

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: 17
Division Title: 10
Chapter Title: 2**

Rule Number and Name:	17 CSR 10-2.040 – Application Forms and Licensing Fees
Type of Rulemaking:	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
City of Kansas City, Missouri	\$9982.00
Jackson County, Missouri Family Court	\$978.50
Kansas City International Airport Police	\$10568.50
Housing Authority of Kansas City, Missouri	\$914.25
Total	\$22,443.25

III. WORKSHEET

The fee for a new armed license is one hundred forty-five dollars (\$145.00) per year. The fee for new unarmed licenses is ninety dollars (\$90.00) per year. The yearly renewal fee for armed licenses is ninety dollars (\$90.00) per year. The yearly renewal fee for unarmed licensees is sixty-five dollars (\$65.00).

The City of Kansas City, Missouri licenses one (1) armed security officer and sixty-three (63) unarmed security officers. Jackson County, Missouri Family Court licenses five (5) armed officers and one (1) unarmed person per year. The Kansas City International Airport Police and the Housing Authority of Kansas City, Missouri pay a company fee in the amount of three hundred dollars (\$300.00) per year. The Kansas City International Airport Police currently licenses fifty (50) armed officers and twenty-seven (27) unarmed officers. The Housing Authority of Kansas City, Missouri currently licenses three (3) armed officers. The number of current licensees in each category was multiplied by the corresponding renewal fees charged in order to assess the fiscal impact to the current licensees.

The City of Kansas City, Missouri will incur costs in the amount of ninety dollars (\$90.00) per renewal of its armed license (1) for a cost of ninety dollars (\$90.00) yearly. In addition, each armed applicant will pay a range fee in the amount of eighty-five dollars (\$85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents (\$39.25) and a training fee in the amount of fifty dollars (\$50.00) for a total cost of two hundred sixty-four dollars and twenty-five cents (\$264.25). The City of Kansas City,

Missouri will incur costs of sixty-five dollars (\$65.00) per renewal of each of its unarmed licenses (63) for a cost of four thousand ninety-five dollars (\$4095.00) yearly. The unarmed applicants will each pay an annual fingerprinting fee of thirty-nine dollars and twenty-five cents (\$39.25) and a training fee of fifty dollars (\$50.00). These additional costs amount to five thousand six hundred twenty-two dollars and seventy-five cents (\$5622.75) for unarmed licensees. The total fiscal impact for unarmed applicants to the City of Kansas City, Missouri is nine thousand seven hundred seventeen dollars and seventy-five cents (\$9717.75) per year. Total fiscal impact for all licensees to the City of Kansas City, Missouri is nine thousand nine hundred eighty-two dollars (\$9982.00).

Jackson County, Missouri Family Court will incur costs of ninety dollars (\$90.00) per renewal of each of its armed licenses (5) for a cost of four hundred fifty dollars (\$450.00) yearly. Each armed licensees will pay a range fee in the amount of eighty-five dollars (\$85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents (\$39.25) and a training fee in the amount of fifty dollars (\$50.00) for an additional fiscal impact for armed licensees in the amount of three hundred seventy four dollars and twenty-five cents (\$374.25). The total fiscal impact for armed applicants is eight hundred twenty-four dollars and twenty-five cents (\$824.25). The Jackson County, Missouri Family Court will incur costs of sixty-five dollars (\$65.00) per renewal of each of its unarmed licenses (1) for a cost of sixty-five dollars (\$65.00) yearly. The total fiscal impact to Jackson County, Missouri for renewal of unarmed licenses is sixty-five dollars (\$65.00) per year. Each unarmed licensee will pay an annual fingerprinting fee of thirty-nine dollars and twenty-five cents (\$39.25) and a training fee in the amount of fifty dollars (\$50.00) for an additional fiscal impact for unarmed licensees in the amount of eighty-nine dollars and twenty-five cents (\$89.25). The total fiscal impact for the unarmed applicant is one hundred fifty-four dollars and twenty-five cents (\$154.25), and the total cost for all licensees is nine hundred seventy-eight dollars and fifty cents (\$978.50) to the Jackson County, Missouri Family Court.

The Kansas City International Airport Police will incur costs in the amount of ninety dollars (\$90.00) per renewal of each of its armed licenses (50) for a cost of four thousand five hundred dollars (\$4500.00) yearly. In addition, each armed applicant will pay a range fee in the amount of eighty-five dollars (\$85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents (\$39.25) and a training fee in the amount of fifty dollars (\$50.00). The additional fiscal impact to armed licensees is two thousand six hundred twenty-four dollars and twenty-five cents (\$2624.25) for a total fiscal impact for armed licensees of seven thousand one hundred twenty-four dollars and twenty-five cents (\$7124.25). The Kansas City International Airport Police will incur costs in the amount of sixty-five dollars (\$65.00) per renewal of each of its unarmed licenses (27) for a cost of one thousand seven hundred fifty-five dollars (\$1755.00) yearly. Additionally, unarmed licenses will pay an annual fingerprinting fee of thirty-nine dollars and twenty-five cents and a training fee in the amount of fifty dollars (\$50.00). The fiscal impact of these additional fees is one thousand three hundred eighty-nine dollars and twenty-five cents (\$1389.25). The total fiscal impact to the Kansas City International Airport Police for unarmed renewals is three thousand one hundred forty-four dollars and twenty-five cents (\$3144.25). The total fiscal impact for armed and unarmed licenses is ten thousand two hundred sixty-eight dollars and fifty cents (\$10,268.50). The Kansas City International Airport Police also pay a company fee of three hundred dollars (\$300.00) per year under the Proposed Rules for a total fiscal impact of ten thousand five hundred sixty-eight dollars and fifty cents (\$10,568.50) per year.

The Housing Authority of Kansas City, Missouri will incur costs in the amount of ninety dollars (\$90.00) per renewal of each of its armed licenses (3) for a cost of two hundred seventy dollars (\$270.00) yearly. Additionally, each armed licensee will pay a range fee in the amount of eighty-five dollars (\$85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents (\$39.25) and a training fee in the amount of fifty dollars (\$50.00) for an additional three hundred forty-four dollars and twenty-five cents (\$344.25). Total fiscal impact for licensees is therefore, six hundred fourteen dollars and twenty-five cents (\$614.25). The Housing Authority of Kansas City, Missouri also pays a company fee of three hundred dollars (\$300.00) per year under the Proposed Rules for a total fiscal impact of nine hundred fourteen dollars and twenty-five cents (\$914.25) per year.

IV. ASSUMPTIONS

This rule requires that those providing security services be licensed as either armed or unarmed security officers. Other fees assessed are provided for in other sections of this chapter and the fiscal impact of those fees will be outlined in the fiscal notes prepared for those sections. These figures assume that the agencies will renew the licenses of all those currently licensed and will not switch the classifications of the persons they are licensing, i.e., from unarmed to armed or vice versa. These figures also assume that the agencies pay the license fees for those they license, rather than the individual paying the fees themselves. Board keeps no records of how the various entities operate and how they pay their fees. Therefore, the actual cost to these entities cannot be assessed and it must be assumed that for purposes of this fiscal note that the entities pay the entire fee. At this time, the City of Kansas City, Missouri and Jackson County, Missouri Family Court are not charged a company license fee, therefore, there is no fiscal impact due to the company license fees. These cost calculations take into account yearly renewal fees for existing licensees. If the entities license additional persons, additional costs for new licenses will be incurred in the amounts set out above for new licenses.

This Proposed Rule also sets out the fees for license transfers, dual licenses, upgrading of a license, replacement of lost or stolen licenses, rescheduling fees for the range, weapons changes, late fees and copying fees. Because the Board is unable to estimate in advance how many persons will lose their licenses, transfer their licenses, apply for a dual license, etc., the fiscal impact cannot be estimated. Again, Board would not know whether the public entities or the individual licensees would be paying these fees and therefore, the impact to the entities is uncertain.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 17**
- Division Title: 10**
- Chapter Title: 2**

Rule Number and Title:	17 CSR 10-2.040 – Application Forms and License Fees
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3000	Armed Licensees	\$792,750.00
700	New Armed Licensees	\$223,475.00
6000	Unarmed Licensees	\$925,500.00
1400	New Unarmed Licensees	\$250,950.00
209	Company Licenses	\$62,700.00
25	New Company Licenses	\$7,500.00
Total		\$2,262,875.00

III. WORKSHEET

The fee for a new armed license is one hundred forty-five dollars (\$145.00) per year. The fee for new unarmed licenses is ninety dollars (\$90.00) per year. The yearly renewal fee for armed licenses is ninety dollars (\$90.00) per year. The yearly renewal fee for unarmed licensees is sixty-five dollars (\$65.00).

Currently approximately 3000 persons hold armed licenses. With the renewal fee of ninety dollars (\$90.00), the fiscal impact to armed licensees is \$270,000.00. The armed applicants will also pay a range fee of eighty-five (\$85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents (\$39.25) and a training fee in the amount of fifty dollars (\$50.00). Therefore, the fiscal impact to armed licensees is an additional

\$522,750.00 for a total fiscal impact of \$792,750.00. Currently approximately 6000 persons hold unarmed licenses. With the renewal fee of sixty-five dollars (\$65.00), the fiscal impact to unarmed licensees is \$390,000.00. The unarmed applicants will also pay a training fee of fifty dollars (\$50.00) and an annual fingerprinting fee of thirty-nine dollars and twenty-five cents (\$39.25) for a fiscal impact of \$535,500.00. Total fiscal impact to unarmed licensees is \$925,500.00.

In order to assess the fiscal impact to the individuals acquiring new armed licenses, an estimate of the number of new armed licensees, seven hundred (700) must be multiplied by the fee amount (\$145.00) for armed licenses for a fiscal impact of \$101,500.00 for licenses. In addition, each new armed applicant will pay a range fee in the amount of eighty-five dollars (\$85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents (\$39.25) and a training fee in the amount of fifty dollars (\$50.00) for a fiscal impact of \$121,975.00. The total fiscal impact to new armed licensees is \$223,475.00. In order to determine the fiscal impact to individuals acquiring new unarmed licenses, an estimate of the number of new unarmed licensees, 1400, must be multiplied by the fee amount (\$90.00) for unarmed licenses for a fiscal impact of \$126,000.00 for the license. In addition, each unarmed licensee will pay a training fee in the amount of fifty dollars (\$50.00) and an annual fingerprinting fee of thirty-nine dollars and twenty-five cents (\$39.25) for a fiscal impact of 124,950.00. The total fiscal impact to new unarmed licensees is \$250,950.00

All firms, companies, partnerships and corporations licensed will pay a company fee in the amount of three hundred dollars (\$300.00) per year. The approximate number of companies holding licenses (209) was multiplied by the new company fee (\$300.00) in order to assess the fiscal impact to the current companies holding licenses in the amount of \$62,700.00. Approximately 25 new companies will obtain new licenses during the year. Each will pay the company license fee of \$300.00 for a total fiscal impact of \$7500.00.

IV. ASSUMPTIONS

These figures assume that Board is correct about the number of persons who will newly apply for armed, unarmed and company licenses in the next year. These figures also assume that the companies pay the license fees for those they license, rather than the individual paying the fees themselves. In fact, Board is aware that some companies pay a portion of the licensing fees of their employees and the employees pay the balance. Board keeps no records of how the various companies operate and how they pay their fees. Therefore, the actual cost to these companies cannot be assessed and it must be assumed that for purposes of this fiscal note that the companies pay the entire fee.

This Proposed Rule also sets out the fees for license transfers, dual licenses, upgrading of a license, changing a company name, replacement of lost or stolen licenses, rescheduling fees for the range, weapons changes, late fees and copying fees. Because the Board is unable to estimate in advance how many persons will lose their licenses, transfer their licenses to a new company, apply for a dual license, etc., the fiscal impact cannot be estimated. Again, Board would not know whether companies or the individual licensees would be paying these fees and therefore, the impact to businesses is uncertain.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security**

PROPOSED RESCISSION

17 CSR 10-2.050 Testing Requirements and Qualification Standards. This rule established testing requirements for those seeking individual licensing pursuant to these provisions and established qualification standards pursuant to the duties carried out by individuals providing private security services.

PURPOSE: The board wishes to rescind this rule and adopt a new rule in its place to clarify the language in the rule and ensure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed March 14, 2013.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. 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 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security**

PROPOSED RULE

17 CSR 10-2.050 Testing Requirements and Qualification Standards

PURPOSE: In accordance with generally recognized policing standards, the Board of Police Commissioners of Kansas City, Missouri (board) has established testing requirements for those seeking individual licensing pursuant to these provisions and has established qualification standards pursuant to the duties carried out by individuals providing private security or proprietary private investigative services.

(1) All applicants for licensing shall successfully pass a written examination as presented by the department to potential licensees. A person failing to obtain a passing score as established by the board may be allowed to retake the written test three (3) times. An additional fee and a new Form 5409 P.D. is required each time the test is retaken. The test may not be taken more than one (1) time per day. An applicant shall have the right to review their test. The Private Officers Licensing Unit (POLU) may refuse to test any person if evidence exists that there is grounds for denial of the license. This excludes any person holding an active or inactive Peace Officer Standards and Training (POST) certification and all retired sworn members of the department. The board has established categories of testing that reflect the responsibilities and qualifications required for the type of license sought by the applicant. An information manual outlining the examination will be available from the POLU. It is the

company's responsibility to provide training necessary to prepare the applicant to take and pass the board's written examination. In addition to obtaining the license as an armed licensee, the company must certify that the applicant or licensee has completed the required training and must present a completed Form 5715 P.D. at the time of application. The licensee must successfully qualify annually with their weapon. The qualification will be equivalent to that required for department police officers. In addition, any person holding an armed license shall requalify any time they change weapons. A licensee may only carry and qualify with one (1) weapon per company unless specific authorization is obtained from POLU. As set out in 17 CSR 10-2.040(1), a fee will be charged anytime a weapon change is made.

(A) Applicants for Class A licensing, in addition to those topics listed in subsection (1)(B) of this rule, shall also be tested on crime and criminal liability, firearms responsibility and liability, and patrol techniques. Class A licenses issued to those requesting designation as a proprietary private investigator shall also be tested on investigative techniques, illegal electronic surveillance, audio recording, and visual or video recording when permissible.

(B) Applicants for Class B licensing as provided in this chapter shall be tested on detention and seizure, how to interact with the general public and public officials, the licensing process, including rules, how to react to crisis situations, and liability issues.

(C) Applicants for proprietary private investigator must possess a high school diploma and one (1) of the following: A two- (2-) year degree in Administration of Criminal Justice or a bachelor's degree; two (2) consecutive years prior investigative experience in law enforcement, military police, or military intelligence functions; or two (2) years consecutive experience with a licensed private security or proprietary private investigative company, and be certified by that company as to knowledge of the law and investigative techniques.

(D) Each armed licensee will complete four (4) hours of training at the Kansas City, Missouri Police Pistol Range (range) each year. The curriculum will be set by the range staff. Each armed licensee may additionally be required to complete four (4) hours of classroom training every two (2) years. The curriculum will be set by the POLU. Each company representative who is authorized to sign and do business with the board as outlined on Form 5486 P.D. along with all those licensed in an unarmed capacity may be required to complete the four- (4-) hour classroom portion of the training every two (2) years. Each company representative and licensee will pay the training fees associated with these continuing education requirements as set out in 17 CSR 10-2.040(1).

(2) As all applicants for Class A licenses are granted the authority to detain or apprehend, each applicant or his/her employer must certify annually on the Form 5409 P.D. to the satisfaction of the board that the applicant is physically and mentally capable of being able to safely detain or apprehend suspects without the necessity of resorting to the displaying or discharging of a weapon except in self-defense or in defense of another. This will require every applicant to submit at renewal annually a Form 5409 P.D. The board may investigate the certification and may reject the application if there is evidence that the certification is false or incorrect.

(3) Additionally, each applicant applying for a license under these provisions must meet these standards—

(A) Meet the qualifications in 17 CSR 10-2.020(3);

(B) Be at least twenty-one (21) years of age to hold an armed license and be at least eighteen (18) years of age to hold an unarmed license;

(C) Be able to read, write, and understand the English language;

(D) Meet physical and mental standards equivalent to those required of department police officers;

(E) Be capable of understanding and performing the duties and responsibilities of a licensee;

(F) If the applicant served in the Armed Forces of the United States within ten (10) years prior to the date of application, the final

discharge of the applicant from the armed forces must be honorable or general under honorable conditions;

(G) Not have been convicted of a felony or a misdemeanor in federal or state court;

(H) Be of good moral character by having no felony convictions, misdemeanor convictions, or city ordinance convictions, which have as an essential element fraud, dishonesty, an act of violence, bribery, illegal drug use, sexual misconduct, and other similar acts constituting moral turpitude as defined by the common law of Missouri except that city ordinance convictions involving driving while intoxicated or driving under the influence of alcohol or drugs will be considered on a case-by-case basis;

(I) For armed applicants, not be the respondent named in a full order of protection currently in effect issued after a hearing by a court of competent jurisdiction;

(J) Have no prior revocation of a security license;

(K) Failing to meet the standards as set out herein;

(L) Making any false statements or giving any false information in connection with an application for a license;

(M) Failing to provide information deemed necessary in order to establish eligibility;

(N) Holding a license which is suspended, including a suspension which is currently under review or under a stay pending the outcome of litigation in a court of competent jurisdiction;

(O) Providing other facts or actions which demonstrate that the applicant is unsuitable or ineligible for license; and

(P) Being terminated from or resigning under investigation or threat of discharge from the department shall make an individual ineligible for a license, but s/he may appeal to the board pursuant to the appeal process contained in this chapter.

(4) Applicants and their employers, in the event of license denial, will be given a written notification. Applicants may appeal in writing to the POLU within thirty (30) days of denial notification. The appeal should contain a brief statement responding to the reasons for denial. The board will then notify the applicant in writing of its formal decision on the matter. Applicants have no right to a hearing or presentation to board.

(5) The board reserves the right to prohibit the holder of a license from carrying any firearm.

(6) All licenses granted by the board as set out herein may be temporary until the completion of the applicant's criminal history records check. Armed licenses will not be issued until the criminal history records check results are received by the POLU.

AUTHORITY: section 84.720, RSMo 2000. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed March 14, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twelve thousand, five hundred fifteen dollars (\$12,515) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities five hundred fifty-five thousand dollars (\$555,000) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. 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: 17**
- Division Title: 10**
- Chapter Title: 2**

Rule Number and Name:	17 CSR 10-2.050 – Testing Requirements and Qualification Standards
Type of Rulemaking:	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
City of Kansas City, Missouri	\$3285.00
Jackson County, Missouri Family Court	\$725.00
Kansas City International Airport Police	\$8100.00
Housing Authority of Kansas City, Missouri	\$405.00
Total	\$12,515.00

III. WORKSHEET

Each armed licensee will pay a range fee in the amount of eighty-five dollars (\$85.00) and may pay a training fee in the amount of fifty dollars (\$50.00) for a total fiscal impact of one hundred thirty-five dollars (\$135.00) per armed licensee. Unarmed licensees will pay only the fifty dollar (\$50.00) training fee, should Board decide to assess that fee.

The City of Kansas City, Missouri licenses one (1) armed and sixty-three (63) unarmed persons. The armed licensee will pay one hundred thirty-five dollars (\$135.00) and the sixty-three (63) unarmed applicants will be assessed three thousand one hundred fifty dollars (\$3150.00) for a total fiscal impact to the City of Kansas City, Missouri.

The Jackson County Family Court licensees five (5) armed and one (1) unarmed licensee. The five (5) armed persons will pay six hundred seventy-five dollars (\$675.00) and the unarmed applicant will pay fifty dollars (\$50.00).

The Kansas City International Airport Police has 50 armed licensees and twenty-seven (27) unarmed licensees. The armed licensees will pay one hundred thirty-five dollars each for a total of six thousand seven hundred fifty dollars (\$6750.00). The unarmed licensees will each pay fifty dollars (\$50.00) for a total of one thousand three hundred fifty dollars (\$1350.00) for a total fiscal impact of eight thousand one hundred dollars (\$8100.00).

The Housing Authority of Kansas City, Missouri licenses three (3) armed persons. Those licensees will pay one hundred thirty-five dollars (\$135.00) each for a total fiscal impact to the Housing Authority of Kansas City, Missouri of four hundred five dollars (\$405.00).

IV. ASSUMPTIONS

These figures assume that the number of armed licensees remains constant in the next year. These figures also assume that the agencies pay the fees for those they license, rather than the individual paying the fees themselves. In fact, Board is aware that some entities pay a portion of the licensing fees of their employees and the employees pay the balance. Board keeps no records of how the various entities operate and how they pay their fees. Therefore, the actual cost to these agencies cannot be assessed and it must be assumed that for purposes of this fiscal note that the agencies pay the entire fee.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 17**
- Division Title: 10**
- Chapter Title: 2**

Rule Number and Title:	17 CSR 10-2.050 – Testing Requirements and Qualification Standards
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3000	Armed Licensees	\$150,000.00
700	New Armed Licensees	\$35,000.00
6000	Unarmed Licensees	\$300,000.00
1400	New Unarmed Licensees	\$70,000.00
Total		\$555,000.00

III. WORKSHEET

This rule allows the Board to require that individuals holding armed and unarmed licenses, and those who would become licensed during the year, attend a training class once every two years. That fee is discussed and included in the Private Fiscal Note for 17 CSR 10-2.040. All new and renewal applicants will pay the \$50.00 fee the first year following enactment of these rules.

Currently approximately 3000 persons hold armed licenses. With the training fee in the amount of fifty dollars (\$50.00), the fiscal impact to armed licensees is \$150,000.00. Currently approximately 6000 persons hold unarmed licenses. With the training fee of fifty dollars (\$50.00), the fiscal impact to unarmed licensees is \$300,000.00.

In order to assess the fiscal impact to the individuals acquiring new armed licenses, an estimate of the number of new armed licensees, seven hundred (700) must be multiplied by the training fee amount of fifty dollars (\$50.00) for a fiscal impact of \$35,000.00. In

order to determine the fiscal impact to individuals acquiring new unarmed licenses, an estimate of the number of new unarmed licensees, 1400, must be multiplied by the fee amount (\$50.00) for unarmed licenses for a fiscal impact of \$70,000.00.

IV. ASSUMPTIONS

These figures assume that Board decides to require the training fees of all licensees following enactment of these rules. These figures assume that Board is correct about the number of persons who will newly apply for armed and unarmed licenses in the next year. These figures also assume that the companies pay the training fees for those they license, rather than the individual paying the fees themselves. In fact, Board is aware that some companies pay a portion of the fees of their employees, and the employees pay the balance. Board keeps no records of how the various companies operate and how they pay their fees. Therefore, the actual cost to these companies cannot be assessed, and it must be assumed that for purposes of this fiscal note that the companies pay the entire fee.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security**

PROPOSED RESCISSION

17 CSR 10-2.055 Firearms Regulations and Qualification. This rule established requirements for persons seeking licenses for positions authorized to carry approved firearms.

PURPOSE: The board wishes to rescind this rule and adopt a new rule in its place to clarify the language in the rule and ensure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999, effective Aug. 30, 2000. Rescinded: Filed March 14, 2013.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. 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 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security**

PROPOSED RULE

17 CSR 10-2.055 Weapons Regulations and Firearms Qualification

PURPOSE: Applicants seeking licenses for positions authorized to carry approved firearms must be certified as qualified to carry those firearms pursuant to requirements as established by the Board of Police Commissioners of Kansas City, Missouri (board) herein.

(1) A licensee is authorized to carry only firearms in a strong side hip holster approved by the board and only if the licensee has qualified with that firearm as set out herein. All licensees must have a completed Verification of Firearms Training Form (Form 5715 P.D.) before reporting to the Private Officers Licensing Unit (POLU). The firearms approved by the board are as follows: .38 caliber, double action solid frame revolvers (five (5) or six (6) shot); and semi-automatics, double action only or double/single action, which are equipped with a decocker or decocker safety. This requirement limits the semi-automatics which may be carried to .40, .45, and 9mm calibers. Striker action firearms are acceptable. The department shooting range supervisor or his/her designee may deny a licensee the opportunity to qualify if, in their discretion, they believe a person or a firearm does not meet the requirements set out herein or presents a danger to others.

(2) All applicants seeking licensure for positions for which firearms may be possessed must qualify annually with the firearm(s) on the department pistol range and under the supervision of the department's firearms instructors. The firearms qualifications standards

shall be in accordance with those established by department for its officers.

(3) An applicant must display the ability to safely and properly handle his/her approved firearm.

(4) An applicant who is determined by the range instructor to be unqualified or incapable of handling a firearm shall not be licensed.

(A) Any applicant who displays an inability to handle a firearm safely and properly will be disqualified from carrying a firearm.

(B) An applicant who does not attain the minimum scores for qualification shall be given a maximum of two (2) additional opportunities to qualify. An additional fee and new Form 5409 P.D. is required for each additional qualification and will be scheduled by the POLU.

(5) In addition to the applicant successfully passing an approved firearms qualification test, the applicant or his/her employer must satisfy the physical certification requirements for a Class A license as established herein.

(6) Licensees holding an armed license may wear their approved firearm with their uniform, unless classified as a nonuniformed proprietary private investigator, while at work and while traveling directly to and from work.

(7) Those licensed as private security and proprietary private investigators must comply with city ordinance and state law which prohibits carrying a firearm or other weapon readily capable of lethal use into any building owned or occupied by any agency of the state government. This includes the POLU and any other office within the building or any other building occupied by the department.

AUTHORITY: section 84.720, RSMo 2000. Original rule filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999, effective Aug. 30, 2000. Rescinded and readopted: Filed March 14, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities five hundred ten dollars (\$510) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. 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
PRIVATE COST**

- I. Department Title: 17
Division Title: 10
Chapter Title: 2**

Rule Number and Title:	17 CSR 10-2.055 – Firearms Regulations and Qualification
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6	Armed Licensees	\$510.00

III. WORKSHEET

This rule requires that individuals holding armed licenses pay a range fee to Board if a licensee fails to qualify at the Department pistol range. This fee is set out in 17 CSR 10-2.040 and is known as a rescheduling fee of eighty-five dollars (\$85.00).

In order to assess the fiscal impact to the armed licensees, Board has determined that in 2012, six (6) armed licensees failed to qualify at the Department pistol range and fees were assessed to each in the amount for eighty-five dollars (\$85.00), for a total fiscal impact of five hundred ten dollars (\$510.00).

IV. ASSUMPTIONS

These figures assume that the number of persons who will fail to qualify remains constant in 2013. These figures also assume that the companies pay the rescheduling fees for those they license, rather than the individual paying the fees themselves. In fact, Board is aware that some companies pay a portion of the fees of their employees and the employees pay the balance. Board keeps no records of how the various companies operate and how they pay their fees. Therefore, the actual cost to these companies cannot be assessed, and it must be assumed that for purposes of this fiscal note that the companies pay the entire fee.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security**

PROPOSED RESCISSION

17 CSR 10-2.060 Regulation, Suspension and Revocation. This rule gave the board the power to suspend or revoke any license granted by it and set out an appeal process for any license so affected.

PURPOSE: The board wishes to rescind this rule and adopt a new rule in its place to clarify the language in the rule and ensure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the Code of State Regulations. Rescinded: Filed March 14, 2013.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. 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 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security**

PROPOSED RULE

17 CSR 10-2.060 Regulation, Suspension, and Revocation

PURPOSE: Under section 84.720, RSMo, the Board of Police Commissioners of Kansas City, Missouri (board) shall regulate individuals providing private security/proprietary private investigative services. Pursuant to this authority, the board has the power to suspend, impose a fine, order probation, or revoke any license granted by it and is obligated to furnish an appeal process for any license so affected.

(1) The board may monitor and investigate allegations of improper conduct and the activities of individuals providing private security and proprietary private investigative services and firms, companies, partnerships, entities, or political subdivisions providing security services or proprietary private investigative services pursuant to these rules.

(2) All licenses shall expire one (1) year from the date of initial issuance. For licenses renewed after their expiration date, the licensee will be processed as a new applicant.

(3) A licensee must carry his/her license with him/her at all times while they are working. The license card must be worn on the outermost garment while on duty. The licensee must produce such license immediately at the request of a police officer; employee of the board; or person that the licensee has stopped or detained, if the licensee holds a license which allows him/her to stop and detain persons.

(4) The Private Officers Licensing Unit (POLU) will approve in advance all uniforms to be worn by any licensee. No uniform identical to or bearing resemblance to any uniform used by the department shall be approved. Additionally, no uniforms, badges, or other insignia using the word "police" shall be approved for use, except as provided in 17 CSR 10-2.030(1)(A)4. Companies licensed under this chapter shall provide the board a description, including the type and color of the company uniform along with a photograph of the uniform. The company name must appear on the uniform or a patch and the word "security" must also appear on the uniform or patch. The word "security" must be clearly displayed on the outermost clothing to be worn by the licensee.

(5) Individuals providing private security services or proprietary private investigative services are required to file a discharge of firearms report with the board within five (5) days of the incident whenever they discharge a firearm in the course of their occupation, other than formal firearms training.

(6) Individuals providing private security services or proprietary private investigative services are required to notify the POLU when they are arrested or have court cases pending within five (5) days of the incident.

(7) No person licensed under these provisions shall divulge to any unauthorized person or company any information or knowledge received from the department or any source when the divulgence would be detrimental to effective law enforcement. Under no circumstances may any records received from the department, whether generated by computer or otherwise, be accessed for personal use.

(8) The chief of police or his/her designee may impose a fine, order probation, order a suspension, or revoke a license of any company granted under section 84.720 of the Revised Statutes of Missouri pursuant to the procedures set forth in section (10) of this rule, when there exists information that the licensee or, if the licensee is an organization, any of its officers, directors, partners, or associates has—

(A) Failed to meet the qualifications in 17 CSR 10-2.020(3);

(B) Failed to maintain the physical and mental standards required of department police officers;

(C) Failed to understand and perform the duties and responsibilities of a licensee;

(D) Been convicted of a felony or a misdemeanor in federal or state court;

(E) Failed to be of good moral character by having a felony conviction, misdemeanor conviction, or city ordinance conviction, an essential element of which is fraud, dishonesty, an act of violence, bribery, illegal drug use, sexual misconduct, and other similar acts constituting moral turpitude as defined by the common law of Missouri except that city ordinance convictions involving driving while intoxicated or driving under the influence of alcohol or drugs will be considered on a case-by-case basis;

(F) For armed licensees, been named as the respondent in a full order of protection currently in effect issued after a hearing by a court of competent jurisdiction;

(G) Failed to meet the standards as set out herein;

(H) Made a false statement or given any false information in connection with an investigation by the POLU or the department;

(I) Provided other facts or actions which demonstrate that the applicant is unsuitable or ineligible to continue to hold a license; and

(J) Being terminated from or resigning under investigation or threat of discharge from the department shall make an individual ineligible for a license, but s/he may appeal to the board pursuant to the appeal process contained in this chapter.

(9) Any fine imposed by the chief of police shall not exceed the sum of five thousand dollars (\$5,000). No suspension shall exceed ninety (90) days except that a suspension which is challenged and pending

before a court of competent jurisdiction will continue in effect until a final judgment by a court of competent jurisdiction unless the court has issued a stay.

(10) When the chief of police or his/her designee determines that a license granted pursuant to section 84.720 of the *Revised Statutes of Missouri* shall be suspended or revoked, the following procedures shall apply:

(A) Notice of fine, probation, suspension, or revocation shall be mailed to the licensee and their company at the address maintained in the Private Officers Licensing Unit (POLU);

(B) Notice of suspension or revocation shall be signed by the chief of police or his/her designee and shall indicate—

1. The decision to suspend or revoke;
2. The reason(s);
3. Duration of the suspension, if determinable;
4. Condition of reinstatement, if any; and
5. A description of the appeal process;

(C) Upon receipt of a notice of fine, suspension, or revocation, the individual or organization affected may request a review of the action of the POLU by filing a notice of appeal, in writing, with the POLU within thirty (30) business days of the dated written notification of suspension or revocation at 635 Woodland, Suite 2104, Kansas City, MO 64106;

(D) In the case of an appeal, the discipline initially assessed will continue in effect until and unless it is reversed or amended by the board;

(E) In the event of an appeal, the case shall be submitted to the board solely on the record. The record shall consist of all documentary evidence obtained by or submitted to the chief of police or the POLU by the parties, any agreed upon statement of the case agreed to by all the parties, and the legal briefs as might be filed by the parties or their representatives. Individuals or organizations denied a license upon application may appeal to board pursuant to this section; and

(F) The chief of police or his/her designee may place a licensee on probation in lieu of a fine, suspension, or revocation.

AUTHORITY: section 84.720, RSMo 2000. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed March 14, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities three thousand, two hundred dollars (\$3,200) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. 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
PRIVATE COST**

- I. Department Title: 17**
- Division Title: 10**
- Chapter Title: 2**

Rule Number and Title:	17 CSR 10-2.060 – Regulation, Suspension and Revocation
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	Armed Licensees	\$750.00
3	Unarmed Licensees	\$450.00
2	Companies	\$2000.00
Total		\$3200.00

III. WORKSHEET

Under this rule the Chief of Police or his/her designee may impose a fine up to five thousand dollars (\$5,000.00) for certain enumerated violations on both individual and company licenses. Board estimates that the average fine for individuals would be approximately one hundred fifty dollars (\$150.00). Board's best estimate is that five (5) armed licensees would be fined for a total of seven hundred fifty dollars (\$740.00) and that approximately three (3) unarmed licensees would be fined for a total of four hundred fifty dollars (\$450.00).

As to company licenses, it is estimated that approximately two (2) companies might be fined and that an average fine of one thousand dollars (\$1000.00) might be imposed. This makes the total fiscal impact to companies approximately two thousand dollars (\$2000.00).

IV. ASSUMPTIONS

These figures assume that Board is correct about the number of persons and companies who will violate the Board's rules and that fines would be assessed in these estimated amounts. Board might, in any given case, choose to increase or decrease the amount of the fine depending on the nature and severity of the rule violation or impose no fine at all. As to individuals, Board is unable to determine whether the individual or company would pay the fine levied against that individual licensee.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RESCISSION

19 CSR 20-1.025 Sanitation of Food Establishments. This rule established up-to-date sanitation standards for food-service establishments designated in Chapter 196, RSMo, using the federal Food and Drug Administration 1999 Food Code.

PURPOSE: This rule is being rescinded as it is outdated and is being replaced with a rule that incorporates updated federal Food and Drug Administration Food Code language.

AUTHORITY: sections 192.006, 196.190, 196.195, 196.210, 196.220, 196.225, 196.230, 196.235, 196.240, 196.245, 196.250, and 196.265, RSMo 2000, and 192.020, RSMo Supp. 2004. Original rule filed April 26, 1999, effective Oct. 30, 1999. Amended: Filed March 1, 2005, effective Sept. 30, 2005. Rescinded: Filed March 11, 2013.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. 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 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.025 Missouri Food Code

PURPOSE: This rule establishes up-to-date sanitation standards for food establishments designated in Chapter 196, RSMo.

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

(1) Food establishments shall comply with the sanitation standards and processes contained in the Department of Health and Senior Services *Missouri Food Code* manual. The manual is incorporated by reference in this rule as published March 11, 2013, by the Department of Health and Senior Services and is available on the web at www.health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570, (573) 751-6095. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012. Original rule filed April 26, 1999, effective Oct. 30, 1999. Amended: Filed March 1, 2005, effective Sept. 30, 2005. Rescinded and readopted: Filed March 11, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions seven thousand three hundred thirty-nine dollars (\$7,339) in the first year and three thousand two hundred dollars (\$3,200) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities \$1,345,000 in the aggregate. However, the majority of food establishments, operating in jurisdictions inspected under state regulations, will have no additional costs associated with the adoption of this proposed rule.

Eight hundred seventy-five thousand dollars (\$875,000) is a one- (1-) time cost for those food establishments currently operating with dated refrigeration, who will now need to replace or repair their equipment to maintain food temperatures at or below forty-one degrees Fahrenheit (41 °F); four hundred twelve thousand five hundred dollars (\$412,500) is also a one- (1-) time cost which will be divided among food establishments that prepare or serve raw or partially cooked potentially hazardous foods (PHFs). Their menus will now be required to inform consumers by way of a disclosure and reminder of the increased risk of foodborne illnesses associated with eating raw or undercooked PHFs. Fifty thousand dollars (\$50,000), a one- (1-) time cost, will impact food establishments preparing thin mass foods, such as hamburgers. These food establishments will be required to purchase a small-diameter probe thermometer that can more accurately take temperatures of these type foods; and finally seven thousand five hundred dollars (\$7,500) is an annual cost that will impact food establishments operating on a private water system that continuously have unsafe water sample results. These food establishments will now be required to install continuous disinfection (a chlorinator) to assure the water used and served is safe for consumption by the consumer.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. 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.