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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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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 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 30—Petroleum Inspection

EMERGENCY AMENDMENT

2 CSR 90-30.040 Quality Standards for Motor Fuels. The division is removing the publisher's note and amending the summary and section (1).

PURPOSE: This amendment relaxes the volatility standards (vapor lock protection class requirements) for gasoline containing ethanol and clarifies the effective date of the most current ASTM International Standards as established by Chapter 414.032, RSMo.

EMERGENCY STATEMENT: This emergency amendment is necessary to preserve a compelling government interest in the transition from fossil-based to renewable fuels. The Missouri Renewable Fuel Standard Act, section 414.255, RSMo Supp. 2007, contained in HB 1270 AND 1027, 93rd General Assembly, Second Regular Session (2006), requires on and after January 1, 2008, all gasoline sold or offered for sale in Missouri at retail shall be fuel ethanol-blended gasoline, unless otherwise provided. This emergency amendment modifies the volatility standards for gasoline containing ethanol. If this emergency amendment were not enacted, fuel shortages in Missouri could result due to lack of availability of a special blend stock of gasoline for blending with ethanol. This emergency amendment also clarifies the effective date of the most current annual book

*of ASTM International standards and supplements as established by Chapter 414, RSMo. An Active standard is the current, official version of an ASTM standard. An Active standard supersedes the previous historical versions of a standard. Active and historical versions are published on its website www.astm.org or by mail ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. 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 Department of Agriculture believes this emergency amendment is fair to all interested persons under the circumstances. This emergency amendment filed January 4, 2008, effective January 14, 2008, expires July 11, 2008.*

SUMMARY: [American Society for Testing and Materials (ASTM) Designation: D 4814-88a addresses standard specifications for the properties of automotive spark-ignition engine fuel. ASTM Designation: No. D 910-88a addresses standard specifications for the properties of aviation gasoline. ASTM Designation: D 1655-88a addresses standard specifications for the properties of aviation turbine fuel. ASTM Designation: D 975-88 addresses standard specifications for the properties of all diesel fuel. ASTM Designation: D 396-86 addresses standard specifications for the properties of all fuel oils. ASTM Designation: D 3699-88 addresses standard specifications for the properties of all kerosene. The number immediately following the designated specification number indicates the year of original adoption or, in the case of revision, the year of last revision.] Chapter 414.032, RSMo requires all kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends and other motor fuels meet the most current version of ASTM International standards. For the purpose of administering and giving effect to the provisions of this Act, the specification and test method standards set forth in the most recent version available of ASTM International standards as published on its website www.astm.org, as referenced by Chapter 414.032, RSMo except as amended or modified by the director. The following specifications are provided by the following designations:

D4814 Standard Specification for Automotive Spark-Ignition Engine Fuel
D910 Standard Specification for Aviation Gasoline
D1655 Standard Specification for Aviation Turbine Fuel
D975 Standard Specification for Diesel Fuel Oils
D396 Standard Specification for Fuel Oils
D3699 Standard Specification for Kerosene
D5798 Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines
D6751 Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels
D4806 Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel
D6227 Standard Specification for Grade 82 Unleaded Aviation Gasoline

(1) Regulation Regarding Quality of Motor Fuels. The following fuels when sold, offered for sale or when used in this state shall meet the following requirements:

(B) All automotive gasoline shall meet the requirements [set in the *Annual Book of ASTM Standards, Designation: D 4814-88a*] of **ASTM D4814**;

(C) All automotive gasoline containing oxygenated additives shall meet the requirements [set in the *Annual Book of ASTM Standards, Designation: D 4814-88a*] of **ASTM D4814** and the following requirements:

1. The total alcohol content shall not exceed ten (10) volume percent;

2. The oxygen content shall not exceed three and seven-tenths percent (3.7%) by weight;

3. When methanol is blended in quantities greater than three-tenths (0.3) volume percent, the finished blend shall contain at least an equal amount of butanol or higher molecular weight alcohol; and

4. *[When gasoline is blended with ten percent (10%) denatured ethanol, a vapor pressure tolerance not exceeding one (1) pound per square inch may be allowed and the fifty percent (50%) evaporated distillation temperature shall not be less than one hundred fifty-eight degrees Fahrenheit (158°F) (seventy degrees Celsius (70°C));]* Gasoline blended with up to ten percent (10%) ethanol by volume shall be blended under any of the following three (3) options:

A. The base gasoline used in such blends meets the requirements of ASTM D4814 and the ethanol meets the requirements of ASTM D4806. The finished blend meets ASTM D4814 with the following permissible exceptions;

(I) The distillation minimum temperature at the fifty (50) volume percent evaporated point shall not be less than one hundred fifty-eight degrees Fahrenheit (158°F) for classes AA, A, B, and C and shall not be less than one hundred fifty degrees Fahrenheit (150°F) for classes D and E.

(II) The Minimum Test Temperature at which the Vapor/Liquid Ratio is equal to twenty (20) shall be as follows for the applicable vapor lock protection class:

Class 2 shall be one hundred twenty-four degrees Fahrenheit (124 °F)

Class 3 shall be one hundred sixteen degrees Fahrenheit (116 °F)

Class 4 shall be one hundred ten degrees Fahrenheit (110 °F)

Class 5 shall be one hundred two degrees Fahrenheit (102 °F)

B. The blend meets the requirements of ASTM D4814.

C. The base fuel used in such blends meets all the requirements of ASTM D4814 except distillation, and the blend meets the distillation requirements of ASTM D4814;

5. Blends of gasoline and ethanol shall meet the following vapor pressure requirements:

A. During the period between June 1 and September 15 of each calendar year, blends containing a minimum of nine percent (9%) ethanol by volume and a maximum of ten percent (10%) ethanol by volume shall not exceed the ASTM D4814 vapor pressure limits by more than one (1.0) p.s.i. All other blend concentrations shall meet the ASTM D4814 vapor pressure limits; and

B. During the period between September 16 and May 31 of each calendar year, all blends of gasoline and ethanol shall not exceed the ASTM D4814 vapor pressure limits by more than one (1.0) p.s.i.

(G) All aviation gasoline shall meet the requirements *[in the Annual Book of ASTM Standards, Designation: D 910-88a]* of ASTM D910;

(H) All aviation turbine fuel shall meet the requirements *[in the Annual Book of ASTM Standards, Designation: D 1655-88a]* of ASTM D1655;

(I) All diesel fuel shall meet the requirements *[in the Annual Book of ASTM Standards, Designation: D 975-88]* of ASTM D975;

(J) All fuel oils shall meet the requirements *[in the Annual Book of ASTM Standards, Designation: D 396-86]* of ASTM D396; and

(K) All kerosene shall meet the requirements *[in the Annual Book of ASTM Standards, Designation: D 3699-88]* of ASTM D3699.

AUTHORITY: section 414.142, RSMo 2000. This rule was previously filed as 2 CSR 90-30.030. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. Amended: Filed April 2, 1990, effective June 28, 1990. Emergency amendment filed Aug. 30, 2002, effective Sept. 10, 2002, expired March 9, 2003. Amended: Filed Aug. 30, 2002, effective Feb. 28, 2003. Emergency amendment filed Jan. 4, 2008, effective Jan. 14, 2008, expires July 11, 2008.

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

EXECUTIVE ORDER

08-01

WHEREAS, Samuel Clemens, Ernest Hemingway, T.S. Eliot, Langston Hughes, Tennessee Williams, and Laura Ingalls Wilder all called our state home at some time; and

WHEREAS, art and literature are windows to man's soul; and

WHEREAS, our poets, and their poetry, help define our humanity; and

WHEREAS, as Goethe explained, "True poetry identifies itself as such by knowing how to liberate us from the earthly burdens that oppress us, by being a secular gospel, by creating inner cheerfulness and outward contentment"; and

WHEREAS, a great poem is capable of lifting our spirits, healing old wounds, creating bonds that last, and bridging any divide.

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 establish the post of Missouri Poet Laureate.

The Poet Laureate shall serve for two years, at the pleasure of the governor, and be responsible for promoting the arts in Missouri by making at least six public appearances per year at public libraries and schools across the state. The Laureate shall also compose an original poem in honor of Missouri that may be used for publication and distribution.



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 8th day of January, 2008.

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-02**

Whereas, I have been advised by the Director of the State Emergency Management Agency that several severe storm systems causing damages associated with tornados, high winds, hail, and flooding have impacted communities across the central and southern parts of the state of Missouri; and

Whereas, the severe weather that began on January 7, 2008, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of Missouri beyond the capabilities of some local and other established agencies; and

Whereas, local officials are continuing to provide updated damage reports to the State Emergency Operations Center; and

Whereas, the citizens and communities of Missouri are still recovering from the effects of the December 2007 severe storms; and

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

Whereas, protection of the safety and welfare of the citizens of the state requires an invocation of the provisions of Section 44.100 and 44.110, RSMo.

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

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

This order shall terminate on February 8, 2008, unless extended in whole or in part.



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

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-03**

Whereas, I have been advised by the Director of the State Emergency Management Agency that several severe storm systems causing damages associated with tornados, high winds, hail, and flooding have impacted communities across the central and southern parts of the state of Missouri; and

Whereas, the severe weather that began on January 7, 2008, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of Missouri beyond the capabilities of some local and other established agencies; and

Whereas, local officials are continuing to provide updated damage reports to the State Emergency Operations Center; and

Whereas, the citizens and communities of Missouri are still recovering from the effects of the December 2007 severe storms; and

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

Whereas, protection of the safety and welfare of the citizens of the state requires an invocation of the provisions of Section 44.100 and 44.110, RSMo.

Now, Therefore, I, Matt Blunt, Governor of the state of Missouri, by virtue of the authority vested in me by the Constitution and laws of the state of Missouri, including Sections 44.100 and 44.110, RSMo, order and direct the Adjutant General of the state of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this state.

This order shall terminate on February 8, 2008, unless extended in whole or in part.



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

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State