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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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

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St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
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HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

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

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

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

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

EMERGENCY AMENDMENT

9 CSR 30-4.045 Intensive Community Psychiatric Rehabilitation.
The department is amending sections (1), (2), and (4).

PURPOSE: This emergency amendment is necessary to provide better use of fiscal resources and ensure state revenue for the continued provision of services and supports to persons with serious mental illness.

EMERGENCY STATEMENT: The Department of Mental Health finds that this emergency amendment is necessary to preserve a compelling governmental interest, to ensure state revenue for the continued provision of services and supports such as illness management, medication management, and other psychiatric treatment designed to prevent inpatient hospitalization and enhance recovery for persons with serious mental illness being served in community mental health programs. Through House Bill 2010, the department's general revenue budget for comprehensive psychiatric services is being reduced by \$6.9 million for FY 2011. This emergency amendment will allow the state to generate \$3.7 million in federal funding to pay for treatment services and supports to approximately four hundred (400) persons with serious mental illness living in residential care settings which prior to this amendment were prohibited. This emergency amendment

permits those individuals with severe and significant psychiatric disorders but who are not in acute distress to remain in these settings and receive this service. This number is expected to increase over the next twelve (12) to eighteen (18) months to over one thousand (1,000) individuals. The \$3.7 million will serve four hundred (400) individuals. In the future this rule change will give us the ability to identify and leverage additional general revenue allowing us to increase the number of individuals receiving this service by an additional six hundred (600) people. This federal funding will replace state general revenue that has been reduced from core budgets due to the state's fiscal position and will allow the department to continue serving those persons. Without this emergency amendment, these persons with serious mental illness will be at risk of losing their residential care and treatment services, resulting in increased homelessness and increased contacts with law enforcement that could result in commitment to more expensive non-state-operated and non-state-funded inpatient treatment settings. A proposed amendment, covering the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and follows procedures which comply with the protections extended by the *Missouri* and *United States Constitutions*. The Department of Mental Health believes that this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 14, 2010, effective July 1, 2010, and expires February 24, 2011.

(1) Intensive Community Psychiatric Rehabilitation (CPR). A level of support designed to help consumers who are experiencing a[n acute] severe and significant psychiatric condition, alleviating or eliminating the need to admit them into a psychiatric inpatient [or residential] setting. It is a comprehensive, time-limited, community-based service delivered to consumers who are exhibiting symptoms that interfere with individual/family life in a highly disabling manner.

(2) Admission Criteria. Persons meeting criteria for this level of service must meet admission criteria as defined in 9 CSR 30-4.042, will be in need of intensive clinical intervention or support to alleviate or eliminate the need for admission into a psychiatric inpatient or a restrictive living setting, and must meet at least one (1) of the following descriptions:

(D) A person who is at [imminent] risk of being removed from his/her home, school, or current living situation.

(4) Treatment.

(D) Individuals can be moved out of the intensive level when:/—

1. There is a reduction of [acute] severe and significant symptoms; and
2. The individual is able to function in the rehabilitation level of CPR; or
3. The individual chooses to move from the intensive level.

AUTHORITY: section[s] 630.050, RSMo Supp. 2009 and sections 630.655 and 632.050, RSMo 2000. Emergency rule filed Dec. 28, 2001, effective Jan. 13, 2002, expired July 11, 2002. Original rule filed Dec. 28, 2001, effective July 12, 2002. Emergency amendment filed June 14, 2010, effective July 1, 2010, expires Feb. 24, 2011. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2009.

EXECUTIVE ORDER 10-21

WHEREAS, I have been advised by the State Emergency Management Agency that on-going and forecast severe storm systems have caused, or have the potential to cause, damages associated with flooding, flash flooding, high winds, hail and tornadoes impacting communities throughout the State of Missouri; and specifically causing flooding along the Missouri River and tributaries, as well as rivers and tributaries in the northern half of Missouri; and

WHEREAS, there may be interruption of public services and temporary closure of transportation corridors, as a result of severe weather and flooding that began on June 12, 2010, and continues; and

WHEREAS, the severe weather and flooding that began on June 12, 2010, and continuing, may create conditions of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri; and

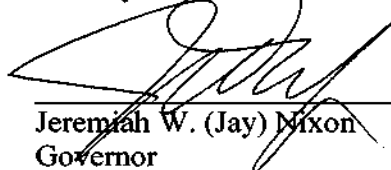
WHEREAS, the State Emergency Management Agency has been actively monitoring conditions and communicating with affected jurisdictions; and

WHEREAS, the state will continue to be proactive where the health and safety of the citizens of Missouri are concerned: and


WHEREAS, The State Emergency Management Agency may be needed to assist affected jurisdictions and ensure the safety and welfare of our fellow Missourians.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby order that the Missouri State Emergency Operations Center be activated.

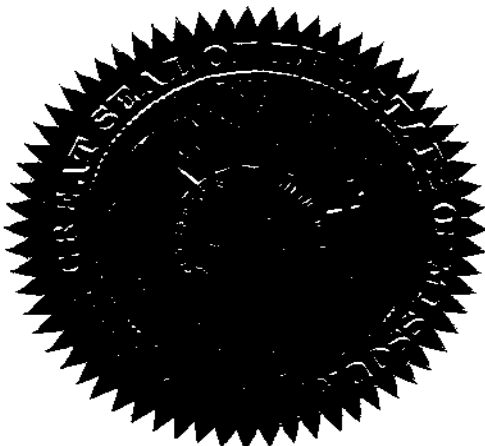
IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 15th day of June 2010.



Jeremiah W. (Jay) Nixon
Governor



Robin Carnahan
Secretary of State



Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

(1) All programs and projects carried out by school districts under the Early Childhood Development Act (ECDA) shall be conducted in conformity with:—

(B) The state "Early Childhood Development Act Program Guidelines and Administrative Manual," revised [January 2008] **December 2009**, which is incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education (DESE) and is available at the Early Childhood Education Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480[,] or on DESE's [Internet] website. This rule does not incorporate any subsequent amendments or additions. The "Early Childhood Development Act Program Guidelines and Administrative Manual" interprets state statutory requirements for the programs and establishes program management procedures consistent with state law and practice.

AUTHORITY: sections 178.691–178.699, RSMo 2000 and section 161.092, RSMo Supp. [2007] 2009. Original rule filed April 4, 1985, effective Sept. 3, 1985. For intervening history, please consult the Code of State Regulations. Amended: Filed June 10, 2010.

PUBLIC COST: This proposed amendment is estimated to cost the Department of Elementary and Secondary Education \$30,874,186 for Fiscal Year 2011, with the cost recurring annually over the life of the rule subject to appropriations. (*FY2011 requested budget amount)*

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: JoAnne Ralston, Director, Early Childhood Education, PO Box 480, Jefferson City, MO 65102-0480. 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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 270—Early Childhood Education**

PROPOSED AMENDMENT

5 CSR 50-270.010 General Provisions Governing Programs Authorized Under the Early Childhood Development Act. The State Board of Education is proposing to amend subsection (1)(B) and the incorporated by reference material.

PURPOSE: This rule establishes policies and standards to administer a program of grants to local public school districts for the provision of early childhood screening, parent education, and programs for developmentally delayed children. Revisions to the administrative guidelines include changes to the program structure, reimbursement, and recruitment plan.

**FISCAL NOTE
PUBLIC COST****I. RULE NUMBER**

Title: 5 Department of Elementary and Secondary Education
 Division: 50 School Improvement
 Chapter: 270 Early Childhood Education
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 5 CSR 50-270.010 General Provisions Governing Programs
 Authorized Under the Early Childhood Development Act

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education (Reimburse Education Agencies)	\$30,874,186* estimated amount for FY2011 with the cost recurring annually over the life of the rule subject to appropriations. (*FY2011 requested budget amount)

III. WORKSHEET**DISTRICT QUOTAS FOR FISCAL YEAR 2011 (2010-2011)**

High Needs	0 TO KE (HN)	Contacts	X \$60	\$14,307,041.00
Non High Needs	0 TO KE (NHN)	Contacts	X \$50	\$11,705,761.00
Screening	1 TO 3 (S1) 3 TO KE (S3)	Children	X \$25	\$ 3,027,950.00
Recruitment and Group Meetings		5% of total allocation		\$ 1,543,709.00
<u>Incarcerated Parents (IP)</u>				
High Needs	0 TO KE (IPHN)	Contacts	X \$ 60	\$284,475.00
Group Meetings	0 TO KE (IPGM)	Meetings	X \$ 75	\$5,250.00

Each school district is provided with a quota based on the previous year's service and the amount of funds appropriated to the program.

High Needs Parent Education for Families with Children Ages Prenatal To Kindergarten Entry (HN)

FY2011 quotas are based on the 46% of the FY2010 allocation. Up to 50% of the Parent Education Services may be used for families with children three to kindergarten entry provided a parent educator certified to use the three to kindergarten entry curriculum delivers the services.

Non High Needs Parent Education for Families with Children Ages Prenatal to Kindergarten Entry (NHN)

FY2011 quotas are based on the 38% of the FY2010 allocation. Up to 50% of the Parent Education Services may be used for families with children three to kindergarten entry provided a parent educator certified to use the three to kindergarten entry curriculum delivers the services.

Screening of Children Ages One and Two (S1)

FY2011 quotas are based on the FY2010 quota.

Screening of Children Ages Three to Kindergarten Entry (S3)

FY2011 quotas are based on the FY2010 quota.

Incarcerated Parent High Needs Parent Education (IPHN)

FY2011 allocation is based on the FY2010 allocation.

Incarcerated Parents Group Meetings (IPGM)

FY2011 quotas are based on 2 group meetings a month for a 12 month period.

IV. ASSUMPTIONS

The rule incorporates by reference *The Early Childhood Development Act Program Guidelines and Administrative Manual*. Aid included under these programs is limited exclusively to school districts. Due to this limitation, the proposed amendment will not require an expenditure of money by or a reduction in income for any person, firm, corporation, association, partnership, proprietorship, or business entity.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs

PROPOSED AMENDMENT

9 CSR 30-4.045 Intensive Community Psychiatric Rehabilitation.
 The department is amending sections (1), (2), and (4).

PURPOSE: This amendment is necessary to provide better use of fiscal resources and ensure state revenue for the continued provision of services and supports to persons with serious mental illness.

(1) Intensive Community Psychiatric Rehabilitation (CPR). A level of support designed to help consumers who are experiencing a *[n acute] severe and significant* psychiatric condition, alleviating or eliminating the need to admit them into a psychiatric inpatient *[or residential]* setting. It is a comprehensive, time-limited, community-based service delivered to consumers who are exhibiting symptoms that interfere with individual/family life in a highly disabling manner.

(2) Admission Criteria. Persons meeting criteria for this level of service must meet admission criteria as defined in 9 CSR 30-4.042, will be in need of intensive clinical intervention or support to alleviate or eliminate the need for admission into a psychiatric inpatient or a restrictive living setting, and must meet at least one (1) of the following descriptions:

(D) A person who is at *[imminent]* risk of being removed from his/her home, school, or current living situation.

(4) Treatment.

(D) Individuals can be moved out of the intensive level when/:-
 1. There is a reduction of *[acute] severe and significant* symptoms; and
 2. The individual is able to function in the rehabilitation level of CPR; or
 3. The individual chooses to move from the intensive level.

AUTHORITY: section[s] 630.050, *RSMo Supp. 2009 and sections 630.655 and 632.050, RSMo 2000. Emergency rule filed Dec. 28, 2001, effective Jan. 13, 2002, expired July 11, 2002. Original rule filed Dec. 28, 2001, effective July 12, 2002. Emergency amendment filed June 14, 2010, effective July 1, 2010, expires Feb. 24, 2011. Amended: Filed June 14, 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 to Julie Carel, Division of Comprehensive Psychiatric Services, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand delivered, comments must be brought to the Department of Mental Health, 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 140—Division of Energy
Chapter 8—Certification of Renewable Energy and
Renewable Energy Standard Compliance Account

PROPOSED RULE

10 CSR 140-8.010 Certification of Renewable Energy and Renewable Energy Standard Compliance Account

PURPOSE: This rule implements provisions of the Proposition C initiative petition passed by Missouri voters on November 4, 2008, collectively known as the “Renewable Energy Standard,” found in section 393.1025, *RSMo et seq.*

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

(1) Definitions. For the purpose of this rule—

- (A) Commission—the Missouri Public Service Commission;
- (B) Department—the Missouri Department of Natural Resources;
- (C) Electric utility—a regulated Missouri electrical corporation as defined in section 386.020, *RSMo*;
- (D) Renewable energy credit or “REC”—a tradable certificate as defined by section 393.1025(5), *RSMo*, that one (1) megawatt-hour of electricity has been generated from eligible renewable energy sources;
- (E) Renewable energy generation facility or “facility”—the facility where electrical energy was generated by an eligible renewable energy resource; and
- (F) Renewable energy resources—electrical energy as defined by section 393.1025(5), *RSMo*, and which is eligible to be issued a renewable energy credit (REC).

(2) Eligible Renewable Energy Resources.

- (A) Eligible Renewable Energy Resources. The electricity must be derived from one (1) of the following types of renewable energy resources or technologies, as defined in section 393.1025(5), *RSMo*:
 1. Wind;
 2. Solar thermal sources or solar photovoltaic cells and panels;
 3. Dedicated crops grown for energy production—herbaceous and woody crops that are harvested specifically for energy production in a sustainable manner;
 4. Cellulosic agricultural residues—organic matter remaining after the harvesting and processing of agricultural crops. They include—

A. Field residues, which are organic materials left on agricultural lands after the crops have been harvested, such as stalks, stubble, leaves, and seed pods; and

B. Process residues, which are organic materials left after the crops have been processed into a usable resource, such as husks, seeds, and roots;

5. Plant residues—the residues of plants that would be converted into energy, that otherwise would be waste material;

6. Clean and untreated wood—non-hazardous wood 1) that has not been chemically treated with chemical preservatives such as creosote, pentachlorophenol, or chromated copper arsenate; and 2) that does not contain resins, glues, laminates, paints, preservatives, or other treatments that would combust or off-gas, or mixed with any other material that would burn, melt, or create other residue aside from wood ash.

A. Eligible clean and untreated wood may include, but is not necessarily limited to, the following sources:

(I) Forest-related resources, such as pre-commercial thinnings waste, slash (tree tops, branches, bark, or other residue left on the ground after logging or other forestry operations), brush, shrubs, stumps, lumber ends, trimmings, yard waste, dead and downed forest products, and small diameter forest thinnings (twelve inches (12”) in diameter or less);

(II) Non-chemically treated wood and paper manufacturing

waste, such as bark, trim slabs, scrap, shavings, sawdust, sander dust, and pulverized scraps;

(III) Vegetation waste, such as landscape waste or right-of-way trimmings;

(IV) Wood chips, pellets, or briquettes derived from non-toxic and unadulterated wood wastes or woody energy crops;

(V) Municipal solid waste, construction and demolition waste, urban wood waste, and other similar sources only if wood wastes are segregated from other solid wastes or inorganic wastes; and

(VI) Other miscellaneous waste, such as waste pellets, pallets, crates, dunnage, scrap wood, tree debris left after a natural catastrophe, and recycled paper fibers that are no longer suitable for recycled paper production.

B. Ineligible clean and untreated wood may include, but is not necessarily limited to, the following sources:

(I) Post-consumer wastepaper;

(II) Wood from old growth forests (one hundred fifty (150) years old or older); and

(III) Unsegregated solid waste;

7. Methane from landfills or from wastewater treatment. Wastewater treatment is defined as physical, chemical, biological, and mechanical procedures applied to an industrial or municipal discharge or to any other sources of contaminated water to remove, reduce, or neutralize contaminants;

8. Hydropower, not including pumped storage, that does not require a new diversion or impoundment of water and that each generator has a nameplate rating of ten megawatts (10 MW) or less. If an improvement to an existing hydropower facility does not require a new diversion or impoundment of water and incrementally increases the nameplate rating of each generator, up to ten megawatts (10 MW) per generator of the incremental capacity, the improvement may qualify as an eligible renewable energy resource;

9. Fuel cells using hydrogen produced by one (1) of the above-named renewable energy resources. RECs based on generating electricity in fuel cells from hydrogen derived from an eligible energy resource are eligible for compliance purposes only to the extent that the energy used to generate the hydrogen did not create RECs; or

10. Other sources of energy, not including nuclear, that may become available after November 4, 2008, and are certified as eligible renewable energy resources as provided in section (3) of this rule.

(3) Additions to Eligible Renewable Energy Resources.

(A) The department may certify new types of renewable energy resources in addition to those listed as eligible in section 393.1025(5), RSMo, if the department determines the following to be true:

1. The generation technology under review was not commercially available in Missouri prior to November 4, 2008;

2. The generation technology is not based on nuclear fission or nuclear fusion; and

3. There is no undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks.

(B) The department will publish in the *Missouri Register* new types of renewable resources it certifies as eligible pursuant to section 393.1025(5), RSMo.

(4) Certification of Renewable Energy Generation Facilities and Environmental Impact.

(A) The department shall publish and maintain a list of certified renewable energy generation facilities.

(B) Utilities that either own, or have contracted with, renewable energy generation facilities included on the list shall be required to provide a copy to the department of the completed Annual RES Compliance Report filed with the commission, pursuant to section 393.1030, RSMo, to verify the validity of information gathered during the certification review process. The copy will be provided to the department concurrent with the filing of the Annual RES

Compliance Report with the commission.

(C) Certification Review Process.

1. Certification reviews will be conducted by the department for renewable energy generation facilities upon application.

2. The certification review shall consider the eligibility of energy sources used by the facility to generate electricity. A determination will be made by the department as to whether the generation has caused undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks.

3. The certification review process may be initiated by an electric utility or by a facility by submitting an application for certification to the department. The department shall consider all such applications for certification and shall conduct a certification review process in response to all properly completed petitions. An application for certification must include:

A. A detailed technical description of energy sources, including fuel type, technology, and expected operating specifications, used by the facility to generate electricity and their conformity with the eligible renewable energy resources listed in section (2) and additional renewable energy resources certified by the department pursuant to section (3);

B. If any amount of fossil fuel is used in the generation process, a description of agreements or systems in place that assure sufficient data will be available to determine the portion of electrical output attributable to only the renewable energy resource;

C. An assessment of the facility's air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. An assessment shall include, but is not limited to, demonstrating compliance with permits and agricultural and forestry best management practices, such as the "Missouri Woody Biomass Harvesting - Best Management Practices Manual" guidelines published by the Missouri Department of Conservation, found online at: <http://mdc4.mdc.mo.gov/Documents/18043.pdf>, if applicable, and verification of compliance from a Missouri professional forester, if applicable. This assessment shall also include information concerning any applications for approvals or permits, or reviews or investigations by governmental entities with regard to environmental impacts;

D. The application for certification shall also state the following:

(I) That the electric utility or facility will obtain and/or maintain all applicable environmental permits required by the department;

(II) That the facility is and will remain in substantial compliance with all federal and state air, water, and land environmental laws, regulations, and rules, and that the applicant will report to the department any instance in which the applicant or any member of its board of directors or principals is determined by any administrative agency or any court in connection with any judicial proceeding to be in noncompliance with any federal or state air, water, and land environmental laws, regulations, and rules, such report to be submitted within ten (10) working days following such determination;

(III) That the electric utility applicant will timely file its Annual RES Compliance Report with the commission pursuant to section 393.1030.2(3), RSMo;

(IV) That the utility will submit additional information that the department may require for its review of the facility's energy sources and environmental impact with appropriate provision for confidentiality of sensitive information; i.e., protection of energy information pursuant to section 640.155, RSMo;

(V) That contracts for the acquisition of renewable energy resources shall provide for release of information to the department with appropriate provision for confidential treatment of any sensitive information, such as pursuant to section 641.155, RSMo; and

(VI) To grant or obtain for the department access to facility sites and records for the purpose of verifying statements made in the petition; and

E. A statement signed by a designated official of the electric utility or renewable energy generation facility attesting that "I have

personally examined the information submitted herein by [name of electric utility or renewable energy generation facility], I attest that this information is accurate and complete and that I am authorized to make this statement on behalf of [name of utility or facility].”

4. On completion of its review, the department shall certify the facility if all requirements herein have been met. The department may deny certifying the facility if those requirements are not met or for reasons stated in subparagraph (4)(C)4.A. The department may revoke certification as provided in subparagraph (4)(C)4.B.

A. The department may deny certification if the application is deficient or if the department finds—

(I) That the energy sources and technologies used to generate electricity are not eligible renewable energy resources as set forth in section (2) or additional renewable energy resources certified by the department pursuant to section (3); or

(II) That the facility has significant and unresolved violations of existing federal or state air, water, or land environmental regulations; or

(III) That the facility has not adhered to forestry or agricultural best management practices consequently resulting in undue adverse air, water, or land use impacts, and that agreement cannot be reached on actions that the utility or generation facility will undertake that are sufficient to offset or mitigate the adverse impacts.

B. Any of the following actions may result in revocation of certification as an eligible renewable energy generation facility:

(I) The electric utility’s failure to file with the department a copy of its Annual RES Compliance Report to the commission;

(II) Falsification of or failure to disclose any required information in the application for certification;

(III) Failure to remain in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment;

(IV) A significant increase in adverse environmental impacts resulting from electric generation at the renewable energy generation facility;

(V) Failure to disclose information on a confidential basis that is essential for verifying the facility’s compliance with requirements for certification as an eligible renewable generation facility;

(VI) Re-marketing or reselling of REC(s) after it has been sold to an electric utility; or

(VII) Failure to obtain and/or maintain all applicable environmental permits required by the department.

5. A renewable energy generation facility which is denied certification or whose certification is revoked by the department shall not be eligible for use to meet the Renewable Energy Standard requirements in section 393.1030, RSMo, until such time as the facility has been certified or recertified by the department.

6. The public may file a complaint asking the department to conduct a revocation review of a certified renewable energy generation facility. The complaint must list alleged violations by the facility, the facility’s name, date of violations, types of violation(s), and the address of the facility.

(5) Renewable Energy Standard Compliance Account.

(A) The department shall establish a Renewable Energy Standard Compliance Account (compliance account) whose funds shall be disposed as set forth in this section.

(B) Funds remitted to the department as a result of utilities’ failure to comply with the Renewable Energy Standard as provided in subsection 393.1030.2.(2), RSMo, shall be deposited into the compliance account and shall be used to purchase a sufficient number of renewable energy credits to offset the deficit in RECs. Funds deposited in the compliance account in excess of the funds required for the purchase of RECs to offset the deficit in RECs shall be used by the department solely for administration of renewable energy and energy efficiency projects.

(C) Beginning in 2012, the department shall prepare an annual report on the transfer and disposition of funds in the compliance account. The report shall include a listing of RECs purchased using

compliance account funds and the electric utilities on whose behalf the RECs were purchased using compliance account funds. The report shall be completed by June 30 and shall cover activities of the preceding calendar year. If any pertinent information is considered confidential, a version of the report disclosing the confidential information shall be submitted to the commission and a report without the confidential information shall be made available to the public.

AUTHORITY: section 393.1030, RSMo Supp. 2009. Original rule filed June 14, 2010.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions fifty-seven thousand four hundred ninety-nine dollars (\$57,499) in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities \$1,410,000 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Natural Resources, Division of Energy, PO Box 176, 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

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	10 CSR 140-8.010 -- Certification of Renewable Energy and Renewable Energy Standard Compliance Account
Type of Rulemaking:	New Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Natural Resources	\$57,499

III. Worksheet

Position – Planner II Annual Salary	\$46,248
Expense	\$11,251
Total Annual Cost	\$57,499

IV. Assumptions

This proposed rule, if adopted, will implement the requirements and procedures for certification of renewable energy resources in compliance with the Missouri Renewable Energy Standard (RES) which was enacted by Initiative Petition on November 4, 2008, and has been codified at Section 393.1030 RSMO. The Department of Natural Resources will receive and process applications for certification of authorized renewable energy generation facilities, review the applications and supporting information to verify that no undue adverse environmental impacts will result, administer a compliance fund, investigate and certify new eligible renewable energy resources, and receive annual reports filed by certified facilities. Existing Division of Energy staff will implement the provisions of the rule absent approval of requested additional FTE.

There will be no cost to any other public entity.

**FISCAL NOTE
PRIVATE COST**

**I. Department Title: 10
Division Title: 140
Chapter Title: 8**

Rule Number and Title:	10 CSR 140-8.010 -- Certification of Renewable Energy and Renewable Energy Standard Compliance Account
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 rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:																												
Regulated utilities -4	PSC-regulated Missouri electrical corporations (as defined in Section 386.020(15))	\$720,000																												
Renewable Energy Generation Facilities— Unknown (most have not yet been built) – 10. Includes individuals and entities.	<table border="0"> <tr> <td>NAICS</td> <td>Description</td> </tr> <tr> <td>111150</td> <td>Corn farming</td> </tr> <tr> <td>111930</td> <td>Sugarcane farming</td> </tr> <tr> <td>111199</td> <td>Sorghum farming</td> </tr> <tr> <td></td> <td>Other post harvest crop activities</td> </tr> <tr> <td>115114</td> <td>Hydroelectric Power</td> </tr> <tr> <td>221111</td> <td>Generation</td> </tr> <tr> <td></td> <td>Other Electric Power</td> </tr> <tr> <td>221119</td> <td>Generation</td> </tr> <tr> <td></td> <td>Pallets, wood or wood and metal combination manufacturing</td> </tr> <tr> <td>321920</td> <td>Other Basic Organic Chemical Production (Biofuels)</td> </tr> <tr> <td>325199</td> <td>Fuel cells, solid-state manufacturing</td> </tr> <tr> <td>334413</td> <td>Solid Waste Combustors and Incinerators</td> </tr> <tr> <td>562213</td> <td></td> </tr> </table>	NAICS	Description	111150	Corn farming	111930	Sugarcane farming	111199	Sorghum farming		Other post harvest crop activities	115114	Hydroelectric Power	221111	Generation		Other Electric Power	221119	Generation		Pallets, wood or wood and metal combination manufacturing	321920	Other Basic Organic Chemical Production (Biofuels)	325199	Fuel cells, solid-state manufacturing	334413	Solid Waste Combustors and Incinerators	562213		\$690,000
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III. WORKSHEET

Calculation of estimate private entity cost based on Assumptions stated below:

Commercial Installation Facility Certificate Applications (no forester or other expert verification required)

$\$3500 \times 6 \times 30 = \$630,000$ (assume 2 electric corporations and 4 private entities)
 $\$3500 \times 2 \times 30 = \$210,000$ total for electrical corporations
 $\$3500 \times 4 \times 30 = \$420,000$ total for private entities

Commercial Installation Facility Certificate Applications (with forester or other expert verification required)

$\$8500 \times 3 \times 30 = \$765,000$ (assume 2 electric corporations and 1 private entity)
 $\$8500 \times 2 \times 30 = \$510,000$ total for electrical corporations
 $\$8500 \times 1 \times 30 = \$255,000$ total for private entities

Individual Installation Facility Certificate Applications:

$\$100 \times 5$ per year $\times 30$ years = \$15,000 for private individuals.

IV. ASSUMPTIONS

This proposed rule does not require action to be taken by any private entity; however, if an energy generation facility wants to be certified as a renewable energy generation facility pursuant to Proposition C's Renewable Energy Standard, or if a regulated electrical corporation chooses to file an application for certification of a renewable energy generation facility, that entity will incur some costs for gathering the necessary information and preparing the application provided for and described in this rule. Once the application is filed, no further action or expense for the private entity is required in the application process, unless DNR requests the applicant to provide additional information.

Once an application is processed, if it is approved, the only follow-up required is to provide a copy to DNR of the Annual RES Compliance Report that will be required to be filed annually with the Missouri Public Service Commission (PSC) pursuant to 4 CSR 20-100(7), currently under consideration in a PSC rulemaking.

The costs estimated herein would be incurred for internal personnel time to produce and transmit the application or payments to outside experts; no fees or payments would be made to the Department of Natural Resources in the application process.

For a major commercial facility, for which the verification of compliance from a Missouri professional forester or other expert is not required, the cost to prepare the application and supporting information and materials could be in a range from \$1000 to \$6000, with an average cost of approximately \$3500.

For a major commercial facility, for which the verification of compliance from a Missouri professional forester or other outside expert assistance in completing the

application is required, the cost could increase to a range of \$5000 to \$10000, with an average cost of approximately \$8500.

While DNR cannot predict whether any individuals will construct or install a renewable energy generation facility and request certification of that installation, it is possible that, for example, an individual who installed solar generation on private property might request certification. In such a situation, it is estimated that the cost to prepare and submit the application would be minimal—possibly less than \$100.

The number of facilities that may be in existence for which certification may be sought is unknown. However, DNR is aware of existing wind farms in Missouri and adjoining states, and there may be other types of facilities already in existence for which certification may be requested. Existing facilities have not been granted “grandfather” status.

The number of facilities that may be newly constructed for which certification may be sought is also unknown and difficult to predict. However, estimates are provided in the worksheet above.

The life of the rule is not set or limited by statute. It is estimated for purposes of these calculations to be approximately 30 years.

It is assumed that the majority of applications will be filed by regulated electrical corporations, as defined in Section 386.020(15).

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax**

PROPOSED RULE

12 CSR 10-2.250 Reciprocal Agreements with Other States for Tax Refund Offsets

PURPOSE: This rule allows the department to enter into reciprocal agreements to offset income tax refunds for state debts and establishes the requirements for such agreements.

(1) In general, the department may enter into reciprocal agreements with other states to set off any income tax refund due any individual taxpayer of Missouri for debts of any other state that agrees to do the same for Missouri.

(2) Definition of Terms.

(A) Certified debt—A debt, as that term is defined in section 143.782(2), RSMo, certified by one (1) state to another state to be eligible for a refund offset under the laws of the state referring the debt.

(B) Debtor—See section 143.782(3), RSMo.

(C) Reciprocal agreement—An agreement between Missouri and another state for each state to offset tax refunds due to a taxpayer of the state against debts owed by the taxpayer to the other state.

(D) Refund—See section 143.782(5), RSMo.

(3) Basic Application.

(A) All reciprocal agreements will provide—

1. Each state will offset individual income tax refunds due taxpayers of the state for certified debts of the other state;

2. The state referring a debt (referring state) will certify that the debt is eligible for offset under the laws of the referring state;

3. The offsetting state will give notice of the offset to the taxpayer as required by the law of the offsetting state;

4. Each state will bear its own costs and neither state will charge the other state;

5. If a taxpayer is entitled to a return of any portion of a tax refund that has been offset, the referring state will return the amount due to the taxpayer;

6. Debts owed to the offsetting state will be offset before debts owed to the referring state;

7. Each state will comply with all applicable state and federal confidentiality laws, regulations, and policies, including section 32.057, RSMo;

8. Either party may immediately terminate the agreement if the other party breaches the confidentiality provisions of the agreement;

9. The method of exchange of information and the method of offsetting the tax refund;

10. Neither state will certify a debt of less than twenty-five dollars (\$25) for a tax refund offset; and

11. The offsetting state will provide notice to a non-obligated spouse of the non-obligated spouse's right to challenge the offset when a tax refund offsets against a joint or combined return. The notice will comply with the offsetting state's requirements for due process.

(B) A reciprocal agreement may contain any other terms that do not conflict with any required terms.

AUTHORITY: section 143.784.5, RSMo 2000. Original rule filed June 10, 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 the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 91—Personal Care Program**

PROPOSED RESCISSION

13 CSR 70-91.030 Personal Care Assistance. This rule revised an existing program, known as Personal Care Assistance, administered by the Division of Vocational Rehabilitation to permit Medicaid reimbursement for PCA services to persons who are Medicaid eligible and also meet PCA eligibility. This program was administered according to this rule and 5 CSR 90-7.010-5 CSR 90-7.320.

PURPOSE: This rule is being rescinded as the personal care assistance program transferred to the Department of Health and Senior Services, Division of Senior and Disability Services.

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Emergency rule filed Oct. 3, 1994, effective Nov. 1, 1994, expired Jan. 29, 1995. Original rule filed Oct. 28, 1994, effective June 30, 1995. Amended: Filed March 2, 1998, effective Sept. 30, 1998. Amended: Filed Jan. 15, 2004, effective Aug. 30, 2004. Rescinded: Filed June 10, 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 the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits**

PROPOSED AMENDMENT

16 CSR 50-2.010 Definitions. The board is amending subsections (1)(N) and (U) and adding a new subsection (1)(DD) and re-lettering the current (DD) and remaining subsections to follow.

PURPOSE: This amendment clarifies seasonal employees.

(1) When used in these regulations or in sections 50.1000 to 50.1300, RSMo, the words and phrases defined hereinafter shall

have the following meanings unless a different meaning is clearly required by the context of the plan:

(N) The entry date of a full-time employee is the hire date unless the employee opted out of the prior plan. The entry date of a part-time or seasonal employee shall be the first semiannual entry date (January 1 or July 1) after the part-time or seasonal employee satisfies the one thousand (1,000)-hour requirement during the calendar year;

(U) Part-time employee means an employee, certified as a part-time employee by the county clerk on a form provided by the board or its designee, who works regularly in each of the twelve (12) months during a calendar year, and who is employed by an employer or an elected or appointed county official who is under the direct control and supervision of an employer or an elected or appointed county official and who is subject to continued employment, promotion, salary review, or termination by an employer or an elected or appointed county official and who is compensated directly from county funds and whose position is not anticipated to require the actual performance of duties during one thousand (1,000) hours or more per calendar year; provided that, a part-time employee shall be eligible only for benefits available to part-time employees subject to the terms and conditions of the plan and as determined in accordance with the plan;

(DD) Seasonal employee means an employee, certified as such by the county clerk on a form provided by the board or its designee, who works intermittently, but less than twelve (12) months, during a calendar year and who is employed by an employer or an elected or appointed county official who is under the direct control and supervision of an employer or an elected or appointed county official and who is subject to continued employment, promotion, salary review, or termination by an employer or an elected or appointed county official and who is compensated directly from county funds, whether or not the position is anticipated to require the actual performance of duties during one thousand (1,000) hours or more per calendar year; provided that, a seasonal employee shall be eligible only for benefits available to seasonal employees subject to the terms and conditions of the plan and as determined in accordance with the plan;

((DD))((EE)) Separation from service means the severance of a participant's employment with an employer for any reason, including retirement; provided that a participant shall not be deemed to have incurred a separation from service if the participant resumes employment with an employer within thirty (30) days after terminating employment with an employer;

((EE))((FF)) Survivor annuitant means the individual other than a beneficiary eligible to receive an annuity following the death of a participant who is receiving an annuity;

((FF))((GG)) Target replacement ratio means:

1. Eighty percent (80%), if a participant's average final compensation is thirty-six thousand dollars (\$36,000) or less;
2. Seventy-seven percent (77%), if a participant's average final compensation is forty-eight thousand dollars (\$48,000) or less, but greater than thirty-six thousand dollars (\$36,000); and
3. Seventy-two percent (72%), if a participant's average final compensation is greater than forty-eight thousand dollars (\$48,000);

((GG))((HH)) Trust fund means the custodial account established to fund benefits under the plan; and

((HH))((II)) Trustee means the entity, or individuals, or committee that is responsible for holding and managing the trust fund that is appointed by the board.

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. Amended: Filed July 16, 1998, effective Jan. 30, 1999. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Sept. 17, 2007, effective March 30, 2008. Amended: Filed Jan. 25, 2010, effective July 30, 2010. Amended: Filed June 4, 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 the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. 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 16—RETIREMENT SYSTEMS

Division 50—The County Employees' Retirement Fund

Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.020 Employee Contributions. The board is amending section (3).

PURPOSE: This amendment clarifies application to seasonal employees.

(3) Contributions Required from Part-Time or Seasonal Employees. Participants have two (2) options with regard to the prior service earned while they are still qualifying for entry into the plan. A participant must make his or her election to either forego or purchase this prior service as outlined in subsections (A) and (B) upon their entry into the plan at the first available entry date. Such participant may either—

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed June 4, 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 the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. 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 16—RETIREMENT SYSTEMS

Division 50—The County Employees' Retirement Fund

Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.030 Eligibility and Participation. The board is amending section (3).

PURPOSE: This amendment clarifies membership service for seasonal employees.

(3) Membership service for part-time and seasonal employees and service toward vesting in the plan for all participants will be calculated as follows:

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed June 4, 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 the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits**

PROPOSED AMENDMENT

16 CSR 50-2.050 Certifying Service and Compensation. The board is amending section (3).

PURPOSE: This amendment clarifies service.

(3) Any certification submitted without supporting documentation will be reviewed by the board. **Notwithstanding anything in the plan to the contrary, the board or its designee may determine that an employee had a separation from service due to cessation of services or otherwise based on payroll or other records.**

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed June 4, 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 the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits**

PROPOSED AMENDMENT

16 CSR 50-2.110 Rehires. The board is amending section (2).

PURPOSE: This amendment clarifies rejoining the plan for seasonal employees.

(2) Rejoining the Plan. Notwithstanding the provisions of section (1), a participant may work as a part-time **or seasonal** employee[,] and continue to receive benefit payments. Such service as a part-time **or**

seasonal employee shall not increase or change the participant's benefit, unless the participant has an entry date, and again becomes an active participant in the plan. In such case, a participant shall not receive creditable service for any period of employment preceding his or her entry date unless i) the participant purchases such service in accordance with section 16 CSR 50-3.010(3) or ii) such creditable service was used in calculating the participant's accrued benefit as of the date of his or her separation from service.

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Feb. 24, 2005, effective Aug. 30, 2005. Amended: Filed Dec. 26, 2007, effective June 30, 2008. Amended: Filed June 4, 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 the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 3—Creditable Service**

PROPOSED AMENDMENT

16 CSR 50-3.010 Creditable Service. The board is amending sections (1) and (4) and subsections (2)(D) and (F).

PURPOSE: This amendment clarifies the treatment of part-time and seasonal employees and the treatment of a stint in a uniformed service.

(1) General Rule. Creditable service means a participant's period of employment as an employee, including the participant's prior service, except as provided in section (2). In addition, absences for sickness and injury of less than twelve (12) months shall be counted as creditable service, and any periods of service in a uniformed service (as defined in section 414(u) of the *Internal Revenue Code* (Code))[,] shall be included in creditable service to the extent required by the Uniformed Services Employment and Reemployment Rights Act of 1994. A participant (other than a part-time **or seasonal** employee) shall receive credit for one-twelfth (1/12) of a year for each month in which the participant earns an hour of service. Elective or appointive county officials receive one (1) year of service for each year in office. A person may not earn more than one (1) year of creditable service in any plan year.

(2) Excluded Service. Unless the participant purchases such service in accordance with section (3), a participant's creditable service shall not include:

(D) If the participant is a part-time **or seasonal** employee, service prior to the participant's entry date, unless the participant purchases service (up to a maximum of one (1) year) pursuant to section (3) of this regulation;

(F) A participant's stint in a uniformed service (within the meaning of section 414(u) of the Code), if the participant was not a member of Local Government Employees' Retirement System (LAGERS) before such stint **or if the participant was a member of LAGERS**

and was hired or rehired by a county on or after February 25, 2002 before such stint.

(4) Part-Time and Seasonal Employees.

(A) **Part-Time and Seasonal Employees Working [More Than] One Thousand (1,000) Hours or More.** If a part-time or seasonal employee works [more than] one thousand (1,000) hours of service or more in a plan year, he or she will receive the lesser of one (1) full year (or twelve (12) months) [of] or the actual number of months worked as creditable service. For this purpose, a part-time or seasonal employee will be considered to have worked a month if the part-time or seasonal employee worked any portion of such month for an employer.

(B) **Part-Time and Seasonal Employees Working Less Than One Thousand (1,000) Hours.** If a part-time or seasonal employee works less than one thousand (1,000) hours of service in a plan year, his or her creditable service shall be calculated by dividing the total number of hours worked by ninety-one (91) to arrive at the number of months of creditable service. This number shall be rounded to the [next] nearest whole number of months. [If a part-time employee started or terminated employment within the calendar year, he or she may not receive more months of creditable service than the actual number of months worked.] **Notwithstanding the foregoing, in no event shall a part-time or seasonal employee receive more months of creditable service than the actual number of months worked. For this purpose, a part-time or seasonal employee will be considered to have worked a month if the part-time or seasonal employee worked any portion of such month for an employer.**

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Dec. 10, 2002, effective June 30, 2003. Amended: Filed Feb. 21, 2006, effective Sept. 30, 2006. Amended: Filed June 4, 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 the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

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

3 CSR 10-12.125 Hunting and Trapping is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 2010 (35 MoReg 681-682). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **September 1, 2010**.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 7—Entrepreneurial Development Council**

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 620.050, RSMo Supp. 2009, the department adopts a rule as follows:

4 CSR 85-7.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2010 (35 MoReg 449-451). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Economic Development received fourteen (14) comments from four (4) individuals on this proposed rule.

COMMENT #1: Jerry D. Plunkett, president of Advanced Military Equipment, Inc., recommended that the proposed rules be scrapped and the process restarted. He believed they were outside the legislative purpose, and that they directed the council into an activity that was not recommended or discussed by its supporters or members of the general assembly.

RESPONSE: The department elected not to discard the proposed rule because it believed that it was consistent with section 620.050, RSMo, and that changes could be made to the final rule that would address Dr. Plunkett's concerns.

COMMENT #2: Dr. Plunkett objected to the proposed one hundred dollar (\$100)-initial registration fee as inadequate. He later submitted a second comment recommending that the fee should be set by the council itself after working through the factors necessary to set an appropriate fee. Richard LaBrash, president of DefBar, Inc., also made this recommendation. Ruth Ahlemeier, of OEM Logistics, LLC, recommended that the registration fee be determined by a functional matrix of occupation, employee size, and/or revenue, which could be calculated by an insurance company, and that underwriting guidelines, deductibles, policy limits, and registration fees can be set and offered at appropriate levels to registered entrepreneurs.

RESPONSE AND EXPLANATION OF CHANGES: The department agrees that a one hundred dollar (\$100)-registration fee is likely inadequate on an ongoing basis, but has proposed the initial fee simply as a start-up fee. The rule provides that on an ongoing basis, the council shall gather empirical data and evidence concerning council costs in the past, as well as anticipated costs in the future, and that the council may contract with third parties to perform any necessary functions. The department anticipates that the council will need to engage in extensive study to determine the appropriate fee structure for eventual adoption. Additional rulemaking may be needed at that time.

COMMENT #3: Dr. Plunkett expressed his concern that the rules did not adequately express the intent of the law to increase the protection for all types of intellectual property (IP) from both internal and foreign threats, not be simply an IP grant program. Richard LaBrash also made this recommendation.

RESPONSE AND EXPLANATION OF CHANGES: The department did not originally include rules on intellectual property protection because it was not one of the two (2) subjects on which section 620.050, RSMo, directed it to make rules. At the request of the commenters, a section on Intellectual Property Protection was added.

COMMENT #4: Dr. Plunkett requested that the rules allow the Intellectual Property Protection Fund be allowed to accept endowments and other contributions.

RESPONSE AND EXPLANATION OF CHANGES: The rule now provides that the fund be allowed to accept endowments and other contributions.

COMMENT #5: Richard LaBrash recommended that the ten thousand dollar (\$10,000)-limit on grants or loans to any one (1) entrepreneur be dropped.

RESPONSE AND EXPLANATION OF CHANGES: The limit on grants or loans to any one (1) entrepreneur has been dropped.

COMMENT #6: Richard LaBrash recommended that the council offer other services to entrepreneurs, such as the cataloguing of unused or underused intellectual property within the state.

RESPONSE AND EXPLANATION OF CHANGES: A provision allowing the council to assist in this endeavor has been added.

COMMENT #7: Richard LaBrash recommended that members be allowed to be reappointed.

RESPONSE AND EXPLANATION OF CHANGES: This provision was added.

COMMENT #8: Richard LaBrash recommended that members be allowed, with the prior written approval of the other members, to send designees to meetings.

RESPONSE AND EXPLANATION OF CHANGES: A provision allowing members to send persons designated by written appointment to meetings was added.

COMMENT #9: Richard LaBrash recommended that the council's fee schedule be different for members who desire intellectual property protection and members who want other assistance. Ruth Ahlmeier also recommended this, and that the fee structure be published annually. Richard LaBrash recommended that the registration fee for members who wish to have intellectual property protection be scaleable depending on the number of patents, copyrights, or trademarks to be protected.

RESPONSE AND EXPLANATION OF CHANGES: A provision allowing the council to establish a fee schedule for entrepreneurs that takes into account the services desired by the individual entrepreneur has been added. The department believes the council will be able to implement the commenters' other recommendations, if it wishes to do so, without explicit rules to that effect.

COMMENT #10: Richard LaBrash recommended that the council be composed of two (2) intellectual property attorneys and five (5) corporate officers. Ruth Ahlmeier recommended that the council be composed of two (2) intellectual property attorneys and five (5) entrepreneurs.

RESPONSE: The department did not add a provision to further restrict the membership of the council as recommended by the commenters. The department believes there is no foundation for such a requirement in section 620.050, RSMo, but that such recommendations may be made to the governor by interested parties when appointments are being considered.

COMMENT #11: Ruth Ahlmeier recommended that the Missouri Partnership could market the intellectual property protection as an economic draw for Missouri.

RESPONSE: The department did not believe any change to the rule was necessary to permit the Missouri Partnership to market the council and its functions to attract businesses to Missouri and therefore declined to add this to the rule.

COMMENT #12: Frank Plescia, Senior Policy Advisor with Bryan Cave, submitted comments on behalf of both the Biotechnology Industry Organization and Daniel and Henry Advisors. He recommended that the council would function most efficiently and cost-effectively if included under the auspices of the existing Missouri Technology Corporation (MTC).

RESPONSE: 1) There is no statutory authority to assign the council to MTC or to incorporate it into MTC. Therefore, the department decided not to make this change in the rule. 2) The department notes that such affiliation may be possible simply by agreement of the MTC, the department, and the council. As an example, the MTC has entered into a three (3)-party agreement with the department and the Life Sciences Research Board under which it is compensated to

administer the Life Sciences Research Trust Fund. A similar arrangement may be possible with the council.

COMMENT #13: Frank Plescia also stated that the rule should require that steps be taken to procure a third-party assessment of the defensibility of a patent threatened with infringement prior to the council expending funds to defend a patent, and that the only practical way that the council could assist an entrepreneur to defend his or her patent was by facilitating access to intellectual property insurance.

RESPONSE AND EXPLANATION OF CHANGES: Provisions allowing for third-party assessment of defensibility of intellectual property, as well as the potential for the council to assist entrepreneurs in finding appropriate intellectual property insurance, have been added.

4 CSR 85-7.010 Entrepreneurial Development Council

(2) The Council.

(A) The council shall consist of seven (7) members who are either licensed attorneys with specialization in intellectual property matters or representatives of businesses located within the state. Initially, the governor shall appoint one (1) member for a one (1)-year term beginning July 1, 2010, and ending June 30, 2011; two (2) members for a two (2)-year term beginning July 1, 2010, and ending June 30, 2012; two (2) members for a three (3)-year term beginning July 1, 2010, and ending June 30, 2013; and two (2) members for a four (4)-year term beginning July 1, 2010, and ending June 30, 2014. Thereafter, the governor shall appoint members for a four (4)-year term, except that all vacancies shall be filled for unexpired terms for the same periods as set by the original appointments. Members may be reappointed to the council.

(C) For all matters, motions, or questions pending before the council, the council must vote, and a quorum of council members must be present in order for a vote to occur. Four (4) voting members shall constitute a quorum. Members may appoint designees in writing who may attend meetings and vote on their behalf. In order to make a decision or act on any matter, motion, or question pending before the council, a simple majority of voting council members must vote in favor of the decision or action.

(3) Registration Fee.

(A) Every entrepreneur of this state who desires to avail himself or herself of the benefits provided by the council must register with the council and must pay an annual registration fee. The initial registration fee shall be one hundred dollars (\$100). On an ongoing basis, the council shall gather empirical data and evidence concerning council costs in the past, as well as anticipated costs in the future, and may annually set the registration fee in an amount it believes will be sufficient to cover such costs. The council may establish a fee schedule for entrepreneurs that takes into account the services desired by the individual entrepreneur.

(B) All fees, gifts, grants, endowments, or other contributions received by the council shall be deposited in the state treasury and shall be credited toward the fund. All administrative costs and expenses of the council shall be paid from the fund.

(4) Low-Interest Loans and Grants to Registered Entrepreneurs.

(A) For the purpose of providing financial aid for product development, manufacturing, and advertising of new products, the council may allocate grants and low-interest loans to registered entrepreneurs to provide financial assistance for product development, manufacturing, and advertising of new products. The determination of whether a registered entrepreneur needs assistance from the council and the fund for product development, manufacturing, and advertising of new products, and any resulting allocation the council makes to registered entrepreneurs in connection with product development, manufacturing, and advertising of new products, shall be at the council's sole discretion based upon 1) the entrepreneur's demonstrated

financial need; 2) the product's likely commercial success; and 3) the projected impact on the state economy.

(5) Intellectual Property Protection.

(A) The council may assist registered entrepreneurs in determining how best to protect their intellectual property, which may include facilitating the procurement of intellectual property insurance.

(B) Upon notification of an alleged infringement of intellectual property rights of an entrepreneur, the council shall evaluate such allegations of infringement and may, based upon need and defensibility of the claim, award grants or financial assistance to subsidize legal expenses necessary to remedy the alleged infringement.

(C) The council may provide other services to the entrepreneurs of this state by—

1. Acting as a liaison between entrepreneurs and the universities and research institutions of this state;
2. Assisting with the cataloguing of unused and underused intellectual property within the state;
3. Providing outreach, education, and other services to entrepreneurs;
4. Contracting with third parties, if necessary, to perform any of the council's functions as specified by section 620.050, RSMo, and this rule; and
5. Engaging in all other activities that may be necessary to fulfill the purposes of section 620.050, RSMo.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 350—State Programs**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.950 and 161.092, RSMo Supp. 2009, the board adopts a rule as follows:

**5 CSR 50-350.050 Persistence to Graduation Program Grants
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2010 (35 MoReg 452–453). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 1—Organization and Description of Board**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.256, 326.259.4, 326.262, 326.268.1, and 326.319, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 584–585). No changes have been made to the text of the

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

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.256, 326.262, and 326.268, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.005 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 585–586). Those sections with changes are reprinted below. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board made two (2) comments on the proposed amendment.

COMMENT #1: During a review of the proposed amendments the board noted a minor change that was not caught in the original amendment that renamed “a member” as “an individual.”

RESPONSE AND EXPLANATION OF CHANGE: The board has made the aforementioned changes to the newly renumbered section (8).

COMMENT #2: During a review of the proposed amendments the board noted that the annotation following the authority section of the rule was not deleted in the original amendment.

RESPONSE AND EXPLANATION OF CHANGE: The board deleted the annotation following the authority section of the rule.

20 CSR 2010-2.005 Definitions

(8) Professional services means any services including all services performed by an individual while holding himself or herself out as a CPA.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.256.1(9), 326.283.1(1), and 326.286.3, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.022 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 586–587). Those sections with changes are reprinted

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

SUMMARY OF COMMENTS: The board made one (1) comment on the proposed amendment.

COMMENT #1: Upon review of the proposed amendment the board noted that “provisional” was not replaced with the phrase “practice privilege” in the new section (7).

RESPONSE AND EXPLANATION OF CHANGE: The board made the aforementioned change in the new section (7).

20 CSR 2010-2.022 Privilege to Practice

(7) The lack of a Missouri license, practice privilege or otherwise, shall not prevent the board from having disciplinary authority over any individual practicing public accounting in Missouri.

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

Division 2010—Missouri State Board of Accountancy Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.262, 326.280.1, and 326.310, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.041 Eligibility Requirements for the CPA Examination is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 587). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

Division 2010—Missouri State Board of Accountancy Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.262 and 326.289, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.051 Registration of Certified Public Accounting Firms is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 587–588). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

Division 2010—Missouri State Board of Accountancy Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.262 and 326.280, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.061 Requirements for an Initial License to Practice is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 588). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

Division 2010—Missouri State Board of Accountancy Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under section 326.262, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.065 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 588). Those sections with changes are reprinted below. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board made one (1) comment on the proposed amendment.

COMMENT: During a review of the proposed amendment the board noted that “and” had not been deleted at the end of subsection (1)(C) as initially requested.

RESPONSE AND EXPLANATION OF CHANGE: The board removed “and” from the end of subsection (1)(C).

20 CSR 2010-2.065 Requirements for Licensure through Reciprocity

(1) The board may issue a license to applicants who have a current certificate or license in another state or have a current foreign certificate or license that is acceptable to the board, and shall meet the following conditions:

(C) Has successfully completed a written examination in professional ethics acceptable to the board as prescribed in 20 CSR 2010-2.061(6);

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 324.001.11(2), 326.262, and 326.286, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.070 Renewal of Licenses **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 588-589). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.262 and 326.289, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.072 Renewal of a Certified Public Accounting Firm Permit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 589). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.262, 326.286, 326.310, 326.316, and 324.038, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.075 Reinstatement of License to Practice **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 589-590). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed

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

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.262, 326.280, and 326.289, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.095 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 590-591). Those sections with changes are reprinted below. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board made one (1) comment on the proposed amendment.

COMMENT: Upon review of the proposed amendments the board noted that “settlor” is correct and should not be changed to “settlor”.
RESPONSE AND EXPLANATION OF CHANGE: The board changed “settlor” back to “settler” in paragraphs (1)(A)5., (2)(A)5., and (3)(A)5.

20 CSR 2010-2.095 Ownership of CPA Firms

(1) Limited Liability Companies (L.L.C.).

(A) Ownership. Only the following may have a member’s interest in a L.L.C.:

1. A majority ownership shall consist of natural persons who hold a license as a certified public accountant (CPA) to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any state, country or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent if the other state or country or province of another country grants reciprocity licensure to holders of CPA licenses issued by this state. A minority ownership shall consist of natural persons who are active individual participants in the firm or affiliated entities. All ownership shall comply with section 326.289, RSMo, and all other provisions of Chapter 326, RSMo, and the board’s rules;

2. Domestic or foreign general partnerships, including limited liability partnerships, in which all of the partners who have a majority of ownership hold an active license as a CPA to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia, or any other country or state or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent, if the other country or state or province of another country grants reciprocity licensure to holders of CPA licenses issued by this state. A minority ownership shall consist of natural persons who are active individual participants in the firm or affiliated entities;

3. Professional corporations holding a permit to practice public accounting issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. All shareholders of either a domestic or foreign professional corporation shall own their shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting, provided that all non-CPA members are active individual participants in the firm or affiliated entities. All members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a license as a CPA to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during his or her lifetime. If there are multiple trustees, a majority shall hold a license as a CPA to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia. Any trustees who are not licensed CPAs shall be active individual participants in the firm.

(2) Professional Corporations.

(A) Ownership. A professional corporation may issue shares only to the following:

1. Natural persons who hold a current license as a CPA to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any other country or state or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent, if the other country or state or province of another country grants reciprocity licensure to holders of a CPA license issued by this state. All ownership shall comply with section 326.289, RSMo, and all other provisions of Chapter 326, RSMo, and the board's rules;

2. Domestic or foreign general partnerships, including limited liability partnerships, in which all of the partners hold a current license as a CPA to practice public accounting issued by this state, another state, or territory of the United States, the District of Columbia, or any other country or state or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent, if the other country or state or province of another country grants reciprocity licensure to holders of CPA licenses issued by this state;

3. Professional corporations holding a permit to practice issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. Shareholders at all times shall own their own shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting. All members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a current license as a CPA to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during his or her lifetime. If there are multiple trustees, each shall hold a license to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia.

(3) Partnerships and Limited Liability Partnerships (L.L.P.).

(A) Ownership. A partnership or L.L.P. may issue ownership interest only to the following:

1. A majority ownership shall consist of natural persons who hold a license as a CPA to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any state, country, or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent, if the other country or state or province of another country grants reciprocity licensure to holders of CPA licenses by this state. A minority ownership shall consist of natural persons who are active individual participants in the firm or affiliated entities. All

ownership shall comply with section 326.289, RSMo, and all other provisions of Chapter 326, RSMo, and the board's rules;

2. Domestic or foreign general partnerships, including limited liability partnerships, in which all the partners who have a majority ownership hold an active license as a CPA to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia, or any other country or state or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent, if the other country or state or province of another country grants reciprocity licensure to holders of CPA licenses issued by this state. A minority ownership shall consist of natural persons who are active individual participants in the firm or affiliated entities;

3. Professional corporations holding a permit to practice issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. Shareholders of either a domestic or foreign professional corporation shall own their own shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting, provided that all non-CPA members are active individual participants in the firm or affiliated entities. All members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a license as a CPA to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during his or her lifetime. If there are multiple trustees, a majority shall hold a license as a CPA to practice accounting issued by this state, another state or territory of the United States or the District of Columbia. Any trustees who are not licensed CPAs shall be active individual participants in the firm.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.262, 326.268, and 326.286, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.130 Applications for Examination is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 591). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.262, 326.268, 326.280, and 326.286, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-2.150 Examination Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 591–592). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 3—Professional Ethics—Rules of Conduct**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under section 326.271, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-3.010 General Purpose of Ethics Rules is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 592). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 3—Professional Ethics—Rules of Conduct**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271, 326.280, and 326.289, RSMo Supp. 2009, the board amends a rule as follows:

**20 CSR 2010-3.060 Other Responsibilities and Practices
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 592–593). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under section 326.271, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-4.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 593–595). Those sections with changes are reprinted below. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board made two (2) comments on the proposed amendment.

COMMENT #1: Upon review of the proposed amendment, the board noted “or” was not added at the end of subsection (1)(B).

RESPONSE AND EXPLANATION OF CHANGE: The board added “or” at the end of subsection (1)(B).

COMMENT #2: Upon review of the proposed amendment, the board noted “and” at the end of subsection (1)(E) should be deleted.

RESPONSE AND EXPLANATION OF CHANGE: The board removed “and” at the end of subsection (1)(E).

20 CSR 2010-4.010 Effective Dates and Basic Requirements

(1) The following requirements of continuing professional education apply to the renewal of licenses pursuant to section 326.286, RSMo:

(B) An applicant seeking reinstatement of their license, and who has not been practicing public accounting, shall submit evidence to the board that he or she has completed forty (40) hours of continuing professional education (CPE) during the twelve (12) months previous to making application for reinstatement of the license; or

(E) Nonresident applicants for renewal shall demonstrate compliance with the CPE renewal requirements of the state in which the licensee’s principal office is located by attesting on an application provided by the board;

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.310, RSMo Supp. 2009, the board amends a rule as follows:

**20 CSR 2010-4.031 Continuing Professional Education (CPE)
Documentation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 596). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**Division 2010—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.262 and 326.286.6, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2010-4.035 Inactive Licenses is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2010 (35 MoReg 596). 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 2010—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under section 326.271, RSMo Supp. 2009, the board amends a rule as follows:

**20 CSR 2010-4.041 Continuing Professional Education (CPE)
Exceptions and Waivers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 596–597). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**Division 2010—Missouri State Board of Accountancy
Chapter 5—Peer Review**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-5.070 Peer Review Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 597). No changes have been made to the text of the pro-

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

SUMMARY OF COMMENTS: No comments were received.

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

**Division 2010—Missouri State Board of Accountancy
Chapter 5—Peer Review**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2009, the board amends a rule as follows:

**20 CSR 2010-5.080 Firms Subject to Peer Review Requirements
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 597–598). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**Division 2010—Missouri State Board of Accountancy
Chapter 5—Peer Review**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2009, the board amends a rule as follows:

**20 CSR 2010-5.090 Peer Review Requirements for Renewal of a
Firm Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 598). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**Division 2010—Missouri State Board of Accountancy
Chapter 5—Peer Review**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.271 and 326.289.9, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-5.100 Administration is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 598-599). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 5—Peer Review**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.265, 326.271, and 326.289.9, RSMo Supp. 2009, the board amends a rule as follows:

20 CSR 2010-5.110 Oversight is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 599). 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 10-2.075 Review and Appeals Procedure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 599-600). 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 10-3.075 Review and Appeals Procedure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2010 (35 MoReg 600-602). 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.

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 August 3, 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 #MP100525059

Applicant's Name & Age: Johnny Lynn Meese, 55

Relevant Physical Condition: Mr. Meese's uncorrected visual acuity in his left eye is 20/25 Snellen, and he has no light perception in his right eye. This was caused from an accident that occurred over forty (40) years ago.

Relevant Driving Experience: Mr. Meese is currently unemployed but has driven grain and farm trucks for over thirty (30) years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in March 2010, his ophthalmologist certified, "In my medical opinion, Mr. Meese'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 #MP090217005

Applicant's Name & Age: William Randall Crist, 44

Relevant Physical Condition: Mr. Crist's corrected visual acuity in his left eye is 20/20 Snellen and 20/200 in his right eye. This visual impairment has been since childhood.

Relevant Driving Experience: Mr. Crist is currently employed with a city government agency and has driven boom trucks for approximately four (4) years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2010, his ophthalmologist certified, "In my medical opinion, Mr. Crist'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: June 1, 2010

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

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 TO ALL CREDITORS OF AND CLAIMANTS AGAINST ADVANCED HEALTHCARE SURGICAL CENTER, LLC

On May 20, 2010, Advanced Healthcare Surgical Center, LLC, a limited liability company of the State of Missouri, filed its Notice of Winding Up with the Missouri Secretary of State. Dissolution was effective on the filing date. All persons and organizations with claims against said corporation must submit in writing to L. Dwayne Hackworth, Hackworth, & Ferguson, L.L.C., 1401 North Main, Suite 200, Piedmont, Missouri, 63957, a summary of the claim, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim arose (or will arise); 4) brief description of the nature of the debt or the basis for the claim and the collateral used as security, if any; and 5) documentation in support of claim.

Notice: Any and all claims against Advanced Healthcare Surgical Center, LLC, will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.