

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

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED RULE

**20 CSR 2150-3.165 Physical Therapist Assistant—Reinstatement
of an Inactive License**

PURPOSE: This rule specifies the requirements physical therapist assistants must follow to request reinstatement of a license that has been inactive.

- (1) All applicants shall make application for reinstatement of an inactive license upon a form prepared by the board.
- (2) No application will be considered unless fully and completely made out on the specified form and properly attested.
- (3) All applications shall be sent to the Missouri State Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102.
- (4) All applicants for reinstatement of an inactive license must submit a fee as specified in 20 CSR 2150-3.080.
- (5) No application will be processed prior to the submission of the required fee in the appropriate form.
- (6) All applicants must submit an activity statement documenting all employment and professional and nonprofessional activities since the date the license was placed on inactive status.
- (7) All applicants shall have licensure, registration, or certification verification submitted from every jurisdiction in which the applicant has ever held privileges to practice as a physical therapist assistant. This verification must be submitted directly from the licensing agency and include the type of license, registration, or certification, the issue and expiration date, and information concerning any disciplinary or investigative actions.
- (8) An applicant for reinstatement of an inactive license, who has not actively practiced as a physical therapist assistant in another jurisdiction throughout the period their Missouri license was inactive, shall submit upon request any documentation requested by the board necessary to verify that the applicant is competent to practice in Missouri. Such documentation may include sixty (60) hours of continuing education obtained within the four (4) years immediately preceding the issuance of the license and/or one (1) year of supervised practice and/or successful completion of the national licensing examination. Any continuing education obtained pursuant to re-issuance of a license shall be completely separate from continuing education that was previously counted towards mandatory continuing education when the applicant was previously licensed.

AUTHORITY: section 334.125, RSMo 2000 and sections 335.525 and 334.687, RSMo Supp. 2008. Original rule filed March 30, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately one hundred thirty-nine dollars and seventy-four cents (\$139.74) during the first year of implementation and thirty-two dollars and fifty-eight cents (\$32.58) during the second year of implementation and annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule,

may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately two thousand four hundred seventy-four dollars and eighty-four cents (\$2,474.84) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants
Proposed Rule - 20 CSR 2150-3.165 Physical Therapist Assistant - Reinstatement of an Inactive License

Prepared November 12, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
State Board of Registration for the Healing Arts	Total Cost of Compliance During the First Year of Implementation of the Rule	\$139.74
	Total Cost of Compliance Beginning During the Second Year of Implementation and Annually Thereafter	\$32.58

III. WORKSHEET

First Year of Implementation of the Rule

The Administrative Coordinator drafts the application for reinstatement of an inactive license. The Executive Director will review the application before being sent to print. The Graphic Arts Specialist I prepares the form and submits to the state printshop. These are one time costs to the board.

Personal Service Dollars - One Time Costs

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER EVENT	COST PER EVENT	TOTAL COST
Administrative Coordinator	\$37,968	\$56,477.40	\$27.15	\$0.45	1 Hour	\$27.15	\$27.15
Executive Director	\$76,283	\$113,470.96	\$54.55	\$0.91	15 Minutes	\$13.64	\$27.28
Graphic Arts Specialist I	\$25,800	\$38,377.50	\$18.45	\$0.31	30 Minutes	\$9.23	\$9.23

The Licensure Technician II reviews the applications for completion and corresponds with the applicant for any additional information required by the board. The Licensure Supervisor reviews completed applications for approval. The Executive Director approves the applications. The board estimates that 2 applicants will apply for an inactive license annually.

Personal Service Dollars - Processing Applications

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER EVENT	COST PER EVENT	TOTAL COST
Licensure Technician II	\$24,576	\$36,556.80	\$17.58	\$0.29	30 Minutes	\$8.79	\$17.58
Licensure Supervisor	\$32,856	\$48,873.30	\$23.50	\$0.39	5 Minutes	\$1.96	\$3.92
Executive Director	\$76,283	\$113,470.96	\$54.55	\$0.91	5 Minutes	\$4.55	\$9.09
Total Personal Services Costs for the First Year of Implementation of the Rule							\$94.24

The form will be sent with the application packets to the licenses so there would be no additional postage costs. The board estimates that they will have to send an average of 10 letters of correspondence to applicants annually.

Expense and Equipment Dollars

Item	Cost	Quantity	Total Cost Per Item
State Printing (1x Cost)	\$45.00	1	\$45.00
Letterhead	\$0.05	10	\$0.50
Total Expense and Equipment Costs for the First Year of Implementation of the Rule			\$45.50

Second Year of Implementation of the Rule and Thereafter

The Licensure Technician II reviews the applications for completion and corresponds with the applicant for any additional information required by the board. The Licensure Supervisor reviews completed applications for approval. The Executive Director approves the applications. The board estimates that 2 applicants will apply for an inactive license annually.

Personal Service Dollars

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER EVENT	COST PER EVENT	TOTAL COST
Licensure Technician II	\$24,576	\$36,556.80	\$17.58	\$0.29	30 Minutes	\$8.79	\$17.58
Licensure Supervisor	\$32,856	\$48,873.30	\$23.50	\$0.39	5 Minutes	\$1.96	\$3.92
Executive Director	\$76,283	\$113,470.96	\$54.55	\$0.91	5 Minutes	\$4.55	\$9.09
Total Annual Personal Services Costs Beginning the Second Year of Implementation of the Rule and Continuing for the Life of the Rule Thereafter							\$30.58

The board estimates that they will have to send an average of 10 letters of correspondence to applicants annually.

Expense and Equipment Dollars

Item	Cost	Quantity	Total Cost Per Item
Letterhead	\$0.20	10	\$2.00
Total Expense and Equipment Costs Beginning the 2nd Year of Implementation of the Rule and Annually Thereafter for the Life of the Rule			\$2.00

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.75% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants
Proposed Rule - 20 CSR 2150-3.165 Physical Therapist Assistant - Reinstatement of an Inactive License

Prepared November 12, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2	Applicants for Reinstatement of Inactive License (Postage @ \$0.42)	\$0.84
2	Applicants for Reinstatement of Inactive License (Notary @ \$2.00)	\$4.00
2	Applicants for Reinstatement of Inactive License (Fee @ \$50.00)	\$100.00
2	Applicants for Reinstatement of Inactive License (3 Verifications @ \$15.00/per form)	\$90.00
2	Applicants for Reinstatement of Inactive License (60 Continuing Education Hours @ \$19.00/HR)	\$2,280.00
	Estimated Biennial Cost of Compliance for the Life of the Rule	\$2,474.84

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures shown above are based on FY06-FY08 actuals.
2. The board estimates that an average of three verifications will be requested by the applicant. It is anticipated that each verification will cost approximately \$15.00.
3. Travel costs to obtain continuing education credits are not included because online courses are accepted by the board.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 334.002-334.930, RSMo. Pursuant to sections 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002-334.930, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002-334.930, RSMo.

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

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED AMENDMENT

20 CSR 2150-3.170 Physical Therapist Assistant Licensure Fees. The board is proposing to add subsection (1)(G), renumber the remaining subsection, and amend section (2).

PURPOSE: This amendment establishes a fee to reinstate a license that has been inactive.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(G) Reinstatement of an Inactive License Fee	\$50
[(G)](H) Returned Check Fee	\$25

(2) All fees are nonrefundable. All fees must be *[submitted in the form of a cashier's check or money order payable]* drawn on a United States bank made payable to the Missouri Board of Healing Arts.

AUTHORITY: section[s] 334.125, RSMo 2000 and sections 334.655, 334.660, 334.670, and 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.170. Original rule filed Sept. 4, 1997, effective March 30, 1998. Amended: Filed April 14, 2000, effective Oct. 30, 2000. Amended: Filed Sept. 15, 2000, effective March 30, 2001. Amended: Filed June 16, 2003, effective Dec. 30, 2003. Moved to 20 CSR 2150-3.170, effective Aug. 28, 2006. Amended: Filed March 30, 2009.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED AMENDMENT

20 CSR 2150-3.180 Physical Therapist Assistant [Registration—Supervision] Biennial Renewal—Retirement, Name and Address Changes. The board is proposing to amend the title of the rule and section (2), add a new section (3), and renumber the remaining sections accordingly.

PURPOSE: Due to the passage of Senate Bill 788, this amendment adds that the applicant shall pass a test administered by the board on the laws and rules related to the practice as a physical therapist assistant in Missouri.

(2) The failure to *[mail]* provide the application *[for]* form or the failure to receive the renewal application form does not relieve any licensee of the duty to renew the license and pay the renewal fee, nor shall it exempt any licensee from the penalties provided in sections 334.650 to 334.685, RSMo, for failure to renew.

(3) Prior to renewal of the license, licensees may be required to take and pass a test administered by the board on the laws and rules related to the practice of physical therapy in Missouri. A minimum score of seventy-five percent (75%) is required to pass the examination.

[(3)](4) Licensees must submit written notification of any address change to the board within fifteen (15) days of such occurrence.

[(4)](5) A licensee whose name has changed since licensure was issued must submit a copy of the legal document verifying the name change to the board within fifteen (15) days of such occurrence.

[(5)](6) Licensees who retire from practice as physical therapist assistants shall file an affidavit, on a form furnished by the board, stating the date of retirement. Licensees shall submit documentation verifying retirement as requested by the board. Licensees who reengage in practice as physical therapist assistants after submitting an affidavit of retirement shall reapply for licensure as required in sections 334.650 and 334.685, RSMo, and pursuant to the provisions of 20 CSR 2150-3.160.

AUTHORITY: section[s] 334.125, RSMo 2000 and sections 334.655, 334.660, 334.675, and 334.687, RSMo Supp. [2007] 2008. This rule originally filed as 4 CSR 150-3.180. Original rule filed Sept. 4, 1997, effective March 30, 1998. Amended: Filed Sept. 10, 1998, effective March 30, 1999. Moved to 20 CSR 2150-3.180, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007, effective June 30, 2008. Amended: Filed March 30, 2009.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately forty eight thousand seven hundred twelve dollars and sixty one cents (\$48,712.61) during the second year of implementation and biennially thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately seven hundred thirty dollars and thirty-eight cents (\$730.38) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants
Proposed Amendment - 20 CSR 2150-3.180 Physical Therapist Assistant Biennial Renewal - Retirement, Name and Address Changes
 Prepared November 12, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
State Board of Registration for the Healing Arts		\$48,712.61
	Total Cost of Compliance Beginning the Second Year of Implementation and Biennially Thereafter	\$48,712.61

III. WORKSHEET

Beginning During Second Year of Implementation and Biennially Thereafter

Personal Service Dollars - Renewal Processing

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER EVENT	COST PER EVENT	TOTAL COST
Office Support Assistant	\$24,168	\$35,949.90	\$17.28	\$0.29	5 Minutes	\$1.44	\$6,609.60
						Total	\$6,609.60

Expense and Equipment Dollars

Item	Cost	Quantity	Total Cost Per Item
Postage	\$0.42	4590	\$1,927.80
Renewal Forms - Paper	\$0.05	4590	\$229.50
		Total	\$2,157.30

The Licensure Technician II reviews the exams for completion and corresponds with the applicant for any additional information required by the board. The Licensure Supervisor reviews completed exams for approval. The Executive Director approves the exams. The board estimates that 1739 applicants will renew biennially.

Personal Service Dollars - Application Process

Licensure Technician II	\$24,576	\$36,556.80	\$17.58	\$0.29	30 Minutes	\$8.79	\$15,281.80
Licensure Supervisor	\$32,856	\$48,873.30	\$23.50	\$0.39	5 minutes	\$1.96	\$3,405.07
Executive Director	\$76,283	\$113,470.96	\$54.55	\$0.91	5 minutes	\$4.55	\$7,905.69
Total							\$39,811.76

The examination will be sent with the renewal packets to the licensees so there would be no additional postage costs. The board estimates that there will be 1739 renewals sent out biennially. The board estimates that they will have to send an average of 10 letters of correspondence to applicants biennially.

Expense and Equipment Dollars

Item	Cost	Quantity	Total Cost Per Item
State Printing (1x Cost)	\$45.00	1	\$45.00
Paper	\$0.05	1739	\$86.95
Letterhead	\$0.20	10	\$2.00
Total			\$133.95

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.75% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants
Proposed Amendment - 20 CSR 2150-3.180 Physical Therapist Assistant Biennial
Renewal - Retirement, Name and Address Changes
 Prepared November 12, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1,739	Applicants for Renewal (Postage @ \$0.42)	\$730.38
	Estimated Biennial Cost of Compliance for the Life of the Rule	\$730.38

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures shown above are based on FY08 actuals.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 334.002-334.930, RSMo. Pursuant to sections 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002-334.930, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002-334.930, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED AMENDMENT

20 CSR 2150-3.201 Continuing Education Requirements. The board is proposing to amend section (6), add a new section (7), and renumber the remaining section accordingly.

PURPOSE: This amendment provides that physical therapist assistants who hold temporary licenses are exempt from obtaining continuing education hours until they complete one (1) year of supervised active practice.

(6) [Temporary licensed physical therapists and physical therapist assistants] Examination applicants who hold temporary licenses are exempt from obtaining continuing education hours until such time as the temporary licensee successfully passes the licensing examination and is approved and issued licensure pursuant to the provisions of section 334.530, RSMo, as applicable to physical therapists; or pursuant to the provisions of section 334.655, RSMo, as applicable to physical therapist assistants.

(7) Reinstatement applicants who hold temporary licenses are exempt from obtaining continuing education hours until such time as the temporary licensee successfully completes the one (1) year of supervised active practice.

[[7]](8) Physical therapists and/or physical therapist assistants are exempt from one-half (1/2) of the total continuing education hours (thirty (30) hours required, one-half (1/2) is defined as fifteen (15) hours) for the year in which the licensee graduated from a program of physical therapy and/or physical therapist assistant education (respective of type of degree received and type of licensure requested) as accredited by the commission on accreditation of physical therapy education.

AUTHORITY: sections 334.125[,] and 334.507 [and], RSMo 2000, and sections 334.100, [RSMo Supp. 2007] 334.610, 334.650, and 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.201. Original rule filed May 14, 1999, effective Dec. 30, 1999. Moved to 20 CSR 2150-3.201, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007, effective June 30, 2008. Amended: Filed March 30, 2009.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2200—State Board of Nursing
Chapter 4—General Rules**

PROPOSED AMENDMENT

20 CSR 2200-4.010 Fees. The board is proposing to amend subsections (1)(J) and (1)(N).

PURPOSE: The board is statutorily obligated to enforce and administer the provisions of Chapter 335, RSMo. Pursuant to section 335.036.2., RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 335, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 331.010–331.115, RSMo. Therefore, the board is proposing to increase their application fee for proposals to establish new programs and delete obsolete information.

(1) The following fees are established by the State Board of Nursing:

(J) Biennial Renewal Fee—

- | | |
|--|--------|
| 1. RN—Effective [January 1, 2003 | \$ 80] |
| [A. Effective] January 1, 2009 | \$ 60 |
| 2. LPN—Effective [January 1, 2003 | \$ 72] |
| [A. January 1, 2008 to December 31, 2008 | \$ 37] |
| [B. Effective] January 1, 2009 | \$ 52 |

3. License renewal for a professional nurse shall be biennial; occurring on odd-numbered years and the license shall expire on April 30 of each odd-numbered year. License renewal for a practical nurse shall be biennial; occurring on even-numbered years and the license shall expire on May 31 of each even-numbered year. Renewal shall be for a twenty-four (24)-month period except in instances when renewal for a greater or lesser number of months is caused by acts or policies of the Missouri State Board of Nursing. Renewal applications (see 20 CSR 2200-4.020) shall be mailed every even-numbered year by the Missouri State Board of Nursing to all LPNs currently licensed and every odd-numbered year to all RNs currently licensed;

4. Renewal fees for each biennial renewal period [as outlined in this subparagraph] shall be accepted by the Missouri State Board of Nursing only if accompanied by an appropriately completed renewal application[:].

[A. RNs (odd-numbered years):

(I) Effective January 1, 2003 \$80

B. LPNs (even-numbered years):

(I) Effective January 1, 2003 \$72

(II) January 1, 2008 through

December 31, 2008 \$37

(III) Effective January 1, 2009

\$72]

5. All fees established for licensure or licensure renewal of nurses incorporate an educational surcharge in the amount of one dollar (\$1) per year for practical nurses and five dollars (\$5) per year for professional nurses. These funds are deposited in the professional and practical nursing student loan and nurse repayment fund;

(N) Application Fee for Proposals to Establish

New Programs of Nursing [\$500/\$3,000

AUTHORITY: section 335.036, RSMo Supp. [2007] 2008 and section 335.046, RSMo 2000. This rule originally filed as 4 CSR 200-4.010. Emergency rule filed Aug. 13, 1981, effective Aug. 23, 1981, expired Dec. 11, 1981. Original rule filed Aug. 13, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed March 30, 2009.

PUBLIC COST: This proposed amendment will increase revenue for state agencies or political subdivisions approximately fifteen thousand

dollars (\$15,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately fifteen thousand dollars (\$15,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2200 - State Board of Nursing****Chapter 4 - General Rules****Proposed Amendment - 20 CSR 2200-4.010 Fees****Prepared December 31, 2008 by the Division of Professional Registration****II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Revenue	
State Board of Nursing	\$15,000.00	
	Total Annual Increase in Revenue for the Life of the Rule	\$15,000.00

III. WORKSHEET

The board estimates the projections calculated in the Private Fiscal Note will be total increase in revenue for the board.

IV. ASSUMPTION

1. The division is statutorily obligated to enforce and administer the provisions of sections 335.011-324.257, RSMo. Pursuant to Section 335.036, RSMo, the board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2200 - State Board of Nursing

Chapter 4 - General Rules

Proposed Amendment - 20 CSR 2200-4.010 Fees

Prepared December 31, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
6	New Nursing Programs (Application Fee for Proposals to Establish New Programs of Nursing @ \$2,500 Increase)	\$15,000.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$15,000.00

III. WORKSHEET

Estimated Initial Program Approval Cost (Est. to the Point of First Full Approval

Letter of Intent and Proposal Prep:

4 hours of clerical time – Education Section \$75.00

Paper & Copying \$25.00

8 hours of letter and intent/proposal review -- Education Section/Board Review/Acknowledgement \$200.00

Initial Approval Survey

8 hours of initial approval survey time – Education Section \$200.00

8 hours of initial approval survey time – Adjunct Surveyor \$400.00

8 hours of initial approval report completion – Education Section \$200.00

Amenities

Hotel accommodations for two surveyors – Education Section and Adjunct Surveyor \$200.00

Mileage/State Car expenses – estimated at the longest distance (300 miles per round trip x 2) \$165.00

Meal Estimate for two surveyors \$100.00

Education Committee Review (\$6.25/hour per diem x 5 board members) \$31.25

Board Member Review (\$6.25/hour per diem x 9 board members) \$56.25

Initial to Full Approval Survey

8 hours of initial to full approval survey time – Education Section	\$200.00
8 hours of initial to full approval survey time – Adjunct Surveyor	\$400.00
Hotel accommodations for two surveyors -- Education Section and Adjunct Surveyor	\$200.00
Mileage/State Car expenses – estimated at the longest distance (300 miles per round trip x 2)	\$165.00
Meal Estimate for two surveyors	\$100.00
8 hours of initial to full approval report completion – Education Section	\$200.00
Education Committee Review (\$6.25/hour per diem x 5 board members)	\$31.25
Board Member Review (\$6.25/hour per diem x 9 board members)	\$56.25
Total Estimated Cost	\$3,005.00

IV. ASSUMPTION

1. The number of entities affected is based on 2008 actuals.
2. The new application fee for proposals to establish new programs of nursing is based on actual costs of the board to approve programs. These costs are shown above.
3. The board is statutorily obligated to enforce and administer the provisions of Chapter 335, RSMo. Pursuant to Section 335.036, RSMo, the board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 5—Fees**

PROPOSED AMENDMENT

20 CSR 2245-5.020 Application, Certificate and License Fees.

The board is proposing to amend subsections (2)(B) and (2)(L) and add subsection (2)(M).

PURPOSE: The board is statutorily obligated to enforce and administer the provisions of sections 339.500–339.549, RSMo. Pursuant to section 339.513.2., RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 339.500–339.549, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 339.500–339.549, RSMo. Therefore, the commission is proposing to increase the renewal fees and add an inactive renewal fee.

(2) The following fees shall be paid for original issuance and renewal of certificates or licenses:

(B) License/Certification Renewal Fee	\$1,125
(L) Reinstatement Fee	\$1,125
(M) Inactive Renewal Fee	\$ 50

AUTHORITY: section 339.509, RSMo 2000 and sections 339.513 and 339.525.5, RSMo Supp. [2007] 2008. This rule originally filed as 4 CSR 245-5.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed March 30, 2009.

PUBLIC COST: This proposed amendment will increase revenue for state agencies or political subdivisions approximately one thousand one hundred twenty dollars (\$1,120) annually for the first year of implementation and five hundred sixty-eight thousand three hundred fourteen dollars (\$568,314) biennially beginning the second year of implementation and for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately one thousand one hundred twenty dollars (\$1,120) annually for the first year of implementation and five hundred sixty-eight thousand three hundred fourteen dollars (\$568,314) biennially beginning the second year of implementation and for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

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

PUBLIC FISCAL NOTE

I. RULE NUMBER**Title 20 -Department of Insurance, Financial Institutions, and Professional Registration****Division 2245 - Real Estate Appraisers Commission****Chapter 5 - Fees****Proposed Amendment - 20 CSR 2245-5.020 Application, Certificate and License Fees**

Prepared January 5, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimate Increase in Revenue	
Real Estate Appraisers Commission	Total Annual Cost of Compliance for the Life of the Rule Beginning in FY09	\$1,120.00
	Total Biennial Cost of Compliance for the Life of the Rule Beginning in FY10	\$568,314.00

III. WORKSHEET

The commission shall set the amount of the fees which sections 339.010 to 339.180 and sections 339.710 to 339.860, RSMo authorize and require by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 339.010 to 339.180 and sections 339.710 to 339.860, RSMo. The board estimates the projections calculated in the Private Entity Fiscal Notes will be total increase of revenue for the board.

IV. ASSUMPTION

1. It is anticipated that the total increase in revenue will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions, and Professional Registration
Division 2245 - Real Estate Appraisers Commission
Chapter 5 - Fees
Proposed Amendment - 20 CSR 2245-5.020 Application, Certificate and License Fees
 Prepared January 5, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Annual Estimates

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the rule by affected entities:
5	Real Estate Appraisers (Reinstatement Fee @ \$224 Increase)	\$1,120.00
Total Annual Cost of Compliance for the Life of the Rule		\$1,120.00

Biennial Estimates

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the rule by affected entities:
2,536	Real Estate Appraisers (License/Certification Renewal Fee @ \$224 Increase)	\$568,064.00
5	Real Estate Appraisers (Inactive Renewal @ \$50)	\$250.00
Total Biennial Cost of Compliance for the Life of the Rule		\$568,314.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY09 projections.
2. It is anticipated that the total cost will recur over the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The commission shall set the amount of the fees which sections 339.010 to 339.180 and sections 339.710 to 339.860, RSMo authorize and require by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 339.010 to 339.180 and sections 339.710 to 339.860,

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2270-1.021 Fees. The board is proposing to amend paragraph (1)(B)3.

PURPOSE: The board is statutorily obligated to enforce and administer the provisions of sections 340.200 to 340.330, RSMo. Pursuant to section 340.210.3(9), RSMo, the board shall establish fees necessary to administer the provisions of sections 340.200 to 340.330, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 340.200 to 340.330, RSMo. Therefore, the board is proposing to increase the Veterinary Technician National Examination fee to be consistent with the American Association of Veterinary State Boards (AAVSB), as they are contracted with the board for services relating to the administration of the examination.

(1) The following fees are established by the Missouri Veterinary Medical Board:

- (B) Veterinary Technicians—
- | | |
|----------------------------------|------------------------|
| 1. Registration Fee | \$ 50 |
| 2. State Board Examination Fee | \$ 30 |
| 3. National Examination Fee | \$(110) 200 |
| 4. Reciprocity Fee | \$ 50 |
| 5. Grade Transfer Fee | \$ 50 |
| 6. Provisional Registration Fee | \$ 50 |
| 7. Annual Renewal Fee— | |
| A. Active | \$ 20 |
| B. Inactive | \$ 10 |
| 8. Late Renewal Penalty Fee | \$ 50 |
| 9. Name Change Fee | \$ 15 |
| 10. Wall Hanging Replacement Fee | \$ 15 |

AUTHORITY: sections 340.210 and 340.232, RSMo 2000. This rule originally filed as 4 CSR 270-1.021. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 23, 2009, effective April 2, 2009, expires Jan. 12, 2010. Amended: Filed March 23, 2009.

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 eleven thousand eight hundred eighty dollars (\$11,880) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, by facsimile at 573-751-0031, or via email at vets@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Private Fiscal Note

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions, and Professional
Division 2270 - Missouri Veterinary Medical Board**

Chapter 1 - General Rules

Proposed Emergency Amendment - 20 CSR 2270-1.021 Fees

Prepared March 4, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
132	Applicants for Initial Licensure (Veterinary Technician National Examination @ \$90.00 Increase)	\$11,880
	Compliance for the Life of the Rule	\$11,880

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY08 actuals.
2. The board anticipates an increase of approximately 50 new applicants this fiscal year for the Veterinary Technician National Examination.
3. This fee passes through from the board to the American Association of Veterinary State Boards (AAVSB). Therefore, no fiscal impact is reported for the board itself.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative

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

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.205 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2095-2096). Those sections with changes are reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received six hundred eighty-one (681) comments in opposition to the proposed amendment.

COMMENT #1: Two hundred seventy-nine (279) comments opposed the hunting and fishing permit exemption for persons born after March 1, 1944.

COMMENT #2: Four hundred three (403) comments opposed the elimination of no-cost landowner permits for lessees who live on at least five (5) continuous acres owned by others.

RESPONSE AND EXPLANATION OF CHANGE: The term "lessee" will not be deleted from the Landowner definition in the Code, and age requirements for receiving no-cost small game and fishing permits will not change.

3 CSR 10-5.205 Permits Required; Exceptions

(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 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 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 may take wildlife as provided in Chapter 7 without permit (except all special hunting permits, 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.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2097). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.220 Resident and Nonresident Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2097). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received twenty (20) comments in opposition to the proposed amendment.

COMMENT: Twenty (20) comments opposed resident permit privileges for nonresident students living in the state and attending secondary or vocational schools located in Missouri.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to extend resident permit privileges to nonresident students living in the state and attending secondary or vocational schools located in Missouri.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

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

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2097). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received four (4) comments in opposition to the proposed amendment.

COMMENT: Four (4) comments opposed reduced price deer and turkey permits for youth age fifteen (15) and younger.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to establish reduced price deer and turkey permits for youth age fifteen (15) and younger.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.225 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2097–2099). Those sections with changes are reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received five thousand eight hundred forty-five (5,845) comments in opposition to the proposed amendment.

COMMENT: Five thousand eight hundred forty-five (5,845) comments opposed the resident permit price increase.

RESPONSE AND EXPLANATION OF CHANGE: The cost of a replacement permit will remain two dollars (\$2).

**3 CSR 10-5.225 Permits: Permit Issuing Agents; Service Fees;
Other Provisions**

(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 dollars (\$2), the permit issuing agent shall certify the permit number and type of permit being replaced and issue the replacement permit.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.310 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2100). Those sections with changes are reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received two hundred seventy-nine (279) comments in opposition to the proposed amendment.

COMMENT: Two hundred seventy-nine (279) comments opposed the elimination of the hunting and fishing permit exemption for persons born after March 1, 1944.

RESPONSE AND EXPLANATION OF CHANGE: Age qualification in subsection (1)(D) will not change, and subsection (1)(E) will not be removed.

3 CSR 10-5.310 Resident Lifetime Conservation Partner Permit

(1) To chase, pursue, take, possess, and transport fish (including trout), frogs, mussels, clams, turtles, crayfish, live bait, birds (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): six hundred dollars (\$600)

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

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.320 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2100-2101). Those sections with changes are reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received two hundred seventy-nine (279) comments in opposition to the proposed amendment.

COMMENT: Two hundred seventy-nine (279) comments opposed the elimination of the hunting and fishing permit exemption for persons born after March 1, 1944.

RESPONSE AND EXPLANATION OF CHANGE: Age qualification in subsection (1)(D) will not change, and subsection (1)(E) will not be removed.

3 CSR 10-5.320 Resident Lifetime Small Game Hunting Permit

(1) To chase, pursue, take, possess, and transport birds (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): Three hundred dollars (\$300)

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

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission rescinds a rule as follows:

3 CSR 10-5.420 Youth Deer and Turkey Hunting Permit is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2122). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.430 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2124-2125). Those sections with changes are

reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received five thousand eight hundred forty-five (5,845) comments in opposition to the proposed amendment.

COMMENT: Five thousand eight hundred forty-five (5,845) comments opposed the resident permit price increases.

RESPONSE AND EXPLANATION OF CHANGE: The price for a trout permit in section (1) will not be increased.

3 CSR 10-5.430 Trout Permit

(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 dollars (\$7).

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-5.436 Resident Conservation Order Permit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2128-2129). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received three (3) comments in opposition to the proposed amendment.

COMMENT: Three (3) comments opposed establishing a permit for resident participants of the light goose conservation order.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to establish a Conservation Order permit for resident participants of the light goose Conservation Order.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.540 Nonresident Fishing Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2134-2135). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received one hundred forty-three (143) comments in opposition to the proposed amendment.

COMMENT: One hundred forty-three (143) comments opposed the nonresident permit price increases.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to increase nonresident permit prices and adopt future price increases based on the Consumer Price Index.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.545 Nonresident Small Game Hunting Permit
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2136–2137). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received one hundred forty-three (143) comments in opposition to the proposed amendment.

COMMENT: One hundred forty-three (143) comments opposed the nonresident permit price increases.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to increase nonresident permit prices and adopt future price increases based on the Consumer Price Index.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2138–2139). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received one hundred forty-three (143) comments in opposition to the proposed amendment.

COMMENT: One hundred forty-three (143) comments opposed the nonresident permit price increases.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to increase nonresident permit prices and adopt future price increases based on the Consumer Price Index.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.552 Nonresident Firearms Antlerless Deer Hunting
Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2140–2141). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received one hundred forty-three (143) comments in opposition to the proposed amendment.

COMMENT: One hundred forty-three (143) comments opposed the nonresident permit price increases.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to increase nonresident permit prices and adopt future price increases based on the Consumer Price Index.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.554 Nonresident Archery Antlerless Deer Hunting
Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2142–2143). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received one hundred forty-three (143) comments in opposition to the proposed amendment.

COMMENT: One hundred forty-three (143) comments opposed the nonresident permit price increases.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to increase nonresident permit prices and adopt future price increases based on the Consumer Price Index.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2144–2145). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received one hundred forty-three (143) comments in opposition to the proposed amendment.

COMMENT: One hundred forty-three (143) comments opposed the nonresident permit price increases.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to increase nonresident permit prices and adopt future price increases based on the Consumer Price Index.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.560 Nonresident Archer's Hunting Permit
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2146–2147). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received one hundred forty-three (143) comments in opposition to the proposed amendment.

COMMENT: One hundred forty-three (143) comments opposed the nonresident permit price increases.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to increase nonresident permit prices and adopt future price increases based on the Consumer Price Index.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.565 Nonresident Turkey Hunting Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2148–2149). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received one hundred forty-three (143) comments in opposition to the proposed amendment.

COMMENT: One hundred forty-three (143) comments opposed the nonresident permit price increases.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to increase nonresident permit prices and adopt future price increases based on the Consumer Price Index.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

**3 CSR 10-5.567 Nonresident Conservation Order Permit
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2150–2151). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping
Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2152–2153). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received one hundred forty-three (143) comments in opposition to the proposed amendment.

COMMENT: One hundred forty-three (143) comments opposed the nonresident permit price increases.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to increase nonresident permit prices and adopt future price increases based on the Consumer Price Index.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission rescinds a rule as follows:

**3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer
Hunting Permit is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2154–2155). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received sixty-seven (67) comments in opposition to the proposed rescission.

COMMENT: Sixty-seven (67) comments opposed the elimination of nonresident landowner deer and turkey permits.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to eliminate nonresident landowner deer and turkey permits.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission rescinds a rule as follows:

**3 CSR 10-5.579 Nonresident Landowner Firearms Turkey
Hunting Permits is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2156–2157). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received sixty-seven (67) comments in opposition to the proposed rescission.

COMMENT: Sixty-seven (67) comments opposed the elimination of nonresident landowner deer and turkey permits.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to eliminate nonresident landowner deer and turkey permits.

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

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission rescinds a rule as follows:

**3 CSR 10-5.580 Nonresident Landowner Archer's Hunting Permit
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2158–2159). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received sixty-seven (67) comments in opposition to the proposed rescission.

COMMENT: Sixty-seven (67) comments opposed the elimination of nonresident landowner deer and turkey permits.

RESPONSE: The Conservation Commission reviewed the comments received during the public comment period and reaffirmed its intent to eliminate nonresident landowner deer and turkey permits.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.455 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2165–2166). Those sections with changes are reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received four hundred three (403) comments regarding this proposed amendment.

COMMENT: Four hundred three (403) comments opposed the elimination of no-cost landowner permits for lessees who live on at least five (5) continuous acres owned by others.

RESPONSE AND EXPLANATION OF CHANGE: The term “lessee” will not be deleted from the Landowner definition in the Code, and age requirements for receiving no-cost small game and fishing permits will not change.

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits

(5) A resident landowner or lessee as defined in 3 CSR 10-20.805, possessing a landowner turkey hunting permit, may take and possess turkeys in accordance with this rule on his/her land or, in the case of the lessee, on the land on which s/he resides and shall report the turkeys through the Telecheck Harvest Reporting System as required in this rule.

(8) In accordance with section 270.400, RSMo, feral hogs (any hog, including Russian and European wild boar, that is not conspicuously identified by ear tags or other forms of identification and is roaming freely upon public or private lands without the landowner's permission) may be taken in any number during the spring firearms turkey season and youth spring season only by the holder of a valid, unused turkey hunting permit; and only by methods and times prescribed for taking turkeys. During the fall firearms turkey season, feral hogs may be taken only by the holder of a valid, unused turkey hunting permit or a small game hunting permit; and only by methods prescribed in Chapter 7 for taking wildlife, and without the use of bait. Other restrictions may apply on public lands. Resident landowners or lessees as defined in this Code may take feral hogs on their own property at any time, by any method, and without permit.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.722 Resident Roe Fish Commercial Harvest Permit
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2173). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.724 Nonresident Mississippi River Roe Fish
Commercial Harvest Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2174-2175). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.725 Commercial Fishing: Seasons, Methods
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2176). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.726 Reciprocal Privileges: Commercial Fishing and
Musseling; Commercial Waters is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2176). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.727 Record Keeping and Reporting Required:
Commercial Fishermen and Roe Fish Dealers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2176-2177). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-10.728 Roe Fish Dealer Permit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2177-2178). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-20.805 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2191-2192). Those sections with changes are reprinted here. This proposed amendment becomes effective **July 1, 2009**.

SUMMARY OF COMMENTS: The commission received four hundred three (403) comments regarding this proposed amendment.

COMMENT: Four hundred three (403) comments opposed the elimination of no-cost landowner permits for lessees who live on at least five (5) continuous acres owned by others.

RESPONSE AND EXPLANATION OF CHANGE: The term "lessee" will not be deleted from the Landowner definition in the Code.

3 CSR 10-20.805 Definitions

(33) Lessee: Any Missouri resident who resides on and leases at least five (5) acres of land in one (1) continuous tract owned by others, or any member of the immediate household whose legal residence and domicile is the same as the lessee's for at least thirty (30) days last past.

(34) Limit: The maximum number or quantity, total length, or both, of any wildlife permitted to be taken or held in possession by any person within a specified period of time according to this Code.

(35) Managed deer hunt: A prescribed deer hunt conducted on a designated area for which harvest methods, harvest quotas, and numbers of participants are determined annually and presented in the deer hunting rules (3 CSR 10-7.431 and 3 CSR 10-7.436).

(36) Mouth of stream or ditch: The point at which a line projected along the shore of a main stream or ditch at the existing water level at time of measurement crosses any incoming stream or ditch.

(37) Mussels: All species of freshwater mussels and clams. Includes all shells and alive or dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel.

(38) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.

(39) Night vision equipment: Optical devices (that is, binoculars or scopes) using light amplifying circuits that are electrical or battery powered.

(40) Open season: That time when the pursuing and taking of wildlife is permitted.

(41) Other fish: All species other than those listed as endangered in 3 CSR 10-4.111 or defined in this rule as game fish.

(42) Persons with disabilities: a person who is blind, as defined in section 8.700, RSMo, or a person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician as follows: The person cannot ambulate or walk fifty (50) or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or the person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or the person is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mmHg on room air at rest; or the person uses portable oxygen; or the person has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association. (A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled.)

(43) Poisons, contaminants, pollutants: Any substances that have harmful effect upon wildlife.

(44) Pole and line: Fishing methods using tackle normally held in the hand, such as a cane pole, casting rod, spinning rod, or fly rod, to which not more than three (3) hooks with bait or lures are attached. This fishing method does not include snagging, snaring, grabbing, or trotlines or other tackle normally attached in a fixed position.

(45) Possessed and possession: The actual and constructive possession and control of things referred to in this Code.

(46) Public roadway: The right of way which is either owned in fee or by easement by the state of Missouri or any county or municipal entity, or which is used by the general public for travel and is also regularly maintained by Department of Transportation, federal, county, or municipal funds or labor.

(47) Pursue or pursued: Includes the act of trying to find, to seek, or to diligently search for wildlife for the purpose of taking this wildlife.

(48) Resident landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) contiguous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. In the case of corporate ownership, only registered officers of corporations meet this definition.

(49) Sell: To exchange for compensation in any material form, and the term shall include offering for sale.

(50) Snare: A device for the capture of furbearers in a water-set by use of a cable loop. Snares must be constructed of cable that is at least five sixty-fourths inch (5/64") and no greater than one-eighth

inch (1/8") in diameter, and must be equipped with a mechanical lock and anchor swivel.

(51) Speargun: A mechanically powered device that propels a single- or multiple-pronged spear underwater.

(52) Store and storage: Shall also include chilling, freezing, and other processing.

(53) Take or taking: Includes killing, trapping, snaring, netting, or capturing in any manner, any wildlife, and also refers to pursuing, molesting, hunting, wounding; or the placing, setting, or use of any net, trap, device, contrivance, or substance in an attempt to take; and every act of assistance to every other person in taking or attempting to take any wildlife.

(54) Transgenic: Any organism, or progeny thereof, that contains DNA from a species that was not a parent of that organism.

(55) Transport and transportation: All carrying or moving or causing to be carried or moved from one point to another, regardless of distance, vehicle, or manner, and includes offering or receiving for transport or transit.

(56) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

(57) Ungulate: Hoofed animals.

(58) Waters of the state: All rivers, streams, lakes, and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

(59) Zoo: Any publicly owned facility, park, building, cage, enclosure, or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

ORDER OR RULEMAKING

By the authority vested in the Commissioner of Higher Education under section 173.250, RSMo Supp. 2008, the commissioner rescinds a rule as follows:

6 CSR 10-2.010 Institutional Eligibility for Student Participation
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2009 (34 MoReg 115). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under section 173.250, RSMo Supp. 2008, the commissioner rescinds a rule as follows:

6 CSR 10-2.020 Student Eligibility and Application Procedures
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2009 (34 MoReg 115). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under section 173.250, RSMo Supp. 2008, the commissioner amends a rule as follows:

6 CSR 10-2.080 Higher Education Academic Scholarship
Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2009 (34 MoReg 115-119). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under section 173.250, RSMo Supp. 2008, the commissioner amends a rule as follows:

6 CSR 10-2.140 Institutional Eligibility for Student Participation
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2009 (34 MoReg 119-121). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under section 173.250, RSMo Supp. 2008, the commissioner amends a rule as follows:

6 CSR 10-2.150 Access Missouri Financial Assistance Program **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2009 (34 MoReg 121-122). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under section 173.250, RSMo Supp. 2008, the commissioner adopts a rule as follows:

6 CSR 10-2.160 War Veteran's Survivors Grant Program **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2009 (34 MoReg 122-124). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under section 173.250, RSMo Supp. 2008, the commissioner adopts a rule as follows:

6 CSR 10-2.170 Kids' Chance Scholarship Program **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2009 (34 MoReg 124-126). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 3—Hazardous Waste Management System:
General**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2207-2209). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-3.260.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 4—Methods for Identifying Hazardous Waste**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

10 CSR 25-4.261 Methods for Identifying Hazardous Waste **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2209-2210). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-4.261.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 5—Rules Applicable to Generators of Hazardous Waste**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

10 CSR 25-5.262 is amended.

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

2008 (33 MoReg 2210-2214). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008.

COMMENT: At the public hearing, a staff member from the Department of Natural Resources Hazardous Waste Program testified that the proposed amendment of 10 CSR 25-5.262 failed to include language in subparagraph 10 CSR 25-5.262 (2)(A)4.F. that is directly related to a statutory change regarding generator registration. Identical language was added to the preceding subparagraph, 10 CSR 25-5.262(2)(A)4.E., but, due to an oversight by staff when drafting the text of the proposed amendment, the same language was not proposed for addition to subparagraph (2)(A)4.F. as it should have been. **RESPONSE AND EXPLANATION OF CHANGE:** This language is included in this order of rulemaking and subparagraph 10 CSR 25-5.262(2)(A)4.F. is printed below as the revised rule will be published in the *Code of State Regulations*.

10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste

(2) A generator located in Missouri, except as conditionally exempted in accordance with 10 CSR 25-4.261, shall comply with the requirements of this section in addition to the requirements incorporated in section (1). Where contradictory or conflicting requirements exist in 10 CSR 25, the more stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the additional storage standards which are added to 40 CFR part 262 subpart C are found in subsection (2)(C) of this rule.)

(A) General. The following registration requirements are additional requirements to, or modifications of, the requirements specified in 40 CFR part 262 subpart A:

1. In lieu of 40 CFR 262.12(a) and (c), a generator located in Missouri shall comply with the following requirements:

A. A person generating in one (1) month or accumulating at any one (1) time the quantities of hazardous waste specified in 10 CSR 25-4.261 and a transporter who is required to register as a generator under 10 CSR 25-6.263 shall register and is subject to applicable rules under 10 CSR 25-3.260-10 CSR 25-9.020 and 10 CSR 25-12.010;

B. A person generating hazardous waste on a "one (1)-time" basis may apply for a temporary registration. A temporary registration shall be valid for one (1) initial thirty (30)-day period with the possibility of an extension of one (1) additional thirty (30)-day period. Should a temporary registration exceed the total sixty (60)-day period outlined here, the department shall consider the registration to be permanent rather than temporary. All reporting requirements and registration fees outlined in this chapter shall apply to temporary registrations; and

C. Conditionally exempt generators may choose to register and obtain Environmental Protection Agency (EPA) and Missouri identification numbers, but in doing so will be subject to any initial registration fee and annual renewal fee outlined in this chapter;

2. An owner/operator of a treatment, storage, disposal, or resource recovery facility who ships hazardous waste from the facility shall comply with this rule;

3. The following constitutes the procedure for registering:

A. A person who is required to register shall file a completed registration form furnished by the department. The department shall require an original ink signature on all registration forms before processing. In the event the department develops the ability to accept

electronic submission of the registration form, the signature requirement will be consistent with the legally-accepted standards in Missouri for an electronic signature on documents. All generators located in Missouri shall use only the Missouri version of the registration form;

B. A person required to register shall also complete and file an updated generator registration form if the information filed with the department changes;

C. The department may request additional information, including information concerning the nature and hazards associated with a particular waste or any information or reports concerning the quantities and disposition of any hazardous wastes as necessary to authorize storage, treatment, or disposal and to ensure proper hazardous waste management;

D. A person who is required to register, and those conditionally-exempt generators who choose to register, shall pay a one hundred-dollar (\$100) initial or reactivation registration fee at the time their registration form is filed with the department. If a generator site has an inactive registration, and a generator required to register reactivates that registration, the generator shall file a registration form and pay the one hundred-dollar (\$100) registration reactivation fee. The department shall not process any form for an initial registration or reactivation of a registration if the one hundred-dollar (\$100) fee is not included. Generators required to register shall thereafter pay an annual renewal fee of one hundred dollars (\$100) in order to maintain their registration in good standing; and

E. Any person who pays the registration fee with what is found to be an insufficient check shall have their registration immediately revoked;

4. The following constitutes the procedure for registration renewal:

A. The calendar year shall constitute the annual registration period;

B. Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration;

C. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but shall not pay the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, they shall pay the annual renewal fee;

D. Any generator required to register who fails to pay the annual renewal fee by the due date specified on the billing shall be administratively inactivated and subject to enforcement action for failure to properly maintain their registration;

E. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay the fifteen percent (15%) late fee required by section 260.380.4, RSMo, in addition to the one hundred-dollar (\$100) annual renewal fee for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department;

F. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay the fifteen percent (15%) late fee required by 260.380.4, RSMo, in addition to the one hundred-dollar (\$100) annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department; and

G. Any person who pays the annual renewal fee with what is found to be an insufficient check shall have their registration immediately revoked;

5. The department may administratively inactivate the registration of generators that fail to pay any applicable hazardous waste fees and taxes in a timely manner after appropriate notice to do so.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 6—Rules Applicable to Transporters of
Hazardous Waste**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

10 CSR 25-6.263 Standards for Transporters of Hazardous Waste is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2214–2215). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-6.263.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

**10 CSR 25-7.264 Standards for Owners and Operators of
Hazardous Waste Treatment, Storage and Disposal Facilities
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2215–2219). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-7.264.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

**10 CSR 25-7.265 Interim Status Standards for Owners and
Operators of Hazardous Waste Treatment, Storage and
Disposal Facilities is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2219–2222). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-7.265.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

**10 CSR 25-7.266 Standards for the Management of Specific
Hazardous Wastes and Specific Types of Hazardous Waste
Management Facilities is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2222). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-7.266.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

10 CSR 25-7.268 Land Disposal Restrictions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2223). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-7.268.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2223–2225). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-7.270.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 11—Used Oil**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

10 CSR 25-11.279 Recycled Used Oil Management Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2225–2226). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-11.279.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 12—Hazardous Waste Fees and Taxes**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

10 CSR 25-12.010 Fees and Taxes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2226–2228). No changes have been made in the text

of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-12.010.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 13—Polychlorinated Biphenyls**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

10 CSR 25-13.010 Polychlorinated Biphenyls is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2228–2230). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-13.010.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 16—Universal Waste**

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2008, the commission amends a rule as follows:

10 CSR 25-16.273 Standards for Universal Waste Management is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2230–2232). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held December 18, 2008, and the public comment period ended December 26, 2008. No comments were received, and no changes were made to the proposed amendment of 10 CSR 25-16.273.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 192.006 and 197.080, RSMo 2000, and section 197.154, RSMo Supp. 2008, the department amends a rule as follows:

19 CSR 30-20.096 Nursing Services in Hospitals is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2343–2347). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received one (1) letter with seven (7) comments.

COMMENT #1: Mary Nash with Nurses United, Local 5126 commented that hospitals include directors, managers, and unit secretaries in their staffing plans and, therefore, are not indicative of direct patient care givers.

RESPONSE: The hospital-wide staffing plan for nursing services should not include unit secretaries. The plan should include only direct care nursing staff spending a minimum of seventy-five percent (75%) of their time providing direct patient care. Therefore, after careful consideration, no changes have been made to the rule as a result of this comment.

COMMENT #2: Mary Nash with Nurses United, Local 5126 commented that there is no tool provided for determining “individual nursing care.”

RESPONSE: The hospital-wide staffing plan for nursing services will address this concern. The number and skill mix of direct care nursing staff will be determined by the needs of the patient population. The number and skill mix of direct care nursing staff may change based on the needs of the patients occupying the unit. Therefore, after careful consideration, no changes have been made to the rule as a result of this comment.

COMMENT #3: Mary Nash with Nurses United, Local 5126 commented that the intensity of care required should be determined on each unit, each shift by nurses present.

RESPONSE: The hospital-wide staffing plan for nursing services submitted by each hospital will address this concern. The plan will allow for each hospital to monitor in a manner appropriate to the facilities staffing plan. The actual staffing and patient census for each unit will be documented as required by section (27). Therefore, after careful consideration, no changes have been made to the rule as a result of this comment.

COMMENT #4: Mary Nash with Nurses United, Local 5126 expressed concerns about who will provide documentation on the “staffing plan” as nurses have far too much documentation now.

RESPONSE: This concern can also be addressed in the hospital-wide staffing plan. The responsibility for documentation may or may not be an assignment performed by direct care nursing staff. Therefore, after careful consideration, no changes have been made to the rule as a result of this comment.

COMMENT #5: Mary Nash with Nurses United, Local 5126 commented that nursing sensitive indicators as in falls, drug events, injuries to patients, skin breakdown, infection rates, length of stay, or patient readmissions are now documented. The rule is just a matter of records which does nothing to improve staffing.

RESPONSE: The Department of Health and Senior Services believes these indicators do provide an indication of the adequacy of the staffing plan. The validity of this belief is also shared by the Joint Commission and the National Database of Nursing Quality Indicators. Therefore, after careful consideration, no changes have

been made to the rule as a result of this comment.

COMMENT #6: Mary Nash with Nurses United, Local 5126 commented that nursing care hours per patient day has a lot of factors involved that are not mentioned. For example, who is included in calculation (not universal), how is the measurement done, and how is this done for an emergency and operating room.

RESPONSE: Nursing care hours per patient day is but one (1) choice of operational outcomes hospitals may utilize when establishing nursing sensitive indicators. This can be calculated by taking the total worked hours and dividing it by the total volume. For calculations in the emergency room, the denominator would be emergency room visits. For calculations in the operating room, the denominator would be the number of surgeries. Therefore, after careful consideration, no changes have been made to the rule as a result of this comment.

COMMENT #7: Mary Nash with Nurses United, Local 5126 commented that, additionally, there is nothing in these rules that mandate hospitals to comply with this staffing plan.

RESPONSE: As with all regulations in this section, oversight rests with the Division of Regulation and Licensure. If deficiencies are cited, an opportunity for correction will be given to the hospital. If the deficiencies are not corrected, licensure actions will be taken. These licensure actions may include immediate suspension or revocation of the hospital license or the cessation of use of any portion of the noncompliant service. Therefore, after careful consideration, no changes have been made to the rule as a result of this comment.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 26—Home Health Agencies**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 197.445, RSMo 2000 and section 660.050, RSMo Supp. 2008, the department amends a rule as follows:

19 CSR 30-26.010 Home Health Licensure Rule is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2348–2355). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 200—Insurance Solvency and Company
Regulation
Chapter 12—Missouri and Extended Missouri Mutual
Companies**

ORDER OF RULEMAKING

By the authority vested in the Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo Supp. 2008 and sections 380.471 and 380.561, RSMo 2000, the director amends a rule as follows:

20 CSR 200-12.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2237-2238). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held January 22, 2009, and the public comment period ended January 29, 2009. At the public hearing, department staff explained the amendment, and the director received comments from Hunter Leathers and Thomas Shaw, on behalf of Barton Mutual Group.

COMMENT #1: Thomas Shaw, on behalf of Barton Mutual Group, commented that investment risk should be limited as a function of surplus rather than of assets.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has changed the amendment accordingly.

COMMENT #2: Persons representing extended Missouri mutual companies commented that the rule should separately discuss and describe money market mutual funds and other mutual funds and that money market mutual funds should not be limited.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees to separately discuss and describe money market mutual funds and has changed the amendment accordingly. The director also agrees that money market funds need not be limited to the extent they are insured as to principal and accrued interest either by the Federal Deposit Insurance Corporation (FDIC) or an admitted financial guarantee insurer. However, the director disagrees with the suggestion that other, non-insured, money market funds not be limited. Although non-insured money market mutual funds carry a lesser degree of investment risk and are more liquid than other mutual funds—thereby justifying limits higher than those that apply to other mutual funds—non-insured money market funds still involve some element of investment risk not present with FDIC-insured accounts and, accordingly, should not be considered as cash or cash equivalent.

COMMENT #3: Thomas Shaw, on behalf of Barton Mutual Group, commented that section (3) would be clearer if it allowed a company to petition the director to allow the company to keep the investment and allow the director an amount of time to approve or disapprove the investment.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has changed the amendment accordingly.

COMMENT #4: Persons representing extended Missouri mutual companies commented that the department should replace the reference to third party ratings for mutual funds with the department's own specific investment guidelines for such funds.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees in part and disagrees in part with this comment. The director agrees with this comment to the extent it relates to mutual funds other than money market funds, and the rule has been changed to accommodate investment guidelines by prospectus. Money market mutual funds, however, are not as easily susceptible to review by prospectus, so such funds should either bear an investment grade rating by a nationally recognized independent rating agency or be insured as to loss of principal and accrued interest by FDIC or equivalent private insurance.

20 CSR 200-12.020 Extended Missouri Mutual Companies' Approved Investments

(1) Approved Investments. In addition to the investments expressly permitted under section 380.471, RSMo, the following described

investments shall be deemed "approved by the director" under the provisions of section 380.471, RSMo:

(D) Shares of mutual funds, if and to the extent that:

1. With respect to mutual funds other than money market mutual funds, such mutual fund:

A. Is open-ended; and

B. Invests by prospectus at least eighty percent (80%) of its funds in bonds described in section 380.471, RSMo, or in bonds described in subsection (1)(A) of this rule and paragraphs 1., 2., or 3., thereunder.

2. With respect to money market mutual funds, including money market deposit accounts of financial institutions:

A. The shares of such money market mutual fund are insured as to principal and accrued interest by the Federal Deposit Insurance Corporation (FDIC) or an insurance company which is providing coverage for such fund that is substantially the same (other than as to dollar amount) as that provided by the FDIC and is authorized to underwrite financial guarantee insurance in this state; or

B. Such money market mutual fund is rated as provided in paragraph 1., 2., or 3. of subsection (1)(A) of this rule;

(E) Certificates of deposit and other deposit accounts, if and to the extent that such certificate or deposit account is:

1. Insured as to principal and accrued interest by the FDIC; or

2. Not insured by the FDIC, but only to the extent that the principal and accrued interest of such certificates are insured by an insurance company which is providing coverage for such certificates that is substantially the same (other than as to dollar amount) as that provided by the FDIC and is authorized to underwrite financial guarantee insurance in this state; and

(2) Limitations. The approved investments described in section (1) of this rule shall be subject to the following limitations:

(C) No more than five percent (5%) of an extended Missouri mutual's total surplus may be invested in any one (1) mutual fund described in paragraph (1)(D)1. of this rule;

(D) No more than ten percent (10%) of an extended Missouri mutual's total surplus may be invested in the aggregate in all mutual funds described in paragraph (1)(D)1. of this rule;

(E) No more than twenty-five percent (25%) of an extended Missouri mutual's assets may be invested in the aggregate in all money market mutual funds described in paragraph (1)(D)2. of this rule, except that in computing such aggregate amount an extended Missouri mutual may exclude amounts it has invested in any money market mutual fund described in subparagraph (1)(D)2.A.

(3) If an extended Missouri mutual makes an investment which was deemed approved under section (1) of this rule when made but such investment subsequently no longer qualifies as an approved investment under section (1) of this rule, the extended Missouri mutual shall either consider such investment as disapproved or make a request in writing to the director for approval within thirty (30) days after the end of the month in which such investment first no longer qualifies as an approved investment. The director shall approve or disapprove in writing, with or without conditions, such request within thirty (30) days of receipt. If the extended Missouri mutual makes a request for approval, such investment shall be considered an approved investment pending the director's written approval or disapproval.

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

Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 5—Examinations

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under sections 327.141 and 327.221, RSMo 2000 and sections 327.041 and 327.131, RSMo Supp. 2008, the board amends a rule as follows:

20 CSR 2030-5.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2009 (34 MoReg 45). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received four (4) comments on the proposed amendment.

COMMENT #1: A comment was received, via email, from Bruce Lindsey, Dean & E. Desmond Lee Professor of Community Collaboration, College of Architecture & Graduate School of Architecture & Urban Design, Washington University @ St. Louis. Mr. Lindsey strongly supports the amendment to change the designation of architecture graduates to Architectural Intern.

RESPONSE: The board reviewed this comment and appreciates Mr. Lindsey's support. No changes were made as a result of this comment.

COMMENT #2: An email was received from Mr. Brad Feeler advising that as the law is currently written, and as he understands it, use of the word "architect" in any way (e.g., architectural) or in combination with any other words (e.g., architectural designer, architectural technician, staff architect) is forbidden if you are not a licensed architect. Mr. Feeler questions if this is too strict of an approach for one who is unlicensed in applying a title to themselves or for companies granting titles for unlicensed architects that they employ. Mr. Feeler commented that as long as he has been practicing architecture, Architectural Intern has always been an acceptable term in the industry and is clearly known as an unlicensed professional (and likely one that is seeking licensure). Mr. Feeler believes that the state of Missouri is safeguarding the use of the title or term Architect for those only with licenses, and he can understand and appreciate this. However, he does not see anything wrong with using titles such as Architectural Designer, Architectural Technician, or any other such titles that imply duties they perform, without using the term "Architect" in the title.

RESPONSE: The board reviewed this comment and appreciates Mr. Feeler's support of the use of the term "Architectural Intern." No changes were made as a result of this comment.

COMMENT #3: An inquiry was received from Mr. Kurt Thompson, AIA, via email, asking if the title "Architectural Intern" has an "expiration date" or sunset period for those who have been out of school for, say, ten (10) years or more, or would this title apply "forever" until licensure is achieved?

RESPONSE: The board reviewed this comment and decided that the term "Architectural Intern" would be treated the same as "Engineer Intern" in that there is no expiration date. The title could be used indefinitely by those qualified to use it. Since Mr. Thompson was only seeking clarification, the board decided it was not necessary to amend the rule. Therefore, no changes were made as a result of this comment.

COMMENT #4: A comment was received, via email, from Mr. Mark Tinsley, Associate Architect, stating that he does not necessarily disagree with the title Architectural Intern; however, he feels it is incredibly difficult to name people's roles these days without using the term "architect" or "architectural." He inquired if there should be a rule written to define acceptable language for how to name other

roles in architectural offices, so there would be standardization. Mr. Tinsley's main concern is about the specific language associated with this change. Since this amendment allows a person participating in the Intern Development Program (IDP) through the National Council of Architectural Registration Boards who has graduated with a National Architectural Accreditation Board accredited degree or equivalent degree from Canada to use the title of "Architectural Intern," he wonders about the others who have attended non-accredited programs and are enrolled in the IDP pursuing registration or those who have accumulated enough experience to pursue registration (at least until 2012, when these will be excluded from applying for registration)? Should they also be allowed to use the term Architectural Intern while they are actively in pursuit? Mr. Tinsley feels if one (1) is allowed, then all should be allowed. He states that in both cases there could be abuse since a person could drag it out and use the term indefinitely if they do not eventually take the exam and pass or fulfill the IDP requirements. He said the rule is intended to keep people from representing themselves to the public as architects or architectural—without proper credentials and this change would elevate a few, but not all, interns and give them a more respected title and represent them to the public as more than a technical support person. He thinks the board should be fair and even-handed and allow all IDP participants in pursuit of licensing in Missouri to use the term "Architectural Intern" while in process regardless of education, or let no one use the term until they are registered.

RESPONSE AND EXPLANATION OF CHANGE: The board reviewed this comment and agreed that clarification was necessary. Therefore the board decided to amend the rule to include further clarification of who may use the term "Architectural Intern."

20 CSR 2030-5.030 Standards for Admission to Examination—Architects

(1) Every graduate from a curriculum fully accredited by the National Architectural Accreditation Board (NAAB), or other designated agencies as recognized by the National Council of Architectural Registration Boards (NCARB), who shall apply for architectural licensure shall submit with and as a part of the application documents as required in section 327.131, RSMo, a fully certified and completed Intern Development Program (IDP) record. A person participating in IDP through NCARB who has graduated with an NAAB accredited degree or equivalent degree from Canada or who has acquired a combined total of twelve (12) years of education, above the high school level pursuant to section 327.131, RSMo, may use the term "Architectural Intern."

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

Division 2110—Missouri Dental Board Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Dental Board under sections 332.031, 332.141, and 332.151, RSMo 2000 and section 332.181, RSMo Supp. 2008, the board amends a rule as follows:

20 CSR 2110-2.010 Licensure by Examination—Dentists is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2009 (34 MoReg 126). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2110—Missouri Dental Board
Chapter 2—General Rules
ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under sections 332.031 and 332.211, RSMo 2000, the board amends a rule as follows:

20 CSR 2110-2.030 Licensure by Credentials—Dentists
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2009 (34 MoReg 126). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2110—Missouri Dental Board
Chapter 2—General Rules
ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under sections 332.031, 332.231, 332.241, and 332.251, RSMo 2000 and section 332.261, RSMo Supp. 2008, the board amends a rule as follows:

20 CSR 2110-2.050 Licensure by Examination—Dental Hygienists
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2009 (34 MoReg 126–127). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2110—Missouri Dental Board
Chapter 2—General Rules
ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under section 332.031, RSMo 2000 and section 332.171.2, RSMo Supp. 2008, the board amends a rule as follows:

20 CSR 2110-2.090 Certification of Dental Specialists
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2009 (34 MoReg 127). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2110—Missouri Dental Board
Chapter 2—General Rules
ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under sections 332.031 and 332.091, RSMo 2000 and sections 332.071 and 332.311, RSMo Supp. 2008, the board amends a rule as follows:

20 CSR 2110-2.130 Dental Hygienists **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2009 (34 MoReg 127). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2110—Missouri Dental Board
Chapter 2—General Rules
ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under section 332.311.2, RSMo Supp. 2008, the board amends a rule as follows:

20 CSR 2110-2.132 Dental Hygienists—Equipment Requirements
for Public Health Settings **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2009 (34 MoReg 128). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2110—Missouri Dental Board
Chapter 2—General Rules
ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under section 332.031, RSMo 2000 and sections 332.181 and 332.261, RSMo Supp. 2008, the board amends a rule as follows:

20 CSR 2110-2.240 Continuing Dental Education is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2009 (34 MoReg 128). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.