Volume 39, Number 19
Pages 1555–1604
October 1, 2014

SALUS POPULI SUPREMA LEX ESTO

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

JASON KANDER
SECRETARY OF STATE

MISSOURI REGISTER

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

JASON KANDER

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

WAYLENE W. HILES

•

MANAGING EDITOR

CURTIS W. TREAT

•

EDITOR

AMANDA MCKAY

•

ASSISTANT EDITOR

VONNE KILBOURN

•

ASSISTANT EDITOR

MARTY SPANN

•

PUBLICATION TECHNICIAN

JACQUELINE D. WHITE

•

ADMINISTRATIVE ASSISTANT

ALISHA DUDENHOEFFER

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: $56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is http://www.sos.mo.gov/adrules/moreg/moreg.asp and the CSR is http://www.sos.mo.gov/adrules/csr/csr.asp. These websites contain rulemakings and regulations as they appear in the Registers and CSR. These websites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo Supp. 2013. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by email at rules@sos.mo.gov.

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.

MISSOURI REGISTER

October 1, 2014 Vol. 39 No. 19 **Pages 1555–1604**

IN THIS ISSUE:

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
June 2, 2014	**July 1, 2014**	July 31, 2014	August 30, 2014
June 16, 2014	**July 15, 2014**	July 31, 2014	August 30, 2014
July 1, 2014	**August 1, 2014**	August 31, 2014	September 30, 2014
July 15, 2014	**August 15, 2014**	August 31, 2014	September 30, 2014
August 1, 2014	**September 2, 2014**	September 30, 2014	October 30, 2014
August 15, 2014	**September 15, 2014**	September 30, 2014	October 30, 2014
September 2, 2014	**October 1, 2014**	October 31, 2014	November 30, 2014
September 15, 2014	**October 15, 2014**	October 31, 2014	November 30, 2014
October 1, 2014	**November 3, 2014**	November 30, 2014	December 30, 2014
October 15, 2014	**November 17, 2014**	November 30, 2014	December 30, 2014
November 3, 2014	**December 1, 2014**	December 31, 2014	January 30, 2015
November 17, 2014	**December 15, 2014**	December 31, 2014	January 30, 2015
December 1, 2014	**January 2, 2015**	January 29, 2015	February 28, 2015
December 15, 2014	**January 15, 2015**	January 29, 2015	February 28, 2015
January 2, 2015	**February 2, 2015**	February 28, 2015	March 30, 2015
January 15, 2015	**February 17, 2015**	February 28, 2015	March 30, 2015
February 2, 2015	**March 2, 2015**	March 31, 2015	April 30, 2015
February 17, 2015	**March 16, 2015**	March 31, 2015	April 30, 2015
March 2, 2015	**April 1, 2015**	April 30, 2015	May 30, 2015
March 16, 2015	**April 15, 2015**	April 30, 2015	May 30, 2015

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. 2013), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library
PO Box 1486, 3021 High Ridge
High Ridge, MO 63049-1486
(314) 677-8689

Jefferson College Library
1000 Viking Drive
Hillsboro, MO 63050-2441
(314) 789-3951 ext. 160

St. Louis Public Library
1301 Olive St.
St. Louis, MO 63103-2389
(314) 539-0376

St. Louis University Law Library
3700 Lindell Blvd.
St. Louis, MO 63108-3478
(314) 977-2742

Eden/Webster Library
Eden Theological Seminary/
Webster University
475 East Lockwood Ave.
St. Louis, MO 63119-3192
(314) 961-2660 ext. 7812

Thomas Jefferson Library
University of Missouri-St. Louis
8001 Natural Bridge Road
St. Louis, MO 63121-4499
(314) 516-5084

Washington University Law Library
Washington University
Campus Box 1171, Mudd Bldg.,
One Brookings Dr.
St. Louis, MO 63130-4899
(314) 935-6443

St. Louis County Library
1640 S. Lindbergh Blvd.
St. Louis, MO 63131-3598
(314) 994-3300 ext. 247

Library
Maryville University
13550 Conway Road
St. Louis, MO 63141-7232
(314) 529-9494

Pickler Memorial Library
Truman State University
100 E. Normal
Kirksville, MO 63501-4221
(660) 785-7416

Learning Resources Center
Mineral Area College
PO Box 1000
Park Hills, MO 63601-1000
(573) 431-4593

Cape Girardeau Public Library
711 N. Clark
Cape Girardeau, MO 63701-4400
(573) 334-5279

Kent Library
Southeast Missouri State University
One University Plaza
Cape Girardeau, MO 63701-4799
(573) 651-2757

Riverside Regional Library
PO Box 389, 1997 E. Jackson Blvd.
Jackson, MO 63755-0389
(573) 243-8141

Rutland Library
Three Rivers Community College
2080 Three Rivers Blvd.
Poplar Bluff, MO 63901-2393
(573) 840-9656

James C. Kirkpatrick Library
University of Central Missouri
142 Edwards Library
Warrensburg, MO 64093-5020
(660) 543-4149

Kansas City Public Library
14 West 10th Street
Kansas City, MO 64105
(816) 701-3546

Law Library
University of Missouri-Kansas City
5100 Rockhill Road
Kansas City, MO 64110-2499
(816) 235-2438

Miller Nichols Library
University of Missouri-Kansas City
5100 Rockhill Road
Kansas City, MO 64110-2499
(816) 235-2438

B.D. Owens Library
Northwest Missouri State University
800 University Drive
Maryville, MO 64468-6001
(660) 562-1841

St. Joseph Public Library
927 Felix Street
St. Joseph, MO 64501-2799
(816) 232-8151

Hearnes Learning Resources Ctr.
Missouri Western State University
4525 Downs Drive
St. Joseph, MO 64507-2294
(816) 271-5802

Library
North Central Missouri College
PO Box 111, 1301 Main Street
Trenton, MO 64683-0107
(660) 359-3948 ext. 325

Spiva Library
Missouri Southern State University
3950 East Newman Road
Joplin, MO 64801-1595
(417) 625-9342

Missouri State Library
600 West Main, PO Box 387
Jefferson City, MO 65102-0387
(573) 751-3615

Missouri State Archives
600 West Main, PO Box 778
Jefferson City, MO 65102-0778
(573) 526-6711

Elmer Ellis Library
University of Missouri-Columbia
106 B Ellis Library
Columbia, MO 65211-5149
(573) 882-0748

Library
State Historical Society of Missouri
1020 Lowry St.
Columbia, MO 65211-7298
(573) 882-9369

Daniel Boone Regional Library
PO Box 1267, 100 West Broadway
Columbia, MO 65205-1267
(573) 443-3161 ext. 359

School of Law
University of Missouri-Columbia
224 Hulston Hall
Columbia, MO 65211-0001
(573) 882-1125

Smiley Memorial Library
Central Methodist University
411 Central Methodist Square
Fayette, MO 65248-1198
(660) 248-6279

Library
Missouri University of Science and
Technology
1870 Miner Circle
Rolla, MO 65409-0060
(573) 341-4007

Lebanon-Laclede County Library
915 S. Jefferson Ave.
Lebanon, MO 65536-3017
(417) 532-2148

University Library
Southwest Baptist University
1600 University Ave.
Bolivar, MO 65613-2597
(417) 328-1631

Barry-Lawrence Regional Library
213 6th St.
Monett, MO 65708-2147
(417) 235-6646

Lyons Memorial Library
College of the Ozarks
General Delivery
Point Lookout, MO 65726-9999
(417) 334-6411 ext. 3551

Garnett Library
Missouri State University—West
Plains
304 Cleveland
West Plains, MO 65775-3414
(417) 255-7945

Springfield-Greene County Library
4653 S. Campbell
Springfield, MO 65801-0760
(417) 874-8110

Meyer Library
Missouri State University
PO Box 175, 901 S. National
Springfield, MO 65804-0095
(417) 836-4533

HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

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

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

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

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

EMERGENCY AMENDMENT

2 CSR 30-10.010 Inspection of Meat and Poultry. The director is amending sections (4) and (5).

*PURPOSE: This amendment ensures that the current rule language clearly includes the most recent changes to Title 21, Chapter 10, the **United States Code** (U.S.C., 451 et seq.) and Title 21, Chapter 12, the **United States Code** (U.S.C., 601 et seq.) for the Missouri Meat and Poultry Inspection Program to be in compliance with federal regulations and maintain "equal to" status as determined by the United States Department of Agriculture/Food Safety and Inspection Service.*

*EMERGENCY STATEMENT: This emergency amendment is necessary to serve the compelling governmental interest to inform state agencies and the public of the actual year that the adoption of amendment changes to Title 21, Chapter 10, the **United States Code** (U.S.C., 451 et seq.) and Title 21, Chapter 12, the **United States Code** (U. S. C., 601 et seq.) is being incorporated into state regulations. The United States Department of Agriculture/Food Safety and Inspection Service (USDA/FSIS) on April 10, 2014 asked for this clarification of the current rule language to ensure that it clearly includes the most recent date of amendment changes to Title 21, Chapter 10, the **United States Code** (U.S.C., 451 et seq.) and Title 21, Chapter 12, the **United States Code** (U. S. C., 601 et seq.). USDA wants confirmation that the Missouri Meat and Poultry Inspection Program (MMPIP) has the authority to enforce all new requirements such as nutritional labeling of single ingredient products and ground or chopped meat and poultry products. The state Meat and Poultry Inspection (MPI) programs are required to operate in a manner and with authorities that are "at least equal to" the antemortem and postmortem inspection, re-inspection, sanitation, recordkeeping, and enforcement provisions as provided for in the Federal Meat Inspection Act and the Poultry Products Inspection Act. State MPI programs must stay current with and be able to explain how their programs are equal to FSIS regulations to ensure their rules are "at least equal to" USDA/FSIS and in compliance with federal regulations. The inclusion of the date (May 22, 2008) in the rule clarifies the exact year the most current federal meat and poultry inspection regulations are being incorporated by reference and that the most current regulation are enforced at the state level. This regulation applies to approximately thirty-six (36) state inspected meat and poultry establishments in Missouri and problems with clarity in the regulation could cause confusion in an industry, which as a whole, produce approximately $28,408,855,706 in Missouri economy. This emergency amendment is also necessary to protect the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protection extended in the **Missouri** and **United States Constitutions**. The Department of Agriculture believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed on August 18, 2014, becomes effective August 28, 2014, and expires February 26, 2015.*

(4) The standards used to inspect Missouri meat products, and enforce such standards, shall be those shown in Title 21, Chapter 12, the *United States Code* (U.S.C., 601 et seq.) **(May 22, 2008)**, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800; DC area (202) 512-1800, email: http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

(5) The standards used to inspect Missouri poultry products, and enforce such standards, shall be those shown in Title 21, Chapter 10, the *United States Code* (U.S.C., 451 et seq.) **(May 22, 2008)**, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800; DC area (202) 512-1800, email: http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section 265.020, RSMo 2000. Original rule filed Sept. 14, 2000, effective March 30, 2001. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Aug. 18, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

EMERGENCY RESCISSION

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations. This rule established the policy of the board of trustees in regard

to the tobacco-free incentive benefit.

PURPOSE: This rule is being rescinded and readopted to include detailed language to clarify Tobacco-Free Incentive Provisions and Limitations.

*EMERGENCY STATEMENT: This emergency rescission must be in place by October 1, 2014, in accordance with the new plan year. Therefore, this emergency rescission is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and will allow members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rescission be filed as an emergency rescission to maintain the integrity of the current health care plan. This emergency rescission must become effective October 1, 2014, to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This rescission reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. A proposed rescission, which covers the same material, is published in this issue of the **Missouri Register**. This emergency rescission complies with the protections extended by the **Missouri** and **United States Constitutions** and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rescission was filed August 29, 2014, becomes effective October 1, 2014, and expires March 29, 2015.*

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the **Code of State Regulations**. Emergency rescission filed Aug. 29, 2014, effective Oct. 1, 2014, expires March 29, 2015. A proposed rescission covering this same material is published in this issue of the **Missouri Register**.*

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

EMERGENCY RULE

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations

PURPOSE: The rule establishes the policy of the board of trustees in regards to the Strive for Wellness® Tobacco-Free Incentive and the method and timeframes in which the Tobacco Attestation must be submitted.

*EMERGENCY STATEMENT: This emergency rule must become effective October 1, 2014, in accordance with open enrollment for the new plan year. Therefore, this emergency rule is necessary to fulfill the compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and allows members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be filed as an emergency rule in order to maintain the integrity of the current health care plan. This emergency rule must become effective October 1, 2014 to fulfill the compelling governmental interest of offering continuous health insurance to officers, state, and public entity employees, retirees, and their families. This emergency rule reflects changes made to the plan by the MCHCP Board of Trustees. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. This emergency rule complies with the protections extended in the **Missouri** and **United States Constitutions** and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2014, becomes effective October 1, 2014, and expires March 29, 2015.*

(1) Strive for Wellness® Tobacco-Free Incentive—The Tobacco-Free Incentive is a voluntary program that eligible members may elect to participate in to earn a reduction in premium. Eligible members are responsible for enrolling, participating, and completing requirements by applicable deadlines outlined in this rule.

(2) Tobacco-Free Incentive—The Strive for Wellness® Tobacco-Free Incentive is a reduction in premium of forty dollars ($40) per month per eligible participant who is compliant with this rule.

(3) Eligibility—The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP) Preferred Provider Organization (PPO) or Health Savings Account Plan are eligible to participate in the Tobacco-Free Incentive:

(A) Active employee subscribers;

(B) Non-Medicare spouses covered by any other Tobacco-Free Incentive eligible subscriber; and

(C) Non-Medicare subscribers.

(4) Limitations and exclusions—The following members are not eligible to participate in the Tobacco-Free Incentive:

(A) Members under the age of eighteen (18);

(B) Dependent children;

(C) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage;

(D) Spouse who has Medicare as primary coverage;

(E) TRICARE Supplement Plan subscriber;

(F) Spouse covered by ineligible subscriber; and

(G) The subscriber and/or spouse will become ineligible to continue to participate the first day of the month in which Medicare becomes his/her primary payer.

(5) Participation.

(A) Each eligible member must participate separately.

(B) Eligible members who enroll in MCHCP medical coverage during open enrollment for the 2015 plan year—

1. Must complete one (1) of the following by November 30, 2014 (unless otherwise specified) and MCHCP must receive the required attestation by November 30, 2014 for the member to earn the Tobacco-Free Incentive from January 1 through June 30, 2015:

A. Complete a Tobacco-Free Attestation; or

B. Complete a Tobacco Cessation Program Attestation and enroll in an MCHCP-approved tobacco cessation program. Once enrolled in a program, begin actively participating no later than February 1, 2015.

2. Must complete one (1) of the following by May 31, 2015 and

MCHCP must receive the required attestation by May 31, 2015 for the member to continue to receive the Tobacco-Free Incentive from July 1 through December 31, 2015:

A. Members for whom MCHCP received a Tobacco-Free Attestation by November 30, 2014 do not have an additional action to complete; or

B. Complete a Tobacco-Free Attestation; or

C. Re-enroll or be enrolled and actively participate in an MCHCP-approved tobacco cessation program.

(C) Eligible members adding medical coverage with an effective date falling on November 1, 2014 through May 1, 2015—

1. Must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) and MCHCP must receive the required attestation within thirty-one (31) days of his/her medical coverage effective date for the member to earn the Tobacco-Free Incentive from his/her medical coverage effective date through June 30, 2015.

A. Complete a Tobacco-Free Attestation; or

B. Complete a Tobacco Cessation Program Attestation and enroll in an MCHCP-approved tobacco cessation program. Once enrolled in a program, begin actively participating no later than sixty (60) days of his/her medical coverage effective date; and

2. Complete one (1) of the following by May 31, 2015 and MCHCP must receive any required attestation by May 31, 2015 for the member to continue to receive the Tobacco-Free Incentive from July 1 through December 31, 2015:

A. Members for whom MCHCP received a Tobacco-Free Attestation within thirty-one (31) days of his/her medical coverage effective date do not have an additional action to complete; or

B. Complete a Tobacco-Free Attestation; or

C. Re-enroll or be enrolled and actively participate in an MCHCP-approved tobacco cessation program.

(D) Eligible members adding medical coverage with an effective date falling after May 1, 2015 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) and MCHCP must receive the required attestation within thirty-one (31) days of his/her medical coverage effective date for the member to earn the Tobacco-Free Incentive from his/her medical coverage effective date through December 31, 2015:

1. Complete a Tobacco-Free Attestation; or

2. Complete a Tobacco Cessation Program Attestation and enroll in an MCHCP-approved tobacco cessation program. Once enrolled in a program, begin actively participating no later than sixty (60) days of his/her medical coverage effective date.

(E) All attestations are available to be completed on MCHCP's secure website or by downloading the form from MCHCP's website, printing and filling out the form.

(6) For the purposes of this rule, an eligible member is considered actively participating in an MCHCP-approved tobacco cessation program when s/he is enrolled in Behavior Modification Health Coaching for tobacco cessation through MCHCP's health coaching vendor or the Strive for Wellness® Tobacco Cessation Course and one (1) of the following occurs:

(A) The eligible member is working with a Behavior Modification Health Coach and completing coaching calls or attending Strive for Wellness® Tobacco Cessation Course classes at the regularly scheduled class times and dates; or

(B) The eligible member has successfully become tobacco-free and has completed either the Behavior Modification Health Coaching for tobacco cessation or the Strive for Wellness® Tobacco Cessation Course; and has completed a Tobacco-Free Attestation and is no longer in need of tobacco cessation coaching.

(7) Eligible members who fail to actively participate in an MCHCP-approved tobacco cessation program with the MCHCP Behavior Modification Health Coaching vendor or the Strive for Wellness® Tobacco Cessation Course at any time will lose the incentive effective the first day of the second month after active participation ends for the remainder of the plan year.

(8) Eligible members who attested to being tobacco-free and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day and will lose the incentive effective the first day of the second month after notification for the remainder of the plan year.

(9) MCHCP-approved tobacco cessation programs for a subscriber include:

(A) Tobacco Cessation Behavior Modification Health Coaching provided by MCHCP's health coaching vendor; or

(B) Strive for Wellness® Tobacco Cessation Course (for active employee subscribers only).

(10) The MCHCP-approved tobacco cessation program for a spouse is Tobacco Cessation Health Coaching provided by MCHCP's health coaching vendor.

(11) MCHCP will verify a member's tobacco cessation program enrollment, participation, and completion.

(12) A waiver may be granted if a member requests a waiver in writing along with a provider's written certification that it is medically inadvisable for the member to participate in Behavior Modification Health Coaching for tobacco cessation or the Strive for Wellness® Tobacco Cessation Course.

(13) MCHCP and/or the vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to termination from Tobacco Cessation Behavior Modification Health Coaching provided by MCHCP's health coaching vendor or termination from the Strive for Wellness® Tobacco Cessation Course, loss of the Tobacco-Free Incentive and/or prosecution.

(14) MCHCP may utilize participation data for purposes of offering additional programs in accordance with the MCHCP privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the ***Code of State Regulations****. Emergency rescission and rule filed Aug. 29, 2014, effective Oct. 1, 2014, expires March 29, 2015. A proposed rescission and rule covering this same material is published in this issue of the* ***Missouri Register****.*

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

EMERGENCY RESCISSION

22 CSR 10-2.120 Wellness Program. This rule established the policy of the board of trustees in regards to the Strive for Wellness® program.

PURPOSE: This rule is being rescinded and readopted to include detailed language to clarify Strive for Wellness® Partnership Incentive Provisions and Limitations.

EMERGENCY STATEMENT: This emergency rescission must be in place by October 1, 2014, in accordance with the new plan year. Therefore, this emergency rescission is necessary to serve a compelling governmental interest of protecting members (employees,

retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and will allow members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rescission be filed as an emergency rescission to maintain the integrity of the current health care plan. This emergency rescission must become effective October 1, 2014, to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This rescission reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. A proposed rescission, which covers the same material, is published in this issue of the ***Missouri Register****. This emergency rescission complies with the protections extended by the* ***Missouri*** *and* ***United States Constitutions*** *and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rescission was filed August 29, 2014, becomes effective October 1, 2014, and expires March 29, 2015.*

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. Emergency amendment filed Aug. 23, 2013, effective Oct. 1, 2013, expired March 29, 2014. Amended: Filed Aug. 23, 2013, effective March 30, 2014. Emergency rescission filed Aug. 29, 2014, effective Oct. 1, 2014, expires March 29, 2015. A proposed rescission covering this same material is published in this issue of the ***Missouri Register****.*

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

EMERGENCY RULE

22 CSR 10-2.120 Partnership Incentive Provisions and Limitations

PURPOSE: The rule establishes the policy of the board of trustees in regards to the Strive for Wellness® Partnership Incentive and the method and timeframes in which the requirements of the incenitve must be completed and submitted.

EMERGENCY STATEMENT: This emergency rule must be in place by October 1, 2014, in accordance with open enrollment for the new plan year. Therefore, this emergency rule is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and allows members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be filed as an emergency rule in order to maintain the integrity of the current health care plan. This emergency rule must become effective October 1, 2014 to fulfill the compelling governmental interest of offering continuous health insurance to officers, state, and public entity employees, retirees, and their families. This emergency rule reflects changes made to the plan by the MCHCP Board of Trustees. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. This emergency rule complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions*** *and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2014, becomes effective October 1, 2014, and expires March 29, 2015.*

(1) Strive for Wellness® Partnership Incentive—The Partnership Incentive is a voluntary program in which eligible subscribers may elect to participate to earn a reduction in premium. Subscribers are responsible for enrolling, participating, and completing requirements by applicable deadlines.

(2) Strive for Wellness® Partnership Incentive—The Partnership Incentive is a reduction in premium of twenty-five dollars ($25) per month per eligible subscriber who is compliant with this rule.

(3) Eligibility—The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP) Preferred Provider Organization (PPO) or Health Savings Account Plan are eligible to participate in the Partnership Incentive:

(A) Active employee subscribers; and

(B) Non-Medicare subscribers.

(4) Limitations and exclusions—The following members are not eligible to participate in the Partnership Incentive:

(A) Subscribers under the age of eighteen (18);

(B) Dependents;

(C) TRICARE Supplement Plan subscribers;

(D) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage;

(E) When Medicare becomes a subscriber's primary insurance payer, the subscriber (with the exception of active employee subscriber) is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes primary; and

(F) Subscribers with an MCHCP medical coverage effective date after May 1, 2015.

(5) Participation—

(A) Eligible members who enroll in MCHCP medical coverage during open enrollment for the 2015 plan year—

1. Must complete the following by November 30, 2014 to earn the Partnership Incentive from January 1 through June 30, 2015:

A. The online Partnership Agreement;

B. Provide the available preferred contact phone number or email address; and

C. The online Health Assessment.

2. Must complete all of the following by May 31, 2015 to continue to receive the Partnership Incentive from July 1 through December 31, 2015:

A. Receive an annual wellness exam on or after June 1, 2014 but not later than May 31, 2015;

B. Submit a completed Health Care Provider Form to MCHCP;

(I) The Health Care Provider Form must include the following:

(a) The provider's printed name and signature;

(b) The member's printed name and signature;

(c) The date the annual wellness exam was received; and

(d) The member's height, weight, and blood pressure; and

C. Enroll and begin actively participating in Behavior Modification Health Coaching through MCHCP's health coaching vendor if identified through the Health Assessment as having three (3) or more health risks such as low back, weight, nutrition, stress, physical activity, tobacco use, pre-diabetes, blood pressure, health maintenance, alcohol abuse, insomnia, anxiety, depression, or cholesterol.

(B) Eligible members adding MCHCP medical coverage with an effective date falling on November 1, 2014 through May 1, 2015—

1. Must complete all of the following, in the order stated, to receive the Partnership Incentive effective the first day of the second month after completion of the Health Assessment:

A. The online Partnership Agreement;

B. Provide the available preferred contact phone number or email address; and

C. The online Health Assessment by May 31, 2015 or within sixty (60) days of their coverage effective date, whichever is earlier; and

2. Must complete all of the following by May 31, 2015 to continue to receive the incentive July 1 through December 31, 2015:

A. Receive an annual wellness exam on or after June 1, 2014 but not later than May 31, 2015;

B. Submit a completed Health Care Provider Form to MCHCP.

(I) The Health Care Provider Form must include the following:

(a) The provider's printed name and signature;

(b) The member's printed name and signature;

(c) The date the annual wellness exam was received; and

(d) The member's height, weight, and blood pressure; and

C. Enroll and actively participate in Behavior Modification Health Coaching if identified through the Health Assessment as having three (3) or more health risks such as low back, weight, nutrition, stress, physical activity, tobacco use, pre-diabetes, blood pressure, health maintenance, alcohol abuse, insomnia, anxiety, depression, or cholesterol.

(C) Health Care Provider Form—

1. The Health Care Provider Form is unique to each member and for his/her use only. The form may only be obtained online through myMCHCP on MCHCP's secure website.

2. Health Care Provider Form Errors. If a Health Care Provider Form is incomplete or contains errors, MCHCP will notify the subscriber of such by mail or secure message. MCHCP must receive a corrected form within ten (10) business days from the date MCHCP sends the notice to correct or by May 31, 2015, whichever is later. Errors include, but are not limited to:

A. Form is not the member's;

B. Provider printed name not legible;

C. Provider printed name or signature missing;

D. Member printed name not legible;

E. Member printed name or signature missing;

F. Height, weight, or blood pressure missing or not legible;

G. Date of the annual wellness exam is before June 1, 2014 or after May 31, 2015;

H. Date of the annual wellness exam missing or not legible; and

I. Handwritten changes made to the preprinted name or unique ID on the form.

(6) For the purposes of this rule, a member is considered actively participating in Behavior Modification Health Coaching when s/he is enrolled in health coaching through MCHCP's health coaching vendor and one (1) of the following occurs:

(A) The member is working with a Behavior Modification Health Coach and completing coaching calls; or

(B) The member has completed all of six (6) program coaching calls plus a check-in assessment with a Behavior Modification Health Coach.

(7) Members who discontinue active participation in Behavior Modification Health Coaching will lose the incentive effective the first day of the second month after active participation ends.

(8) Tobacco Cessation Health Coaching provided by MCHCP's health coaching vendor or the Strive for Wellness® Tobacco Cessation Course will be considered Behavior Modification Health Coaching for the purposes of this rule. If using Tobacco Cessation Health Coaching provided by MCHCP's health coaching vendor or the Strive for Wellness® Tobacco Cessation Course to satisfy the Behavior Modification Health Coaching requirement, the member must actively participate in the MCHCP-approved tobacco cessation program as defined in 22 CSR 10-2.094.

(9) Disease Management provided through MCHCP's disease management vendor or the Strive for Wellness® Weight Management Course will be considered Behavior Modification Health Coaching for the purposes of this rule. If using Disease Management provided through MCHCP's disease management vendor or the Strive for Wellness® Weight Management Course to satisfy the Behavior Modification Health Coaching requirement, the member must actively participate in Disease Management as defined in 22 CSR 10-2.150.

(10) A waiver may be granted, in whole or in part, for the applicable plan year if a member requests a waiver of a requirement(s) in writing along with a provider's written certification that it is medically inadvisable for the member to participate in the applicable requirement(s).

(11) Audit—MCHCP and/or the vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to termination from Behavior Modification Health Coaching, loss of the Partnership Incentive and/or prosecution.

(12) Coordination of programs—MCHCP and its wellness vendor may utilize participation data for purposes of offering additional programs in accordance with MCHCP's privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. Emergency amendment filed Aug. 23, 2013, effective Oct. 1, 2013, expired March 29, 2014. Amended: Filed Aug. 23, 2013, effective March 30, 2014. Emergency rescission and rule filed Aug. 29, 2014, effective Oct. 1, 2014, expires March 29, 2015. A proposed rescission and rule covering this same material is published in this issue of the ***Missouri Register****.*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2013.

EXECUTIVE ORDER
14-08

WHEREAS, the events occurring in the City of Ferguson, Missouri have created conditions of distress for the citizens and businesses of that community; and

WHEREAS, our citizens must have the right to peacefully assemble and protest; and

WHEREAS, the rule of law must be maintained in the City of Ferguson for the protection of the citizens and businesses of that community; and

WHEREAS, the Missouri State Highway Patrol, with the assistance and cooperation of the St. Louis County Police Department, has been patrolling in the City of Ferguson over the past week; and

WHEREAS, the conditions necessary to declare the existence of an emergency pursuant to Chapter 44, RSMo, have been found to exist; and

WHEREAS, an invocation of the provisions of Sections 44.010 through 44.130, RSMo, is necessary to ensure the safety and welfare of the citizens of the City of Ferguson.

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 44.010 through 44.130, RSMo, do hereby declare that a State of Emergency exists in the state of Missouri.

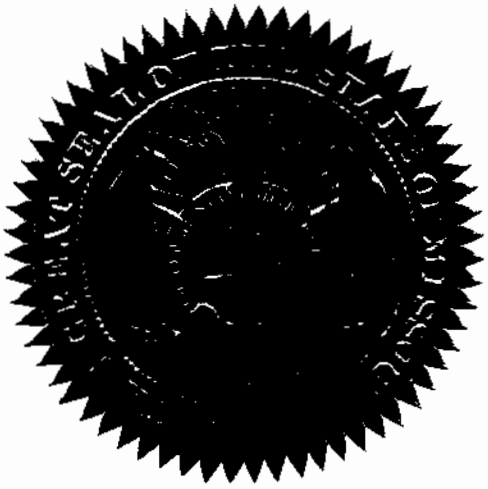
I do hereby direct the Missouri State Highway Patrol, through its Superintendent, to command all operations necessary to ensure public safety and protect civil rights in the City of Ferguson and, as necessary, surrounding areas during the period of this emergency.

I further order that such other local law enforcement agencies, as deemed necessary by the Superintendent of the Missouri State Highway Patrol to maintain order in the City of Ferguson, shall assist the Missouri State Highway Patrol when requested by the Superintendent and such law enforcement agencies, when operating in the City of Ferguson, shall cooperate with all operational directives of the Missouri State Highway Patrol.

I further order the imposition of a curfew in the City of Ferguson under such terms and conditions deemed necessary and appropriate by the Superintendent of the Missouri State Highway Patrol.

This order shall be terminated upon execution of a subsequent Executive Order.

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 16th day of August, 2014.



Jeremiah W. (Jay) Nixon
Governor

Jason Kander
Secretary of State

EXECUTIVE ORDER
14-09

WHEREAS, a State of Emergency was declared on August 16, 2014, due to civil unrest occurring in the City of Ferguson; and

WHEREAS, the events occurring in the City of Ferguson, Missouri, have continued to create conditions of distress and hazard to the safety, welfare and property of the citizens of the community beyond the capacities of local jurisdictions and other established agencies; and

WHEREAS, additional resources of the State of Missouri are needed to help relieve the conditions of distress and hazard to the safety and welfare of the citizens of the City of Ferguson; and

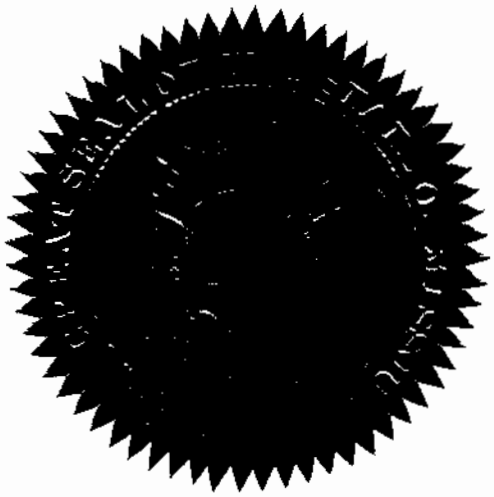
WHEREAS, an invocation of the provisions of sections 44.010 through 44.130, RSMo, is necessary to ensure the safety and welfare of the citizens of the City of Ferguson.

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, 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.

I further authorize the Superintendent of the Missouri State Highway Patrol to take such measures, including but not limited to, restricting and/or closing streets and thoroughfares in the City of Ferguson, to maintain peace and order.

This Order shall be terminated upon execution of a subsequent Executive Order.

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 18th day of August, 2014.



Jeremiah W. (Jay) Nixon
Governor

Jason Kander
Secretary of State

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

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

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

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

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

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

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

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

PROPOSED AMENDMENT

2 CSR 30-10.010 Inspection of Meat and Poultry. The director is amending sections (4) and (5).

*PURPOSE: This amendment ensures that the current rule language clearly includes the most recent changes to Title 21, Chapter 10, the **United States Code** (U.S.C., 451 et seq.) and Title 21, Chapter 12, the **United States Code** (U.S.C. 601 et seq.) for the Missouri Meat and Poultry Inspection Program to be in compliance with federal regulations and maintain "equal to" status as determined by the United States Department of Agriculture/Food Safety and Inspection Service.*

(4) The standards used to inspect Missouri meat products, and enforce such standards, shall be those shown in Title 21, Chapter 12, the *United States Code* (U.S.C., 601 et seq.) **(May 22, 2008)**, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800; DC area (202) 512-1800, email: http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

(5) The standards used to inspect Missouri poultry products, and enforce such standards, shall be those shown in Title 21, Chapter 10, the *United States Code* (U.S.C., 451 et seq.) **(May 22, 2008)**, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800; DC area (202) 512-1800, email: http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section 265.020, RSMo 2000. Original rule filed Sept. 14, 2000, effective March 30, 2001. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Aug. 18, 2014, effective Aug. 28, 2014, expires Feb. 26, 2015. Amended: Filed Aug. 18, 2014.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Linda Hickam, DVM, State Veterinarian, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice of the **Missouri Register**. No public hearing is scheduled.*

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

PROPOSED AMENDMENT

6 CSR 10-2.140 Institutional Eligibility for Student Participation. The commissioner of higher education is amending section (1).

PURPOSE: This amendment defines "located in Missouri" for purposes of establishing institutional eligibility to participate in state student assistance programs.

(1) Definitions.

(H) Located in Missouri shall be any institution with a main campus, as determined by its institutional accrediting agency, located in Missouri and that is the basis of its U.S. Department of Education recognized institutional accreditation, or that meets all of the following criteria:

1. The institution has established and continuously maintains a physical campus or location of operation in the state;

2. The institution is accredited by a regional accrediting agency recognized by the U.S. Department of Education;

3. The institution agrees to seek and maintain voluntary certification to operate and comply with reasonable data requests from the department;

4. The institution employs at least twenty-five (25) Missouri residents, at least one-half (1/2) of which are faculty or administrators engaged with Missouri operations;

5. The institution enrolls at least seven hundred and fifty

(750) Missouri residents as degree or certificate-seeking students; and

6. The institution maintains a Missouri-based governing body or advisory board with oversight of Missouri operations.

*[(H)]***(I)** Standard admission policies shall mean policies approved and published by the approved institution to admit students to the institution.

*[(I)]***(J)** State student assistance program shall be any financial aid program created by Missouri statute that charges the CBHE with program administration and that establishes institutional eligibility through criteria consistent with section 173.1102, RSMo, as determined by the CBHE.

*AUTHORITY: sections 173.236, 173.254, 173.260, and 173.262, RSMo 2000, and sections 173.234, 173.250, and 173.1103, RSMo Supp. [2008] **2013**. Emergency rule filed Aug. 28, 2007, effective Sept. 7, 2007, expired March 4, 2008. Original rule filed Oct. 12, 2007, effective March 30, 2008. Amended: Filed Dec. 15, 2008, effective June 30, 2009. Amended: Filed Aug. 27, 2014.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Higher Education, Attention Kelli Reed, PO Box 1469, Jefferson City, MO 65102-1469. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 10—Licensee's Responsibilities

PROPOSED AMENDMENT

11 CSR 45-10.040 Prohibition and Reporting of Certain Transactions. The commission is amending subsection (8)(A), and sections (12), and (13).

PURPOSE: This amendment updates the definition of "change in control."

(8) The following definitions apply to the terms used in 11 CSR 45-10.040:

(A) *[Change]* **Material change** in **ownership or** control:

1. Any transfer or issuance of ownership interest in a gaming licensee or holding company or other contract or arrangement resulting in a person or group of persons acting in concert, directly or indirectly:

*[1.]***A.** Owning, controlling**,** or having power to vote twenty-five percent (25%) or more of the voting ownership interest in the gaming licensee or holding company, if the acquiring person or group of persons did not previously hold twenty-five percent (25%) or more of the voting ownership interest of the gaming licensee or the holding company prior to the change in control; or

*[2.]***B.** Controlling in any manner the election of a majority of the directors or managers of a gaming licensee or holding company, if the controlling person or group of persons did not previously exercise such control;

2. Any sale, transfer, or lease by a licensee of all or any portion of the real estate upon which a riverboat gaming operation is conducted or located.

(12) Upon any voluntary **material** change in **ownership or** control, the license held by the gaming licensee that is the subject of the **material** change in **ownership or** control or that is a direct or indirect subsidiary of the holding company that is the subject of the **material** change in **ownership or** control, shall automatically become null and void and of no legal effect, unless the commission has approved such **material** change in **ownership or** control by vote of the commissioners prior to its consummation. **The commission may grant a petition to approve a material change in ownership or control if the petitioner proves by clear and convincing evidence that—**

(A) The transfer is in the best interest of the state of Missouri;

(B) The transfer is not injurious to the public health, safety, morals, good order, or general welfare of the people of the state of Missouri, and that it would not discredit or tend to discredit the gaming industry or the state of Missouri;

(C) It would have no negative competitive impact;

(D) It would have no potential to affect the licensee's suitability to hold a gaming license; and

(E) It would not result in any significant changes in the financial condition of the licensee.

(13) Upon an involuntary **material** change *[of]* **in ownership or** control (including**,** but not limited to**,** death, appointment of a guardian by a court of competent jurisdiction, or involuntary bankruptcy) the executive director with the concurrence of the chairman may**,** within ten (10) days**,** extend the license held by the gaming licensee that is the subject of the **material** change in **ownership or** control**,** or that is a direct or indirect subsidiary of the holding company that is the subject of the **material** change in **ownership or** control, until the next commission meeting, at which time the commission may extend the license until such time as a **material** change *[of]* **in ownership or** control is approved. In the event the executive director does not extend the license within ten (10) days of the involuntary **material** change *[of]* **in ownership or** control**,** or the commission does not extend it at their next meeting**,** the license shall become null and void.

*AUTHORITY: sections 313.004[,] and 313.812, RSMo 2000**,** and sections 313.800**,** 313.805, and 313.807, RSMo Supp. [2009] **2013**. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 28, 2014.*

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 November 5, 2014, at 10:00 a.m. in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 12—Protection Against Non-Ionizing Radiation

PROPOSED RULE

19 CSR 20-12.010 Tanning Consent for Persons Under Age Seventeen (17)

PURPOSE: To establish a standard consent form to be used by all tanning facilities operating in Missouri.

(1) As used in this rule and the consent form included herein, the following terms mean:

(A) Tanning device is any equipment that emits electromagnetic radiation with wavelengths in the air between two hundred (200) and four hundred (400) nanometers used for tanning of the skin, including, but not limited to, a sunlamp, tanning booth, or tanning bed; and

(B) Tanning facility is any location, place, area, structure, or business which provides persons access to any tanning device for a fee, membership dues, or any other form of compensation.

(2) Prior to any person less than seventeen (17) years of age using a tanning device in a tanning facility, a parent or guardian of such person shall annually appear in person at the tanning facility and sign a written statement acknowledging that the parent or guardian has read and understands the warnings given by the tanning facility and consents to the person's use of a tanning device at the tanning facility.

(3) For purposes of obtaining the consent described in section (2) above, tanning facilities shall use the form included herein. This form is available in an electronic format at http://health.mo.gov/living/healthcondiseases/chronic/chronicdisease/TanningConsentForm.pdf.

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF COMMUNITY AND PUBLIC HEALTH

TANNING CONSENT FORM FOR PERSONS SIXTEEN AND UNDER

THE FOLLOWING INFORMATION IS COMPLETED BY THE TANNING FACILITY

Tanning Facility Name		Tanning Facility Telephone Number	
Tanning Facility Street Address	City	State	Zip Code

PARENT OR GUARDIAN INFORMATION

I am the parent or guardian of the person named below, who is sixteen years old or under. On the date below, I appeared in person at the Tanning Facility. I have read and I understand any warnings given to me by the Tanning Facility, and I consent to the use of a tanning device at the Tanning Facility by the person named below.

THE FOLLOWING INFORMATION IS COMPLETED BY THE PARENT OR GUARDIAN OF A PERSON SIXTEEN OR UNDER

Date		Name of Person Who is Sixteen or Under (please print)	
Name of Parent or Guardian (please print)		Parent or Guardian Telephone Number	
Parent or Guardian Street Address	City	State	Zip Code
Signature of Parent or Guardian			

MO 580-3077 (7-14)

AUTHORITY: section 577.665, RSMo (SS for SCS for HB 1411, 97th General Assembly, Second Regular Session (2014)). Original rule filed Aug. 28, 2014.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri 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 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

PROPOSED RESCISSION

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations. This rule established the policy of the board of trustees in regard to the tobacco-free incentive benefit.

PURPOSE: This rule is being rescinded and readopted to include detailed language to clarify Tobacco-Free Incentive Provisions and Limitations.

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the **Code of State Regulations**. Emergency rescission filed Aug. 29, 2014, effective Oct. 1, 2014, expires March 29, 2015. Rescinded: Filed Aug. 29, 2014.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. 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 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

PROPOSED RULE

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations

PURPOSE: The rule establishes the policy of the board of trustees in regards to the Strive for Wellness® Tobacco-Free Incentive and the method and timeframes in which the Tobacco Attestation must be submitted.

(1) Strive for Wellness® Tobacco-Free Incentive—The Tobacco-Free Incentive is a voluntary program that eligible members may elect to participate in to earn a reduction in premium. Eligible members are responsible for enrolling, participating, and completing requirements by applicable deadlines outlined in this rule.

(2) Tobacco-Free Incentive—The Strive for Wellness® Tobacco-Free Incentive is a reduction in premium of forty dollars ($40) per month per eligible participant who is compliant with this rule.

(3) Eligibility—The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP) Preferred Provider Organization (PPO) or Health Savings Account Plan are eligible to participate in the Tobacco-Free Incentive:

(A) Active employee subscribers;

(B) Non-Medicare spouses covered by any other Tobacco-Free Incentive eligible subscriber; and

(C) Non-Medicare subscribers.

(4) Limitations and exclusions—The following members are not eligible to participate in the Tobacco-Free Incentive:

(A) Members under the age of eighteen (18);

(B) Dependent children;

(C) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage;

(D) Spouse who has Medicare as primary coverage;

(E) TRICARE Supplement Plan subscriber;

(F) Spouse covered by ineligible subscriber; and

(G) The subscriber and/or spouse will become ineligible to continue to participate the first day of the month in which Medicare becomes his/her primary payer.

(5) Participation.

(A) Each eligible member must participate separately.

(B) Eligible members who enroll in MCHCP medical coverage during open enrollment for the 2015 plan year—

1. Must complete one (1) of the following by November 30, 2014 (unless otherwise specified) and MCHCP must receive the required attestation by November 30, 2014 for the member to earn the Tobacco-Free Incentive from January 1 through June 30, 2015:

A. Complete a Tobacco-Free Attestation; or

B. Complete a Tobacco Cessation Program Attestation and enroll in an MCHCP-approved tobacco cessation program. Once enrolled in a program, begin actively participating no later than February 1, 2015.

2. Must complete one (1) of the following by May 31, 2015 and MCHCP must receive the required attestation by May 31, 2015 for the member to continue to receive the Tobacco-Free Incentive from July 1 through December 31, 2015:

A. Members for whom MCHCP received a Tobacco-Free Attestation by November 30, 2014 do not have an additional action to complete; or

B. Complete a Tobacco-Free Attestation; or

C. Re-enroll or be enrolled and actively participate in an MCHCP-approved tobacco cessation program.

(C) Eligible members adding medical coverage with an effective date falling on November 1, 2014 through May 1, 2015—

1. Must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) and MCHCP must receive the required attestation within thirty-one (31) days of his/her medical coverage effective date for the member to earn the Tobacco-Free Incentive from his/her medical coverage effective date through June 30, 2015.

A. Complete a Tobacco-Free Attestation; or

B. Complete a Tobacco Cessation Program Attestation and enroll in an MCHCP-approved tobacco cessation program. Once enrolled in a program, begin actively participating no later than sixty (60) days of his/her medical coverage effective date; and

2. Complete one (1) of the following by May 31, 2015 and MCHCP must receive any required attestation by May 31, 2015 for the member to continue to receive the Tobacco-Free Incentive from July 1 through December 31, 2015:

A. Members for whom MCHCP received a Tobacco-Free Attestation within thirty-one (31) days of his/her medical coverage effective date do not have an additional action to complete; or

B. Complete a Tobacco-Free Attestation; or

C. Re-enroll or be enrolled and actively participate in an MCHCP-approved tobacco cessation program.

(D) Eligible members adding medical coverage with an effective date falling after May 1, 2015 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) and MCHCP must receive the required attestation within thirty-one (31) days of his/her medical coverage effective date for the member to earn the Tobacco-Free Incentive from his/her medical coverage effective date through December 31, 2015:

1. Complete a Tobacco-Free Attestation; or

2. Complete a Tobacco Cessation Program Attestation and enroll in an MCHCP-approved tobacco cessation program. Once enrolled in a program, begin actively participating no later than sixty (60) days of his/her medical coverage effective date.

(E) All attestations are available to be completed on MCHCP's secure website or by downloading the form from MCHCP's website, printing and filling out the form.

(6) For the purposes of this rule, an eligible member is considered actively participating in an MCHCP-approved tobacco cessation program when s/he is enrolled in Behavior Modification Health Coaching for tobacco cessation through MCHCP's health coaching vendor or the Strive for Wellness® Tobacco Cessation Course and one (1) of the following occurs:

(A) The eligible member is working with a Behavior Modification Health Coach and completing coaching calls or attending Strive for Wellness® Tobacco Cessation Course classes at the regularly scheduled class times and dates; or

(B) The eligible member has successfully become tobacco-free and has completed either the Behavior Modification Health Coaching for tobacco cessation or the Strive for Wellness® Tobacco Cessation Course; and has completed a Tobacco-Free Attestation and is no longer in need of tobacco cessation coaching.

(7) Eligible members who fail to actively participate in an MCHCP-approved tobacco cessation program with the MCHCP Behavior Modification Health Coaching vendor or the Strive for Wellness® Tobacco Cessation Course at any time will lose the incentive effective the first day of the second month after active participation ends for the remainder of the plan year.

(8) Eligible members who attested to being tobacco-free and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day and will lose the incentive effective the first day of the second month after notification for the remainder of the plan year.

(9) MCHCP-approved tobacco cessation programs for a subscriber include:

(A) Tobacco Cessation Behavior Modification Health Coaching provided by MCHCP's health coaching vendor; or

(B) Strive for Wellness® Tobacco Cessation Course (for active employee subscribers only).

(10) The MCHCP-approved tobacco cessation program for a spouse is Tobacco Cessation Health Coaching provided by MCHCP's health coaching vendor.

(11) MCHCP will verify a member's tobacco cessation program enrollment, participation, and completion.

(12) A waiver may be granted if a member requests a waiver in writing along with a provider's written certification that it is medically inadvisable for the member to participate in Behavior Modification Health Coaching for tobacco cessation or the Strive for Wellness® Tobacco Cessation Course.

(13) MCHCP and/or the vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to termination from Tobacco Cessation Behavior Modification Health Coaching provided by MCHCP's health coaching vendor or termination from the Strive for Wellness® Tobacco Cessation Course, loss of the Tobacco-Free Incentive and/or prosecution.

(14) MCHCP may utilize participation data for purposes of offering additional programs in accordance with the MCHCP privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the ***Code of State Regulations****. Emergency rescission and rule filed Aug. 29, 2014, effective Oct. 1, 2014, expires March 29, 2015. Rescinded and readopted: Filed Aug. 29, 2014.*

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. 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 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

PROPOSED RESCISSION

22 CSR 10-2.120 Wellness Program. This rule established the policy of the board of trustees in regards to the Strive for Wellness® program.

PURPOSE: This rule is being rescinded and readopted to include detailed language to clarify Strive for Wellness® Partnership Incentive Provisions and Limitations.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. Emergency amendment filed Aug. 23, 2013, effective Oct. 1, 2013, expired March 29, 2014. Amended: Filed Aug. 23, 2013, effective March 30, 2014. Emergency rescission filed Aug. 29, 2014, effective Oct. 1, 2014, expires March 29, 2015. Rescinded: Filed Aug. 29, 2014.

PUBLIC COST: This proposed rescission will not cost state agencies

or political subdivisions more than five hundred dollars ($500) in the aggregate.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. 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 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

PROPOSED RULE

22 CSR 10-2.120 Partnership Incentive Provisions and Limitations

PURPOSE: The rule establishes the policy of the board of trustees in regards to the Strive for Wellness® Partnership Incentive and the method and timeframes in which the requirements of the incenitve must be completed and submitted.

(1) Strive for Wellness® Partnership Incentive—The Partnership Incentive is a voluntary program in which eligible subscribers may elect to participate to earn a reduction in premium. Subscribers are responsible for enrolling, participating, and completing requirements by applicable deadlines.

(2) Strive for Wellness® Partnership Incentive—The Partnership Incentive is a reduction in premium of twenty-five dollars ($25) per month per eligible subscriber who is compliant with this rule.

(3) Eligibility—The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP) Preferred Provider Organization (PPO) or Health Savings Account Plan are eligible to participate in the Partnership Incentive:

(A) Active employee subscribers; and

(B) Non-Medicare subscribers.

(4) Limitations and exclusions—The following members are not eligible to participate in the Partnership Incentive:

(A) Subscribers under the age of eighteen (18);

(B) Dependents;

(C) TRICARE Supplement Plan subscribers;

(D) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage;

(E) When Medicare becomes a subscriber's primary insurance payer, the subscriber (with the exception of active employee subscriber) is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes primary; and

(F) Subscribers with an MCHCP medical coverage effective date after May 1, 2015.

(5) Participation—

(A) Eligible members who enroll in MCHCP medical coverage during open enrollment for the 2015 plan year—

1. Must complete the following by November 30, 2014 to earn the Partnership Incentive from January 1 through June 30, 2015:

A. The online Partnership Agreement;

B. Provide the available preferred contact phone number or email address; and

C. The online Health Assessment.

2. Must complete all of the following by May 31, 2015 to continue to receive the Partnership Incentive from July 1 through December 31, 2015:

A. Receive an annual wellness exam on or after June 1, 2014 but not later than May 31, 2015;

B. Submit a completed Health Care Provider Form to MCHCP;

(I) The Health Care Provider Form must include the following:

(a) The provider's printed name and signature;

(b) The member's printed name and signature;

(c) The date the annual wellness exam was received; and

(d) The member's height, weight, and blood pressure; and

C. Enroll and begin actively participating in Behavior Modification Health Coaching through MCHCP's health coaching vendor if identified through the Health Assessment as having three (3) or more health risks such as low back, weight, nutrition, stress, physical activity, tobacco use, pre-diabetes, blood pressure, health maintenance, alcohol abuse, insomnia, anxiety, depression, or cholesterol.

(B) Eligible members adding MCHCP medical coverage with an effective date falling on November 1, 2014 through May 1, 2015—

1. Must complete all of the following, in the order stated, to receive the Partnership Incentive effective the first day of the second month after completion of the Health Assessment:

A. The online Partnership Agreement;

B. Provide the available preferred contact phone number or email address; and

C. The online Health Assessment by May 31, 2015 or within sixty (60) days of their coverage effective date, whichever is earlier; and

2. Must complete all of the following by May 31, 2015 to continue to receive the incentive July 1 through December 31, 2015:

A. Receive an annual wellness exam on or after June 1, 2014 but not later than May 31, 2015;

B. Submit a completed Health Care Provider Form to MCHCP.

(I) The Health Care Provider Form must include the following:

(a) The provider's printed name and signature;

(b) The member's printed name and signature;

(c) The date the annual wellness exam was received; and

(d) The member's height, weight, and blood pressure; and

C. Enroll and actively participate in Behavior Modification Health Coaching if identified through the Health Assessment as having three (3) or more health risks such as low back, weight, nutrition, stress, physical activity, tobacco use, pre-diabetes, blood pressure, health maintenance, alcohol abuse, insomnia, anxiety, depression, or cholesterol.

(C) Health Care Provider Form—

1. The Health Care Provider Form is unique to each member and for his/her use only. The form may only be obtained online through myMCHCP on MCHCP's secure website.

2. Health Care Provider Form Errors. If a Health Care Provider Form is incomplete or contains errors, MCHCP will notify the subscriber of such by mail or secure message. MCHCP must receive a corrected form within ten (10) business days from the date MCHCP sends the notice to correct or by May 31, 2015, whichever is later. Errors include, but are not limited to:

A. Form is not the member's;

B. Provider printed name not legible;

C. Provider printed name or signature missing;

D. Member printed name not legible;

E. Member printed name or signature missing;

F. Height, weight, or blood pressure missing or not legible;

G. Date of the annual wellness exam is before June 1, 2014 or after May 31, 2015;

H. Date of the annual wellness exam missing or not legible; and

I. Handwritten changes made to the preprinted name or unique ID on the form.

(6) For the purposes of this rule, a member is considered actively participating in Behavior Modification Health Coaching when s/he is enrolled in health coaching through MCHCP's health coaching vendor and one (1) of the following occurs:

(A) The member is working with a Behavior Modification Health Coach and completing coaching calls; or

(B) The member has completed all of six (6) program coaching calls plus a check-in assessment with a Behavior Modification Health Coach.

(7) Members who discontinue active participation in Behavior Modification Health Coaching will lose the incentive effective the first day of the second month after active participation ends.

(8) Tobacco Cessation Health Coaching provided by MCHCP's health coaching vendor or the Strive for Wellness® Tobacco Cessation Course will be considered Behavior Modification Health Coaching for the purposes of this rule. If using Tobacco Cessation Health Coaching provided by MCHCP's health coaching vendor or the Strive for Wellness® Tobacco Cessation Course to satisfy the Behavior Modification Health Coaching requirement, the member must actively participate in the MCHCP-approved tobacco cessation program as defined in 22 CSR 10-2.094.

(9) Disease Management provided through MCHCP's disease management vendor or the Strive for Wellness® Weight Management Course will be considered Behavior Modification Health Coaching for the purposes of this rule. If using Disease Management provided through MCHCP's disease management vendor or the Strive for Wellness® Weight Management Course to satisfy the Behavior Modification Health Coaching requirement, the member must actively participate in Disease Management as defined in 22 CSR 10-2.150.

(10) A waiver may be granted, in whole or in part, for the applicable plan year if a member requests a waiver of a requirement(s) in writing along with a provider's written certification that it is medically inadvisable for the member to participate in the applicable requirement(s).

(11) Audit—MCHCP and/or the vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to termination from Behavior Modification Health Coaching, loss of the Partnership Incentive and/or prosecution.

(12) Coordination of programs—MCHCP and its wellness vendor may utilize participation data for purposes of offering additional programs in accordance with MCHCP's privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. Emergency amendment filed Aug. 23, 2013, effective Oct. 1, 2013, expired March 29, 2014. Amended: Filed Aug. 23, 2013, effective March 30, 2014. Emergency rescission and rule filed Aug. 29, 2014, effective Oct. 1, 2014, expires March 29, 2015. Rescinded and readopted: Filed Aug. 29, 2014.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

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

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

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

ORDER OF RULEMAKING

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

3 CSR 10-7.433 Deer: Firearms Hunting Season **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2014 (39 MoReg 1265). 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

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

3 CSR 10-7.440 is amended.

This rule establishes hunting seasons and limits and is exempted by section 536.021, RSMo, from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory game birds and waterfowl during the 2014–2015 seasons.

3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

(3) Seasons and limits are as follows:

(F) Waterfowl Zones—The North Zone shall be that portion of the state north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to Interstate Hwy. 70; west on Interstate Hwy. 70 to the Kansas border. The South Zone shall be that portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 74 to Mo. Hwy. 25; south on Mo. Hwy. 25 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to U.S. Hwy. 71; south on U.S. Hwy. 71 to Jasper County Hwy. M (Base Line Blvd); west on Jasper County Hwy. M (Base Line Blvd) to CRD 40 (Base Line Blvd) to the Kansas border. The Middle Zone shall be the remainder of Missouri.

(H) Ducks and coots may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. Ducks and coots may be taken from October 25, 2014, through December 23, 2014, in the North Zone; from November 1, 2014, through December 30, 2014, in the Middle Zone; and from November 27, 2014, through January 25, 2015, in the South Zone; and

2. Duck and coot limits are as follows: The daily bag limit of ducks is six (6) and may include no more than four (4) mallards (no more than two (2) of which may be female), three (3) wood ducks, two (2) redheads, two (2) hooded mergansers, three (3) scaup, two (2) pintails, one (1) mottled duck, one (1) canvasback, and one (1) black duck. The possession limit is eighteen (18), including no more than twelve (12) mallards (no more than six (6) of which may be female), nine (9) wood ducks, six (6) redheads, six (6) hooded mergansers, nine (9) scaup, six (6) pintails, three (3) mottled ducks, three (3) canvasbacks, and three (3) black ducks. The daily limit of coots is fifteen (15) and the possession limit for coots is forty-five (45);

(I) Geese may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. Blue, snow, and Ross's geese may be taken from October 25, 2014, through January 31, 2015, statewide;

2. White-fronted geese may be taken from November 27, 2014, through January 31, 2015, statewide;

3. Canada geese and brant may be taken from October 4, 2014, through October 12, 2014, and November 27, 2014, through January 31, 2015, statewide; and

4. Goose limits—The daily bag limit is three (3) Canada geese, twenty (20) blue, snow, or Ross's geese, two (2) white-fronted geese, and one (1) brant, statewide. The possession limit is nine (9) Canada geese, six (6) white-fronted geese, and three (3) brant. There is no possession limit for blue, snow, and Ross's geese;

(J) Ducks, geese, brant, and coots may be taken by youth hunters fifteen (15) years of age or younger from October 18, 2014, through October 19, 2014, in the North Zone; from October 25, 2014, through October 26, 2014, in the Middle Zone; and from November 22, 2014, through November 23, 2014, in the South Zone. The daily

and possession limits for ducks, geese, and coots are the same as during the regular duck, goose, and coot hunting seasons. Any person fifteen (15) years or younger may participate in the youth waterfowl hunting days without permit provided they are in the immediate presence of an adult eighteen (18) years of age or older. If the youth hunter does not possess a hunter education certificate card, the adult must be properly licensed (i.e., must meet any permit requirements that allows small game hunting) and have in his/her possession a valid hunter education certificate card unless they were born before January 1, 1967. The adult may not hunt ducks but may participate in other seasons that are open on the special youth days;

(L) Persons who possess a valid Conservation Order Permit may chase, pursue, and take blue, snow, and Ross's geese from one half (1/2) hour before sunrise to one-half (1/2) hour after sunset from February 1, 2015, through April 30, 2015. Any other regulation notwithstanding, methods for the taking of blue, snow, and Ross's geese include using shotguns capable of holding more than three (3) shells, and with the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. An exception to the above permit requirement includes any person fifteen (15) years of age or younger, provided either 1) s/he is in the immediate presence of a properly licensed adult (must possess a Conservation Order Permit) who is eighteen (18) years of age or older and has in his/her possession a valid hunter education certificate card, or was born before January 1, 1967, or 2) s/he possesses a valid hunter education certificate card. A daily bag limit will not be in effect February 1, 2015, through April 30, 2015 (See 3 CSR 10-5.436 and 3 CSR 10-5.567 for Conservation Order Permit requirements); and

(M) Migratory game birds, to include only doves, ducks, mergansers, and coots, may be taken by hunters with birds of prey as follows (See 3 CSR 10-9.442 for additional provisions about falconry including season lengths and limits for wildlife other than migratory birds. See 3 CSR 10-9.440 for falconry permit requirements):

1. Doves may be taken from September 1 to December 16 from one-half (1/2) hour before sunrise to sunset. Daily limit: three (3) doves; possession limit: nine (9) doves, except that any ducks, mergansers, and coots taken by falconers must be included within these limits; and

2. Ducks, mergansers, and coots may be taken from sunrise to sunset from September 6, 2014, through September 21, 2014, statewide, and from one-half (1/2) hour before sunrise to sunset as follows: in the North Zone, October 18, 2014, through October 19, 2014, October 25, 2014, through December 23, 2014, and February 10, 2015, through March 10, 2015; in the Middle Zone, October 25, 2014, through October 26, 2014, November 1, 2014, through December 30, 2014, and February 10, 2015, through March 10, 2015; and, in the South Zone, November 22, 2014, through November 23, 2014, November 27, 2014, through January 25, 2015, and February 10, 2015, through March 10, 2015. Daily limit: three (3) ducks, mergansers, and coots singly or in the aggregate, possession limit: nine (9) ducks, mergansers, and coots singly or in the aggregate, except that any doves taken by falconers must be included within these limits.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment was filed August 25, 2014, becomes effective **September 1, 2014**.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission amends a rule as follows:

10 CSR 10-5.220 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2014 (39 MoReg 769–782). 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 seventeen (17) comments from six (6) sources: General Motors Vehicle Manufacturing, Regulatory Environmental Group for Missouri, Missouri Petroleum Marketers & Convenience Store Association (MPCA), Wallis Companies, St. Louis County Air Pollution Control Program, and Missouri Petroleum Storage Tank Insurance fund.

Due to the similarity in the following five (5) comments, one (1) response that addresses these comments is presented after the five (5) comments.

COMMENT #1: General Motors commented that they agree with most of the changes in the proposed amendment, but expressed concerns with the provisions for aboveground storage tanks (ASTs) used for initial fueling of motor vehicles, as stated in comment 6 below.

COMMENT #2: MPCA supports removal of Stage II requirements and elimination of all reference to the Missouri Performance Evaluation Testing Procedures (MOPETP). They expressed appreciation for the ongoing dialogue the department has maintained with MPCA members and other interested parties. They expressed concern with the AST provisions, resolution of the vent cap/vacuum issue, permitting provisions, and permitting fees as stated in comments 8 through 14 below.

COMMENT #3: Wallis Companies expressed their thanks and appreciation to the department for their quick, efficient, and systematic removal of Stage II requirements. They thanked the department for their ongoing dialogue with industry representative during the rulemaking process. They expressed concern with the AST provisions, resolution of the vent cap/vacuum issue, permitting provisions, and permitting fees as stated in comments 8 through 14 below.

COMMENT #4: St. Louis County supports the rule revisions and appreciates the department's efforts to balance the needs of both the industry and the regulators to ensure the continual environmental protection provided by vapor recovery system. They also offered recommended rule language for fueling of motor vehicles at gasoline dispensing facilities (GDFs) and operating permits as stated in comments fifteen (15) through seventeen (17) below. They also supported the oversight provided by the Construction Permitting program.

COMMENT #5: The Missouri Petroleum Storage Tank Insurance Fund (PSTIF) supports removal of Stage II requirements. They expressed appreciation for the time the department spent discussing the proposed amendment with stakeholders and the department's willingness to work with interested parties to find reasonable solutions to compliance problems. They expressed concern with the AST provisions, resolution of the vent cap/vacuum issue, permitting provisions, and permitting fees as stated in comments 8 through 14 below.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support of the above commenters and will address other noted concerns in comments below. No changes have been made to the rule text as a result of these comments.

COMMENT #6: General Motors commented that they are concerned with the change to paragraph (3)(C)4., which prohibits the use of aboveground gasoline storage tanks at gasoline dispensing facilities

with a capacity greater than one thousand (1,000) gallons. The General Motors assembly plant uses an initial fueling system with two (2) twenty thousand (20,000) gallon storage tanks for initial fueling of vehicles assembled at the plant. The system has been in place as an integral part of the assembly process since the plant was built in the early 1980's. They believe the proposed language does not take into account their existing tanks, and they provided suggested text changes intended to ensure their tanks will not be prohibited.

RESPONSE: The prohibition on ASTs greater than one thousand (1,000) gallons in paragraph (3)(C)4. of the proposed amendment only applies to gasoline dispensing facilities (GDFs) in the St. Louis ozone non-attainment area. ASTs at facilities other than GDFs are not affected by the prohibition. The General Motors assembly plant is not a GDF, therefore the ASTs at that facility are not affected by the prohibition. To clarify the distinction between GDFs and other facilities that operate gasoline dispensers, the definition of Gasoline Dispensing Facility in 10 CSR 10-6.020 Definitions and Common Reference Tables is being revised in a separate rulemaking to clarify that vehicle assembly plants and gasoline distribution facilities are not considered GDFs. The proposed rulemaking that will revise the definition of GDF is tentatively scheduled to be filed with the Secretary of State in late 2014. No changes have been made to the rule text as a result of this comment.

COMMENT #7: The Regulatory Environmental Group for Missouri (REGFORM) commented at the public hearing that a conversation with department staff just prior to the hearing answered questions with respect to the purpose of changes in the proposed amendment and the impact they will have on commercial gas dispensing facilities. REGFORM stated that the concerns that were going to be raised in a letter in conjunction with a public hearing comment will be held since clarifications being made address those concerns.

RESPONSE: Department staff is pleased they were able to allay REGFORM's concerns about the effect of the proposed amendment changes on commercial gas dispensing facilities. No changes have been made to the rule text as a result of this comment.

COMMENT #8: MPCA, Wallis Companies, and PSTIF commented that the proposed amendment would prohibit aboveground storage tanks (ASTs) larger than one thousand (1,000) gallons at gasoline dispensing facilities. This would place a hardship on some businesses that currently have such tanks in use. They requested that DNR "grandfather" all existing aboveground storage tanks, as doing so will not cause any deterioration of air quality from what it currently is. In addition, they noted that other metropolitan areas, including East St. Louis, allow installation of new ASTs larger than one thousand (1,000) gallons for certain commercial/industrial facilities. They requested that the rule be revised to allow for waiver of the prohibition by the DNR on a case-by-case basis.

RESPONSE: The current version of the rule does not allow ASTs greater than one thousand (1,000) gallons at GDFs because MOPETP never approved vapor recovery equipment for ASTs. This rulemaking would simply codify this long-standing prohibition. We are not aware of any ASTs at GDFs in the St. Louis area. ASTs at facilities other than GDFs, such as commercial or industrial facilities, are not affected by the prohibition. Since ASTs inherently emit more volatile organic compounds (VOCs) than equivalent underground tanks, allowing new ASTs above one thousand (1,000) gallons at GDFs would increase emissions, adversely impact air quality in the St. Louis ozone nonattainment area, and jeopardize the U.S. Environmental Protection Agency's approval of the revised rule. The Department would be willing to consider allowing California Air Resources Board (CARB) approved, Enhanced Vapor Recovery (EVR) ASTs in a future rulemaking. No changes have been made to the rule text as a result of this comment.

COMMENT #9: MPCA, Wallis Companies, and PSTIF commented that the current requirement specifying use of a pressure/vacuum valve certified by the CARB at three inches water column pressure/eight inches water column vacuum (3"wcp/8"wcv) does not work in the real world, and owners who meet this requirement are often then forced into non-compliance with the department's underground storage tank (UST) rules, as the valves cause their automatic tank gauges to malfunction. They do not oppose the requirement that valves have a three inch (3")wcp feature to prevent emission of volatile hydrocarbons during fuel delivery, but the vacuum requirement is problematic. They appreciate that the proposed rule attempts to alleviate this problem by stating "Owners and operators of GDFs with monthly throughput greater than one hundred thousand (100,000) gallons may use a vapor recovery system that deviates from the requirements of subparagraph (3)(C)2.A. of this rule only if the vapor recovery system is approved by the director and has a collection efficiency of at least ninety-eight percent (98%)." They stated the proposed language is inadequate because the problem also occurs at some facilities with smaller throughputs and appears to require each tank owner to approach the department individually to request approval of his/her alternate equipment. They requested that, once a particular device has been demonstrated to the department's satisfaction that it has a collection efficiency of at least ninety-eight percent (98%), the rule should authorize the director of the department's Air Pollution Control Program to approve the device one time, after which any UST owner/operator could use that device and be in compliance with the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department is aware of the problem of excessive tank vacuum and is committed to working with industry representatives to develop a solution. To allow implementation of a future solution and address the concerns of the commenters, subsection (3)(C) has been revised to include language that would allow the director to approve a vapor recovery system or component that deviates from the requirements of subparagraph (3)(C)2.A. when provided documentation that the system or component has a collection efficiency of at least ninety-eight percent (98%) and that compliance with the requirements of subparagraph (3)(C)2.A. would lead to noncompliance with other state or federal regulations or to improper functioning of the gasoline storage tank system. Any approved system or component could then be used at any GDF in the St. Louis area.

COMMENT #10: MPCA, Wallis Companies, and PSTIF commented that they would prefer elimination of the permit requirement for new installations. They noted that the department would still know of such new installations because the department's underground storage tank (UST) rules require notification prior to installation and Missouri's Emergency Planning and Community Right-To-Know Act (EPCRA) requires annual notice of such facilities. They stated the requirement in this rule to obtain a permit prior to undertaking any "modification" of the tank/piping or dispensing equipment creates a barrier to compliance with the UST rules, and requested the proposed amendment be revised so it simply requires the owner/operator to give notice of such work via electronic submission.

RESPONSE AND EXPLANATION OF CHANGE: St. Louis is a nonattainment area for ozone and strict control and oversight of VOC emissions is required by the Missouri State Implementation Plan (SIP). Permitting of new GDFs is a tool for tracking VOC emission sources to assure SIP ozone control requirements are met. Decommissioning of Stage II systems and major modifications at existing GDFs must also be approved by the department to ensure no increases in VOC emissions result. Therefore, approved construction permits are required for these activities. As a result of this comment, the department is revising the permitting provisions for minor modifications at existing GDFs to allow for construction permit notifications in place of the full construction permit approval process. This should lessen the burden on owners or operators of existing GDFs making minor modifications that do not have the potential to increase emissions. Specifically, the rule text in subsection (3)(G) is being revised to require construction permit application and approval for construction of new GDFs, decommissioning of Stage II systems at existing GDFs, and major modifications at existing GDFs where the fixed capital costs of the new components will exceed fifty percent (50%) of the fixed capital cost of a

new gasoline dispensing system. For minor modifications at existing GDFs where the fixed capital costs of the new components will not exceed fifty percent (50%) of the fixed capital cost of a new gasoline dispensing system, the owner or operator would submit a construction permit notification and may then proceed with the modification after submittal of the notification.

COMMENT #11: MPCA, Wallis Companies, and PSTIF commented that they appreciate the effort to accommodate emergencies or other urgent situations, but believe the proposed language is needlessly complex. They requested eliminating paragraph (3)(G)4., as it would be unnecessary if the department agrees to change the requirement from a permit to a notice when making repairs. They further requested that paragraph (3)(G)5. be made simpler and provided suggested language.
RESPONSE AND EXPLANATION OF CHANGE: As explained in the response to comment #10, subsection (3)(G) has been revised to allow owners or operators of GDFs making minor modifications to begin work upon submittal of the construction permit notification. Therefore, the proposed language in paragraph (3)(G)4. is redundant and has been deleted. The emergency repair provision in subsection (3)(G) specifies the conditions that constitute an emergency which requires immediate corrective construction. Simplifying the language by removing the conditions that constitute an emergency may lead to confusion between the regulated community and the department. Therefore, the language for emergency repairs in subsection (3)(G) is being retained as proposed.

COMMENT #12: MPCA, Wallis Companies, and PSTIF commented that subparagraph (3)(G)3.C. eliminates the need for the department to respond to construction permit applications within thirty (30) days. They oppose the change and requested the rule retain the requirement for timely response by the department.
RESPONSE AND EXPLANATION OF CHANGE: Subsection (3)(G) has been revised to add a provision which requires the department to issue a construction permit or a permit rejection within thirty (30) days of receipt of all construction permit applications for construction of a new GDF that requires a Stage I vapor recovery system, decommission of an existing Stage II vapor recovery system, or major modification to an existing GDF.

COMMENT #13: MPCA, Wallis Companies, and PSTIF requested adding language to explicitly state that the owner/operator need not wait for department inspectors to be present to conduct tests after repairs.
RESPONSE AND EXPLANATION OF CHANGE: Language has been added to subsection (3)(H) stating that the staff director may observe the test at the completion of repairs, but it is not required that the staff director be present and observe the test.

COMMENT #14: MPCA, Wallis Companies, and PSTIF commented that they strongly believe the fees associated with this rule and proposed amendments should be eliminated or at the very least drastically reduced. They, however, are willing to work with the department on the fee issue assuming the other issues commented on are equitably resolved.
RESPONSE: The proposed amendment codifies the present one hundred dollar ($100) permitting fee and does not constitute a fee increase for stakeholders. These fees are necessary to help fund the department's vapor recovery activities. As noted in the Private Entity Fiscal Note, the overall financial impact on GDFs in the St. Louis area is overwhelmingly positive due to the elimination of Stage II systems, which are expensive to install and maintain. No changes have been made to the rule text as a result of this comment.

COMMENT #15: St. Louis County commented that provisions for fueling of motor vehicles at GDFs in subsection (3)(E) of the proposed amendment do not clearly state the ability of the director to inspect and require repairs of existing Stage I facilities. They suggested rule language to clearly state the department has the ability to inspect Stage I and Stage II vapor recovery systems, add an out-of-order procedure for defective Stage I systems and components similar to that of Stage II systems, and revise the introductory statement. They noted that the recommendations are consistent with current policies and field practices.
RESPONSE: The suggested change to the introductory statement has the same meaning as the language proposed and, therefore, no change is needed. The ability of the department to inspect vapor recovery systems is contained in 643.050.1, RSMo and adding rule language to restate this authority is not necessary. The out-of-order procedure for defective Stage II systems in the current rule is present because of the complexity of the systems and their inherently high duty cycle, i.e. they are used at all times during vehicle refueling. Adding a similar out-of-order procedure for defective Stage I systems is not necessary because Stage I systems are much simpler and have low duty cycles, i.e. they are only used during fuel transfer into the storage tanks. In addition, facility compliance expectations are outlined in the Department's Operations and Compliance manuals (available publicly on the department's website) for review. No changes have been made to the rule text as a result of this comment.

COMMENT #16: St. Louis County commented that the operating permit provisions in subsection (3)(H) of the proposed amendment do not clearly state the requirements for testing notification and information required prior to testing. They suggested language to change the notification on post-construction testing from seven (7) days to fourteen (14) days, add a requirement that all testing be conducted in a time frame that allows for department observation of the test, add a provision that the department may reject testing conducted without notice to the department, add a requirement that testing results must be supplied to the department in a specific format within ten (10) days of test completion, clarify the testing requirements for renewal of operating permits, and revise the recordkeeping requirement for operating permits at completion of construction.
RESPONSE AND EXPLANATION OF CHANGE: With the exception of revising the recordkeeping requirements for operating permits at the completion of construction, the changes suggested by St. Louis County either restate current permitting policies and practices or increase the regulatory burden on owners or operators of GDFs. The suggested revision to the recordkeeping requirements at completion of construction removes any ambiguity in the requirements by citing specific rule requirements instead of relying on department approval. Therefore, the recordkeeping requirements for operating permits at completion of construction has been revised to state that the requirements of subsection (4)(D) of the rule must be met instead of meeting the staff director's requirements. The other requirements suggested by St. Louis County are not being added to the rule because the benefits derived by the department do not justify the additional regulatory burden and bureaucracy placed on the regulated entities.

COMMENT #17: St. Louis County commented that they support proposed language in subsection (3)(G) allowing for immediate repair or replacement and emergency repairs to vapor recovery systems. The proposed amendment clarifies the requirements and defines what constitutes an immediate repair or replacement and an emergency.
RESPONSE: The provisions for emergency repairs are retained as proposed. The provisions for immediate repair or replacement have been removed since they are no longer needed with the changes in subsection (3)(G) that allow for construction permit notification for minor modification. No changes have been made to the rule text as a result of this comment.

10 CSR 10-5.220 Control of Petroleum Liquid Storage, Loading and Transfer

(3) General Provisions.

(C) Gasoline Transfer at GDFs.

1. No owner or operator of a gasoline storage tank or delivery vessel shall cause or permit the transfer of gasoline from a delivery vessel into a gasoline storage tank with a capacity greater than five hundred (500) gallons and less than or equal to one thousand (1,000) gallons unless—

A. The gasoline storage tank is equipped with a submerged fill pipe extending unrestricted to within six inches (6") of the bottom of the tank and not touching the bottom of the tank, or the storage tank is equipped with a system that allows a bottom fill condition;

B. All gasoline storage tank caps and fittings are vapor-tight when gasoline transfer is not taking place; and

C. Each gasoline storage tank is vented via a conduit that is—

(I) At least two inches (2") inside diameter; and

(II) At least twelve feet (12') in height above grade; and

(III) Equipped with a pressure/vacuum valve that is certified by the California Air Resources Board (CARB) at three inches water column pressure/eight inches water column vacuum (3"wcp/8"wcv) except when the owner or operator provides documentation that the vapor recovery system is CARB-certified for a different valve and will not function properly with a 3"wcp/8"wcv valve.

2. No owner or operator of a gasoline storage tank or delivery vessel shall cause or permit the transfer of gasoline from a delivery vessel into a gasoline storage tank with a capacity greater than one thousand (1,000) and less than forty thousand (40,000) gallons unless—

A. The gasoline storage tank is equipped with a Stage I vapor recovery system that is certified by a CARB Executive Order as having a collection efficiency of at least ninety-eight percent (98%);

B. The delivery vessel to these tanks is in compliance with subsection (3)(D) of this rule;

C. All vapor ports are poppeted fittings;

D. The delivery vessel is reloaded at installations complying with the provisions of subsection (3)(B) of this rule;

E. The vapor recovery system employs one (1) vapor line per product line during the transfer. The staff director may approve other delivery systems submitted to the department with test data demonstrating compliance with subparagraph (3)(C)2.A. of this rule;

F. All vapor hoses are at least three inches (3") inside diameter; and

G. All product hoses are less than or equal to four inches (4") inside diameter.

3. The director may approve a vapor recovery system or component that deviates from the requirements of subparagraph (3)(C)2.A. of this rule when provided documentation that—

A. The system or component has a collection efficiency of at least ninety-eight percent (98%); and

B. Compliance with the requirements of subparagraph (3)(C)2.A.of this rule would lead to noncompliance with other state or federal regulations or to improper functioning of the gasoline storage tank system.

4. Aboveground gasoline storage tanks at GDFs shall not have a capacity greater than one thousand (1,000) gallons.

5. This subsection does not prohibit safety valves or other devices required by government regulations.

(G) Construction Permits for Vapor Recovery Systems for New GDFs, Vapor Recovery System Modification for Existing GDFs, and Stage I experimental technology.

1. Construction of a new GDF that requires a Stage I vapor recovery system, decommission of an existing Stage II vapor recovery system, or major modification to an existing GDF. An owner or operator constructing a new GDF that requires a Stage I vapor recovery system, decommissioning an existing Stage II vapor recovery system, or modifying an existing vapor recovery system such that the fixed capital costs of the new components will exceed fifty percent (50%) of the fixed capital cost of a new gasoline dispensing system (including only those components directly related to gasoline dispensing and storage) shall—

A. Submit an application on a form supplied by the department for a permit to construct at least thirty (30) days prior to beginning construction. The application shall include:

(I) Complete diagrams and a thorough description of the planned installation;

(II) Plumbing diagrams including vent lines and material of all underground and aboveground plumbing;

(III) For gasoline storage tanks subject to paragraph (3)(C)2. of this rule, current CARB Executive Orders for the proposed Stage I vapor recovery system;

(IV) Detailed description of the storage tank(s); and

(V) Schedule of construction;

B. Obtain a construction permit prior to beginning construction;

C. Display the construction permit in a prominent location during construction;

D. Establish compliance with all rules and requirements of Division 10 of Title 10 of the *Code of State Regulations*;

E. Obtain staff director approval of final test methods and procedures that will be used to demonstrate compliance;

F. Meet the testing requirements in subparagraph (3)(H)1.B. of this rule; and

G. Obtain and maintain on-site, in a prominent location, the current operating permit from the director for the site and the specific vapor recovery system that was installed. The operating permit shall be maintained according to subsection (3)(H) of this rule.

2. Minor modification to existing GDF. An owner or operator of an existing GDF modifying an existing vapor recovery system such that the fixed capital costs of the new components will not exceed fifty percent (50%) of the fixed capital cost of a new gasoline dispensing system (including only those components directly related to gasoline dispensing and storage) shall—

A. Submit a construction permit notification prior to construction for projects that include, but are not limited to, any modification that—

(I) Requires breaking concrete in an area within fifteen (15) feet of the vapor lines or vent lines;

(II) Modifies vapor lines or vent lines themselves;

(III) Affects the operation of the vapor recovery system; or

(IV) Could result in improper functioning of the vapor recovery system;

B. Supply any information requested by the staff director for the specific installation. Such information may include, but is not limited to, plumbing diagrams, including vapor or vent lines; material of all underground and aboveground plumbing; current CARB executive orders for the proposed vapor recovery system and equipment; and proof of compliance with all rules and requirements of Division 10 of Title 10 of the *Code of State Regulations*;

C. Modify the vapor recovery system in accordance with the rules and requirements of Division 10 of Title 10 of the *Code of State Regulations*. If, after review of the application, or inspection of the modification to the vapor recovery system, it is discovered that the modification is not in compliance with the rules and requirements of Division 10 of Title 10 of the *Code of State Regulations*, the owner or operator will be subject to enforcement action, and must bring the facility back into compliance with the rules and requirements of Division 10 of Title 10 of the *Code of State Regulations*;

D. Meet the testing requirements in paragraph (3)(H)1. of this rule; and

E. Upon completion of testing, obtain and display, in a prominent location, on-site the current operating permit from the director for the specific site and the specific vapor recovery system that was installed. The operating permit shall be maintained according to subsection (3)(H) of this rule.

3. Experimental Stage I technology. The director may approve Stage I experimental technology for a specific GDF. Experimental technology may be approved for up to three (3) years for a limited

number of GDFs under specific conditions determined by the staff director. GDFs applying for approval of experimental technology shall—

A. Submit an application for director approval at least ninety (90) days prior to beginning construction. The application shall include, but not be limited to:

(I) Complete diagrams and a thorough description of the planned installation;

(II) Plumbing diagrams including vent lines and material of all underground and aboveground plumbing; and

(III) Standards, test data, history, and related information for the proposed system;

B. Submit to the staff director a detailed plan for the construction and operation of the system. The plan shall include a description of the planned testing and record keeping for the GDF. The director may issue the construction permit when all conditions of the testing GDF are deemed satisfactory;

C. Display the construction permit in a prominent location during construction;

D. Install monitoring equipment to prove that the vapor recovery system is leak-tight if requested by the staff director; and

E. Upon completion of testing, obtain and maintain on-site, in a prominent location, a current operating permit from the director for the specific innovative technology that is in operation. The permit shall specify the technology, the location, and the time period the technology will be tested.

4. Emergency Repairs.

A. Owners or operators of GDFs requiring emergency repair or replacement of vapor recovery system components may immediately begin corrective construction if the construction is in response to an accident or event that—

(I) Creates an abnormally high threat of fire;

(II) Poses an environmental hazard by allowing release of liquid product onto the ground or abnormal release of vapor into the air; and/or

(III) Threatens public safety; and

B. Owners or operators of GDFs electing to make emergency repair or replacement per subparagraph (3)(G)4.A. of this rule shall contact the department within forty-eight (48) hours of the commencement of the repair or replacement to determine what future action is required for compliance with this rule.

5. Owners or operators of GDFs making minor modifications per paragraph (3)(G)2. of this rule may begin modification upon submittal of the construction permit notification.

6. The director shall issue a construction permit or a permit rejection within thirty (30) days of receipt of all construction permit applications submitted per paragraph (3)(G)1. of this rule.

7. Owners or operators of GDFs shall pay the department a fee of one hundred dollars ($100) for each construction permit application submitted in accordance with subsection (3)(G) of this rule.

(H) Operating Permits. All owners or operators of installations subject to subsection (3)(C) or (3)(E) of this rule shall apply to the director for an operating permit.

1. Completion of construction. To obtain an operating permit after the completion of construction, the owner or operator of a GDF shall—

A. Apply to the director for an operating permit within thirty (30) days of construction completion;

B. Conduct and pass a department-approved pressure decay test, pressure/vacuum valve test, and, where a Stage II vapor recovery system is in place, a dynamic back pressure/liquid blockage test;

C. Schedule the test and notify the staff director at least seven (7) days prior to the test date. The staff director may observe the test, but it is not required that the staff director be present and observe the test;

D. Provide the test results to the staff director;

E. Demonstrate that the installation maintains a system of record keeping that meets the requirements of subsection (4)(D) of this rule; and

F. Establish compliance with all rules and requirements of Division 10 of Title 10 of the *Code of State Regulations*.

2. Renewal of operating permits. The operating permit is renewable on the date specified in the initial operating permit and for periods of three (3) years after the initial permit term expires. In order to renew the operating permit the owner or operator of a GDF shall—

A. Apply to the director for renewal of the operating permit and test within ninety (90) days prior to the renewal date;

B. Demonstrate that the GDF maintained all vapor recovery system components in good operating order during the preceding operating permit term including prompt efforts to establish compliance following "out-of-order" notices;

C. Conduct and pass a department-approved pressure decay test, pressure/vacuum valve test, and, where a Stage II vapor recovery system is in place, a dynamic back pressure/liquid blockage test, prior to the expiration date of the permit;

D. Schedule the test and notify the staff director at least seven (7) days prior to the test date. The staff director may observe the test, but it is not required that the staff director be present and observe the test;

E. Provide the test results to the staff director; and

F. Maintain records according to subsection (4)(D) of this rule.

3. Owners or operators of an installation using a vapor recovery system that is decertified by CARB shall establish compliance with this rule within one (1) year or by the next renewal date of the operating permit whichever is longer. Failure to establish compliance will result in nonrenewal of the operating permit.

4. Owners or operators of GDFs shall pay the department a fee of one hundred dollars ($100) for each operating permit.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission amends a rule as follows:

10 CSR 10-6.040 Reference Methods **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2014 (39 MoReg 853–854). 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.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 5—Fees

STATEMENT OF ACTUAL COST

20 CSR 2245-5.020 Fees

The original estimated cost and fiscal note for the public cost to this amendment was published in the *Missouri Register* on December 17, 2012 (37 MoReg 2305–2312). The cost to Real Estate Appraisers Commission has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The commission originally estimated cost was two hundred thirty-two dollars and fifty-six cents ($232.56). The actual cost at the end of the first full fiscal year was three hundred eighteen dollars and sixty cents ($318.60), as explained in detail below.

The original cost estimated was based upon the assumption that there would be approximately one hundred (100) appraisal management companies that would seek licensure during the first year of implementation. Instead one hundred thirty-seven (137) appraisal management companies sought licensure during the first year of implementation. The increased number of appraisal management company applicants resulted in increased costs to the commission in processing time, license printing costs, and postage costs.

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body shall award a contract for public works to any contractor or subcontractor, or simulation thereof, during the time that such contractor or subcontractor's name appears on this state debarment list maintained by the Secretary of State. In addition, this list includes contractor(s) that have agreed to entry of an injunction permanently prohibiting them and any persons and entities related to them from engaging in, or having any involvement in, any business in Missouri.

Contractors Convicted of Violations of the Missouri Prevailing Wage Law

Name of Contractor	Name of Officers	Address	Date of Conviction	Debarment Period
Urban Metropolitan Development, LLC Case No. 12AO-CR01752 (Jasper County Cir. Ct.)		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	08/08/2013	08/08/2013 to 08/08/2014

Contractors Agreeing to Permanent Prohibition from Engaging In, or Having Any Involvement In, Any Business in Missouri

Name of Contractor	Name of Officers	Address	Date of Injunction	Debarment Period
Urban Metropolitan Development, LLC		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent
Troy Langley		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent

Dated this 7th day of March 2014.

John E. Lindsey, Division Director