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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 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 9—Animal Care Facilities

EMERGENCY AMENDMENT

2 CSR 30-9.020 Animal Care Facility Rules Governing Licensing, Fees, Reports, Record Keeping, Veterinary Care, Identification, and Holding Period. The director is amending subsection (1)(E), adding subsection (1)(M) and renumbering the remaining subsections, and amending subsection (2)(A).

PURPOSE: This amendment establishes provisions for changes made in the statutes that were effective August 28, 2010.

EMERGENCY STATEMENT: This emergency amendment informs any person or organization operating an animal shelter or rescue organization that they must now meet the licensing requirements in 2 CSR 30-9.020 to be in compliance with changes made by the legislature in 273.327, RSMo, effective August 28, 2010. Facilities licensed under the Animal Care Facilities Act must be inspected once per year or upon complaint. Over three hundred (300) facilities were being inspected at the cost of the state. Exemption from payment of license fees was eliminated by this change in order to maintain funding for the Animal Care Facilities Act Program. The information was shared with the Missouri Animal Control Association at their annual convention on September 24, 2010. All animal shelters and rescue organizations affected by the newly instituted license fee were sent corre-

spondence on December 7, 2010, informing them of the new licensing requirements. This emergency amendment is necessary to protect the safety and welfare of the companion animal industry of Missouri. If the rule were to go through the normal rulemaking process, the program would not comply with its own statute during the next license renewal cycle mandated to occur on January 31 of each year. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protection extended in the Missouri and United States Constitutions. The Department of Agriculture believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed on December 7, 2010, becomes effective December 17, 2010, and expires June 14, 2011.

(1) Application For License and Conditions of Issuing.

(E) *[The following facilities] Pounds or dog pounds* are exempt from the licensing fees but must meet all other standards in 2 CSR 30-9[,] and will be inspected at least annually[:].

[1. Animal shelters; and

2. Pounds or dog pounds.]

(M) **The Department of Agriculture shall not retain, contract with, or otherwise utilize the services of the personnel of any non-profit organization for the purpose of inspection or licensing of any animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, commercial breeder, hobby or show breeder, or pet shop under sections 273.325 to 273.357, RSMo.**

[(M)](N) A licensee or applicant for a license shall not interfere with, threaten, abuse (including verbal abuse) or harass any inspector, state or federal official while carrying out his/her duties.

[(N)](O) A license shall be issued to specific persons for specific premises, facilities, and operations, and does not transfer upon change of ownership or any other significant change of business or operation nor *[are they] is it* valid at a different location. Otherwise, a license issued under 2 CSR 30-9 shall be valid and effective unless—

1. The license has been revoked or suspended pursuant to section 273.329, RSMo;

2. The license is voluntarily terminated by the written request of the licensee to the director;

3. The license has expired or has otherwise been terminated under 2 CSR 30-9; or

4. The applicant did not pay the license fee as required.

[(O)](P) There will be no refund of fees if a license is terminated for any reason before its expiration.

[(P)](Q) Licensees must accept delivery of registered mail or certified mail notice and provide the director notice of any change of address.

[(Q)](R) All licenses will expire on January 31 each year and will automatically terminate at midnight on that date unless the properly completed application with the appropriate fee has been received by the director. A person whose license has been automatically terminated shall not conduct any activity for which a license is required by the ACFA until all requirements for issuing the license have been met and a valid license has been duly issued.

[(R)](S) Any person who seeks the reinstatement of a license that has been automatically terminated must follow the procedure applicable to new applicants for a license.

[(S)](T) A license which is invalid under 2 CSR 30-9 shall be surrendered to the director. If the license cannot be found, the licensee shall provide a written statement so stating to the director.

[(T)](U) Contested cases and other matters involving licensees and the director, or his designee, may be informally resolved by consent agreement, settlement, stipulation, consent order, or default.

(2) License Fees.

(A) In addition to the application for a license or license renewal, each person shall submit to the director the annual license fee and provisional license fee (if required) prescribed in this section, which shows the method used to calculate the appropriate fee. The license fee shall be computed in accordance with the following and based upon the previous year's business:

1. Animal shelter—[No fee, but must meet the standards in 2 CSR 30-9] **One hundred dollars (\$100) plus the annual animal shelter per capita fee for every animal sold, traded, bartered, brokered, adopted out, or given away, up to a maximum of five hundred dollars (\$500);**

2. Pound/dog pound—No fee[,] but must meet the standards in 2 CSR 30-9;

3. Commercial kennel—One hundred dollars (\$100), plus the annual commercial kennel per capita fee for each board day, up to a maximum of five hundred dollars (\$500);

4. Boarding kennel—One hundred dollars (\$100), plus the annual boarding kennel per capita fee for each board day, up to a maximum of five hundred dollars (\$500);

5. Commercial breeder—One hundred dollars (\$100), plus the annual commercial breeder per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of five hundred dollars (\$500);

6. Contract kennel—One hundred dollars (\$100), plus the annual contract kennel per capita fee for every animal sold, traded, bartered, brokered, adopted out, or given away, up to a maximum of five hundred dollars (\$500);

7. Dealer (also auction sale operator or broker)—One hundred dollars (\$100), plus the annual dealer per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of five hundred dollars (\$500);

8. Pet shop—One hundred dollars (\$100), plus the annual pet shop per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of five hundred dollars (\$500);

9. Intermediate handler—One hundred dollars (\$100), plus a per capita fee for each board day and each animal purchased or brokered and transported up to a maximum of five hundred dollars (\$500). Animals which are transported only will be considered as carrier-transported and not subject to a per capita fee;

10. Voluntary licensee (persons/facilities not required to be licensed by definition of the law[,] but desire to obtain a license anyway)—One hundred dollars (\$100); and

11. Hobby or show breeder—Exempt from fees and inspection requirements[,] but must register annually and certify status.

AUTHORITY: sections 273.344 and 273.346, RSMo 2000. Original rule filed Jan. 13, 1994, effective Aug. 28, 1994. Amended: Filed Oct. 24, 1994, effective May 28, 1995. Amended: Filed Nov. 30, 1995, effective July 30, 1996. Amended: Filed May 15, 2003, effective Dec. 30, 2003. Emergency amendment filed Dec. 7, 2010, effective Dec. 17, 2010, expires on June 14, 2011. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

EMERGENCY AMENDMENT

10 CSR 10-6.060 Construction Permits Required. The Missouri Department of Natural Resources is amending subsection (8)(A). The evidence supporting the need for this emergency rulemaking is available for viewing at the Missouri Department of Natural

Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule defines sources which are required to obtain permits to construct. It establishes requirements to be met prior to construction or modification of any of these sources. This rule also establishes permit fees and public notice requirements for certain sources and incorporates a means for unifying the processing of construction and operating permit issuance. This amendment incorporates permitting requirements that will cover new construction projects that emit greenhouse gas (GHG) emissions of at least one hundred thousand (100,000) tons per year or modifications at existing facilities that increase GHG emissions by at least seventy-five thousand (75,000) tons per year. The evidence supporting the need for this emergency rulemaking, per section 536.016, RSMo, is a June 3, 2010, Federal Register Notice.

EMERGENCY STATEMENT: The Department of Natural Resources finds that this emergency amendment is necessary to preserve a compelling governmental interest and to preserve the state's welfare by minimizing the impact of federal regulations. This rulemaking is necessary due to actions by the U.S. Environmental Protection Agency (EPA) related to the Greenhouse Gas Tailoring Rule, which was published June 3, 2010 (75 Federal Register 31514), and is effective August 2, 2010, which requires air permits for certain sources that emit greenhouse gases (GHGs). EPA states that without the Tailoring Rule, federal Prevention of Significant Deterioration (PSD) and title V requirements would apply as of January 2, 2011, for GHG pollutants at the one hundred (100)- and two hundred fifty (250)-tons-per-year levels provided under the Clean Air Act. This would greatly increase the number of required permits, impose undue costs on small sources, and overwhelm the resources of permitting authorities, including the Department of Natural Resources. EPA estimates that nationwide, without the Tailoring Rule, there would be eighty-two thousand (82,000) PSD permitting actions per year, compared to only one thousand six hundred (1,600) permitting actions per year with the Tailoring Rule, at an average cost ranging from fifty-nine thousand dollars (\$59,000) to eighty-four thousand five hundred dollars (\$84,500) per permit. EPA estimates that permitting authorities spend anywhere from two hundred ten (210) to three hundred one (301) hours to issue a PSD permit. The Tailoring Rule, which this emergency rulemaking is designed to implement, adopts a phased approach that raises the threshold for permitting to seventy-five thousand (75,000) or one hundred thousand (100,000) tons per year for GHG emissions. Rule 10 CSR 10-6.060 is being amended to incorporate permitting requirements that will cover new construction projects that emit GHG emissions of at least one hundred thousand (100,000) tons per year or modifications at existing facilities that increase GHG emissions by at least seventy-five thousand (75,000) tons per year. Without changes to this rule, EPA would have authority to issue air permits to Missouri sources for GHG emissions, resulting in the regulated industries having to work with an additional government agency and may result in a delay in permit issuance and increase cost. EPA does not have a regulatory requirement to issue permits in a timely manner, unlike the state, which is required to issue a PSD permit within one hundred eighty-four (184) days of a complete application. This amendment will ensure that the state maintains full authority over its permitting program and will avoid the need for the EPA to exercise its oversight authority to require states to meet minimum federal standards and to issue a State Implementation Plan (SIP) call, with a finding of failure to implement PSD and title V permit programs, for Missouri. EPA has authority under section 110 of the Clean Air Act to impose highway and emission offset sanctions if a state does not submit the required SIP revision or rescind a state's permitting authority.

As a result, the Department of Natural Resources finds that there is a compelling governmental interest that requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Natural Resources believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed December 15, 2010, becomes effective January 3, 2011, and expires July 2, 2011. A proposed amendment covering this same material is published in the January 3, 2011, issue of the Missouri Register (35 MoReg 86).

(8) Attainment and Unclassified Area Permits.

(A) All of the subsections of 40 CFR 52.21, other than (a) Plan disapproval, (q) Public participation, (s) Environmental impact statements, and (u) Delegation of authority, promulgated as of July 1, [2007, including the revisions published at 72 FR 24078 (effective July 2, 2007) and 72 FR 72617 (effective January 22, 2008)] 2009, including the revision published at 75 FR 31606-07 (effective August 2, 2010), are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 30, 2010. Emergency amendment filed Dec. 15, 2010, effective Jan. 3, 2011, expires July 2, 2011.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

EMERGENCY AMENDMENT

10 CSR 10-6.065 Operating Permits. The Missouri Department of Natural Resources is amending subsection (2)(D). The evidence supporting the need for this emergency rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule defines air contaminant sources which are required to obtain operating permits and establishes procedures for obtaining and complying with operating permits; it does not establish any air quality standards or guidelines. This amendment incorporates permitting requirements that will cover new construction projects that emit greenhouse gas (GHG) emissions of at least one hundred thousand (100,000) tons per year or modifications at existing facilities that increase GHG emissions by at least seventy-five thousand (75,000) tons per year. The evidence supporting the need for this emergency rulemaking, per section 536.016, RSMo, is a June 3, 2010, Federal Register Notice.

EMERGENCY STATEMENT: The Department of Natural Resources finds that this emergency amendment is necessary to preserve a compelling governmental interest and to preserve the state's welfare by minimizing the impact of federal regulations. This rulemaking is necessary due to actions by the U.S. Environmental Protection Agency (EPA) related to the Greenhouse Gas Tailoring Rule, which was pub-

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As a result, the Department of Natural Resources finds that there is a compelling governmental interest that requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Natural Resources believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed December 15, 2010, becomes effective January 3, 2011, and expires July 2, 2011. A proposed amendment covering this same material is published in the January 3, 2011, issue of the Missouri Register (35 MoReg 95-96).

(2) Definitions.

(D) Part 70 installations—Installations to which the part 70 operating permit requirements of this rule apply, in accordance with the following criteria:

1. They emit or have the potential to emit, in the aggregate, ten (10) tons per year (tpy) or more of any hazardous air pollutant, other than radionuclides, or twenty-five (25) tpy or more of any combination of these hazardous air pollutants or such lesser quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not these units are in a contiguous area or under common control, to determine whether these units or stations are subject installations. For sources of radionuclides, the criteria shall be established by the administrator;

2. They emit or have the potential to emit one hundred (100) tpy

or more of any air pollutant **subject to regulation**, including all fugitive air pollutants. The fugitive emissions of an installation shall not be considered unless the installation belongs to one (1) of the source categories listed in 10 CSR 10-6.020(3)(B), Table 2. **Subject to regulation means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act or a nationally-applicable regulation codified by the administrator in 40 CFR Parts 50-99, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from the regulated activity, except that—**

A. Greenhouse gases (GHGs), the air pollutant defined as the aggregate group of six (6) greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit one hundred thousand (100,000) tpy carbon dioxide (CO₂) equivalent emissions; and

B. The term tpy CO₂ equivalent emissions (CO₂e) shall represent an amount of GHGs emitted and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six (6) greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of 40 CFR Part 98, promulgated as of October 30, 2009, and summing the resultant value for each to compute a tpy CO₂e. Table A-1 is hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions;

3. They are located in nonattainment areas or ozone transport regions.

A. For ozone nonattainment areas, sources with the potential to emit one hundred (100) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," fifty (50) tpy or more in areas classified as "serious," twenty-five (25) tpy or more in areas classified as "severe," and ten (10) tpy or more in areas classified as "extreme"; except that the references in this paragraph to one hundred (100), fifty (50), twenty-five (25), and ten (10) tpy of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;

B. For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit fifty (50) tpy or more of volatile organic compounds;

C. For carbon monoxide nonattainment areas that are classified as "serious," and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, sources with the potential to emit fifty (50) tpy or more of carbon monoxide; and

D. For particulate matter less than ten (10) micrometers (PM₁₀) nonattainment areas classified as "serious," sources with the potential to emit seventy (70) tpy or more of PM₁₀;

4. They are affected sources under Title IV of the 1990 Act;

5. They are solid waste incinerators subject to section 129(e) of the Act;

6. Any installation in a source category designated by the administrator as a part 70 source pursuant to 40 CFR 70.3; and

7. Installations that would be part 70 sources strictly due to the following criteria are not subject to part 70 source requirements until the administrator subjects this installation to these requirements by rule:

A. They are subject to a standard, limitation, or other requirement under section 111 of the Act, including area sources; or

B. They are subject to a standard or other requirement under section 112 of the Act, except that a source, including an area source,

is not required to obtain a permit solely because it is subject to rules or requirements under section 112(r) of the Act.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Sept. 2, 1993, effective May 9, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 30, 2010. Emergency amendment filed Dec. 15, 2010, effective Jan. 3, 2011, expires July 2, 2011.

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

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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 9—Animal Care Facilities

PROPOSED AMENDMENT

2 CSR 30-9.020 Animal Care Facility Rules Governing Licensing, Fees, Reports, Record Keeping, Veterinary Care, Identification, and Holding Period. The director is amending subsections (1)(D) and (1)(E), adding a new subsection (1)(M), and renumbering the remaining subsections and amending subsection (2)(A), deleting subsection (2)(C), and renumbering the remaining subsections.

PURPOSE: This amendment establishes provisions for changes made in the statutes that were effective August 28, 2010.

(1) Application For License and Conditions of Issuing.

(D) The following persons are exempt from the licensing fees and

inspection requirements:

1. Persons engaged in breeding dogs and cats who harbor three (3) or less intact females; and

2. Registered hobby and show breeders, **with proof of show.**

(E) *[The following facilities] Pounds or dog pounds* are exempt from the licensing fees but must meet all other standards in 2 CSR 30-9[,] and will be inspected at least annually[:].

[1. Animal shelters; and

2. Pounds or dog pounds.]

(M) **The department of agriculture shall not retain, contract with, or otherwise utilize the services of the personnel of any non-profit organization for the purpose of inspection or licensing of any animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, commercial breeder, hobby or show breeder, or pet shop under sections 273.325 to 273.357, RSMo.**

[(M)](N) A licensee or applicant for a license shall not interfere with, threaten, abuse (including verbal abuse) or harass any inspector, state or federal official while carrying out his/her duties.

[(N)](O) A license shall be issued to specific persons for specific premises, facilities, and operations, and does not transfer upon change of ownership or any other significant change of business or operation nor *[are they] is it* valid at a different location. Otherwise, a license issued under 2 CSR 30-9 shall be valid and effective unless—

1. The license has been revoked or suspended pursuant to section 273.329, RSMo;

2. The license is voluntarily terminated by the written request of the licensee to the director;

3. The license has expired or has otherwise been terminated under 2 CSR 30-9; or

4. The applicant did not pay the license fee as required.

[(O)](P) There will be no refund of fees if a license is terminated for any reason before its expiration.

[(P)](Q) Licensees must accept delivery of registered mail or certified mail notice and provide the director notice of any change of address.

[(Q)](R) All licenses will expire on January 31 each year and will automatically terminate at midnight on that date unless the properly completed application with the appropriate fee has been received by the director. A person whose license has been automatically terminated shall not conduct any activity for which a license is required by the ACFA until all requirements for issuing the license have been met and a valid license has been duly issued.

[(R)](S) Any person who seeks the reinstatement of a license that has been automatically terminated must follow the procedure applicable to new applicants for a license.

[(S)](T) A license which is invalid under 2 CSR 30-9 shall be surrendered to the director. If the license cannot be found, the licensee shall provide a written statement so stating to the director.

[(T)](U) Contested cases and other matters involving licensees and the director, or his designee, may be informally resolved by consent agreement, settlement, stipulation, consent order, or default.

(2) License Fees.

(A) In addition to the application for a license or license renewal, each person shall submit to the director the annual license fee and provisional license fee (if required) prescribed in this section, which shows the method used to calculate the appropriate fee. The license fee shall be computed in accordance with the following and based upon the previous year's business:

1. Animal shelter—*[No fee, but must meet the standards in 2 CSR 30-9]* **One hundred dollars (\$100) plus the annual animal shelter per capita fee for every animal sold, traded, bartered, brokered, adopted out, or given away, up to a maximum of five hundred dollars (\$500);**

2. Pound/dog pound—No fee[,] but must meet the standards in 2 CSR 30-9;

3. Commercial kennel—One hundred dollars (\$100), plus the annual commercial kennel per capita fee for each board day, up to a maximum of five hundred dollars (\$500);

4. Boarding kennel—One hundred dollars (\$100), plus the annual boarding kennel per capita fee for each board day, up to a maximum of five hundred dollars (\$500);

5. Commercial breeder—One hundred dollars (\$100), plus the annual commercial breeder per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of five hundred dollars (\$500);

6. Contract kennel—One hundred dollars (\$100), plus the annual contract kennel per capita fee for every animal sold, traded, bartered, brokered, adopted out, or given away, up to a maximum of five hundred dollars (\$500);

7. Dealer (also auction sale operator or broker)—One hundred dollars (\$100), plus the annual dealer per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of five hundred dollars (\$500);

8. Pet shop—One hundred dollars (\$100), plus the annual pet shop per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of five hundred dollars (\$500);

9. Intermediate handler—One hundred dollars (\$100), plus a per capita fee for each board day and each animal purchased or brokered and transported up to a maximum of five hundred dollars (\$500). Animals which are transported only will be considered as carrier-transported and not subject to a per capita fee;

10. Voluntary licensee (persons/facilities not required to be licensed by definition of the law[,] but desire to obtain a license anyway)—One hundred dollars (\$100); and

11. Hobby or show breeder—Exempt from fees and inspection requirements[,] but must register annually and certify status.

[(C) Provisional License Fee. A one hundred dollar (\$100)-provisional license fee will be assessed to all boarding kennels, commercial breeders, commercial kennels, contract kennels, dealers and pet shops who were in operation before January 1, 1995. The provisional license fee, if required, must be paid prior to an annual license being issued.]

[(D)](C) In the case of a new applicant for a license, the initial license fee shall be one hundred dollars (\$100). Annual renewal of license shall be based upon the calculations stated previously in this section.

[(E)](D) A separate license shall be obtained for each physical facility operated by the applicant.

AUTHORITY: sections 273.344 and 273.346, RSMo 2000. Original rule filed Jan. 13, 1994, effective Aug. 28, 1994. Amended: Filed Oct. 24, 1994, effective May 28, 1995. Amended: Filed Nov. 30, 1995, effective July 30, 1996. Amended: Filed May 15, 2003, effective Dec. 30, 2003. Emergency amendment filed Dec. 7, 2010, effective Dec. 17, 2010, expires June 14, 2011. Amended: Filed Dec. 7, 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 may cost private entities an estimated eighty-four thousand seven hundred ten dollars (\$84,710) 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 Agriculture, Taylor H. Woods, State Veterinarian, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publi-

cation of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Agriculture
Division Title: Animal Health
Chapter Title: Chapter 9 – Animal Care Facilities**

Rule Number and Title:	2 CSR 30-9.020 Animal Care Facility Rules Governing Licensing, Fees, Report, Record Keeping, Veterinary Care, Identification and Holding Period.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
321	Animal Shelters	\$84,710

III. WORKSHEET

Based on 2010 reported figures:
35 animal shelters will pay the \$500 maximum fee = \$17,500
286 animal shelters will average \$235 = \$67,210
(\$100 license fee + \$1.00 per animal) \$84,710

IV. ASSUMPTIONS

Currently 321 facilities fall under the category of animal shelters. Each facility will be required to pay an annual license fee of one hundred dollars (\$100) for the license plus a per capita fee of \$1.00 for every animal sold, traded, bartered, brokered, adopted out or given away, up to a maximum of five hundred dollars (\$500).

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 6—Requirements for the Missouri Dairy Law

PROPOSED AMENDMENT

2 CSR 80-6.041 Dairy Manufacturing Plant, Dairy Manufacturing Farm and Personnel Licensure. The Missouri State Milk Board is amending section (1) and deleting forms which follow the rule in the *Code of State Regulations*.

PURPOSE: This proposed amendment updates the fee schedule for dairy plants, receiving stations, market testing laboratories, buyers of milk or cream, nonresident brokers, fieldsmen, graders or bulk milk truck operators, and Certificates of Free Sale as required by law.

(1) It is unlawful for any person to operate a dairy manufacturing plant, receiving station, market testing laboratory, to buy milk or cream from Missouri producers, or to perform the duties of fieldman, grader, or bulk milk truck operator without a license.

(A) A dairy manufacturing plant shall be issued a license upon satisfactory application and payment of the annual license fee to the State Milk Board. The license fee shall be based on annual butterfat or milk purchased from producers, or in the event milk or butterfat purchases cannot serve as a basis, the amount of milk, figured at the approximate average butterfat test of all milk marketed, that is required to produce the total pound volume of production during the past twelve (12) months ending June 30 as follows:

1. For any dairy manufacturing plant purchasing *[fifty thousand (50,000) pounds or less of butterfat, considered the equivalent of one million four hundred thousand (1,400,000) pounds of milk, ten dollars (\$10)]* **milk or milk products from Missouri, one hundred dollars (\$100)**; and for each *[additional one thousand (1000) pounds of butterfat or twenty-eight thousand (28,000) pounds of milk or fraction of butterfat or milk five cents (5¢)]* **1,400,000 pounds of milk purchased, five dollars (\$5)**;

2. For any dairy manufacturing plant or buyer whose license is based on total pound volume of production of one hundred thousand (100,000) pounds or less, in this rule considered the equivalent of one (1) million pounds of milk, *[ten dollars (\$10)]* **one hundred dollars (\$100)**; for each additional *[one hundred thousand (100,000) pounds the equivalent of one (1) million pounds of milk or fraction of milk, one dollar and fifty cents (\$1.50)]* **1,400,000 pounds of milk, five dollars (\$5)**. The total volume is not construed to mean or include volume of products processed for the Commodity Credit Corporation by contract or volume of prepackaged cheese where basic form has not been changed;

3. For new dairy manufacturing plants where volume of the twelve (12) months previous to June 30 has not been established, the *[license]* fee shall be *[ten (\$10)]* **five hundred dollars (\$500) and include site inspection, construction plan and label approval, inspections, and license to operate. License shall expire June 30;**

4. The State Milk Board, or its agent, shall have the authority to examine the buying and production records of any dairy products manufacturing plant for verification of the butterfat tonnage purchased at the plant, or verification of total pound volume of production manufactured or processed at the plant, at any reasonable time that the State Milk Board shall elect to make the examination. Butterfat or milk volume should be reported so as not to include any butterfat or milk volume the second time due to transfer or sale from one (1) plant to another;

5. A dairy products manufacturing plant license shall not be transferable and shall not be movable from one (1) city or town to another city or town, but with the consent of the State Milk Board may be moved from one (1) location to another location in the same city or town; and

6. When a dairy products manufacturing plant licensed as

described in this rule ceases to receive milk, process milk, or both, for thirty (30) consecutive days or longer, its dairy manufacturing plant license shall be automatically terminated with no refund of licensing fee. Prior to resumption of operations, reapplication shall be made for licensing and a sanitation inspection of plant facilities showing satisfactory compliance shall be conducted by a representative of the State Milk Board prior to authorizing a new license. New licenses issued as described shall require a license fee of ten dollars (\$10) and shall expire June 30, if the plant has continuous operation.

(B) No person shall operate a cream station or milk plant, or test milk or cream for the purpose of purchase, without having made satisfactory application, passed the required examination, and received license as a grader; the annual fee for licensure is *[three dollars (\$3)]* **twenty-five dollars (\$25)** for the licensure year or unexpired portion.

(C) No person shall operate a bulk milk truck to pick up milk from Missouri producers without a license as prescribed in 2 CSR 80-6.021 and payment of *[a] an annual* license fee of *[three dollars (\$3)]* **twenty-five dollars (\$25)**.

(D) No bulk milk pick-up tanker truck shall be operated without proof of annual inspection. Annual inspections shall be performed by the State Milk Board or its authorized regulatory agent with payment of a twenty-five dollar (\$25)-inspection fee.

[(D)](E) A fieldman, prior to performing his/her duties in the state for a dairy manufacturing plant located either within or outside of Missouri processing either Grade A or manufacturing milk, must obtain a fieldman's license from the State Milk Board. This license, which also grants the authority to sample, test, or grade milk or cream, and to operate a bulk milk truck to pick up milk from farm producers, can be issued only to an individual free from communicable disease, who has passed a written examination grading seventy (70) or above and has paid the annual fee of *[ten dollars (\$10)]* **twenty-five dollars (\$25)**; the license may be renewed upon payment of the annual fee, unless previously revoked for cause. The license is not transferable.

[(E)](F) Each dairy products manufacturing plant located outside Missouri, which is any other person buying unprocessed milk or cream directly from producers in Missouri for processing or manufacturing outside Missouri, shall apply, under oath, and obtain a brokerage license, for the license year, which shall include the right to buy milk or cream. A brokerage license shall be issued upon satisfactory application to the State Milk Board accompanied by an annual brokerage fee based upon the annual butterfat or milk purchases made in Missouri during the previous twelve (12) months ending on June 30 as follows:

1. For any plant purchasing *[fifty thousand (50,000) pounds or less of butterfat, considered the equivalent of one million four hundred thousand (1,400,000) pounds of milk, ten dollars (\$10)]* **milk or milk product from Missouri, one hundred dollars (\$100)**, and for each *[additional one thousand (1000) pounds of butterfat or twenty-eight thousand (28,000) pounds of milk or fraction of butterfat or milk, five cents (5¢)]* **1,400,000 pounds of milk purchased, five dollars (\$5)**; and

2. For new plants where volume of the twelve (12) months previous of June 30 has not been established, the license fee shall be *[ten dollars (\$10)]* **one hundred dollars (\$100)**.

[(F)](G) No person shall operate a market testing laboratory without a license to operate a market testing laboratory. An annual fee of three dollars (\$3) shall be required for the license. A market testing laboratory is any laboratory which performs milk fat testing for pay purposes or other quality testing as required by 2 CSR 80-6.011.

[(G)](H) No person shall operate a receiving station without a license to operate a receiving station. An annual fee of *[three dollars (\$3)]* **twenty-five dollars (\$25)** shall be required for the license.

(I) A Certificate of Free Sale and Sanitary Origin is required by many foreign governments to allow entry of milk and dairy

products into their country. For each Certificate of Free Sale issued the fee shall be one hundred dollars (\$100).

[(H)](J) All fees for license renewal and applications for licenses are to be considered nonrefundable at the time of receipt by the State Milk Board or its authorized representative.

AUTHORITY: section 196.540, RSMo [1986] 2000. This rule previously filed as 2 CSR 30-21.041. Original rule filed Dec. 10, 1981, effective April 11, 1982. Amended: Filed Jan. 17, 1983, effective May 13, 1983. Amended: Filed June 7, 1983, effective Oct. 13, 1983. Amended: Filed Dec. 6, 2010.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions one thousand dollars (\$1,000) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities twenty-one thousand eight hundred seventy-eight dollars (\$21,878) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with the State Milk Board at 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for February 17, 2011, from 10:00 a.m.–11:00 a.m. at Missouri Department of Agriculture, 1616 Missouri Boulevard, Jefferson City, MO 65109.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 2 – Department of Agriculture

Division: 80 – State Milk Board

Chapter: 6 – Dairy Manufacturing Plant, Dairy Manufacturing Farm and Personnel License

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 2 CSR 80-6.041

II. SUMMARY OF FISCAL IMPACT

Affected Agency/Political Subdivision	Estimated Aggregate Cost of Compliance
State Milk Board	\$1000.00

III. WORKSHEET

Printing Cost for inspection stickers, license applications and licensures.

IV. ASSUMPTIONS

The estimates contained in this fiscal note are based upon the following assumptions:

1. Licenses and applications are printed by State Printing.
2. Inspection stickers can be purchased through Missouri Vocational Enterprises in bulk for five year periods to reduce cost. Inspection year is punched when applied.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 2 - Department of Agriculture
 Division: 80 - State Milk Board
 Chapter: 6
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 2 CSR 80-6.041 Dairy Manufacturing Plant, Dairy Farm, and
 Personnel License

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
9 (See List Below)	Milk and Dairy Industry	\$21,878.00

III. WORKSHEET

Proposed Amended Fee Schedule:

Bulk Milk Haulers License	300 X \$25 = \$7,500.00
Bulk Milk Transport Inspection	50X \$25 = \$1,250.00
Fieldmen License	10 X \$25 = \$250.00
Tester-Grader-Sampler License	90 X \$25 = \$2250.00
Receiving Station License	44X\$25 = \$1,100.00
Brokerage License	8X\$100 = \$800.00 plus 196,000,000 lbs/1,400,000 X \$5 = \$ 700 .00
Plant start-up fee	2X\$500 = \$1,000.00
Certificate of Free Sale	70X\$100 = \$7,000.00
Plant License	20X\$100 = \$2,000.00
Total Collections	\$23,850.00
Less Current Fee	\$ 1,972.00
Total Private Entity Cost	\$21,878.00

IV. ASSUMPTIONS

The estimates contained in this fiscal note are based upon the following assumptions:

1. Manufacturing Grade Dairy industry continues to operate in Missouri.
2. Bulk Milk Haulers will remain constant.
3. Over-the-road tankers license numbers will decrease. Some over-the-road milk tanker companies will license in states charge lower or no yearly fees.
4. Dairy manufacturing plants will continue to export dairy product to countries requiring Certificates of Free Sale for dairy product entry.

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

PROPOSED AMENDMENT

6 CSR 10-2.080 Higher Education Academic Scholarship Program. The commissioner of higher education is amending sections (1), (2), (4), and (5).

PURPOSE: This amendment updates the definitions of completed secondary coursework and qualifying score, updates requirements for student eligibility and award prioritization, and adds requirements for regaining eligibility after failure to maintain satisfactory academic progress.

(1) Definitions.

(G) Completed secondary coursework or completion of secondary coursework shall be graduation from high school, completion of a formal home school program consistent with Missouri statutory requirements, or receipt of a certificate of high school equivalence or the virtual public school established in section 161.670, RSMo, receipt of a general education development (GED) diploma, completion of a program of study through homeschooling, or any other program of academic instruction that satisfies the compulsory attendance requirement under section 167.031, RSMo.

(T) Qualifying score shall be a composite score on the ACT examination or the SAT achieved in an eligible student's high school sophomore, junior, or senior year that is in the top [three percent (3%) of all Missouri test takers for fiscal years prior to 2011, and] five percent (5%) of Missouri test takers [for fiscal year 2011 and each fiscal year thereafter], as established at the beginning of an eligible student's final year of secondary coursework.

(2) Basic Eligibility Policy.

(E) To satisfactorily complete the approved student deferment period, applicants and recipients must meet the following requirements in the academic year immediately following the student deferment period:

1. Notify the MDHE by submitting sufficient documentation verifying the approved student deferment period was satisfactorily completed within the [original dates, not to exceed the] maximum time frame allowed in section 173.250, RSMo;

2. Complete and submit all requested eligibility information to the MDHE according to the provisions of this rule;

3. Have met all other requirements established for eligibility to receive an initial or renewal scholarship;

4. Enroll as a full-time student at an approved institution **within the time frames referenced in section 173.250, RSMo;** and

5. Submit sufficient documentation verifying to the MDHE that the student was not compensated for other than service-related expenses for a service that was provided to a nonprofit organization.

(4) Application and Evaluation Policy.

(A) The [CBHE] MDHE shall prescribe the form of and the time and method of filing applications under the academic scholarship program.

(B) An application for scholarship assistance under the academic scholarship program shall be made in the form and method prescribed by the [CBHE] MDHE.

(C) The [CBHE] MDHE will determine if an applicant has achieved a qualifying score and is eligible for an award as an initial recipient by evaluating the official ACT or SAT test scores from national test dates, **approved special test dates, or census test dates** in comparison to the Missouri high school senior score report provided by ACT or the College Board. Verification of the initial recipient's test scores from national, **special, or census** test dates must be

provided by ACT or the College Board, or by an official at the high school from which the initial recipient graduated or a financial aid officer at the approved institution in which the initial recipient is enrolled or plans to enroll based on documentation from ACT or the College Board. Failure to provide official test score verification will result in the application being incomplete.

(5) Award Policy.

(D) If program funds are insufficient to award to all recipients in the top three percent (3%), the award amounts will be reduced equally for those recipients until all funds have been expended. All students in the top three percent (3%) of all Missouri test-takers shall receive the maximum academic scholarship program award amount referenced in section 173.250, RSMo, before any student in the top fourth and fifth percentiles receives any award.

~~[(D)]~~**(E) If [sufficient] program funds are [unavailable] insufficient to award to all recipients in the top fourth and fifth percentiles, the award amounts will be reduced equally for [all] those recipients until all funds have been expended.**

(F) A student who has been denied an academic scholarship award for lack of satisfactory academic progress may not receive another academic scholarship award until the enrollment period after satisfactory academic progress has once again been met.

~~[(E)]~~**(G) The award amount for any given academic year will be disbursed to the approved institution equally according to the number of semesters at the approved institution and awarded for each semester of enrollment.**

~~[(F)]~~**(H) Awards will not be made for periods of enrollment during summer terms.**

~~[(G)]~~**(I) Awards will be issued only after certification of full-time attendance of the student by the institution. For a student enrolled as part of a consortium agreement, the student must be considered to be enrolled full-time at the home institution to be certified.**

~~[(H)]~~**(J) An applicant may change his approved institution choice by the established deadline and may transfer between approved institutions during the academic year. Failure to notify the MDHE of such action may result in loss of the award.**

~~[(I)]~~**(K) Award notifications will be sent to initial applicants and renewal students by the MDHE once the awards have been determined. Notification of initial and renewal awards also will be sent to the student financial aid office at the approved institution where the applicant plans to enroll or has enrolled.**

~~[(J)]~~**(L) The applicant's award will be sent to the approved institution to be endorsed by the applicant. The institution shall retain the portion of the award that the student owes for expenses and promptly give the applicant any remaining funds.**

AUTHORITY: section 173.250, RSMo Supp. [2008] 2010. Original rule filed Nov. 14, 1986, effective Feb. 28, 1987. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 10, 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 or in opposition to this proposed amendment with the Missouri Department of Higher Education, Financial Assistance, Outreach, and Proprietary School Certification, Kelli Reed, Student Assistance Associate, PO Box 1469, Jefferson City, MO 65102-1469. 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 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

PROPOSED AMENDMENT

6 CSR 10-2.150 Access Missouri Financial Assistance Program. The commissioner of higher education is amending sections (4) and (5).

PURPOSE: This amendment updates the Missouri Department of Higher Education's address, program award amounts, and the award calculation.

(4) Application and Evaluation Policy.

(A) The [CBHE] department shall annually prescribe the time and method for filing applications for financial assistance under the Access Missouri program. It shall make announcement of its action in these respects.

(E) Exceptions to the department's procedures applicable to the Access Missouri program and reconsideration of applicants' need will take place only in unusual circumstances, such as death or disability of a wage earner, illness, or other economic reversal, and will be considered on an individual basis only upon written request, submitted to the Missouri Department of Higher Education, Access Missouri Program, [3515 Amazonas Drive] PO Box 1469, Jefferson City, MO [65109] 65102-1469.

(5) Award Policy.

(C) Initial and renewal recipients who meet the eligibility requirements set forth in sections 173.1101 through 173.1107, RSMo, and this rule shall be eligible for an Access Missouri award, with minimum and maximum annual award amounts as [follows] referenced in section 173.1105, RSMo, subject to the availability of funds appropriated by the legislature[:].

1. One thousand dollars (\$1,000) maximum and three hundred dollars (\$300) minimum for students attending institutions classified as part of the public two (2)-year sector;

2. Two thousand one hundred fifty dollars (\$2,150) maximum and one thousand dollars (\$1,000) minimum for students attending institutions classified as part of the public four (4)-year sector, including Linn State Technical College; and

3. Four thousand six hundred dollars (\$4,600) maximum and two thousand dollars (\$2,000) minimum for students attending approved private institutions.]

(E) Any award amount shall be reduced by the amount of a student's [reimbursement pursuant to section 160.545, RSMo.] payment from the A+ schools program or any successor program to it.

AUTHORITY: section 173.1103, RSMo Supp. [2008] 2010. Emergency rule filed Aug. 28, 2007, effective Sept. 7, 2007, expired March 4, 2008. Original rule filed Oct. 12, 2007, effective March 30, 2008. Amended: Filed Dec. 15, 2008, effective June 30, 2009. Amended: Filed Dec. 10, 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 or in opposition to this proposed amendment with the Missouri Department of Higher Education, Financial Assistance, Outreach, and Proprietary School Certification, Kelli Reed, Student Assistance Associate, PO Box 1469, Jefferson City, MO 65102-1469.

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 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 8—Unfair Practices**

PROPOSED AMENDMENT

15 CSR 60-8.010 Definitions. The attorney general is amending section (1) by clarifying the definitions of "disaster area" in subsection (1)(C) and "excessive price" contained in subsections (1)(C) and (1)(D).

PURPOSE: This amendment creates a thirty (30)-day time limitation for the attorney general's price gouging rule in the event the triggering natural disaster declaration itself does not specify a time limitation. This change recognizes an intent to allow market forces of supply and demand to quickly resume.

(1) Unless inconsistent with the definitions provided in Chapter 407, RSMo, the following terms and phrases shall mean:

(C) Disaster area shall mean an area declared to be a disaster area by either state or federal authorities. **A disaster area, for purposes of 15 CSR 60-8.030, will expire upon the termination date stated in the order or declaration issued by state or federal authorities, or if no termination date is stated, shall expire thirty (30) days from the date of issuance of the order or declaration. Such order or declaration may be renewed by state or federal authorities. Each renewal will expire upon the termination date stated in the renewal, or if no termination date is stated, shall expire thirty (30) days from the date of issuance of the renewal;**

(D) Excessive price shall mean a seller's price that is not justified by the seller's actual cost of acquiring, producing, selling, transporting, and delivering the actual product sold plus the seller's usual and customary profit margin prior to the onset of the natural disaster. **An excessive price, for purposes of determining a violation of 15 CSR 60-8.030, shall not include any price agreed to by a buyer and seller prior to the declaration of an applicable disaster;**

AUTHORITY: section[s] 407.020, RSMo [(Cum. Supp. 1992)] Supp. 2010 and section 407.145, RSMo [(Cum. Supp. 1993)] 2000. Original rule filed March 18, 1994, effective Sept. 30, 1994. Amended: Filed Dec. 2, 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 Office of Missouri Attorney General, PO Box 899, Jefferson City, MO 65102, Attn: General Counsel. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of
Missouri
Chapter 4—Membership and Creditable Service**

PROPOSED AMENDMENT

16 CSR 10-4.010 Membership Service Credit. The Public School Retirement System of Missouri is amending section (3).

PURPOSE: This amendment provides clarification on determining service credit for members who are employed after the start of a school year as authorized in section 169.020, RSMo.

(3) When a member terminates employment with an employer included in the retirement system before the end of a school year, the maximum credit that may be received for that school year for employment with such employer will be calculated based on the portion of the school year completed before termination of membership. **When a member begins employment with an employer included in the retirement system after the start of a school year, the maximum credit that may be received for that school year for employment with such employer will be calculated based on the portion of the school year completed after starting covered employment.** Provided, however, that the beneficiary of a deceased member may elect to have membership service credit calculated pursuant to section (1) of this rule if such beneficiary is eligible or would become eligible for benefits pursuant to section 169.070.3(2) or 169.075, RSMo. In no event will benefit payments commence prior to July 1 if the member is allowed one (1) year of membership service credit.

AUTHORITY: section 169.020, RSMo Supp. 2010. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Public School and Education Employee Retirement Systems of Missouri, Attn: M. Steve Yoakum, PO Box 268, Jefferson City, MO 65102-0268. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS

Division 10—The Public School Retirement System of Missouri

Chapter 6—The Public Education Employee Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.040 Membership Service Credit. The Public School Retirement System of Missouri is amending section (2).

PURPOSE: This amendment provides clarification on determining service credit for members who are employed after the start of a school year as authorized in section 169.610 and 169.020, RSMo.

(2) When a member terminates employment with an employer included in the retirement system before the end of a school year, the maximum credit that may be received for that school year for employment with such employer will be calculated based on the portion of the school year completed before termination of membership. **When a member begins employment with an employer included in the retirement system after the start of a school year, the maximum credit that may be received for that school year for employ-**

ment with such employer will be calculated based on the portion of the school year completed after starting covered employment. Provided, however, that the beneficiary of a deceased member may elect to have membership service credit calculated pursuant to section (1) of this rule if such beneficiary is eligible or would become eligible for benefits pursuant to section 169.670.4(2), RSMo. In no event will benefit payments commence prior to July 1 if the member is allowed one (1) year of membership service credit.

AUTHORITY: section 169.610, RSMo Supp. 2010. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 15, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Public School and Education Employee Retirement Systems of Missouri, Attn: M. Steve Yoakum, PO Box 268, Jefferson City, MO 65102-0268. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

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

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under
Statutory Jurisdiction**

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2010, the commission amends a rule as follows:

1 CSR 15-3.290 Filing of Documents; Fax Filing; Posting Bond is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1381). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2010, and the public comment period for written comments ended October 31, 2010. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under
Statutory Jurisdiction**

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2010, the commission amends a rule as follows:

1 CSR 15-3.350 Complaints is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1381-1382). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2010, and the public comment period for written comments ended October 31, 2010. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under
Statutory Jurisdiction**

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2010, the commission amends a rule as follows:

1 CSR 15-3.380 Answers and Other Responsive Pleadings is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1382). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2010, and the public comment period for written comments ended October 31, 2010. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under
Statutory Jurisdiction**

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2010, the commission amends a rule as follows:

1 CSR 15-3.431 Voluntary Dismissal, Settlement, and Consent Orders is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1382-1383). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2010, and the public comment period for written comments ended October 31, 2010. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under
Statutory Jurisdiction**

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2010, the commission amends a rule as follows:

1 CSR 15-3.436 Involuntary Dismissal is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1383). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2010, and the public comment period for written comments ended October 31, 2010. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under
Statutory Jurisdiction**

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2010, the commission amends a rule as follows:

**1 CSR 15-3.446 Decision on the Complaint without a Hearing
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1383–1384). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2010, and the public comment period for written comments ended October 31, 2010. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under
Statutory Jurisdiction**

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2010, the commission amends a rule as follows:

1 CSR 15-3.480 Motions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1384). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2010, and the public comment period for written comments ended October 31, 2010. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under
Statutory Jurisdiction**

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2010, the commission amends a rule as follows:

1 CSR 15-3.490 Hearings on Complaints; Default is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1384). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2010, and the public comment period for written comments ended October 31, 2010. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under
Statutory Jurisdiction**

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2010, the commission adopts a rule as follows:

1 CSR 15-3.500 Written Arguments is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1384–1385). 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: A public hearing on this proposed rule was held November 5, 2010, and the public comment period for written comments ended October 31, 2010. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested Cases Under
Statutory Jurisdiction**

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2010, the commission amends a rule as follows:

1 CSR 15-3.560 Fees and Expenses is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1385). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2010, and the public comment period for written comments ended October 31, 2010. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 1—Organization and Operation**

ORDER OF RULEMAKING

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

1 CSR 20-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1385–1386). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 9, 2010, with the public comment period ending the same day. At the public hearing, the Personnel Advisory Board explained the proposed amendment, and one (1) comment was made.

COMMENT: Mary Hoskins, Department of Health and Senior Services, indicated her department's support of the proposed amendment.

RESPONSE: No change to the amendment is necessary in response to this comment.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 1—Organization and Operation**

ORDER OF RULEMAKING

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

1 CSR 20-1.030 Personnel Rules is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1386). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 9, 2010, with the public comment period ending the same day. At the public hearing, the Personnel Advisory Board explained the proposed amendment, and one (1) comment was made.

COMMENT: Mary Hoskins, Department of Health and Senior Services, indicated her department's support of the proposed amendment.

RESPONSE: No change to the amendment is necessary in response to this comment.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 2—Classification and Pay Plans**

ORDER OF RULEMAKING

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

**1 CSR 20-2.015 Broad Classification Bands for Managers
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1386–1387). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 9, 2010, with the public comment period ending the same day. At the public hearing, the Personnel Advisory Board explained the proposed amendment, and one (1) comment was made.

COMMENT: Mary Hoskins, Department of Health and Senior Services, indicated her department's support of the proposed amendment.

RESPONSE: No change to the amendment is necessary in response to this comment.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 3—Personnel Selection, Appointment,
Evaluation and Separation**

ORDER OF RULEMAKING

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

1 CSR 20-3.010 Examinations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1387). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 9, 2010, with the public comment period ending the same day. At the public hearing, the Personnel Advisory Board explained the proposed amendment, and one (1) comment was made.

COMMENT: Mary Hoskins, Department of Health and Senior Services, indicated her department's support of the proposed amendment.

RESPONSE: No change to the amendment is necessary in response to this comment.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 3—Personnel Selection, Appointment,
Evaluation and Separation**

ORDER OF RULEMAKING

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

1 CSR 20-3.020 Registers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1387-1388). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 9, 2010, with the public comment period ending the same day. At the public hearing, the Personnel Advisory Board explained the proposed amendment, and one (1) comment was made.

COMMENT: Mary Hoskins, Department of Health and Senior Services, indicated her department's support of the proposed amendment.

RESPONSE: No change to the amendment is necessary in response to this comment.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 3—Personnel Selection, Appointment,
Evaluation and Separation**

ORDER OF RULEMAKING

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

1 CSR 20-3.030 Certification and Appointment is amended.

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

2010 (35 MoReg 1388). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 9, 2010, with the public comment period ending the same day. At the public hearing, the Personnel Advisory Board explained the proposed amendment, and one (1) comment was made.

COMMENT: Mary Hoskins, Department of Health and Senior Services, indicated her department's support of the proposed amendment.

RESPONSE: No change to the amendment is necessary in response to this comment.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 3—Personnel Selection, Appointment,
Evaluation and Separation**

ORDER OF RULEMAKING

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

**1 CSR 20-3.070 Separation, Suspension, and Demotion
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1388-1390). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 9, 2010, with the public comment period ending the same day. At the public hearing, the Personnel Advisory Board explained the proposed amendment, and one (1) comment was made.

COMMENT: Mary Hoskins, Department of Health and Senior Services, indicated her department's support of the proposed amendment.

RESPONSE: No change to the amendment is necessary in response to this comment.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 3—Personnel Selection, Appointment,
Evaluation and Separation**

ORDER OF RULEMAKING

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

1 CSR 20-3.080 General Provisions and Prohibitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1390). No changes have been made in the text of

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

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 9, 2010, with the public comment period ending the same day. At the public hearing, the Personnel Advisory Board explained the proposed amendment, and one (1) comment was made.

COMMENT: Mary Hoskins, Department of Health and Senior Services, indicated her department's support of the proposed amendment.

RESPONSE: No change to the amendment is necessary in response to this comment.

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

ORDER OF RULEMAKING

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

1 CSR 20-4.010 Appeals is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1390-1394). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 9, 2010, with the public comment period ending the same day. At the public hearing, the Personnel Advisory Board explained the proposed rule revision, and one (1) comment was made.

COMMENT: Mary Hoskins, Department of Health and Senior Services, indicated her department's support of the proposed rule revision.

RESPONSE: No change to the amendment is necessary in response to this comment.

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

ORDER OF RULEMAKING

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

1 CSR 20-4.020 Grievance Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1394-1399). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This pro-

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

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 9, 2010, with the public comment period ending the same day. One (1) written comment was received prior to the hearing, and one (1) comment was made at the public hearing.

COMMENT #1: Bradley Harmon, President, Communications Workers of America, Local 6355, submitted a written comment indicating his organization's support of the changes being proposed to allow for arbitration of certain personnel issues.

COMMENT #2: Mary Hoskins, Department of Health and Senior Services, commented at the hearing that her department supports the proposed rule revision.

RESPONSE: No change to the amendment is necessary in response to these comments.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

ORDER OF RULEMAKING

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

3 CSR 10-4.117 Prohibited Species is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1533). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

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

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1533). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

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

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1533-1534). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

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

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1534). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

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

3 CSR 10-6.410 Fishing Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1534-1535). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

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

3 CSR 10-6.525 Paddlefish is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1535). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

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

3 CSR 10-6.605 Live Bait is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1535). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.410 Hunting Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1535-1536). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.431 Deer Hunting Seasons: General Provisions
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1536). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.432 Deer: Archery Hunting Season is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1536–1537). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.438 Deer: Regulations for Department Areas
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1537). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.445 Bullfrogs and Green Frogs: Seasons, Methods,
Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1537). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

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

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1537–1538). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

ORDER OF RULEMAKING

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

3 CSR 10-8.510 Use of Traps is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1538). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

ORDER OF RULEMAKING

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

3 CSR 10-9.105 General Provisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1538-1541). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

ORDER OF RULEMAKING

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

3 CSR 10-9.110 General Prohibition; Applications is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1541). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

ORDER OF RULEMAKING

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

3 CSR 10-9.430 Bird Banding is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1541-1542). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

ORDER OF RULEMAKING

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

3 CSR 10-9.440 Resident Falconry Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1542). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

ORDER OF RULEMAKING

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

3 CSR 10-9.442 Falconry is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1542-1544). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

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

3 CSR 10-11.155 Decoys and Blinds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1545). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

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

3 CSR 10-11.160 Use of Boats and Motors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1545). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

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

**3 CSR 10-11.180 Hunting, General Provisions and Seasons
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1545–1546). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

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

3 CSR 10-11.181 Turkeys: Special Hunts is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1546–1547). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

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

3 CSR 10-11.182 Deer Hunting is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1547). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

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

3 CSR 10-11.205 Fishing, Methods and Hours is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1547). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

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

**3 CSR 10-11.210 Fishing, Daily and Possession Limits
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1547–1548). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

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

3 CSR 10-11.215 Fishing, Length Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2010 (35 MoReg 1548). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2011**.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 16—Rest Areas**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.750, and 227.030, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 10-16.010 General Information is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1173). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 16—Rest Areas**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.750, and 227.030, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 10-16.020 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1173). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 16—Rest Areas**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.750, and 227.030, RSMo 2000, the commission adopts a rule as follows:

7 CSR 10-16.020 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1173–1174). 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: The Missouri Highways and Transportation Commission (MHTC) received four (4) comments on the proposed rule.

COMMENT #1: The Missouri Press Association (MPA) stated in a September 10, 2010, letter to the Secretary to the Commission, that the proposed regulations provide that at each rest area, “the commission **may** provide one (1) publication vending machine bin...” and that the commission, “**in its sole discretion, may provide** additional bins if the commission determines sufficient room exists within the rest area to accommodate additional bins.” (Emphasis added.)

MPA states that such sole discretion gives the commission the authority to decide whether **any** publications will be permitted to be distributed within the rest area, including the discretion to place no publication vending machine bin in a rest area as there is no requirement that it do so. (Emphasis added.)

MPA comments that the sole discretion standard in the proposed regulations for Title 7, Division 10, Chapter 16 is not supported by existing case law and would be unconstitutional if adopted.

RESPONSE: 7 CSR 10-16.020 provides definitions of terms used in 7 CSR 10-16.020 through 7 CSR 10-16.050. The MPA comment is not addressed to the use or definition of terms in these rules. No changes have been made to the rule as a result of this comment.

COMMENT #2: MPA states that publishers will wrestle with the legal issue of potential liability to others and the cost of upkeep to publication vending machine bins and newsracks which the publishers do not own. Also, the commission would find legal complications from the proposed regulations because it owns the publication vending machine bins and newsracks but holds others responsible.

RESPONSE: 7 CSR 10-16.020 provides definitions of terms used in 7 CSR 10-16.020 through 7 CSR 10-16.050. The MPA comment is not addressed to the use or definition of terms in these rules. No changes have been made to the rule as a result of this comment.

COMMENT #3: MPA states that losing a publication vending machine newsrack would result in potential lost advertising revenue and travelers would be inconvenienced by the loss of information about nearby shops, restaurants, and other travel amenities.

RESPONSE: 7 CSR 10-16.020 provides definitions of terms used in 7 CSR 10-16.020 through 7 CSR 10-16.050. The MPA comment is not addressed to the use or definition of terms in these rules. No changes have been made to the rule as a result of this comment.

COMMENT #4: MPA further stated that case law is clear that fees charged in connection with a publication vending machine program must be reasonable and cannot be used as a fund-raising proposal to generate revenue for the licensee, but the fee must be limited to covering the cost of administration of a safety program.

RESPONSE: 7 CSR 10-16.020 provides definitions of terms used in 7 CSR 10-16.020 through 7 CSR 10-16.050. The MPA comment is not addressed to the use or definition of terms in these rules. No changes have been made to the rule as a result of this comment.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 16—Rest Areas**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.750, and 227.030, RSMo 2000, the commission adopts a rule as follows:

7 CSR 10-16.025 Public Information is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1174). 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: The Missouri Highways and Transportation Commission (MHTC) received four (4) comments on the proposed rule.

COMMENT #1: The Missouri Press Association (MPA) stated in a September 10, 2010, letter to the Secretary to the Commission, that the proposed regulations provide that at each rest area, “the commission **may** provide one (1) publication vending machine bin...” and that the commission, “**in its sole discretion, may provide** additional bins if the commission determines sufficient room exists within the rest area to accommodate additional bins.” (Emphasis added.)

MPA states that such sole discretion gives the commission the authority to decide whether **any** publications will be permitted to be distributed within the rest area, including the discretion to place no publication vending machine bin in a rest area as there is no requirement that it do so. (Emphasis added.)

MPA comments that the sole discretion standard in the proposed regulations for Title 7, Division 10, Chapter 16 is not supported by existing case law and would be unconstitutional if adopted.

RESPONSE: 7 CSR 10-16.025 has no provision relating to providing commission publication vending machines. As a result, no changes have been made to the rule as a result of this comment.

COMMENT #2: MPA states that publishers will wrestle with the legal issue of potential liability to others and the cost of upkeep to publication vending machine bins and newsracks which the publishers do not own. Also, the commission would find legal complications from the proposed regulations because it owns the publication vending machine bins and newsracks but holds others responsible.

RESPONSE: 7 CSR 10-16.025 has no provision relating to publisher liability for damages to commission publication vending machine bins or publication vending machines. As a result, no changes have been made to the rule as a result of this comment.

COMMENT #3: MPA states that losing a publication vending machine newsrack would result in potential lost advertising revenue and travelers would be inconvenienced by the loss of information about nearby shops, restaurants, and other travel amenities.

RESPONSE: 7 CSR 10-16.025 has no provision relating to removal of a publishers vending machine newsrack. As a result, no changes have been made to the rule as a result of this comment.

COMMENT #4: MPA further stated that case law is clear that fees charged in connection with a publication vending machine program must be reasonable and cannot be used as a fund-raising proposal to generate revenue for the licensee, but the fee must be limited to covering the cost of administration of a safety program.

RESPONSE: 7 CSR 10-16.025 has no provision relating to the

amount of fees charged to a publisher to lease a commission publication vending machine. As a result, no changes have been made to the rule as a result of this comment.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 16—Rest Areas**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.750, and 227.030, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 10-16.030 Eligibility Criteria is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1174–1175). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 16—Rest Areas**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.750, and 227.030, RSMo 2000, the commission adopts a rule as follows:

7 CSR 10-16.035 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1175–1177). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission (MHTC) received four (4) comments on the proposed rule.

COMMENT #1: The Missouri Press Association (MPA) stated in a September 10, 2010, letter to the Secretary to the Commission, that the proposed regulations provide that at each rest area, “the commission **may** provide one (1) publication vending machine bin...” and that the commission, “**in its sole discretion, may provide** additional bins if the commission determines sufficient room exists within the rest area to accommodate additional bins.” (Emphasis added.)

MPA states that such sole discretion gives the commission the authority to decide whether **any** publications will be permitted to be distributed within the rest area, including the discretion to place no publication vending machine bin in a rest area as there is no requirement that it do so. (Emphasis added.)

MPA comments that the sole discretion standard in the proposed regulations for Title 7, Division 10, Chapter 16 is not supported by existing case law and would be unconstitutional if adopted.

RESPONSE AND EXPLANATION OF CHANGE: The commission

agrees that if a publisher desires to offer a publication for vending at a commission rest area, then the commission should offer a publication vending machine at such rest area for such publisher to use to vend its publication. That portion of 7 CSR 10-16.035(1) relating to commission providing vending machine bins and vending machines is amended so that if a publisher applies to the sheltered workshop under 7 CSR 10-16.045 to lease a commission vending machine space, then a publication vending machine bin and vending machine will be made available for lease to such publisher.

COMMENT #2: MPA states that publishers will wrestle with the legal issue of potential liability to others and the cost of upkeep to publication vending machine bins and newsracks which the publishers do not own. Also, the commission would find legal complications from the proposed regulations because it owns the publication vending machine bins and newsracks but holds others responsible.

RESPONSE: 7 CSR 10-16.035 has no provision relating to publisher liability for damage incurred to commission publication vending machine bins and vending machines. No changes have been made to the rule as a result of this comment.

COMMENT #3: MPA states that losing a publication vending machine newsrack would result in potential lost advertising revenue and travelers would be inconvenienced by the loss of information about nearby shops, restaurants, and other travel amenities.

RESPONSE: 7 CSR 10-16.050 prohibits publishers from installing a publisher's publication vending machine newsrack in a commission rest area; however, the commission will install forty (40) publication vending machine bins in commission rest areas, with the primary purpose to increase public safety and aesthetics. Any publisher whose newsrack is removed may simply make application under 7 CSR 10-16.045 to lease a commission publication vending machine.

The publisher will be allowed to continue to sell their publication, except the commission will be providing bins and machines to be used by publishers in lieu of the publishers own newsracks. The publisher will be able to continue to raise revenue through advertising and provide information to travelers regarding travel amenities by selling their publication in the commission provided bins and machines.

No changes have been made to the rule as a result of this comment.

COMMENT #4: MPA further stated that case law is clear that fees charged in connection with a publication vending machine program must be reasonable and cannot be used as a fund-raising proposal to generate revenue for the licensee, but the fee must be limited to covering the cost of administration of a safety program.

RESPONSE: 7 CSR 10-16.035 has no provision relating to the amount of fees charged a publisher to use commission publication vending machine bins and vending machines. As a result, no changes have been made to the rule as a result of this comment.

7 CSR 10-16.035 Commission Responsibilities and Requirements

(1) Location of Bins and Machines. In order to ensure the safety of patrons of rest areas, to protect the physical integrity of the rest area building and facilities, and to provide for the general aesthetics of the rest areas, no publication vending machine shall be installed at a rest area except those machines owned and installed by the commission. At each rest area, the commission shall provide one (1) publication vending machine bin which may hold up to four (4) individual machines to allow the vending of publications as provided in 7 CSR 10-16.020 through 7 CSR 10-16.050. The commission, in its sole discretion, shall locate and install the bins on the exterior of the rest area buildings and adjacent to the entrance and exit doors of the rest areas. The commission will provide additional bins and machines provided there are publishers that have made application under 7 CSR 10-16.045 to lease such additional machine spaces. No machine shall dispense more than one (1) publication.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 16—Rest Areas

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.750, and 227.030, RSMo 2000, the commission rescinds a rule as follows:

7 CSR 10-16.040 Publication Vending Machine Specifications is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1178). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 16—Rest Areas

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.750, and 227.030, RSMo 2000, the commission adopts a rule as follows:

7 CSR 10-16.045 Licensee Responsibilities and Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1178-1179). 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: The Missouri Highways and Transportation Commission (MHTC) received four (4) comments on the proposed rule.

COMMENT #1: The Missouri Press Association (MPA) stated in a September 10, 2010, letter to the Secretary to the Commission, that the proposed regulations provide that at each rest area, "the commission **may** provide one (1) publication vending machine bin..." and that the commission, "**in its sole discretion, may provide** additional bins if the commission determines sufficient room exists within the rest area to accommodate additional bins." (Emphasis added.)

MPA states that such sole discretion gives the commission the authority to decide whether **any** publications will be permitted to be distributed within the rest area, including the discretion to place no publication vending machine bin in a rest area as there is no requirement that it do so. (Emphasis added.)

MPA comments that the sole discretion standard in the proposed regulations for Title 7, Division 10, Chapter 16 is not supported by existing case law and would be unconstitutional if adopted.

RESPONSE: 7 CSR 10-16.045 contains no provisions regarding the commission's authority to locate and install commission publication vending machine bins and publication vending machines. No changes have been made to the rule as a result of this comment.

COMMENT #2: MPA states that publishers will wrestle with the

legal issue of potential liability to others and the cost of upkeep to publication vending machine bins and newsracks which the publishers do not own. Also, the commission would find legal complications from the proposed regulations because it owns the publication vending machine bins and newsracks but holds others responsible.

RESPONSE: 7 CSR 10-16.045 has no provision relating to publisher liability for damage incurred to commission publication vending machine bins and vending machines. No changes have been made to the rule as a result of this comment.

COMMENT #3: MPA states that losing a publication vending machine newsrack would result in potential lost advertising revenue and travelers would be inconvenienced by the loss of information about nearby shops, restaurants, and other travel amenities.

RESPONSE: 7 CSR 10-16.045 does not have any provision regarding the removal of a publisher's publication vending machine newsrack. No changes have been made to the rule as a result of this comment.

COMMENT #4: MPA further stated that case law is clear that fees charged in connection with a publication vending machine program must be reasonable and cannot be used as a fund-raising proposal to generate revenue for the licensee, but the fee must be limited to covering the cost of administration of a safety program.

RESPONSE: 7 CSR 10-16.045(3) retains the current rules' twelve dollar (\$12)-annual license fee, which may be imposed on the publisher by the commission's licensee, here, the Sheltered Workshop Association. Per the fiscal note filed with the Office of the Secretary of State, such fee would raise one thousand nine hundred sixty-eight dollars (\$1,968) annually (41 bins × 4 machines per bin × \$12/year). However, the Sheltered Workshop Association expects to incur costs to administer the program (create a licensee database and clean up newspaper debris) of approximately twenty-six thousand four hundred dollars (\$26,400) annually (41 bins × \$2,200/month × 12 months). This leaves a net loss to administer the program of twenty-four thousand four hundred thirty-two dollars (\$24,432) annually. As a result, the commission believes the twelve dollar (\$12)-annual license fee is a reasonable fee and therefore no changes have been made to the rule as a result of this comment.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 16—Rest Areas**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.750, and 227.030, RSMo 2000, the commission adopts a rule as follows:

**7 CSR 10-16.050 Publisher Responsibilities and Requirements
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1180). 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: The Missouri Highways and Transportation Commission (MHTC) received four (4) comments on the proposed rule.

COMMENT #1: The Missouri Press Association (MPA) stated in a September 10, 2010, letter to the Secretary to the Commission, that the proposed regulations provide that at each rest area, "the commission **may** provide one (1) publication vending machine bin..."

and that the commission, "**in its sole discretion, may provide** additional bins if the commission determines sufficient room exists within the rest area to accommodate additional bins." (Emphasis added.)

MPA states that such sole discretion gives the commission the authority to decide whether **any** publications will be permitted to be distributed within the rest area, including the discretion to place no publication vending machine bin in a rest area as there is no requirement that it do so. (Emphasis added.)

MPA comments that the sole discretion standard in the proposed regulations for Title 7, Division 10, Chapter 16 is not supported by existing case law and would be unconstitutional if adopted.

RESPONSE: 7 CSR 10-16.050 contains no provisions regarding the commission's authority to locate and install commission publication vending machine bins and publication vending machines. No changes have been made to the rule as a result of this comment.

COMMENT #2: MPA states that publishers will wrestle with the legal issue of potential liability to others and the cost of upkeep to publication vending machine bins and newsracks which the publishers do not own. Also, the commission would find legal complications from the proposed regulations because it owns the publication vending machine bins and newsracks but holds others responsible.

RESPONSE: 7 CSR 10-16.050(9) provides publisher liability for damages sustained to commission publication vending machine bins and publication vending machines, but only if the publisher or the publisher's agent causes such damages. A publisher only has liability to the commission for damages the publisher or its agents cause. No changes have been made to the rule as a result of this comment.

COMMENT #3: MPA states that losing a publication vending machine newsrack would result in potential lost advertising revenue and travelers would be inconvenienced by the loss of information about nearby shops, restaurants, and other travel amenities.

RESPONSE: 7 CSR 10-16.050 prohibits publishers from installing a publisher's publication vending machine newsrack in a commission rest area; however, the commission will install forty (40) publication vending machine bins in commission rest areas, with the primary purpose to increase public safety and aesthetics. Any publisher whose newsrack is removed may simply make application under 7 CSR 10-16.045 to lease a commission publication vending machine.

The publisher will be allowed to continue to sell their publication, except the commission will be providing bins and machines to be used by publishers in lieu of the publishers own newsracks. The publisher will be able to continue to raise revenue through advertising and provide information to travelers regarding travel amenities by selling their publication in the commission provided bins and machines.

No changes have been made to the rule as a result of this comment.

COMMENT #4: MPA further stated that case law is clear that fees charged in connection with a publication vending machine program must be reasonable and cannot be used as a fund-raising proposal to generate revenue for the licensee, but the fee must be limited to covering the cost of administration of a safety program.

RESPONSE: 7 CSR 10-16.050 has no provision that sets the license fees to be paid by publishers to lease a commission publication vending machine. No changes have been made to the rule as a result of this comment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 3—Prevailing Wage Law Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Labor Standards under section 290.240.2, RSMo 2000, the division amends a rule as follows:

8 CSR 30-3.060 Occupational Titles of Work Descriptions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1405). 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 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.498 Seller Retains Collection From Purchaser is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1476). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.504 Extensions Granted is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1476). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.506 Determination of Timeliness is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1476). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.522 Purchaser's Promise to Accrue and Pay is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1476). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.534 Delivery of the Sale for Resale Exemption Certificate is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1477). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.536 Seller's Responsibility for Collection and Remittance of Tax is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1477). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.542 Billing is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1477). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.556 Interest and Discounts are Additional is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1477). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.565 Jeopardy Assessment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1478). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes

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

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.585 Filing of Liens is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1478). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.620 Review of Assessments by the Administrative Hearing Commission is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1478). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.626 Quarter-Monthly Period Reporting and Remitting Sales Tax is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1478). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.856 Direct Pay Agreement is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1479). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.862 Sales Tax on Vending Machine Sales is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1479). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.870 Information Required to be Filed by Not-for-Profit Organizations Applying for a Sales Tax Exemption Letter is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2010 (35 MoReg 1479). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.165, RSMo 2000 and sections 208.153 and 208.201, RSMo Supp. 2010, the division amends a rule as follows:

13 CSR 70-3.130 Computation of Provider Overpayment by Statistical Sampling is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2010 (35 MoReg 1261–1262). 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 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 March 14, 2011. These applications are available for public inspection at the address shown below:

Date Filed

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

12/29/10

#4594 HS: Kindred Hospital Kansas City
Kansas City (Jackson County)
\$740,700, Acquire computerized tomography scanner

#4606 RS: Knox County Nursing Home District
Edina (Knox County)
\$956,000, Establish 19-bed assisted living facility (ALF)

12/30/10

#4604 HS: North Kansas City Hospital
Kansas City (Platte County)
\$1,734,217, Replace magnetic resonance imaging unit (MRI)

#4607 RS: Meadow View Assisted Living
Arnold (Jefferson County)
\$8,063,950, Establish 50-bed ALF

#4605 HS: Lester E. Cox Medical Centers
Springfield (Greene County)
\$1,861,745, Acquire 8th MRI

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 February 2, 2011. 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.

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

**NOTICE OF DISSOLUTION
TO ALL CREDITORS OF AND
CLAIMANTS AGAINST
DFM OF MISSOURI, LLC**

On November 8, 2010, DFM of Missouri, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Secretary of State of Missouri. The Company requests that any and all claims against the Company be presented by letter to the Company in care of Scenic City Legal Group, 3806 Amnicola Hwy, Chattanooga, TN 37406. Each claim against the Company must include the following information: the name, the address and telephone number of the claimant; the amount of the claim; the date on which the claim arose; a brief description of the nature of or the basis for the claim; and any documentation related to the claim. All claims against the Company 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
1026-1030 JULIA, LLC**

Effective December 6, 2010, 1026-1030 Julia, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State.

The Company requests that all persons and organizations who have claims against it present them immediately by letter to the Company at: 1026-1030 Julia, LLC. c/o Ronald Mitchum, 928 Morrison, St. Louis, Missouri 63104.

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 the Company 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
1700 S. Tucker, LLC**

Effective December 6, 2010, 1700 S. Tucker, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State.

The Company requests that all persons and organizations who have claims against it present them immediately by letter to the Company at: 1700 S. Tucker, LLC, attn: Ronald Mitchum, 928 Morrison, St. Louis, Missouri 63104.

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 the Company 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
1708 S. Tucker, LLC**

Effective December 6, 2010, 1708 S. Tucker, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State.

The Company requests that all persons and organizations who have claims against it present them immediately by letter to the Company at: 1708 S. Tucker, LLC, attn: Ronald Mitchum, 928 Morrison, St. Louis, Missouri 63104.

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 the Company 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 AND DISSOLUTION OF LIMITED LIABILITY
COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST
CANCER INSTITUTE OF CAPE GIRARDEAU, L.L.C.**

On October 21, 2010, Cancer Institute of Cape Girardeau, 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 in writing by mail to the Company in care of Richard D. Watters, Lashly & Baer, P.C., 714 Locust Street, St. Louis Missouri 63101. 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 Cancer Institute of Cape Girardeau, 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.