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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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IN THIS ISSUE:

EXECUTIVE ORDERS	525	Department of Health and Senior Services	
		Missouri Health Facilities Review Committee	548
PROPOSED RULES		CONTRACTOR DEBARMENT LIST	549
Department of Economic Development		DISSOLUTIONS	550
Missouri Housing Development Commission	527	SOURCE GUIDES	
Department of Transportation		RULE CHANGES SINCE UPDATE	552
Missouri Highways and Transportation Commission	539	EMERGENCY RULES IN EFFECT	556
ORDERS OF RULEMAKING		EXECUTIVE ORDERS	558
Department of Economic Development		REGISTER INDEX	560
Division of Business and Community Services	542		
Department of Elementary and Secondary Education			
Division of School Improvement	542		
Division of Career Education	542		
Department of Transportation			
Missouri Highways and Transportation Commission	545		
Department of Labor and Industrial Relations			
Division of Workers' Compensation	545		
Department of Revenue			
Director of Revenue	545		
Elected Officials			
Treasurer	546		
IN ADDITIONS			
Department of Transportation			
Missouri Highways and Transportation Commission	547		

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
November 2, 2009	December 1, 2009	December 31, 2009	January 30, 2010
November 16, 2009	December 15, 2009	December 31, 2009	January 30, 2010
December 1, 2009	January 4, 2010	January 29, 2010	February 28, 2010
December 15, 2009	January 15, 2010	January 29, 2010	February 28, 2010
January 4, 2010	February 1, 2010	February 28, 2010	March 30, 2010
January 15, 2010	February 16, 2010	February 28, 2010	March 30, 2010
February 1, 2010	March 1, 2010	March 31, 2010	April 30, 2010
February 16, 2010	March 15, 2010	March 31, 2010	April 30, 2010
March 1, 2010	April 1, 2010	April 30, 2010	May 30, 2010
March 15, 2010	April 15, 2010	April 30, 2010	May 30, 2010
April 1, 2010	May 3, 2010	May 31, 2010	June 30, 2010
April 15, 2010	May 17, 2010	May 31, 2010	June 30, 2010
May 3, 2010	June 1, 2010	June 30, 2010	July 30, 2010
May 17, 2010	June 15, 2010	June 30, 2010	July 30, 2010
June 1, 2010	July 1, 2010	July 31, 2010	August 30, 2010
June 15, 2010	July 15, 2010	July 31, 2010	August 30, 2010
July 1, 2010	August 2, 2010	August 31, 2010	September 30, 2010
July 15, 2010	August 16, 2010	August 31, 2010	September 30, 2010
August 2, 2010	September 1, 2010	September 30, 2010	October 30, 2010
August 16, 2010	September 15, 2010	September 30, 2010	October 30, 2010

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

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HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

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

EXECUTIVE ORDER 10-17

WHEREAS, Section 9.161, RSMo designates June nineteenth of each year, known as "Juneteenth," as "Emancipation Day" to provide an opportunity for the people of Missouri to reflect upon the United States of America's passion for freedom as exemplified in the Constitution of the United States, the Bill of Rights, and the Emancipation Proclamation, and to reflect upon the significance of the Emancipation Proclamation and its role in ending slavery in the United States; and

WHEREAS, the observance of Juneteenth by African Americans is the oldest known commemoration of the ending of slavery, and all Missourians should share in this celebration of American freedom, justice, and equality on Emancipation Day.

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, do hereby declare and establish a Missouri Emancipation Day Commission, whose purpose shall be: to promote, consider, and recommend, in consultation with the Departments of Economic Development, Natural Resources and Elementary and Secondary Education, appropriate activities for the annual recognition and celebration of Emancipation Day, as established in Section 9.161, RSMo.

The Commission shall be composed of not more than seven (7) members as follows:

1. the Director of the Department of Economic Development or his or her designee;
2. the Director of the Department of Natural Resources or his or her designee;
3. the Commissioner of the Department of Elementary and Secondary Education or his or her designee;
4. four (4) members appointed by the governor, who demonstrate experience in matters relating to economic development, who have knowledge of African American culture, history, and heritage, and who are influential within their communities.

The governor shall designate one member to serve as the chair. All members of the Commission shall be legal residents of the United States and registered voters in the State of Missouri.

All members of the Commission shall serve at the pleasure of the Governor and shall serve without compensation, except that the members may be reimbursed for reasonable and necessary expenses arising from commission activities or business. Such expenses shall be paid by the Department of Economic Development, to which the Commission is assigned for administrative purposes.


Of the members first appointed to the Commission by the governor, two shall serve a term of three years and two shall serve a term of two years; thereafter members appointed by the governor shall serve for a term of three years. Other members shall serve for as long as they hold the position which made them eligible for appointment.

I further declare that the people of the state, offices of government, and all educational, commercial, political, civic, religious, and fraternal organizations in the state are requested to devote some part of June nineteenth celebrating the abolishment of slavery in the United States; remembering the heroism, courage, and devotion to liberty of the men and women who fought for and brought about this change, thereby setting an example for the entire world; and reaffirming their own personal commitment to achieving equal justice and opportunity for all.

This Order shall be effective immediately and shall supersede all previous Executive Orders pertaining to the same subject.



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 2nd day of February, 2010.



Jeremiah W. (Jay) Nixon
Governor

ATTEST:



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 symbology 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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 1—General Organization**

PROPOSED RESCISSION

4 CSR 170-1.010 Organization and Activities. This rule described the programs, funding, and organization of the Missouri Housing Development Commission.

PURPOSE: This rule is being rescinded and replaced with a rule that more accurately sets forth the organization and activities of the Missouri Housing Development Commission.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 1986. Original rule filed Dec. 22, 1975, effective Jan. 1, 1976. Amended:

Filed Dec. 16, 1985, effective March 24, 1986. Amended: Filed Dec. 30, 1987, effective March 25, 1988. Rescinded: Filed Feb. 11, 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 Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 1—General Organization**

PROPOSED RULE

4 CSR 170-1.100 Definitions

PURPOSE: This rule defines terms used in 4 CSR 170-1 through 4 CSR 170-8.

(1) Definitions.

(A) The following words and terms are used with specific intent throughout 4 CSR 170-1 through 4 CSR 170-8 and are defined herein for clarity of meaning. As used in these rules, the following words and terms shall have the meaning described below. Furthermore, the definitions pertaining to the commission in the *Missouri Revised Statutes*, are incorporated into 4 CSR 170-1 through 4 CSR 170-8 by reference. In the event there is a conflict between the definitions set forth in the *Missouri Revised Statutes* and the definitions set forth in 4 CSR 170-1 through 4 CSR 170-8, the definitions set forth in 4 CSR 170-1 through 4 CSR 170-8 shall prevail.

(B) The following terms shall bear the meaning described below:

1. AHAP—The Affordable Housing Assistance Program is the tax credit program designed to provide affordable housing to very low income persons who would not otherwise be adequately housed under sections 32.105, 32.111, and 32.112, RSMo;

2. Commission—The Missouri Housing Development Commission which is a governmental instrumentality of the state of Missouri and constitutes a body corporate and politic created by Chapter 215, RSMo, and supplemented in Appendix B-1 to the Missouri Omnibus Reorganization Act of 1974;

3. Custodian of records—The commission employee designated as the individual responsible for the maintenance of the commission's records pursuant to section 610.023, RSMo;

4. DED—The Missouri Department of Economic Development;

5. Development—Any single family or apartment (multi-family) housing project having common ownership which benefits from commission-administered resources in whole or in part;

6. Director—The executive director of the commission;

7. Federal LIHTC—The Low Income Housing Tax Credit Program implemented by the United States of America as codified in 26 U.S.C.A. 42;

8. General counsel—The chief lawyer of the commission;

9. KC Office—The commission office in the city of Kansas City, Missouri, which may relocate from time-to-time;

10. MHTF—The Missouri Housing Trust Fund as codified in sections 215.034–215.039, RSMo;

11. MO LIHTC—The Missouri Low Income Housing Tax Credit Program as codified at sections 135.350–135.363, RSMo, and sections 135.800–135.830, RSMo;

12. State Housing Act—sections 215.010–215.250, RSMo; and

13. Sunshine Law—The state of Missouri open records law as codified at sections 610.010–610.225, RSMo.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 1—General Organization**

PROPOSED RULE

4 CSR 170-1.200 Organization and Activities

PURPOSE: This rule describes the programs, funding, and organization of the Missouri Housing Development Commission in order to inform the public of what the commission is and what it does.

(1) The Missouri Housing Development Commission (commission) is an instrumentality of the state of Missouri which constitutes a body corporate and politic and was created by an act of the Missouri legislature in 1969 to increase the supply of decent, safe, and affordable housing for low- and moderate-income Missourians.

(2) The commission has a statutorily prescribed board. The board consists of ten (10) commissioners; four (4) of which are Missouri statewide elected officials (the governor, lieutenant governor, treasurer, and attorney general) and the remaining six (6) commissioners are gubernatorial appointees. Gubernatorial appointees are subject to the advice and consent of the Missouri senate. Appointed commissioners serve a four (4)-year term and can be reappointed. The appointed commissioners' terms are staggered in such a manner that in three (3) of every four (4) years there will be two (2) commissioner positions which are due for appointment or reappointment.

(3) The commission is independent, not controlled in whole or in part by any agency or instrumentality of the state of Missouri. The commission maintains Bylaws, Standards of Conduct, and corporate resolutions, all which may be amended from time-to-time by an act of the commission pursuant to section 215.020(3), RSMo. The commission is contractually related to the Department of Economic Development (DED) pursuant to Appendix B(1), RSMo 2000. The commission and DED entered into this formal contractual agreement in 1982. In 1996, the commission and DED entered into a memorandum of understanding which details how the commission will per-

form services for DED relating to tax-exempt bond financed multi-family housing transactions.

(4) Administrative costs for the commission's staff and operations are paid entirely from fees charged to commission borrowers, earnings derived from investments and other fees and charges. The commission pays its employees directly and not from funds derived from the Missouri general fund. The commission receives no tax revenue or other payments from the state and its ability to carry on its programs depends upon the willingness of private investors to buy commission notes and bonds and upon the earnings of the commission's investment of fund balances. It should be noted that the commission does administer the Missouri Housing Trust Fund (MHTF) for the state of Missouri. The MHTF does receive a direct appropriation from the state of Missouri annually in direct correlation with a statutorily prescribed fee collected by the Missouri recorders of deeds on applicable recorded documents. The commission is entitled under statute to a two percent (2%) fee for administration of the MHTF, which may be amended from time-to-time.

(5) The commission shall receive service of process by the director or general counsel at the Kansas City office location.

(6) All Sunshine Law requests shall be made to the commission's custodian of records who shall be located in the commission's KC office. Individuals who contact the commission's KC office for the name and contact information of the currently designated commission custodian of records shall be provided the information upon request. The commission staff shall maintain a designated custodian of records as required under the Sunshine Law. The custodian of records shall be appointed by the director.

(7) The commission shall maintain a website which displays office locations and the name and contact information for the custodian of records.

(8) The commission has a corporate structure which includes the director who oversees five (5) divisions. The roles and responsibilities of the divisions are subject to the direction of the director. The five (5) divisions of the commission are as follows:

(A) Operations Division—The division which is responsible for the day-to-day general business operations of the commission;

(B) Finance Division—The division which is responsible for the commission's finance and accounting functions;

(C) Office of General Counsel—The division which is charged with oversight of all legal matters of the commission. The general counsel does from time-to-time engage outside counsel. The commission does maintain third-party bond counsel;

(D) Rental Production—The division charged with oversight of the production of rental housing for the commission; and

(E) Asset Management—The division charged with compliance monitoring and asset management of the commission's rental housing portfolio. Furthermore, this division is responsible for the administration of all rental housing related contracts the commission may enter into from time-to-time.

(9) The commission administers the following federal and state housing programs:

(A) The federal housing programs the commission administers or participates in include, but are not limited to, the following:

1. HOME Investment Partnership Program;
2. Federal Low Income Housing Tax Credit (LIHTC);
3. Multi-family tax-exempt bond program section;
4. Single-family tax-exempt bond program section;
5. Housing and Urban Development (HUD) production programs, including but not limited to—
 - A. Risk-Sharing (24 CFR 542(c));
 - B. Section 8;
 - C. 24 CFR 221 programs; and

- D. Home Ownership Purchase Enhancement (HOPE) VI;
6. Project-based section 8 contract administration;
7. Section 236 project monitoring;
8. Rural Initiative;
9. Missouri Balance of State Continuum of Care; and
10. Resolution Trust Corporation/Federal Deposit Insurance Corporation (RTC/FDIC) project monitoring;

(B) State of Missouri programs the commission administers include, but are not limited to, the following:

1. Missouri Low Income Housing Tax Credit (MO LIHTC)—the commission is not compensated for administering this program by the state of Missouri;

2. Missouri Affordable Housing Assistance Program (AHAP)—the commission is not compensated for administering this program by the state of Missouri; and

3. MHTF—the commission is entitled to a two percent (2%) fee to pay for the administration of this program as prescribed by state statute; and

(C) Commission programs:

1. Fund Balance Programs; and

2. Single-family mortgage down payment assistance programs.

(10) The commission maintains the following standing committees.

(A) Audit committee—The audit committee is a subcommittee of the commission and operates under a commission-passed charter, which may be amended from time-to-time.

(B) Asset management committee—The asset management committee is a subcommittee of the commission charged with review of the commission's rental housing portfolio as well as all other performance issues relating to any individual or entity of any kind which is involved in any way with any commission-administered program or resources. This committee shall be approved by a vote of the commission at the annual meeting of the commission (as defined in the Missouri Housing Development Commission (MHDC) bylaws). There shall be three (3) members on the asset management committee. A quorum of the committee is two (2) members. In the event the number of commissioners assigned to the asset management committee falls below three (3), the commission chairman shall appoint current commissioners to fill the then existing vacancy(ies) on the asset management committee. The scope of the committee responsibilities shall be determined by the commission from time-to-time. This committee shall be the commission subcommittee as described in 4 CSR 170-8.010(1)(F).

(C) Nominating committee—The nominating committee shall meet no less than annually to nominate a slate of commission officers for consideration by the full commission.

(11) The commission is authorized to issue tax-exempt and taxable notes and bonds and does so in conjunction with both single-family and multi-family housing programs.

(12) Information regarding the commission, its programs, and the programs it administers on behalf of the federal and state government is available by visiting www.mhdc.com or contacting the commission's KC office.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins,

General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.010 Definitions

PURPOSE: This rule defines terms used in 4 CSR 170-8.

(1) When used in this chapter, the following terms shall have the following meaning:

(A) Adequate evidence. Information sufficient to support the reasonable belief that a particular act or omission has occurred;

(B) Affiliate. Persons are affiliates of each other if, directly or indirectly, either one controls or has the power to control the other or a third person has control or has the power to control both. The ways used to determine control include, but are not limited to: a) interlocking management or ownership; b) identity of interest among family members; c) shared facilities and equipment; d) common use of employees; or e) a business entity which has been organized following the exclusion of a person which has the same or similar management, ownership, or principal employees as the excluded person;

(C) Civil judgment. The disposition of a civil action by any court of competent jurisdiction, whether entered by verdict, decision, settlement, stipulation, or otherwise creating a civil liability for the wrongful acts complained of; or a final determination of liability under the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801-12);

(D) Commission. A governmental instrumentality of the state and a body corporate and politic created by Chapter 215, RSMo, and supplemented in Appendix B-1 to the Missouri Omnibus Reorganization Act of 1974;

(E) Commissioners. The appointed and ex officio members of the commission or their lawfully authorized designees;

(F) Commission subcommittee. A subgroup of the commission consisting of at least three (3) persons selected by the commission at the annual meeting of the commission (as defined in the Missouri Housing Development Commission (MHDC) bylaws) to which, among other responsibilities, is charged with carrying out the duties assigned to it under 4 CSR 170-8.140;

(G) Competent and substantial evidence. Evidence that is reliable and probative and which a reasonable mind could accept as adequate to support a conclusion (i.e., evidence upon which the suspending official or debarring official could reasonably base its decision);

(H) Conviction. A judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of *nolo contendere*;

(I) Counsel. An attorney or other legal advisor;

(J) Covered transaction. Any activity supported in part or in whole with funds and/or resources administered, granted, or disbursed by MHDC, including but not limited to grants, developments, or contracts for work paid for through funds and/or resources;

(K) Debarment. An action taken by a debarring official in accordance with these regulations to exclude a person from participating in covered transactions. A person so excluded is "debarred";

(L) Debarring official. A commission subcommittee which is authorized to impose debarment following review of evidence and/or a hearing;

(M) Disqualification. Refers to a prohibition of a person from participation in one (1) or more programs or covered transactions for

inability to meet some rule or basic requirement for participation outside of the terms of a suspension or debarment;

(N) Excluded Parties List System (EPLS). List of parties debarred or otherwise excluded from receiving federal contracts maintained by the General Services Administration pursuant to 48 CFR 9.404;

(O) Excluded person. Refers to a person prohibited from participation in one (1) or more programs or covered transactions with the commission by virtue of being suspended or debarred under this chapter;

(P) Exclusion or excluded. Refers to a prohibition of a person from participation in one (1) or more programs or covered transactions with the commission by virtue of being suspended or debarred under this chapter;

(Q) Executive director. The person selected by the commissioners to serve as the chief executive of the MHDC;

(R) Funds. All monetary assistance granted and/or loaned by MHDC in relation to covered transactions, including but not limited to HOME funds, Missouri Housing Trust Funds, Affordable Housing Assistance Program, tax credit, and MHDC fund balance;

(S) General counsel. Chief lawyer of the MHDC;

(T) Grantee/subgrantee. A person or persons receiving funds in the form of a grant through an MHDC covered transaction, or a person subordinate to them who receives those grant funds from the grantee as part of an MHDC covered transaction;

(U) Identity of interest. An identity of interest relationship exists if any officer, corporate director, board member, or authorized agent of any participant—

1. Is also an officer, corporate director, board member, or authorized agent of any other participant or subparticipant;

2. Has a financial interest in any other participant or subparticipant;

3. Is a business partner of an officer, corporate director, board member, or authorized agent of any other participant or subparticipant;

4. Has a family relationship through blood, marriage, or adoption with an officer, corporate director, board member, or authorized agent of any participant or subparticipant; or

5. Advanced any funds or items of value to the sponsor/borrower participant;

(V) Indictment. Formal written accusation of a crime made by a grand jury and presented to a court of competent jurisdiction for prosecution against the accused person;

(W) Member of the immediate family. Refers to any spouse, child, parent, or sibling of any person;

(X) MHDC. Missouri Housing Development Commission;

(Y) Ownership interest. An ownership interest shall be deemed to exist if a person, or member of the immediate family of a person, owns or controls, either directly or indirectly, more than twenty percent (20%) of the profits or assets of a firm, association, or partnership or more than twenty percent (20%) of the stock in a corporation for profit;

(Z) Participant. Any person who submits a proposal for or enters into a covered transaction, including all principals, agents, or representatives of a participant;

(AA) Person. Any individual, corporation, partnership, association, unit of government, or legal entity, however organized;

(BB) Primary participant. Any person who submits a proposal for or enters into a covered transaction, including an agent or representative of a participant who has directly and immediately contracted with MHDC in a covered transaction;

(CC) Principal. Any person who is a) an officer, corporate director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or b) a consultant or other person, whether or not employed by the participant or paid with MHDC funds, who: 1) is in a position to handle MHDC funds; 2) is in a position to influence or control the use of those funds; or 3) occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform a covered

transaction;

(DD) Program. Any activity which utilizes any funds and/or resources administered or controlled by the commission;

(EE) Recipient/subrecipient. A person or persons receiving funds and/or resources in any form through an MHDC covered transaction or a person subordinate to them who receives those funds from the primary recipient as part of an MHDC covered transaction;

(FF) Resources. All non-monetary benefits or assistance awarded or administered by MHDC in relation to covered transactions, including, but not limited to, federal and state tax credits;

(GG) Standards of conduct. The commission approved policy which identifies the way in which commissioners, commission staff, and persons must act in connection with all dealings relating to the work of the commission;

(HH) State. State of Missouri;

(II) Subparticipant. Any person who enters into a covered transaction, including an agent or representative of a subparticipant, who is or has directly and immediately contracted with a primary participant in a covered transaction;

(JJ) Suspending official. A commission subcommittee authorized to impose suspension pending review of evidence and/or a hearing;

(KK) Suspension. An action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal and debarment, or other proceedings as may ensue; and

(LL) Workforce eligibility policy. Refers to the then-existing policy of the MHDC which addresses worker eligibility. If no such policy exists, no action shall be taken under this section relating to such a policy.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.020 Parties to Which These Regulations Apply

PURPOSE: This rule establishes criteria for those parties subject to suspension and debarment procedures with the Missouri Housing Development Commission.

(1) Given a cause that justifies exclusion under these regulations, the Missouri Housing Development Commission (MHDC) may exclude any person who has been, is, or may reasonably be expected to be a participant or a principal in any covered transaction. Exclusion may include any affiliate of the participant that is specifically named and

given notice of the proposed exclusion and an opportunity to respond.

(2) For the purposes of determining the scope of the exclusion, conduct may be imputed as follows:

(A) Conduct Imputed to Participants. Conduct meeting any of the criteria in 4 CSR 170-8.060 on the part of any officer, corporate director, shareholder, partner, employee, or other individual associated with a participant may be imputed to the participant when the conduct occurred in connection with the individual's performance of duties for or on behalf of the participant, or with the participant's knowledge, approval, or acquiescence. The participant's acceptance of benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence;

(B) Conduct Imputed to Individuals Associated with Participant. Conduct meeting any of the criteria in 4 CSR 170-8.060 on the part of a participant may be imputed to any officer, corporate director, shareholder, partner, employee, or other individual associated with the participant who participated in, knew of, or had reason to know of the participant's conduct; or

(C) Conduct of One (1) Participant Imputed to Other Participants in a Joint Venture. Conduct meeting any of the criteria in 4 CSR 170-8.060 on the part of one (1) participant in a joint application, or in similar arrangement, may be imputed to other participants if the conduct occurred for or on behalf of the joint venture, granted pursuant to a joint application, or similar arrangement with the knowledge, approval, or acquiescence of these participants. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.030 Verification

PURPOSE: This rule establishes the list of excluded persons maintained by the Missouri Housing Development Commission and recommendations to verify parties through additional sources.

(1) The Missouri Housing Development Commission (MHDC) shall prepare, and make available upon request, a list of persons having been debarred or suspended in accordance with the procedures herein, including the effective date and term of such debarment or sus-

pension. Such list will be current as of the revision date noted on the list.

(2) Participants or potential participants may also—

(A) Check the Excluded Parties List System maintained by the federal government;

(B) Collect a certification from persons they wish to do business with; and/or

(C) Add a clause to their own agreements with that person when involved in a covered transaction.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.040 Business with Excluded Parties

PURPOSE: This rule establishes the requirements for doing business with an excluded person in a Missouri Housing Development Commission covered transaction.

(1) A non-excluded person may not enter into a covered transaction with an excluded person unless the Missouri Housing Development Commission (MHDC) grants an exception.

(2) If a person is excluded while involved in an existing covered transaction, the non-excluded person may complete the covered transaction already in existence with that person, but the covered transaction agreements with the excluded person may not be renewed or extended unless the MHDC grants an exception.

(3) If a non-excluded person knowingly does business with an excluded person without first receiving an exception from MHDC, MHDC may disallow costs, annul or terminate the covered transaction, issue a stop work order, debar or suspend the person, or take other remedies as appropriate.

(4) When entering into a covered transaction with a participant, the primary participant must require that participant to—

(A) Comply with the requirements of these regulations and all other regulations to which the subparticipant's participation in a covered transaction are subject to as well as all applicable state and federal laws and commission policies; and

(B) Pass the requirements to comply with these regulations to each person with whom the subparticipant enters into a contract at the

next lower level in furtherance of work performed on a covered transaction.

(5) An excluded person must, immediately upon written notice of their exclusion from MHDC, notify all parties in writing with whom they are currently participating in a covered transaction of MHDC's decision to exclude them from such covered transactions. Failure to do so may result in permanent debarment from future covered transactions.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.050 Disclosure of information to MHDC or Other Appropriate Officials (Voluntary vs. Involuntary)

PURPOSE: This rule establishes the requirements for disclosing information relevant to the issues of suspension and debarment.

(1) Before entering into a covered transaction as a primary participant, all persons must disclose whether they, or any of their principals for that covered transaction—

(A) Are presently included in the Excluded Parties List System (EPLS);

(B) Are presently excluded or disqualified from participation in any similar transactions with any public housing authority, whether in the state of Missouri or any other state;

(C) Have been convicted within the preceding three (3) years of any of the offenses listed in 4 CSR 170-8.060 or had a civil judgment rendered against them for one (1) of these offenses within the same time period;

(D) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses listed in 4 CSR 170-8.060; and

(E) Have had one (1) or more public transactions (federal, state, or local) terminated within the preceding three (3) years for cause or default.

(2) Voluntary disclosure of unfavorable information by a primary participant about themselves or a principal, or by a subparticipant about themselves or a principal, will not necessarily result in exclusion from covered transactions. The Missouri Housing Development Commission (MHDC) will consider the information, along with any accompanying explanations, when making determinations as to

whether to enter into a covered transaction with the primary participant.

(3) Failure to disclose unfavorable information known, or that should reasonably have been known, to the primary participant or their principal at the time of entering into the covered transaction may result in MHDC—

(A) Terminating the covered transaction for material failure to comply with the terms and conditions of the covered transaction; or

(B) Pursuing any other available remedies, including suspension and debarment.

(4) Information required to be disclosed in accordance with these regulations that becomes known to the primary participant, subparticipant, or their principals during a covered transaction to which they are party must be disclosed immediately.

(5) A change in circumstances which results in any of the primary participants, subparticipants, or their principals meeting any of the criteria in the 4 CSR 170-8.060 during a covered transaction to which they are party must be disclosed immediately.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.060 Causes for Debarment of a Person(s)

PURPOSE: This rule establishes the grounds upon which a person may be debarred from participating in covered transactions with the Missouri Housing Development Commission.

(1) In the public interest, the commission may debar a person for any of the following causes:

(A) Conviction or Civil Judgment for—

1. Acts of fraud or a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contracts or subcontracts; or

2. Acts of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty; or

3. Violation of any federal or state antitrust statute, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; or

4. Violation of the federal Anti-Kickback Acts, 18 U.S.C. section 874 and 40 U.S.C. section 3145; or

5. Violation of any of the laws governing the conduct of elections of the federal government or of the state of Missouri or its political subdivisions; or

6. Violation of any Missouri laws prohibiting discrimination, including, but not limited to, acts of discrimination prohibited under section 213.040, RSMo, et seq., and section 215.110, RSMo, et seq.; or

7. Violation of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor; or

8. Violations of any laws governing the conduct of occupations or professions or regulated industries; or

9. Any other offense, or violation of any other law(s), which may indicate a lack of responsibility, business integrity, or business honesty that seriously and directly affects the present responsibility of a person;

(B) Violation of the terms of a covered transaction so serious as to affect the integrity of a program administered by the commission such as—

1. A willful failure to perform in accordance with the terms of one (1) or more covered transactions, or within the contractual time limits for one (1) or more covered transactions;

2. A history of failure to perform or of unsatisfactory performance of one (1) or more covered transactions, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person to be debarred; or

3. A willful violation of a statutory or regulatory provision or requirement applicable to a covered transaction;

(C) Any violation of the Workforce Eligibility Policy;

(D) Failure to pay a single substantial debt or a number of outstanding debts (including disallowed costs and overpayment, but not including sums owed the federal government under the *Internal Revenue Code*) owed to any federal agency or instrumentality, provided the debt is uncontested by the debtor or, if contested, provided that the debtor's legal and administrative remedies have been exhausted;

(E) Debarment by any instrumentality, department, or agency of the state of Missouri or of any other state;

(F) Debarment by the Department of Housing and Urban Development, Federal Housing Administration, or any other instrumentality, agency, or department of the United States government;

(G) Knowingly doing business with a debarred, suspended, ineligible, or voluntarily excluded person in connection with a covered transaction;

(H) Any violation of the Missouri Housing Development Commission (MHDC) Standards of Conduct;

(I) Improper communication in violation of the Contact with the Commission and Employees Policy;

(J) Violation of a material provision of any settlement of a debarment or suspension action; and

(K) Any other cause affecting the responsibility of a person that is of such a serious and compelling nature as may be determined by the commission to warrant debarment, even if such conduct has not been or may not be prosecuted as a violation of any law or contract.

(2) Any act by an individual of any of the grounds for debarment stipulated under subsection (1)(A) may be imputed to an affiliate of a person where such conduct was accomplished within the course of the affiliate's official duty or was effected by the individual with the knowledge or approval of such person.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.070 Conditions Affecting the Debarment of a Person(s)

PURPOSE: This rule sets forth the conditions and level of proof required to debar a person.

(1) The following conditions shall apply concerning debarment:

(A) Debarment shall be made only upon approval of the members of the commission upon their own action or upon recommendation by the executive director of the commission, except as otherwise provided by law;

(B) The existence of any of the causes set forth in 4 CSR 170-8.060 shall not necessarily require that a person be debarred. In each instance, unless otherwise required by law, the decision to debar shall be made within the discretion of the commission, upon the recommendation of its members or upon recommendation by the executive director, taking into account the seriousness of the acts or omissions and any mitigating factors which the commission may consider and shall be rendered in the best interests of the state of Missouri;

(C) All mitigating factors shall be considered in determining the seriousness of the offense, failure, or inadequacy of performance in deciding whether debarment is warranted;

(D) The existence of a cause set forth in subsection 4 CSR 170-8.060(1)(A), as well as in subsection 4 CSR 170-8.060(1)(D) where the debt is contested, shall be established upon the rendering of a final judgment or conviction, including a guilty plea or a plea of *nolo contendere* by a court of competent jurisdiction or by an administrative agency empowered to render such judgment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon request of the debarred person unless other cause for debarment exists;

(E) The existence of a cause set forth in paragraphs 4 CSR 170-8.060(1)(B)1.-3. or subsections 4 CSR 170-8.060(1)(H) or (1)(K) shall be established by competent and substantial evidence; and

(F) Debarment for any cause set forth in subsections 4 CSR 170-8.060(1)(E)-(1)(F) shall be proper, provided that one (1) of the causes set forth in subsection 4 CSR 170-8.060(1)(A), (1)(B), or (1)(K) was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.080 Period of Debarment

PURPOSE: This rule establishes guidelines for establishing the period of time for which debarment may be imposed, as well as the grounds upon which the period of debarment may be either extended, reduced, or terminated early.

(1) Debarment shall be for a reasonable, definitely stated period of time which, as a general rule, shall not exceed five (5) years. If a temporary suspension is imposed under section 4 CSR 170-8.140(2), the time of debarment imposed on the person shall be reduced by the amount of time the person was temporarily suspended.

(2) The debarring official may extend an existing debarment for an additional period at its discretion if the debarring official determines that an extension is necessary to protect the public interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined to be necessary, the debarment procedures set forth in 4 CSR 170-8.060 shall be followed to extend the debarment.

(3) Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced in the discretion of the debarring official upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief. The debarring official may grant such a request for reasons including, but not limited to:

- (A) Newly discovered material evidence;
- (B) Reversal of the conviction or civil judgment upon which the debarment was based;
- (C) Bona fide change in ownership, management, or control;
- (D) Elimination of other causes for which the debarment was imposed; or
- (E) Other reasons which the debarring official may deem appropriate.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.090 Scope and Effect of Debarment

PURPOSE: This rule establishes the scope and effect of the debarment of a person.

(1) Debarment of a person under these regulations constitutes a debarment of all its divisions and other organizational elements from all covered transactions and shall effectively exclude the debarred person as either a grantee/recipient or subgrantee/subrecipient from any program. However, the debarring official may, in its discretion, limit the scope and terms of the debarment decision to one (1) or more specifically identified individuals, divisions, or other organizational elements or to specific types of transactions.

(2) A debarment may include all known affiliates of a person provided that each decision to include an affiliate is made on a case-by-case basis after giving due regard to all relevant facts and circumstances and provided that the procedures set forth in 4 CSR 170-8.040 are followed for all such affiliates to be debarred.

(3) The debarring official may grant an exception permitting a debarred person to participate in one (1) or more programs upon a written determination by the debarring official stating the reasons for deviating from the debarment.

(4) At the discretion of the debarring official, an ongoing program or contractual arrangement may be carried out to completion by a debarred person notwithstanding the debarment.

(5) Any person engaged in a covered transaction with the commission shall not renew or extend covered transactions with any person who is debarred or suspended except as allowed under the preceding section.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.100 Causes for Suspension of a Person(s)

PURPOSE: This rule establishes the causes for suspending a person from covered transactions with the Missouri Housing Development Commission.

(1) In the public interest, the Missouri Housing Development Commission (commission) may suspend a person for any cause specified in 4 CSR 170-8.060 or upon reasonable suspicion that such cause exists.

(2) The commission may also suspend a person awaiting verdict or civil judgment in any action as described in 4 CSR 170-8.060 until such verdict or civil judgment is rendered.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.110 Conditions Affecting the Suspension of a Person(s)

PURPOSE: This rule establishes the conditions affecting the suspension of a person from covered transactions with the Missouri Housing Development Commission.

(1) The following conditions shall apply concerning suspension:

(A) Suspension shall be imposed only upon the approval of the executive director, either by his/her own action or upon recommendation by the Missouri Housing Development Commission (commission);

(B) The existence of any cause for suspension shall not require that a suspension be imposed, and any decision to suspend shall be at the

discretion of the executive director of the commission, either upon their own action or upon recommendation by the executive director, and such decision shall be rendered in the best interests of the state;

(C) Suspension shall not be based upon unsupported accusation, but must be supported by adequate evidence that cause exists or upon evidence adequate to create a reasonable suspicion that cause exists;

(D) In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, and to inferences which may properly be drawn from the existence or absence of affirmative facts;

(E) Reasonable suspicion of the existence of a cause described in 4 CSR 170-8.060 may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did in fact occur; and

(F) A suspension or debarment invoked by another agency for any of the causes described in 4 CSR 170-8.060 may be the basis for the imposition of a concurrent suspension by the commission, which suspension may be imposed when found to be in the best interest of the state.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.120 Period of Suspension

PURPOSE: This rule establishes the criteria for determining the period of suspension of a person from a covered transaction with the Missouri Housing Development Commission.

(1) Suspension shall be for a temporary period of time pending the completion of an investigation by the Missouri Housing Development Commission (MHDC) into causes for debarment or while awaiting verdict or civil judgment in any action as described in 4 CSR 170-8.060, unless terminated sooner by the suspending official, or as provided in section (2) of this rule.

(2) If legal proceedings originating within MHDC or with a person outside of MHDC or administrative proceedings originating with a person outside of MHDC are not initiated within twelve (12) months, the suspension shall be terminated unless the suspending official determines that there is adequate evidence that cause for debarment exists, in which case the suspending official may extend the suspension for an additional six (6) months. In no event may a suspension

under this section extend beyond eighteen (18) months unless proceedings have been initiated within that time period.

(3) If administrative proceedings originating with MHDC are not initiated within six (6) months, the suspension shall be terminated unless the suspending official determines that there is adequate evidence that cause for debarment exists, in which case the suspending official may extend for an additional six (6) months. In no event may a suspension for administrative proceedings originating within MHDC extend beyond twelve (12) months.

(4) The suspending official shall notify the general counsel of any proposed change(s) in the period of suspension at least forty-five (45) days prior to the proposed date of said change(s). The general counsel shall have fifteen (15) days to review the proposed change(s) to insure all proper procedures and policies have been followed. The excluded person shall be notified subsequent to the general counsel's review, but in no event shall the excluded person be notified less than thirty (30) days prior to the date that the proposed change is to take effect.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.130 Scope of Suspension

PURPOSE: This rule establishes the scope of suspension of a person from a covered transaction with the Missouri Housing Development Commission.

(1) Suspension of a person under these regulations constitutes suspension of all its divisions and other organizational elements from all covered transactions, unless the suspension is limited by its terms to one (1) or more specifically identified individuals, divisions, or other organizational elements or to specific types of transactions.

(2) A suspension may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case-by-case basis after giving due regard to all relevant facts and circumstances. Such affiliates must be notified of said suspension and given an opportunity to respond in accordance with the procedure for suspension as set out in these regulations.

(3) The offense, failure, or inadequacy of performance of an individual may be imputed to a person's affiliate where such conduct was accomplished within the course of his official duty or was effectuated by him with the knowledge or approval of such affiliate.

(4) At the discretion of the Missouri Housing Development Commission (commission), an ongoing program or contractual arrangement may be carried out to completion by a suspended person notwithstanding the suspension.

(5) Any person engaged in a covered transaction with the commission shall not renew or extend covered transactions with any person who is suspended except as allowed under the preceding section.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.140 Suspension and Debarment Procedures

PURPOSE: This rule establishes the procedures for suspending or debarring a person and the procedures for obtaining reinstatement following the suspension or debarment.

(1) The debarment and suspension process shall be conducted as informally as practicable, consistent with the fundamental principles of fairness, using the procedures outlined as follows:

(A) When the commission subcommittee determines that grounds for suspension or debarment as described in 4 CSR 170-8.060 exist, the executive director shall notify the person by personal delivery or in writing by certified mail, return receipt requested, that suspension or debarment is under consideration. All such notices shall be sent via a traceable form of delivery service, such as Federal Express, UPS, certified mail, etc. Such notice shall provide the following information:

1. What action is being considered (i.e., suspension or debarment);
2. The basis upon which suspension or debarment is being considered;
3. The proposed scope of the suspension or debarment;
4. The proposed time period of the suspension or debarment;
5. Notice of the person's right to request an informal hearing with the commission subcommittee, which request must be made in writing; and

6. The time period within which the written request for a hearing must be received by the commission subcommittee. The time period provided in the notice shall be thirty (30) calendar days from the date of receipt by the executive director;

(B) If the person fails to respond to the notice within the time provided, the opportunity to exercise the rights provided in this section shall be deemed waived, and the executive director shall make the determination on whether to suspend or debar the person based on all the information germane to the issue and available to him. The person shall then be notified of the final decision in writing by certified mail, return receipt requested;

(C) If the person provides a timely response to the notice and exercises its right to a hearing with the commission subcommittee, the commission subcommittee shall hold a hearing with the person within thirty (30) days of the date the request for a hearing is received. The deadline for conducting the hearing may be extended for an additional thirty (30) days upon written request of the commission subcommittee or of the person for whom suspension or debarment is being considered, provided that notice of the extension is provided to all parties;

(D) The following guidelines and rules shall apply to a hearing held under this section:

1. The hearing shall not be considered a contested case;
2. The hearing shall be informal and no formal rules of evidence or procedure shall apply;

3. The person may be represented by counsel at the hearing and shall have the right to present evidence or arguments relevant to the grounds upon which the proposed suspension or debarment is based. If the person elects to be represented by counsel, the person shall notify the commission subcommittee of this intent at least five (5) days prior to the scheduled hearing;

4. The commission subcommittee, in reaching a decision, may consider information from any source which is relevant to the proposed suspension or debarment and shall consider all facts and circumstances upon which the proposed suspension or debarment is based, including, but not limited to:

A. The nature of the acts involved;
B. The duration of the person's involvement in the acts;
C. The extent of the damage caused to the state of Missouri and the commission by the person's acts;
D. Whether and to what extent the person subsequently cooperated with the appropriate authorities;
E. The conditions under which the person cooperated;
F. The degree to which the person made restitution;
G. The time when the acts occurred and the conduct of the person since that time;

H. Where the proposed suspension or debarment is based on a conviction or civil judgment or upon debarment by another local, state, or federal agency, the record of the court or agency rendering the decision;

5. The chairperson of the commission subcommittee may limit the hearing in time and substance in a manner which is reasonable to the present matter;

6. All hearings under this section shall be transcribed; and

7. The person or anyone acting on the behalf of or under the control of the person shall be prohibited from ex parte communication with any member of the Missouri Housing Development Commission (commission) or the commission subcommittee;

(E) Within thirty (30) days of the date on which the hearing is held, the commission subcommittee shall issue a decision in writing to the person.

1. If the commission subcommittee determines that suspension or debarment is not warranted, the decision shall notify the person that it will not be suspended or debarred for the grounds on which the hearing was held. Further, if the person was suspended pending the outcome of the hearing, the decision shall state that the person's suspension has been rescinded as of the date of the decision.

2. If the commission subcommittee determines that suspension or debarment is warranted, the decision shall notify the person of the following:

A. Whether the person is suspended or debarred;
B. The grounds upon which the suspension or debarment is being based;

C. The scope and duration of the suspension or debarment;
D. Any requirements the person must fulfill in order to be eligible to participate in programs and/or contracts administered by the commission following the termination of the suspension or debarment period;

E. Notice of the person's right to appeal the commission subcommittee's decision to the commission;

F. The time period within which a written appeal must be submitted to and received by the commission subcommittee and the commission. The time period for such appeal provided in the notice shall be thirty (30) days; and

G. Whether or not the person may continue with any covered transaction already in progress;

(F) If the person submits an appeal to the commission, a hearing for the appeal shall be held within sixty (60) days of the date upon which the request for an appeal hearing is received by the commission. The deadline for conducting the hearing may be extended for an additional thirty (30) days upon written request of the commission or of the person filing the appeal, provided that notice of the extension is provided to all parties;

(G) The following guidelines and rules shall apply to an appeal hearing held by the commission:

1. The appeal hearing shall not be considered a contested case;
2. The hearing shall be informal and no formal rules of evidence or procedure shall apply;

3. The person may be represented by counsel at the hearing and shall have the right to present evidence or arguments relevant to the grounds upon which the decision to suspend or debar the person was based. If the person elects to be represented by counsel, the person shall notify the commission of this intent at least five (5) days prior to the scheduled hearing;

4. The chairperson of the commission may limit the hearing in time and substance in a manner which is reasonable to the present matter;

5. The commission, in reaching a decision, may only consider items in the record of the hearing held by the commission subcommittee; however, the commission may consider evidence that was not available at the initial hearing, but only if the person providing the additional evidence can show good cause for why it was not presented at the initial hearing. The commission shall uphold the commission subcommittee's decision(s) unless it determines that the commission subcommittee's decision was not based on competent and substantial evidence;

(H) Within thirty (30) days of the date upon which the appeal hearing is held, the commission shall issue a decision in writing to the person. This decision shall be considered the final decision of the commission on the matter. However, the commission's decision shall not be considered final if the commission finds appropriate grounds to remand the issue back to the commission subcommittee for further investigation and fact gathering. If the commission does remand the issue back to the commission subcommittee, the same procedures spelled out in this rule shall apply to all further proceedings with the commission subcommittee and/or commission until a final decision is reached; and

(I) Any appeal of the final determination of the commission under subsections 4 CSR 170-8.140(1)(F)-(H) shall be rightfully appealed only to a court of competent jurisdiction in Jackson County, Missouri.

(2) A person may be temporarily suspended pending the conclusion of all procedures set forth in section (1) of this rule. If a person is to be temporarily suspended, the initial notice described in subsection

(1)(A) of this rule shall, in addition to containing the information required under that subsection, include a statement that the person is being temporarily suspended pending a resolution of the issue and shall inform the person that the temporary suspension shall be effective as of the date the notice was mailed or personally delivered.

(3) In order to be granted reinstatement to good standing with the commission, and thereby be allowed to participate in programs and/or contracts administered by the commission, the suspended or debarred person must apply to the commission subcommittee for reinstatement upon completion of the term of suspension or debarment. Such application shall include any and all relevant documentation showing how the person has complied with all terms of the suspension or debarment and how the person has complied with all requirements stipulated in the original decision rendered by the commission subcommittee. The commission subcommittee may request additional information or documentation from the suspended or debarred person as they may deem reasonably necessary in order to render a determination on whether the application for reinstatement should be granted or denied. The executive director shall respond in writing to the person's application for reinstatement within thirty (30) days of the date all requested information is received. However, the commission subcommittee may extend the response period for an additional thirty (30) days when deemed necessary at the commission subcommittee's sole discretion, provided that the commission subcommittee provides written notice to the person submitting the application of the extension. If the commission subcommittee denies the application for reinstatement, the written response shall specify the reasons why the application has been denied and apprise the person of their right to request a hearing with the commission subcommittee. In the event a hearing is so requested, the same procedures set forth in section (1) shall be used to reach a final determination by the commission on the application for reinstatement.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. II, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.150 Prohibited Activities of Persons; Reporting Requirements

PURPOSE: This rule establishes prohibitions against certain activities and/or compensation being exchanged between commission members and employees and persons who are or may become a party to a covered transaction with the commission.

(1) In order to ensure that all persons meet a standard of responsibility which assures the Missouri Housing Development Commission (commission) and the state and its citizens that such persons will both compete and perform honestly in their dealings with the commission and avoid conflicts of interest, all persons shall comply with the commission's Standards of Conduct Policy. To the extent a violation of the commission's Standards of Conduct Policy calls for suspension or debarment procedures as it pertains to any person, the provisions of 4 CSR 170-8.140 shall be modified in the following manner:

(A) All references to the commission subcommittee in subsections 4 CSR 170-8.140 (1)(A)–(1)(E) shall be replaced with commission; and

(B) Any appeal of an initial determination by the commission action under provisions of subsections 4 CSR 170-8.140(1)(A)–(1)(E) shall be appealed to a court of competent jurisdiction in Jackson County, Missouri.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. II, 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 Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.160 Discretion

PURPOSE: This rule establishes the discretion left to the commission to enter into or not enter into contracts with any person.

(1) Nothing contained herein shall be construed to limit the authority of the Missouri Housing Development Commission (commission) to contract or to refrain from contracting within the discretion allowed by law.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. II, 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 Housing Development Commission, Attn: Bramwell E. Higgins,

General Counsel, 3435 Broadway, Kansas City, MO 64111. 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 1—Organization; General Provisions

PROPOSED AMENDMENT

7 CSR 10-1.010 Description, Organization, and Information. The Missouri Highways and Transportation Commission is amending subsections (2)(A) through (2)(D) and section (3).

PURPOSE: This proposed amendment updates the Department of Transportation's (MoDOT) organizational structure consistent with MoDOT's business practices.

(2) The commission appoints a director and a secretary under Chapter 226, RSMo.

(A) General Management.

1. The director is the chief executive officer and **is appointed by, and** serves at the discretion of, the commission. The director appoints a chief engineer, chief financial officer, chief counsel (with the consent of the commission), and other leaders and employees as the commission may designate and deem necessary. Under the direction of the commission, the director is responsible for the overall operations and performance of the department and prescribes the duties and authority of leaders and employees. The selection and removal of all employees is without regard to political affiliation. The *[director appoints a]* **duties of the** chief engineer, chief financial officer, chief counsel, and other administrators *[with duties]* **are** as follows:

A. The chief engineer has input on overall department decisions at MoDOT as well as overseeing engineering operations such as planning, construction, and maintenance. This position reports directly to the director and serves as the primary advisor regarding engineering issues. The chief engineer handles MoDOT's day-to-day operations. The chief engineer is also responsible for preparation and approval of all engineering documents, plans, and specifications. This position provides general oversight of all design, construction, and maintenance work for the department as determined by the director.

(I) The director of system management has the overall responsibility for motor carrier services, highway safety, traffic and maintenance, and other activities related to them.

(II) The director of program delivery has the overall responsibility for right of way, construction and materials, transportation planning, *[and]* highway and bridge design functions, **and external civil rights**.

B. The chief financial officer is responsible for all administrative operations of MoDOT. This position provides general oversight of financial and business planning, information technology, and other administrative and financial functions as determined by the director.

C. The director of audits and investigations is responsible for ensuring *[the]* integrity in the operations of the department, resolving conflicts, and internal and external Equal Employment Opportunity (EEO) complaints. The director of audits and investigations also is responsible for providing internal control and audit assurance to MoDOT and the commission. Responsibilities include $[:]$ conducting internal reviews of *[functional unit]* **division** and district operations to ensure the integrity of financial management in all areas of cost generation and payments.

D. The community relations director is responsible for disseminating information on the activities of the commission and MoDOT to the public and to MoDOT personnel. Community relations coordinates customer comments to MoDOT through public involvement meetings, customer service representatives, and surveys. Community relations helps MoDOT communicate with news media through news releases and personal contact. Community relations also improves MoDOT contact with customers by preparing speeches, publications, displays, and plans for communication and marketing.

E. The governmental relations director is responsible for providing liaison between MoDOT, congressional delegations, and the Missouri Legislature. Staff members disseminate information regarding proposed legislation affecting MoDOT and analyze the content of legislation, legislative proposals, and policy options.

F. The organizational results director is responsible for spearheading and directing organizational performance measures to be reported in the TRACKER. The organizational results director facilitates process improvement, customer satisfaction, and problem solving teams to improve operational performance. The organizational results director also oversees MoDOT's research efforts regarding policy studies, finance, community, and economic development as related to transportation, as well as research in the environmental area.

G. The chief counsel advises and represents the commission and the director in all actions and proceedings to which either may be a party or in proceedings under Chapters 226 and 227, RSMo, or with respect to any law administered by the commission or any order or proceeding of the commission. S/he is directly responsible for drafting all contracts, conveyances, agreements, or other documents affecting the commission, property held or acquired by it, and any action taken by the commission. The chief counsel, with the director's approval, appoints assistant counsel as necessary to represent the commission and the department.

2. The secretary to the commission is responsible for maintaining records of all proceedings of the commission and is the custodian of all records, documents, and papers filed with the commission, department, and other public governmental bodies established by the commission.

(B) MoDOT pursues its mission through the following divisions:

1. Bridge is responsible for the structural design and detailed plans production for all state highway bridges, including cost estimates and site-specific job special provisions. Additional responsibilities include maintaining the National Bridge Inventory, recommending load posting limits for both state and non-state bridges, and analyzing structures for special superload overweight permit loads traveling within the state.

2. Construction and Materials is responsible for administering all construction contracts awarded by the commission. Contracts are awarded through the competitive bid process, and then work is assigned to project offices located geographically throughout the state. Engineers and technicians assigned to these project offices do field surveying and perform quality control tests on the work performed by contractors to ensure quality construction that improves Missouri's transportation system. *[Construction and Materials is responsible for carrying forward MoDOT's commitment to EEO and affirmative action with the contractors with whom MoDOT does business.]* Construction and Materials is responsible for sampling and testing of materials used in the construction and maintenance of roadways and structures to ensure compliance with applicable standards and specifications. Construction and Materials personnel analyze pavement designs, roadway foundations, asphaltic concrete, and Portland cement mixtures, as well as carry out soil and subsurface condition surveys and furnish geotechnical information for the design, construction, and maintenance of roads and structures.

3. Controller's Division provides administrative support to MoDOT in accounting, financial reporting and policy development,

building and maintaining an effective system of internal controls, and cost accounting.

4. Design is responsible for the location, environmental, and cultural resource studies required for initial evaluation of proposed projects; detailed route studies, ground surveys, and aerial photography; and design and plan preparation including cost estimates for the state transportation projects. Design advertises and makes all preparations for receiving bids for transportation project contracts including the development of specifications and cost estimates prior to advertising for bids.

[5. *Employee Benefits is responsible for management and implementation of medical and life insurance plans for department employees and retirees. Employee Benefits also provides support to the MoDOT and Patrol Employees' Retirement System.*]

[6.]5. Equal Opportunity and Diversity is responsible for [MoDOT's commitment to EEO and affirmative action by integrating diversity, equity, and fairness principles into all practices and processes of the department.] **directing the department's Affirmative Action Program and other initiatives aimed at achieving and maintaining a diverse workforce.**

6. External Civil Rights is responsible for directing the department's external affirmative action, equal opportunity, and nondiscrimination programs, which include the Disadvantaged Business Enterprise Program, On-the-Job Training Program, Equal Employment Opportunity, Title VI, Americans with Disabilities Act (ADA), and all other nondiscrimination or affirmative action programs related to federal-aid contracting activities.

7. General Services is responsible for supporting MoDOT activities by providing guidance and support services in the areas of facilities management, procurement, distribution center services, fleet management, and equipment repair.

8. Highway Safety is responsible for planning, directing, and coordinating the solicitation, review, award, and monitoring of federal highway safety grant contracts. Highway Safety concentrates their efforts in the areas of education, enforcement, and engineering in order to prevent deaths and injuries from motor vehicle accidents.

9. Human Resources is responsible for continually developing and improving human resource processes that support MoDOT and its employees in contributing to a quality transportation system. Responsibilities include **nationally** recruiting [nationally for] college graduates for placement throughout the state and administering employee development programs, personnel policies, the department's pay system, and personnel records.

10. Information Systems is responsible for providing and improving information and communication services used by employees of MoDOT through the operation and maintenance of local and statewide data networks and telephone services. Information Systems staff provide applications programming expertise to support the engineering, financial, operational, and general information needs of MoDOT.

11. Maintenance is responsible for assisting and supporting maintenance activities for the preservation and operation of the state highway system.

12. Motor Carrier Services provides information, credentials, and permits and enforces safety for businesses and individuals interested in commercial **property and passenger-carrying** operations on public highways in and through Missouri.

13. Multimodal Operations is responsible for administering state and federal programs [and funds by coordinating and cooperating with owners and operators of the various non-highway transportation systems which include air, rail, waterways and transit].

A. The aviation section is responsible for the administration of federal and state grant programs that help local governments in planning, maintaining, and developing existing airports and establishing new facilities.

B. The railroads section is responsible for improving rail freight and passenger service by working with federal agencies and the railroads.

C. The waterways section is responsible for developing and promoting appropriate use of navigable waterways, including the development of ports.

D. The transit section is responsible for developing or assisting in developing public transit systems, including systems for the elderly and handicapped, in both urban and rural areas.] that support and develop non-highway passenger and freight transportation, which include airports, passenger/freight rail operations, public transportation, and waterborne commerce. Major programs include capital improvements, operating support, technical assistance, safety outreach, and identifying freight efficiencies/opportunities.

14. Resource Management is responsible for coordinating financial resources and spending plans through forecasting, analysis, [and] training, and **administering the scenic byway program.** Resource Management performs financial planning and fiscal analysis, budget, federal aid, and innovative finance administration functions for the department.

15. Right of Way is responsible for acquisition of right of way required for the construction and maintenance of all highways in addition to properties incidental to the system of state highways in Missouri, and provides relocation assistance for all persons displaced by the commission's right of way acquisition. Right of Way administers the disposal or lease of land considered excess to commission needs[,] and the regulation of outdoor advertising billboards and junkyards adjacent to state highways.

16. [Risk Management is responsible for administration of MoDOT's self-insurance operations and is responsible for workers' compensation, fleet liability, general liability and property damage recovery. Also included under the risk management umbrella are the safety and health programs.] **Risk and Benefits Management is responsible for the management and implementation of medical and life insurance plans for department employees and retirees; administration of MoDOT's self-insurance operations, including workers' compensation, fleet liability, general liability, and property damage recovery; and administration of the safety and health programs. Risk and Benefits Management also provides support to the MoDOT and Patrol Employees' Retirement System.**

17. Traffic is responsible for the safe and efficient movement of people and goods on the state highway system. This includes supporting signing, striping, traffic signals, lighting, intelligent transportation systems (ITS), roadway access, and safety management programs throughout the state. Traffic is responsible for the coordination of traffic management, incident management, traveler information services, and telecommunications network.

18. Transportation Planning is responsible for collecting, managing, and analyzing data to provide a single source of information to support MoDOT's decision process; developing and tracking the 5-Year Highway and Bridge Construction Schedule and the Statewide Transportation Improvement Program; mapping; and developing and coordinating a long range, total transportation system for MoDOT/[and the scenic byway program].

(C) Missouri is geographically divided into ten (10) Department of Transportation districts with a district office in each district. Each district office is led by a district engineer who is responsible for supervising all activities of [the] MoDOT within that particular district. The following counties are included in the indicated district: District 1 includes: Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Harrison, Holt, Nodaway, and Worth; District 2 includes: Adair, Carroll, Chariton, Grundy, Howard, Linn, Livingston, Macon, Mercer, Putnam, Randolph, Saline, Schuyler, and Sullivan; District 3 includes: Audrain, Clark, Knox, Lewis, Lincoln, Marion, Monroe, Montgomery, Pike, Ralls, Scotland, Shelby, and Warren; District 4 includes: Cass, Clay, Henry, Jackson,

Johnson, Lafayette, Platte, and Ray; District 5 includes: Benton, Boone, Callaway, Camden, Cole, Cooper, Gasconade, Maries, Miller, Moniteau, Morgan, Osage, and Pettis; District 6 includes: Franklin, Jefferson, St. Charles, St. Louis, and the City of St. Louis; District 7 includes: Barry, Barton, Bates, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair, and Vernon; District 8 includes: Christian, Dallas, Douglas, Greene, Hickory, Laclede, Ozark, Polk, Stone, Taney, Webster, and Wright; District 9 includes: Carter, Crawford, Dent, Howell, Iron, Oregon, Phelps, Pulaski, Reynolds, Ripley, Shannon, Texas, and Washington; and District 10 includes: Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Scott, St. Francois, Ste. Genevieve, Stoddard, and Wayne.

(D) Although attached to the commission or MoDOT by law for organizational purposes, the following commissions, authorities, and districts operate independently of MoDOT: the Missouri-Tennessee Bridge Commission; the Bi-State Metropolitan Development District; the Missouri-St. Louis Metropolitan Airport Authority; the Kansas City Area Transportation Authority District; and the Mississippi River Parkway Commission. The Mississippi River Parkway Commission is authorized by sections 226.440–226.465, RSMo. All the other entities are authorized by section 14 of the Omnibus State Reorganization Act of 1974.

(3) The official residence of the commission, as well as the offices of the director, chief counsel, commission secretary, and divisions of MoDOT, is the *[State Highways and Transportation]* **Missouri Department of Transportation** Building in Jefferson City, Missouri. Written inquiries by the public should be addressed to the Commission Secretary, *[State Highways and Transportation]* **Missouri Department of Transportation** Building, PO Box 270, Jefferson City, MO 65102. The general information telephone number is (573) 751-2551. Inquiries may be made via *[E-mail]* **email** by sending electronically to comments@modot.mo.gov. Information from any district office of the department may be obtained in person, by writing, or by telephoning the District Engineer, Missouri Department of Transportation: District 1, 3602 North Belt Highway, *[PO Box 287,]* St. Joseph, MO *[64502]* **64506-1399**, (816) 387-2350; District 2, *[U.S. Route 63]* **902 North Missouri Street**, PO Box 8, Macon, MO 63552, (660) 385-3176; District 3, 1711 South *[Route]* **Highway 61**, PO Box 1067, Hannibal, MO 63401, (573) 248-2490; District 4, 600 NE Colbern Rd., Lee's Summit, MO 64086, (816) 622-6500; District 5, 1511 Missouri Boulevard, PO Box 718, Jefferson City, MO 65102, (573) 751-3322; District 6, 1590 Woodlake Drive, Chesterfield, MO 63017, (314) *[340-4100]* **275-1500**; District 7, 3901 East 32nd Street, *[PO Box 1445,]* Joplin, MO *[64802]* **64804**, (417) *[629-3300]* **621-6500**; District 8, 3025 East Kearney, *[M.P.O.]* **PO** Box 868, Springfield, MO 65801, (417) 895-7600; District 9, 910 Springfield Rd., PO Box 220, Willow Springs, MO 65793, (417) 469-3134; and District 10, 2675 N. Main Street, PO Box 160, Sikeston, MO 63801, (573) 472-5333.

AUTHORITY: section 536.023, RSMo Supp. 2009. Original rule filed Oct. 14, 1976, effective March 1, 1977. Amended: Filed March 4, 1983, effective June 15, 1983. Rescinded and readopted: Filed June 13, 2000, effective Jan. 30, 2001. Amended: Filed June 15, 2006, effective Jan. 30, 2007. Amended: Filed Feb. 5, 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

Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

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

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85—Division of Business and Community Services

Chapter 6—Recovery Zone Bond Allocation, Waiver, and Reallocation

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Economic Development (DED) under section 108.1010, RSMo Supp. 2009, the DED adopts a rule as follows:

4 CSR 85-6.010 Recovery Zone Bond Allocation, Waiver, and Reallocation **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 2, 2009 (34 MoReg 2381–2385). 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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 50—Division of School Improvement Chapter 345—Missouri School Improvement Program

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 162.081, and 168.081, RSMo Supp. 2009 and section 167.131, RSMo 2000, the board withdraws a rule as follows:

5 CSR 50-345.105 Missouri School Improvement Program—Fifth Cycle **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2009 (34 MoReg 2141–2143). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The department received five hundred sixty-three (563) comments. Three hundred thirty (330) comments raised concerns about the changes in Career Education Standards. One hundred nineteen (119) comments were received regarding the elimination of the standard for gifted education under the Missouri School Improvement Program (MSIP). One hundred fourteen (114) comments regarded changes to the incorporated by reference material, "MSIP Standards and Indicators Manual."

RESPONSE: The department is in the process of reviewing all agency standards with regard to alignment with the state's Race to the Top grant application; MSIP standards will be a part of that review. Based upon these factors, the department has withdrawn the proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 50—Division of School Improvement Chapter 345—Missouri School Improvement Program

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.518, 160.545, 161.092, and 163.031, RSMo Supp. 2009 and section 161.210, RSMo 2000, the board withdraws a rule as follows:

5 CSR 50-345.205 Waiver of Regulations—Fifth Cycle **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2009 (34 MoReg 2144–2145). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: No comments were received for this rule; however, comments received for 5 CSR 50-345.105 affect this rule as well.

RESPONSE: Based upon the comments received regarding 5 CSR 50-345.105, which establishes standards for the Fifth Cycle of the Missouri School Improvement Program (MSIP), and the current review of agency standards with regard to the state's Race to the Top grant application, the department has withdrawn the proposed rule. 5 CSR 50-345.205 establishes the process for waiver of Fifth Cycle MSIP standards for qualified school districts. As the process must be coordinated with the Fifth Cycle standards, the department is withdrawing the proposed rule and will republish contemporaneously with the Fifth Cycle standards.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 60—Division of Career Education Chapter 100—Adult Education

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092 and 167.031, RSMo Supp. 2009 and section 178.430, RSMo 2000, the board hereby amends a rule as follows:

5 CSR 60-100.010 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. There are no public hearing requirements for a state plan revision.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes Missouri's adult education programs, services, and activities, in accordance with the Adult Education and Family Literacy Act of 1998 (Title II of the Workforce Investment Act of 1998, Public Law 105-659).

5 CSR 60-100.010 Missouri State Plan for Adult Education. The board is amending the text of the rule and the incorporated by reference material.

PURPOSE: This amendment is needed to bring the program plan into compliance with changes in section 167.031, RSMo, which changed the state compulsory attendance requirement from age sixteen (16) to age seventeen (17). Section 3.2 of the program plan has been changed to meet state statutory requirements.

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. This note applies only to the reference material. The entire text of the rule is printed here.

The Missouri State Board of Education is responsible for administering and supervising the adult education program at the state level to provide adult education and literacy services, including workplace literacy services, family literacy, and English literacy programs. Funds will be distributed to eligible providers such as local education agencies, public or private nonprofit agencies, community-based organizations, correctional education agencies, postsecondary educational institutions, and other institutions that have the ability to provide comprehensive literacy services to adults and families for the purpose of providing instruction in adult education, which is designed to teach persons out of school who are seventeen (17) years of age or older or meet the compulsory attendance requirements of section 167.031, RSMo, to obtain sufficient mastery of basic educational skills to enable them to function effectively in society. The program priorities and objectives are—to assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency, assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children, and assist adults in the completion of a secondary school education and/or obtain a high school equivalence certificate. These objectives are achieved by providing funds to eligible providers and by providing professional development for adult education staff members through local, state, regional, and national sponsored training programs. Project applications are reviewed to assure their compliance with federal and state guidelines. Eligible providers are responsible for meeting federal and state performance measures incorporated in the five (5)-year program plan, as revised, for adult education, which serves as an agreement between state and federal governments regarding the conduct and administration of the program in Missouri for Fiscal Years 2000–2004, as revised. The Missouri Adult Education and Literacy

State Plan 2000–2004 (Revised 2009) is hereby incorporated by reference and made a part of this rule. A copy of the state plan may be obtained by contacting the Adult Education and Literacy Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092 and 167.031, RSMo Supp. 2009 and section 178.430, RSMo 2000. Original rule filed Oct. 15, 1975, effective Oct. 26, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 4, 2010, effective April 30, 2010.

PUBLIC COST: This order of rulemaking will cost state agencies or political subdivisions in the aggregate \$14,305,821 for Fiscal Year 2010 based on the monies expected to be available from the U.S. Department of Education with that cost recurring over the life of the rule subject to annual appropriations.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education .

Division: 60 - Career Education

Chapter: 100 - Adult Education

Type of Rulemaking: Order of Rulemaking

Rule Number and Name: 5 CSR 60-100.010 Missouri State Plan for Adult Education

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)	General Assembly	\$5,219,404
	Workforce Investment Act of 1998, Title II	\$9,086,417
	Total	\$14,305,821

III. WORKSHEET

The cost estimate presented above is the combined total of the monies expected to be available from the U.S. Department of Education and the General Assembly appropriations to the Department of Elementary and Secondary Education to be disbursed for Fiscal Year 2010. The estimate will vary annually based on increases or decreases to appropriated amounts with that cost recurring annually over the life of the rule.

IV. ASSUMPTIONS

Reimbursements to grantees are based on the actual costs of staffing, training and professional development activities, equipment, materials and supplies, etc. Grantees must agree to expend funds to meet the intended purposes of the granting program and in accordance with their approved application.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 27—David’s Law Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.020, RSMo 2000 and section 227.295, RSMo Supp. 2009, the commission adopts a rule as follows:

7 CSR 10-27.010 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2009 (34 MoReg 2315–2316). 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 27—David’s Law Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.020, RSMo 2000 and section 227.295, RSMo Supp. 2009, the commission adopts a rule as follows:

7 CSR 10-27.020 Eligibility Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2009 (34 MoReg 2317–2318). 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 27—David’s Law Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.020, RSMo 2000 and section 227.295, RSMo Supp. 2009, the commission adopts a rule as follows:

7 CSR 10-27.030 Sign Design and Installation is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2009 (34 MoReg 2319–2320). 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 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 27—David’s Law Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.020, RSMo 2000 and section 227.295, RSMo Supp. 2009, the commission adopts a rule as follows:

7 CSR 10-27.040 Administration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2009 (34 MoReg 2321–2322). 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 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Division of Workers’ Compensation
Chapter 1—Organization**

ORDER OF RULEMAKING

By the authority vested in the Division of Workers’ Compensation under section 287.650, RSMo 2000, the division amends a rule as follows:

**8 CSR 50-1.010 Organization of Division of Workers’
Compensation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 16, 2009 (34 MoReg 2467). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.065, RSMo 2000, the director amends a rule as follows:

12 CSR 10-41.010 Annual Adjusted Rate of Interest is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2009 (34 MoReg 2536–2539). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 2—Linked Deposit Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Treasurer under sections 30.260 and 30.760, RSMo Supp. 2009, the treasurer amends a rule as follows:

**15 CSR 50-2.050 Interest Rate on Linked Deposit Loans
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2009 (34 MoReg 2540). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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 April 1, 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 #MP071116055

Renewal Applicant's Name & Age: Cody H. Heckemeyer, 20

Relevant Physical Condition: Mr. Heckemeyer was diagnosed with diabetes mellitus in January 1999. His best-corrected visual acuity is 20/20 Snellen in each eye.

Relevant Driving Experience: Mr. Heckemeyer currently works for a dog food company in Central Missouri. He currently has no commercial motor vehicle experience. He drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in January 2010, his endocrinologist certified, "In my medical opinion, Mr. Heckemeyer's diabetes deficiency is stable, he is capable of performing 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 #MP050218011

Renewal Applicant's Name & Age: James A. Mullins, 71

Relevant Physical Condition: Mr. Mullins best-corrected visual acuity in both eyes is 20/20 Snellen. He has insulin-treated diabetes mellitus and has been using insulin for control since 1998.

Relevant Driving Experience: Mr. Mullins worked for MoDOT from November 1977 to June 2004 and is now retired. He drives part-time for a business in Florence, MO. He has driven straight trucks with trailers and tractor-trailer combinations, both manual and automatic, for thirty-nine (39) years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in January 2010, his endocrinologist certified, "In my medical opinion, Mr. Mullin's diabetes deficiency is stable, he is capable of performing 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 #MP091210050

Applicant's Name & Age: Dennis R. Conner, Jr, 38

Relevant Physical Condition: Mr. Conner's best uncorrected visual acuity is 20/20 Snellen in his right eye, and he lost his left eye in 1979.

Relevant Driving Experience: Mr. Conner is currently unemployed and has approximately sixteen (16) years commercial motor vehicle driving experience. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in November 2009, his optometrist certified, "In my medical opinion, Mr. Conner's visual deficiency is stable, he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and his 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 #MP080128005

Renewal Applicant's Name & Age: Steven J. Kraham, 44

Relevant Physical Condition: Mr. Kraham's best uncorrected visual acuity in both eyes is 20/20 Snellen. He has insulin-treated diabetes mellitus and has been using insulin for control since 1995.

Relevant Driving Experience: Mr. Kraham is currently employed with a service truck company in the St. Louis area as a dispatcher. He has applied for a position to operate roadside service pick-up trucks. He has no commercial motor vehicle driving experience. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in January 2010, his endocrinologist certified, "In my medical opinion, Mr. Kraham's diabetes deficiency is stable, he is capable of performing 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: February 1, 2010

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

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

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for May 10, 2010. These applications are available for public inspection at the address shown below:

Date Filed

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

02/25/10

#4462 HS: Saint Louis University Hospital
St. Louis (St. Louis City)
\$2,250,000, Acquire robotic surgery system

#4461 HS: Saint Louis University Hospital
St. Louis (St. Louis City)
\$2,350,000, Replace computerized tomography (CT) unit

02/26/10

#4488 RS: Easy Living Senior Care Center
Kansas City (Jackson County)
\$5,000,000, Establish 216-bed assisted living facility

#4487 HS: Lester E. Cox Medical Centers
Springfield (Greene County)
\$2,176,136, Acquire 10th CT unit

#4486 HS: Lester E. Cox Medical Centers
Springfield (Greene County)
\$1,874,416, Acquire 7th magnetic resonance imager (MRI)

#4484 HS: Barnes-Jewish Hospital
St. Louis (St. Louis City)
\$1,475,747, Replace interventional radiology equipment

#4481 HS: Barnes-Jewish Hospital
St. Louis (St. Louis City)
\$3,709,512, Replace two linear accelerators

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by Wednesday, March 31, 2010. All written requests and comments should be sent to:

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

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

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

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

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

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

NOTICE OF DISSOLUTION OF MONROE PROPERTIES, LLC

On the 26th day of January, 2010, Monroe Properties, LLC filed its Notice of Winding Up with the Missouri Secretary of State. The dissolution of the LLC was effective on the 26th day of January, 2010.

You are hereby notified that if you believe you have a claim against Monroe Properties, LLC, you must submit a summary in writing of the circumstances surrounding your claim to the limited liability company to the attention of Carl J. Lumley, Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, St. Louis, Missouri 63105, no later than May 31, 2010.

The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant;
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against Monroe Properties, LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice. Claims will be barred as provided in Section 347.141 R.S.Mo.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
BMC PARTNERS I, L.L.C.**

On February 10, 2010, BMC Partners I, L.L.C. a Missouri limited liability company, filed its Notice of Winding Up for limited liability company with the Missouri Secretary of State, effective on the filing date.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at: BMC Partners I, L.L.C. c/o Michael E. Long, Esq., Stinson Morrison Hecker LLP, 168 N. Meramec Avenue, Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against BMC Partners I, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
BMC PARTNERS IV, L.L.C.**

On February 10, 2010, BMC Partners IV, L.L.C. a Missouri limited liability company, filed its Notice of Winding Up for limited liability company with the Missouri Secretary of State, effective on the filing date.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at: BMC Partners IV, L.L.C. c/o Michael E. Long, Esq., Stinson Morrison Hecker LLP, 168 N. Meramec Avenue, Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against BMC Partners IV, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP OF HATHAWAY CONSULTING, L.L.C.

On November 30, 2009, Hathaway Consulting, L.L.C., a Missouri limited liability company ("the Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on the filing date.

Any claims against the Company should be sent to: Bradshaw, Steele, Cochrane & Berens, L.C., Attn: Jeffrey L. Spray, P.O. Box 1300, Cape Girardeau, MO 63702-1300. Each claim must include the following information: name, address and telephone number of the claimant; amount of the claim; date on which the claim arose; basis and summary of the claim; and documentation in support of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

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

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		35 MoReg 98		
DEPARTMENT OF AGRICULTURE					
2 CSR 90-10	Weights and Measures				34 MoReg 1949
2 CSR 100-6.010	Missouri Agricultural and Small Business Development Authority	34 MoReg 2527	35 MoReg 7		
DEPARTMENT OF CONSERVATION					
3 CSR 10-7.455	Conservation Commission				35 MoReg 316
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-6.010	Division of Business and Community Services	34 MoReg 2353	34 MoReg 2381	This Issue	
4 CSR 85-7.010	Division of Business and Community Services		35 MoReg 449		
4 CSR 170-1.010	Missouri Housing Development Commission		This IssueR		
4 CSR 170-1.100	Missouri Housing Development Commission		This Issue		
4 CSR 170-1.200	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.010	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.020	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.030	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.040	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.050	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.060	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.070	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.080	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.090	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.100	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.110	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.120	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.130	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.140	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.150	Missouri Housing Development Commission		This Issue		
4 CSR 170-8.160	Missouri Housing Development Commission		This Issue		
4 CSR 240-3.156	Public Service Commission		35 MoReg 365		
4 CSR 240-3.190	Public Service Commission		35 MoReg 207		
4 CSR 240-3.545	Public Service Commission		35 MoReg 209		
4 CSR 240-4.020	Public Service Commission		34 MoReg 2590R 34 MoReg 2590		
4 CSR 240-20.100	Public Service Commission		35 MoReg 365		
4 CSR 240-33.160	Public Service Commission		35 MoReg 210		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 50-270.010	Division of School Improvement		35 MoReg 210		
5 CSR 50-345.105	Division of School Improvement		34 MoReg 2141	This IssueW	
5 CSR 50-345.205	Division of School Improvement		34 MoReg 2144	This IssueW	
5 CSR 50-350.050	Division of School Improvement		35 MoReg 452		
5 CSR 60-100.010	Division of Career Education		N.A.	This Issue	
5 CSR 60-100.020	Division of Career Education		35 MoReg 214		35 MoReg 59
5 CSR 80-800.200	Teacher Quality and Urban Education		35 MoReg 454		
5 CSR 80-800.220	Teacher Quality and Urban Education		35 MoReg 454		
5 CSR 80-800.260	Teacher Quality and Urban Education		35 MoReg 455		
5 CSR 80-800.270	Teacher Quality and Urban Education		35 MoReg 455		
5 CSR 80-800.280	Teacher Quality and Urban Education		35 MoReg 456		
5 CSR 80-800.290	Teacher Quality and Urban Education		35 MoReg 456		
5 CSR 80-800.350	Teacher Quality and Urban Education		35 MoReg 457		
5 CSR 80-800.360	Teacher Quality and Urban Education		35 MoReg 458		
5 CSR 80-800.380	Teacher Quality and Urban Education		35 MoReg 459		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 250-11.041	University of Missouri	35 MoReg 161	34 MoReg 2592		
6 CSR 250-11.042	University of Missouri		34 MoReg 2594		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-1.010	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				35 MoReg 316 This Issue
7 CSR 10-27.010	Missouri Highways and Transportation Commission		34 MoReg 2315	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 10-27.020	Missouri Highways and Transportation Commission		34 MoReg 2317	This Issue	
7 CSR 10-27.030	Missouri Highways and Transportation Commission		34 MoReg 2319	This Issue	
7 CSR 10-27.040	Missouri Highways and Transportation Commission		34 MoReg 2321	This Issue	
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 50-1.010	Division of Workers' Compensation		34 MoReg 2467	This Issue	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-31.011	Director, Department of Mental Health		35 MoReg 8		
9 CSR 30-4.0432	Certification Standards		34 MoReg 1986	35 MoReg 305	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 1-3.010	Director's Office		34 MoReg 2385		
10 CSR 10-6.010	Air Conservation Commission		34 MoReg 2385		
10 CSR 10-6.040	Air Conservation Commission		34 MoReg 2387		
10 CSR 10-6.050	Air Conservation Commission		34 MoReg 2594		
10 CSR 10-6.070	Air Conservation Commission		34 MoReg 2387		
10 CSR 10-6.075	Air Conservation Commission		34 MoReg 2389		
10 CSR 10-6.080	Air Conservation Commission		34 MoReg 2392		
10 CSR 10-6.110	Air Conservation Commission		35 MoReg 461		
10 CSR 10-6.130	Air Conservation Commission		34 MoReg 2392		
10 CSR 10-6.390	Air Conservation Commission		34 MoReg 2145		
10 CSR 20-7.015	Clean Water Commission		34 MoReg 2394		
10 CSR 25-19.010	Hazardous Waste Management Commission	34 MoReg 1535	34 MoReg 1553	35 MoReg 474	
10 CSR 70-4.010	Soil and Water Districts Commission		35 MoReg 214R 35 MoReg 214		
10 CSR 70-5.010	Soil and Water Districts Commission	34 MoReg 1779	35 MoReg 216R 35 MoReg 216		
10 CSR 70-5.020	Soil and Water Districts Commission	34 MoReg 1780			
10 CSR 70-5.030	Soil and Water Districts Commission	34 MoReg 1782			
10 CSR 70-5.040	Soil and Water Districts Commission	34 MoReg 1783	35 MoReg 217R 35 MoReg 217		
10 CSR 70-5.050	Soil and Water Districts Commission	34 MoReg 1785	35 MoReg 217R 35 MoReg 217		
10 CSR 70-5.060	Soil and Water Districts Commission	34 MoReg 1786	35 MoReg 219R 35 MoReg 219		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 45-4.020	Missouri Gaming Commission		34 MoReg 1797	35 MoReg 390	
11 CSR 45-4.190	Missouri Gaming Commission		34 MoReg 1797	35 MoReg 390	
11 CSR 45-4.200	Missouri Gaming Commission		34 MoReg 1797	35 MoReg 391	
11 CSR 45-4.500	Missouri Gaming Commission		34 MoReg 1798	35 MoReg 391	
11 CSR 45-4.510	Missouri Gaming Commission		34 MoReg 1798	35 MoReg 392	
11 CSR 45-4.520	Missouri Gaming Commission		34 MoReg 1801	35 MoReg 392	
11 CSR 45-4.530	Missouri Gaming Commission		34 MoReg 1801	35 MoReg 393	
11 CSR 45-4.540	Missouri Gaming Commission		34 MoReg 1802	35 MoReg 394	
11 CSR 45-10.040	Missouri Gaming Commission		35 MoReg 99		
11 CSR 45-11.020	Missouri Gaming Commission	35 MoReg 85	35 MoReg 100		
11 CSR 45-11.030	Missouri Gaming Commission	35 MoReg 86	35 MoReg 103		
11 CSR 45-11.050	Missouri Gaming Commission	35 MoReg 86	35 MoReg 103		
11 CSR 45-11.070	Missouri Gaming Commission	35 MoReg 87	35 MoReg 103		
11 CSR 45-11.130	Missouri Gaming Commission	35 MoReg 88	35 MoReg 104		
11 CSR 45-12.010	Missouri Gaming Commission		35 MoReg 467		
DEPARTMENT OF REVENUE					
12 CSR 10-2.045	Director of Revenue		35 MoReg 13		
12 CSR 10-41.010	Director of Revenue	34 MoReg 2528	34 MoReg 2536	This Issue	
12 CSR 10-110.900	Director of Revenue		34 MoReg 2467		
12 CSR 30-3.010	State Tax Commission		35 MoReg 220		
12 CSR 30-3.025	State Tax Commission		35 MoReg 220		
12 CSR 30-4.010	State Tax Commission		35 MoReg 221		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 70-10.110	MO HealthNet Division	35 MoReg 5	35 MoReg 13		
13 CSR 70-15.010	MO HealthNet Division	35 MoReg 161	34 MoReg 1802	35 MoReg 306	
13 CSR 70-15.110	MO HealthNet Division	35 MoReg 5	35 MoReg 17		
13 CSR 70-20.320	MO HealthNet Division	35 MoReg 6	35 MoReg 19		
ELECTED OFFICIALS					
15 CSR 40-4.010	State Auditor		35 MoReg 224		
15 CSR 40-4.020	State Auditor		35 MoReg 224		
15 CSR 40-4.030	State Auditor		35 MoReg 225		
15 CSR 40-4.040	State Auditor		35 MoReg 225		
15 CSR 50-2.050	Treasurer	34 MoReg 2528	34 MoReg 2540	This Issue	
RETIREMENT SYSTEMS					
16 CSR 10-5.010	The Public School Retirement System of Missouri		35 MoReg 226		
16 CSR 10-5.020	The Public School Retirement System of Missouri		35 MoReg 227		
16 CSR 10-6.060	The Public School Retirement System of Missouri		35 MoReg 227		
16 CSR 10-6.070	The Public School Retirement System of Missouri		35 MoReg 228		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
16 CSR 20-2.080	Missouri Local Government Employees' Retirement System (LAGERS)		35 MoReg 104R 35 MoReg 105		
16 CSR 20-2.105	Missouri Local Government Employees' Retirement System (LAGERS)		34 MoReg 2595		
16 CSR 50-2.010	The County Employees' Retirement Fund		35 MoReg 467		
16 CSR 50-2.035	The County Employees' Retirement Fund		34 MoReg 2146 35 MoReg 468	35 MoReg 312	
16 CSR 50-2.120	The County Employees' Retirement Fund		35 MoReg 468		
16 CSR 50-2.130	The County Employees' Retirement Fund		35 MoReg 469		
16 CSR 50-10.010	The County Employees' Retirement Fund		35 MoReg 469		
16 CSR 50-10.050	The County Employees' Retirement Fund		35 MoReg 470		
16 CSR 50-10.060	The County Employees' Retirement Fund		35 MoReg 471		
16 CSR 50-20.070	The County Employees' Retirement Fund		35 MoReg 471		
16 CSR 50-20.080	The County Employees' Retirement Fund		35 MoReg 472		
16 CSR 50-20.120	The County Employees' Retirement Fund		35 MoReg 472		
PUBLIC DEFENDER COMMISSION					
18 CSR 10-2.010	Office of State Public Defender				35 MoReg 396RAN
18 CSR 10-4.010	Office of State Public Defender				35 MoReg 396RAN
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 20-28	Division of Community and Public Health				34 MoReg 2432
19 CSR 30-40.342	Division of Regulation and Licensure		34 MoReg 2147	35 MoReg 475	
19 CSR 60-50	Missouri Health Facilities Review Committee				35 MoReg 126 35 MoReg 317 35 MoReg 492 This Issue
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Construction Claims Binding Arbitration Cap				33 MoReg 150 33 MoReg 2446
20 CSR	Medical Malpractice				31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				33 MoReg 150 33 MoReg 2446 35 MoReg 318
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150 33 MoReg 2446
20 CSR 200-1.105	Insurance Solvency and Company Regulation		34 MoReg 2154	35 MoReg 312	
20 CSR 400-3.650	Life, Annuities and Health	34 MoReg 1539	34 MoReg 1805	35 MoReg 312	
20 CSR 1105-3.011	Credit Union Commission		34 MoReg 2472	35 MoReg 479	
20 CSR 1105-3.012	Credit Union Commission		34 MoReg 2472	35 MoReg 479	
20 CSR 2085-3.010	Board of Cosmetology and Barber Examiners	34 MoReg 1459	34 MoReg 1024 34 MoReg 1921	34 MoReg 1743 34 MoReg 2604	
20 CSR 2120-2.100	State Board of Embalmers and Funeral Directors	34 MoReg 2357	34 MoReg 2417	35 MoReg 479	
20 CSR 2120-2.130	State Board of Embalmers and Funeral Directors	35 MoReg 88	35 MoReg 105		
20 CSR 2120-2.140	State Board of Embalmers and Funeral Directors	35 MoReg 89	35 MoReg 105		
20 CSR 2120-2.150	State Board of Embalmers and Funeral Directors	35 MoReg 90	35 MoReg 106		
20 CSR 2120-3.100	State Board of Embalmers and Funeral Directors	34 MoReg 2463			
20 CSR 2120-3.105	State Board of Embalmers and Funeral Directors	34 MoReg 2357	34 MoReg 2421	35 MoReg 479	
20 CSR 2120-3.115	State Board of Embalmers and Funeral Directors	35 MoReg 90	35 MoReg 106		
20 CSR 2120-3.120	State Board of Embalmers and Funeral Directors	35 MoReg 91	35 MoReg 109		
20 CSR 2120-3.125	State Board of Embalmers and Funeral Directors	34 MoReg 2358	34 MoReg 2424	35 MoReg 479	
20 CSR 2120-3.200	State Board of Embalmers and Funeral Directors	35 MoReg 92	35 MoReg 109		
20 CSR 2120-3.300	State Board of Embalmers and Funeral Directors	35 MoReg 92	35 MoReg 109		
20 CSR 2120-3.305	State Board of Embalmers and Funeral Directors	35 MoReg 93	35 MoReg 110		
20 CSR 2120-3.310	State Board of Embalmers and Funeral Directors	35 MoReg 93	35 MoReg 110		
20 CSR 2120-3.400	State Board of Embalmers and Funeral Directors	35 MoReg 94	35 MoReg 112		
20 CSR 2120-3.405	State Board of Embalmers and Funeral Directors	34 MoReg 2464	34 MoReg 2424	35 MoReg 480	
20 CSR 2120-3.410	State Board of Embalmers and Funeral Directors	35 MoReg 95	35 MoReg 112		
20 CSR 2120-3.505	State Board of Embalmers and Funeral Directors	35 MoReg 95	35 MoReg 112		
20 CSR 2120-3.515	State Board of Embalmers and Funeral Directors	35 MoReg 96	35 MoReg 113		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2120-3.525	State Board of Embalmers and Funeral Directors	35 MoReg 97	35 MoReg 113		
20 CSR 2150-5.025	State Board of Registration for the Healing Arts	34 MoReg 2529	34 MoReg 2540		
20 CSR 2200-4.021	State Board of Nursing		34 MoReg 2473R	35 MoReg 480R	
20 CSR 2200-4.022	State Board of Nursing		34 MoReg 2473	35 MoReg 480	
20 CSR 2220-2.175	State Board of Pharmacy		34 MoReg 2195	35 MoReg 313	
20 CSR 2220-2.700	State Board of Pharmacy		34 MoReg 2204	35 MoReg 314	
20 CSR 2220-6.050	State Board of Pharmacy	34 MoReg 2531	34 MoReg 2542		
20 CSR 2220-6.055	State Board of Pharmacy	34 MoReg 2534	34 MoReg 2544		
20 CSR 2245-3.010	Real Estate Appraisers		34 MoReg 2207	35 MoReg 314	
20 CSR 2245-4.050	Real Estate Appraisers		34 MoReg 2208	35 MoReg 314W	
20 CSR 2245-4.060	Real Estate Appraisers		34 MoReg 2208	35 MoReg 315W	
20 CSR 2245-6.015	Real Estate Appraisers		34 MoReg 2213	35 MoReg 315W	
20 CSR 2263-1.010	State Committee for Social Workers		34 MoReg 2221R	35 MoReg 480R	
			34 MoReg 2221	35 MoReg 481	
20 CSR 2263-1.035	State Committee for Social Workers		34 MoReg 2222	35 MoReg 481	
20 CSR 2263-2.020	State Committee for Social Workers		34 MoReg 2225R	35 MoReg 481R	
			34 MoReg 2225	35 MoReg 481	
20 CSR 2263-2.022	State Committee for Social Workers		34 MoReg 2225R	35 MoReg 481R	
20 CSR 2263-2.030	State Committee for Social Workers		34 MoReg 2226	35 MoReg 481	
20 CSR 2263-2.031	State Committee for Social Workers		34 MoReg 2226R	35 MoReg 482R	
			34 MoReg 2226	35 MoReg 482	
20 CSR 2263-2.032	State Committee for Social Workers		34 MoReg 2233	35 MoReg 484	
20 CSR 2263-2.045	State Committee for Social Workers		34 MoReg 2238	35 MoReg 484	
20 CSR 2263-2.047	State Committee for Social Workers		34 MoReg 2242R	35 MoReg 485R	
20 CSR 2263-2.050	State Committee for Social Workers		34 MoReg 2242	35 MoReg 485	
20 CSR 2263-2.052	State Committee for Social Workers		34 MoReg 2248R	35 MoReg 485R	
20 CSR 2263-2.060	State Committee for Social Workers		34 MoReg 2248	35 MoReg 485	
20 CSR 2263-2.062	State Committee for Social Workers		34 MoReg 2248R	35 MoReg 486R	
20 CSR 2263-2.070	State Committee for Social Workers		34 MoReg 2249R	35 MoReg 486R	
			34 MoReg 2249	35 MoReg 486	
20 CSR 2263-2.072	State Committee for Social Workers		34 MoReg 2253R	35 MoReg 486R	
20 CSR 2263-2.075	State Committee for Social Workers		34 MoReg 2253	35 MoReg 486	
20 CSR 2263-2.082	State Committee for Social Workers		34 MoReg 2253	35 MoReg 487	
20 CSR 2263-2.085	State Committee for Social Workers		34 MoReg 2255R	35 MoReg 487R	
			34 MoReg 2255	35 MoReg 487	
20 CSR 2263-2.090	State Committee for Social Workers		34 MoReg 2261	35 MoReg 488	
20 CSR 2263-3.010	State Committee for Social Workers		34 MoReg 2263R	35 MoReg 488R	
			34 MoReg 2263	35 MoReg 488	
20 CSR 2263-3.020	State Committee for Social Workers		34 MoReg 2263R	35 MoReg 488R	
			34 MoReg 2263	35 MoReg 488	
20 CSR 2263-3.040	State Committee for Social Workers		34 MoReg 2264R	35 MoReg 488R	
			34 MoReg 2264	35 MoReg 489	
20 CSR 2263-3.060	State Committee for Social Workers		34 MoReg 2265R	35 MoReg 489R	
			34 MoReg 2266	35 MoReg 489	
20 CSR 2263-3.080	State Committee for Social Workers		34 MoReg 2266R	35 MoReg 489R	
			34 MoReg 2267	35 MoReg 490	
20 CSR 2263-3.100	State Committee for Social Workers		34 MoReg 2267R	35 MoReg 490R	
			34 MoReg 2267	35 MoReg 490	
20 CSR 2263-3.120	State Committee for Social Workers		34 MoReg 2268R	35 MoReg 490R	
			34 MoReg 2268	35 MoReg 490	
20 CSR 2263-3.140	State Committee for Social Workers		34 MoReg 2269R	35 MoReg 491R	
			34 MoReg 2269	35 MoReg 491	

MISSOURI CONSOLIDATED HEALTH CARE PLAN

22 CSR 10-2.010	Health Care Plan	35 MoReg 164	35 MoReg 229		
22 CSR 10-2.020	Health Care Plan	35 MoReg 171	35 MoReg 239		
22 CSR 10-2.045	Health Care Plan	35 MoReg 174	35 MoReg 242		
22 CSR 10-2.050	Health Care Plan	35 MoReg 175	35 MoReg 243		
22 CSR 10-2.051	Health Care Plan	35 MoReg 176	35 MoReg 246		
22 CSR 10-2.053	Health Care Plan	35 MoReg 177	35 MoReg 250		
22 CSR 10-2.054	Health Care Plan	35 MoReg 177	35 MoReg 254		
22 CSR 10-2.055	Health Care Plan	35 MoReg 178	35 MoReg 257		
22 CSR 10-2.060	Health Care Plan	35 MoReg 178	35 MoReg 257		
22 CSR 10-2.064	Health Care Plan	35 MoReg 181	35 MoReg 259		
22 CSR 10-2.067	Health Care Plan	35 MoReg 181R	35 MoReg 262R		
22 CSR 10-2.090	Health Care Plan	35 MoReg 182	35 MoReg 262		
22 CSR 10-3.010	Health Care Plan	35 MoReg 183	35 MoReg 267		
22 CSR 10-3.020	Health Care Plan	35 MoReg 190	35 MoReg 276		
22 CSR 10-3.030	Health Care Plan	35 MoReg 193	35 MoReg 279		
22 CSR 10-3.045	Health Care Plan	35 MoReg 194	35 MoReg 279		
22 CSR 10-3.050	Health Care Plan	35 MoReg 194	35 MoReg 280		
22 CSR 10-3.051	Health Care Plan	35 MoReg 195	35 MoReg 285		
22 CSR 10-3.052	Health Care Plan	35 MoReg 196	35 MoReg 289		
22 CSR 10-3.053	Health Care Plan	35 MoReg 197	35 MoReg 293		
22 CSR 10-3.054	Health Care Plan	35 MoReg 197	35 MoReg 297		
22 CSR 10-3.055	Health Care Plan	35 MoReg 198	35 MoReg 301		
22 CSR 10-3.060	Health Care Plan	35 MoReg 199	35 MoReg 301		
22 CSR 10-3.090	Health Care Plan	35 MoReg 201	35 MoReg 303		

Agency	Publication	Effective	Expiration
Department of Agriculture			
Missouri Agricultural and Small Business Development Authority			
2 CSR 100-6.010	Description of Operation, Definitions, Fee Structures, Applicant Requirements, and Procedures for Making and Collecting Loans and Amending the Rules for the Single-Purpose Animal Facilities Loan Guarantee Program34 MoReg 2527	. . . .Nov. 2, 2009	. . . .April 30, 2010
Department of Economic Development			
Division of Business and Community Services			
4 CSR 85-6.010	Recovery Zone Bond Allocation, Waiver, and Reallocation .34 MoReg 2353	. . . .Sept. 28, 2009	. . . .March 26, 2010
Department of Higher Education			
University of Missouri			
6 CSR 250-11.041	Inspection Fee on Manipulated Animal or Vegetable Manure Fertilizers35 MoReg 161	. . . .Jan. 1, 2010	. . . .June 28, 2010
Department of Public Safety			
Missouri Gaming Commission			
11 CSR 45-11.020	Deposit Account—Taxes and Fees35 MoReg 85	. . . .Jan. 6, 2010	. . . .July 4, 2010
11 CSR 45-11.030	Payment—Gaming Tax35 MoReg 86	. . . .Jan. 6, 2010	. . . .July 4, 2010
11 CSR 45-11.050	Admission Fee35 MoReg 86	. . . .Jan. 6, 2010	. . . .July 4, 2010
11 CSR 45-11.070	Return and Payment—Admission Fee35 MoReg 87	. . . .Jan. 6, 2010	. . . .July 4, 2010
11 CSR 45-11.130	Failure to File Return or Pay Tax or Fee35 MoReg 88	. . . .Jan. 6, 2010	. . . .July 4, 2010
Department of Revenue			
Director of Revenue			
12 CSR 10-41.010	Annual Adjusted Rate of Interest34 MoReg 2528	. . . .Jan. 1, 2010	. . . .June 29, 2010
Department of Social Services			
MO HealthNet Division			
13 CSR 70-10.110	Nursing Facility Reimbursement Allowance35 MoReg 5	. . . .Jan. 1, 2010	. . . .June 29, 2010
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology.35 MoReg 161	. . . .Jan. 1, 2010	. . . .June 29, 2010
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)35 MoReg 5	. . . .Jan. 1, 2010	. . . .June 29, 2010
13 CSR 70-20.320	Pharmacy Reimbursement Allowance35 MoReg 6	. . . .Jan. 1, 2010	. . . .June 29, 2010
Elected Officials			
Treasurer			
15 CSR 50-2.050	Interest Rate on Linked Deposit Loans34 MoReg 2528	. . . .Nov. 7, 2009	. . . .May 5, 2010
Department of Insurance, Financial Institutions and Professional Registration			
State Board of Embalmers and Funeral Directors			
20 CSR 2120-2.100	Fees34 MoReg 2357	. . . .Oct. 4, 2009	. . . .April 1, 2010
20 CSR 2120-2.130	Final Disposition as Defined in Chapter 19335 MoReg 88	. . . .Dec. 4, 2009	. . . .June 11, 2010
20 CSR 2120-2.140	Financial Welfare Cause for Injunction35 MoReg 89	. . . .Dec. 4, 2009	. . . .June 11, 2010
20 CSR 2120-2.150	Payment Not Determining Factor of Practice of Funeral Directing35 MoReg 90	. . . .Dec. 4, 2009	. . . .June 11, 2010
20 CSR 2120-3.105	Filing of Annual Reports34 MoReg 2357	. . . .Oct. 4, 2009	. . . .April 1, 2010
20 CSR 2120-3.115	Contact Information35 MoReg 90	. . . .Dec. 4, 2009	. . . .June 11, 2010
20 CSR 2120-3.120	Display of License35 MoReg 91	. . . .Dec. 4, 2009	. . . .June 11, 2010
20 CSR 2120-3.125	Corporate Ownership of a Licensee34 MoReg 2358	. . . .Oct. 4, 2009	. . . .April 1, 2010
20 CSR 2120-3.200	Seller Obligations35 MoReg 92	. . . .Dec. 4, 2009	. . . .June 11, 2010
20 CSR 2120-3.300	Provider Includes Funeral Establishment35 MoReg 92	. . . .Dec. 4, 2009	. . . .June 11, 2010
20 CSR 2120-3.305	Funeral Director Agent Registration35 MoReg 93	. . . .Dec. 4, 2009	. . . .June 11, 2010
20 CSR 2120-3.310	Change in Seller Affiliation35 MoReg 93	. . . .Dec. 4, 2009	. . . .June 11, 2010
20 CSR 2120-3.400	Preneed Agents—Requirements of Agent’s Seller35 MoReg 94	. . . .Dec. 4, 2009	. . . .June 11, 2010
20 CSR 2120-3.405	Preneed Agents—Missouri Law Exam34 MoReg 2464	. . . .Nov. 2, 2009	. . . .April 1, 2010
20 CSR 2120-3.410	Preneed Agent’s Seller Must be Licensed35 MoReg 95	. . . .Dec. 4, 2009	. . . .June 11, 2010

Agency	Publication	Effective	Expiration
20 CSR 2120-3.505 Types of Financing; Other Financing Still Preneed . . . . .	.35 MoReg 95	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.515 Single Premium Annuity Contracts . . . . .	.35 MoReg 96	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.525 Independent Financial Advisor is Agent of Trustee . . . . .	.35 MoReg 97	Dec. 4, 2009	June 11, 2010
State Board of Registration for the Healing Arts			
20 CSR 2150-5.025 Administration of Vaccines Per Protocol . . . . .	.34 MoReg 2529	Nov. 1, 2009	April 29, 2010
State Board of Pharmacy			
20 CSR 2220-6.050 Administration of Vaccines Per Protocol . . . . .	.34 MoReg 2531	Nov. 1, 2009	April 29, 2010
20 CSR 2220-6.055 Non-Dispensing Activities . . . . .	.34 MoReg 2534	Nov. 2, 2009	April 30, 2010

Missouri Consolidated Health Care Plan

Health Care Plan

22 CSR 10-2.010 Definitions . . . . .	.35 MoReg 164	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.020 Subscriber Agreement and General Membership Provisions . . . . .	.35 MoReg 171	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.045 Plan Utilization Review Policy . . . . .	.35 MoReg 174	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.050 CoPay Plan Benefit Provisions and Covered Charges . . . . .	.35 MoReg 175	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.051 PPO 300 Plan Benefit Provisions and Covered Charges . . . . .	.35 MoReg 176	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.053 High Deductible Health Plan Benefit Provisions and Covered Charges . . . . .	.35 MoReg 177	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.054 Medicare Supplement Plan Benefit Provisions and Covered Charges . . . . .	.35 MoReg 177	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.055 Medical Plan Benefit Provisions and Covered Charges . . . . .	.35 MoReg 178	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.060 PPO 300 Plan, HDHP, Copay, and HMO Plan Limitations . . . . .	.35 MoReg 178	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.064 HMO Summary of Medical Benefits . . . . .	.35 MoReg 181	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.067 HMO and POS Limitations . . . . .	.35 MoReg 181	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.090 Pharmacy Benefit Summary . . . . .	.35 MoReg 182	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.010 Definitions . . . . .	.35 MoReg 183	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.020 Subscriber Agreement and General Membership Provisions . . . . .	.35 MoReg 190	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.030 Public Entity Membership Agreement and Participation Period . . . . .	.35 MoReg 193	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.045 Plan Utilization Review Policy . . . . .	.35 MoReg 194	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.050 Copay Plan Benefit Provisions and Covered Charges . . . . .	.35 MoReg 194	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.051 PPO 300 Plan Benefit Provisions and Covered Charges . . . . .	.35 MoReg 195	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.052 PPO 500 Plan Benefit Provisions and Covered Charges . . . . .	.35 MoReg 196	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.053 PPO 1000 Plan Benefit Provisions and Covered Charges . . . . .	.35 MoReg 197	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.054 PPO 2000 Plan Benefit Provisions and Covered Charges . . . . .	.35 MoReg 197	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.055 High Deductible Health Plan Benefit Provisions and Covered Charges . . . . .	.35 MoReg 198	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.060 PPO 300 Plan, PPO 500 Plan, PPO 1000 Plan, PPO 2000 Plan, HDHP, and Copay Plan Limitations . . . . .	.35 MoReg 199	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.090 Pharmacy Benefit Summary . . . . .	.35 MoReg 201	Jan. 1, 2010	June 29, 2010

Executive Orders	Subject Matter	Filed Date	Publication
2010			
10-18	Establishes the Children in Nature Challenge to challenge Missouri communities to take action to enhance children's education about nature, and to increase children's opportunities to personally experience nature and the outdoors	Feb. 26, 2010	Next Issue
10-17	Establishes a Missouri Emancipation Day Commission to promote, consider, and recommend appropriate activities for the annual recognition and celebration of Emancipation Day	Feb. 2, 2010	This Issue
10-16	Transfers the scholarship portion of the A+ Schools Program from the Missouri Department of Elementary and Secondary Education to the Missouri Department of Higher Education	Jan. 29, 2010	35 MoReg 447
10-15	Transfers the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services	Jan. 29, 2010	35 MoReg 445
10-14	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Jan. 29, 2010	35 MoReg 443
10-13	Directs the Department of Social Services to disband the Missouri Task Force on Youth Aging Out of Foster Care	Jan. 15, 2010	35 MoReg 364
10-12	Rescinds Executive Orders 98-14, 95-21, 95-17, and 94-19 and terminates the Governor's Commission on Driving While Intoxicated and Impaired Driving	Jan. 15, 2010	35 MoReg 363
10-11	Rescinds Executive Order 05-41 and terminates the Governor's Advisory Council for Veterans Affairs and assigns its duties to the Missouri Veterans Commission	Jan. 15, 2010	35 MoReg 362
10-10	Rescinds Executive Order 01-08 and terminates the Personal Independence Commission and assigns its duties to the Governor's Council on Disability	Jan. 15, 2010	35 MoReg 361
10-09	Rescinds Executive Orders 95-10, 96-11, and 98-13 and terminates the Governor's Council on AIDS and transfers their duties to the Statewide HIV/STD Prevention Community Planning Group within the Department of Health and Senior Services	Jan. 15, 2010	35 MoReg 360
10-08	Rescinds Executive Order 04-07 and terminates the Missouri Commission on Patient Safety	Jan. 15, 2010	35 MoReg 358
10-07	Rescinds Executive Order 01-16 and terminates the Missouri Commission on Intergovernmental Cooperation	Jan. 15, 2010	35 MoReg 357
10-06	Rescinds Executive Order 05-13 and terminates the Governor's Advisory Council on Plant Biotechnology and assigns its duties to the Missouri Technology Corporation	Jan. 15, 2010	35 MoReg 356
10-05	Rescinds Executive Order 95-28 and terminates the Missouri Board of Geographic Names	Jan. 15, 2010	35 MoReg 355
10-04	Rescinds Executive Order 03-10 and terminates the Missouri Energy Policy Council	Jan. 15, 2010	35 MoReg 354
10-03	Rescinds Executive Order 03-01 and terminates the Missouri Lewis and Clark Bicentennial Commission	Jan. 15, 2010	35 MoReg 353
10-02	Rescinds Executive Order 07-29 and terminates the Governor's Advisory Council on Aging and assigns its duties to the State Board of Senior Services	Jan. 15, 2010	35 MoReg 352
10-01	Rescinds Executive Order 01-15 and terminates the Missouri Commission on Total Compensation	Jan. 15, 2010	35 MoReg 351
2009			
09-29	Outlines the suspension of federal commercial motor vehicle and driver laws during emergency declarations. Executive Orders 07-01 and 08-40 are superceded and replaced on February 1, 2010	December 31, 2009	35 MoReg 205
09-28	Establishes the post of Missouri Poet Laureate. Executive order 08-01 is superceded and replaced	December 24, 2009	35 MoReg 203
09-27	Creates the Missouri Office of Health Information Technology, referred to as MO-HITECH. Executive Order 06-03 is rescinded	November 4, 2009	34 MoReg 2587
09-26	Advises that state offices will be closed November 27, 2009	October 30, 2009	34 MoReg 2466
09-25	Creates the governor's faith-based and community service partnership for disaster recovery	September 21, 2009	34 MoReg 2361
09-24	Creates the prompt pay for a healthy Missouri project	September 11, 2009	34 MoReg 2313
09-23	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	September 1, 2009	34 MoReg 2139

**Executive
Orders**

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

The rule number and the MoReg publication date follow each entry to this index.

ACUPUNCTURIST ADVISORY COMMITTEE

fees; 20 CSR 2015-1.030; 5/15/09

ADMINISTRATION, OFFICE OF

appeals; 1 CSR 20-4.010; 1/15/10

AGRICULTURE

agricultural and small business development authority, Missouri
description of operation, definitions, fee structures, applicant
requirements, and procedures for making and collect-
ing loans and amending the rules for the single-pur-
pose animal facilities loan guarantee program; 2 CSR
100-6.010; 12/1/09, 1/4/10

AIR QUALITY, AIR POLLUTION CONTROL

ambient air quality standards; 10 CSR 10-6.010; 11/2/09
clean air interstate rule annual NO_x trading program; 10 CSR 10-
6.362; 8/3/09, 1/4/10
clean air interstate rule seasonal NO_x trading program; 10 CSR 10-
6.364; 8/3/09, 1/4/10
clean air interstate rule SO₂ trading program; 10 CSR 10-
6.366; 8/3/09, 1/4/10
control of NO_x emissions from large stationary internal combus-
tion engines; 10 CSR 10-6.390; 10/1/09
controlling emissions during episodes of high air pollution; 10 CSR
10-6.130; 11/2/09
emission standards for hazardous air pollutants; 10 CSR 10-6.080;
11/2/09
maximum achievable control technology regulations; 10 CSR 10-
6.075; 11/2/09
new source performance regulations; 10 CSR 10-6.070; 11/2/09
on-board diagnostics motor vehicle emissions inspection; 10 CSR
10-5.381; 11/3/08, 4/15/09
reference methods; 10 CSR 10-6.040; 11/2/09
reporting emission data, emission fees, and process information; 10
CSR 10-6.110; 3/1/10
start-up, shutdown and malfunctions conditions; 10 CSR 10-6.050;
12/15/09

BUSINESS AND COMMUNITY SERVICES, DIVISION OF

entrepreneurial development council; 4 CSR 85-7.010; 3/1/10
recovery zone bond allocation, waiver, and reallocation; 4 CSR 85-
6.010; 11/2/09, 3/15/10

CERTIFICATE OF NEED PROGRAM

application review schedule; 19 CSR 60-50; 2/1/10

CHIROPRACTIC EXAMINERS, STATE BOARD OF

application for certification of insurance consultant; 20 CSR 2070-
4.020; 10/1/09, 1/15/10
biennial license renewal; 20 CSR 2070-2.080; 10/1/09, 1/15/10
chiropractic insurance consultant; 20 CSR 2070-4.010; 10/1/09,
1/15/10
fees; 20 CSR 2070-2.090; 10/1/09, 1/15/10
meridian therapy/acupressure/acupuncture; 20 CSR 2070-2.031;
10/1/09, 1/15/10
postgraduate education; 20 CSR 2070-2.081; 10/1/09, 1/15/10
renewal and postgraduate education; 20 CSR 2070-4.030; 10/1/09,
1/15/10

CLEAN WATER COMMISSION

effluent regulations; 10 CSR 20-7.015; 11/2/09
state revolving fund general assistance regulation; 10 CSR 20-
4.040; 6/15/09, 7/1/09, 1/15/10
underground storage tanks

aboveground storage tanks—release response
applicability and definitions; 10 CSR 20-15.010; 5/1/09
release reporting and initial release response measures; 10
CSR 20-15.020; 5/1/09
site characterization and corrective action; 10 CSR 20-
15.030; 5/1/09
administrative penalties
administrative penalty assessment; 10 CSR 20-13.080;
5/1/09, 1/4/10
financial responsibility
allowable mechanisms and combinations of mechanisms;
10 CSR 20-11.094; 5/1/09, 1/4/10
amount and scope of required financial responsibility; 10
CSR 20-11.093; 5/1/09, 1/4/10
applicability; 10 CSR 20-11.090; 5/1/09, 1/4/10
bankruptcy or other incapacity of owner or operator, or
provider of financial assurance; 10 CSR 20-
11.110; 5/1/09, 1/4/10
cancellation or nonrenewal by a provider of financial
assurance; 10 CSR 20-11.105; 5/1/09, 1/4/10
compliance dates; 10 CSR 20-11.091; 5/1/09, 1/4/10
definitions of financial responsibility terms; 10 CSR 20-
11.092; 5/1/09, 1/4/10
drawing on financial assurance mechanisms; 10 CSR 20-
11.108; 5/1/09, 1/4/10
financial test of self-insurance; 10 CSR 20-11.095;
5/1/09, 1/4/10
guarantee; 10 CSR 20-11.096; 5/1/09, 1/4/10
insurance and risk retention group coverage; 10 CSR 20-
11.097; 5/1/09, 1/4/10
letter of credit; 10 CSR 20-11.099; 5/1/09, 1/4/10
local government bond rating test; 10 CSR 20-11.112;
5/1/09, 1/4/10
local government financial test; 10 CSR 20-11.113;
5/1/09, 1/4/10
local government fund; 10 CSR 20-11.115; 5/1/09, 1/4/10
local government guarantee; 10 CSR 20-11.114; 5/1/09,
1/4/10
petroleum storage tank insurance fund; 10 CSR 20-11.101;
5/1/09, 1/4/10
record keeping; 10 CSR 20-11.107; 5/1/09, 1/4/10
release from the requirements; 10 CSR 20-11.109; 5/1/09,
1/4/10
replenishment of guarantees, letters of credit or surety
bonds; 10 CSR 20-11.111; 5/1/09, 1/4/10
reporting by owner or operator; 10 CSR 20-11.106;
5/1/09, 1/4/10
standby trust fund; 10 CSR 20-11.103; 5/1/09, 1/4/10
substitution of financial assurance mechanisms by owner
or operator; 20 CSR 11.104; 5/1/09, 1/4/10
surety bond; 10 CSR 20-11.098; 5/1/09, 1/4/10
trust fund; 10 CSR 20-11.102; 5/1/09, 1/4/10
technical regulations
assessing the property at closure or change in service; 10
CSR 20-10.072; 5/1/09, 1/4/10
applicability; 10 CSR 20-10.010; 5/1/09, 1/4/10
applicability to previously closed underground storage
tank systems; 10 CSR 20-10.073; 5/1/09, 1/4/10
closure records; 10 CSR 20-10.074; 5/1/09, 1/4/10
compatibility; 10 CSR 20-10.032; 5/1/09, 1/4/10
corrective action plan; 10 CSR 20-10.066; 5/1/09, 1/4/10
definitions; 10 CSR 20-10.012; 5/1/09, 1/4/10

general requirements for release detection for all underground storage tank systems; 10 CSR 20-10.040; 5/1/09, 1/4/10

initial abatement measures, site check and comparison with default target levels; 10 CSR 20-10.062; 5/1/09, 1/4/10

initial release response; 10 CSR 20-10.061; 5/1/09, 1/4/10

initial site characterization; 10 CSR 20-10.063; 5/1/09, 1/4/10

interim prohibition for deferred underground storage tank systems; 10 CSR 20-10.011; 5/1/09, 1/4/10

investigation due to impacts on adjacent or nearby properties; 10 CSR 20-10.051; 5/1/09, 1/4/10

investigations for soil and groundwater cleanup; 10 CSR 20-10.065; 5/1/09, 1/4/10

light non-aqueous phase liquid (LNAPL) removal; 10 CSR 20-10.064; 5/1/09, 1/4/10

methods of release detection for piping; 10 CSR 20-10.044; 5/1/09, 1/4/10

methods of release detection for tanks; 10 CSR 20-10.043; 5/1/09, 1/4/10

notification requirements; 10 CSR 20-10.022; 5/1/09, 1/4/10

operation and maintenance of corrosion protection; 10 CSR 20-10.031; 5/1/09, 1/4/10

performance standards for new underground storage tank systems; 10 CSR 20-10.020; 5/1/09, 1/4/10

permanent closure and changes in service; 10 CSR 20-10.071; 5/1/09, 1/4/10

public participation and notice; 10 CSR 20-10.067; 5/1/09, 1/4/10

release detection record keeping; 10 CSR 20-10.045; 5/1/09, 1/4/10

release investigation and confirmation steps; 10 CSR 20-10.052; 5/1/09, 1/4/10

release reporting; 10 CSR 20-10.050; 5/1/09, 1/4/10

release response and corrective action; 10 CSR 20-10.060; 5/1/09, 1/4/10

repairs allowed; 10 CSR 20-10.033; 5/1/09, 1/4/10

reporting and cleanup of spills and overfills; 10 CSR 20-10.053; 5/1/09, 1/4/10

reporting and record keeping; 10 CSR 20-10.034; 5/1/09, 1/4/10

requirements for hazardous substance underground storage tank systems; 10 CSR 20-10.042; 5/1/09, 1/4/10

requirements for petroleum underground storage tank systems; 10 CSR 20-10.041; 5/1/09, 1/4/10

risk-based clean-up levels; 10 CSR 20-10.068; 5/1/09, 1/4/10

spill and overflow control; 10 CSR 20-10.030; 5/1/09, 1/4/10

temporary closure; 10 CSR 20-10.070; 5/1/09, 1/4/10

upgrading of existing underground storage tank systems; 10 CSR 20-10.021; 5/1/09, 1/4/10

CONSERVATION COMMISSION

commercial fishing: seasons, methods; 3 CSR 10-10.725; 11/2/09, 1/15/10

commercial musseling helper permit; 3 CSR 10-10.781; 11/2/09, 1/15/10

commercial musseling permit; 3 CSR 10-10.780; 11/2/09, 1/15/10

commercial musseling: seasons, methods; 3 CSR 10-10.782; 11/2/09, 1/15/10

decoys and blinds; 3 CSR 10-11.155; 11/2/09, 1/15/10

fishing, daily and possession limits
3 CSR 10-11.210; 11/2/09, 1/15/10
3 CSR 10-12.140; 11/2/09, 1/15/10

fishing, general provisions and seasons
3 CSR 10-11.200; 11/2/09, 1/15/10

3 CSR 10-12.130; 11/2/09, 1/15/10

fishing length limits
3 CSR 10-11.215; 11/2/09, 1/15/10
3 CSR 10-12.145; 11/2/09, 1/15/10

fishing methods
3 CSR 10-6.410; 11/2/09, 1/15/10
3 CSR 10-12.135; 11/2/09, 1/15/10

fishing, methods and hours; 3 CSR 10-11.205; 11/2/09, 1/15/10

furbearers: trapping seasons; 3 CSR 10-8.515; 11/2/09, 1/15/10

general prohibition; applications; 3 CSR 10-9.110; 11/2/09, 1/15/10

hunting and trapping; 3 CSR 10-12.125; 11/2/09, 1/15/10

hunting, general provisions and seasons; 3 CSR 10-11.180; 11/2/09, 1/15/10

licensed trout fishing area permit: privileges, requirements; 3 CSR 10-9.645; 11/2/09, 1/15/10

mussel dealer's permit; 3 CSR 10-10.783; 11/2/09, 1/15/10

mussel dealers: reports, requirements; 3 CSR 10-10.784; 11/2/09, 1/15/10

other fish; 3 CSR 10-6.550; 11/2/09, 1/15/10

privileges of class I and class II wildlife breeders; 3 CSR 10-9.353; 11/2/09, 1/15/10

reciprocal privileges: commercial fishing; commercial waters; 3 CSR 10-10.726; 11/2/09, 1/15/10

record keeping and reporting required: commercial fishermen; 3 CSR 10-10.727; 11/2/09, 1/15/10

reports required: commercial musselers; 3 CSR 10-10.787; 11/2/09, 1/15/10

taxidermy; tanning: permit, privileges, requirements; 3 CSR 10-10.767; 11/2/09, 1/15/10

transportation; 3 CSR 10-4.135; 11/2/09, 1/15/10

turkeys: seasons, methods, limits; 3 CSR 10-7.455; 2/1/10

use of boats and motors; 3 CSR 10-12.110; 11/2/09, 1/15/10

vehicles, bicycles, equestrian use; 3 CSR 10-11.130; 11/2/09, 1/15/10

wildlife collector's permit; 3 CSR 10-9.425; 11/2/09, 1/15/10

youth firearms antlerless deer hunting permit; 3 CSR 10-5.422; 11/2/09, 1/15/10

CREDIT UNION COMMISSION

definition—low-income or underserved community; 20 CSR 1105-3.012; 11/16/09, 3/1/10

definitions—immediate family and household; 20 CSR 1105-3.010; 11/16/09, 3/1/10

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

administration of high school equivalence program; 5 CSR 60-100.020; 1/4/10, 2/1/10

application for a career education of license to teach; 5 CSR 80-800.270; 3/1/10

application for an adult education and literacy certificate of license to teach; 5 CSR 80-800.280; 3/1/10

application for certificate of license to teach; 5 CSR 80-800.200; 3/1/10

application for certificate of license to teach for administrators; 5 CSR 80-800.220; 3/1/10

application for substitute certificate of license to teach; 5 CSR 80-800.290; 3/1/10

certificate of license to teach classifications; 5 CSR 80-800.360; 3/1/10

certificate of license to teach content areas; 5 CSR 80-800.350; 3/1/10

general provisions governing programs authorized under the early childhood development act; 5 CSR 50-270.010; 2/1/10

Missouri school improvement program—fifth cycle; 5 CSR 50-345.105; 10/1/09, 3/15/10

Missouri state plan for adult education; 5 CSR 60-100.010; 3/15/10

persistence to graduation program grants; 5 CSR 50-350.050; 3/1/10

required assessments for professional education certification in Missouri; 5 CSR 80-800.380; 3/1/10
temporary authorization certificate of license to teach; 5 CSR 80-800.260; 3/1/10
waiver of regulations—fifth cycle; 5 CSR 50-345.205; 10/1/09, 3/15/10

EMBALMERS AND FUNERAL DIRECTORS, STATE BOARD OF

change in seller affiliation; 20 CSR 2120-3.310; 1/15/10
contact information; 20 CSR 2120-3.115; 1/15/10
corporate ownership of a license; 20 CSR 2120-3.125; 11/2/09, 3/1/10
display of license; 20 CSR 2120-3.120; 1/15/10
fees; 20 CSR 2120-2.100; 11/2/09, 3/1/10
filing of annual reports; 20 CSR 2120-3.105; 11/2/09, 3/1/10
final disposition as defined in chapter 193; 20 CSR 2120-2.130; 1/15/10
financial welfare cause for injection; 20 CSR 2120-2.140; 1/15/10
funeral director agent restrictions; 20 CSR 2120-3.305; 1/15/10
independent financial advisor is agent of trustee; 20 CSR 2120-3.525; 1/15/10
notice of intent to apply; 20 CSR 2120-3.100; 10/1/09, 11/16/09
payment not determining factor of practice of funeral directing; 20 CSR 2120-2.150; 1/15/10
preneed agents—Missouri law exam; 20 CSR 2120-3.405; 11/2/09, 11/16/09, 3/1/10
preneed agents—requirements of agent's seller; 20 CSR 2120-3.400; 1/15/10
preneed agents's seller must be licensed; 20 CSR 2120-3.410; 1/15/10
provider includes funeral establishment; 20 CSR 2120-3.300; 1/15/10
seller obligations; 20 CSR 2120-3.200; 1/15/10
single premium annuity contracts; 20 CSR 2120-3.515; 1/15/10
types of financing; other financing still preneered; 20 CSR 2120-3.505; 1/15/10

EXECUTIVE ORDERS

designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies; 10-14; 3/1/10
directs the Department of Social Services to disband the Missouri Task Force on Youth Aging Out of Foster Care; 10-13; 2/16/10
establishes a Missouri Emancipation Day Commission to promote, consider, and recommend appropriate activities for the annual recognition and celebration of Emancipation Day; 10-17; 3/15/10
establishes the post of Missouri Poet Laureate. Executive Order 08-01 is superceded and replaced; 09-28; 2/1/10
outlines the suspension of federal commercial motor vehicle and driver laws during emergency declarations. Executive Orders 07-01 and 08-40 are superceded and replaced on February 1, 2010; 09-29; 2/1/10
rescinds Executive Order 01-08 and terminates the Personal Independence Commission and assigns its duties to the Missouri Veterans Commission; 10-10; 2/16/10
rescinds Executive Order 01-15 and terminates the Missouri Commission on Total Compensation; 10-01; 2/16/10
rescinds Executive Order 01-16 and terminates the Missouri Commission on Intergovernmental Cooperation; 10-07; 2/16/10
rescinds Executive Order 03-01 and terminates the Missouri Lewis and Clark Bicentennial Commission; 10-03; 2/16/10
rescinds Executive Order 03-10 and terminates the Missouri Energy Policy Council; 10-04; 2/16/10
rescinds Executive Order 04-07 and terminates the Missouri Commission on Patient Safety; 10-08; 2/16/10

rescinds Executive Order 05-13 and terminates the Governor's Advisory Council on Plant Biotechnology and assigns its duties to the Missouri Technology Cooperation; 10-06; 2/16/10
rescinds Executive Order 07-29 and terminates the Governor's Advisory Council on Aging and assigns its duties to the State Board of Senior Services; 10-02; 2/16/10
rescinds Executive Order 95-28 and terminates the Missouri Board of Geographic Names; 10-05; 2/16/10
rescinds Executive Order 05-41 and terminates the Governor's Advisory Council for Veterans Affairs and assigns its duties to the Missouri Veterans Commission; 10-11; 2/16/10
rescinds Executive Orders 95-10, 96-11, and 98-13 and terminates the Governor's Council on AIDS and transfers their duties to the Statewide HIV/STD Prevention Community Planning Group within the Department of Health and Senior Services; 10-09; 2/16/10
rescinds Executive Orders 98-14, 98-17, and 94-19 and terminates the Governor's Commission on Driving While Intoxicated and Impaired Driving; 10-12; 2/16/10
transfers the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services; 10-15; 3/1/10
transfers the scholarship of the A+ Schools Program from the Missouri Department of Elementary and Secondary Education to the Missouri Department of Higher Education; 10-16; 3/1/10

FERTILIZER LAW

guaranteed analysis when tonnage inspection fee is based on product constituent; 6 CSR 250-11.042; 12/15/09
inspection fee on manipulated animal or vegetable manure fertilizers; 6 CSR 250-11.041; 12/15/09, 2/1/10

FUEL STANDARD, MISSOURI RENEWABLE

organization, definitions; 2 CSR 110-3.010; 2/1/08
quality standards; 2 CSR 90-30.040; 2/15/08

GAMING COMMISSION, MISSOURI

excursion liquor license required; 11 CSR 45-12.010; 3/1/10
junkt, junket enterprises, junket representatives
agreements, schedules, and reports; 11 CSR 45-4.540; 9/1/09, 2/16/10
definitions; 11 CSR 45-4.500; 9/1/09, 2/16/10
licensing requirements; 11 CSR 45-4.510; 9/1/09, 2/16/10
patron selection; 11 CSR 45-4.520; 9/1/09, 2/16/10
policies and prohibited activities; 11 CSR 45-4.530; 9/1/09, 2/16/10
license renewal; 11 CSR 45-4.190; 9/1/09, 2/16/10
licenses, restrictions on licenses, licensing authority of the executive director and other definitions; 11 CSR 45-4.020; 9/1/09, 2/16/10
prohibition and reporting of certain transactions; 11 CSR 45-10.040; 1/15/10
supplier's license; 11 CSR 45-4.200; 9/1/09, 2/16/10
taxation regulations
admission fee; 11 CSR 45-11.050; 1/15/10
deposit account—taxes and fees; 11 CSR 45-11.020; 1/15/10
failure to file return or pay tax or fee; 11 CSR 45-11.130; 1/15/10
payment—gaming tax; 11 CSR 45-11.030; 1/15/10
return and payment—admission fee; 11 CSR 45-11.070; 1/15/10

GEOLOGIST REGISTRATION, MISSOURI BOARD OF

licensure requirements; 20 CSR 2145-2.040; 10/1/09, 1/15/10
post-baccalaureate experience in geology; 20 CSR 2145-2.030; 10/1/09, 1/15/10

HAZARDOUS WASTE MANAGEMENT COMMISSION

electronics scrap management; 10 CSR 25-19.010; 8/3/09, 3/1/10

HEALING ARTS, STATE BOARD OF

acceptable continuing education
physical therapists and physical therapist assistants; 20 CSR 2150-3.203; 10/1/09, 1/15/10
speech-language pathologists and audiologists; 20 CSR 2150-4.053; 10/1/09, 1/15/10
administration of vaccines per protocol; 20 CSR 2150-5.025; 12/1/09
licensing of international medical graduates—reciprocity; 20 CSR 2150-2.100; 10/1/09, 1/15/10
limited license; 20 CSR 2150-2.155; 10/1/09, 1/15/10
request for waiver; 20 CSR 2150-7.136; 10/1/09
temporary licenses—physical therapists; 20 CSR 2150-3.050; 5/1/09, 10/1/09

HEALTH AND SENIOR SERVICES, DEPARTMENT OF

community and public health
minimum construction standards for on-site sewage disposal systems; 19 CSR 20-3.060; 8/15/08
fees charged by Department of Health for inspection of existing on-site sewage disposal system required by a lending institution; 19 CSR 20-3.070; 12/1/08, 4/1/09
regulation and licensure
administrative penalties; 19 CSR 30-70.650; 8/17/09, 1/15/10
application and licensure requirements for the initial licensure and relicensure of emergency medical technician-basic, emergency medical technician-intermediate, and emergency medical technician-paramedics; 19 CSR 30-40.342; 2/17/09, 10/1/09, 3/1/10

HIGHWAYS AND TRANSPORTATION COMMISSION

breath alcohol ignition interlock device certification and operational David's law signing
administration; 7 CSR 10-27.040; 10/15/09, 3/15/10
definitions; 7 CSR 10-27.010; 10/15/09, 3/15/10
eligibility requirements; 7 CSR 10-27.020; 10/15/09, 3/15/10
sign design and installation; 7 CSR 10-27.030; 10/15/09, 3/15/10
description, organization, and information; 7 CSR 10-1.010; 3/15/10
skill performance evaluation certificates for commercial drivers; 7 CSR 10-25.010; 2/1/10, 3/15/10

HOUSING DEVELOPMENT COMMISSION, MISSOURI

business with excluded parties; 4 CSR 170-8.040; 3/15/10
causes for debarment of a person(s); 4 CSR 170-8.060; 3/15/10
causes for suspension of a person(s); 4 CSR 170-8.100; 3/15/10
conditions affecting the debarment of a person(s); 4 CSR 170-8.070; 3/15/10
conditions affecting the suspension of a person(s); 4 CSR 170-8.110; 3/15/10
definitions
4 CSR 170-1.100; 3/15/10
4 CSR 170-8.010; 3/15/10
disclosure of information to MHDC or other appropriate officials (voluntary vs. involuntary); 4 CSR 170-8.050; 3/15/10
discretion; 4 CSR 170-8.160; 3/15/10
organization and activities
4 CSR 170-1.010; 3/15/10
4 CSR 170-1.200; 3/15/10
parties to which these regulations apply; 4 CSR 170-8.020; 3/15/10
period of debarment; 4 CSR 170-8.080; 3/15/10
period of suspension; 4 CSR 170-8.120; 3/15/10
prohibited activities of persons; reporting requirements; 4 CSR 170-8.150; 3/15/10
scope and effect of debarment; 4 CSR 170-8.090; 3/15/10
scope of suspension; 4 CSR 170-8.130; 3/15/10
suspension and debarment procedures; 4 CSR 170-8.140; 3/15/10
verification; 4 CSR 170-8.030; 3/15/10

INSURANCE

insurance solvency and company regulation
financial statement and electronic filing; 20 CSR 200-1.030; 8/17/09, 1/4/10
materials incorporated by reference; 20 CSR 200-1.005; 8/17/09, 1/4/10
property and casualty actuarial opinions; 20 CSR 200-1.105; 10/1/09, 2/1/10
life, annuities, and health
dependent coverage; 20 CSR 400-2.200; 3/2/09
medicare supplement insurance minimum standards act; 20 CSR 400-3.650; 8/3/09, 9/1/09, 2/1/10
medical malpractice
statistical data reporting; 20 CSR 600-1.030; 7/2/07
sovereign immunity limits; 20 CSR; 2/1/10
statistical reporting
medical malpractice statistical data reporting; 20 CSR 600-1.030; 10/15/08

INTERPRETERS, MISSOURI STATE COMMITTEE OF

certifications recognized by the board; 20 CSR 2232-2.040; 10/1/09, 1/15/10

LABOR AND INDUSTRIAL RELATIONS

employment security, division of
maintenance and disposal of records; 8 CSR 10-2.010; 9/15/09, 1/4/10
reemployment trade adjustment assistance program; 8 CSR 10-3.140; 10/1/09, 1/15/10
workers' compensation, division of
organization of division of workers' compensation; 8 CSR 50-1.010; 11/16/09, 3/15/10

MESSAGE, BOARD OF THERAPEUTIC

apprenticeship training documentation; 20 CSR 2197-4.040; 10/1/09, 1/15/10
apprenticeship training program; 20 CSR 2197-4.030; 10/1/09, 1/15/10
certified mentor; 20 CSR 2197-4.010; 10/1/09, 1/15/10
provisional license; 20 CSR 2197-2.030; 10/1/09, 1/15/10

MEDICAL SERVICES, DIVISION OF

grant to trauma hospital; 13 CSR 70-15.180; 7/16/07
reimbursement
HIV services; 13 CSR 70-10.080; 10/15/07
nursing services; 13 CSR 70-10.015; 10/15/07
Title XIX
claims, false or fraudulent; 13 CSR 70-3.030; 5/1/07

MENTAL HEALTH, DEPARTMENT OF

assertive community treatment programs; 9 CSR 30-4.0432; 9/15/09, 2/1/10
standard means test; 9 CSR 10-31.011; 1/4/10

MO HEALTHNET

dental benefits and limitations, MO HealthNet program; 13 CSR 70-35.010; 9/15/09, 1/4/10
federal reimbursement allowance (FRA); 13 CSR 70-15.110; 1/4/10
filing of claims, MO HealthNet program; 13 CSR 70-3.100; 9/15/09, 1/4/10
home health-care services; 13 CSR 70-90.010; 9/15/09, 1/4/10
home health-care services reimbursement; 13 CSR 70-90.020; 9/15/09, 1/4/10
inpatient hospital services reimbursement plan; outpatient hospital services reimbursement methodology; 13 CSR 70-15.010; 9/1/09, 2/1/10
insure Missouri; 13 CSR 70-4.120; 2/15/08
list of non-excludable drugs for which prior authorization is required; 13 CSR 70-20.034; 9/15/09, 1/4/10
optical benefits and limitations—MO HealthNet program; 13 CSR 70-40.010; 9/15/09, 1/4/10
pharmacy reimbursement allowance; 13 CSR 70-20.320; 1/4/10
private duty nursing; 13 CSR 70-95.010; 9/15/09, 1/4/10

sanctions for false or fraudulent claims for MO HealthNet services;
13 CSR 70-3.030; 9/15/09, 1/4/10

MISSOURI CONSOLIDATED HEALTH CARE PLAN

public entity membership

copay plan benefit provisions and covered charges; 22 CSR 10-3.050; 2/1/10
definitions; 22 CSR 10-3.010; 2/1/10
high deductible health plan benefit provisions and covered charges; 22 CSR 10-3.055; 2/1/10
pharmacy benefit summary; 22 CSR 10-3.090; 2/1/10
plan utilization review policy; 22 CSR 10-3.045; 2/1/10
PPO 300 plan benefit provisions and covered charges; 22 CSR 10-3.051; 2/1/10
PPO 300 plan, PPO 500 plan, PPO 1000 plan, PPO 2000 plan, HDHP, and copay plan limitations; 22 CSR 10-3.060; 2/1/10
PPO 500 plan benefit provisions and covered charges; 22 CSR 10-3.052; 2/1/10
PPO 1000 plan benefit provisions and covered charges; 22 CSR 10-3.053; 2/1/10
PPO 2000 plan benefit provisions and covered charges; 22 CSR 10-3.054; 2/1/10
public entity membership agreement and participation period; 22 CSR 10-3.030; 2/1/10
subscriber agreement and general membership provisions; 22 CSR 10-3.020; 2/1/10

state membership

copay plan benefit provisions and covered charges; 22 CSR 10-2.050; 2/1/10
definitions; 22 CSR 10-2.010; 2/1/10
high deductible health plan benefit provisions and covered charges; 22 CSR 10-2.053; 2/1/10
HMO and POS limitations; 22 CSR 10-2.067; 2/1/10
HMO summary of medical benefits; 22 CSR 10-2.064; 2/1/10
medical plan benefit provisions and covered charges; 22 CSR 10-2.055; 2/1/10
medicare supplement plan benefit provisions and covered charges; 22 CSR 10-2.054; 2/1/10
pharmacy benefit summary; 22 CSR 10-2.090; 2/1/10
plan utilization review policy; 22 CSR 10-2.045; 2/1/10
PPO 300 plan benefit provisions and covered charges; 22 CSR 10-2.051; 2/1/10
PPO 300 plan, HDHP, copay and HMO plan limitations; 22 CSR 10-2.060; 2/1/10
subscriber agreement and general membership provisions; 22 CSR 10-2.020; 2/1/10

NATURAL RESOURCES, DEPARTMENT OF

consolidation of permit processing; 10 CSR 1-3.010; 11/2/09

NURSING, STATE BOARD OF

graduate temporary permit; 20 CSR 2200-4.021; 11/16/09, 3/1/10
nurse licensure compact; 20 CSR 2200-4.022; 11/16/09, 3/1/10
requirements for licensure; 20 CSR 2200-4.020; 10/1/09, 1/15/10

OCCUPATIONAL THERAPY, MISSOURI BOARD OF

fees; 20 CSR 2205-1.050; 5/15/09

PETROLEUM AND HAZARDOUS SUBSTANCE STORAGE TANKS

underground storage tanks

aboveground storage tanks—release response
applicability and definitions; 10 CSR 20-15.010; 5/1/09
release reporting and initial release response measures; 10 CSR 20-15.020; 5/1/09
site characterization and corrective action; 10 CSR 20-15.030; 5/1/09
administrative penalties
administrative penalty assessment; 10 CSR 26-4.080; 5/1/09, 1/4/10
financial responsibility

allowable mechanisms and combinations of mechanisms; 10 CSR 26-3.094; 5/1/09, 1/4/10
amount and scope of required financial responsibility; 10 CSR 26-3.093; 5/1/09, 1/4/10
applicability; 10 CSR 26-3.090; 5/1/09, 1/4/10
bankruptcy or other incapacity of owner or operator, or provider of financial assurance; 10 CSR 26-3.110; 5/1/09, 1/4/10
cancellation or nonrenewal by a provider of financial assurance; 10 CSR 26-3.105; 5/1/09, 1/4/10
compliance dates; 10 CSR 26-3.091; 5/1/09, 1/4/10
definitions of financial responsibility terms; 10 CSR 26-3.092; 5/1/09, 1/4/10
drawing on financial assurance mechanisms; 10 CSR 26-3.108; 5/1/09, 1/4/10
financial test of self-insurance; 10 CSR 26-3.095; 5/1/09, 1/4/10
guarantee; 10 CSR 26-3.096; 5/1/09, 1/4/10
insurance and risk retention group coverage; 10 CSR 26-3.097; 5/1/09, 1/4/10
letter of credit; 10 CSR 26-3.099; 5/1/09, 1/4/10
local government bond rating test; 10 CSR 26-3.112; 5/1/09, 1/4/10
local government financial test; 10 CSR 26-3.113; 5/1/09, 1/4/10
local government fund; 10 CSR 26-3.115; 5/1/09, 1/4/10
local government guarantee; 10 CSR 26-3.114; 5/1/09, 1/4/10
petroleum storage tank insurance fund; 10 CSR 26-3.101; 5/1/09, 1/4/10
record keeping; 10 CSR 26-3.107; 5/1/09, 1/4/10
release from the requirements; 10 CSR 26-3.109; 5/1/09, 1/4/10
replenishment of guarantees, letters of credit or surety bonds; 10 CSR 26-3.111; 5/1/09, 1/4/10
reporting by owner or operator; 10 CSR 26-3.106; 5/1/09, 1/4/10
standby trust fund; 10 CSR 26-3.103; 5/1/09, 1/4/10
substitution of financial assurance mechanisms by owner or operator; 26 CSR 3.104; 5/1/09, 1/4/10
surety bond; 10 CSR 26-3.098; 5/1/09, 1/4/10
trust fund; 10 CSR 26-3.102; 5/1/09, 1/4/10
organization; 10 CSR 26-1.010; 5/1/09, 1/4/10
technical regulations
assessing the property at closure or change in service; 10 CSR 26-2.062; 5/1/09, 1/4/10
applicability; 10 CSR 26-2.010; 5/1/09, 1/4/10
applicability to previously closed underground storage tank systems; 10 CSR 26-2.063; 5/1/09, 1/4/10
closure records; 10 CSR 26-2.064; 5/1/09, 1/4/10
compatibility; 10 CSR 26-2.032; 5/1/09, 1/4/10
corrective action plan; 10 CSR 26-2.079; 5/1/09, 1/4/10
definitions; 10 CSR 26-2.012; 5/1/09, 1/4/10
general requirements for release detection for all underground storage tank systems; 10 CSR 26-2.040; 5/1/09, 1/4/10
initial abatement measures, site check and comparison with default target levels; 20 CSR 26-2.072; 5/1/09, 1/4/10
initial release response; 10 CSR 26-2.071; 5/1/09, 1/4/10
initial site characterization; 10 CSR 26-2.073; 5/1/09, 1/4/10
interim prohibition for deferred underground storage tank systems; 10 CSR 26-2.011; 5/1/09, 1/4/10
investigation due to impacts on adjacent or nearby properties; 10 CSR 26-2.051; 5/1/09, 1/4/10
light non-aqueous phase liquid (LNAPL) removal; 10

CSR 26-2.074; 5/1/09, 1/4/10
long-term stewardship; 10 CSR 26-2.081; 5/1/09, 1/4/10
methods of release detection for piping; 10 CSR 26-2.044; 5/1/09, 1/4/10
methods of release detection for tanks; 10 CSR 26-2.043; 5/1/09, 1/4/10
no further remedial action determinations; 10 CSR 26-2.082; 5/1/09, 1/4/10
notification requirements; 10 CSR 26-2.022; 5/1/09, 1/4/10
operation and maintenance of corrosion protection; 10 CSR 26-2.031; 5/1/09, 1/4/10
performance standards for new underground storage tank systems; 10 CSR 26-2.020; 5/1/09, 1/4/10
permanent closure and changes in service; 10 CSR 26-2.061; 5/1/09, 1/4/10
public participation and notice; 10 CSR 26-2.080; 5/1/09, 1/4/10
release detection record keeping; 10 CSR 26-2.045; 5/1/09, 1/4/10
release investigation and confirmation steps; 10 CSR 26-2.052; 5/1/09, 1/4/10
release reporting; 10 CSR 26-2.050; 5/1/09, 1/4/10
release response and corrective action; 10 CSR 26-2.070; 5/1/09, 1/4/10
repairs allowed; 10 CSR 26-2.033; 5/1/09, 1/4/10
reporting and cleanup of spills and overfills; 10 CSR 26-2.053; 5/1/09, 1/4/10
reporting and record keeping; 10 CSR 26-2.034; 5/1/09, 1/4/10
requirements for hazardous substance underground storage tank systems; 10 CSR 26-2.042; 5/1/09, 1/4/10
requirements for petroleum underground storage tank systems; 10 CSR 26-2.041; 5/1/09, 1/4/10
risk-based corrective action process; 10 CSR 26-2.075; 5/1/09, 1/4/10
risk-based target levels; 10 CSR 26-2.077; 5/1/09, 1/4/10
site characterization and data requirements; 10 CSR 26-2.076; 5/1/09, 1/4/10
spill and overflow control; 10 CSR 26-2.030; 5/1/09, 1/4/10
tiered risk assessment process; 10 CSR 26-2.078; 5/1/09, 1/4/10
temporary closure; 10 CSR 26-2.070; 5/1/09, 1/4/10
upgrading of existing underground storage tank systems; 10 CSR 26-2.021; 5/1/09, 1/4/10

PHARMACY, STATE BOARD OF

administration of vaccines per protocol; 20 CSR 2220-6.050; 12/1/09
non-dispensing activities; 20 CSR 2220-6.055; 12/1/09
pharmacy technician registration; 20 CSR 2220-2.700; 10/1/09, 2/1/10
well-being program; 20 CSR 2220-2.175; 10/1/09, 2/1/10

PUBLIC DEFENDER COMMISSION

definition of eligible cases; 18 CSR 10-2.010; 2/16/10
rule for the acceptance of cases and payment of private counsel litigation costs; 18 CSR 10-4.010; 2/16/10

PUBLIC SAFETY, DEPARTMENT OF

Fire Safety, Division of
certificates, inspections, and fees; 11 CSR 40-2.022; 8/3/09, 1/4/10
code/standards adopted by board; 11 CSR 40-2.015; 8/3/09, 1/4/10

definitions; 11 CSR 40-2.010; 8/3/09, 1/4/10
heating boilers; 11 CSR 40-2.040; 8/3/09, 1/4/10
new installations; 11 CSR 40-2.061; 8/3/09, 1/4/10
power boilers; 11 CSR 40-2.030; 8/3/09, 1/4/10
Missouri State Highway Patrol
school bus inspection; 11 CSR 50-2.320; 9/15/09, 1/4/10
Missouri State Water Patrol
filing requirements; 11 CSR 80-5.010; 2/17/09

PUBLIC SERVICE COMMISSION

conduct during proceedings; 4 CSR 240-4.020; 12/15/09
customer proprietary network information; 4 CSR 240-33.160; 2/1/10
electric utility renewable energy standard filing requirements; 4 CSR 240-3.156; 2/16/10
electric utility renewable energy standard requirements; 4 CSR 240-20.100; 2/16/10
ex parte and extra-record communications; 4 CSR 240-4.020; 12/15/09
filing requirements for telecommunications company tariffs; 4 CSR 240-3.545; 2/1/10
reporting requirements for electric utilities and rural electric cooperatives; 4 CSR 240-3.190; 2/1/10

REAL ESTATE APPRAISERS

application, certificate, and license fees; 20 CSR 2245-5.020; 5/1/09, 10/1/09, 1/15/10
applications for certification and licensure; 20 CSR 2245-3.010; 10/1/09, 2/1/10
case study courses; 20 CSR 2245-6.040; 10/1/09, 1/15/10
examination and education requirements; 20 CSR 2245-6.015; 10/1/09, 2/1/10
general organization; 20 CSR 2245-1.010; 10/1/09, 1/15/10
instructor approval; 20 CSR 2245-8.030; 10/1/09, 1/15/10
nonresident certification or licensure; reciprocity; 20 CSR 2245-4.050; 10/1/09, 2/1/10
requirements; 20 CSR 2245-8.010; 10/1/09, 1/15/10
temporary nonresident certificate or license; 20 CSR 2245-4.060; 10/1/09, 2/1/10
trainee real estate appraiser registration; 20 CSR 2245-3.005; 6/1/09, 9/15/09, 10/1/09, 1/15/10

REAL ESTATE COMMISSION, MISSOURI

applications for license; 20 CSR 2250-3.010; 10/1/09, 1/15/10
expiration and renewal; name and address changes; 20 CSR 2250-4.020; 10/1/09, 1/15/10
investigation; 20 CSR 2250-9.020; 10/1/09, 1/15/10

RECORDS MANAGEMENT

Missouri historical records advisory board (MHRAB) regrant program administration; 15 CSR 30-45.040; 7/15/09

RETIREMENT SYSTEMS

county employees' retirement fund, the
additional provisions; 16 CSR 50-20.120; 3/1/10
benefits upon participant's death; 16 CSR 50-2.120; 3/1/10
death benefits;
16 CSR 50-10.060; 3/1/10
16 CSR 50-20.080; 3/1/10
definitions;
16 CSR 50-2.010; 3/1/10
16 CSR 50-10.010; 3/1/10
direct rollover option; 16 CSR 50-2.130; 3/1/10
distribution of accounts;
16 CSR 50-10.050; 3/1/10
16 CSR 50-20.070; 3/1/10
payment of benefits; 16 CSR 50-2.035; 10/1/09, 2/1/10, 3/1/10

determination of amount otherwise payable during deflation; 16 CSR 20-2.105; 12/15/09
determination of credited service for periods of absence; 16 CSR 20-2.080; 1/15/10
disability retirement
16 CSR 10-5.020; 2/1/10
16 CSR 10-6.070; 2/1/10
service retirement
16 CSR 10-5.010; 2/1/10
16 CSR 10-6.060; 2/1/10
workers' compensation service credit; 16 CSR 20-2.080; 1/15/10

SOCIAL WORKERS, STATE COMMITTEE FOR

acceptable supervisors and supervisor responsibilities; 20 CSR 2263-2.031; 10/1/09, 3/1/10
application for licensure as a licensed baccalaureate social worker; 20 CSR 2263-2.052; 10/1/09, 3/1/10
application for licensure as a social worker; 20 CSR 2263-2.050; 10/1/09, 3/1/10
client relationships; 20 CSR 2263-3.040; 10/1/09, 3/1/10
competence; 20 CSR 2263-3.140; 10/1/09, 3/1/10
confidentiality; 20 CSR 2263-3.100; 10/1/09, 3/1/10
continuing education; 20 CSR 2263-2.082; 10/1/09, 3/1/10
definitions; 20 CSR 2263-1.010; 10/1/09, 3/1/10
educational requirements for licensed baccalaureate social workers; 20 CSR 2263-2.022; 10/1/09, 3/1/10
educational requirements for licensed social workers; 20 CSR 2263-2.020; 10/1/09, 3/1/10
fees; 20 CSR 2263-1.035; 10/1/09, 3/1/10
inactive status; 20 CSR 2263-2.090; 10/1/09, 3/1/10
licensure by reciprocity; 20 CSR 2263-2.060; 10/1/09, 3/1/10
licensure by reciprocity as a licensed baccalaureate social worker; 20 CSR 2263-2.062; 10/1/09, 3/1/10
moral standards; 20 CSR 2263-3.020; 10/1/09, 3/1/10
provisional licensed baccalaureate social worker; 20 CSR 2263-2.047; 10/1/09, 3/1/10
provisional licenses; 20 CSR 2263-2.045; 10/1/09, 3/1/10
public statements/fees; 20 CSR 2263-3.080; 10/1/09, 3/1/10
registration of supervised social work experience; 20 CSR 2263-2.032; 10/1/09, 3/1/10
relationships with colleagues; 20 CSR 2263-3.060; 10/1/09, 3/1/10
renewal of license; 20 CSR 2263-2.075; 10/1/09, 3/1/10
research on human subjects; 20 CSR 2263-3.120; 10/1/09, 3/1/10
restoration of license; 20 CSR 2263-2.085; 10/1/09, 3/1/10
scope of coverage and organization; 20 CSR 2263-3.010; 10/1/09, 3/1/10
supervised licensed social work experience; 20 CSR 2263-2.030; 10/1/09, 3/1/10
temporary permits for licensed baccalaureate social workers; 20 CSR 2263-2.072; 10/1/09, 3/1/10
temporary permits for licensed social workers; 20 CSR 2263-2.070; 10/1/09, 3/1/10

SOIL AND WATER DISTRICTS COMMISSION

allocation of funds; 10 CSR 70-5.010; 2/1/10
application and eligibility for funds; 10 CSR 70-5.020; 9/1/09
apportionment of funds; 10 CSR 70-5.010; 9/1/09
commission administration of the cost-share program; 10 CSR 70-5.060; 9/1/09, 2/1/10
conservation equipment incentive program; 10 CSR 70-9.010; 9/15/08
cost-share rates and reimbursement procedures; 10 CSR 70-5.040; 9/1/09, 2/1/10
definitions; 10 CSR 70-4.010; 2/1/10
design, layout and construction of proposed practices; operation and maintenance; 10 CSR 70-5.030; 9/1/09
district administration of the cost-share program; 10 CSR 70-5.050; 9/1/09, 2/1/10

STATE AUDITOR

contents of audit reports; 15 CSR 40-4.030; 2/1/10
requirements for districts; 15 CSR 40-4.010; 2/1/10
scope of audit; 15 CSR 40-4.040; 2/1/10
standards for auditing and financial reporting; 15 CSR 40-4.020; 2/1/10

STATE TAX COMMISSION

agricultural land productive values; 12 CSR 30-4.010; 2/1/10
appeals from the local board of equalization; 12 CSR 30-3.010; 2/1/10
collateral estoppel; 12 CSR 30-3.025; 2/1/10

TATTOOING, BODY PIERCING, AND BRANDING, OFFICE OF

fees; 20 CSR 2267-2.020; 5/15/09

TAX

annual adjusted rate of interest; 12 CSR 10-41.010; 12/1/09, 3/15/10
income tax
Missouri consolidated income tax returns; 12 CSR 10-2.045; 1/4/10
sales or use
farm machinery and equipment related exemptions; 12 CSR 10-110.900; 11/16/09

TREASURER

interest rate on linked deposit loans; 15 CSR 50-2.050; 12/1/09, 3/15/10

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