically for this purpose rather than from individual to individual.

Departmental policy will establish a method for determining the eligibility of persons who apply for Pandemic Flu Share Leave benefits from the donation pool.

Eligible employees will receive an equitable share of the leave from the available donation pool.

All donations of leave to the Pandemic Flu Share Leave program shall be voluntary.

Individual leave records are confidential, and only individual employees may reveal their donations or receipt of shared leave.

This authorization for a Pandemic Flu Share Leave program shall cover only situations created as a result of the Governor's Declaration of Statewide Emergency due to the statewide effects of Pandemic Influenza to the citizens of Missouri, and shall automatically expire six months after such declaration unless otherwise extended by the Governor.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 23rd day of October, 2008.

Matt Blunt
Governor

Robin Carnahan
Secretary of State