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SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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

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HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

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

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

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

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

EMERGENCY AMENDMENT

20 CSR 2010-2.160 Fees. The board is proposing to amend section (1).

PURPOSE: The Missouri State Board of Accountancy is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326 so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo.

EMERGENCY STATEMENT: The Missouri State Board of Accountancy is statutorily obligated to enforce and administer the provisions of sections 326.250 to 326.331, RSMo. Pursuant to section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 326.250 to 326.331, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 326.250 to 326.331, RSMo. The board is proposing to decrease the individual license renewal fee from one hundred dollars (\$100) to

ninety dollars (\$90). The individual certified public accountant (CPA) licenses expire on October 1, 2011.

The renewal notices for CPAs will be mailed in July 2011, and any CPA wishing to reinstate their license will be assessed the decreased renewal fee. Without this emergency amendment, the decreased fee requirement will not be effective in time for the renewal notice, and the board will collect more revenue than it is statutorily authorized to collect.

An emergency rulemaking or early effective date is necessary to inform the public of a change in the individual license renewal fee required for the application of such license. The emergency amendment is necessary to allow the board to collect the decreased license fees during the 2011 calendar year. In developing this emergency amendment, the board has determined that the fee decrease is necessary to prevent funds from exceeding the maximum fund balance as set forth in section 326.319, RSMo. Pursuant to section 324.001.1(10), RSMo, "A compelling governmental interest shall be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue."

The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The board believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed June 30, 2011, becomes effective July 10, 2011, and expires February 23, 2012.

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

(E) Individual License Fee (biennial renewal) \$/100.00/90.00

AUTHORITY: sections 326.262, 326.271, 326.277, 326.280, 326.283, 326.286, and 326.289, RSMo Supp. [2005] 2010. This rule originally filed as 4 CSR 10-2.160. Emergency rule filed Aug. 6, 1981, effective Aug. 16, 1981, expired Dec. 10, 1981. Original rule filed Aug. 6, 1981, effective Dec. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed June 30, 2011, effective July 10, 2011, expires Feb. 23, 2012. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2010.

EXECUTIVE ORDER 11-19

WHEREAS, a State of Emergency was declared on April 22, 2011 pursuant to Executive Order 11-06 and extended by Executive Order 11-09; and

WHEREAS, the State of Emergency will expire on June 20, 2011; and

WHEREAS, the recent tornadoes, floods and severe storms caused catastrophic damage and significant loss of life and continue to cause distress and hazards to citizens and communities across the state; and

WHEREAS, the magnitude of the ongoing recovery efforts exceeds the capabilities of local jurisdictions and other established agencies and will necessitate the continued assistance of state emergency resources, including the Missouri National Guard; and

WHEREAS, while the state and its citizens continue to recover from the tornadoes, floods and severe weather that have occurred since April, 2011, the United States Army Corps of Engineers is and will continue to release water at unprecedented levels from reservoirs located in the upper Missouri River basin; and

WHEREAS, the action of the United States Corps of Engineers has already caused flooding in northwest Missouri and is projected to significantly raise the level of the Missouri River causing additional widespread flooding and placing individuals and property in peril; and

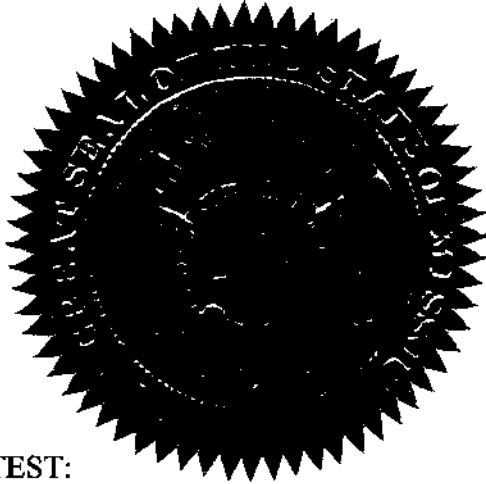
WHEREAS, the flooding along the Missouri River will exceed the capabilities of local jurisdictions and other established agencies for a prolonged period of time and the State of Missouri is prepared to provide its citizens and local communities the assistance and resources necessary to protect life and property; and

WHEREAS, the Missouri National Guard, pursuant to Executive Order 11-18, is supervising and coordinating the State's efforts in responding to the flood; and

WHEREAS, several executive orders have been issued pursuant to the emergency powers contained in Chapter 44, RSMo, to aid in the response to these disasters and relieve the distress and hardship experienced by the affected citizens and communities.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by the power vested in me by the Constitution and laws of the State of Missouri, including Chapter 44, RSMo, do hereby extend the declaration of emergency contained in Executive Order 11-06 (and extended by Executive Order 11-09) until September 15, 2011 unless extended in whole or in part by subsequent order.

It is further ordered that Executive Order 11-07, Executive Order 11-08, Executive Order 11-10, Executive Order 11-11, Executive Order 11-13, Executive Order 11-14, Executive Order 11-15, Executive Order 11-16 and Executive Order 11-18 be extended until September 15, 2011 unless extended in whole or in part by subsequent order.



ATTEST:

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 17th day of June, 2011.

Jeremiah W. (Jay) Nixon
Governor

Robin Carnahan
Secretary of State

EXECUTIVE ORDER
11-20

WHEREAS, a state of emergency was declared on April 22, 2011, pursuant to Executive Order 11-06; and

WHEREAS, Executive Order 11-19 extended the state of emergency until September 15, 2011; and

WHEREAS, on May 22, 2011, the City of Joplin was hit by a tornado and severe storms causing a natural disaster of historic proportions which created a condition of distress and hazards to the health, safety, and welfare of citizens of the state of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, Executive Order 11-12 was issued on May 26, 2011, authorizing the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration to temporarily waive, suspend, and/or modify the operation of any statute or administrative regulation currently in place under his purview in order to best serve the interests of the public health, safety, and welfare during the period of the emergency and effectuate a stabilization in the insurance industry in Jasper and Newton counties; and

WHEREAS, Executive Order 11-12 will expire on June 20, 2011, unless extended in whole or in part.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Chapter 44, RSMo, do hereby extend the following terms of Executive Order 11-12 for the purpose of continuing to protect and safeguard the public health, safety and welfare of the citizens of the state of Missouri impacted by the Joplin tornado:

The Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration shall temporarily waive, suspend, and/or modify the operation of any statute or administrative regulation currently in place under his purview in order to best serve the interests of the public health, safety, and welfare during the period of the emergency to effectuate the following:

Coverage for property insureds in Jasper and Newton counties shall continue under all insurance policies covering property in effect immediately preceding the severe storms occurring on May 22, 2011, and shall remain in effect until July 31, 2011.

Insureds in Jasper and Newton counties may request and obtain a copy of any of their insurance policies free of charge.

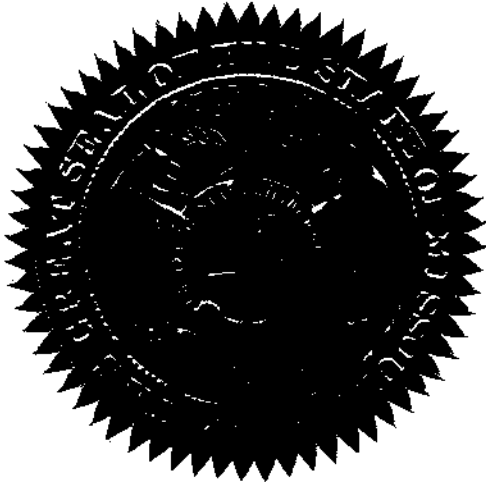
Any licensed public adjuster performing services in Jasper or Newton counties shall exhibit their adjuster license to any prospective client before entering into any contract for the performance of or before performing adjustment or settlement services.

No person required to be licensed as a public adjuster by the Department shall receive as consideration for such adjusting or settling in Jasper or Newton counties more than five percent (5%) of any amounts paid by an insurance company with respect to such property claim.


No person required to be licensed as a public adjuster by the Department shall require the insured to pay a fee in advance of the payment of the insurance company with respect to a claim in Jasper or Newton counties.

The insured has the right to cancel any contract with a licensed public adjuster performing adjustment or settlement services in Jasper or Newton counties up to fourteen (14) days from the date the insured signed any contract.

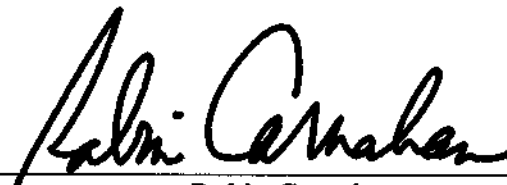
This order shall terminate on September 15, 2011, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 17th day of June, 2011.


Jeremiah W. (Jay) Nixon
Governor

ATTEST:


Robin Carnahan
Secretary of State

EXECUTIVE ORDER
11-21

WHEREAS, a state of emergency was declared on April 22, 2011, pursuant to Executive Order 11-06; and

WHEREAS, Executive Order 11-19 extended the state of emergency until September 15, 2011; and

WHEREAS, on May 22, 2011, the City of Joplin was hit by a tornado and severe storms causing a natural disaster of historic proportions which created a condition of distress and hazards to the health, safety, and welfare of citizens of the state of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, the tornado and severe storms that occurred on May 22, 2011 in the City of Joplin have destroyed schools and school buildings within the Joplin Public School system; and

WHEREAS, on May 26, 2011, by Executive Order 11-13, and on June 1, 2011, by Executive Order 11-15, and on June 3, 2011, by Executive Order 11-16, I authorized the Joplin Public School system to proceed with the rebuilding of seven buildings within the school district and retrofitting, equipping, and furnishing various warehouses and retail structures to house district programs displaced by the tornado; and

WHEREAS, the Joplin Public School system has continued to identify and evaluate various structures that can be retrofitted, equipped and furnished to house students during the 2011-2012 school year; and

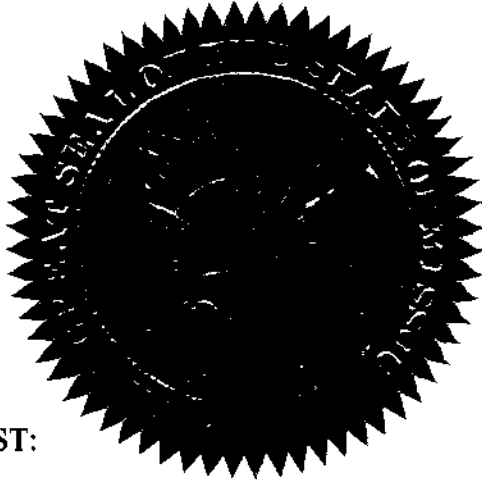
WHEREAS, school resumes in sixty-one days and, without immediate efforts to retrofit, equip and furnish various structures identified by the Joplin Public School system, hundreds of students will be displaced; and

WHEREAS, in order to immediately respond to the emergency and to protect and safeguard the public health, safety, and welfare of the citizens of the state of Missouri, it is necessary to adjust certain state laws, rules and regulations on a temporary and short-term basis.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Chapter 44, RSMo, do hereby authorize:

The Joplin Public School system may begin immediately to retrofit, equip and furnish Eastmorland Elementary, Duquesne Elementary, Duenweg Elementary, McKinley Elementary, Memorial Education Center, 4th and South Grand Building, 7501 East Alliance Parkway, and the Joplin MoDOT Building to house district programs displaced by the tornado, without requiring advertisement for bids.

This order shall terminate on September 15, 2011, unless extended in whole or in part.



ATTEST:

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 17th day of June, 2011.



Jeremiah W. (Jay) Nixon
Governor



Robin Carnahan
Secretary of State