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SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



JASON KANDER  
SECRETARY OF STATE

MISSOURI  
REGISTER

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The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



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<b>Register Filing Deadlines</b>	<b>Register Publication Date</b>	<b>Code Publication Date</b>	<b>Code Effective Date</b>
February 1, 2013	<b>March 1, 2013</b>	March 31, 2013	April 30, 2013
February 15, 2013	<b>March 15, 2013</b>	March 31, 2013	April 30, 2013
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September 16, 2013	<b>October 15, 2013</b>	October 31, 2013	November 30, 2013
October 1, 2013	<b>November 1, 2013</b>	November 30, 2013	December 30, 2013
October 15, 2013	<b>November 15, 2013</b>	November 30, 2013	December 30, 2013
November 1, 2013	<b>December 2, 2013</b>	December 31, 2013	January 30, 2014
November 15, 2013	<b>December 16, 2013</b>	December 31, 2013	January 30, 2014

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>

# Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2012), are available in the listed participating libraries, as selected by the Missouri State Library:

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Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325	Lebanon-Laclede County Library 915 S. Jefferson Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Spiva Library Missouri Southern State University 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342	University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742	Riverside Regional Library PO Box 389, 1997 E. Jackson Blvd. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3615	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden/Webster Library Eden Theological Seminary/ Webster University 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library University of Central Missouri 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Missouri State University—West Plains 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Library Maryville University 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Miller Nichols Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
Pickler Memorial Library Truman State University 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Smiley Memorial Library Central Methodist University 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	
	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

## 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.

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2012.

## EXECUTIVE ORDER 13-07

WHEREAS, I have been advised by the State Emergency Management Agency that a severe storm system has caused, or has the potential to cause, damage associated with flooding, flash flooding, and high winds impacting communities throughout the State of Missouri; and

WHEREAS, the severe weather that began on April 16, 2013, and is continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, interruptions of public services are occurring, or anticipated to occur, as a result of this severe weather event; and

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

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

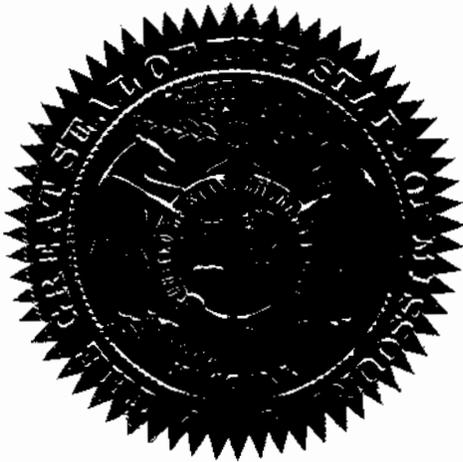
WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

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

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on May 19, 2013, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 19<sup>th</sup> day of April, 2013.



  
\_\_\_\_\_  
Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

  
\_\_\_\_\_  
Jason Kander  
Secretary of State

EXECUTIVE ORDER  
13-08

WHEREAS, I have been advised by the State Emergency Management Agency that a severe storm system has caused, or has the potential to cause, damage associated with flooding, flash flooding and high winds impacting communities throughout the State of Missouri; and

WHEREAS, interruptions of public services are occurring, or anticipated to occur, as a result of the severe weather event that started on April 16, 2013 and continues; and

WHEREAS, the severe weather that began on April 16, 2013, and continues, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

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

WHEREAS, the resources of the state of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Section 41.480.2 RSMo, order and direct the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this state.

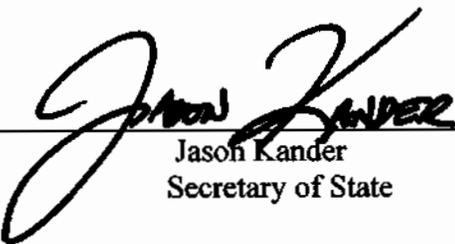
This order shall terminate on May 19, 2013, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 19<sup>th</sup> day of April, 2013.

  
\_\_\_\_\_  
Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

  
\_\_\_\_\_  
Jason Kander  
Secretary of State

**U**nder 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."

**E**ntirely new rules are printed without any special symbolology under the heading of 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.

**A**n 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.

**I**f 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*.

**A**n 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.

**I**f 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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

#### PROPOSED RULE

##### 5 CSR 20-400.375 Districts Effectively Evaluating Educators

*PURPOSE: The growth and learning of children is the primary responsibility of those who teach in our classrooms and lead our schools. Student growth and learning can be observed and measured. Educators, in partnership with students, parents, and community, are accountable for ensuring the improvement of student achievement. Effective educator evaluation systems promote the improvement of professional practice resulting in the improvement of student performance.*

(1) Pursuant to section 168.128, RSMo, the board of education of each school district shall maintain a comprehensive, performance-based evaluation for each teacher employed by the district. It is required that these evaluations shall be ongoing and of sufficient specificity and frequency to provide for demonstrated standards of competency and academic ability. With the primary goal of improving educator quality to promote high levels of student learning, the Department of Elementary and Secondary Education (department) establishes the following principles of effective evaluation:

(A) The evaluation process should use research-based performance targets aligned with state model teacher and leader standards;

(B) The evaluation process should establish indicators of performance articulated across differentiated levels with standards specifying expectations at all levels of practice;

(C) The evaluation process should be aligned with the probation period for the educator as specified in state law and provide for the accurate and appropriate accumulation of performance data;

(D) The evaluation process should use student growth in learning as a significant contributing factor in the evaluation of practice at all levels, using a wide variety of student performance measures;

(E) The evaluation process should assess performance on a regular basis, providing timely feedback from multiple sources that promotes formative development at all career stages and supporting overall improvement;

(F) The evaluation process should be designed to ensure that evaluators who collect evidence of performance and provide feedback are highly trained and objective, ensuring that ratings are fair, accurate, and reliable; and

(G) The evaluation process should be designed to guide district decisions regarding determinations of status, recognition, development, interventions, and policies that impact student learning in the system.

(2) These essential principles outlined here are the overall framework of Missouri's model Educator Evaluation System. School districts not electing to adopt the state model shall align their local evaluation process to these same principles and shall submit their process to the department for review and approval.

*AUTHORITY: section 161.092, RSMo Supp. 2012, and section 168.128, RSMo 2000. Original rule filed April 22, 2013.*

*PUBLIC COST: This proposed rule will cost approximately nine hundred thousand dollars (\$900,000) for the initial training cost and three hundred thousand dollars (\$300,000) recurring cost each year from the department's revolving fund.*

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attention: Paul Katnik, Interim Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480, or by email to [educatorquality@dese.mo.gov](mailto:educatorquality@dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Title 5 – Department of Elementary and Secondary Education  
**Division Title:** Division 20 – Division of Learning Services  
**Chapter Title:** Chapter 400 – Office of Educator Quality

<b>Rule Number and Name:</b>	<b>5 CSR 20-400.375 Districts Effectively Evaluating Educators</b>
<b>Type of Rulemaking:</b>	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Cost of Compliance in the Aggregate</b>
Department of Elementary and Secondary Education	Approximately \$900,000 initial training cost and \$300,000 recurring cost each year from Department Revolving Fund.

**III. Worksheet**

All educators are required to have an annual evaluation as part of the certification renewal process. The following information is submitted to illustrate the cost of providing a comprehensive, research-based training program statewide to ensure an effective evaluation process. These costs relate to statewide costs only, not district. District cost could vary from nothing to some other number based on local decisions and resources.

Superintendents, Assistant Superintendents	831
Principals, Assistant Principals	3,408
Charter School Principals	58
Master Teacher from Secondary Buildings	949
Master Teacher from Elementary Buildings	1,236
<b>TOTAL:</b>	<b>6,482</b>

**Training Outcomes provided to the target audience \***

- Use of the evaluation process for probationary educators (5 successive years or less) to identify strengths and areas for growth to accelerate effective practice and increase retention
- Increased skill level of evaluators to generate reliable performance assessment data and increase inter-rater reliability
- Ability to deliver meaningful feedback to all educators based on strengths and areas for growth promoting improvements in practice
- Appropriate and accurate use of measures of growth in student learning as a

- significant factor in the educator evaluation process
- Integration of professional learning aligned to educator evaluation results and directly linked to increases in student achievement
- Development and use of educator evaluation systems that respect the rights of students, families, teachers and administrators and address the student improvement priorities of districts/schools

\* Session trainings include training on the state model as application of the 6 outcomes above

#### **IV. ASSUMPTIONS**

##### **Training:**

100 participants per each six-day training = 65 six-day trainings

Cost per each training session—

Trainers \$300 per session (2 trainers per session) = \$600

Materials \$100

Lunches for participants \$1,600

Location \$100

##### **Recurring cost each year:**

Anticipated administrator turnover—

Superintendent and Assistant Superintendents 80

Principals and Assistant Principals 320

Additional teachers each year 2,185

2,585 participants per each six-day training = 26 six-day trainings

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED AMENDMENT**

**11 CSR 45-9.106 Minimum Internal Control Standards (MICS)—  
Chapter F.** The commission is amending section (1).

*PURPOSE:* This proposed amendment changes the internal controls for Chapter F by removing the restrictions on the use of electronic devices in the *Minimum Internal Control Standards*.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter F—Poker Rooms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter F does not incorporate any subsequent amendments or additions as adopted by the commission on [October 24, 2012] **March 27, 2013**.

*AUTHORITY:* section 313.004, RSMo 2000, and sections 313.800 and 313.805, RSMo Supp. [2011] **2012**. Original rule filed Jan. 26, 2012, effective Aug. 30, 2012. Amended: Filed Oct. 25, 2012, effective June 30, 2013. Amended: Filed March 28, 2013.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. 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 July 10, 2013, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED RULE**

**11 CSR 45-9.110 Minimum Internal Control Standards (MICS)—  
Chapter J**

*PURPOSE:* This rule establishes the internal controls for Chapter J of the *Minimum Internal Control Standards*.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The *Minimum Internal Control Standards* may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter J—Admissions, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter J does not incorporate any subsequent amendments or additions as adopted by the commission on April 24, 2013.

*AUTHORITY:* section 313.004, RSMo 2000, and sections 313.800 and 313.805, RSMo Supp. 2012. Original rule filed May 1, 2013.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. 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 July 10, 2013, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**PROPOSED AMENDMENT**

**11 CSR 45-9.118 Minimum Internal Control Standards (MICS)—  
Chapter R.** The commission is amending section (1).

*PURPOSE:* This amendment updates minimum internal control standards regarding the use of commission forms; revises the Daily Passenger Report, the Cards and Dice Collection Log, and the Surveillance Incident Report; removes the Weigh Scale Calibration Module Access Log, Weigh Scale Tape, and Passenger Count Form; and adds a new Replacement Deck Log.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this amendment would be unduly cumbersome or expensive. This material as incorporated by reference in this amendment shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the amendment is printed here. The *Minimum Internal Control Standards* may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter R—Forms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter R does not incorporate any subsequent amendments or additions as adopted by the commission on [January 30, 2013] **April 24, 2013**.

*AUTHORITY:* section 313.004, RSMo 2000, and sections 313.800 and 313.805, RSMo Supp. 2012. Original rule filed June 30, 2010,

effective Jan. 30, 2011. Amended: Filed Dec. 8, 2011, effective July 30, 2012. Amended: Filed Sept. 27, 2012, effective May 30, 2013. Amended: Filed May 1, 2013.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. 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 July 10, 2013, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 35—Children's Division  
Chapter 32—Child Care**

**PROPOSED RULE**

**13 CSR 35-32.040 Hand-Up Pilot Program**

**PURPOSE:** This rule establishes the Hand-Up Pilot Program, herein known as the program, which is designed to allow persons currently receiving child care benefits and who experience an increase in income that causes them to exceed the allowed monthly income guidelines for full child care benefits to continue receiving child care while sharing in the cost. The goal of the Hand-Up Pilot Program is to reduce the sudden loss of child care assistance as participants move towards self-sufficiency.

- (1) To be eligible for the program the participant shall—
  - (A) Have received full child care benefits as specified in 13 CSR 35-32.010 continuously since August 28, 2012;
  - (B) Be ineligible for services because their income exceeds the allowed monthly income guidelines for full child care services pursuant to 13 CSR 35-32.010;
  - (C) Meet Child Care Assistance program requirements as specified in 13 CSR 35-32.010;
  - (D) Voluntarily consent to be included in the program within ninety (90) days after losing eligibility based on income;
  - (E) Agree to pay a monthly premium as specified in section (4) of this rule; and
  - (F) Have a calculated premium less than the amount of the child care benefit.
- (2) The division shall specify at least two (2) providers for the pilot program based on the following criteria:
  - (A) At least one (1) provider shall be located in at least one (1) rural county;
  - (B) At least one (1) provider shall be located in at least one (1) urban county and serve at least three hundred (300) families;
  - (C) The providers shall have a valid license issued by the Department of Health and Senior Services, Section for Child Care Regulation;
  - (D) The providers must have a current contract with the Department of Social Services (department) to provide child care services;
  - (E) The providers must agree to be a provider in this program and to abide by section (3) of this rule; and

(F) The designation of the providers under this section is at the discretion of the department. The decision as to the providers who will participate in the pilot program is not subject to review by providers not chosen to participate in the pilot.

- (3) The chosen providers by the department shall—
  - (A) Have a valid child care license in good standing issued by the Department of Health and Senior Services during their participation in the pilot program;
  - (B) Remain compliant with their contract with the Department of Social Services and follow all contract terms in the billing for child care services rendered to participants in this program; and
  - (C) Follow contract terms for participants in this program, unless the department, at its sole discretion and in writing, waives a term for participants in this program.
- (4) The participant shall pay a monthly premium to participate in this program.
  - (A) The participant's premium shall be forty-four percent (44%) of the participant's excess adjusted gross income over the maximum allowed monthly income for the applicable family size as of August 28, 2012. The participant will be informed as to their monthly premium by first class mail, at least fifteen (15) days prior to the due date.
  - (B) The premium shall be due on or before the last day of the month for which coverage is calculated.
  - (C) After sixty (60) days of non-payment by the participant, the participant shall be permanently removed from the program.
  - (D) If the option is made available, the participant may request to have their premium deducted from their monthly payroll.

(5) The division shall issue a notice of adverse action for this program in the same manner and context for which it issues notices of adverse actions on child care cases. The individual shall be provided a fair hearing upon request, within ninety (90) days after the adverse action has been issued. The existing hearings process outlined in 13 CSR 40-2.160 shall apply to hearings and appeals related to this program.

(6) Any participant may opt out of this program at any time. Once a participant has opted out of the program, or been terminated for non-payment of premiums, they shall not be allowed to participate in the program again.

**AUTHORITY:** section 208.053, RSMo Supp. 2012. Original rule filed May 1, 2013.

**PUBLIC COST:** This proposed rule will cost state agencies or political subdivisions between one hundred forty-nine thousand one hundred ninety-nine dollars (\$149,199) and two hundred two thousand eight hundred thirty-one dollars (\$202,831) in the aggregate.

**PRIVATE COST:** This proposed rule will cost private entities between ten thousand forty-seven dollars (\$10,047) and thirty-one thousand fifty-six dollars and ninety-six cents (\$31,056.96) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Children's Division, Candace Shively, Director, PO Box 88, Jefferson City, MO, 65103. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title: 13-Department of Social Services  
Division Title: 35-Children’s Division  
Chapter Title: 32-Child Care**

<b>Rule Number and Name:</b>	<b>13 CSR 35 – 32.040 Hand Up Pilot Program</b>
<b>Type of Rulemaking:</b>	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Cost of Compliance in the Aggregate</b>
<b>Department of Social Services</b>	<b>\$149,199 - \$202,831 General Revenue</b>

**III. WORKSHEET**

**Assumptions**

Estimated Families include those exceeding \$1,000 income per month  
 Additional children served is based on historical information  
 Income is for \$1 per hour over eligibility level  
 All costs are 100% GR, since the federal funds are a block grant and fully expended

**Sites**

Metropolitan	37	out of 105 Families
Rural	9	out of 32 Families

**Low Cost**

	Monthly Rate	Total	FY 2013*	FY 2014
Estimated Families		46	46	46
Assume 75% participation rate	75%	34	34	34
Estimated Increased Income	\$173	\$5,882	\$35,292	\$70,584
Premium	\$76.12	\$2,588	\$15,528	\$31,057
Reduction due to delinquent payments	-4%	(\$235)	(\$1,412)	(\$2,823)
Taxes (at 6%)	\$10.38	\$353	\$2,118	\$4,235
<b>Total Revenues</b>	<b>\$86.50</b>	<b>\$2,706</b>	<b>\$16,234</b>	<b>\$32,469</b>

Additional Children served		4	4	4
Additional Cost	(\$300)	(\$1,200)	(\$7,200)	(\$14,400)
<b>Net Cost/Savings before staff</b>		<b>\$1,506</b>	<b>\$9,034</b>	<b>\$18,069</b>
Implementation Cost for 1 staff			(\$61,307)	(\$66,171)
<b>Total Costs (100% GR)</b>			<b>(\$52,272)</b>	<b>(\$48,103)</b>

**High Cost**

Estimated Families		46	46	46
Assume 25% participation rate	25%	11	11	11
Estimated Increased Income	\$173	\$1,903	\$11,418	\$22,836
Premium	\$76.12	\$837	\$5,024	\$10,048
Reduction due to delinquent payments	-4%	(\$33)	(\$201)	(\$402)
Taxes (at 6%)	\$10.38	\$114	\$685	\$1,370
<b>Total Revenues</b>	<b>\$86.50</b>	<b>\$918</b>	<b>\$5,508</b>	<b>\$11,016</b>

Additional Children served		4	4	4
Additional Cost	(\$300)	(\$1,200)	(\$7,200)	(\$14,400)
<b>Net Cost/Savings before staff</b>		<b>(\$282)</b>	<b>(\$1,692)</b>	<b>(\$3,384)</b>
Implementation Cost for 1 staff			(\$61,307)	(\$66,171)
<b>Total Costs (100% GR)</b>			<b>(\$62,998)</b>	<b>(\$69,555)</b>

\* FY 13 assumes staff for 10 months and program costs/revenue at 6 months.

**IV. ASSUMPTIONS**

**It is assumed that 37 families in the metropolitan area and 9 families in the rural area would be at risk of losing child care due to an increase in household wages. It is further assumed that the family income exceeds the eligibility level by \$1/hour.**

**If 75% (34 families) of those households participate in the hand up program and pay a monthly premium of \$76.12 and taxes of \$10.38 with a 4% delinquency on premium payments, the net cost to general revenue is \$52,272 for FY13; \$48,103 for FY14, and \$48,825 for FY15.**

**If 25% (11 families) of those households participate in the hand up program and pay a monthly premium of \$76.12 and taxes of \$10.38 with a 4% delinquency on premium payments, the net cost to general revenue is \$62,998 for FY13; \$69,555 for FY14; and \$70,728 for FY15.**

**The fiscal impact of this legislation ranges from a net cost in General Revenue depending upon the participation rate of clients, reductions due to delinquent payments, etc.**

**There are no federal funds to support the Hand-Up program. Additional General Revenue is needed to support the program, as premiums alone cannot support the Hand-Up program.**

**FISCAL NOTE  
PRIVATE COST**

**Department Title: 13-Department of Social Services**  
**Division Title: 35-Children's Division**  
**Chapter Title: 32-Child Care**

<b>Rule Number and Name:</b>	13 CSR 35 – 32.040 Hand Up Pilot Program
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>11 to 34</b>	<b>Hand-Up Program Participants</b>	<b>\$10,047 - \$31,056.96*</b>

\*See below assumptions related to this cost to participants and the continuation of their child care benefit.

**III. WORKSHEET  
Assumptions**

Estimated Families include those exceeding \$1,000 income per month  
Additional children served is based on historical information  
Income is for \$1 per hour over eligibility level  
All costs are 100% GR, since the federal funds are a block grant and fully expended

**Sites**

Metropolitan	37	out of 105 Families
Rural	9	out of 32 Families

**Low Cost**

	<b>Monthly Rate</b>	<b>Total</b>	<b>FY 2013*</b>	<b>FY 2014</b>
Estimated Families		46	46	46
Assume 75% participation rate	75%	34	34	34
Estimated Increased Income	\$173	\$5,882	\$35,292	\$70,584
Premium	\$76.12	\$2,588	\$15,528	\$31,057
Reduction due to delinquent payments	-4%	(\$235)	(\$1,412)	(\$2,823)
Taxes (at 6%)	\$10.38	\$353	\$2,118	\$4,235
<b>Total Revenues</b>	<b>\$86.50</b>	<b>\$2,706</b>	<b>\$16,234</b>	<b>\$32,469</b>

<b>High Cost</b>				
Estimated Families		46	46	46
Assume 25% participation rate	25%	11	11	11
Estimated Increased Income	\$173	\$1,903	\$11,418	\$22,836
Premium	\$76.12	\$837	\$5,024	\$10,048
Reduction due to delinquent payments	-4%	(\$33)	(\$201)	(\$402)
Taxes (at 6%)	\$10.38	\$114	\$685	\$1,370
<b>Total Revenues</b>	<b>\$86.50</b>	<b>\$918</b>	<b>\$5,508</b>	<b>\$11,016</b>

#### IV. ASSUMPTIONS

Hand Up Program participation is voluntary on the part of the parent receiving child care assistance. While a 44% premium on the increased wages would be paid by the parent, the parent will remain eligible for child care assistance that would have otherwise ended due to exceeding the income eligibility guidelines. Therefore, parents who choose to access this pilot program will realize a net benefit through their participation. In addition, this program may have the impact of allowing a parent to accept a wage increase that they may have turned down if it would have caused them to lose their child care benefit.

It is assumed that 37 families in the metropolitan area and 9 families in the rural area would be at risk of losing child care due to an increase in household wages. It is further assumed that the family income exceeds the eligibility level by \$1/hour.

Households eligible to participate in the hand up program may pay a monthly premium of \$76.12 or annual premium amount of \$913.44. If 11 families (Hand-Up program participants) participate the aggregated annual cost would be \$10,049. If 34 families (Hand-Up program participants) participate the aggregated annual cost would be \$31,057.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 50—General**

**PROPOSED AMENDMENT**

**15 CSR 30-50.010 Definitions.** The commissioner of securities is amending subsections (1)(F) and (N).

*PURPOSE: This amendment modifies the existing rule to correct an inaccuracy in the definition of “certified,” and to correct an inaccuracy within the definition of “NASAA.” As it currently reads, 15 CSR 30-50.010(1)(F) incorrectly refers to “generally accepted accounting practices.” This amendment modifies 15 CSR 30-50.010(1)(F) to correctly refer to “generally accepted accounting principles.” Additionally, 15 CSR 30-50.010(1)(N) incorrectly defines NASAA as the “National Association of Securities Administrators Association, Inc.” This amendment modifies 15 CSR 30-50.010(1)(N) to correctly define NASAA as the “North American Securities Administrators Association, Inc.”*

(1) When the terms listed in this rule are used in the Missouri Securities Act of 2003 (the Act), these rules, the forms, and the orders of the commissioner, the following meanings shall apply (unless the context otherwise requires), together with those which may later appear to the extent that they are not inconsistent with definitions provided in Chapter 409, RSMo:

(F) Certified means, when used in connection with financial statements, certified by an independent certified public accountant in accordance with generally accepted accounting [practices] principles;

(N) NASAA means the [National Association of Securities Administrators Association, Inc] North American Securities Administrators Association, Inc.;

*AUTHORITY: section 409.6-605, RSMo Supp. [2010] 2012. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed April 23, 2013.*

*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 the Secretary of State, Securities Division, Andrew M. Hartnett, Securities Commissioner, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 50—General**

**PROPOSED AMENDMENT**

**15 CSR 30-50.040 Forms.** The commissioner of securities is amending paragraphs (1)(A)3. and 5.

*PURPOSE: This amendment modifies the existing rule to update the “revised” date of a form. As it currently reads, the rule states that the Missouri Broker-Dealer Affidavit was last revised in October 2001. The amendment updates the revised date to January 2005.*

(1) The following forms have been adopted and approved for filing with the Securities Division:

(A) Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives—

1. Form BD—Uniform Application for Broker-Dealer Registration approved May 2001, OMB Approval Number 3235-0012, or any form which substantially comports with the specified form;

2. Form BDW—Uniform Request for Broker-Dealer Withdrawal approved November 2000, OMB Approval Number 3235-0018, or any form which substantially comports with the specified form;

3. Form SBD-1—Missouri Broker-Dealer Affidavit revised [October 2001] **January 2005**, or any form which substantially comports with the specified form;

4. Form X-17A-5—Financial and Operational Combined Uniform Single Report approved July 2002, OMB Approval Number 3235-0123, or any form which substantially comports with the specified form;

5. Form U-4—Uniform Application for Securities Industry Registration or Transfer adopted by the North American Securities [Administration] Administrators Association, Inc. (NASAA) on April 16, 2003, or any form which substantially comports with the specified form;

6. Form U-5—Uniform Termination Notice for Securities Industry Registration adopted by the NASAA on April 16, 2003, or any form which substantially comports with the specified form;

7. Form SA-1—Missouri Application for Renewal Registration as Agent revised August 2003, or any form which substantially comports with the specified form;

8. Form ADV—Uniform Application for Investment Adviser Registration approved July 2003, OMB Approval Number 3235-0049, or any form which substantially comports with the specified form;

9. Form ADV-W—Uniform Notice of Withdrawal from Registration as Investment Adviser approved January 2001, OMB Approval Number 3235-0313, or any form which substantially comports with the specified form;

10. Form SADV-1—State Covered Investment Adviser Affidavit revised March 2002, or any form which substantially comports with the specified form;

11. Form SADV-SH—State Application for Hardship Exemption from IARD revised October 2001, or any form which substantially comports with the specified form; and

12. Form U-2—Uniform Consent to Service of Process adopted by NASAA and revised November 1997, or any form which substantially comports with the specified form.

*AUTHORITY: section 409.6-605, RSMo Supp. [2005] 2012. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed April 23, 2013.*

*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 the Secretary of State, Securities Division, Andrew M. Hartnett, Securities Commissioner, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 52—Registration of Securities**

**PROPOSED AMENDMENT**

**15 CSR 30-52.015 Applications for Registration.** The commissioner of securities is amending section (1).

*PURPOSE:* This amendment clarifies an existing rule. As it is currently composed, 15 CSR 30-52.015(1) reads “Registration by Coordination and Qualification.” The proposed amendment changes it to read “Registration by Coordination or Qualification,” which is more accurate and consistent with the rest of 15 CSR 30-52.015.

(1) Registration by Coordination [and] or Qualification. A registration statement to register securities by coordination or qualification shall contain the following:

*AUTHORITY:* sections 409.3-303, 409.3-304, 409.3-305, 409.3-307, 409.6-605, and 409.6-611, RSMo Supp. [2003] 2012. Original rule filed Aug. 30, 2002, effective Feb. 28, 2003. Emergency amendment filed Aug. 19, 2003, effective Sept. 12, 2003, expired March 9, 2004. Amended: Filed Aug. 22, 2003, effective Feb. 29, 2004. Amended: Filed April 23, 2013.

*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 the Secretary of State, Securities Division, Andrew M. Hartnett, Securities Commissioner, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 52—Registration of Securities**

**PROPOSED AMENDMENT**

**15 CSR 30-52.030 NASAA Statements of Policy.** The commissioner of securities is amending subsection (1)(A).

*PURPOSE:* This amendment updates an existing rule. As it is currently composed, 15 CSR 30-52.030(1)(A) contains inaccurate “as amended by NASAA on” dates. The amendment edits the rule to reference the correct dates. The amendment also updates the link to the relevant NASAA statements of policy.

(1) The Securities Division will apply the applicable statement of policy adopted by North American Securities Administrators Association, Inc. (NASAA) when conducting a merit review to determine whether an offering is fair, just, and equitable.

(A) The following statements of policy are hereby incorporated by reference and made a part of this rule as published by NASAA, 750 First Street, N.E./E./, Suite 1140, Washington, D.C./C./ 20002, and available at [http://www.nasaa.org/industry\\_regulatory\\_resources/corporation\\_finance/1248.cfm](http://www.nasaa.org/industry_regulatory_resources/corporation_finance/1248.cfm) [http://www.nasaa.org/regulatory-](http://www.nasaa.org/regulatory-activity/statements-of-policy/)

[activity/statements-of-policy/](http://www.nasaa.org/regulatory-activity/statements-of-policy/). This rule does not incorporate any subsequent amendments or additions:

1. Corporate Securities Definitions, as amended by NASAA on [September 28, 1999] **March 31, 2008**;

2. Loans and Other Material Affiliated Transactions, as amended by NASAA on [November 18, 1997] **March 31, 2008**;

3. Options and Warrants, as amended by NASAA on [September 28, 1999] **March 31, 2008**;

4. Preferred Stock, as amended by NASAA on [April 27, 1997] **March 31, 2008**;

5. Promoter’s Equity Investment, as [adopted] amended by NASAA on [April 27, 1997] **March 31, 2008**;

6. Promotional Shares, as amended by NASAA on [September 28, 1999] **March 31, 2008**;

7. Risk Disclosure Guidelines, as adopted by NASAA on September 9, 2001;

8. Specificity in Use of Proceeds, as amended by NASAA on [September 28, 1999] **March 31, 2008**;

9. Underwriting Expenses, Underwriter’s Warrants, Selling Expenses and Selling Security Holders, as [adopted] amended by NASAA on [September 28, 1999] **March 31, 2008**;

10. Unsound Financial Condition, as [adopted] amended by NASAA on [September 28, 1999] **March 31, 2008**;

11. Unequal Voting Rights, as [adopted] amended by NASAA on [October 24, 1991] **March 31, 2008**;

12. Registration of Asset-Backed Securities, as amended by NASAA on May 7, 2007;

13. Mortgage Program Guidelines, as amended by NASAA on May 7, 2007;

14. Real Estate Programs, as revised by NASAA on May 7, 2007;

15. Real Estate Investment Trusts, as revised by NASAA on May 7, 2007;

16. Registration of Oil and Gas Programs, as amended by NASAA on May 7, 2007;

17. Equipment Programs, as amended by NASAA on May 7, 2007;

18. Commodity Pool Programs, as amended by NASAA on May 7, 2007;

19. Cattle-Feeding Programs, as adopted by NASAA on September 17, 1980;

20. Omnibus Guidelines, as amended by NASAA on May 7, 2007; and

21. Viatical Investment Guidelines, as adopted by NASAA on October 1, 2002.

*AUTHORITY:* sections 409.3-303, 409.3-304, 409.3-305, 409.3-306, 409.3-307, 409.5-501, 409.6-605, and 409.6-608, RSMo Supp. [2007] 2012. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 23, 2013.

*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 the Secretary of State, Securities Division, Andrew M. Hartnett, Securities Commissioner, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 52—Registration of Securities**

**PROPOSED AMENDMENT**

**15 CSR 30-52.275 Small Company Offering Registrations (formerly Missouri Issuer Registration).** The commissioner of securities is amending sections (1) and (3).

*PURPOSE:* The purpose of this amendment is to correct inaccuracies and clarify citations, within the original rule. As it currently reads, the rule inaccurately attributes to the Securities Division certain powers held by the commissioner (the commissioner is the one who incorporates by reference North American Securities Administrators Association, Inc. (NASAA) statements of policy). Accordingly, the amendment changes the relevant language from “Securities Division” to “commissioner of securities.” The current rule also contains a provision outlining different financial statements requirements for SCOR offerings over \$1 million, which is inaccurate, because under the NASAA statement of policy incorporated by reference in section (1), a SCOR offering must be under \$1 million. Lastly, for clarification, the amendment pinpoints the 15 CSR 30-52.025 citation to 15 CSR 30-52.025(3).

(1) The [Securities Division] commissioner of securities hereby incorporates by reference the North American Securities Administrators Association, Inc. (NASAA) Statement of Policy Regarding Small Company Offering Registrations (SCOR), as adopted by NASAA, 750 First Street, NE, Suite 1140, Washington, DC 20002, on April 28, 1996, and available at <http://www.nasaa.org/industry-resources/corporation-finance/scor-overview/scor-statement-of-policy/>. This rule does not incorporate any subsequent amendments or additions.

(3) Financial Statements. The financial statements for SCOR offerings [over one (1) million dollars shall comply with 15 CSR 30-52.025. The financial statements for SCOR offerings up to one (1) million dollars shall also] shall comply with 15 CSR 30-52.025(3), but only need to be reviewed as determined under the NASAA Statement of Policy Regarding SCOR.

*AUTHORITY:* sections 409.3-304, 409.3-305, 409.3-306, 409.3-307, and 409.6-605, RSMo Supp. [2003] 2012. Original rule filed Nov. 1, 1996, effective June 30, 1997. For intervening history, please consult the Code of State Regulations. Amended: Filed April 23, 2013.

*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 the Secretary of State, Securities Division, Andrew M. Hartnett, Securities Commissioner, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 54—Exemptions and Federal Covered Securities**

**PROPOSED AMENDMENT**

**15 CSR 30-54.010 General.** The commissioner of securities is amending sections (2) and (3) of this rule.

*PURPOSE:* This amendment modifies the existing rule to correct an inaccuracy within the citations found in 15 CSR 30-54.010(2) and (3). As it currently reads, 15 CSR 30-54.010(2) incorrectly references 15 CSR 30-50.010(1)(H). This amendment changes 15 CSR 30-54.010(2) to correctly reference 15 CSR 30-50.010(1)(I). Additionally, 15 CSR 30-54.010(3) incorrectly references section 409.2-210(7), RSMo. This amendment changes 15 CSR 30-54.010(3) to correctly reference section 409.2-201(7), RSMo.

(2) The burden of proof that the offer and sale of large blocks of securities by any person or of any securities by controlling persons (15 CSR 30-50.010(1)[(H)](I)) is not directly or indirectly for the benefit of the issuer and therefore eligible for the nonissuer exemptions of section 409.2-202 of the Act, is upon the person claiming the exemption (section 409.5-503, RSMo). For purposes of this rule, sales of securities in accordance with rule 144 or any similar rule promulgated under the Securities Act of 1933 are deemed to be not directly or indirectly for the benefit of the issuer.

(3) All issuers who effect sales of securities pursuant to the exemptions specified in sections [409.2-210(7)] **409.2-201(7)** and 409.2-203, RSMo, shall preserve the following records during the period of six (6) years following the completion of the sales:

*AUTHORITY:* sections 409.2-202, 409.2-203, 409.5-503, and 409.6-605, RSMo Supp. [2003] 2012. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed April 23, 2013.

*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 the Secretary of State, Securities Division, Andrew M. Hartnett, Securities Commissioner, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 54—Exemptions and Federal Covered Securities**

**PROPOSED AMENDMENT**

**15 CSR 30-54.070 Not-for-Profit Securities.** The commissioner of securities is amending subsection (2)(B).

*PURPOSE:* This amendment modifies the existing rule to correct an inaccuracy. As it currently reads, the rule references the North American Securities Administrators Association, Inc. (NASAA) statement of policy regarding “Church Extension Funds.” The amendment edits the reference to correctly refer to the statement of policy regarding “Church Extension Fund Securities.”

(2) The following statements of policy are hereby incorporated by reference:

(B) Church Extension [Funds] Fund Securities as amended and published by NASAA on April 18, 2004. A copy of this policy can be

obtained from NASAA, 750 First Street, NE, Suite 1140, Washington, DC 20002, and is available online at [<http://www.nasaa.org/content/files/Church%5FExtension%5FFund%5FSecurities.pdf>] [http://www.nasaa.org/wp-content/uploads/2011/07/39-Church\\_Extension\\_Fund\\_Securities.pdf](http://www.nasaa.org/wp-content/uploads/2011/07/39-Church_Extension_Fund_Securities.pdf). This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY:* sections 409.2-201(7)(B) and 409.6-605, RSMo Supp. [2005] 2012. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 23, 2013.

*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 the Secretary of State, Securities Division, Andrew M. Hartnett, Securities Commissioner, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 15—ELECTED OFFICIALS**

### **Division 30—Secretary of State**

#### **Chapter 54—Exemptions and Federal Covered Securities**

#### **PROPOSED AMENDMENT**

**15 CSR 30-54.150 Suggested Form of Investment Letter.** The commissioner of securities is amending the purpose statement of this rule.

*PURPOSE:* This amendment modifies the existing rule's purpose statement to correct an inaccurate citation of section 409.402(b)(10), RSMo. This amendment changes 15 CSR 30-54.150 to correctly cite section 409.2-202(14), RSMo.

*PURPOSE:* This rule suggests the form [for compliance with the requirement of an investment undertaking in clause (B), section 409.402(b)(10)] of an investment letter for securities offered pursuant to section 409.2-202(14), RSMo [1986].

*AUTHORITY:* sections 409.2-202(14) and 409.6-605, RSMo Supp. [2003] 2012. Original rule filed July 21, 1972, effective Aug. 1, 1972. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 23, 2013.

*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 the Secretary of State, Securities Division, Andrew M. Hartnett, Securities Commissioner, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**T**his 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*.

**T**he 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 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 10—Food Safety and Meat Inspection**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Agriculture under section 265.020, RSMo 2000, the director amends a rule as follows:

**2 CSR 30-10.010 Inspection of Meat and Poultry is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2013 (38 MoReg 82). 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:** The Department of Agriculture received one (1) comment on the proposed amendment.

**COMMENT #1:** The Missouri Association of Meat Processors submitted a letter of support for the proposed amendment made to 2 CSR 30-10.010 Inspection of Meat and Poultry.

**RESPONSE:** The Missouri Department of Agriculture appreciates the support.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 1—Organization**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission amends a rule as follows:

10 CSR 10-1.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2012 (37 MoReg 1646-1648). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program received one (1) comment from the U.S. Environmental Protection Agency (EPA).

**COMMENT #1:** EPA suggested adding language to the public information subsection to specify how interested persons can be added to the email distribution list for public hearing notices.

**RESPONSE AND EXPLANATION OF CHANGE:** In response to EPA's comment, language was added to paragraph (3)(C)2. of the public information subsection to contact the Air Pollution Control Program Air Quality Planning Section Chief to be added to the email distribution list.

**10 CSR 10-1.010 General Organization**

(3) General Provisions.

(C) Public Information. The Air Pollution Control Program provides information to the public as follows:

1. Publish a notice in the Jefferson City, Missouri newspaper to provide information on how the public may review and provide comment on draft rule text and Regulatory Impact Reports for a period of at least sixty (60) days;

2. Post public hearing notices for rule and SIP actions at least thirty (30) days prior to public hearing on the Air Pollution Control Program's website and send via email to established program distribution list that includes required parties and other interested stakeholders. These notices provide information on timing of proposed MACC actions and how the public may participate in all rulemaking and SIP actions. Contact the Air Pollution Control Program Air Quality Planning Section Chief to be added to the email distribution list;

3. Publish in the *Missouri Register*—

A. Proposed rule actions at least thirty (30) days prior to a public hearing; and

B. Final rule actions adopted by MACC with recognition of public hearing comments;

4. Provide construction and operating permit notices as described in 10 CSR 10-6.060 Construction Permits Required and 10 CSR 10-6.065 Operating Permits;

5. Present any revision to department-supplied forms to the regulated community for a forty-five (45)-day comment period; and

6. Make all records retained for or by the Air Pollution Control Program available for public inspection and copying by any person, except for records which either are required to be or which may be kept confidential under Missouri law.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 2—Air Quality Standards and Air Pollution  
Control Rules Specific to the Kansas City Metropolitan  
Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission

under section 643.050, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 10-2.330** Control of Gasoline Reid Vapor Pressure  
**is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2012 (37 MoReg 1769). 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: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments on the proposed amendment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 40—Land Reclamation Commission**  
**Chapter 3—Permanent Performance Requirements for**  
**Surface Coal Mining and Related Activities**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-3.040** Requirements for Protection of the Hydrologic  
Balance **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 177-178). 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 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 40—Land Reclamation Commission**  
**Chapter 3—Permanent Performance Requirements for**  
**Surface Coal Mining and Related Activities**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-3.060** Requirements for the Disposal of Excess Spoil  
**is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 178). 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 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 40—Land Reclamation Commission**  
**Chapter 3—Permanent Performance Requirements for**  
**Surface Coal Mining and Related Activities**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-3.170** Signs and Markers for Underground Operations  
**is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 178). 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 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 40—Land Reclamation Commission**  
**Chapter 3—Permanent Performance Requirements for**  
**Surface Coal Mining and Related Activities**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-3.180** Casing and Sealing of Exposed Underground  
Openings **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 178-179). 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 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 40—Land Reclamation Commission**  
**Chapter 3—Permanent Performance Requirements for**  
**Surface Coal Mining and Related Activities**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-3.200** Requirements for Protection of the Hydrologic  
Balance for Underground Operations **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 179-181). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 3—Permanent Performance Requirements for  
Surface Coal Mining and Related Activities**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-3.210** Requirements for the Use of Explosives for Underground Operations **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 181). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 3—Permanent Performance Requirements for  
Surface Coal Mining and Related Activities**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-3.220** Disposal of Underground Development Waste and Excess Spoil **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 181–182). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 3—Permanent Performance Requirements for  
Surface Coal Mining and Related Activities**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-3.230** Requirements for the Disposal of Coal Processing Waste for Underground Operations **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 182). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 3—Permanent Performance Requirements for  
Surface Coal Mining and Related Activities**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-3.240** Air Resource Protection **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 182). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 3—Permanent Performance Requirements for  
Surface Coal Mining and Related Activities**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-3.260** Requirements for Backfilling and Grading for Underground Operations **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 182–183). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 3—Permanent Performance Requirements for  
Surface Coal Mining and Related Activities**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-3.300** Postmining Land Use Requirements for Underground Operations **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 183). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 6—Permitting Requirements for Surface and  
Underground Coal Mining and Reclamation Operations  
and Coal Exploration**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-6.020** General Requirements for Coal Exploration, Permits **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 183–184). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 6—Permitting Requirements for Surface and  
Underground Coal Mining and Reclamation Operations  
and Coal Exploration**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-6.030** Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 184). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 6—Permitting Requirements for Surface and  
Underground Coal Mining and Reclamation Operations  
and Coal Exploration**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-6.040** Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15,

2013 (38 MoReg 184–185). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 6—Permitting Requirements for Surface and  
Underground Coal Mining and Reclamation Operations  
and Coal Exploration**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-6.050** Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operations Plan **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 185). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 6—Permitting Requirements for Surface and  
Underground Coal Mining and Reclamation Operations  
and Coal Exploration**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-6.060** Requirements for Permits for Special Categories of Surface Coal Mining and Reclamation Operations **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 185–186). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 6—Permitting Requirements for Surface and  
Underground Coal Mining and Reclamation Operations  
and Coal Exploration**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-6.070** Review, Public Participation and Approval of Permit Applications and Permit Terms and Conditions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 186-187). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 6—Permitting Requirements for Surface and  
Underground Coal Mining and Reclamation Operations  
and Coal Exploration**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-6.100** Underground Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 187). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 6—Permitting Requirements for Surface and  
Underground Coal Mining and Reclamation Operations  
and Coal Exploration**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-6.110** Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 187-188). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 6—Permitting Requirements for Surface and  
Underground Coal Mining and Reclamation Operations  
and Coal Exploration**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-6.120** Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operations Plan **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 188-189). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 7—Bond and Insurance Requirements for  
Surface Coal Mining and Reclamation Operations**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-7.050** Requirements, Conditions and Terms of Liability Insurance **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 189-190). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 8—Definitions and General Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-8.010** Definitions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 190-195). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 8—Definitions and General Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 40-8.020 Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 195). 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 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 8—Definitions and General Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under section 444.530, RSMo 2000, and section 444.767, RSMo Supp. 2012, the commission amends a rule as follows:

10 CSR 40-8.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2013 (38 MoReg 195–198). Changes have been made in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Department of Natural Resources staff commented that the rule reference in subparagraph (2)(C)8.B. is incorrect and recommended deleting the subparagraph.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the staff and will delete subparagraph (2)(C)8.B. from the rule.

**10 CSR 40-8.070 Applicability and General Requirements**

(2) Applicability. 10 CSR 40-3–10 CSR 40-9 apply to all coal exploration and surface coal mining and reclamation operations, except the following:

(C) This subsection implements the exemption contained in section 444.815.6(3) of the Surface Coal Mining Law concerning the extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two-thirds percent (16 2/3%) of the total tonnage of coal and other minerals removed for purposes of commercial use or sale.

1. As used in subsection (2)(C), the following terms have the meanings specified, except where otherwise indicated:

A. Cumulative measurement period means the period of time over which both cumulative production and cumulative revenue are

measured—

(I) For purposes of determining the beginning of the cumulative measurement period, subject to regulatory authority approval, the operator must select and consistently use one (1) of the following:

(a) For mining areas where coal or other minerals were extracted prior to August 3, 1977, the date extraction of coal or other minerals commenced at that mining area or August 3, 1977; or

(b) For mining areas where extraction of coal or other minerals commenced on or after August 3, 1977, the date extraction of coal or other minerals commenced at that mining area, whichever is earlier; and

(II) For annual reporting purposes pursuant to paragraph (2)(C)11. of this rule, the end of the period for which cumulative production and revenue is calculated is either for mining areas where—

(a) Coal or other minerals were extracted prior to October 1, 1992, September 30, 1992 and every September 30 after that; or

(b) Extraction of coal or other minerals commenced on or after October 1, 1992, the last day of the calendar quarter during which coal extraction commenced and each anniversary of that day after commencement;

B. Cumulative production means the total tonnage of coal or other minerals extracted from a mining area during the cumulative measurement period. The inclusion of stockpiled coal and other mineral tonnages in this total is governed by paragraph (2)(C)8. of this rule;

C. Cumulative revenue means the total revenue derived from the sale of coal or other minerals and the fair market value of coal or other minerals transferred or used, but not sold, during the cumulative measurement period;

D. Mining area means an individual excavation site or pit from which coal, other minerals and overburden are removed; and

E. Other minerals means any commercially valuable substance mined for its mineral value, excluding coal, topsoil, waste and fill material.

2. Collection of information procedures are described in the following:

A. The collections of information contained in paragraphs (2)(C)3., 4., 5., 7. and 10. of this rule have been approved by the Land Reclamation Commission. The information will be used to determine the initial and continuing applicability of the incidental mining exemption to a particular mining operation. Response is required to obtain and maintain the incidental mining exemption in accordance with section 444.815.6(3) of the Surface Coal Mining Law; and

B. Public reporting burden for this collection of information is estimated to average one (1) hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Director, Land Reclamation Program, PO Box 176, Jefferson City, MO 65102.

3. Application requirements and procedures shall be completed as described in the following:

A. New operations.

(I) Any person who plans to commence or continue coal extraction after November 30, 1990, in reliance on the incidental mining exemption, shall file a complete application for exemption with the regulatory authority for each mining area.

(II) Following incorporation of an exemption application approval process into a regulatory program, a person may not commence coal extraction based upon the exemption until the regulatory authority approves the application, except as provided in part (2)(C)3.E.(III) of this rule;

B. Existing operations. Any person who has commenced coal

extraction at a mining area in reliance upon the incidental mining exemption prior to November 30, 1990 may continue mining operations for sixty (60) days after (January 29, 1991) the effective date (November 30, 1990). Coal extraction may not continue after the sixty- (60-) day period unless that person files an administratively complete application for exemption with the regulatory authority. If an administratively complete application is filed within sixty (60) days, the person may continue extracting coal in reliance on the exemption beyond the sixty- (60-) day period until the regulatory authority makes an administrative decision on the application;

C. Additional information. The regulatory authority shall notify the applicant if the application for exemption is incomplete and may at any time require submittal of additional information;

D. Public comment period. Following publication of the newspaper notice required by subparagraph (2)(C)4.I. of this rule, the regulatory authority shall provide a period of no less than thirty (30) days during which time any person having an interest which is or may be adversely affected by a decision on the application may submit written comments or objections;

E. Exemption determination.

(I) No later than ninety (90) days after filing of an administratively complete application, the regulatory authority shall make a written determination whether, and under what conditions, the persons claiming the exemption are exempt under this part and shall notify the applicant and persons submitting comments on the application of the determination and the basis for the determination.

(II) The determination of exemption shall be based upon information contained in the application and any other information available to the regulatory authority at that time.

(III) If the regulatory authority fails to provide an applicant with the determination as specified in part (2)(C)3.E.(I) of this rule, an applicant who has not begun may commence coal extraction pending a determination on the application unless the regulatory authority issues an interim finding, together with reasons for this finding, that the applicant may not begin coal extraction; and

F. Administrative review.

(I) Any adversely affected person may request administrative review of a determination under subparagraph (2)(C)3.E. of this rule within thirty (30) days of the notification of the determination in accordance with procedures established under Chapter 536, RSMo.

(II) A petition for administrative review filed under Chapter 536, RSMo shall not suspend the effect of a determination under subparagraph (2)(C)3.E. of this rule.

4. An application for exemption, at a minimum, shall include:

A. The name and address of the applicant;

B. A list of the minerals sought to be extracted;

C. Estimates of annual production of coal and the other minerals within each mining area over the anticipated life of the mining operation;

D. Estimated annual revenues to be derived from bona fide sales of coal and other minerals to be extracted within the mining area;

E. Where coal or the other minerals are to be used rather than sold, estimated annual fair market values at the time of projected use of the coal and other minerals to be extracted from the mining area;

F. The basis for all annual production, revenue and fair market value estimates;

G. A description, including county, township, if any, and boundaries of the land, of sufficient certainty that the mining areas may be located and distinguished from other mining areas;

H. An estimate to the nearest acre of the number of acres that will compose the mining area over the anticipated life of the mining operation;

I. Evidence of publication, in a newspaper of general circulation in the county of the mining area, of a public notice that an application for exemption has been filed with the regulatory authority (the public notice must identify the persons claiming the exemption and must contain a description of the proposed operation and its locality

that is sufficient for interested persons to identify the operation);

J. The representative stratigraphic cross-section(s) based on test borings or other information identifying and showing the relative position, approximate thickness and density of the coal and each other mineral to be extracted for commercial use or sale and the relative position and thickness of any material, not classified as other minerals, that also will be extracted during the conduct of mining activities;

K. A map of appropriate scale which clearly identifies the mining area;

L. A general description of mining and mineral processing activities for the mining area;

M. A summary of sales commitments and agreements for future delivery, if any, which the applicant has received for other minerals to be extracted from the mining area, or a description of potential markets for the minerals;

N. If the other minerals are to be commercially used by the applicant, a description specifying the use;

O. For operations having extracted coal or other minerals prior to filing an application for exemption, in addition to the information required, the following information also must be submitted:

(I) Any relevant documents the operator has received from the regulatory authority documenting its exemption from the requirements of the surface coal mining law;

(II) The cumulative production of the coal and other minerals from the mining area; and

(III) Estimated tonnages of stockpiled coal and other minerals; and

P. Any other information pertinent to the qualification of the operation as exempt.

5. Public availability of information is defined and shall be handled as described in the following:

A. Except as provided in subparagraph (2)(C)5.B. of this rule, all information submitted to the regulatory authority under subsection (2)(C) shall be made available immediately for public inspection and copying at the local offices of the regulatory authority having jurisdiction over the mining operations claiming exemption until at least three (3) years after expiration of the period during which the subject mining area is active;

B. The regulatory authority may keep information submitted to the regulatory authority under this part confidential if the person submitting it requests in writing, at the time of submission, that it be kept confidential and the information concerns trade secrets or is privileged commercial or financial information of the persons intending to conduct operations under this rule; and

C. Information requested to be held as confidential under subparagraph (2)(C)5.B. of this rule shall not be made publicly available until after notice and opportunity to be heard is afforded persons both seeking and opposing disclosure of the information.

6. Requirements for exemption.

A. Activities are exempt from the requirements of the surface coal mining law if all of the following are satisfied:

(I) The cumulative production of coal extracted from the mining area determined annually as described in this rule does not exceed sixteen and two-thirds percent (16 2/3%) of the total cumulative production of coal and other minerals removed during that period for purposes of a bona fide sale or reasonable commercial use;

(II) Coal is produced from a geological stratum lying above or immediately below the deepest stratum from which other minerals are extracted for purposes of a bona fide sale or reasonable commercial use; and

(III) The cumulative revenue derived from the coal extracted from the mining area determined annually shall not exceed fifty percent (50%) of the total cumulative revenue derived from the coal and other minerals removed for purposes of a bona fide sale or reasonable commercial use. If the coal extracted or the minerals removed are used by the operator or transferred to a related entity for use instead of being sold in a bona fide sale, then the fair market

value of the coal or other minerals shall be calculated at the time of use or transfer and shall be considered rather than revenue.

B. Persons seeking or that have obtained an exemption from the requirements of the surface coal mining law shall comply with the following:

(I) Each other mineral upon which an exemption under this rule is based must be a commercially valuable mineral for which a market exists or which is mined in bona fide anticipation that a market will exist for the mineral in the reasonably foreseeable future, not to exceed twelve (12) months from the end of the current period for which cumulative production is calculated. A legally binding agreement for the future sale of other minerals is sufficient to demonstrate this standard; and

(II) If either coal or other minerals are transferred or sold by the operator to a related entity for its use or sale, the transaction must be made for legitimate business purposes.

7. A person conducting activities covered by this rule shall—

A. Maintain on-site or at other locations available to the commission and its representatives and the secretary information necessary to verify the exemption including, but not limited to, commercial use and sales information, extraction tonnages and a copy of the exemption application and exemption approved by the regulatory authority;

B. Notify the regulatory authority upon the completion of the mining operation or permanent cessation of all coal extraction activities; and

C. Conduct operations in accordance with the approved application or when authorized to extract coal under subparagraph (2)(C)3.B. or part (2)(C)3.E.(III) of this rule prior to submittal or approval of an exemption application in accordance with the standards of this rule.

8. Authorized representatives of the commission and the secretary shall have the right to conduct inspections of operations claiming exemption under this subsection.

A. Each authorized representative of the commission and the secretary conducting an inspection under subsection (2)(C)—

(I) Shall have a right of entry to, upon and through any mining and reclamation operations without advance notice or a search warrant, upon presentation of appropriate credentials;

(II) At reasonable times and without delay, may have access to and copy any records relevant to the exemption; and

(III) Shall have a right to gather physical and photographic evidence to document conditions, practices or violations at a site.

9. Stockpiling of minerals shall be conducted as described in the following:

A. Coal. Coal extracted and stockpiled may be excluded from the calculation of cumulative production until the time of its sale, transfer to a related entity or use—

(I) Up to an amount equaling a twelve- (12-) month supply of the coal required for future sale, transfer or use as calculated, based upon the average annual sales, transfer and use from the mining area over the two (2) preceding years; or

(II) For a mining area where coal has been extracted for a period of fewer than two (2) years, up to an amount that would represent a twelve- (12-) month supply of the coal required for future sales, transfer or use as calculated based on the average amount of coal sold, transferred or used each month; and

B. Other minerals.

(I) The commission shall disallow all or part of an operator's tonnages of stockpiled other minerals for purposes of meeting the requirements of this rule if the operator fails to maintain adequate and verifiable records of the mining area of origin, the disposition of stockpiles or if the disposition of the stockpiles indicates the lack of commercial use or market for the minerals.

(II) The commission may only allow an operator to utilize tonnages of stockpiled other minerals for purposes of meeting the requirements of this rule if—

(a) The stockpiling is necessary to meet market condi-

tions or is consistent with generally accepted industry practices; and

(b) Except as provided in part (2)(C)9.B.(III) of this rule, the stockpiled other minerals do not exceed a twelve- (12-) month supply of the mineral required for future sales as approved by the regulatory authority on the basis of the exemption application.

(III) The commission may allow an operator to utilize tonnages of stockpiled other minerals beyond the twelve- (12-) month limit established in part (2)(C)9.B.(II) of this rule if the operator can demonstrate to the regulatory authority's satisfaction that the additional tonnage is required to meet future business obligations of the operator, as may be demonstrated by a legally binding agreement for future delivery of the minerals.

(IV) The commission may periodically revise the other mineral stockpile tonnage limits in accordance with the criteria established by parts (2)(C)9.B.(II) and (III) of this rule, based on additional information available to the commission.

10. Revocation and enforcement shall be conducted as described in the following:

A. Commission responsibility. The commission shall conduct an annual compliance review of the mining area, utilizing the annual report submitted pursuant to paragraph (2)(C)11. of this rule, an on-site inspection and any other information available to the commission;

B. If the commission has reason to believe that a specific mining area was not exempt under the provisions of this rule or counterpart provisions of the state regulatory program at the end of the previous reporting period, is not exempt, or will be unable to satisfy the exemption criteria at the end of the current reporting period, the regulatory authority shall notify the operator that the exemption may be revoked and the reason(s) for relocation. The exemption will be revoked unless the operator demonstrates to the regulatory authority within thirty (30) days that the mining area in question should continue to be exempt;

C. If the commission finds that an operator has not demonstrated that activities conducted in the mining area qualify for the exemption, the commission shall revoke the exemption and immediately notify the operator and intervenors. If a decision is made not to revoke an exemption, the commission shall immediately notify the operator and intervenors;

D. Any adversely affected person may request administrative review of a decision whether to revoke an exemption within thirty (30) days of the notification of that decision in accordance with procedures established under Chapter 536, RSMo;

E. A petition for administrative review filed under Chapter 536, RSMo shall not suspend the affect of a decision whether to revoke an exemption; and

F. Direct enforcement.

(I) An operator mining in accordance with the terms of an approved exemption shall not be cited for violations of the regulatory program which occurred prior to the revocation of the exemption.

(II) An operator who does not conduct activities in accordance with the terms of an approved exemption, and knows or should know the activities are not in accordance with the approved exemption shall be subject to direct enforcement action for violations of the regulatory program which occur during the period of these activities.

(III) Upon revocation of an exemption or denial of an exemption application, an operator shall stop conducting surface coal mining operations until a permit is obtained and shall comply with the reclamation standards of the regulatory program with regard to conditions, areas and activities existing at the time of revocation or denial.

11. Reporting requirements.

A. Following approval by the commission of an exemption for a mining area, the person receiving the exemption, for each mining area, shall file a written report annually with the commission containing the information specified in subparagraph (2)(C)11.B. of this rule.

(I) The report shall be filed no later than thirty (30) days

after the end of the twelve- (12-) month period as determined in accordance with the definition of cumulative measurement period in paragraph (2)(C)1. of this rule.

(II) The information in the report shall cover—

(a) Annual production of coal and other minerals and annual revenue derived from coal and other minerals during the preceding twelve- (12-) month period; and

(b) The cumulative production of coal and other minerals and the cumulative revenue derived from coal and other minerals.

B. For each period and mining area covered by the report, the report shall specify—

(I) The number of tons of extracted coal sold in bona fide sales and total revenue derived from the sales;

(II) The number of tons of coal extracted and used or transferred by the operator or related entity and the estimated total fair market value of the coal;

(III) The number of tons of coal stockpiled;

(IV) The number of tons of other commercially valuable minerals extracted and sold in bona fide sale and total revenue derived from the sales;

(V) The number of tons of other commercially valuable minerals extracted and used or transferred by the operator or related entity and the estimated total fair market value of the minerals; and

(VI) The number of tons of other commercially valuable minerals removed and stockpiled by the operator;

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

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 32.057, RSMo Supp. 2012, the director adopts a rule as follows:

**12 CSR 10-41.025** Disclosure of Confidential Taxpayer Information to Officers, Members, Partners, and Employees of a Business **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2013 (38 MoReg 284–285). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 32.057.2.(1)(a), RSMo Supp. 2012, the director amends a rule as follows:

**12 CSR 10-41.030** Power of Attorney **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 285–286). 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: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 104—Sales/Use Tax—Registration**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2012, and section 144.705, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-104.030** Filing Requirements **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 286–289). 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under sections 346.050, 346.055, 346.115, and 346.125, RSMo Supp. 2012, the board amends a rule as follows:

**20 CSR 2165-2.025** Application Procedures **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 290–292). 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under section 346.085, RSMo 2000, and sections 346.060 and 346.125, RSMo Supp. 2012, the board amends a rule as follows:

**20 CSR 2165-2.030** Licensure by Examination **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 293). 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.001 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 293–294). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.010 Approval is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 294–296). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.020 Discontinuing and Reopening Programs  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 296). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.030 Change of Sponsorship is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 296). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.035 Multiple Campuses is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 296–297). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.040 Program Changes Requiring Board Approval,  
Notification, or Both is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 297). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.060 Administrator/Faculty is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 297–299). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.070 Physical Facilities is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 300). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.080 Clinical Sites is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 300). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.085 Preceptors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 300-301). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.090 Students is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 301). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.100 Educational Program is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 301-302). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.110 Records is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 302–303). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.120 Publications is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 303). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.130 Program Evaluation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 303–304). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-2.180 Licensure Examination Performance  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 304). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.001 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 304–305). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.010 Approval is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 305–307). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.020 Discontinuing and Reopening Programs  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 307). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.030 Change in Sponsorship is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 307–308). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.035 Multiple Campuses is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 308). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.040 Program Changes Requiring Board  
Approval, Notification, or Both is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 308). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.060 Administrator/Faculty is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 308–310). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.070 Physical Facilities is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 311). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.080 Clinical Sites is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 311). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.085 Preceptors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 311–312). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.090 Students is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 312). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.100 Educational Program is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 312–313). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.110 Records is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 313–314). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.120 Publications is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 314). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.130 Program Evaluation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 314–315). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000, the board amends a rule as follows:

**20 CSR 2200-3.180 Licensure Examination Performance  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 315). 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: The State Board of Nursing received one (1) comment on the proposed amendment.

COMMENT #1: Dr. Thad Wilson, Associate Dean of the UMKC School of Nursing, thought the new minimum standards make rules for opening a new nursing program more stringent. He further stated support for increased authority of the board to approve/deny a request.

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2270—Missouri Veterinary Medical Board  
Chapter 2—Licensure Requirements for Veterinarians**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.228, 340.232, and 340.238, RSMo 2000, and section 340.234, RSMo Supp. 2012, the board amends a rule as follows:

**20 CSR 2270-2.060 Reciprocity is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 368). 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2270—Missouri Veterinary Medical Board  
Chapter 3—Registration Requirements for Veterinary  
Technicians**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board under sections 340.210, 340.238, 340.300, and 340.302, RSMo 2000, and sections 340.234 and 340.306, RSMo Supp. 2012, the board amends a rule as follows:

**20 CSR 2270-3.030 Reciprocity is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 368). 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2270—Missouri Veterinary Medical Board  
Chapter 4—Minimum Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Veterinary Medical Board

under sections 41.946, 340.210, 340.258, and 340.268, RSMo 2000, the board amends a rule as follows:

**20 CSR 2270-4.042 Minimum Standards for Continuing  
Education for Veterinarians is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2013 (38 MoReg 368–369). 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.