

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 9—Record Maintenance**

PROPOSED AMENDMENT

10 CSR 60-9.010 Requirements for Maintaining Public Water System Records. The commission is adding section (4).

PURPOSE: This amendment adopts without variance the record keeping requirements in the federal Ground Water Rule found in subpart S of 40 CFR part 141, July 1, 2008.

(4) Record-Keeping Requirements for the Ground Water Rule. These requirements are in addition to any other applicable record-keeping requirements of this rule.

(A) Documentation of corrective actions shall be kept for a period of not less than ten (10) years.

(B) Documentation of notice to the public as required under 10 CSR 60-4.025(4)(A)7. shall be kept for a period of not less than three (3) years.

(C) Records of decisions under 10 CSR 60-4.025(3)(A)6.B. and records of invalidation of fecal indicator-positive ground water source samples under 10 CSR 60-4.025(3)(D). Documentation shall be kept for a period of not less than five (5) years.

(D) For consecutive systems, documentation of notification to the wholesale system(s) of total-coliform positive samples that are not invalidated under 10 CSR 60-4.020(3) shall be kept for a period of not less than five (5) years.

(E) For systems, including wholesale systems, that are required to perform compliance monitoring under 10 CSR 60-4.025(4)(B) shall maintain—

1. Records of the department-specified minimum disinfectant residual for a period of not less than ten (10) years;

2. Records of the lowest daily residual disinfectant concentration and records of the date and duration of any failure to maintain the department-prescribed minimum residual disinfectant concentration for a period of more than four (4) hours. Documentation shall be kept for a period of not less than five (5) years; and

3. Records of department-specified compliance requirements for membrane filtration and of parameters specified by the department for department-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than four (4) hours. Documentation shall be kept for a period of not less than five (5) years.

AUTHORITY: section 640.100, RSMo Supp. [2008] 2009. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 14, 2010.

PUBLIC COST: This proposed amendment is anticipated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-

9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed amendment. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102, or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

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

**Division 500—Property and Casualty
Chapter 10—Mortgage Guaranty Insurance**

PROPOSED AMENDMENT

20 CSR 500-10.200 Financial Regulation. The department is amending section (3) to give the director discretion to suspend the aggregate liability limit.

PURPOSE: This amendment gives the director of the Department of Insurance, Financial Institutions and Professional Registration discretion to suspend the maximum liability threshold that must be satisfied in order for mortgage guaranty insurance companies to continue writing business in Missouri while, at the same time, maintaining adequate safeguards to protect policyholders and ensuring the solvency of the insurance industry.

(3) Limit of Aggregate Liability. [A] Unless a request to suspend the requirements in this section is granted by the director as set forth below, a mortgage guaranty company at any time shall not have outstanding a total liability under its aggregate insurance policies exceeding twenty-five (25) times its [policyholder's] policyholders' surplus, this liability to be computed on the basis of the company's liability under its election as provided in subsection (2)(D). [In] Subject to a suspension, which may be granted by the director, in the event that any company has outstanding total liability exceeding twenty-five (25) times its policyholders' surplus, it shall cease transacting new business until a time as its total liability no longer exceeds twenty-five (25) times its policyholders' surplus. Upon the request of a mortgage guaranty company, the director may suspend the requirements in this section for such time and under such conditions as the director may order.

AUTHORITY: section 374.045, RSMo [2000] Supp. 2009. Original rule filed April 11, 1996, effective Nov. 30, 1996. Amended: Filed Dec. 14, 2000, effective July 30, 2001. Amended: Filed April 15, 2010.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 9:00 a.m. on June 17, 2010. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on June 24, 2010. Written statements shall be sent to Elfin Noce,

Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

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

**Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules**

PROPOSED RESCISSION

20 CSR 1140-30.010 Definitions. This rule established definitions for use in Chapter 20 CSR 1140-30 Mortgage Broker Rules.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in that the prior definitions did not pertain nor contain those definitions applicable to both mortgage brokers and mortgage loan originators now required by virtue of the passage of HB 382 in 2009. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.010. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.010, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules**

PROPOSED RESCISSION

20 CSR 1140-30.030 Licensing. This rule established guidelines for the licensing of mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators and remove section (6) in that section 443.837, RSMo, was repealed by HB 382, 2009. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.030. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.030, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules**

PROPOSED RESCISSION

20 CSR 1140-30.040 Operations and Supervision. This rule established operations and supervision guidelines concerning net worth, audit reports, escrow, change in business activities, change of ownership, bonding requirements, servicing, and full service offices.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter and to include guidelines for the licensing of mortgage loan originators. Furthermore, HB 382, 2009, did away with auditing and minimum net worth requirements and fundamentally changed the bonding requirements. Since the time the rule went into effect, section 339.600, RSMo, et seq., was repealed in 2004 by HB 985. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.040.

Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.040, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules**

PROPOSED RESCISSION

20 CSR 1140-30.050 Annual Report of Mortgage Brokerage Activity and Mortgage Servicing Activity. This rule declared requirements for annual reports by mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, included additional and different annual reporting standards. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.050. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.050, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules**

PROPOSED RESCISSION

20 CSR 1140-30.070 Advertising. This rule created general guidelines for advertising practices by mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, included sufficiently detailed provisions pertaining to advertising. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.070. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.070, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules**

PROPOSED RESCISSION

20 CSR 1140-30.080 Loan Brokerage Practices. This rule established general practices guidelines for mortgage brokers in the areas of agreements and disclosures.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of

mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.080. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.080. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.080, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
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Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules**

PROPOSED RESCISSION

20 CSR 1140-30.090 Loan Application Practices. This rule stated the guidelines for the various loan application procedures of mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.090. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.090. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.090, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

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

PRIVATE COST: This proposed rescission will not cost private enti-

ties more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules**

PROPOSED RESCISSION

20 CSR 1140-30.100 General Practices. This rule established requirements for certain practices by mortgage brokers in the areas of notices to joint borrowers, changes in loans in process, use of unauthorized brokers or lenders, and the general requirement of good faith.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.100. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.100. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.100, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
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REGISTRATION**

**Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules**

PROPOSED RESCISSION

20 CSR 1140-30.110 Commitment and Closing Practices. This rule set standards for mortgage brokers' commitments and closings.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.110. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.110. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.110, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
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**Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules**

PROPOSED RESCISSION

20 CSR 1140-30.120 Exemption Guidelines. This rule set forth the guidelines for exemption from the licensing requirements for mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, eliminated most exemptions contained in the previous law. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.120.

Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.120, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.200 Definitions

PURPOSE: This rule establishes the definitions used in 20 CSR 1140-30 and 20 CSR 1140-31.

(1) The definitions in sections 443.701 to 443.893, RSMo, shall apply to these rules. In addition, the terms listed below shall have the following meanings:

(A) "Act," the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act;

(B) "Broker" shall have the same meaning as Residential Mortgage Loan Broker set forth in section 443.703.1(31), RSMo;

(C) "Control" means the power to, directly or indirectly, affect the voting interest of twenty-five percent (25%) or more of any class of the outstanding voting shares, or partnership interest or limited liability company interest, of a broker; and

(D) "First tier subsidiary" shall include any corporation or limited liability company which is majority owned and controlled by a federally-insured and regulated depository institution.

AUTHORITY: sections 443.703.2, 443.709, 443.711, 443.725, 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.210 Licensing of Mortgage Loan Originators

PURPOSE: This rule establishes guidelines for the licensing of mortgage loan originators.

(1) Initial Licensing. Application for an initial Mortgage Loan Originator license shall be made within the procedures established by the Nationwide Mortgage Licensing System and Registry (NMLSR).

(2) Incomplete Applications. Failure to meet a request for additional information within ten (10) business days may result in denial of the application. A denial under such circumstances shall not affect subsequent applications filed with the appropriate fee.

(3) License Renewal and Expiration. Application for renewal shall be made within the procedures established by NMLSR. A renewal application not received by the division prior to December 1 of any year cannot be assured of issuance prior to January 1, at which time the license will be considered to be expired. Any license which is not renewed prior to December 31 may require the applicant to file a reinstatement application as provided for in these rules.

(A) The director may not renew a Mortgage Loan Originator license unless all required fees, administrative penalties owed to the director, and any refunds ordered by the director to be returned to consumers have been paid.

(4) Reinstatement of License. The license of a mortgage loan originator that expires for failure to satisfy the minimum standards for renewal or does not allow for sufficient lead time for review and processing of an application may be reinstated if the licensee meets the following requirements:

(A) The licensee must submit a request for reinstatement through the NMLSR;

(B) All continuing education courses and any other requirements for the license renewal for the year in which the license expired must be completed; and

(C) The licensee must pay the applicable licensing, reinstatement, and late fees/penalties.

1. If the mortgage loan originator whose license has expired fails to meet the requirements for reinstatement specified in this section and submits a reinstatement filing within the parameters established by NMLSR, the mortgage loan originator must apply for a new license and meet the requirements for licensure in effect at that time.

2. The director may waive any late filing penalty or fee for a licensed mortgage loan originator on active military duty serving out-of-state of Missouri.

(5) Fees.

(A) Initial and renewal applications shall be made through the NMLSR and shall be accompanied by the applicable fee, which shall be set by the director from time-to-time, not to exceed two hundred fifty dollars (\$250). Said fees are not refundable.

(B) For each duplicate original license issued, the director shall collect a duplicate original license fee not to exceed one hundred fifty dollars (\$150).

(C) For each amended license issued, the director shall collect an amended original license fee not to exceed one hundred fifty dollars (\$150).

(D) A late fee, not to exceed one hundred fifty dollars (\$150), may be assessed to any mortgage loan originator who fails to submit a renewal application by December 31 of each year.

AUTHORITY: sections 443.709, 443.711, 443.725, 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

PRIVATE COST: It is estimated that the division will receive three thousand (3,000) residential mortgage loan originator license applications. The 2010 license fee is fifty dollars (\$50). The 2011 license fee is one hundred dollars (\$100) and must be paid on or before December 31, 2010. Therefore, this proposed rule could cost private entities and individuals four hundred fifty thousand dollars (\$450,000) in 2010. It is an annual recurring license, and the cost will be determined by the division's expenses of administering sections 443.701–443.893, RSMo.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE
PRIVATE COST

- I. Department of Insurance, Financial Institutions and Professional Registration
Division of Finance
Chapter 30

Rule Number and Name:	20 CSR 1140-30.210 Licensing of Mortgage Loan Originators
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3,000 New Residential Mortgage Loan Originators		3,000 New Residential Mortgage Loan Originators 3,000 x initial 2010 licensing fee of \$50=\$150,000 3,000 New Residential Mortgage Loan Originators 3,000 x \$100 (2011 licensing fee that must be paid on or before December 31, 2010)=\$300,000 TOTAL for 2010 \$450,000

III. WORKSHEET & ASSUMPTIONS

Missouri has not licensed residential mortgage loan originators in the past. The Division bases its estimate of 3,000 potential applicants on the number of current licensees in the State of Kansas and adjusted the number upward in order to account for Missouri's higher population.

It is estimated that the division will receive three thousand (3,000) residential mortgage loan originator license applications. The 2010 license fee is fifty dollars (\$50). The 2011 license fee is one hundred dollars (\$100) and must be paid on or before December 31, 2010. Therefore, this proposed rule could cost private entities and individuals four hundred fifty thousand dollars (\$450,000) in 2010. It is an annual recurring license and the cost will be determined by the division's expenses of administering sections 443.701-443.893, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.220 Self-Reporting Requirements

PURPOSE: This rule establishes self-reporting requirements for mortgage loan originators, brokers, or any of a broker's directors, principal stockholders, members, partners, or individuals who influence management.

(1) A mortgage loan originator, broker, or any of a broker's directors, principal stockholders, members, partners, or individuals who influence management (hereinafter collectively referred to as "licensee" for the purpose of this rule) shall notify the director in writing within five (5) days of the occurrence of any of the following events:

(A) Licensee files for bankruptcy protection or is subjected to an involuntary bankruptcy proceeding;

(B) Institution by any state or other jurisdiction of a license denial, cease and desist, suspension or revocation procedure, or other formal or informal regulatory action against a licensee;

(C) Institution of an action by the Missouri attorney general or other enforcer of the consumer protection laws of any jurisdiction to enforce consumer protection laws against a licensee;

(D) Having a license suspended, terminated, or otherwise prohibited from participating in a federal or state program;

(E) Licensee is suspended, terminated, or otherwise prohibited as an approved lender or seller/servicer by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Government National Mortgage Association, Department of Housing and Urban Development, Department of Veterans Affairs, or any other federal or state agency or program;

(F) The entry of a judgment against a licensee;

(G) A licensee is convicted of or enters a plea of guilty or *nolo contendere* to a felony or misdemeanor, excluding traffic violations, in a domestic, foreign, or military court. For the purposes of this requirement, a licensee need not report traffic or driving violations to the director so long as said violations are not felonies;

(H) The entry of a tax or other government lien upon the property of a licensee; or

(I) Revocation or suspension of a licensee's professional or business license by any state or jurisdiction. An agreement to surrender a license and/or not to operate in an occupation in which a professional license is required shall be considered a revocation for the purposes of this rule.

AUTHORITY: sections 443.869 and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.230 Challenges to Information Submitted to NMLSR

PURPOSE: This rule establishes the procedures by which a mortgage loan originator can challenge information submitted by the director to the Nationwide Mortgage Licensing System and Registry.

(1) A mortgage loan originator may challenge the accuracy of information entered by the director to the Nationwide Mortgage Licensing System and Registry (NMLSR) regarding the mortgage loan originator by filing a written appeal with the director. The appeal shall specify what information is alleged to be in error and the basis of said belief. The appeal shall also include any documentation believed to support the mortgage loan originator's claim. The director shall review the appeal and notify the mortgage loan originator of the director's decision within thirty (30) days of receipt of the appeal, which shall represent the director's final decision.

AUTHORITY: sections 443.727, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.240 Operations and Supervision of Residential Mortgage Loan Brokers

PURPOSE: This rule establishes procedures and guidelines for the licensing of residential mortgage loan brokers and the fees associated therewith.

(1) Initial Licensing. Applications for an initial broker's license shall be in a form prescribed by the director and shall include a nonrefundable license investigation fee which shall be set by the director from time-to-time, not to exceed one thousand five hundred dollars (\$1,500).

(A) Failure to meet a request for additional information within ten (10) business days may result in denial of the application. A denial under such circumstances shall not affect subsequent applications

filed with the appropriate investigation fee.

(B) Upon approval of an initial broker's license, the director shall collect a nonrefundable license fee, which shall be set by the director from time-to-time, not to exceed one thousand five hundred dollars (\$1,500). The license fee shall cover the licensing of the broker's main office in Missouri. Additional licensing fees for the establishment of branch locations will apply as provided for in these rules.

(2) Renewal Applications. Applications for renewal of a broker's license shall be in a form prescribed by the director and may require a nonrefundable license investigation fee which shall be set by the director from time-to-time, not to exceed one thousand five hundred dollars (\$1,500). Such completed renewal application shall be received by the director at least sixty (60) days prior to such licensee's biennial renewal date. Upon approval of a biennial renewal of a broker's license, the director shall collect a nonrefundable renewal license fee, which shall be set from time-to-time by the director, not to exceed three thousand dollars (\$3,000), one half (½) of which is to be paid upon issuance of the license, and the balance one (1) year thereafter. Failure by an existing licensee to submit a renewal application and any applicable investigation fees to the director at least sixty (60) days in advance of a licensee's biennial renewal date may not allow sufficient time for the director to process the licensee's renewal application and may result in the expiration of licensee's existing license.

(3) Fees. The director may assess the reasonable costs of an investigation incurred by the division that are outside the normal expense of any annual or special examination or any other costs incurred by the division as a result of a licensee's violation of sections 443.701 to 443.893, RSMo, or these rules.

(A) For each duplicate original license issued, the director shall collect a duplicate original license fee not to exceed one hundred fifty dollars (\$150).

(B) For each amended license issued, the director shall collect an amended original license fee not to exceed one hundred fifty dollars (\$150).

(C) For each notice of change of officers or directors or change of name or address, the director shall collect a fee not to exceed one hundred fifty dollars (\$150). A broker must report any change in directors or principal officers within thirty (30) days to the director.

(D) Each licensee who intends to operate and maintain an additional full-service office shall file a Notice of Intent to Establish an Additional Full-Service Office on a form prescribed by the director, thirty (30) days prior to the proposed operation; the director shall collect a fee not to exceed one hundred fifty dollars (\$150) at the time the notice is filed.

AUTHORITY: sections 443.821, 443.825, 443.827, 443.833, 443.839, 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

PRIVATE COST: Based on the approximately four hundred (400) current number of licensees and the one hundred (100) anticipated licensees, it is estimated that the proposed rule will cost those entities approximately three hundred thirty thousand dollars (\$330,000) in fiscal year 2011. This number is based on several factors. First, a limited number of companies will renew their licenses or pay the second license fee installment on their current two (2)-year license in July 2010 at the current three-hundred-dollar (\$300) per-year rate. Second, due to lower revenues than expenses, the license fee will be increased to six hundred dollars (\$600) in August 2010. The vast majority of licensees will either renew their licenses or pay the sec-

ond license fee at that higher rate. The division also anticipates there will be an additional one hundred (100) licenses added in fiscal year 2011 that will pay a three-hundred-dollar (\$300) investigation fee and a six-hundred-dollar (\$600) license fee. The total license fees collected is expected to be approximately three hundred thousand dollars (\$300,000) for fiscal year 2011. The remaining cost to those entities is an estimate of additional fees that will be collected including amended or duplicate licenses, branch licenses issued, and renewal investigation fees for individual criminal and credit background checks. It is an annual recurring license, and the cost will be determined by the division's expenses of administering sections 443.701-443.893, RSMo.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

**I. Department of Insurance, Financial Institutions and Professional
Registration
Division of Finance
Chapter 30**

Rule Number and Name:	20 CSR 1140-30.240 Operations and Supervision of Residential Mortgage Loan Brokers
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
400 Current Residential Mortgage Broker Companies & 100 Anticipated additional licensees during fiscal year 2011		\$330,000

III. WORKSHEET & ASSUMPTIONS

Based on the approximately four hundred (400) current number of licensees and the one hundred (100) anticipated licensees, it is estimated that the proposed rule will cost those entities approximately three hundred thirty thousand dollars (\$330,000) in fiscal year 2011. This number is based on several factors. First, a limited number of companies will renew their licenses or pay the second license fee installment on their current two (2) year license in July 2010 at the current three hundred dollar (\$300) per year rate. Second, due to lower revenues than expenses, the license fee will be increased to six hundred dollars (\$600) in August 2010. The vast majority of licensees will either renew their license or pay the second license fee at that higher rate. The division also anticipates there will be an additional 100 licenses added in fiscal year 2011 that will pay a three hundred dollar (\$300) investigation fee and a six hundred dollar (\$600) license fee. The total license fees collected is expected to be approximately three hundred thousand dollars (\$300,000) for fiscal year 2011. The remaining cost to those entities is an estimate of additional fees that will be collected including amended or duplicate license, branch licenses issued, and renewal investigation fees for individual criminal and credit background checks. It is an annual recurring license and the cost will be determined by the division's expenses of administering sections 443.701-443.893, RSMo.

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

**Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.250 Change in Business Activities

PURPOSE: This rule establishes procedures and guidelines for mortgage loan brokers to follow in the event there is a change in their respective business activities and the fees and notice requirements associated therewith.

(1) A broker shall return his/her license to the director within ten (10) days upon a licensee closing a full-service office or his/her decision to discontinue brokering, originating, or servicing.

(2) Prior to a change of ownership or control, a broker and/or a prospective purchaser shall submit an application on a form prescribed by the director, which shall be submitted with the applicable fee not to exceed one hundred fifty dollars (\$150) at least forty-five (45) days prior to the proposed change. All proposed changes must be approved by the director. Failure to obtain the director's prior approval may result in administrative action against the broker's license.

(3) A broker shall file an Application for Change of Name or Address, with the applicable fee, ten (10) business days in advance, on a form prescribed by the director. The name change shall be approved unless deceptively similar to another name or is otherwise prohibited by law.

AUTHORITY: sections 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.260 Full-Service Office Requirement

PURPOSE: This rule establishes operations and supervision guidelines concerning the full in-state service office requirement.

(1) Each broker shall maintain at least one (1) full-service office located in Missouri consistent with sections 443.703.1(12) and 443.857, RSMo. At a minimum, each Missouri office must be staffed by one (1) supervised licensed mortgage loan originator and such staff as is needed to efficiently administer the tasks mandated by section 443.703.1(12), RSMo. The office location shall have a street address and shall not be a post office box or similar designation and shall be the address where the director is to send all correspondence, official notices, and orders; the broker shall be responsible for keeping the director informed of any changes in said address. In determining whether a broker handles such matters in a reasonably adequate manner, the director may consider consumer complaints received regarding said broker, information obtained from examinations conducted by the division, and reports filed with the division. If it is determined that a broker is not in compliance with section 443.857, RSMo, the director shall notify the broker in writing detailing the requirements to achieve compliance, along with a reasonable deadline.

(A) Each full-service office shall also comply with any applicable local zoning ordinances and shall post any occupational licenses required by law or regulation.

AUTHORITY: sections 443.703.1(12), 443.857, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.270 Maintenance of Records

PURPOSE: This rule establishes guidelines for the maintenance of required records to be kept by residential mortgage loan brokers and the penalty for failure to do so.

(1) Each broker shall maintain an application log and shall produce it for examination by the director. It shall contain at least the following concerning each residential mortgage loan application received during the previous thirty-six (36) months:

(A) Full name of all applicants;

(B) Date of application;

(C) Name of the mortgage loan originator responsible for the loan application whose name and Nationwide Mortgage Licensing System and Registry (NMLSR) unique identifier also appears on the application;

(D) Disposition of the mortgage loan application and date of disposition. The log shall indicate the result of the loan transaction. The

disposition of the application shall be categorized as one (1) of the following: loan closed, loan denied, application withdrawn, application in process, or other explanation;

- (E) Address of the property;
- (F) Amount of the loan; and
- (G) The terms of the loan and/or loan program.

(2) An application log shall be maintained at the broker's main Missouri office. The log shall be kept current. Records may be kept at a branch, but the broker's main Missouri office must have a current log updated no less frequently than every seven (7) days. The failure to enter said information to the log within seven (7) days from the date of the occurrence of the event required to be recorded in the log shall be deemed a failure to keep the log current.

(3) Failure to maintain an application log or to keep the log current may be grounds for suspension or revocation of the license or other appropriate administrative action and may subject the broker to fines authorized by the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.869 and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.280 Authorized Advance Fees and Escrow Requirements

PURPOSE: This rule establishes general practices and guidelines for residential mortgage loan brokers with regard to what advance fees may be collected and placement of said fees. This rule also sets forth guidelines for the collection and disbursement of rate-lock fees.

(1) A broker shall not require a borrower to pay any fees or charges prior to the loan closing, except for:

(A) The actual and necessary charges of third parties needed to process the application, which shall be administered pursuant to this rule; and

(B) A rate-lock fee, provided that the written rate-lock fee agreement signed by both the borrower and the proposed lender includes the following terms:

1. The expiration date of the fee agreement;
2. The amount of the loan;
3. The maximum interest rate and maximum discount (points);
4. The term of the loan;

5. The lender is able to perform under the terms of the fee agreement; and

6. Subject to verification, the information submitted by the borrower indicates that the loan will be approved in accordance with the fee agreement.

(2) Refunds on Failure to Close. The rate-lock fee must be refunded if the loan does not close in accordance with the fee agreement, except that the fee may be retained upon the lender's ability to demonstrate to the director any of the following reasons: the borrower withdrew the loan application; made a material misrepresentation on the loan application; or failed to provide documentation necessary to the processing or closing of the loan, such documents having been timely requested. When the fee is to be retained, the lender shall send a written notice to the borrower stating the reason for retaining the fee.

(3) Brokers Failure to Close. If a residential mortgage loan is not closed through no fault of the applicant, all the charges shall be refunded to the borrower, except to the extent such charges were incurred in good faith by the lender on behalf of the borrower for third-party services.

(4) Nothing in these rules shall be construed as to allow a broker, that is not a lender, to charge a fee for a rate-lock agreement or otherwise enter into a rate-lock agreement.

(5) Escrow. Brokers, not subject to the Department of Housing and Urban Development escrow regulations, who receive funds that are to be used for actual and necessary third-party expenses needed to process the application shall place said funds with one (1) of the following no later than five (5) days after receipt:

(A) A title insurer, title agency, or title agent not affiliated with a title agency that is authorized to act as an escrow, security, settlement, or closing agent pursuant to Chapter 381, RSMo;

(B) An unaffiliated depository institution as defined in section 443.703.1(5), RSMo, or first-tier subsidiary or service corporation thereof that is acting as an escrow agent as defined by section 443.703.1(9), RSMo; or

(C) A licensed attorney.

AUTHORITY: sections 443.865, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.290 In-State Office Waiver For Servicers

PURPOSE: This rule establishes the procedures and qualifications needed for servicers to obtain a waiver for the full in-state service office requirement.

(1) Procedures to Obtain Waiver. Prior to the issuance of a waiver pursuant to section 443.812.5, RSMo, of the requirement of maintaining a full-service office in Missouri, an applicant shall obtain a certificate of authority from the Missouri secretary of state. Furthermore, an applicant shall file with the license application an irrevocable consent in a form to be determined by the director, duly acknowledged, that provides suits and actions that may be commenced against the applicant in the courts of this state, and, should it be necessary to bring an action against the applicant, applicant agrees that venue shall lie in Cole County, Missouri.

(2) Qualifications for Waiver. For the purposes of determining if a loan servicer qualifies for the waiver set forth in section 443.812.5, RSMo, the term “primarily engaged in servicing residential mortgage loans” shall be defined as a residential loan servicer that derives seventy-five percent (75%) or more of its gross income from Missouri from residential loan servicing.

AUTHORITY: sections 443.812.5, 443.857, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

PRIVATE COST: This proposed rule could cost private entities five thousand one hundred fifteen dollars (\$5,115) in the aggregate. This cost estimate is based on the number of current companies that presently qualify for the statutory exemption times the one (1)-time fee charged by the secretary of state of one hundred fifty-five dollars (\$155) for obtaining a certificate of authority.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PRIVATE COST

- I. Department of Insurance, Financial Institutions and Professional
Registration
Division of Finance
Chapter 30

Rule Number and Name:	20 CSR 1140-30.290 In-State Office Waiver For Servicers
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
33 Residential Mortgage Loan Servicer Broker Companies		\$5,115.00

III. WORKSHEET & ASSUMPTIONS

Current Residential Mortgage Loan Servicer Broker Companies that qualify for the statutory exemption (33) x onetime fee charged by the Missouri Secretary of State of \$155.00 for certificate of authority = \$5,115.00.

**Title 20—DEPARTMENT OF INSURANCE,
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REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.300 Annual Report

PURPOSE: This rule establishes procedures and requirements for residential mortgage loan brokers to follow in submitting their annual reports to the director.

(1) Filing Requirements. By March 1 of each year, each broker must file an Annual Report of Residential Mortgage Loan Broker Activity that contains the information mandated by section 443.885, RSMo. If any category(ies) requested has nothing to report, then the proper response is "none."

(A) The Annual Report of Residential Mortgage Loan Broker Activity shall include the names of the mortgage loan originators and the dollar amount originated by each individual. It shall also include the dollar amount of the loans and with whom the broker had mortgage brokerage agreements including the aggregate dollar amount of loans brokered, funded, and serviced in the state of Missouri for the previous year. Each broker that reports any default or foreclosure shall also furnish the name of the lender who originated the loan.

(B) Brokers that file a Home Mortgage Disclosure Act Report may file a copy thereof in lieu of the report described herein.

(C) Each annual report shall be accompanied by an affidavit, attesting to truthfulness of the information contained therein.

AUTHORITY: sections 443.869, 443.885, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.310 Bonding Requirements

PURPOSE: This rule establishes bonding procedures and requirements for residential mortgage loan brokers to follow.

(1) Annual Review and Initial Schedule. The principal amount of the surety bond shall be determined annually by the information contained in the Broker's Annual Report of Residential Mortgage Loan Broker Activity and shall be based on the dollar amount of loans bro-

kered, funded, and serviced in the state of Missouri for the previous year. In the event a broker brokers, funds, and services residential mortgage loans, or any combination thereof, the principal amount of the surety bond shall be based on the category that results in the highest bonding amount. The initial bonding schedule is as follows:

Dollar Amount of Loans Brokered/Funded/Service For Previous Year	Bond Amounts For Loans Brokered	Bond Amounts For Loans Funded	Bond Amounts For Loans Serviced
\$7,500,000 or less	\$50,000	\$50,000	\$50,000
\$7,500,001–\$15,000,000	\$50,000	\$100,000	\$100,000
\$15,000,001–\$22,500,000	\$75,000	\$150,000	\$150,000
\$22,500,001–\$30,000,000	\$100,000	\$200,000	\$200,000
\$30,000,001–\$45,000,000	\$150,000	\$300,000	\$300,000
\$45,000,001–\$60,000,000	\$200,000	\$400,000	\$400,000
\$60,000,001 or more	\$250,000	\$500,000	\$500,000

(A) Any increased surety bond as required above shall be filed with the director on or before May 1. Failure to do so shall be grounds for summary suspension of a broker's license.

(B) Surety bonds provided to the director are deemed to be records of the division and will not be released or returned to licensees or to the entities by which they were issued.

AUTHORITY: sections 443.731, 443.849, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

PRIVATE COST: Based on the approximately four hundred (400) current licensees and the one hundred (100) anticipated licensees, it is estimated that the proposed rule will cost those entities, at a minimum, approximately three hundred seventy-five thousand dollars (\$375,000) annually for the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PRIVATE COST

I. Department of Insurance, Financial Institutions and Professional
Registration
Division of Finance
Chapter 30

Rule Number and Name:	20 CSR 1140-30.310 Bonding Requirements
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimated annual cost of compliance for the lifetime of the rule:
Approximately 400 Current Residential Mortgage Broker Companies 100 Anticipated Residential Mortgage Broker Companies	Loan Brokers Loan Funding Companies Loan Servicers	\$375,000

III. WORKSHEET & ASSUMPTIONS

Based on approximately 400 current Residential Mortgage Broker Companies plus 100 additional anticipated licensees x cost of \$50,000.00 surety bond premium based on 1.5% of face amount (\$750.00)=\$375,000.00. This amount will increase in that a licensee's first year bond is set at the statutory minimum of \$50,000.00. Each year thereafter, a company's bonding amount could potentially increase based on the attached schedule. The premium of 1.5% is based on calls to Missouri bonding agents who stated the average range depending on a person credit is 1 to 2%.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules**

PROPOSED RULE

20 CSR 1140-30.320 Exempt List

PURPOSE: This rule establishes procedures and requirements for exempt companies to register with the director.

(1) Registration. The director requests that all exempt entities file a letter disclosing exempt status and the reason therefore at the Division of Finance, Residential Mortgage Section, PO Box 716, Jefferson City, MO 65102. There shall be no fee for said filing.

AUTHORITY: sections 443.869 and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1140—Division of Finance
Chapter 31—Residential Mortgage [Broker] Board**

PROPOSED AMENDMENT

20 CSR 1140-31.010 General Organization—Residential Mortgage [Broker] Board. The division is amending the chapter title, the rule title, and section (1), deleting section (2), and renumbering and amending section (3).

PURPOSE: This amendment reflects a change in the name of the board as set forth in section 443.816, RSMo. Section (1) is amended to include the additional duties of the board imposed by section 443.729.2, RSMo, to hear appeals from mortgage loan originators whose license applications have been denied, and to reflect the change in title of the Director of Finance as set forth in section 443.703(6), RSMo, versus “commissioner.” Section (2) is being rescinded in that its provisions are contained in section 443.816, RSMo. Section (3) is amended to include the division’s telephone and fax number. This rule is also being amended in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

PURPOSE: This rule complies with section 536.023, RSMo, [(1994)] which requires each agency to adopt as a rule a description of its operation and the methods where the public may obtain information or make submissions or requests.

(1) The Residential Mortgage Board (**board**) determines appeals from decisions of the [commissioner of finance] **director** concerning issuance, denial, revocation, or suspension of [a residential mortgage license] **residential mortgage loan originator and residential mortgage loan broker licenses** and approves [regulations] **mortgage brokering and origination rules** promulgated by the [commissioner] **director** of finance.

[(2) The Residential Mortgage Board is a bipartisan Board consisting of five (5) individuals appointed by the governor. Two (2) of the Board members are forbidden to have any interest in any mortgage brokerage business, three (3) must be experienced in mortgage brokering and one (1) of the five (5) Board members must be an attorney. The Board shall designate its own chairman and secretary. A majority of the members of the Board shall constitute a quorum and the decision of a majority of a quorum shall be the decision of the Board. The Board shall meet upon call of the chairman, or of the director, or of any two (2) members of the Board, and may meet at any place in this state.]

[(3)](2) Information relating to the **board’s** activities [of the Residential Mortgage Board] may be directed to the Residential Mortgage Board, 301 West High Street, P.O. Box 716, Jefferson City, MO 65102, **telephone (573) 751-2545, or fax (573) 751-9192.**

AUTHORITY: sections 443.816[, RSMo (Cum. Supp. 1996)] and 536.023, RSMo [(1994)] **Supp. 2009.** This rule originally filed as 4 CSR 140-31.010. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-31.010, effective Aug. 28, 2006. Amended: Filed April 15, 2010.

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 James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1140—Division of Finance
Chapter 31—Residential Mortgage [Broker] Board**

PROPOSED AMENDMENT

20 CSR 1140-31.020 Rules of Procedure. The division is amending the chapter title, the purpose, and sections (1) and (2), deleting sections (3) and (4), renumbering the remaining sections, and amending previous sections (5), (6), (7), (9), (11), (20), (21), and (25).

PURPOSE: This amendment reflects the change in title of the Director of Finance as set forth in section 443.703(6), RSMo, versus “commissioner.” Sections (3) and (4) are deleted in order to eliminate seemingly tedious and burdensome filing requirements. Section (9) is amended by deleting the last sentence in order to eliminate any potential conflicts with Missouri common law, statutes, and rules. Section (26) is amended to give parties the option of recording an

appeal proceeding by other means than just a court reporter. This rule is also being amended in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

PURPOSE: The Residential Mortgage Board was established to hear appeals from certain decisions of the [commissioner] director of finance. In order to facilitate these appeals, the board [is issuing] promulgates these rules of procedure.

(1) Definitions. As used in this rule, except as otherwise required by the context—

(A) Appellants shall mean persons who are appealing a decision of the [commissioner of finance] director;

(C) [Commissioner] Director shall mean the [commissioner of finance and] director of the Division of Finance;

(D) Presiding officer shall mean the chairman of the [Residential Mortgage B]board or any [B]board member designated by the presiding officer to assume those duties; and

(E) Secretary shall mean that member [chosen] so designated by the board [to assume those duties].

(2) Records of the Board. The secretary shall maintain a complete record of all board proceedings [of the board]. All orders or other actions of the board shall be certified or authenticated by the signature of the secretary.

[[3] Pleadings shall be bound at the top, shall be typewritten on paper eight and one-half inches by eleven inches (8 1/2" × 11") in size and exhibits, wherever practical, folded to that size. Typing shall be on one (1) side of the paper only and shall be double spaced, except that footnotes and quotations in excess of a few lines may be single spaced. Briefs shall be typewritten or printed on paper eight and one-half inches by eleven inches (8 1/2" × 11"). Reproduction may be by any process, provided the copies are clear and permanently legible.

[[4] Title and Number. Pleadings, briefs and other documents shall show the title of the proceeding and shall show the name, address, telephone number and fax number of the attorney, if any, on the flyleaf or at the end of the document. In the event the title of the proceeding contains more than one (1) name as appellant or intervenor, it shall be sufficient to show only the first of those names as it appears in the first document commencing the proceeding.]

[[5]](3) Appeal Allowed. Appeals will be allowed from the director's decision [of the commissioner] as provided by law, and the board shall hear the appeal. At the time the appeal is to be heard, testimony will be taken by the board on issues specifically raised by the notice of appeal and any application to intervene. The board will follow the practice of administrative agencies concerning the admissibility of evidence in contested cases as provided for in section 536.070, RSMo, and may receive evidence by deposition as provided in section 536.073, RSMo.

[[6]](4) Notice of Appeal. [The appellant, w]Within ten (10) days of the [commissioner] director mailing notice of the action, the appellant shall file a notice of appeal to the board, specifically stating which finding of the [commissioner] director the appellant challenges. The notice of appeal may be delivered to the board by mailing it to the Division of Finance at P[O] Box 716, Jefferson City, MO 65102 or by fax at (573) 751-9192.

[[7]](5) Docket and Hearing Calendar. [The commissioner shall maintain a docket of all proceedings and each proceeding shall be assigned an appropriate case number.] The [com-

missioner] director shall maintain a record of proceedings filed and proceedings set for hearing which shall be available for public inspection at the office of the Division of Finance in Jefferson City, Missouri. The docket and hearing calendar shall be available for public inspection during office hours.

[[8]](6) Prehearing Conference. The presiding officer may hold prehearing conferences for the purpose of formulating or simplifying the issues, arranging for the exchange of proposed exhibits or prepared expert testimony, limitation of the number of witnesses, and such other matters as may expedite orderly conduct and disposition of the proceedings.

[[9]](7) Time and Place. Notice of the day, hour, and place of hearing shall be served at least ten (10) days prior to the time set on all appellants and intervenors, unless the board shall find that public necessity requires hearings be held on shorter notice. The hearing shall be held at a place determined by the presiding officer. At the direction of the board, the [commissioner] director shall serve notice [by mail] to each party designated as applicant or intervenor.

[[10]](8) Limiting Number of Witnesses. To avoid unnecessary cumulative evidence, the presiding officer may limit the number of witnesses or the time for testimony on a particular issue.

[[11]](9) Who May Practice Before the Board. Only licensed attorneys from Missouri, or from other states as provided, shall be permitted to practice before the board. Attorneys who are not members of the Missouri bar shall be permitted to practice before the board under the same rules and limitations as an attorney in good standing in Missouri would be permitted to practice before the corresponding board, official, or other body of the state of the nonresident attorney. [A party may act as his/her own attorney if s/he desires.]

[[12]](10) Form and Admissibility. The board will follow in general the practice in the circuit court of the state and the common law rules on admissibility of evidence as interpreted by the courts of the state, except that the board may permit the introduction of hearsay evidence when, in its opinion, circumstances require.

[[13]](11) Ruling. The presiding officer shall rule on the admissibility of all evidence. That ruling may be reviewed by the board in determining the matter on its merits.

[[14]](12) Objections and Exceptions. When objections are made to the admission or exclusion of evidence, the grounds relied upon shall be stated briefly. Formal exception to rulings are unnecessary and need not be taken.

[[15]](13) Offer of Proof. When a party wishes to make an offer of proof for the record, that offer shall consist of a statement of the substance of the evidence to the admission of which objection has been sustained.

[[16]](14) Prepared Testimony. With the approval of the presiding officer, a witness may read into the record his/her testimony and direct examination. Before any prepared testimony is read, unless excused by the presiding officer, the witness shall deliver copies to the presiding officer, the court reporter, and counsel for all parties. Admissibility of testimony shall be subject to the rules governing oral testimony. If the presiding officer deems that substantial saving of time will result without prejudice to any party, prepared testimony may be copied into the record without having the witness read it aloud; provided, however, that the witness shall be available for cross-examination by any party other than the party on whose behalf the testimony is admitted.

[[17]](15) Documentary Evidence. If relevant, material matter

offered in evidence is embraced in the document containing other matter, the party offering it shall designate specifically the matter so offered. If other matter in the document would unnecessarily encumber the record, the document will not be received in evidence but at the discretion of the presiding officer, the relevant material matter may be read into the record or copies received in exhibit. Other parties will be afforded opportunity to examine these documents and to offer into evidence other portions believed material and relevant.

[(18)](16) Stipulations. The parties may file a stipulation of the facts or expected testimony and, in this event, the same shall be numbered and used at the hearing. This procedure is desirable wherever practical.

[(19)](17) Exhibits. Exhibits shall be legible and, wherever practical, shall be prepared either on paper not exceeding eight and one-half inches by eleven inches (8 1/2" × 11") in size or be bound and folded to that approximate size. Wherever practical, the sheets of each exhibit should be numbered and, where necessary, explained by index.

[(20)](18) Marking of Exhibits. Exhibits shall be marked as follows: Appellants' exhibits shall be numbered consecutively in order of their introduction and numbered as follows: Appellant Exhibit 1 and Appellant Exhibit 2, etc. The division's exhibits will be marked alphabetically. When exhibits are offered into evidence, the original and two (2) copies shall be furnished to the *[reporter]* board secretary, and the party offering the exhibit should also be prepared to furnish a copy to each member of the board sitting.

[(21)](19) Board Records. If any document in the **division's** records *[of the Division of Finance]* is offered into evidence, that document need not be produced as an exhibit unless directed otherwise by the presiding officer, but may be received into evidence by reference, provided that the particular portions of that document are specifically identified and are otherwise competent, relevant, and material.

[(22)](20) Judicial Notice. Official and judicial notice may be taken of those matters which may be noticed by the courts of Missouri.

[(23)](21) Additional Evidence. At the hearing, the presiding officer may require the production of further evidence upon any issue. Upon agreement of the parties, s/he may authorize the filing of specific documentary evidence as a part of the record within a fixed time after the submission, reserving exhibit numbers.

[(24)](22) Briefs. If counsel or any party requests permission to file a brief, the presiding officer shall fix the time for filing of briefs. Failure to request, at the close of the testimony, the fixing of time for filing briefs shall waive the right to subsequently file a brief.

[(25)](23) Decisions. Proceedings shall be submitted for the **board's** decision *[of the board]* after the taking of testimony and the filing of the briefs, as may be prescribed by the board or its presiding officer. The board's formal decision and order shall be issued as soon as practicable after the proceedings have been submitted. Decisions and orders shall be served by the *[commissioner]* director mailing or making personal delivery of certified copies to the parties of record. When a party to a proceeding has appeared by representative, service upon that representative shall be deemed service upon the party.

[(26)](24) Construction of Rules. These rules shall be liberally construed to secure just, speedy, and inexpensive determination of all issues presented. These rules may be amended at any time by the Board.

[(27)](25) Forms. The following form of Notice of Appeal is merely illustrated as a general form. The content of particular pleadings

will vary depending upon the subject matter and applicable procedural rules.

BEFORE THE RESIDENTIAL MORTGAGE BOARD OF THE STATE OF MISSOURI IN THE MATTER OF THE DENIAL, REVOCATION, ETC. OF THE LICENSE OF XYZ BROKERS BY THE *[COMMISSIONER]* DIRECTOR OF FINANCE.

NOTICE OF APPEAL

You are hereby notified that an appeal is taken from the decision of the *[Commissioner]* Director of Finance denying, etc. a license to the XYZ Brokers for the following reasons:

1. The *[Commissioner]* Director was in error in finding that (State any specific ground relied on in the appeal).

WHEREFORE, petitioner prays said license be (issued, restored, etc.) as petitioned for.

XYZ MORTGAGE BROKER

By Its Attorney

(Mailing Jurat in Standard Form)

[(28)](26) *[Costs.]* **Recordation of Proceedings; Assessment of Costs. If the parties consent, the hearing may be recorded by means other than a court reporter. If [T]the board [will] obtains the services of a court reporter [to transcribe the hearing.], [T]the costs of original and four (4) copies of the transcript shall be taxed against the losing party.**

[(29)](27) Service of Process. The *[commissioner of finance]* director or a deputy shall be the agent for service of process on the board in any appeal arising from a decision of the board.

AUTHORITY: sections 443.816[, RSMo (Cum. Supp. 1996)*] and 536.023, RSMo [(1994)] Supp. 2009. This rule originally filed as 4 CSR 140-31.020. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 140-31.020, effective Aug. 28, 2006. Amended: Filed April 15, 2010.*

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 James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division
of Personnel
Chapter 4—Appeals, Investigations, Hearings and
Grievances**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo 2000, the board amends a rule as follows:

1 CSR 20-4.010 Appeals is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2010 (35 MoReg 98-99). 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 on this proposed amendment was held March 9, 2010, with the public comment period ending the same day. One (1) written comment was received prior to the hearing and one (1) comment was made at the public hearing.

COMMENTS: Brian Wood of Wickham & Wood, LLC, on behalf of Service Employees International Union, Local 2000, submitted a written comment on the proposed amendment to 1 CSR 20-4.010(3)(B)10. requesting that the board not go forward with this rulemaking on the basis that in employment cases the employer generally goes first and to change that is fundamentally unfair and will make the cases last longer. Similarly, Bradley Harmon with the

Communication Workers of America commented at the public hearing that since additional layoffs have been announced this generally results in dismissals of employees the employer perceives as marginal before the layoffs occur. He feels it is particularly important that merit employees not have their due process rights to appeal to the board diluted.

RESPONSE: It has been the experience of the board that it is no longer best for the non-merit employer to go first to prove why the non-merit employee was dismissed as the employer does not have to have a reason for the dismissal. It is the employee who will provide the board with the clearer and quicker picture of the issues. In a section 105.055, RSMo, case, the employer often does not know the full extent of the employee's claims, including what the alleged disclosure and retaliation were, as the alleged retaliation may not be a traditional discipline such as a dismissal, demotion, or a suspension of more than five (5) days. In cases where the employer had this lack of knowledge, the employer presenting its case first was of little value as the employer was trying to rebut evidence that had not been presented. The employer generally had to put on evidence after the employee put on his/her evidence, which makes for a longer hearing. Additionally, under 105.055, RSMo, the employee has the option of filing the case directly in Circuit Court and by-passing the board. If that occurs, the employee is required to file a petition and will be required to present his/her case first. It is important to note that the proposed changes to 1 CSR 20-4.010(3)(B)10. were made to 1 CSR 20-3.070(5)(E) and (F) effective February 28, 2009. Thus, non-merit employees and plaintiffs in a whistleblower case are already required to present their case first. The board realized that it needed to make the same revision to 1 CSR 20-4.010(3)(B)10. because at present these two (2) regulations are in conflict with each other. For this reason, no change to the amendment is proposed in response to these comments.

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

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission under section 644.026, RSMo 2000, the commission amends a rule as follows:

10 CSR 20-7.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2009 (34 MoReg 2394-2416). 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 6, 2010, and the public comment period ended on January 13, 2010. At the public hearing the Permits and Engineering staff of the Water Pollution Control Program explained the amendment, and the Missouri Public Utility Alliance and Robert Brundage (Newman, Comley and Ruth) on behalf of a number of municipal clients provided oral testimony. Written comments were provided by the City of Carl Junction, the City of Independence, the City of Jefferson, the City of Joplin, the City of West Plains, Geosyntec consultants, Kansas City, Missouri, the Little Blue Valley Sewer District, the Metropolitan St. Louis Sewer District, the Missouri Public Utility Alliance, the Unified Government of Wyandotte County & Kansas City, Kansas, and the U.S. Environmental Protection Agency.

COMMENT #1: The U.S. Environmental Protection Agency (EPA) commented that federal regulations (40 CFR 122.45(d)) require all permit effluent limitations for continuous discharges from publicly-owned treatment works (POTWs) be stated as average weekly and average monthly, unless unpracticable. Regarding the same issue, Geosyntec consultants provided comments in support of the proposed use of a monthly geometric mean as a measure of compliance with *Escherichia coli* criteria for these facilities. Geosyntec noted that federal regulations (40 CFR 122.44(d)(1)(vii)) require states to develop water quality-based effluent limitations that are derived from and comply with applicable water quality standards. Missouri's *E. coli* criteria was largely based on EPA's 1986 bacteria criteria document which relied on epidemiological studies based on thirty (30)-day geometric means of at least five (5) samples. Geosyntec argued that the application of a daily or weekly limit does not conform to the applicable water quality standard and would be unnecessarily more restrictive than the underlying criteria, which is based on a geometric mean over the entire recreational season. To further support this position, Geosyntec referred to a November 15, 2006, *Memo Clarifying EPA's Position of the Use of the Daily Time Increment When Establishing Total Maximum Daily Loads for Pollutants* signed by Benjamin Grumbles (former EPA assistant administrator) which stated that the central statutory requirement for water quality-based effluent limits in National Pollutant Discharge Elimination System (NPDES) permits is that they implement applicable water quality standards. The memo further states that, "water quality criteria consist of three components (1) magnitude, (2) duration, and (3) frequency. . . Duration is the period of time (averaging period) over which the in-water concentration is averaged for comparison with criteria concentrations. . . Accordingly, effluent limits in NPDES permits may be written in a form that derives from, and complies with, applicable water quality standards that use any of these various time measures."

Support for the use of a monthly geometric mean effluent limitation was also provided by 1) City of Independence, Water Pollution Control Department, 2) City of Jefferson, Water Utility Services, 3) Kansas City, Missouri, Water Services Department, 4) Little Blue Valley Sewer District, 5) Metropolitan St. Louis Sewer District, and 6) Unified Government of Wyandotte County & Kansas City, Kansas Public Works Department, Water Pollution Control Division. Several of the communities made points similar to those provided by Geosyntec, and several noted that a number of other states (Kansas, Nebraska, Wisconsin, Pennsylvania, and Texas) do not require the use of weekly average or daily maximum effluent limitations for bacteria. The City of Independence and the Unified Government of Wyandotte County & Kansas City, Kansas Public Works Department, Water Pollution Control Division noted that adopting a weekly average *E. coli* limitation would potentially increase disinfection costs substantially, and the fiscal notes and the original Regulatory Impact Report (RIR) for this rulemaking (10 CSR 20-7.015) do not reflect these additional costs.

RESPONSE: A review of the federal regulations concerning this issue has revealed an apparent conflict. 40 CFR 122.44(d)(1)(vii) requires states to develop water quality-based effluent limitations that are derived from and comply with applicable water quality standards, which in the case of Missouri's *E. coli* criteria means that compliance should reflect a duration that spans the recreational season consistent with the bacteria water quality criteria. However, 40 CFR 122.45(d) requires all permit effluent limitations for continuous discharges from POTWs be stated as average weekly and average monthly basis, and for all dischargers other than POTWs maximum daily and average monthly basis. EPA has indicated that they intend to object to any permits unless they include limitations written in the form specified by 40 CFR 122.45(d).

In response to these comments, the department proposed the addition of a sentence in the *E. coli* monitoring paragraphs and subparagraphs stating that the department is not precluded from developing and including in permits appropriate maximum daily and average weekly effluent limits for *E. coli*. A method to develop these short-

er-term effluent limits for *E. coli* that are protective of the seasonal water quality standard has not been developed, and the department proposed to work with EPA to determine the appropriate values. This effort requires a review of the literature as well as an analysis of local statistical information from *E. coli* monitoring at representative facilities. During the adoption hearing, the Clean Water Commission directed staff to remove this sentence from each of the paragraphs. Therefore, no changes were made to the rule as a result of this comment.

The frequency of monitoring is not being changed, so the costs presented in the RIR and fiscal note will not change. The costs to install and operate disinfection systems were not included as part of this rulemaking because those costs were considered during the recent revision to 10 CSR 20-7.031 Water Quality Standards when the bacteria standard was changed from fecal coliform to *E. coli*.

COMMENT #2: The cities of Carl Junction, Joplin, and West Plains provided comments opposing the removal of paragraphs (3)(B)5. and (4)(B)6. and subparagraphs (2)(B)3.E. and (8)(B)3.E., which authorized noncontinuous wet-weather discharges from secondary outfalls with limits of forty-five milligrams per liter (45 mg/L) weekly average for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). These communities stated that the removal of these permitted discharges will not provide any measurable environmental benefit, particularly in light of the fact that these discharges occur infrequently and only during wet-weather events. During these events the inflow is dilute and the discharges occur when the magnitude of stream flows is high.

RESPONSE: The proposed revision is in response to the federal statute that requires all wastewater to receive secondary treatment. EPA has indicated that they will object to any permits that are issued that authorize discharges of any water that does not receive secondary treatment. EPA characterizes these discharges as bypasses. The department recognizes that it will take considerable time and capital investment to eliminate these discharges and is developing a consent agreement that will provide a process by which the affected communities can prepare a bypass elimination plan, and then work to reduce inflow and infiltration, increase overflow storage, or develop increased treatment capacity. No changes were made to the rule as a result of these comments.

COMMENT #3: The Missouri Public Utility Alliance (MPUA) provided testimony and written comments concerning the financial impact associated with the removal of paragraphs (3)(B)5. and (4)(B)6. and subparagraphs (2)(B)3.E. and (8)(B)3.E., which authorized noncontinuous wet-weather discharges from secondary outfalls with limits of forty-five milligrams per liter (45 mg/L) weekly average for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). The costs (\$196M) presented in the fiscal note are based on increasing the current sewer rates up to an amount that reflects a sewer rate of two percent (2%) of the median household income. The "maximum costs" referenced in the fiscal note are merely a tally of increased revenues that could be raised if all of the municipalities cumulatively raised rates to two percent (2%) of the median household income. This cost estimate is not based on an engineering study or review of the capital expenses needed to correct the issues. Instead, the rationale applied in the fiscal note is that EPA will consider expenditures exceeding two percent (2%) of median household income to be a financial hardship. The MPUA disagrees with the fiscal note statement that ". . . a rigorous analysis of the engineering solutions by each community will likely show that the actual costs will be somewhat less than those given in Table A." The MPUA strongly asserts that this rationale is not appropriate. A sewer rate that is at or above two percent (2%) of the median household income is not a guarantee that regulatory-imposed rehabilitation work will end. The upper bound has not been set by EPA, and this issue has not been clarified in EPA guidance documents.

RESPONSE: The department appreciates the assistance provided by the MPA to help develop and evaluate the very significant fiscal ramifications of this regulatory change. The MPA provided sewer rate, population, and income statistics for most of the affected communities which served as the basis for much of the fiscal note. MPA raises valid concerns about whether the two percent (2%) of median household income will serve as an upper bound by EPA as part of an individual community's utility analysis. EPA guidance indicates that mid-range fiscal impacts are expected if the total annual compliance costs for wastewater are between one and two percent (1%–2%) of median household income. The two percent (2%) figure was chosen because it is the top of the range, and the guidance says that if the costs exceed two percent (2%) of the median household income, it may represent an unreasonable financial burden to a community. The guidance continues by specifying that other tests of affordability be considered as well, such as the ability of the community to obtain finance, the level of current community debt, and the socioeconomic and financial management conditions of the community.

The department continues to assert that many communities may find less expensive engineering solutions. A few of the affected communities may need to spend very little to comply. A calculation considering the costs to each individual affected community is not practicable because the conditions in each community are unique. And in the absence of a more rigorous method to estimate the costs associated with the removal of this provision, no changes were made to the rule as a result of this comment.

COMMENT #4: The MPA supports the use of a consent agreement that is being developed by the wet-weather stakeholder group to provide the affected communities the time they will need to address the removal of paragraphs (3)(B)5. and (4)(B)6. and subparagraphs (2)(B)3.E. and (8)(B)3.E., which authorized noncontinuous wet-weather discharges from secondary outfalls with limits of forty-five milligrams per liter (45 mg/L) weekly average for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). MPA requests that the department hold permits until this agreement is available for those communities that need this extra time to comply. MPA also requests that the consent agreement be made available to communities whose permits were renewed after 2005.

RESPONSE: The department intends to work to develop a consent agreement that requires the affected communities to develop a bypass elimination plan and then to follow that plan to reduce the number of discharges from secondary outfalls that will no longer be authorized. The department will work with affected communities on a case-by-case basis regarding the consent agreement and will re-open permits for those communities that are interested in entering into a consent agreement once it has been developed. No changes were made to the rule as a result of this comment.

COMMENT #5: Mr. Robert Brundage (Newman, Comley and Ruth) provided testimony on behalf of a number of municipal clients in support of the development of a consent agreement that is being developed by the wet-weather stakeholder group to provide the affected communities the time they will need to address the removal of paragraphs (3)(B)5. and (4)(B)6. and subparagraphs (2)(B)3.E. and (8)(B)3.E., which authorized noncontinuous wet-weather discharges from secondary outfalls with limits of forty-five milligrams per liter (45 mg/L) weekly average for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). Mr. Brundage noted that it is important that the department work to develop implementation strategies concurrently with rulemaking, for this rule and for future rulemakings.

RESPONSE: The department appreciates the support of an implementation strategy to address these wet-weather issues and intends to consider implementation strategies as part of rulemaking where possible. No changes were made to the rule as a result of this comment.

COMMENT #6: The cities of Carl Junction and Joplin commented that the physical elimination of overflow structures in their primary clarifiers would risk the integrity of the structures, so these overflows cannot be physically eliminated.

RESPONSE: The proposed amendment is not intended to eliminate necessary overflow structures. However, under the proposal, the discharge from these structures will not be authorized. No changes were made to the rule as a result of this comment.

COMMENT #7: The Metropolitan St. Louis Sewer District strongly supported the addition of section (10) of the rule that incorporates by reference the EPA Combined Sewer Overflow Policy. This will allow the department to be consistent with EPA in implementation of Combined Sewer Overflow Controls.

RESPONSE: The department appreciates the support regarding this new section. No changes were made to the rule as a result of this comment.

COMMENT #8: The Water Quality Monitoring and Assessment Section commented that the organism *Escherichia coli* is commonly abbreviated *E. coli*, not *e. coli*.

RESPONSE AND EXPLANATION OF CHANGE: The department has corrected the abbreviation throughout the rule.

COMMENT #9: The Permit and Engineering Section noted that a weekly monitoring frequency for *E. coli* (thirty (30) samples per recreational season) conflicts with the monitoring frequency already specified by this rule that requires one (1) sample to be analyzed per year for each fifty thousand (50,000) gallons per day of effluent, or fraction thereof. Wastewater treatment plants that exceed 1.5 million gallons per day are required to collect more than thirty (30) samples per year. These large facilities currently collect and analyze bacteria samples on a more frequent basis than once per week. This more frequent monitoring should be maintained.

RESPONSE AND EXPLANATION OF CHANGE: In the monitoring subparagraphs of sections (2), (3), (5), and (8), qualifying language was added to require weekly sampling as a minimum frequency. For large facilities the monitoring frequency for *E. coli* will be more than weekly, depending upon size. There is no fiscal ramification expected from this change because these facilities are already analyzing for fecal coliform, and the change to *E. coli* is not expected to result in a significant change in costs.

COMMENT #10: EPA provided comments about subparagraph (8)(A)4.C., noting that the language is confusing. EPA asked if the last clause meant that the *E. coli* standards cannot be exceeded in the downstream segment designated for whole body contact or secondary contact recreational, or does it mean that the *E. coli* standards cannot be exceeded in the stream receiving the direct discharge. In addition, the units of "days" should be specified for the variable "t" in the equation at the end of this subparagraph.

RESPONSE AND EXPLANATION OF CHANGE: Language in this portion of the rule has been clarified to make it clear that the limits apply to the effluent itself. In addition the equation was modified to include "days" in the definition of the variable "t."

COMMENT #11: EPA commented that using the first order decay equation at the end of subparagraph (8)(A)4.C. may not be consistent with the Clean Water Act under some conditions. During certain dry weather conditions, there may be no flow in the stream and applying this equation means that a facility could discharge unlimited amounts of *E. coli*. Then if a stream has any flow under conditions other than dry weather conditions, the permit limits would not be protective.

RESPONSE AND EXPLANATION OF CHANGE: The application of this decay equation is intended to represent worse case stream conditions. Language was modified to reflect the concept that a valid time of travel study is required to use the decay equation. The department is working to develop a technical guidance for determining

when the application of this decay equation is appropriate and for specifying the appropriate method for determining the time of travel. If a permit writer does not believe that applying bacteria decay is appropriate, the water quality standard will be applied at the end of the pipe.

COMMENT #12: EPA commented that subparagraph (8)(A)4.C. is silent on discharges located more than two (2) miles upstream from stream segments or lakes designated for whole body contact or secondary contact recreational. Discharge limits on NPDES permits are required to be protective of all uses in the receiving waterbody and all downstream waterbodies.

RESPONSE: The language in the rule as proposed does not prevent the department from placing effluent limits that are protective of whole body contact or secondary contact recreational uses. In cases where discharges are known to interfere with these uses, permit writers place appropriate effluent limits into the permit. No changes to the rule were made as a result of this comment.

COMMENT #13: EPA commented that the correct title of the reference in paragraph (9)(I)1. is *Missouri Recreational Use Attainability Analysis Protocol*.

RESPONSE AND EXPLANATION OF CHANGE: The word "Protocol" was added to correct the title of the reference in this paragraph.

COMMENT #14: EPA commented that pH ranges of six to nine standard units (6–9 SU) are specified throughout the regulation. This is inconsistent with state water quality standards of pH being maintained between six and one-half and nine standard units (6.5 and 9.0 SU).

RESPONSE AND EXPLANATION OF CHANGE: Specifying limits using only one (1) significant digit could lead to confusion about the actual pH range. For instance, someone may consider a pH of 5.7 to be in compliance because this figure may be rounded to six (6). The pH requirements provided in 10 CSR 20-7.031 Water Quality Standards were likely based on an EPA publication titled "Quality Criteria for Water 1986," published on May 1, 1986, commonly referred to as the "gold book." The purpose of this publication was to present scientific data and guidance of the environmental effects of pollutants that are useful in deriving regulatory requirements. For protection of aquatic life, the "gold book" recommends a pH range of six and one-half to nine (6.5–9.0), and this is the range that Missouri adopted in 10 CSR 20-7.031. To be protective of water quality, it is currently a permitting practice to require wastewater treatment plants to maintain their pH between six and one-half (6.5) and nine (9). Therefore, the rule will be changed to be consistent with 10 CSR 20-7.031. The pH range of six to nine (6–9) was changed to six and one-half to nine (6.5–9.0) and references to a minimum pH of six (6.0) was changed to six and one-half (6.5) in the following locations: paragraphs (2)(A)2., (4)(B)3., (8)(A)2., and (9)(G)1. and subparagraphs (2)(A)3.A., (3)(A)1.B., and (8)(A)3.A.

COMMENT #15: EPA commented that the effluent regulations do not mention the federal secondary treatment percent removal requirements for BOD and TSS.

RESPONSE: The federal percent removal requirements are currently being placed into permits to assure that facilities meet this federal requirement. The department intends to consider this comment in a future rulemaking. No changes to the rule were made as a result of this comment.

COMMENT #16: EPA commented that the provisions of subsection (9)(E) are not consistent with the federal bypass provisions of 40 CFR 122.41(m). The state provisions rephrase the federal bypass regulation, and in doing so have altered the meaning, in some instances making the state provisions inconsistent with federal provisions.

RESPONSE: The department is aware of these inconsistencies and intends to correct this in a future rulemaking. No changes were made as a result of this comment.

COMMENT #17: EPA commented that the provisions of subsection (2)(B) address the discharge of suspended solids from water treatment plants. EPA noted that all point source discharges, including discharges of suspended solids from water treatment plants, must also comply with applicable water quality standards to protect the designated uses.

RESPONSE: The department is aware of this issue, and intends to consider changes to this subsection at a later date. No changes were made as a result of this comment.

10 CSR 20-7.015 Effluent Regulations

(2) Effluent Limitations for the Missouri and Mississippi Rivers. The following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility.

(A) Discharges from wastewater treatment facilities which receive primarily domestic waste or from publicly-owned treatment works (POTWs) shall undergo treatment sufficient to conform to the following limitations:

1. Biochemical Oxygen Demand₅ (BOD₅) and Total Suspended Solids (TSS) equal to or less than a monthly average of thirty milligrams per liter (30 mg/L) and a weekly average of forty-five milligrams per liter (45 mg/L);

2. pH shall be maintained in the range from six and one-half to nine (6.5–9.0) standard units;

3. Exceptions to paragraphs (2)(A)1. and 2. of this rule are as follows:

A. If the facility is a wastewater lagoon, the TSS shall be equal to or less than a monthly average of eighty milligrams per liter (80 mg/L) and a weekly average of one hundred twenty milligrams per liter (120 mg/L) and the pH shall be maintained above six and one-half (6.5), and the BOD₅ shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

B. If the facility is a trickling filter plant the BOD₅ and TSS shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

C. Where the use of effluent limitations set forward in this section is known or expected to produce an effluent that will endanger or violate water quality, the department will set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams. When a waste load allocation or a total maximum daily load study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the study;

D. The department may require more stringent limitations than authorized in subsection (3)(A) of this rule under the following conditions:

(I) If the facility is an existing facility, the department may set the BOD₅ and TSS limits based upon an analysis of the past performance, rounded up to the next five milligrams per liter (5 mg/L) range; and

(II) If the facility is a new facility, the department may set the BOD₅ and TSS limits based upon the design capabilities of the plant considering geographical and climatic conditions;

(a) A design capability study has been conducted for new lagoon systems. The study reflects that the effluent limitations should be BOD₅ equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L) and TSS equal to or less than a monthly average of seventy milligrams per liter (70 mg/L) and a weekly average of one hundred ten milligrams per liter (110 mg/L).

(b) A design capability study has been conducted for new trickling filter systems and the study reflects that the effluent limitations should be BOD₅ and TSS equal to or less than a monthly average of forty milligrams per liter (40 mg/L) and a weekly average of sixty milligrams per liter (60 mg/L);

4. *E. coli*: Discharges to segments designated as whole body contact recreational or secondary contact recreational in Table H of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in 10 CSR 20-7.031(4)(C)2. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule;

5. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

6. When the wastewater treatment process causes nitrification which affects the BOD₅ reading, the permittee can petition the department to substitute carbonaceous BOD₅ in lieu of regular BOD₅ testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD₅ at five milligrams per liter (5 mg/L) less than the regular BOD₅ in the operating permit.

(B) The suspended solids which are present in stream water and which are removed during treatment may be returned to the same body of water from which they were taken, along with any additional suspended solids resulting from the treatment of water to be used as public potable water or industrial purposes using essentially the same process as a public water treatment process. This includes the solids that are removed from potable waters that are withdrawn from wells located in the alluvial valley of the Missouri and Mississippi Rivers.

(C) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that shall require, at a minimum, one (1) wastewater sample per year for each fifty thousand (50,000) gallons per day (gpd) of effluent, or fraction thereof, except that—

A. Point sources that discharge less than twenty-five thousand (25,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one (1) million gallons per day (mgd) will be required, at a minimum, to collect twenty (20) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements;

C. Sludge sampling will be established in the permit; and

D. A minimum of one (1) sample shall be collected for *E. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *E. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall collect samples on a regular evenly spaced schedule, while point sources with seasonal discharges shall collect samples evenly spaced during the season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples will be grab samples unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (2)(D)3. of this rule are minimum requirements. The permit

writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(3) Effluent Limitations for the Lakes and Reservoirs.

(A) The following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility to a lake or reservoir designated in 10 CSR 20-7.031 as L2 and L3 which is publicly owned. Releases to lakes and reservoirs include discharges into streams one-half (1/2) stream mile (.80 km) before the stream enters the lake as measured to its normal full pool.

1. Discharges from wastewater treatment facilities which receive primarily domestic waste or from POTWs shall undergo treatment sufficient to conform to the following limitations:

A. BOD₅ and TSS equal to or less than a monthly average of twenty milligrams per liter (20 mg/L) and a weekly average of thirty milligrams per liter (30 mg/L);

B. pH shall be maintained in the range from six and one-half to nine (6.5–9.0) standard units;

C. *E. coli*: Discharges to lakes designated as whole body contact recreational or secondary contact recreational in Table G of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule;

D. Where the use of effluent limitations set forth in section (3) of this rule is known or expected to produce an effluent that will endanger or violate water quality, the department may either—conduct waste load allocation studies in order to arrive at a limitation which protects the water quality of the state or set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams. When a waste load allocation study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the waste load allocation study;

E. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

F. When the wastewater treatment process causes nitrification which affects the BOD₅ reading, the permittee can petition the department to substitute carbonaceous BOD₅ in lieu of regular BOD₅ testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD₅ at five milligrams per liter (5 mg/L) less than the regular BOD₅ in the operating permit.

(B) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that will require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one point three (1.3) mgd will be required, at a minimum, to collect fifty-two (52) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements;

C. Sludge sampling will be established in the permit; and

D. A minimum of one (1) sample shall be collected for *E. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *E. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular evenly spaced schedule, while point sources with seasonal discharges shall collect samples evenly spaced during the season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples shall be grab samples unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (3)(B)3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(C) For lakes designated in 10 CSR 20-7.031 as L1, which are primarily used for public drinking water supplies, there will be no discharge into the watersheds above these lakes from domestic or industrial wastewater sources regulated by these rules. Discharges from potable water treatment plants, such as filter wash, may be permitted. Separate storm sewers will be permitted, but only for the transmission of storm water. Discharges permitted prior to the effective date of this requirement may continue to discharge so long as the discharge remains in compliance with its operating permit.

(D) For lakes designated in 10 CSR 20-7.031 as L3 which are not publicly owned, the discharge limitations shall be those contained in section (8) of this rule.

(E) In addition to other requirements in this section, discharges to Lake Taneycomo and its tributaries between Table Rock Dam and Power Site Dam (and excluding the discharges from the dams) shall not exceed five-tenths milligrams per liter (0.5 mg/L) of phosphorus as a monthly average. Discharges meeting both the following conditions shall be exempt from this requirement:

1. Those permitted prior to May 9, 1994; and

2. Those with design flows of less than twenty-two thousand five hundred (22,500) gpd. All existing facilities whose capacity is increased would be subject to phosphorus limitations. The department may allow the construction and operation of interim facilities without phosphorus control provided their discharges are connected to regional treatment facilities with phosphorus control not later than three (3) years after authorization. Discharges in the White River basin and outside of the area designated above for phosphorus limitations shall be monitored for phosphorus discharges, and the frequency of monitoring shall be the same as that for BOD₅ and TSS, but not less than annually. The department may reduce the frequency of monitoring if the monitoring data is sufficient for water quality planning purposes.

(F) In addition to other requirements in this section, discharges to Table Rock Lake watershed, defined as hydrologic units numbered 11010001 and 11010002, shall not exceed five-tenths milligrams per liter (0.5 mg/L) of phosphorus as a monthly average according to the following schedules except as noted in paragraph (3)(F)5. of this rule.

1. Any new discharge shall comply with this new requirement upon the start of operations;

2. Any existing discharge, or any sum of discharges operated by a single continuing authority, with a design flow of one (1.0) mgd or greater shall comply no later than November 30, 2003;

3. Any existing discharge, or any sum of discharges operated by a single continuing authority, with a design flow of one-tenth (0.1) mgd or greater, but less than one (1.0) mgd, shall comply no later than November 30, 2007, and shall not exceed one milligram per liter (1.0 mg/L) as a monthly average as soon as possible and no later than November 30, 2003;

4. Any existing discharge with a design flow of twenty-two thousand five hundred (22,500) gpd or greater, but less than one-tenth (0.1) mgd, shall comply no later than November 30, 2007;

5. Any existing discharge with a design flow of less than twenty-two thousand five hundred (22,500) gpd permitted prior to November 30, 1999, shall be exempt from this requirement unless the design flow is increased; and

6. Any existing discharge in which the design flow is increased shall comply according to the schedule applicable to the final design flow.

(4) Effluent Limitations for Losing Streams.

(A) Discharges to losing streams shall be permitted only after other alternatives including land application, discharge to a gaining stream, and connection to a regional wastewater treatment facility have been evaluated and determined to be unacceptable for environmental and/or economic reasons.

(B) If the department agrees to allow a release to a losing stream, the permit will be written using the limitations contained in subsections (4)(B) and (C) of this rule. Discharges from wastewater treatment facilities which receive primarily domestic waste or from POTWs permitted under this section shall undergo treatment sufficient to conform to the following limitations:

1. BOD₅ equal to or less than a monthly average of ten milligrams per liter (10 mg/L) and a weekly average of fifteen milligrams per liter (15 mg/L);

2. TSS equal to or less than a monthly average of fifteen milligrams per liter (15 mg/L) and a weekly average of twenty milligrams per liter (20 mg/L);

3. pH shall be maintained in the range from six and one-half to nine (6.5–9.0) standard units;

4. *E. coli*: Discharges shall not exceed the water quality *E. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031;

5. All chlorinated effluent discharges to losing streams or within two (2) stream miles flow distance upstream of a losing stream shall also be dechlorinated prior to discharge;

6. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

7. When the wastewater treatment process causes nitrification which affects the BOD₅ reading, the permittee can petition the department to substitute carbonaceous BOD₅ in lieu of regular BOD₅ testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD₅ at five milligrams per liter (5 mg/L) less than the regular BOD₅ in the operating permit.

(C) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that shall require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one point three (1.3) mgd will be required at a minimum to collect fifty-two (52) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements;

C. Sludge samples will be established in the permit; and

D. A minimum of one (1) sample shall be collected for *E. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *E. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular schedule, while point sources with seasonal discharges shall collect samples during the season of discharge.

3. Sample types shall be as follows:

- A. Samples collected from lagoons may be grab samples;
- B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and
- C. Sludge samples shall be a grab sample unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (4)(C)3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(5) Effluent Limitations for Metropolitan No-Discharge Streams.

(A) Discharge to metropolitan no-discharge streams is prohibited, except as specifically permitted under the Water Quality Standards 10 CSR 20-7.031 and noncontaminated storm water flows.

(B) All permits for discharges to these streams shall be written to ensure compliance with the Water Quality Standards.

(C) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that shall require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one point three (1.3) mgd will be required at a minimum to collect fifty-two (52) wastewater samples per year;

C. Sludge sampling will be established in the permit; and

D. A minimum of one (1) sample shall be collected for *E. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *E. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular schedule, while point sources with seasonal discharges shall collect samples during the season of discharge.

3. Sample types shall be as follows:

- A. Samples collected from lagoons may be grab samples;
- B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and
- C. Sludge samples shall be a grab sample unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (5)(C)3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(8) Effluent Limitations for All Waters, Except Those in Paragraphs (1)(A)1.-6. of This Rule. The following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility.

(A) Discharges from wastewater treatment facilities which receive primarily domestic waste or POTWs shall undergo treatment sufficient to conform to the following limitations:

1. BOD₅ and TSS equal to or less than a monthly average of thirty milligrams per liter (30 mg/L) and a weekly average of forty-five milligrams per liter (45 mg/L);

2. pH shall be maintained in the range from six and one-half to nine (6.5-9.0) standard units;

3. The limitations of paragraphs (8)(B)1. and 2. of this rule will be effective unless a water quality impact study has been conducted by the department, or conducted by the permittee and approved by

the department, showing that alternate limitation will not cause violations of the Water Quality Standards or impairment of the uses in the standards. When a water quality impact study has been completed to the satisfaction of the department, the following alternate limitation may be allowed:

A. If the facility is a wastewater lagoon, the TSS shall be equal to or less than a monthly average of eighty milligrams per liter (80 mg/L) and a weekly average of one hundred twenty milligrams per liter (120 mg/L) and the pH shall be maintained above six and one-half (6.5), and the BOD₅ shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

B. If the facility is a trickling filter plant, the BOD₅ and TSS shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

C. Where the use of effluent limitations set forth in section (8) of this rule is known or expected to produce an effluent that will endanger water quality, the department will set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams. When a waste load allocation study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the waste load allocation study; and

D. The department may require more stringent limitations than authorized in subsections (3)(A) and (B) of this rule under the following conditions:

(I) If the facility is an existing facility, the department may set the BOD₅ and TSS limits based upon an analysis of the past performance, rounded up to the next five milligrams per liter (5 mg/L) range; and

(II) If the facility is a new facility, the department may set the BOD₅ and TSS limits based upon the design capabilities of the plant considering geographical and climatic conditions:

(a) A design capability study has been conducted for new lagoon systems. The study reflects that the effluent limitations should be BOD₅ equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L) and TSS equal to or less than a monthly average of seventy milligrams per liter (70 mg/L) and a weekly average of one hundred ten milligrams per liter (110 mg/L); or

(b) A design capability study has been conducted for new trickling filter systems and the study reflects that the effluent limitations should be BOD₅ and TSS equal to or less than a monthly average of forty milligrams per liter (40 mg/L) and a weekly average of sixty milligrams per liter (60 mg/L);

4. *E. coli*. The following water quality *E. coli* discharge limits apply to all waters, except those in paragraphs (1)(A)1.-6. of this rule:

A. Discharges to stream segments designated as whole body contact recreational or secondary contact recreational in Table H of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031;

B. Discharges to privately-owned lakes classified as L3, as defined in subsection (1)(F) of 10 CSR 20-7.031, that are designated as whole body contact recreational or secondary contact recreational in Table G of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031. Discharges include releases into streams one-half (1/2) stream mile (.80 km) before the stream enters the lake as measured to its normal full pool;

C. Discharges located within two (2) miles upstream of stream segments or lakes designated for whole body contact recreational or secondary contact recreational in Tables H and G of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031 for the receiving stream segment or lake designated for those uses. As an alternative, the department may allow permit applicants to conduct a time of travel study for use

in developing water quality discharge limits calculated using the following first order decay equation:

$$C_0 = C_{(t)}e^{kt}$$

Where:

C_0 = concentration of *E. coli* at the outfall, which becomes the effluent limit;

$C_{(t)}$ = the water quality *E. coli* count established in paragraph (4)(C)2. of 10 CSR 20-7.031 for the receiving stream segment or lake that is designated as whole body contact recreational or secondary contact recreational in Tables H and G of 10 CSR 20-7.031; e = the natural logarithmic constant;

k = decay constant for *E. coli* (use 0.75 inverse days as a default or value may be determined by sampling analysis); and

t = time required for effluent to flow from the outfall to the confluence with the closest classified receiving stream segment or lake during dry weather conditions in units of days; and

D. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule;

5. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

6. When the wastewater treatment process causes nitrification which affects the BOD₅ reading, the permittee can petition the department to substitute carbonaceous BOD₅ in lieu of regular BOD₅ testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD₅ at five milligrams per liter (5 mg/L) less than the regular BOD₅ in the operating permit.

(B) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that will require, at a minimum, one (1) wastewater sample per year for each fifty thousand (50,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than twenty-five thousand (25,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one (1) mgd will be required at a minimum to collect twenty (20) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements;

C. Sludge sampling will be established in the permit; and

D. A minimum of one (1) sample shall be collected for *E. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *E. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular schedule, while point sources with seasonal discharges shall collect samples during their season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples shall be a grab sample unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (8)(C)3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(9) General Conditions.

(A) Monitoring, Analysis, and Reporting.

1. All construction and operating permit holders shall submit reports at intervals established by the permit or at any other reasonable intervals required by the department. The monitoring and analytical schedule shall be as established by the department in the operating permit.

2. The analytical and sampling methods used must conform to the following reference methods unless alternates are approved by the department:

A. *Standard Methods for the Examination of Waters and Wastewaters* (14, 15, 16, 17, 18, 19, 20, and 21st Edition), published by the Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314;

B. *Water Testing Standards, Vol. II.01 and II.02*, published by American Society for Testing and Materials, West Conshohocken, PA 19428;

C. *Methods for Chemical Analysis of Water and Wastes* (EPA-600/4-79-020), published by the Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 54202; and

D. *NPDES Compliance Sampling Inspection Manual*, Report no. MCD-51, published by Environmental Protection Agency, Enforcement Division, Office of Water Enforcement, 401 Main Street SW, Washington, DC 20460.

3. Sampling and analysis by the department to determine violations of this regulation will be conducted in accordance with the methods listed in paragraph (9)(A)2. of this rule or any other approved by the department. Violations may be also determined by review of the permittee's self-monitoring reports. Analysis conducted by the permittee or his/her laboratory shall be conducted in such a way that the precision and accuracy of the analyzed results can be determined.

4. If, for any reason, the permittee does not comply with or will be unable to comply with any discharge limitations or standards specified in the permit, the permittee shall provide the department with the following information, with the next discharge monitoring report as required under subsection (9)(A) of this rule:

A. A description of the discharge and cause of noncompliance;

B. The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and

C. The steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

5. In the case of any discharge subject to any applicable toxic pollutant effluent standard under section 307(a) of the federal Clean Water Act, the information required by paragraph (9)(A)4. of this rule regarding a violation of this standard shall be provided within twenty-four (24) hours from the time the owner or operator of the water contaminant source, point source, or wastewater treatment facility becomes aware of the violation or potential violation. If this information is provided orally, a written submission covering these points shall be provided within five (5) working days of the time the owner or operator of the water contaminant source, point source, or wastewater treatment facility becomes aware of the violation.

(B) Dilution Water. Dilution of treated wastewater with cooling water or other less contaminated water to lower the effluent concentration to limits required by an effluent regulation of the Clean Water Law shall not be an acceptable means of treatment.

(C) Compliance.

1. New sources. Water contaminant sources, point sources, and wastewater treatment facilities and their tributary sewer systems on which construction begins after the effective date of the applicable effluent guidelines shall meet all requirements of this regulation and the Missouri Clean Water Law.

2. Sources for which construction and operating permits were issued prior to the effective date of this regulation shall meet all the

requirements of the existing permit. Where the existing permit contains more stringent limitations than those contained in this regulation, the permittee may apply to the department for a modification of the permit to contain the new limitations. The department will notify the applicant of its decision to modify or deny the application within sixty (60) days after receiving an application.

(D) Compliance with New Source Performance Standards.

1. Except as provided in paragraph (9)(D)2. of this rule, any new water contaminant source, point source, or wastewater treatment facility on which construction commenced after October 18, 1972, or any new source, which meets the applicable promulgated new source performance standards before the commencement of discharge, shall not be subject to any more stringent new source performance standards or to any more stringent technology-based standards under subsection 301(b)(2) of the federal Clean Water Act for the shortest of the following periods:

A. Ten (10) years from the date that construction is completed;

B. Ten (10) years from the date the source begins to discharge process or other nonconstruction related wastewater; or

C. The period of depreciation or amortization of the facility for the purposes of section 167 or 169 (or both) of the *Internal Revenue Code* of 1954.

2. The protection from more stringent standards of performance afforded by paragraph (9)(D)1. of this rule does not apply to—

A. Additional or more stringent permit conditions which are not technology based, for example, conditions based on water quality standards or effluent standards or prohibitions under section 307(a) of the federal Clean Water Act; and

B. Additional permit conditions controlling pollutants listed as toxic under section 307(a) of the federal Clean Water Act or as hazardous substances under section 311 of the federal Clean Water Act and which are not controlled by new source performance standards. This exclusion includes permit conditions controlling pollutants other than those identified as hazardous where control of those other pollutants has been specifically identified as the method to control the hazardous pollutant.

(E) Bypassing.

1. Any bypass or shutdown of a wastewater treatment facility and tributary sewer system or any part of a facility and sewer system that results in a violation of permit limits or conditions is prohibited except—

A. Where unavoidable to prevent loss of life, personal injury, or property damages;

B. Where unavoidable excessive storm drainage or runoff would damage any facilities or processes necessary for compliance with the effluent limitations and conditions of this permit; and

C. Where maintenance is necessary to ensure efficient operation and alternative measures have been taken to maintain effluent quality during the period of maintenance;

2. The permittee shall notify the department by telephone within twenty-four (24) hours and follow with a written report within five (5) days of all bypasses or shutdowns that result in a violation of permit limits or conditions. POTWs that bypass during storm water infiltration events need only report on their discharge monitoring reports. This section does not excuse any person from any liability, unless this relief is otherwise provided by the statute.

(F) Sludge facilities shall meet the applicable control technology for sewage sludge treatment, use, and disposal as published by the EPA in 40 CFR 503 and applicable state standards and limitations published in 10 CSR 20 and 10 CSR 80. Where there are no standards available or applicable, or when more stringent standards are appropriate to protect human health and the environment, the department shall set specific limitations in permits on a case-by-case basis using best professional judgment.

(G) Industrial, agricultural, and other nondomestic water contaminant sources, point sources, or wastewater treatment facilities which

are not included under subsection (2)(B), (3)(B), (4)(B), or (8)(B) of this rule—

1. These facilities shall meet the applicable control technology currently effective as published by the EPA in 40 CFR 405–471. Where there are no standards available or applicable, the department shall set specific parameter limitations using best professional judgment. pH shall be maintained in the range from six and one-half to nine (6.5–9.0) standard units, except that discharges of uncontaminated cooling water and water treatment plant effluent may exceed nine (9) standard units, but may not exceed ten and one-half (10.5) standard units, if it can be demonstrated that the pH will not exceed nine (9) standard units beyond the regulatory mixing zone; and

2. Agrichemical facilities shall be designed and constructed so that all bulk liquid pesticide nonmobile storage containers and all bulk liquid fertilizer nonmobile storage containers are located within a secondary containment facility. Dry bulk pesticides and dry bulk fertilizers shall be stored in a building so that they are protected from the weather. The floors of the buildings shall be constructed of an approved design and material(s). At an agrichemical facility, the following procedures shall be conducted in an operational area: all transferring, loading, unloading, mixing, and repackaging of bulk agrichemicals. All precipitation collected in the operational containment area or secondary containment area as well as process generated wastewater shall be stored and disposed of in a no-discharge manner or treated to meet the applicable control technology referenced in paragraph (9)(G)1. of this rule.

(H) Implementation Schedule for Protection of Whole Body Contact and Secondary Contact Recreation.

1. For all existing wastewater discharges containing bacteria, the department shall, upon the issuance or first renewal or first significant modification of each permit, include within each permit a compliance schedule that provides up to five (5) years for the permittee to meet permit limits. Permitted facilities may present an evaluation sufficient to show that disinfection is not required to protect one (1) or both designated recreational uses. A use attainability analysis (UAA) may be conducted to demonstrate one (1) or both designated recreational uses are not attainable in the classified waters receiving the effluent.

2. Notwithstanding the provisions of paragraph (9)(H)1. of this rule, all permits shall insure compliance with effluent limits to protect whole body contact and secondary contact recreation by no later than December 31, 2013, unless the permittee presents an evaluation sufficient to show that disinfection is not required to protect one (1) or both designated recreational uses, or a UAA demonstrates that one (1) or both designated recreational uses are not attainable in the classified waters receiving the effluent.

(I) Temporary Suspension of Accountability for Bacteria Standards during Wet Weather. The accountability for bacteria standards may be temporarily suspended for specific discharges when conditions contained in paragraphs (9)(I)1. through 3. of this rule are met.

1. No existing recreational uses downstream of the discharge will be impacted during the period of suspension as confirmed through a water quality review for reasonable potential for downstream impacts and a UAA performed in accordance with the *Missouri Recreational Use Attainability Analysis Protocol* approved by the Missouri Clean Water Commission.

2. The period of suspension must be restricted to the defined wet weather event that corresponds to the period when recreational uses are unattainable. The period must be determinable at any time by the discharger and the general public (such as from stream depth or flow readings or other stream conditions on which publicly accessible records are kept).

3. The suspension shall be subject to public review and comment, Missouri Clean Water Commission approval, and EPA approval before becoming effective and shall be contained as a condition in a discharge permit or other written document developed through public participation.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization**

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo Supp. 2009, the commission amends a rule as follows:

12 CSR 30-3.010 Appeals From the Local Board of Equalization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 220). 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 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization**

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo Supp. 2009, the commission amends a rule as follows:

12 CSR 30-3.025 Collateral Estoppel is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 220–221). 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 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 4—Agricultural Land Productive Values**

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 137.021, RSMo 2000, the commission withdraws a proposed amendment as follows:

12 CSR 30-4.010 Agricultural Land Productive Values is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 221–223). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The commission received numerous comments on this proposed amendment. All of the comments were against the amendment. On February 18, 2010, the Missouri House of Representatives and Missouri Senate passed a joint resolution

rejecting the agricultural land productive values as proposed in the amendment.

RESPONSE: Section 137.021, RSMo, authorizes the tax commission to promulgate a rule setting a productive capability value for each of the several grades of agricultural and horticultural land, but further provides that the General Assembly, within sixty (60) days of convening, may disapprove such a rule. As a result of that body's passage of Senate Committee Substitute for Senate Concurrent Resolution Nos., 35 and 32 disapproving the proposed amendment, the commission hereby withdraws its proposed rulemaking.

**Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System
of Missouri
Chapter 5—Retirement, Options and Benefits**

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 2009, the board of trustees hereby amends a rule of the Public School Retirement System of Missouri as follows:

16 CSR 10-5.010 Service Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 226–227). 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, 2010.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System
of Missouri
Chapter 5—Retirement, Options and Benefits**

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 2009, the board of trustees hereby amends a rule of the Public School Retirement System of Missouri as follows:

16 CSR 10-5.020 Disability Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 227). 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, 2010.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System
of Missouri
Chapter 6—The Public Education Employee Retirement
System of Missouri**

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo Supp. 2009, the board of trustees hereby amends a rule of the Public School Retirement System of Missouri as follows:

16 CSR 10-6.060 Service Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 227–228). 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, 2010**.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System
of Missouri
Chapter 6—The Public Education Employee Retirement
System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo Supp. 2009, the board of trustees hereby amends a rule of the Public School Retirement System of Missouri as follows:

16 CSR 10-6.070 Disability Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 228–229). 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, 2010**.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 193.015, 333.340, 333.011(10), and 436.405, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-2.130 Final Disposition as Defined in Chapter 193
is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 105). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under section 256.462.3, RSMo 2000, the board adopts a rule as follows:

20 CSR 2120-2.140 Financial Welfare Cause for Injunction
is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 105–106). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.011(8), 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-2.150 Payment Not Determining Factor of Practice
of Funeral Directing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 106). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.320, 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.115 Contact Information is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 106–108). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.330, 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.120 Display of License is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 109). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.340, 436.415, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.200 Seller Obligations is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 109). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.011(10), 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

**20 CSR 2120-3.300 Provider Includes Funeral Establishment
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 109-110). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.325.4, 333.340, 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

**20 CSR 2120-3.305 Funeral Director Agent Registration
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 110). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under section 256.462.3, RSMo 2000, the board adopts a rule as follows:

20 CSR 2120-3.310 Change in Seller Affiliation is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 110-111). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.011(9), 333.320, 333.325, 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

**20 CSR 2120-3.400 Preneed Agents—Requirements of Agent's
Seller is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 112). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.011(9), 333.320, 333.325, 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.410 Preneed Agent's Seller Must Be Licensed
is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 112). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.340, 436.405, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.505 Types of Financing; Other Financing Still
Preneed is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 112). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.340, 436.405, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.515 Single Premium Annuity Contracts
is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 112-113). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.340, 436.440.6, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.525 Independent Financial Advisor is Agent of
Trustee is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 113). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 229-238). 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.020 Subscriber Agreement and General Membership Provisions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 239–242). 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.045 Plan Utilization Review Policy **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 242). 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.050 Copay Plan Benefit Provisions and Covered Charges **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 243–245). 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.051 PPO 300 Plan Benefit Provisions and Covered Charges **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 246–249). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000 and section 103.080.3, RSMo Supp. 2009, the director amends a rule as follows:

22 CSR 10-2.053 High Deductible Health Plan Benefit Provisions and Covered Charges **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 250–253). 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.054 Medicare Supplement Plan Benefit Provisions and Covered Charges **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 254–256). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.055 Medical Plan Benefit Provisions and Covered Charges **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 257). 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000 and section 103.080.3, RSMo Supp. 2009, the director amends a rule as follows:

22 CSR 10-2.060 PPO 300 Plan, HDHP, Copay Plan, and HMO Plan Limitations **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 257-259). 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.064 HMO Summary of Medical Benefits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 259-261). 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.067 HMO and POS Limitations **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 1, 2010 (35 MoReg 262). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.090 Pharmacy Benefit Summary **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 262-266). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-3.010 Definitions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1,

2010 (35 MoReg 267–275). 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-3.020 Subscriber Agreement and General Membership Provisions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 276–279). 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-3.030 Public Entity Membership Agreement and Participation Period **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 279). 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.045 Plan Utilization Review Policy **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 279–280). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.050 Copay Plan Benefit Provisions and Covered Charges **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 280–284). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.051 PPO 300 Plan Benefit Provisions and Covered Charges **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 285–288). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.052 PPO 500 Plan Benefit Provisions and Covered Charges **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 289–292). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.053 PPO 1000 Plan Benefit Provisions and Covered Charges **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 293–296). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.054 PPO 2000 Plan Benefit Provisions and Covered Charges **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 297–300). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care

Plan under section 103.059, RSMo 2000, and section 103.080.3, RSMo Supp. 2009, the director amends a rule as follows:

22 CSR 10-3.055 High Deductible Health Plan Benefit Provisions and Covered Charges **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 301). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, and section 103.080.3, RSMo Supp. 2009, the director adopts a rule as follows:

22 CSR 10-3.060 PPO 300 Plan, PPO 500 Plan, PPO 1000 Plan, PPO 2000 Plan, HDHP, and Copay Plan Limitations **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 301–303). No changes have been made to 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.090 Pharmacy Benefit Summary **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 303–304). No changes have been made to 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.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before June 15, 2010.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* Kathy.Hatfield@modot.mo.gov
- *Mail:* PO Box 893, Jefferson City, MO 65102-0893
- *Hand Delivery:* 1320 Creek Trail Drive, Jefferson City, MO 65109
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2009, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #MP071227059

Renewal Applicant's Name & Age: William Hall, 55

Relevant Physical Condition: Mr. Hall's uncorrected visual acuity in his left eye is 20/200 Snellen and his right eye is 20/20 Snellen uncorrected. He has had amblyopia, "lazy eye," since birth.

Relevant Driving Experience: Mr. Hall is currently employed as a manager with an oil supply company and has been since 1998. He has been operating commercial motor vehicles for the past two (2) years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in January 2010, his optometrist certified, "In my medical opinion, Mr. Hall's visual deficiency is stable, he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application #MP091001036

Applicant's Name & Age: Mohamed H. Issak, 21

Relevant Physical Condition: Mr. Issak's uncorrected visual acuity in his right eye is 20/20 Snellen and best corrected in his left eye is 20/60 Snellen. He has a corneal scar that was diagnosed in his left eye during childhood.

Relevant Driving Experience: Mr. Issak has no current commercial driving experience. He intends to operate an airport shuttle in the Kansas City, MO area. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in November 2009, his optometrist certified, "In my medical opinion, Mr. Issak's visual deficiency is stable, he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: April 15, 2010

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for July 12, 2010. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

04/29/10

#4509 HS: St. John's Health System
Ozark (Greene County)
\$104,973,000, Establish 48-bed orthopedic hospital

04/30/10

#4515 HS: St. Louis University Hospital
St. Louis (St. Louis City)
\$2,180,999, Replace angiography system

#4513 HS: Centerpoint Medical Center
Independence (Jackson County)
\$2,398,203, Acquire second MRI

#4507 FS: Orthopedic & Sports Medicine Center
St. Joseph (Buchanan County)
\$1,900,000, Replace MRI

#4516 RS: Chesterfield Senior Care
Chesterfield (St. Louis County)
\$8,213,069, Establish 51-bed ALF

#4511 RS: FSP-Ballwin Senior Living
Ballwin (St. Louis County)
\$19,847,820, Establish 98-bed ALF

#4506 RS: Westbrook Terrace Residential
Jefferson City (Cole County)
\$2,108,084, Add 16 ALF beds

#4496 RS: Columbia Colonies, LLC
Columbia (Boone County)
\$5,600,000, Establish 70-bed ALF

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by June 2, 2010. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
Post Office Box 570
Jefferson City, MO 65102

For additional information, contact
Donna Schuessler (573) 751-6403.

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law and whose Notice of Conviction has been filed with the Secretary of State pursuant to section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works 1) to Michael B. Robin, 2) to any other contractor or subcontractor that is owned, operated, or controlled by Mr. Robin, including Plumbco, Inc., or 3) to any other simulation of Mr. Robin or of Plumbco, Inc., for a period of one (1) year, or until December 17, 2010.

Name of Contractor	Name of Officers	Address	Date of Conviction	Debarment Period
Michael B. Robin DBA Plumbco, Inc. Case No. 09AO-CR01174		7534 Heron Drive Neosho, MO 64804	12/17/09	12/17/2009-12/17/2010

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
ETHANOL TANKS, L.L.C.**

On March 29, 2010, Ethanol Tanks, L.L.C., a Missouri Limited Liability Company, filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to Roger Atkisson, 5349 S. Timberlake Drive, Springfield, MO 65804. All claims must include the name, address and telephone number of the claimant, the amount of the claim, the basis for the claim, the date on which the claim arose, and documentation for the claim.

NOTICE: Because of the dissolution of Ethanol Tanks, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		35 MoReg 98	This Issue	
DEPARTMENT OF AGRICULTURE					
2 CSR 70-11.060	Plant Industries	This Issue	This Issue		
2 CSR 90-10	Weights and Measures				34 MoReg 1949
2 CSR 100-6.010	Missouri Agricultural and Small Business Development Authority	34 MoReg 2527	35 MoReg 7	35 MoReg 653	
DEPARTMENT OF CONSERVATION					
3 CSR 10-7.417	Conservation Commission		35 MoReg 639R		
3 CSR 10-7.455	Conservation Commission				35 MoReg 316
3 CSR 10-8.505	Conservation Commission		35 MoReg 639		
3 CSR 10-8.515	Conservation Commission		35 MoReg 639		
3 CSR 10-9.353	Conservation Commission		35 MoReg 640		
3 CSR 10-10.722	Conservation Commission		35 MoReg 640		
3 CSR 10-10.724	Conservation Commission		35 MoReg 641		
3 CSR 10-10.726	Conservation Commission		35 MoReg 641		
3 CSR 10-10.743	Conservation Commission		35 MoReg 641		
3 CSR 10-12.109	Conservation Commission		35 MoReg 642		
3 CSR 10-12.110	Conservation Commission		35 MoReg 642		
3 CSR 10-12.115	Conservation Commission		35 MoReg 642		
3 CSR 10-12.125	Conservation Commission		35 MoReg 681		
3 CSR 10-12.130	Conservation Commission		35 MoReg 643		
3 CSR 10-12.135	Conservation Commission		35 MoReg 643		
3 CSR 10-12.140	Conservation Commission		35 MoReg 644		
3 CSR 10-12.145	Conservation Commission		35 MoReg 644		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-7.010	Division of Business and Community Services		35 MoReg 449		
4 CSR 170-1.010	Missouri Housing Development Commission		35 MoReg 527R		
4 CSR 170-1.100	Missouri Housing Development Commission		35 MoReg 527		
4 CSR 170-1.200	Missouri Housing Development Commission		35 MoReg 528		
4 CSR 170-8.010	Missouri Housing Development Commission		35 MoReg 529		
4 CSR 170-8.020	Missouri Housing Development Commission		35 MoReg 530		
4 CSR 170-8.030	Missouri Housing Development Commission		35 MoReg 531		
4 CSR 170-8.040	Missouri Housing Development Commission		35 MoReg 531		
4 CSR 170-8.050	Missouri Housing Development Commission		35 MoReg 532		
4 CSR 170-8.060	Missouri Housing Development Commission		35 MoReg 532		
4 CSR 170-8.070	Missouri Housing Development Commission		35 MoReg 533		
4 CSR 170-8.080	Missouri Housing Development Commission		35 MoReg 534		
4 CSR 170-8.090	Missouri Housing Development Commission		35 MoReg 534		
4 CSR 170-8.100	Missouri Housing Development Commission		35 MoReg 535		
4 CSR 170-8.110	Missouri Housing Development Commission		35 MoReg 535		
4 CSR 170-8.120	Missouri Housing Development Commission		35 MoReg 535		
4 CSR 170-8.130	Missouri Housing Development Commission		35 MoReg 536		
4 CSR 170-8.140	Missouri Housing Development Commission		35 MoReg 536		
4 CSR 170-8.150	Missouri Housing Development Commission		35 MoReg 538		
4 CSR 170-8.160	Missouri Housing Development Commission		35 MoReg 538		
4 CSR 240-2.070	Public Service Commission		35 MoReg 682		
4 CSR 240-3.156	Public Service Commission		35 MoReg 365		
4 CSR 240-3.190	Public Service Commission		35 MoReg 207		
4 CSR 240-3.545	Public Service Commission		35 MoReg 209		
4 CSR 240-4.020	Public Service Commission		34 MoReg 2590R 34 MoReg 2590		
4 CSR 240-20.100	Public Service Commission		35 MoReg 365		
4 CSR 240-33.160	Public Service Commission		35 MoReg 210		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 50-270.010	Division of School Improvement		35 MoReg 210		
5 CSR 50-350.050	Division of School Improvement		35 MoReg 452		
5 CSR 60-100.020	Division of Career Education		35 MoReg 214		35 MoReg 59
5 CSR 80-800.200	Teacher Quality and Urban Education		35 MoReg 454		
5 CSR 80-800.220	Teacher Quality and Urban Education		35 MoReg 454		
5 CSR 80-800.260	Teacher Quality and Urban Education		35 MoReg 455		
5 CSR 80-800.270	Teacher Quality and Urban Education		35 MoReg 455		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 80-800.280	Teacher Quality and Urban Education		35 MoReg 456		
5 CSR 80-800.290	Teacher Quality and Urban Education		35 MoReg 456		
5 CSR 80-800.350	Teacher Quality and Urban Education		35 MoReg 457		
5 CSR 80-800.360	Teacher Quality and Urban Education		35 MoReg 458		
5 CSR 80-800.380	Teacher Quality and Urban Education		35 MoReg 459		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 250-11.041	University of Missouri	35 MoReg 161	34 MoReg 2592 This Issue		
6 CSR 250-11.042	University of Missouri		34 MoReg 2594 This Issue		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-1.010	Missouri Highways and Transportation Commission		35 MoReg 539		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				35 MoReg 547 This Issue
7 CSR 60-2.010	Highway Safety Division	This Issue	This Issue		
7 CSR 60-2.030	Highway Safety Division	This Issue	This Issue		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 60-4.040	Missouri Commission on Human Rights		This Issue		
8 CSR 60-4.045	Missouri Commission on Human Rights		This Issue		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-7.090	Director, Department of Mental Health		35 MoReg 645		
9 CSR 10-31.011	Director, Department of Mental Health		35 MoReg 8	35 MoReg 653	
9 CSR 30-4.035	Certification Standards		35 MoReg 646		
9 CSR 30-4.042	Certification Standards		35 MoReg 646		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 1-3.010	Director's Office		34 MoReg 2385	35 MoReg 603	
10 CSR 10-2.070	Air Conservation Commission		This IssueR		
10 CSR 10-3.090	Air Conservation Commission		This IssueR		
10 CSR 10-4.070	Air Conservation Commission		This IssueR		
10 CSR 10-5.160	Air Conservation Commission		This IssueR		
10 CSR 10-6.010	Air Conservation Commission		34 MoReg 2385	35 MoReg 603	
10 CSR 10-6.040	Air Conservation Commission		34 MoReg 2387	35 MoReg 604	
10 CSR 10-6.050	Air Conservation Commission		34 MoReg 2594		
10 CSR 10-6.070	Air Conservation Commission		34 MoReg 2387	35 MoReg 604	
10 CSR 10-6.075	Air Conservation Commission		34 MoReg 2389	35 MoReg 605	
10 CSR 10-6.080	Air Conservation Commission		34 MoReg 2392	35 MoReg 605	
10 CSR 10-6.110	Air Conservation Commission		35 MoReg 461		
10 CSR 10-6.130	Air Conservation Commission		34 MoReg 2392	35 MoReg 605	
10 CSR 10-6.165	Air Conservation Commission		This Issue		
10 CSR 10-6.390	Air Conservation Commission		34 MoReg 2145	35 MoReg 606	
10 CSR 20-7.015	Clean Water Commission		34 MoReg 2394	This Issue	
10 CSR 60-4.025	Safe Drinking Water Commission		This Issue		
10 CSR 60-5.010	Safe Drinking Water Commission		This Issue		
10 CSR 60-7.010	Safe Drinking Water Commission		This Issue		
10 CSR 60-8.010	Safe Drinking Water Commission		This Issue		
10 CSR 60-8.030	Safe Drinking Water Commission		This Issue		
10 CSR 60-9.010	Safe Drinking Water Commission		This Issue		
10 CSR 70-4.010	Soil and Water Districts Commission		35 MoReg 214R 35 MoReg 214		
10 CSR 70-5.010	Soil and Water Districts Commission	34 MoReg 1779	35 MoReg 216R 35 MoReg 216		
10 CSR 70-5.040	Soil and Water Districts Commission	34 MoReg 1783	35 MoReg 217R 35 MoReg 217		
10 CSR 70-5.050	Soil and Water Districts Commission	34 MoReg 1785	35 MoReg 217R 35 MoReg 217		
10 CSR 70-5.060	Soil and Water Districts Commission	34 MoReg 1786	35 MoReg 219R 35 MoReg 219		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 45-10.040	Missouri Gaming Commission		35 MoReg 99	35 MoReg 692	
11 CSR 45-11.020	Missouri Gaming Commission	35 MoReg 85	35 MoReg 100	35 MoReg 692	
11 CSR 45-11.030	Missouri Gaming Commission	35 MoReg 86	35 MoReg 103	35 MoReg 692	
11 CSR 45-11.050	Missouri Gaming Commission	35 MoReg 86	35 MoReg 103	35 MoReg 693	
11 CSR 45-11.070	Missouri Gaming Commission	35 MoReg 87	35 MoReg 103	35 MoReg 693	
11 CSR 45-11.130	Missouri Gaming Commission	35 MoReg 88	35 MoReg 104	35 MoReg 693	
11 CSR 45-12.010	Missouri Gaming Commission		35 MoReg 467		
DEPARTMENT OF REVENUE					
12 CSR 10-2.045	Director of Revenue		35 MoReg 13	35 MoReg 693	
12 CSR 10-3.249	Director of Revenue		35 MoReg 575R		
12 CSR 10-3.830	Director of Revenue		35 MoReg 575R		
12 CSR 10-3.832	Director of Revenue		35 MoReg 575R		
12 CSR 10-41.010	Director of Revenue	34 MoReg 2528	34 MoReg 2536	35 MoReg 545	
12 CSR 10-103.390	Director of Revenue		35 MoReg 685		
12 CSR 10-110.900	Director of Revenue		34 MoReg 2467	35 MoReg 608	
12 CSR 30-3.010	State Tax Commission		35 MoReg 220	This Issue	
12 CSR 30-3.025	State Tax Commission		35 MoReg 220	This Issue	
12 CSR 30-4.010	State Tax Commission		35 MoReg 221	This IssueW	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-38.010	Children's Division		35 MoReg 576		
13 CSR 35-60.070	Children's Division		35 MoReg 582		
13 CSR 70-3.200	MO HealthNet Division		35 MoReg 685		
13 CSR 70-10.015	MO HealthNet Division	35 MoReg 635	35 MoReg 647		
13 CSR 70-10.080	MO HealthNet Division		35 MoReg 652		
13 CSR 70-10.110	MO HealthNet Division	35 MoReg 5	35 MoReg 13	35 MoReg 693	
13 CSR 70-15.010	MO HealthNet Division	35 MoReg 161	34 MoReg 1802	35 MoReg 306	
13 CSR 70-15.110	MO HealthNet Division	35 MoReg 5	35 MoReg 17	35 MoReg 693	
13 CSR 70-20.320	MO HealthNet Division	35 MoReg 6	35 MoReg 19	35 MoReg 694	
13 CSR 70-90.010	MO HealthNet Division		35 MoReg 688		
ELECTED OFFICIALS					
15 CSR 30-45.040	Secretary of State		35 MoReg 691		
15 CSR 40-4.010	State Auditor		35 MoReg 224		
15 CSR 40-4.020	State Auditor		35 MoReg 224		
15 CSR 40-4.030	State Auditor		35 MoReg 225		
15 CSR 40-4.040	State Auditor		35 MoReg 225		
RETIREMENT SYSTEMS					
16 CSR 10-5.010	The Public School Retirement System of Missouri		35 MoReg 226	This Issue	
16 CSR 10-5.020	The Public School Retirement System of Missouri		35 MoReg 227	This Issue	
16 CSR 10-6.060	The Public School Retirement System of Missouri		35 MoReg 227	This Issue	
16 CSR 10-6.070	The Public School Retirement System of Missouri		35 MoReg 228	This Issue	
16 CSR 20-2.080	Missouri Local Government Employees' Retirement System (LAGERS)		35 MoReg 104R	35 MoReg 694R	
			35 MoReg 105	35 MoReg 694	
16 CSR 20-2.105	Missouri Local Government Employees' Retirement System (LAGERS)		34 MoReg 2595	35 MoReg 609	
16 CSR 50-2.010	The County Employees' Retirement Fund		35 MoReg 467		
16 CSR 50-2.035	The County Employees' Retirement Fund		35 MoReg 468		
16 CSR 50-2.120	The County Employees' Retirement Fund		35 MoReg 468		
16 CSR 50-2.130	The County Employees' Retirement Fund		35 MoReg 469		
16 CSR 50-10.010	The County Employees' Retirement Fund		35 MoReg 469		
16 CSR 50-10.050	The County Employees' Retirement Fund		35 MoReg 470		
16 CSR 50-10.060	The County Employees' Retirement Fund		35 MoReg 471		
16 CSR 50-20.070	The County Employees' Retirement Fund		35 MoReg 471		
16 CSR 50-20.080	The County Employees' Retirement Fund		35 MoReg 472		
16 CSR 50-20.120	The County Employees' Retirement Fund		35 MoReg 472		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 20-28	Division of Community and Public Health				34 MoReg 2432
19 CSR 60-50	Missouri Health Facilities Review Committee				35 MoReg 696 This Issue
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Construction Claims Binding Arbitration Cap				33 MoReg 150 33 MoReg 2446 35 MoReg 654
20 CSR	Medical Malpractice				31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				33 MoReg 150 33 MoReg 2446 35 MoReg 318
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150 33 MoReg 2446 35 MoReg 654
20 CSR 500-2.300	Property and Casualty		35 MoReg 691		
20 CSR 500-10.200	Property and Casualty		This Issue		
20 CSR 1140-30.010	Division of Finance	This IssueR	This IssueR		
20 CSR 1140-30.030	Division of Finance	This IssueR	This IssueR		
20 CSR 1140-30.040	Division of Finance	This IssueR	This IssueR		
20 CSR 1140-30.050	Division of Finance	This IssueR	This IssueR		
20 CSR 1140-30.070	Division of Finance	This IssueR	This IssueR		
20 CSR 1140-30.080	Division of Finance	This IssueR	This IssueR		
20 CSR 1140-30.090	Division of Finance	This IssueR	This IssueR		
20 CSR 1140-30.100	Division of Finance	This IssueR	This IssueR		
20 CSR 1140-30.110	Division of Finance	This IssueR	This IssueR		
20 CSR 1140-30.120	Division of Finance	This IssueR	This IssueR		
20 CSR 1140-30.200	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.210	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.220	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.230	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.240	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.250	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.260	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.270	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.280	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.290	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.300	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.310	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.320	Division of Finance	This Issue	This Issue		

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20 CSR 1140-31.010	Division of Finance		This Issue		
20 CSR 1140-31.020	Division of Finance		This Issue		
20 CSR 2010-1.010	Missouri State Board of Accountancy		35 MoReg 584		
20 CSR 2010-2.005	Missouri State Board of Accountancy		35 MoReg 585		
20 CSR 2010-2.022	Missouri State Board of Accountancy		35 MoReg 586		
20 CSR 2010-2.041	Missouri State Board of Accountancy		35 MoReg 587		
20 CSR 2010-2.051	Missouri State Board of Accountancy		35 MoReg 587		
20 CSR 2010-2.061	Missouri State Board of Accountancy		35 MoReg 588		
20 CSR 2010-2.065	Missouri State Board of Accountancy		35 MoReg 588		
20 CSR 2010-2.070	Missouri State Board of Accountancy		35 MoReg 588		
20 CSR 2010-2.072	Missouri State Board of Accountancy		35 MoReg 589		
20 CSR 2010-2.075	Missouri State Board of Accountancy		35 MoReg 589		
20 CSR 2010-2.095	Missouri State Board of Accountancy		35 MoReg 590		
20 CSR 2010-2.130	Missouri State Board of Accountancy		35 MoReg 591		
20 CSR 2010-2.150	Missouri State Board of Accountancy		35 MoReg 591		
20 CSR 2010-3.010	Missouri State Board of Accountancy		35 MoReg 592		
20 CSR 2010-3.060	Missouri State Board of Accountancy		35 MoReg 592		
20 CSR 2010-4.010	Missouri State Board of Accountancy		35 MoReg 593		
20 CSR 2010-4.031	Missouri State Board of Accountancy		35 MoReg 596		
20 CSR 2010-4.035	Missouri State Board of Accountancy		35 MoReg 596		
20 CSR 2010-4.041	Missouri State Board of Accountancy		35 MoReg 596		
20 CSR 2010-5.070	Missouri State Board of Accountancy		35 MoReg 597		
20 CSR 2010-5.080	Missouri State Board of Accountancy		35 MoReg 597		
20 CSR 2010-5.090	Missouri State Board of Accountancy		35 MoReg 598		
20 CSR 2010-5.100	Missouri State Board of Accountancy		35 MoReg 598		
20 CSR 2010-5.110	Missouri State Board of Accountancy		35 MoReg 599		
20 CSR 2120-2.130	State Board of Embalmers and Funeral Directors	35 MoReg 88	35 MoReg 105	This Issue	
20 CSR 2120-2.140	State Board of Embalmers and Funeral Directors	35 MoReg 89	35 MoReg 105	This Issue	
20 CSR 2120-2.150	State Board of Embalmers and Funeral Directors	35 MoReg 90	35 MoReg 106	This Issue	
20 CSR 2120-3.115	State Board of Embalmers and Funeral Directors	35 MoReg 90	35 MoReg 106	This Issue	
20 CSR 2120-3.120	State Board of Embalmers and Funeral Directors	35 MoReg 91	35 MoReg 109	This Issue	
20 CSR 2120-3.200	State Board of Embalmers and Funeral Directors	35 MoReg 92	35 MoReg 109	This Issue	
20 CSR 2120-3.300	State Board of Embalmers and Funeral Directors	35 MoReg 92	35 MoReg 109	This Issue	
20 CSR 2120-3.305	State Board of Embalmers and Funeral Directors	35 MoReg 93	35 MoReg 110	This Issue	
20 CSR 2120-3.310	State Board of Embalmers and Funeral Directors	35 MoReg 93	35 MoReg 110	This Issue	
20 CSR 2120-3.400	State Board of Embalmers and Funeral Directors	35 MoReg 94	35 MoReg 112	This Issue	
20 CSR 2120-3.410	State Board of Embalmers and Funeral Directors	35 MoReg 95	35 MoReg 112	This Issue	
20 CSR 2120-3.505	State Board of Embalmers and Funeral Directors	35 MoReg 95	35 MoReg 112	This Issue	
20 CSR 2120-3.515	State Board of Embalmers and Funeral Directors	35 MoReg 96	35 MoReg 113	This Issue	
20 CSR 2120-3.525	State Board of Embalmers and Funeral Directors	35 MoReg 97	35 MoReg 113	This Issue	
20 CSR 2150-5.025	State Board of Registration for the Healing Arts	34 MoReg 2529	34 MoReg 2540	35 MoReg 694	
20 CSR 2220-6.050	State Board of Pharmacy	34 MoReg 2531	34 MoReg 2542	35 MoReg 695	
20 CSR 2220-6.055	State Board of Pharmacy	34 MoReg 2534	34 MoReg 2544	35 MoReg 695	

MISSOURI CONSOLIDATED HEALTH CARE PLAN

22 CSR 10-2.010	Health Care Plan	35 MoReg 164	35 MoReg 229	This Issue	
22 CSR 10-2.020	Health Care Plan	35 MoReg 171	35 MoReg 239	This Issue	
22 CSR 10-2.045	Health Care Plan	35 MoReg 174	35 MoReg 242	This Issue	
22 CSR 10-2.050	Health Care Plan	35 MoReg 175	35 MoReg 243	This Issue	
22 CSR 10-2.051	Health Care Plan	35 MoReg 176	35 MoReg 246	This Issue	
22 CSR 10-2.053	Health Care Plan	35 MoReg 177	35 MoReg 250	This Issue	
22 CSR 10-2.054	Health Care Plan	35 MoReg 177	35 MoReg 254	This Issue	
22 CSR 10-2.055	Health Care Plan	35 MoReg 178	35 MoReg 257	This Issue	
22 CSR 10-2.060	Health Care Plan	35 MoReg 178	35 MoReg 257	This Issue	
22 CSR 10-2.064	Health Care Plan	35 MoReg 181	35 MoReg 259	This Issue	
22 CSR 10-2.067	Health Care Plan	35 MoReg 181R	35 MoReg 262R	This IssueR	
22 CSR 10-2.075	Health Care Plan		35 MoReg 599		
22 CSR 10-2.090	Health Care Plan	35 MoReg 182	35 MoReg 262	This Issue	
22 CSR 10-3.010	Health Care Plan	35 MoReg 183	35 MoReg 267	This Issue	
22 CSR 10-3.020	Health Care Plan	35 MoReg 190	35 MoReg 276	This Issue	
22 CSR 10-3.030	Health Care Plan	35 MoReg 193	35 MoReg 279	This Issue	
22 CSR 10-3.045	Health Care Plan	35 MoReg 194	35 MoReg 279	This Issue	
22 CSR 10-3.050	Health Care Plan	35 MoReg 194	35 MoReg 280	This Issue	
22 CSR 10-3.051	Health Care Plan	35 MoReg 195	35 MoReg 285	This Issue	
22 CSR 10-3.052	Health Care Plan	35 MoReg 196	35 MoReg 289	This Issue	
22 CSR 10-3.053	Health Care Plan	35 MoReg 197	35 MoReg 293	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
22 CSR 10-3.054	Health Care Plan	35 MoReg 197	35 MoReg 297	This Issue	
22 CSR 10-3.055	Health Care Plan	35 MoReg 198	35 MoReg 301	This Issue	
22 CSR 10-3.060	Health Care Plan	35 MoReg 199	35 MoReg 301	This Issue	
22 CSR 10-3.075	Health Care Plan		35 MoReg 600		
22 CSR 10-3.090	Health Care Plan	35 MoReg 201	35 MoReg 303	This Issue	

Agency	Publication	Effective	Expiration
Department of Agriculture			
Plant Industries			
2 CSR 70-11.060	Thousand Cankers Disease of Walnut Exterior Quarantine . . . This Issue	April 12, 2010	Jan. 19, 2011
Department of Higher Education			
University of Missouri			
6 CSR 250-11.041	Inspection Fee on Manipulated Animal or Vegetable Manure Fertilizers35 MoReg 161	Jan. 1, 2010 June 28, 2010
Department of Transportation			
Highway Safety Division			
7 CSR 60-2.010	Definitions	This Issue	April 18, 2010 Nov. 30, 2010
7 CSR 60-2.030	Standards and Specifications	This Issue	April 18, 2010 Nov. 30, 2010
Department of Public Safety			
Missouri Gaming Commission			
11 CSR 45-11.020	Deposit Account—Taxes and Fees35 MoReg 85	Jan. 6, 2010 July 4, 2010
11 CSR 45-11.030	Payment—Gaming Tax35 MoReg 86	Jan. 6, 2010 July 4, 2010
11 CSR 45-11.050	Admission Fee35 MoReg 86	Jan. 6, 2010 July 4, 2010
11 CSR 45-11.070	Return and Payment—Admission Fee35 MoReg 87	Jan. 6, 2010 July 4, 2010
11 CSR 45-11.130	Failure to File Return or Pay Tax or Fee35 MoReg 88	Jan. 6, 2010 July 4, 2010
Department of Revenue			
Director of Revenue			
12 CSR 10-41.010	Annual Adjusted Rate of Interest34 MoReg 2528	Jan. 1, 2010 June 29, 2010
Department of Social Services			
MO HealthNet Division			
13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services35 MoReg 635	April 1, 2010 Sept. 27, 2010
13 CSR 70-10.110	Nursing Facility Reimbursement Allowance35 MoReg 5	Jan. 1, 2010 June 29, 2010
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology.35 MoReg 161	Jan. 1, 2010 June 29, 2010
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10-20	Establishes the Missouri Civil War Sesquicentennial Commission	April 2, 2010	This Issue
10-19	Amends Executive Order 09-17 to give the commissioner of the Office of Administration supervisory authority over the Transform Missouri Project	March 2, 2010	35 MoReg 637
10-18	Establishes the Children in Nature Challenge to challenge Missouri communities to take action to enhance children's education about nature, and to increase children's opportunities to personally experience nature and the outdoors	Feb. 26, 2010	35 MoReg 573
10-17	Establishes a Missouri Emancipation Day Commission to promote, consider, and recommend appropriate activities for the annual recognition and celebration of Emancipation Day	Feb. 2, 2010	35 MoReg 525
10-16	Transfers the scholarship portion of the A+ Schools Program from the Missouri Department of Elementary and Secondary Education to the Missouri Department of Higher Education	Jan. 29, 2010	35 MoReg 447
10-15	Transfers the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services	Jan. 29, 2010	35 MoReg 445
10-14	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Jan. 29, 2010	35 MoReg 443
10-13	Directs the Department of Social Services to disband the Missouri Task Force on Youth Aging Out of Foster Care	Jan. 15, 2010	35 MoReg 364
10-12	Rescinds Executive Orders 98-14, 95-21, 95-17, and 94-19 and terminates the Governor's Commission on Driving While Intoxicated and Impaired Driving	Jan. 15, 2010	35 MoReg 363
10-11	Rescinds Executive Order 05-41 and terminates the Governor's Advisory Council for Veterans Affairs and assigns its duties to the Missouri Veterans Commission	Jan. 15, 2010	35 MoReg 362
10-10	Rescinds Executive Order 01-08 and terminates the Personal Independence Commission and assigns its duties to the Governor's Council on Disability	Jan. 15, 2010	35 MoReg 361
10-09	Rescinds Executive Orders 95-10, 96-11, and 98-13 and terminates the Governor's Council on AIDS and transfers their duties to the Statewide HIV/STD Prevention Community Planning Group within the Department of Health and Senior Services	Jan. 15, 2010	35 MoReg 360
10-08	Rescinds Executive Order 04-07 and terminates the Missouri Commission on Patient Safety	Jan. 15, 2010	35 MoReg 358
10-07	Rescinds Executive Order 01-16 and terminates the Missouri Commission on Intergovernmental Cooperation	Jan. 15, 2010	35 MoReg 357
10-06	Rescinds Executive Order 05-13 and terminates the Governor's Advisory Council on Plant Biotechnology and assigns its duties to the Missouri Technology Corporation	Jan. 15, 2010	35 MoReg 356
10-05	Rescinds Executive Order 95-28 and terminates the Missouri Board of Geographic Names	Jan. 15, 2010	35 MoReg 355
10-04	Rescinds Executive Order 03-10 and terminates the Missouri Energy Policy Council	Jan. 15, 2010	35 MoReg 354
10-03	Rescinds Executive Order 03-01 and terminates the Missouri Lewis and Clark Bicentennial Commission	Jan. 15, 2010	35 MoReg 353
10-02	Rescinds Executive Order 07-29 and terminates the Governor's Advisory Council on Aging and assigns its duties to the State Board of Senior Services	Jan. 15, 2010	35 MoReg 352
10-01	Rescinds Executive Order 01-15 and terminates the Missouri Commission on Total Compensation	Jan. 15, 2010	35 MoReg 351
	2009		
09-29	Outlines the suspension of federal commercial motor vehicle and driver laws during emergency declarations. Executive Orders 07-01 and 08-40 are superceded and replaced on February 1, 2010	December 31, 2009	35 MoReg 205
09-28	Establishes the post of Missouri Poet Laureate. Executive order 08-01 is superceded and replaced	December 24, 2009	35 MoReg 203
09-27	Creates the Missouri Office of Health Information Technology, referred to as MO-HITECH. Executive Order 06-03 is rescinded	November 4, 2009	34 MoReg 2587
09-26	Advises that state offices will be closed November 27, 2009	October 30, 2009	34 MoReg 2466
09-25	Creates the governor's faith-based and community service partnership for disaster recovery	September 21, 2009	34 MoReg 2361

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09-24	Creates the prompt pay for a healthy Missouri project	September 11, 2009	34 MoReg 2313
09-23	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	September 1, 2009	34 MoReg 2139
09-22	Appoints the Home Building and Residential Energy Efficiency Advisory panel to issue recommendations on energy efficiency measures for the home building sector and consumers	August 20, 2009	34 MoReg 2137
09-21	Declares a state of emergency exists in the state of Missouri and directs that Missouri State Emergency Operations Plan remain activated	May 14, 2009	34 MoReg 1332
09-20	Gives the director of the Missouri Department of Natural Resources full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interests of the public health and safety during the period of the emergency and the subsequent recovery period	May 12, 2009	34 MoReg 1331
09-19	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	May 8, 2009	34 MoReg 1329
09-18	Orders that all state agencies whose building management falls under the direction of the Office of Administration shall institute policies that will result in reductions of energy consumption of two percent per year for each of the next ten years	April 23, 2009	34 MoReg 1273
09-17	Creates the Transform Missouri Project as well as the Taxpayer Accountability, Compliance, and Transparency Unit, and rescinds Executive Order 09-12	March 31, 2009	34 MoReg 828
09-16	Directs the Department of Corrections to lead a permanent, interagency steering team for the Missouri Reentry Process	March 26, 2009	34 MoReg 826
09-15	Expands the Missouri Automotive Jobs Task Force to consist of 18 members	March 24, 2009	34 MoReg 824
09-14	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	March 5, 2009	34 MoReg 761
09-13	Extends Executive Order 09-04 and Executive Order 09-07 through March 31, 2009	February 25, 2009	34 MoReg 657
09-12	Creates and establishes the Transform Missouri Initiative	February 20, 2009	34 MoReg 655
09-11	Orders the Department of Health and Senior Services and the Department of Social Services to transfer the Blindness Education, Screening and Treatment Program (BEST) to the Department of Social Services	February 4, 2009	34 MoReg 590
09-10	Orders the Department of Elementary and Secondary Education and the Department of Economic Development to transfer the Missouri Customized Training Program to the Department of Economic Development	February 4, 2009	34 MoReg 588
09-09	Transfers the various scholarship programs under the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to the Department of Higher Education	February 4, 2009	34 MoReg 585
09-08	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	February 2, 2009	34 MoReg 366
09-07	Gives the director of the Missouri Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on January 26	January 30, 2009	34 MoReg 364
09-06	Activates the state militia in response to the aftermath of severe storms that began on January 26	January 28, 2009	34 MoReg 362
09-05	Establishes a Complete Count Committee for the 2010 Census	January 27, 2009	34 MoReg 359
09-04	Declares a state of emergency and activates the Missouri State Emergency Operations Plan	January 26, 2009	34 MoReg 357
09-03	Directs the Missouri Department of Economic Development, working with the Missouri Development Finance Board, to create a pool of funds designated for low-interest and no-interest direct loans for small business	January 13, 2009	34 MoReg 281
09-02	Creates the Economic Stimulus Coordination Council	January 13, 2009	34 MoReg 279
09-01	Creates the Missouri Automotive Jobs Task Force	January 13, 2009	34 MoReg 277

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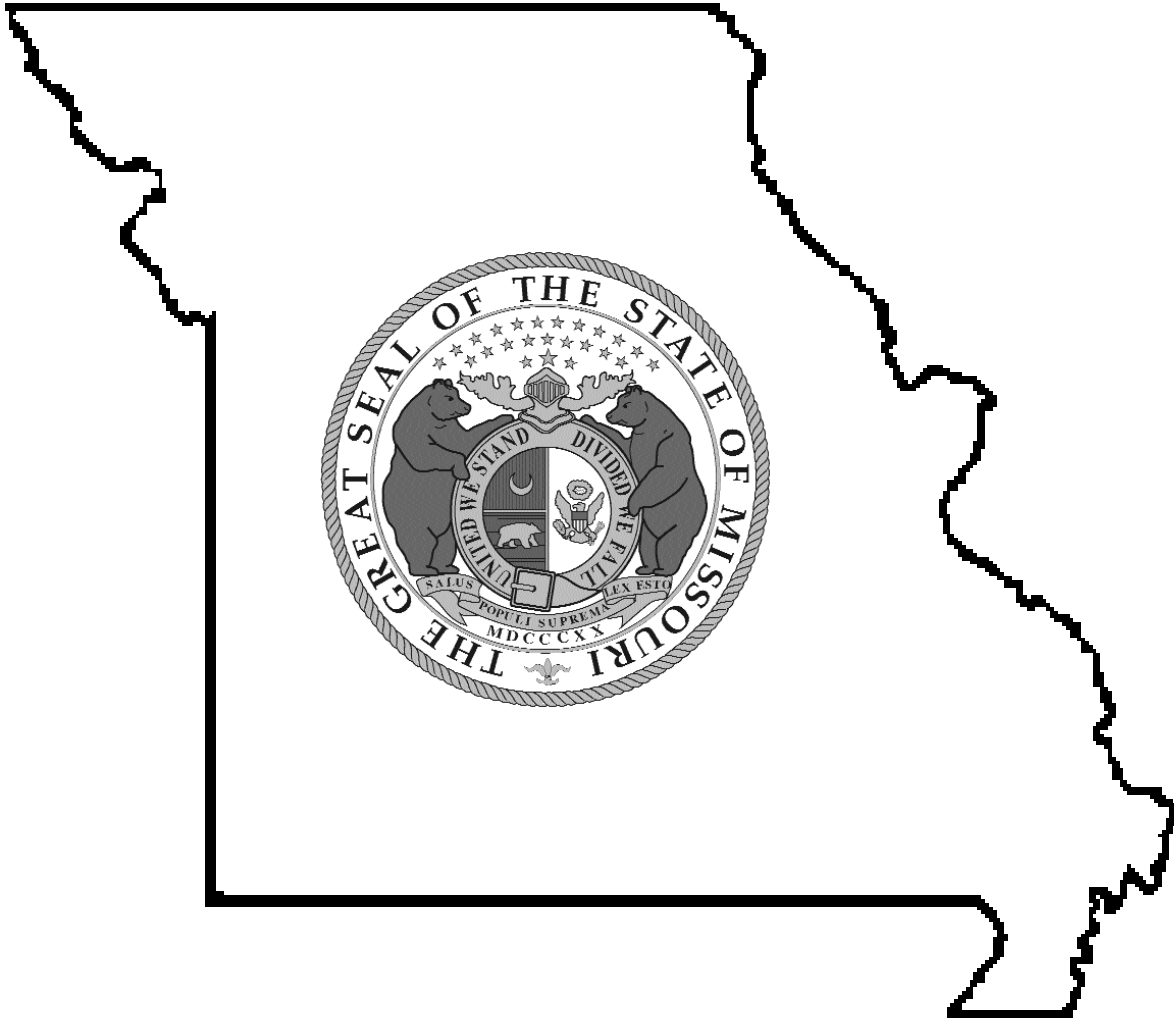
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