

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

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

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.010, RSMo Supp. 2014, the commission amends a rule as follows:

2 CSR 90-10.001 Definitions and General Provisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2014 (39 MoReg 1199). 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under section 323.020, RSMo Supp. 2014, the commission amends a rule as follows:

2 CSR 90-10.011 Inspection Authority—Duties is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2014 (39 MoReg 1199–1200). 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under sections 261.023.6. and 323.020, RSMo Supp. 2014, the commission amends a rule as follows:

2 CSR 90-10.020 NFPA Manual No. 54, *National Fuel Gas Code* is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2014 (39 MoReg 1200). 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Gas Commission under sections 261.023.6. and 323.020, RSMo Supp. 2014, the commission amends a rule as follows:

2 CSR 90-10.040 NFPA Manual No. 58, *Storage and Handling of Liquefied Petroleum Gases* is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2014 (39 MoReg 1200). 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 4—Wildlife Code: General Provisions**

ORDER OF RULEMAKING

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

3 CSR 10-4.110 General Prohibition; Applications is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2014 (39 MoReg 1200–1201). 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 Conservation Commission received two thousand one hundred forty-nine (2,149) general comments on all proposed changes pertaining to captive cervid facilities. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received one thousand nine hundred and ninety-five (1,995) comments from individuals who expressed general support for stricter regulation of the captive cervid industry. **RESPONSE:** The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: The commission received one hundred fifty-four (154) comments in general opposition to all proposed changes. **RESPONSE:** This amendment codifies the commission's authority over captive wildlife that has been in place for over seventy-five (75) years. No changes to the rule have been made as a result of these comments.

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

ORDER OF RULEMAKING

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

3 CSR 10-9.220 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2014 (39 MoReg 1201–1208). 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 Conservation Commission received two thousand one hundred forty-nine (2,149) general comments on all proposed changes pertaining to captive cervid facilities, twelve thousand five hundred seventy-eight (12,578) comments regarding proposed changes to fencing standards for captive cervid facilities, one (1) comment regarding removal of the exemption to hold white-tailed deer, mule deer, and their hybrids at temporary exhibits or auction houses, one (1) recommendation from Department of Conservation staff regarding additional fencing specifications, and sixty-two (62) comments on whether the proposed fencing standards contained in 3 CSR 10-9.220(3) should be applied to all existing permittees. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received one thousand nine hundred and ninety-five (1,995) comments from individuals who expressed general support for stricter regulation of the captive cervid industry. **RESPONSE:** The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: The commission received one hundred fifty-four (154) comments in general opposition to all proposed changes.

RESPONSE: The commission appreciates citizen input on this topic. No changes to the rule have been made as a result of these comments.

COMMENTS: Eleven thousand three hundred twenty-eight (11,328) comments were received in support of improved fencing standards.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: One thousand two hundred fifty (1,250) individuals submitted comments in opposition to the improved fencing standards.

RESPONSE: To the extent there were specific comments provided, the commission has addressed them below.

COMMENTS: One hundred five (105) individuals voiced opposition to the proposed changes, citing concerns regarding overregulation.

RESPONSE: The commission goes to great lengths to evaluate the importance and need for any regulation. Informing and/or educating the public are always considered first before any regulation is thoroughly vetted by the Department of Conservation. At times, however, the commission must adopt regulations to manage and/or protect the forest, fish, and wildlife of Missouri. Per its authority granted by the people and the *Missouri Constitution*, the commission follows a regulatory process that evaluates the science, internal input, and public input along with determining if there is absolutely any other option, such as public education, that can be taken rather than regulation. No changes have been made to the rule as a result of these comments.

COMMENTS: Sixteen (16) individuals expressed concern regarding diminished rights of private property owners.

RESPONSE: The commission disagrees that the regulation changes will diminish the rights of property owners. Property owners will continue to be able to use their property for breeding and/or hunting captive wildlife. The regulations are intended to reduce the risk of disease transmission between captive cervids and free-ranging deer via movement into and out of captive facilities. No changes have been made to the rule as a result of these comments.

COMMENTS: Forty (40) individuals questioned the science used to formulate the regulation changes.

RESPONSE: Chronic wasting disease (CWD) is transmitted by prions, which are abnormal proteins that attack the nervous system, and is always fatal to the infected animal. There is currently no approved live test for CWD, with the only approved test performed post-mortem. CWD is spread both directly from deer to deer and indirectly to deer from infected soil and other surfaces. The CWD prions accumulate in the brain, spinal cord, eyes, spleen, and lymph nodes of infected animals. Once well established in an area, CWD is impossible to eradicate. States with CWD must focus on limiting the spread of the disease and preventing its introduction to new areas. CWD could substantially reduce infected cervid populations by lowering adult survival rates and destabilizing long-term population dynamics. An example of active management limiting CWD is shown in Illinois where it has been kept at a low prevalence rate (annual prevalence rate of $0.94 \pm 0.23\%$; Manjerovic, M.B., M. L. Green, N. Mateus-Pinilla, and J. Novakofski, 2014. *The importance of localized culling in stabilizing chronic wasting disease prevalence in white-tailed deer populations*. Preventive Veterinary Medicine 113(2014):139-145). The department relied upon peer-reviewed scientific research, articles, and other studies in developing these regulations. No changes have been made to this rule as a result of these comments.

COMMENTS: Forty-three (43) individuals doubted the seriousness of the threat posed by CWD to Missouri's captive and free-ranging deer population.

RESPONSE: CWD is transmitted by prions, which are abnormal proteins that attack the nervous system, and is always fatal to the infected animal. There is currently no approved live test for CWD, with the only approved test performed post-mortem. CWD is spread both directly from deer to deer and indirectly to deer from infected soil and other surfaces. The CWD prions accumulate in the brain, spinal cord, eyes, spleen, and lymph nodes of infected animals. Once well established in an area, CWD is impossible to eradicate. States with CWD must focus on limiting the spread of the disease and preventing its introduction to new areas. CWD could substantially reduce infected cervid populations by lowering adult survival rates and destabilizing long-term population dynamics. No changes have been made to this rule as a result of these comments.

COMMENTS: Sixty (60) individuals voiced opposition due to their personal belief that wildlife should not be held captive or hunted behind fences.

RESPONSE: The commission has maintained regulatory oversight of deer breeders and big game hunting preserves since the inception of the Conservation Commission. No changes have been made to this rule as a result of these comments.

COMMENTS: Thirty-eight (38) comments were received from individuals that believe any privately-owned captive white-tailed deer, mule deer, or their hybrid held behind high fences should be considered "livestock."

RESPONSE: Captive deer have been considered wildlife and regulated by the Conservation Commission since the commission was created in 1937. White-tailed deer and mule deer are wild by nature, regardless of whether they have been raised in captivity. This is true for other wildlife held in captivity such as bears, mountain lions, timber rattlesnakes, and raccoons. This amendment simply codifies the commission's authority over captive wildlife that has been in place for over seventy-five (75) years. No changes have been made to this rule as a result of these comments.

COMMENTS: Thirty-one (31) individuals voiced concern that the changes would not promote and protect small business interests and alternative agriculture.

RESPONSE: The Department of Conservation's mission, as established by Missouri citizens in the *Missouri Constitution*, is to protect and manage the forest, fish, and wildlife resources of the state of Missouri. Consistent with that mission, the commission recognizes that Missouri's economy and quality of life are built on our forest, fish, and wildlife resources. More than \$11 billion is generated each year by conservation-related activities, such as hunting, fishing, wildlife watching, and forest products. In sum, business interests are advanced when the natural resources, including wildlife, are healthy and sustainable. The regulation changes are intended to reduce the risk of disease transmission, and so will have long term benefits for the economic interests that rely on deer breeding and hunting in Missouri. No changes have been made to this rule as a result of these comments.

COMMENTS: Eighteen (18) individuals opposing the proposed changes stated they believe that captive cervid owners will take appropriate measures and/or erect fences capable of holding the animals in order to protect their investment.

RESPONSE: Current requirements in the *Wildlife Code* have not been sufficient to prevent the over one hundred fifty (150) reported captive cervid escapes that have occurred over the last three (3) years. No changes have been made to this rule as a result of these comments.

COMMENTS: Seventeen (17) individuals expressed concern regarding the onerous cost of complying with the new rules.

RESPONSE AND EXPLANATION OF CHANGES: Members of the captive cervid industry have indicated that double fencing would

be cost prohibitive and unnecessary and argued that it would prohibit current permittees from passing on their business to their heirs, who could not afford double fencing. Based upon further analysis, if importation is banned and mandatory testing is required, any further reduction in risk associated with double fencing becomes less necessary as explained more fully below. Consequently, the commission has concluded that the risk associated with fencing will be adequately addressed through enhanced fencing standards and has removed the requirement for double fencing. It is important to point out that amendments to the rules that define the privileges of Class I, Class II, and Licensed Hunting Preserves require compliance with a Department of Conservation-approved disease response plan should a disease outbreak occur. A disease response plan may identify improved fencing requirements that may include a double fence approach.

COMMENT: Shawn Schafer, North Dakota, expressed opposition to the proposal to remove the exemption for white-tailed deer, mule deer, and their hybrids to be held in temporary exhibits and auction sites.

RESPONSE: Class I and Class II Wildlife Breeder Permits are also used by auction houses and other businesses that serve as "brokers" for cervids that are bought and sold. Many animals may move through facilities owned by these businesses and may be held in confined areas that have recently held animals from herds of variable disease status. Existing Wildlife Breeder Permit regulations were not designed to address such operations and may not adequately describe the conditions under which these businesses should be operated. No changes have been made to this rule as a result of this comment.

COMMENT: Department of Conservation staff recommend additional clarification of fencing specifications to include an option for use of woven wire fasteners (hog rings) when two (2) woven wire fences are combined. This modification to the original specifications will provide flexibility for operators needing to come into compliance with the new fencing standards.

RESPONSE AND EXPLANATION OF CHANGES: The commission agrees that the previous version may have been ambiguous and unclear. In an effort to ensure permit holders have objective criteria that will allow them to comply with the regulation and verify their properties are sufficiently secured, an option to use woven wire fasteners has been added to this rule.

The Conservation Commission invited the public to specifically comment on whether the proposed fencing standards contained in 3 CSR 10-9.220(3) should be applied to all existing permittees, and if so, what timeframe, if any, should be allowed for permittees to bring their facility into compliance with the proposed fencing standards. Sixty-two (62) individuals provided comments on this proposal.

COMMENT: Sixty (60) individuals requested that all existing captive cervid facilities be required to comply with the new regulations. None of those voicing opposition offered a specific timeframe for enforcement of new regulations for existing facilities.

RESPONSE AND EXPLANATION OF CHANGES: The commission's original fencing proposal was for double fencing of all new permittees. Existing facilities would be "grandfathered," and only required to double fence when the permit holder changed. Double fencing is preferred because it eliminates to the greatest possible extent the risk of disease transmission associated with animal movement out of and into the facility. The management of wildlife diseases focuses upon the ability to manage activities that heighten the risk of disease transmission. The commission's efforts to improve captive cervid regulations have two (2) primary anchor points. The greatest risk of disease transmission is movement of animals across the landscape. Consequently, closing Missouri's borders to interstate movement of cervid species is of primary importance. The second most important strategy to lessen the risk of disease transmission is to ensure all mortalities are tested for disease. When these two (2) risk

management strategies are implemented, the necessity of double fencing is reduced. The greater area of importance lies in reducing the risk of CWD moving into our state and finding it quickly, if it does, through mandatory disease testing. As a result of comments received, additional specifications related to materials and spacing of fences will apply to a single eight foot (8') fence for all facilities. Existing facilities will be required to comply with the new regulations by June 30, 2016.

COMMENT: Two (2) individuals voiced support for exempting existing facilities from compliance with improved fencing standards.
RESPONSE: The commission appreciates citizen input on this topic.

3 CSR 10-9.220 Wildlife Confinement Standards

(3) Cages, pens, or other enclosures of individuals permitted to hold cervids shall meet the standards and requirements provided in this section no later than June 30, 2016. New permits for holding cervids on or after January 30, 2015, will be limited to individuals who meet the following fencing and holding requirements:

(A) Cages, pens, or other enclosures.

1. All fencing shall extend at least a minimum of eight feet (8') high for its entire length, and consist of twelve and one-half (12 1/2) gauge woven wire, fourteen and one-half (14 1/2) gauge high-tensile woven wire, wood planks, or chain link. Strands of barbed wire shall not be used to achieve the maximum required height.

2. Spacing between vertical wires and wooden planks shall not exceed six and one-half inches (6 1/2").

3. If two (2) woven wire fences are combined, one (1) above the other, the woven wire fences shall be overlapped at least six inches (6") and firmly attached to each other at intervals no greater than three feet (3') or combined and firmly attached to each other at intervals no greater than six inches (6") apart with hog rings.

4. The fence bottoms shall be installed to provide not more than three inches (3") of ground clearance for its entire length.

(B) Right-of-way.

1. The fence right-of-way shall be cleared for a minimum distance of six feet (6') on the outside of the fence on land(s) under his/her control and six feet (6') on the inside of the fencing.

2. The permit holder shall fell all dead trees with a height greater than the distance to the fence on land(s) under his/her control.

(C) Fence posts.

1. Fence posts shall extend at least a minimum of eight feet (8') high and shall be of sufficient strength to maintain fence integrity.

2. Pine wood posts shall be treated.

3. Wood and steel pipe posts shall be set to a minimum depth of three feet (3').

4. Metal T-posts shall be installed according to manufacturers' specifications.

5. Metal U-posts shall be of a sufficient strength to support the fence.

(D) Line posts.

1. Wooden line posts shall be a minimum of four inches (4") in diameter and shall not be spaced more than twenty-four feet (24') apart.

2. Steel pipe line posts shall—

A. Be a minimum of two and three-eighths inches (2 3/8") in outside diameter; and

B. Not spaced more than twenty-four feet (24') apart.

3. Metal "T" and "U" line posts shall be spaced no more than twenty feet (20') apart.

4. If the woven wire is not high tensile, there shall be a wooden or steel pipe post every sixty feet (60').

5. Line braces shall be used at least every one thousand feet (1000') of straight line distance and, if necessary, at shorter intervals to sufficiently support the fence.

(E) Corner and end posts.

1. Wooden corner and end posts shall be a minimum of five inches (5") in diameter.

2. Steel pipe corner and end posts shall be a minimum of two and seven-eighths inches (2 7/8") in outside diameter.

3. Corner and end posts of other materials shall be of sufficient strength to maintain fence integrity and must be approved by the department prior to installation.

4. Corner and end posts must be set in concrete and braced in a manner to sufficiently support the fence.

(F) Gates shall be—

1. Constructed to meet the specifications of the fence;

2. Equipped with at least one (1) latching and one (1) locking device; and

3. Gate support posts must be braced in a manner to sufficiently support the fence.

(G) Water gaps and stream crossings.

1. Swinging water gaps and stream crossings shall be constructed to equal or exceed the standards of the fence.

2. These crossings shall be adequate to prevent ingress and egress during high water.

3. Permissible water gaps are as follows:

A. Swinging gates constructed to match the contour of the stream supported by a galvanized steel cable or hinge. Cable shall be a minimum of five-eighths inch (5/8") in diameter;

B. Pipe with swinging barrier;

C. Pipe with fixed mesh barrier; and

D. Heavy gauge woven barrier contoured to fit the gap.

(H) If topographic, natural, or other conditions exist that enable cervids to pass through, under, or over the fence, the permit holder shall be required to supplement the fence with additional, stronger or higher fence posts, special grading, additional wire to increase fence height, or other measures to prevent escape.

(I) Fencing shall be maintained in a condition to prevent an escape at all times.

REVISED PRIVATE COST: The aggregate private entities costs will range from two million two hundred thirty-eight thousand nine hundred seventy-one (\$2,238,971) to two hundred twenty-seven thousand four hundred eighty-nine (\$227,489) for big game hunting preserves and a range of two hundred thirty-one thousand three hundred seventy-nine (\$231,379) to twenty-nine thousand eight hundred seventy-nine (\$29,879) for Class I and Class II wildlife breeders that hold white-tailed deer, mule deer, or their hybrids to come into compliance for clarification of this rule. The actual aggregate cost will vary with the actual size of each facility, location, type of repair or upgrade, and the number of facilities needing to repair or upgrade their fences. The aggregate cost will also vary with inflation and market.

**REVISED FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 9 Confined Wildlife: Privileges, Permits, Standards
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-9.220 Wildlife Confinement Standards

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
See Table 1	See Table 1	See Table 1

III. WORKSHEET

Table 1. Aggregate cost¹ for a range of fence repair costs by a number range of facilities that require repair of their eight foot (8') fence.

Percentage of Total Number of Facilities Requiring Repair (Number of Facilities)	Range of Cost for Fence Repair			Total
	\$1.00	\$2.50	\$5.00	
Big Game Hunting Preserves				
75% (33)				
(11)	\$ 263,408			
(11)		\$ 658,521		
(11)			\$ 1,317,042	\$ 2,238,971
50% (22)				
(8)	\$ 191,570			
(7)		\$ 419,059		
(7)			\$ 838,118	\$ 1,448,746
25%(11)				
(4)	\$ 95,785			
(4)		\$ 239,462		
(3)			\$ 359,193	\$ 694,440

Table 1. Continued.

Percentage of Total Number of Facilities Requiring Repair (Number of Facilities)	Range of Cost for Fence Repair		
	\$1.00	\$2.50	\$5.00
Big Game Hunting Preserves			
10%(4)			
(2)	\$ 47,892		
(1)		\$ 59,866	
(1)			\$ 119,731
			\$ 227,489
Class I and Class II Wildlife Breeders			
75% (166)			
(56)	\$ 27,657		
(55)		\$ 67,907	
(55)			\$ 135,815
			\$ 231,379
50% (111)			
(37)	\$ 18,273		
(37)		\$ 45,683	
(37)			\$ 91,366
			\$ 155,323

Table 1. Continued.

Percentage of Total Number of Facilities Requiring Repair (Number of Facilities)	Range of Cost for Fence Repair			Total
	\$1.00	\$2.50	\$5.00	
Class I and Class II Wildlife Breeders				
25%(55)				
(19)	\$ 27,163			
(18)		\$ 22,224		
(18)			\$ 44,449	\$ 93,836
10%(22)				
(8)	\$ 3,951			
(7)		\$ 8,643		
(7)			\$ 17,286	\$ 29,879

Calculation used for each aggregate cost: {(Number of Facilities)(Fence Length for a Facility)*[\$]} = Aggregate Cost

IV. ASSUMPTIONS

We assume it is unlikely that any existing facility that meets the current standard of an escape-proof 8 foot (8') fence will have to completely rebuild the entire fence. We assume that 75% or less of Class I and Class II wildlife breeders and big game hunting preserves need some form of repair for their fences to come into compliance for clarification of this rule. The assumption of 75% was indicated from field inspections performed by conservation agents. Furthermore, based on indications from conservation agent inspections, repairs to meet the clarification of this rule will vary by facility but do not seem to be extensive. Therefore, we have assumed the current facilities will have a range of repairs to make to the existing fence. Since it is unknown the specific extent of the repair required for each facility. We provide three costs (\$1.00, \$2.50, and \$5.00 per foot) to reflect the range of potential repair costs. We also provide a range for the number of facilities (33, 22, 11, and 4 big game hunting preserves; 166, 111, 55, and 22 Class I and Class II wildlife breeders that hold white-tailed deer, mule deer, or their hybrids) to reflect the range in the number of facilities requiring varying levels of repair. A square 12,875 square foot (ft²) facility (minimum square footage for 100 deer) is assumed for a Class I and Class II wildlife breeder permitted to hold white-tailed deer, mule deer, or their hybrids. The average self-reported size for big game hunting preserves was 820 acres for 2014. For the purpose of these calculations we also assumed the preserves were square in shape. We assume the total number of Class I and Class II wildlife breeders holding white-tailed deer, mule deer, or their hybrids and big game hunting preserves to be 221 and 44, respectively as of February 2014. There is no estimate provided for fences of new facilities as the proposed amendment is a clarification of the fencing specifications of the eight foot fence that is currently required.

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

ORDER OF RULEMAKING

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

3 CSR 10-9.353 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2014 (39 MoReg 1209–1215). 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 Conservation Commission received two thousand one hundred forty-nine (2,149) general comments on all proposed changes pertaining to captive cervid facilities, twelve thousand five hundred fifty-six (12,556) comments regarding a proposal to ban importation of live white-tailed deer, mule deer, and their hybrids, twelve thousand five hundred ninety-one (12,591) comments regarding the proposed change that would require Class I and Class II wildlife breeders to test all mortalities of white-tailed deer, mule deer, and their hybrids that are older than six (6) months of age for chronic wasting disease (CWD) and to report confirmed positive disease results to the Department of Conservation, to comply with a mandatory herd disease response plan approved by the department in the event that CWD is discovered, and establishes a stipulation that the department can require additional disease sampling and testing during disease investigations or morbidity/mortality events. The commission also received fourteen (14) comments regarding the proposed ban on construction of any new Class I and Class II wildlife breeding facilities for white-tailed deer, mule deer, and their hybrids within twenty-five (25) miles of a location where CWD-positive animals have been confirmed by the department, one (1) comment on the potential difficulty of retaining records for fifteen (15) years, one (1) comment regarding removal of the exemption to hold white-tailed deer, mule deer, and their hybrids at temporary exhibits or auction houses, and one (1) comment from Department of Conservation staff regarding testing requirements. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received one thousand nine hundred and ninety-five (1,995) comments from individuals who expressed general support for stricter regulation of the captive cervid industry.
RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: The commission received one hundred fifty-four (154) comments in general opposition to all proposed changes.
RESPONSE: The commission appreciates citizen input on this topic. No changes to the rule have been made as a result of these comments.

COMMENTS: The commission received eleven thousand thirty-one (11,031) comments in support of the proposal to ban importation of live white-tailed deer, mule deer, and their hybrids.
RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: One thousand five hundred twenty-five (1,525) individuals submitted comments in opposition to the ban on importation.

RESPONSE: To the extent there were specific comments provided, the commission has addressed them below.

COMMENTS: One hundred eight (108) individuals who expressed opposition to the proposal to ban importation cited concerns regarding overregulation.

RESPONSE: The commission goes to great lengths to evaluate the importance and need for any regulation. Informing and/or educating the public are always considered first before any regulation is thoroughly vetted by the Department of Conservation. At times, however, the commission must adopt regulations to manage and/or protect the forest, fish, and wildlife of Missouri. Per its authority granted by the people and the *Missouri Constitution*, the Conservation Commission follows a regulatory process that evaluates the science, internal input, and public input along with determining if there is absolutely any other option, such as public education, that can be taken rather than regulation. No changes to the rule have been made as a result of these comments.

COMMENTS: Twenty-five (25) individuals who expressed opposition to the proposal to ban importation cited concerns regarding diminished rights of private property owners.

RESPONSE: The commission disagrees that the proposed regulation diminishes the rights of property owners. Property owners will continue to be able to use their property for breeding and/or hunting captive wildlife. No changes to the rule have been made as a result of these comments.

COMMENTS: Seventeen (17) individuals who expressed opposition to the proposal to ban importation cited concerns regarding the onerous cost of complying with the new rules.

RESPONSE: The commission disagrees that there will be a cost associated with this change. Breeders have access to animals from facilities within Missouri and the importation of semen will still be allowed. No changes to the rule have been made as a result of these comments.

COMMENTS: Thirty (30) individuals who expressed opposition to the proposal to ban importation cited the need to promote and protect small business interests and alternative agriculture.

RESPONSE: The Department of Conservation's mission, as established by Missouri citizens in the *Missouri Constitution*, is to protect and manage the forest, fish, and wildlife resources of the state of Missouri. Consistent with that mission, the commission recognizes that Missouri's economy and quality of life are built on our forest, fish, and wildlife resources. More than \$11 billion is generated each year by conservation-related activities, such as hunting, fishing, wildlife watching, and forest products. Furthermore, twelve thousand (12,000) Missouri jobs and hundreds of businesses and communities depend on the approximately \$1 billion boost in economic activity related to deer hunting and watching that is supported by five hundred twenty thousand (520,000) deer hunters, millions of wildlife watchers, and thousands of landowners. In sum, business interests are advanced when the natural resources, including wildlife, are healthy and sustainable. These regulations are intended to reduce the risk of disease transmission, and so will have long term benefits for the economic interests that rely on deer breeding and hunting in Missouri. No changes to the rule have been made as a result of these comments.

COMMENTS: Thirty-nine (39) individuals who expressed opposition to the proposal to ban importation questioned the science used to formulate the regulations.

RESPONSE: CWD is transmitted by prions, which are abnormal proteins that attack the nervous system, and is always fatal to the infected animal. There is currently no approved live test for CWD, with the only approved test performed post-mortem. CWD is spread both directly from deer to deer and indirectly to deer from infected

soil and other surfaces. The CWD prions accumulate in the brain, spinal cord, eyes, spleen, and lymph nodes of infected animals. Once well established in an area, CWD is impossible to eradicate. States with CWD must focus on limiting the spread of the disease and preventing its introduction to new areas. CWD could substantially reduce infected cervid populations by lowering adult survival rates and destabilizing long-term population dynamics. An example of active management limiting CWD is shown in Illinois where it has been kept at a low prevalence rate (annual prevalence rate of $0.94 \pm 0.23\%$; Manjerovic, M.B., M. L. Green, N. Mateus-Pinilla, and J. Novakofski, 2014. *The importance of localized culling in stabilizing chronic wasting disease prevalence in white-tailed deer populations*. Preventive Veterinary Medicine 113(2014):139-145.). The department relied upon peer-reviewed scientific research, articles, and other studies in developing these regulations. No changes have been made to this rule as a result of these comments.

COMMENTS: Fifty-four (54) individuals who expressed opposition to the proposal to ban importation questioned the seriousness of the threat CWD poses to Missouri's deer population.

RESPONSE: CWD is transmitted by prions, which are abnormal proteins that attack the nervous system, and is always fatal to the infected animal. There is currently no approved live test for CWD, with the only approved test performed post-mortem. CWD is spread both directly from deer to deer and indirectly to deer from infected soil and other surfaces. The CWD prions accumulate in the brain, spinal cord, eyes, spleen, and lymph nodes of infected animals. Once well established in an area, CWD is impossible to eradicate. States with CWD must focus on limiting the spread of the disease and preventing its introduction to new areas. CWD could substantially reduce infected cervid populations by lowering adult survival rates and destabilizing long-term population dynamics. No changes have been made to this rule as a result of these comments.

COMMENTS: Fourteen (14) individuals who expressed opposition to the proposal to ban importation noted that deer routinely migrate across state lines and a ban on importation would be ineffective.

RESPONSE: The commission recognizes that deer migrate across state lines; however, there are two (2) factors to consider in regards to white-tailed deer migrating across state lines. First, although free-ranging white-tailed deer do not recognize state boundaries, they also do not typically traverse several states in their lifetimes; that is, any movement of free-ranging animals will be from neighboring states. Although it is true that some of our neighboring states have confirmed CWD in their free-ranging herds, the cessation of any anthropogenic movement will greatly decrease the risk of disease introduction. Second, we have to remember the relative risk associated with the individual animals. Typical home ranges sizes of adult male white-tailed deer are one (1) to two (2) square miles with one (1) time dispersal distances less than twenty-five (25) miles. Therefore, only the deer within a small geographic area around Missouri's border could be reasonably expected to potentially move into the state. However, this is not true when dealing with human-aided movement of captive cervids which cross multiple states in the matter of days or hours. No changes to the rule have been made as a result of these comments.

COMMENTS: Ninety-three (93) individuals who expressed opposition to the proposal to ban importation voiced strong support for allowing importation of animals that had been quarantined and tested for CWD prior to entering Missouri.

RESPONSE: CWD is unique in its ability to elude diagnostics. Mandatory disease testing of mortalities and double fencing are risk mitigation measures, but neither will address the risk of disease introduction from imported animals. A ban on importation is the best proactive action to take without an effective and reliable live animal test. Without an accepted live animal test for CWD, no animal can be tested prior to importation. The current disease testing program

only assesses that there is a low-risk of a herd having CWD because it relies on the testing of dead deer from the herd and cannot assess the status of individual animals. No changes to the rule have been made as a result of these comments.

COMMENTS: Ten (10) individuals voiced support for allowing importation of animals to improve the genetics of Missouri's free-ranging white-tailed deer herd.

RESPONSE: The intent of this rule is to ban importation of captive white-tailed deer, mule deer, and their hybrids; these animals will not be released into Missouri's free-ranging white-tailed deer herd and will have no effect on the genetics of the herd. No changes to the rule have been made as a result of these comments.

COMMENTS: Six (6) individuals voiced support for allowing importation of animals to improve the genetics of captive herds.

RESPONSE: There are over two hundred (200) breeders currently permitted to hold white-tailed deer in Missouri, these facilities offer ample opportunities for genetic diversity. In addition, importation of semen will still be allowed. No changes to the rule have been made as a result of these comments.

COMMENTS: Twenty-two (22) individuals suggested that the captive cervid industry should be allowed to import animals based on the fact that the Department of Conservation imported elk for a restoration project.

RESPONSE: Elk brought from Kentucky by the Department of Conservation for restoration purposes were determined to be of low risk for CWD; a status given to the herd by the U.S. Department of Agriculture (USDA). With the help of the Missouri Department of Agriculture, the department developed health testing requirements that are more stringent than those required to move captive cervids into Missouri. For example, the health protocol for the elk restoration required a minimum ninety- (90-) day quarantine with multiple tests for nine (9) different pathogens and diseases prior to transport. The animals were monitored with video surveillance around the clock, and any disease suspects were quarantined and/or culled and submitted for a full necropsy by a board-certified pathologist at the University of Kentucky. Further, Kentucky has no known cases of CWD in either captive or free-ranging cervids. The surveillance history of these populations was reviewed and approved by both the state and federal agriculture departments. The source herd in Kentucky is currently the only free-ranging herd in the country to have achieved "low-risk status" for CWD by the USDA. This status is a federal requirement for the interstate movement of cervids captured from the wild, in accordance with the federal CWD rule. Finally, all elk were tested for CWD using a live-animal rectal mucosal biopsy. This test has a very high specificity, which means that we can be confident in a positive result. If any of the elk tested positive on the rectal mucosal biopsy, the protocol required the entire herd to be culled and tested. While this test is not approved as an official test for CWD, it was an additional safeguard and an important part of the comprehensive disease surveillance program. The Department of Conservation's elk health protocol requires all testable elk carcasses recovered in Missouri to be submitted for CWD surveillance. To date, CWD has not been found in a Missouri elk. No changes to the rule have been made as a result of these comments.

COMMENTS: The commission received eleven thousand seven hundred eighty-nine (11,789) comments in support of the proposed change that would require Class I and Class II wildlife breeders to test all mortalities of white-tailed deer, mule deer, and their hybrids that are older than six (6) months of age for chronic wasting disease and to report confirmed positive disease results to the Department of Conservation, to comply with a mandatory herd disease response plan approved by the department in the event that CWD is discovered, and establishes a stipulation that the department can require

additional disease sampling and testing during disease investigations or morbidity/mortality events.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: Eight hundred two (802) individuals submitted comments in opposition to revised testing requirements.

RESPONSE: To the extent there were specific comments provided, the commission has addressed them below.

COMMENTS: Seventeen (17) individuals who expressed opposition to proposed changes argued that current regulations require them to test one hundred percent (100%) of the mortalities that occur inside their facilities while the Department of Conservation does not test free-ranging animals to the same extent.

RESPONSE: While the Department of Conservation does not test to the same extent in the free-ranging deer population, there are several issues to consider. It is important to realize that captive and free-ranging wildlife present different challenges with disease detection. Both the testing in captive facilities and the testing of free-ranging deer are designed to reach sample sizes to reasonably detect CWD if it is present. Captive facilities that participate in the voluntary program are required to test one hundred percent (100%) because of the relatively few deer that die within a facility on an annual basis. If there was a live animal test for CWD, we could annually assess the status of the herd as with other regulated diseases such as tuberculosis and brucellosis. Only testing mortalities greatly limits the number of deer that are tested within a facility; therefore, in the absence of an approved live animal test we must ensure that a sufficient number of deer are tested to reasonably detect the disease. While deer breeders typically make every reasonable effort to test all mortalities, some carcasses are not discovered in time to be tested. Further, not all breeders take part in the U.S. Department of Agriculture-approved CWD herd certification program as it is voluntary. Finally, once an animal is moved to a hunting preserve it is not required to be tested under the guidelines of the U.S. Department of Agriculture-approved CWD herd certification program; animals that are moved to big game hunting preserves often die with an unknown disease status. No changes to the rule have been made as a result of these comments.

COMMENTS: Seventy-three (73) individuals who expressed opposition to proposed testing requirements cited concerns regarding overregulation.

RESPONSE: The commission goes to great lengths to evaluate the importance and need for any regulation. Informing and/or educating the public are always considered first before any regulation is thoroughly vetted by the Department of Conservation. At times, however, the commission must adopt regulations to manage and/or protect the forest, fish, and wildlife of Missouri. Per its authority granted by the people and the *Missouri Constitution*, the Conservation Commission follows a regulatory process that evaluates the science, internal input, and public input along with determining if there is absolutely any other option, such as public education, that can be taken rather than regulation. No changes to the rule have been made as a result of these comments.

COMMENTS: Seventeen (17) individuals who expressed opposition to proposed testing requirements voiced concern regarding diminished rights of private property owners,

RESPONSE: The commission disagrees that the proposed regulation diminishes the rights of property owners. Property owners will continue to be able to use their property for breeding and/or hunting captive wildlife. No changes to the rule have been made as a result of these comments.

COMMENTS: Eleven (11) individuals who expressed opposition to proposed testing requirements citing the onerous cost of complying with the new rules.

RESPONSE: Permit holders that are currently active in the U.S. Department of Agriculture-approved CWD herd certification program already test deer mortalities and assume the costs related to that testing. The additional costs related to testing deer from six (6) months old to twelve (12) months old are not considered burdensome because it is assumed few deer would die, on average, in that age class. The largest portion of the entity cost estimate for 3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders was in regards to those permit holders who do not already participate in the U.S. Department of Agriculture-approved CWD herd certification program, which is approximately thirty-two percent (32%) of the Class I wildlife breeders that hold white-tailed deer, mule deer, or their hybrids. Testing and enrolling herds in the U.S. Department of Agriculture-approved CWD herd certification program is necessary to reduce disease risk for the captive and free-ranging herds of this state. No changes to the rule have been made as a result of these comments.

COMMENTS: Twelve (12) individuals who expressed opposition to proposed testing requirements cited the need to promote and protect small business interests and alternative agriculture.

RESPONSE: The Department of Conservation's mission, as established by Missouri citizens in the *Missouri Constitution*, is to protect and manage the forest, fish, and wildlife resources of the state of Missouri. Consistent with that mission, the commission recognizes that Missouri's economy and quality of life are built on our forest, fish, and wildlife resources. More than \$11 billion is generated each year by conservation-related activities, such as hunting, fishing, wildlife watching, and forest products. Furthermore, twelve thousand (12,000) Missouri jobs and hundreds of businesses and communities depend on the approximately \$1 billion boost in economic activity related to deer hunting and watching that is supported by five hundred twenty thousand (520,000) deer hunters, millions of wildlife watchers, and thousands of landowners. In sum, business interests are advanced when the natural resources, including wildlife, are healthy and sustainable. These regulations are intended to reduce the risk of disease transmission, and so will have long term benefits for the economic interests that rely on deer breeding and hunting in Missouri. No changes to the rule have been made as a result of these comments.

COMMENTS: Twenty-three (23) individuals who expressed opposition to proposed testing requirements questioned the science used to formulate the regulation changes.

RESPONSE: CWD is transmitted by prions, which are abnormal proteins that attack the nervous system, and is always fatal to the infected animal. There is currently no approved live test for CWD, with the only approved test performed post-mortem. CWD is spread both directly from deer to deer and indirectly to deer from infected soil and other surfaces. The CWD prions accumulate in the brain, spinal cord, eyes, spleen, and lymph nodes of infected animals. Once well established in an area, CWD is impossible to eradicate. States with CWD must focus on limiting the spread of the disease and preventing its introduction to new areas. CWD could substantially reduce infected cervid populations by lowering adult survival rates and destabilizing long-term population dynamics. An example of active management limiting CWD is shown in Illinois where it has been kept at a low prevalence rate (annual prevalence rate of $0.94 \pm 0.23\%$; Manjerovic, M.B., M. L. Green, N. Mateus-Pinilla, and J. Novakofski, 2014. *The importance of localized culling in stabilizing chronic wasting disease prevalence in white-tailed deer populations*. Preventive Veterinary Medicine 113(2014):139-145.). The department relied upon peer-reviewed scientific research, articles, and other studies in developing these regulations. No changes have been made to this rule as a result of these comments.

COMMENTS: Thirty-eight (38) individuals who expressed opposition to proposed testing requirements questioned the seriousness of the threat CWD poses to Missouri's deer population.

RESPONSE: CWD is transmitted by prions, which are abnormal proteins that attack the nervous system, and is always fatal to the infected animal. There is currently no approved live test for CWD, with the only approved test performed post-mortem. CWD is spread both directly from deer to deer and indirectly to deer from infected soil and other surfaces. The CWD prions accumulate in the brain, spinal cord, eyes, spleen, and lymph nodes of infected animals. Once well established in an area, CWD is impossible to eradicate. States with CWD must focus on limiting the spread of the disease and preventing its introduction to new areas. CWD could substantially reduce infected cervid populations by lowering adult survival rates and destabilizing long-term population dynamics. No changes have been made to this rule as a result of these comments.

COMMENTS: The commission received ten (10) comments supporting a ban on construction of any new Class I and Class II wildlife breeding facilities for white-tailed deer, mule deer, and their hybrids within twenty-five (25) miles of a location where CWD-positive animals have been confirmed by the department.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: Shawn Schafer, North Dakota; Brent Bolzenius, Jackson Co.; Lawrence Province, Warrensburg, and William Sheldon, High Ridge, voiced opposition to the ban on construction of new Class I and Class II wildlife breeding facilities within twenty-five (25) miles of a location where CWD-positive animals have been confirmed, stating that the twenty-five (25) mile boundary is arbitrary.

RESPONSE AND EXPLANATION OF CHANGES: This change was intended to reduce the risk of exposing more deer to the disease, which could then spread throughout the state. Published peer-reviewed studies have found that, on average, most deer do not disperse more than approximately twenty-five (25) to thirty (30) miles (Nixon, C. et al. 2007. *White-Tailed Deer Dispersal Behavior in an Agricultural Environment*. American Midland Naturalist, 157:212-220.; Diefenbach, D. et al. 2008. *Modeling Distribution of Dispersal Distances in Male White-Tailed Deer*. Journal of Wildlife Management, 72:1296-1303.). The Conservation Commission recognizes that five (5) years has been used as a quarantine period within the U.S. Department of Agriculture-approved CWD herd certification program and changes have been incorporated to reflect that with regards to new facilities within twenty-five (25) miles of a CWD positive confirmed by the department.

COMMENT: Shawn Schafer, North Dakota, expressed opposition to the proposed requirement for captive cervid facilities to retain records for fifteen (15) years.

RESPONSE AND EXPLANATION OF CHANGES: The Conservation Commission recognizes the potential difficulty of retaining records for fifteen (15) years and has incorporated changes to the rule to reflect a more common period of record retention found in veterinarian practices, five (5) years.

COMMENT: Shawn Schafer, North Dakota, expressed opposition to the proposal to remove the exemption for white-tailed deer, mule deer, and their hybrids to be held in temporary exhibits and auction sites.

RESPONSE: Class I and Class II Wildlife Breeder Permits are also used by auction houses and other businesses that serve as "brokers" for cervids that are bought and sold. Many animals may move through facilities owned by these businesses and may be held in confined areas that have recently held animals from herds of variable disease status. Existing Wildlife Breeder Permit regulations were not designed to address such operations and may not adequately describe the conditions under which these businesses should be operated. No changes have been made to this rule as a result of this comment.

COMMENT: Department of Conservation staff recommend additional changes to testing requirements to reduce the financial burden on permit holders in the event of a mass casualty/mortality event.

RESPONSE AND EXPLANATION OF CHANGES: The commission recognizes there are circumstances not under the control of the permit holder that may lead to a mass casualty/mortality event and these mass casualty/mortality events may be burdensome on the permit holder. As a result, the Conservation Commission will delegate authority to the Director of the Department of Conservation to exempt permit holders from this rule due to a mass casualty/mortality event under certain circumstances as specified in paragraphs (17)(A)1. and (17)(A)2. of the amended rule below.

3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders

(17) Except as provided in this section, the holder of a Class I or Class II wildlife breeder permit shall have an accredited veterinarian collect and submit samples from all known cases of mortality for cervids over six (6) months of age to a United States Department of Agriculture approved laboratory for Chronic Wasting Disease testing. The department reserves the right to require additional sampling and testing during disease investigations or morbidity/mortality events. Animal health standards and movement activities shall comply with all state and federal regulations. The holder of a Class I or Class II wildlife breeder permit must maintain participation in a United States Department of Agriculture-approved Chronic Wasting Disease-herd certification program to hold white-tailed deer, white-tailed deer-hybrids, mule deer, or mule deer-hybrids; failure to participate and comply with the certification program may result in the suspension or revocation of permit privileges.

(A) In the event of a mass casualty/mortality event, the director of the department may exempt the holder of a Class I or Class II wildlife breeder permit from the Chronic Wasting Disease testing requirements within this rule. The following conditions apply:

1. All mass casualty/mortality event exemption requests must originate from an accredited veterinarian and must be verbally reported to a conservation agent, regional protection supervisor, or the state wildlife veterinarian of the department.

2. The department will have access to collect and submit disease samples from all known cases of mortality for cervids, pertaining to, and in the event of a mass casualty/mortality event.

(18) Confirmed positive results from any disease test for a white-tailed deer, white-tailed deer-hybrids, mule deer, or mule deer-hybrids must be verbally reported by the permit holder to a conservation agent or regional protection supervisor of the department within twenty-four (24) hours of receiving the report and provide a copy of the testing report to the state wildlife veterinarian of the department within seventy-two (72) hours of receiving the report. In the event of confirmed positive results from a Chronic Wasting Disease test, the permit holder shall comply with a herd disease response plan approved by the department. The plan may include, but not be limited to, quarantine requirements, testing and depopulation, premises cleaning and disinfection, additional fencing requirements, and restocking guidelines. Failure to comply with an approved herd disease response plan may result in the suspension or revocation of permit privileges.

(19) All white-tailed deer, white-tailed deer-hybrids, mule deer, or mule deer-hybrids acquired by a permit holder must be individually identified on a Breeder's Movement Certificate or a Certificate of Veterinary Inspection. A Breeder's Movement Certificate may be completed by the breeder. The form must list the official identification, age, gender, species, complete address of both the origin and destination, and complete address and name of both the buyer and seller. The original form must accompany the shipment and a copy shall be maintained by the herd of origin for at least five (5) years.

Sources for white-tailed deer, white-tailed deer-hybrids, mule deer, or mule deer-hybrids must be enrolled in a United States Department of Agriculture-approved Chronic Wasting Disease-herd certification program.

(20) New permits for Class I and Class II wildlife breeding facilities for white-tailed deer, white-tailed deer-hybrids, mule deer, or mule deer-hybrids will not be issued for a period of five (5) years within twenty-five (25) miles of a location where Chronic Wasting Disease-positive animal(s) have been confirmed by the department.

REVISED PUBLIC COST: This amendment will cost the Department of Conservation up to an estimated nine thousand three hundred fifty-five dollars (\$9,355) in aggregate for expenses in development of an initial training packet and exam and for collection of disease sample from exemption events. It is anticipated the cost of developing a training packet and exam may recur as needed during the life of the rule. It is anticipated the cost for disease sampling to recur during the life of the rule. The cost of the exemption events will vary with changes in testing costs; and the number of events and the number of deer in the event per year with both aspects impossible to forecast with high accuracy.

FISCAL NOTE
 PUBLIC ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 9 Confined Wildlife: Privileges, Permits, Standards
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
A) Missouri Department of Conservation	A) Exam: \$7,377
B) Missouri Department of Conservation	B) Exemption Testing: \$1,978
	Total: \$9,355

III. WORKSHEET

A) Exam:
 $\{[(\$47.28 \text{ per hour labor cost}) \times (80 \text{ hours to develop training packet and create exam})] + [(218 \text{ Class I Wildlife Breeder permits that hold white-tailed deer, white-tailed deer-hybrids, mule deer, or mule deer-hybrids}) \times (\$16.26 \text{ expense for training packet})]\} + [(3 \text{ Class II Wildlife Breeder permits that hold white-tailed deer, white-tailed deer-hybrids, mule deer, or mule deer-hybrids}) \times (\$16.26 \text{ expense for training packet})] =$

$$\{[\$3,783] + [\$3,545]\} + [\$49] =$$

\$7,377

B) Exemption Testing:
 $\{[(\$18.19 \text{ per hour labor cost}) \times (4 \text{ hours estimate for travel to collect sample}) \times (10 \text{ events estimated in an intermittent year})] + [(\$25.00 \text{ estimate cost for disease test}) \times (10 \text{ events estimated in an intermittent year}) \times (5 \text{ deer estimated to be tested per event})]\} =$

$$\{[\$728] + [\$1,250]\} =$$

\$1,978

IV. ASSUMPTIONS

A) Exam:
 We estimate staff need two work weeks for development of a training packet and exam. We assume the hourly rate of \$47.28 for two staff members and one hourly technician. We estimate a cost of single training packet of \$16.26. There were 218 Class I wildlife breeder and 3 Class II wildlife breeder permit holders as of February 2014.

B) Exemption Testing:
 We estimate staff need to work 4 hours to travel to a facility and collect disease samples. We assume the hourly rate of \$18.19 for one staff member. We estimate the cost of a single test at \$25. For the sake of this estimate, we assume 10 exemptions in an intermittent year. For the sake of this estimate, we assume five deer will be tested per event.

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

ORDER OF RULEMAKING

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

3 CSR 10-9.359 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2014 (39 MoReg 1216–1219). 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 Conservation Commission received two thousand one hundred forty-nine (2,149) general comments on all proposed changes pertaining to captive cervid facilities and seven (7) comments regarding a proposal to implement stricter record keeping requirements for all captive herds containing white-tailed deer, mule deer, and their hybrids. The commission also received fifty-nine (59) comments calling for a moratorium on all new captive cervid facilities in Missouri. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received one thousand nine hundred and ninety-five (1,995) comments from individuals who expressed general support for stricter regulation of the captive cervid industry. **RESPONSE:** The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: The commission received one hundred fifty-four (154) comments in general opposition to all proposed changes. **RESPONSE:** The commission appreciates citizen input on this topic. No changes to the rule have been made as a result of these comments.

COMMENTS: Dianne Heaton Kixmiller, Kansas City; Jerry Morehead, St. Louis; John George, Columbia; Michael Giliberto, Lebanon; Michael Guzy, Washington, and Stephen Taylor, Ellington, voiced support for the proposal to implement stricter record keeping requirements for all captive herds containing white-tailed deer, mule deer, and their hybrids. **RESPONSE:** The commission thanks those individuals who voiced support for the regulation changes.

COMMENT: Shawn Schafer, North Dakota, expressed opposition to stricter record keeping requirements that would require annual herd inventories to be conducted in the presence of and all herd records be signed by an attending accredited veterinarian. **RESPONSE:** At this time, only the herd inventory records require the signature of an accredited veterinarian. There is currently no approved live animal test for chronic wasting disease (CWD) and the presence of an accredited veterinarian during a herd inventory ensures proper evaluation of the health of the herd. Rigorous identification, health, and herd inventory records will also improve the Department of Conservation's ability to monitor white-tailed deer, white-tailed deer-hybrids, mule deer, or mule deer-hybrids in breeding facilities and to conduct effective disease investigations. If animals are moved from a facility, these records will be necessary to trace the animal in the future if CWD is located at that facility or at the facility to which the animal is transported. No changes to the rule have been made as a result of these comments.

COMMENT: Shawn Schafer, North Dakota, expressed opposition to the proposed requirement for captive cervid facilities to retain records for fifteen (15) years.

RESPONSE AND EXPLANATION OF CHANGES: The Conservation Commission recognizes the potential difficulty of retaining records for fifteen (15) years and has incorporated changes to the rule to reflect a more common period of record retention found in veterinarian practices, five (5) years.

COMMENTS: The commission received fifty-nine (59) comments calling for a moratorium on new facilities in Missouri.

RESPONSE: The commission appreciates citizen input on this topic. No changes to the rule have been made as a result of these comments.

3 CSR 10-9.359 Class I and Class II Wildlife Breeder: Records Required

(2) Each Class I and Class II wildlife breeder possessing white-tailed deer, white-tailed deer-hybrids, mule deer, or mule deer-hybrids will complete an annual physical herd inventory in the presence of an accredited veterinarian. Herd inventory records must be signed by the attending accredited veterinarian and must include the following for each animal: permanent physical identification, species, date of birth, gender, date of acquisition, complete address of source, complete address and name of current and previous owner, date of removal, destination of any animal removed, mortality date, cause of death (if known), official Chronic Wasting Disease test results for all white-tailed deer, white-tailed deer-hybrids, mule deer, or mule deer-hybrids six (6) months of age or older at time of death, and method and location of carcass disposal. These herd inventory records must be maintained to provide accountability for all purchases, sales, births, and mortality. These records and applicable state and federal animal health and movement records and permits for each animal shall be maintained on the premises of the wildlife breeder and shall be subject to inspection by an authorized agent of the department at any reasonable time for a period of at least five (5) years. All animals over six (6) months of age must be identified with an official ear tag or other United States Department of Agriculture approved identification device.

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

ORDER OF RULEMAKING

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

3 CSR 10-9.560 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2014 (39 MoReg 1220). 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 Conservation Commission received two thousand one hundred forty-nine (2,149) general comments on all proposed changes pertaining to captive cervid facilities, six (6) comments regarding propagation, holding in captivity, and hunting hogs within big game hunting preserves unless already approved by a specific date, and one (1) comment from Missouri Department of Conservation staff to clarify a specified date. A spreadsheet detailing comments received is available upon written

request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received one thousand nine hundred and ninety-five (1,995) comments from individuals who expressed general support for stricter regulation of the captive cervid industry. RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: The commission received one hundred fifty-four (154) comments in general opposition to all proposed changes. RESPONSE: The commission appreciates citizen input on this topic. No changes to the rule have been made as a result of these comments.

COMMENTS: Stuart Jump, Webster Co.; Bill Powell, Pike Co.; Fred Dannell, Gasconade Co.; John Maierhoffer, Bourbon, and Larry Horne, Odessa, expressed support for the proposal to disallow propagating, holding in captivity, and hunting hogs within big game hunting preserves unless already approved by a specific date. RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENT: Shawn Schafer, North Dakota, expressed opposition to the change regarding propagating, holding in captivity, and hunting of hogs within big game hunting preserves unless already approved by a specific date. Mr. Schafer indicated that hog hunting is a great sport and represents a stable market for many game ranches when other species are not in season. RESPONSE: The new rule does not affect those big game hunting preserves already approved to hold hogs and no changes to the rule have been made as a result of this comment.

COMMENT: Missouri Department of Conservation staff recommend that the date specified in Section (1) be corrected to reflect the anticipated effective date of this rule. RESPONSE AND EXPLANATION OF CHANGE: The date specified in Section (1) has been corrected to reflect the anticipated effective date of this rule.

3 CSR 10-9.560 Licensed Hunting Preserve Permit

(1) To maintain and operate a licensed hunting preserve and to buy, propagate, hold in captivity, hunt, and sell only legally obtained and captive-reared: pheasants, exotic partridges, quail, mallard ducks, and ungulates (hoofed animals), except hogs may only be propagated, held in captivity, and hunted on big game hunting preserves approved specifically for hogs by the department on or before January 30, 2015.

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

ORDER OF RULEMAKING

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

3 CSR 10-9.565 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2014 (39 MoReg 1220-1223). 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 Conservation Commission received two thousand one hundred forty-nine (2,149) general comments on all proposed changes pertaining to captive cervid facilities, twelve thousand five hundred fifty-six (12,556) comments regarding a proposal to ban importation of live white-tailed deer, mule deer, and their hybrids, twelve thousand five hundred ninety-one (12,591) comments regarding the proposed change that would require Class I and Class II wildlife breeders to test all mortalities of white-tailed deer, mule deer, and their hybrids that are older than six (6) months of age for chronic wasting disease (CWD) and to report confirmed positive disease results to the Department of Conservation, to comply with a mandatory herd disease response plan approved by the department in the event that CWD is discovered, and establishes a stipulation that the department can require additional disease sampling and testing during disease investigations or morbidity/mortality events. The commission also received fourteen (14) comments regarding the proposed ban on construction of any new Class I and Class II wildlife breeding facilities for white-tailed deer, mule deer, and their hybrids within twenty-five (25) miles of a location where CWD-positive animals have been confirmed by the department, one (1) comment on the potential difficulty of retaining records for fifteen (15) years, and one (1) comment from Department of Conservation staff regarding testing requirements. A reference to 3 CSR 10-9.220 Wildlife Confinement Standards was added to the rule to clarify fencing standards for Licensed Hunting Preserves. While no specific comments were received on the addition of the verbiage to this rule, comments regarding those changes to fencing standards are provided in the Order of Rulemaking for 3 CSR 10-9.220 Wildlife Confinement Standards. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received one thousand nine hundred and ninety-five (1,995) comments from individuals who expressed general support for stricter regulation of the captive cervid industry. RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: The commission received one hundred fifty-four (154) comments in general opposition to all proposed changes. RESPONSE: The commission appreciates citizen input on this topic. No changes to the rule have been made as a result of these comments.

COMMENTS: The commission received eleven thousand thirty-one (11,031) comments in support of the proposal to ban importation of all cervids into big game hunting preserves. RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: One thousand five hundred twenty-five (1,525) individuals submitted comments in opposition to the ban on importation of all cervids into big game hunting preserves. RESPONSE: To the extent there were specific comments provided, the commission has addressed them below.

COMMENTS: One hundred eight (108) individuals who expressed opposition to the proposed ban on importation cited concerns regarding overregulation.

RESPONSE: The commission goes to great lengths to evaluate the importance and need for any regulation. Informing and/or educating the public are always considered first before any regulation is thoroughly vetted by the Department of Conservation. At times, however, the commission must adopt regulations to manage and/or protect the forest, fish, and wildlife of Missouri. Per its authority granted by the people and the *Missouri Constitution*, the Conservation Commission follows a regulatory process that evaluates the science, internal input, and public input along with determining if there is absolutely any other option, such as public education, that can be taken rather than regulation. No changes to the rule have been made

as a result of these comments.

COMMENTS: Twenty-five (25) individuals who expressed opposition to the proposed ban on importation cited concerns regarding diminished rights of private property owners.

RESPONSE: The commission disagrees that the proposed regulation diminishes the rights of property owners. Property owners will continue to be able to use their property for breeding and/or hunting captive wildlife. No changes to the rule have been made as a result of these comments.

COMMENTS: Seventeen (17) individuals who expressed opposition to the proposed ban on importation cited concerns regarding the onerous cost of complying with the new rules.

RESPONSE: The commission doesn't agree that there will be a cost associated with this change. Breeders have access to animals from facilities within Missouri and the importation of semen will still be allowed. No changes to the rule have been made as a result of these comments.

COMMENTS: Thirty (30) individuals who expressed opposition to the proposed ban on importation cited the need to promote and protect small business interests and alternative agriculture.

RESPONSE: The Department of Conservation's mission, as established by Missouri citizens in the *Missouri Constitution*, is to protect and manage the forest, fish, and wildlife resources of the state of Missouri. Consistent with that mission, the commission recognizes that Missouri's economy and quality of life are built on our forest, fish, and wildlife resources. More than \$11 billion is generated each year by conservation-related activities, such as hunting, fishing, wildlife watching, and forest products. Furthermore, twelve thousand (12,000) Missouri jobs and hundreds of businesses and communities depend on the approximately \$1 billion boost in economic activity related to deer hunting and watching that is supported by five hundred twenty thousand (520,000) deer hunters, millions of wildlife watchers, and thousands of landowners. In sum, business interests are advanced when the natural resources, including wildlife, are healthy and sustainable. These regulations are intended to reduce the risk of disease transmission, and so will have long term benefits for the economic interests that rely on deer breeding and hunting in Missouri. No changes to the rule have been made as a result of these comments.

COMMENTS: Thirty-nine (39) individuals who expressed opposition to the proposed ban on importation questioned the science used to formulate the regulations.

RESPONSE: CWD is transmitted by prions, which are abnormal proteins that attack the nervous system, and is always fatal to the infected animal. There is currently no approved live test for CWD, with the only approved test performed post-mortem. CWD is spread both directly from deer to deer and indirectly to deer from infected soil and other surfaces. The CWD prions accumulate in the brain, spinal cord, eyes, spleen, and lymph nodes of infected animals. Once well established in an area, CWD is impossible to eradicate. States with CWD must focus on limiting the spread of the disease and preventing its introduction to new areas. CWD could substantially reduce infected cervid populations by lowering adult survival rates and destabilizing long-term population dynamics. An example of active management limiting CWD is shown in Illinois where it has been kept at a low prevalence rate (annual prevalence rate of $0.94 \pm 0.23\%$; Manjerovic, M.B., M. L. Green, N. Mateus-Pinilla, and J. Novakofski, 2014. *The importance of localized culling in stabilizing chronic wasting disease prevalence in white-tailed deer populations*. Preventive Veterinary Medicine 113(2014):139-145.). The department relied upon peer-reviewed scientific research, articles, and other studies in developing these regulations. No changes have been made to this rule as a result of these comments.

COMMENTS: Fifty-four (54) individuals who expressed opposition to the proposed ban on importation questioned the seriousness of the threat CWD poses to Missouri's deer population.

RESPONSE: CWD is transmitted by prions, which are abnormal proteins that attack the nervous system, and is always fatal to the infected animal. There is currently no approved live test for CWD, with the only approved test performed post-mortem. CWD is spread both directly from deer to deer and indirectly to deer from infected soil and other surfaces. The CWD prions accumulate in the brain, spinal cord, eyes, spleen, and lymph nodes of infected animals. Once well established in an area, CWD is impossible to eradicate. States with CWD must focus on limiting the spread of the disease and preventing its introduction to new areas. CWD could substantially reduce infected cervid populations by lowering adult survival rates and destabilizing long-term population dynamics. No changes have been made to this rule as a result of these comments.

COMMENTS: Fourteen (14) individuals who expressed opposition to the proposed ban on importation noted that deer routinely migrate across state lines and a ban on importation would be ineffective.

RESPONSE: The commission recognizes that deer migrate across state lines; however, there are two (2) factors to consider in regards to white-tailed deer migrating across state lines. First, although free-ranging white-tailed deer do not recognize state boundaries, they also do not typically traverse several states in their lifetimes; that is, any movement of free-ranging animals will be from neighboring states. Although it is true that some of our neighboring states have confirmed CWD in their free-ranging herds, the cessation of any anthropogenic movement will greatly decrease the risk of disease introduction. Second, we have to remember the relative risk associated with the individual animals. Typical home ranges sizes of adult male white-tailed deer are one (1) to two (2) square miles with one (1) time dispersal distances less than twenty-five (25) miles. Therefore, only the deer within a small geographic area around Missouri's border could be reasonably expected to potentially move into the state. However, this is not true when dealing with human-aided movement of captive cervids which cross multiple states in the matter of days or hours. No changes to the rule have been made as a result of these comments.

COMMENTS: Ninety-three (93) individuals who expressed opposition to the proposed ban on importation voiced strong support for allowing importation of animals quarantined and tested for CWD prior to entering Missouri.

RESPONSE: CWD is unique in its ability to elude diagnostics. Mandatory disease testing of mortalities and double fencing are risk mitigation measures, but neither will address the risk of disease introduction from imported animals. A ban on importation is the best proactive action to take without an effective and reliable live animal test. Without an accepted live animal test for CWD, no animal can be tested prior to importation. The current disease testing program only assesses that there is a low-risk of a herd having CWD because it relies on the testing of dead deer from the herd and cannot assess the status of individual animals. No changes to the rule have been made as a result of these comments.

COMMENTS: Ten (10) individuals voiced support for allowing importation of animals to improve the genetics of Missouri's free-ranging white-tailed deer herd.

RESPONSE: The intent of this rule is to ban importation of captive white-tailed deer, mule deer, and their hybrids; these animals will not be released into Missouri's free-ranging white-tailed deer herd and will have no effect on the genetics of the herd. No changes to the rule have been made as a result of these comments.

COMMENTS: Six (6) individuals voiced support for allowing importation of animals to improve the genetics of captive herds.

RESPONSE: There are over 200 breeders currently permitted to

hold white-tailed deer in Missouri, these facilities offer ample opportunities for genetic diversity. In addition, importation of semen will still be allowed. No changes to the rule have been made as a result of these comments.

COMMENTS: Twenty-two (22) individuals suggested that the captive cervid industry should be allowed to import animals based on the fact that the Department of Conservation imported elk for a restoration project.

RESPONSE: Elk brought from Kentucky by the Department of Conservation for restoration purposes were determined to be of low risk for CWD; a status given to the herd by the U.S. Department of Agriculture (USDA). With the help of the Missouri Department of Agriculture, the department developed health testing requirements that are more stringent than those required to move captive cervids into Missouri. For example, the health protocol for the elk restoration required a minimum ninety- (90-) day quarantine with multiple tests for nine (9) different pathogens and diseases prior to transport. The animals were monitored with video surveillance around the clock, and any disease suspects were quarantined and/or culled and submitted for a full necropsy by a board-certified pathologist at the University of Kentucky. Further, Kentucky has no known cases of CWD in either captive or free-ranging cervids. The surveillance history of these populations was reviewed and approved by both the state and federal agriculture departments. The source herd in Kentucky is currently the only free-ranging herd in the country to have achieved "low-risk status" for CWD by the USDA. This status is a federal requirement for the interstate movement of cervids captured from the wild, in accordance with the federal CWD rule. Finally, all elk were tested for CWD using a live-animal rectal mucosal biopsy. This test has a very high specificity, which means that we can be confident in a positive result. If any of the elk tested positive on the rectal mucosal biopsy, the protocol required the entire herd to be culled and tested. While this test is not approved as an official test for CWD, it was an additional safeguard and an important part of the comprehensive disease surveillance program. The Department of Conservation's elk health protocol requires all testable elk carcasses recovered in Missouri to be submitted for CWD surveillance. To date, CWD has not been found in a Missouri elk. No changes to the rule have been made as a result of these comments.

COMMENTS: The commission received eleven thousand seven hundred eighty-nine (11,789) comments in support of the proposed change that would require Class I and Class II wildlife breeders to test all mortalities of white-tailed deer, mule deer, and their hybrids that are older than six (6) months of age for chronic wasting disease and to report confirmed positive disease results to the Department of Conservation, to comply with a mandatory herd disease response plan approved by the department in the event that CWD is discovered, and establishes a stipulation that the department can require additional disease sampling and testing during disease investigations or morbidity/mortality events.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: Eight hundred two (802) individuals submitted comments in opposition to revised testing requirements.

RESPONSE: To the extent there were specific comments provided, the commission has addressed them below.

COMMENTS: Seventeen (17) individuals who expressed opposition to the proposed changes argued that current regulations require them to test one hundred percent (100%) of the mortalities that occur inside their facilities while the Department of Conservation does not test free-ranging animals to the same extent.

RESPONSE: While the Department of Conservation does not test to the same extent in the free-ranging deer population, there are several issues to consider. It is important to realize that captive and free-

-ranging wildlife present different challenges with disease detection. Both the testing in captive facilities and the testing of free-ranging deer are designed to reach sample sizes to reasonably detect CWD if it is present. Captive facilities that participate in the voluntary program are required to test one hundred percent (100%) because of the relatively few deer that die within a facility on an annual basis. If there was a live animal test for CWD, we could annually assess the status of the herd as with other regulated diseases such as tuberculosis and brucellosis. Only testing mortalities greatly limits the number of deer that are tested within a facility; therefore, in the absence of an approved live animal test we must ensure that a sufficient number of deer are tested to reasonably detect the disease. While deer breeders typically make every reasonable effort to test all mortalities, some carcasses are not discovered in time to be tested. Further, not all breeders take part in the U.S. Department of Agriculture-approved CWD herd certification program as it is voluntary. Finally, once an animal is moved to a hunting preserve it is not required to be tested under the guidelines of the U.S. Department of Agriculture-approved CWD herd certification program; animals that are moved to big game hunting preserves often die with an unknown disease status. No changes to the rule have been made as a result of these comments.

COMMENTS: Seventy-three (73) individuals who expressed opposition to proposed testing requirements cited concerns regarding overregulation.

RESPONSE: The commission goes to great lengths to evaluate the importance and need for any regulation. Informing and/or educating the public are always considered first before any regulation is thoroughly vetted by the Department of Conservation. At times, however, the commission must adopt regulations to manage and/or protect the forest, fish, and wildlife of Missouri. Per its authority granted by the people and the *Missouri Constitution*, the Conservation Commission follows a regulatory process that evaluates the science, internal input, and public input along with determining if there is absolutely any other option, such as public education, that can be taken rather than regulation. No changes to the rule have been made as a result of these comments.

COMMENTS: Seventeen (17) individuals who expressed opposition to proposed testing requirements voiced concern regarding diminished rights of private property owners.

RESPONSE: The commission disagrees that the proposed regulation diminishes the rights of property owners. Property owners will continue to be able to use their property for breeding and/or hunting captive wildlife. No changes to the rule have been made as a result of these comments.

COMMENTS: Eleven (11) individuals who expressed opposition to proposed testing requirements citing the onerous cost of complying with the new rules.

RESPONSE: Unlike Class I and II breeding facilities, many Big Game Hunting Preserves do not participate in the federally-approved CWD-certification program, and therefore do not regularly test for CWD. These facilities may import and also hold numerous cervid species capable of potentially contracting and spreading CWD. Disease testing is necessary to reduce disease risk for the captive and free-ranging herds of this state. The commission does not believe the cost per test, estimated at one hundred fifty dollars (\$150), is too onerous considering the disease risks associated with not testing mortalities. No changes to the rule have been made as a result of these comments.

COMMENTS: Twelve (12) individuals who expressed opposition to proposed testing requirements cited the need to promote and protect small business interests and alternative agriculture.

RESPONSE: The Department of Conservation's mission, as established by Missouri citizens in the *Missouri Constitution*, is to protect

and manage the forest, fish, and wildlife resources of the state of Missouri. Consistent with that mission, the commission recognizes that Missouri's economy and quality of life are built on our forest, fish, and wildlife resources. More than \$11 billion is generated each year by conservation-related activities, such as hunting, fishing, wildlife watching, and forest products. Furthermore, twelve thousand (12,000) Missouri jobs and hundreds of businesses and communities depend on the approximately \$1 billion boost in economic activity related to deer hunting and watching that is supported by five hundred twenty thousand (520,000) deer hunters, millions of wildlife watchers, and thousands of landowners. In sum, business interests are advanced when the natural resources, including wildlife, are healthy and sustainable. These regulations are intended to reduce the risk of disease transmission, and so will have long term benefits for the economic interests that rely on deer breeding and hunting in Missouri. No changes to the rule have been made as a result of these comments.

COMMENTS: Twenty-three (23) individuals who expressed opposition to proposed testing requirements questioned the science used to formulate the regulation changes.

RESPONSE: CWD is transmitted by prions, which are abnormal proteins that attack the nervous system, and is always fatal to the infected animal. There is currently no approved live test for CWD, with the only approved test performed post-mortem. CWD is spread both directly from deer to deer and indirectly to deer from infected soil and other surfaces. The CWD prions accumulate in the brain, spinal cord, eyes, spleen, and lymph nodes of infected animals. Once well established in an area, CWD is impossible to eradicate. States with CWD must focus on limiting the spread of the disease and preventing its introduction to new areas. CWD could substantially reduce infected cervid populations by lowering adult survival rates and destabilizing long-term population dynamics. An example of active management limiting CWD is shown in Illinois where it has been kept at a low prevalence rate (annual prevalence rate of $0.94 \pm 0.23\%$; Manjerovic, M.B., M. L. Green, N. Mateus-Pinilla, and J. Novakofski, 2014. *The importance of localized culling in stabilizing chronic wasting disease prevalence in white-tailed deer populations*. Preventive Veterinary Medicine 113(2014):139-145.). The department relied upon peer-reviewed scientific research, articles, and other studies in developing these regulations. No changes have been made to this rule as a result of these comments.

COMMENTS: Thirty-eight (38) individuals who expressed opposition to proposed testing requirements questioned the seriousness of the threat CWD poses to Missouri's deer population.

RESPONSE: CWD is transmitted by prions, which are abnormal proteins that attack the nervous system, and is always fatal to the infected animal. There is currently no approved live test for CWD, with the only approved test performed post-mortem. CWD is spread both directly from deer to deer and indirectly to deer from infected soil and other surfaces. The CWD prions accumulate in the brain, spinal cord, eyes, spleen, and lymph nodes of infected animals. Once well established in an area, CWD is impossible to eradicate. States with CWD must focus on limiting the spread of the disease and preventing its introduction to new areas. CWD could substantially reduce infected cervid populations by lowering adult survival rates and destabilizing long-term population dynamics. No changes have been made to this rule as a result of these comments.

COMMENTS: The commission received ten (10) comments supporting a ban on construction of any new Class I and Class II wildlife breeding facilities for white-tailed deer, mule deer, and their hybrids within twenty-five (25) miles of a location where CWD-positive animals have been confirmed by the department

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: Shawn Schafer, North Dakota; Brent Bolzenius, Jackson Co.; Lawrence Province, Warrensburg, and William Sheldon, High Ridge, voiced opposition to the ban on construction of new Class I and Class II wildlife breeding facilities within twenty-five (25) miles of a location where CWD-positive animals have been confirmed, stating that the twenty-five (25) mile boundary is arbitrary.

RESPONSE AND EXPLANATION OF CHANGES: This change was intended to reduce the risk of exposing more deer to the disease, which could then spread throughout the state. Published peer-reviewed studies have found that, on average, most deer do not disperse more than approximately twenty-five (25) to thirty (30) miles (Nixon, C. et al. 2007. *White-Tailed Deer Dispersal Behavior in an Agricultural Environment*. American Midland Naturalist, 157:212-220.; Diefenbach, D. et al. 2008. *Modeling Distribution of Dispersal Distances in Male White-Tailed Deer*. Journal of Wildlife Management, 72:1296-1303.). The Conservation Commission recognizes that five (5) years has been used as a quarantine period within the U.S. Department of Agriculture-approved CWD herd certification program and changes have been incorporated to reflect that with regards to new facilities within twenty-five (25) miles of a CWD positive confirmed by the department.

COMMENT: Shawn Schafer, North Dakota, expressed opposition to the proposed requirement for captive cervid facilities to retain records for fifteen (15) years.

RESPONSE AND EXPLANATION OF CHANGES: The commission recognizes the potential difficulty of retaining records for fifteen (15) years and has incorporated changes to the rule to reflect a more common period of record retention found in veterinarian practices, five (5) years.

COMMENT: Department of Conservation staff recommend additional changes to testing requirements to reduce the financial burden on permit holders in the event of a mass casualty/mortality event.

RESPONSE AND EXPLANATION OF CHANGES: The commission recognizes there are circumstances not under the control of the permit holder that may lead to a mass casualty/mortality event and these mass casualty/mortality events may be burdensome on the permit holder. As a result, the Conservation Commission will delegate authority to the Director of the Department of Conservation to exempt permit holders from this rule due to a mass casualty/mortality event under certain circumstances as specified in paragraphs (17)(A)1. and (17)(A)2. of the amended rule below.

3 CSR 10-9.565 Licensed Hunting Preserve: Privileges

(1) Licensed hunting preserves are subject to inspection by an agent of the department at any reasonable time. Animal health standards and movement activities shall comply with all state and federal regulations. Any person holding a licensed hunting preserve permit may release on his/her licensed hunting preserve only legally obtained and captive-reared: pheasants, exotic partridges, quail, mallard ducks, and ungulates (hoofed animals) for shooting throughout the year, under the following conditions:

(B) Big Game Hunting Preserve.

1. A big game hunting preserve for ungulates shall be a fenced single body of land, not dissected by public roads, and not less than three hundred twenty (320) acres and no more than three thousand two hundred (3,200) acres in size. The hunting preserve shall not be cross-fenced into portions of less than three hundred twenty (320) acres. The hunting preserve shall be fenced so as to enclose and contain all released game and exclude all hoofed wildlife of the state from becoming a part of the enterprise and posted with signs specified by the department. Fence requirements shall meet standards specified in 3 CSR 10-9.220. Fencing for hogs shall be constructed of twelve (12) gauge woven wire, at least five feet (5') high, and topped with one (1) strand of electrified wire. An additional two feet

(2') of such fencing shall be buried and angled underground toward the enclosure interior. A fence of equivalent or greater strength and design to prevent the escape of hogs may be substituted with written application and approval by an agent of the department.

2. The permittee may exercise privileges provided in 3 CSR 10-9.353 only for species held within breeding enclosure(s) contained within or directly adjacent to the big game hunting preserve. Any such breeding enclosure(s) shall meet standards specified in 3 CSR 10-9.220. Breeding enclosures may be separated from the hunting preserve by a public road, but must be directly adjacent. Other breeding enclosures not contained within or directly adjacent to the hunting preserve are not covered under the privileges of this rule.

3. Any person taking or hunting ungulates on a big game hunting preserve shall have in his/her possession a valid licensed hunting preserve hunting permit. The permittee shall attach to the leg of each ungulate taken on the hunting preserve a locking leg seal furnished by the department, for which the permittee shall pay ten dollars (\$10) per one hundred (100) seals. Any packaged or processed meat shall be labeled with the licensed hunting preserve permit number.

4. Except as provided in this section, the holder of a Big Game Hunting Preserve Permit shall have an accredited veterinarian collect and submit samples from all known cases of mortality for cervids over six (6) months of age to a United States Department of Agriculture approved laboratory for Chronic Wasting Disease testing. The department reserves the right to require additional sampling and testing during disease investigations or morbidity/mortality events. Animal health standards and movement activities shall comply with all state and federal regulations.

A. In the event of a mass casualty/mortality event, the director of the department may exempt the holder of a big game hunting preserve permit from the Chronic Wasting Disease testing requirements within this rule. The following conditions apply:

(I) All mass casualty/mortality event exemption requests must originate from an accredited veterinarian and must be verbally reported to a conservation agent, regional protection supervisor, or the state wildlife veterinarian of the department.

(II) The department will have access to collect and submit disease samples from all known cases of mortality for cervids, pertaining to, and in the event of a mass casualty/mortality event.

5. Big game hunting preserve permittees shall report escaped animals immediately to an agent of the department.

6. Confirmed positive results from any disease test for a cervid must be verbally reported by the permit holder to a conservation agent or regional protection supervisor of the department within twenty-four (24) hours of receiving the report and provide a copy of the testing report to the state wildlife veterinarian of the department within seventy-two (72) hours. In the event of confirmed positive results from a Chronic Wasting Disease test, the permit holder shall comply with a herd disease response plan approved by the department. The plan may include, but not be limited to, quarantine requirements, testing and depopulation, premises cleaning and disinfection, additional fencing requirements, and restocking guidelines. Failure to comply with an approved herd disease response plan may result in the suspension or revocation of permit privileges.

7. All ungulates acquired by a holder of a big game hunting preserve permit must be individually identified on a Breeder's Movement Certificate or a Certificate of Veterinary Inspection. A Breeder's Movement Certificate may be completed by the breeder. The form must list the official identification, age, gender, species, complete address of both the origin and destination, and complete address and name of buyer and seller. The original form must accompany the shipment and a copy shall be maintained by the herd of origin for at least five (5) years. Sources for cervids must be enrolled in a United States Department of Agriculture-approved Chronic Wasting Disease-herd certification program.

8. New permits for big game hunting preserves will not be issued for a period of five (5) years within twenty-five (25) miles of

a location where Chronic Wasting Disease-positive animal(s) have been confirmed by the department.

9. Live cervids imported into the state shall not be held in a licensed big game hunting preserve. Only cervids born inside the state of Missouri may be propagated, held in captivity, and hunted on big game hunting preserves.

REVISED PUBLIC COST: This amendment will cost the Department of Conservation up to an estimated one thousand nine hundred seventy eight dollars (\$1,978) in aggregate for expenses in collection of disease samples from exemption events. It is anticipated the cost for disease sampling to recur during the life of the rule. The cost of the exemption events will vary with changes in testing costs; and the number of events and the number of cervids in the event per year with both aspects impossible to forecast with high accuracy.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 9 Confined Wildlife: Privileges, Permits, Standards
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-9.565 Licensed Hunting Preserve: Privileges

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Conservation	\$1,978

III. WORKSHEET

$$\{[(\$18.19 \text{ per hour labor cost}) \times (4 \text{ hours estimate for travel to collect sample}) \times (10 \text{ events estimated in an intermittent year})] + [(\$25.00 \text{ estimate cost for disease test}) \times (10 \text{ events estimated in an intermittent year}) \times (5 \text{ cervids estimated to be tested per event})]\} =$$

$$\{[\$728] + [\$1,250]\} =$$

\$1,978

IV. ASSUMPTIONS

We estimate staff need to work 4 hours to travel to a facility and collect disease samples. We assume the hourly rate of \$18.19 for one staff member. We estimate the cost of a single test at \$25. For the sake of this estimate, we assume 10 exemptions in an intermittent year. For the sake of this estimate, we assume five cervids will be tested per event.

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

ORDER OF RULEMAKING

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

3 CSR 10-9.566 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2014 (39 MoReg 1224–1227). 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 Conservation Commission received two thousand one hundred forty-nine (2,149) general comments on all proposed changes pertaining to captive cervid facilities, seven (7) comments regarding a proposal to implement stricter record keeping requirements for all captive herds containing white-tailed deer, mule deer, and their hybrids, and one (1) comment regarding the amount of time those records must be kept. The commission also received fifty-nine (59) comments calling for a moratorium on all new captive cervid facilities in Missouri. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received one thousand nine hundred and ninety-five (1,995) comments from individuals who expressed general support for stricter regulation of the captive cervid industry.
RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: The commission received one hundred fifty-four (154) comments in general opposition to all proposed changes.
RESPONSE: The commission appreciates citizen input on this topic. No changes to the rule have been made as a result of these comments.

COMMENTS: Dianne Heaton Kixmiller, Kansas City; Jerry Morehead, St. Louis; John George, Columbia; Michael Giliberto, Lebanon; Michael Guzy, Washington, and Stephen Taylor, Ellington, voiced support for the proposal to implement stricter record keeping requirements for all captive herds containing white-tailed deer, mule deer, and their hybrids.
RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENT: Shawn Schafer, North Dakota, expressed opposition to stricter record keeping requirements that would require annual herd inventories to be conducted in the presence of and all herd records be signed by an attending accredited veterinarian and noted the potential difficulty
RESPONSE: Currently, only herd inventory records require the signature of an accredited veterinarian. At this time, there is no approved live animal test for chronic wasting disease (CWD) and the presence of an accredited veterinarian during a herd inventory ensures proper evaluation of the health of the herd. Rigorous identification, health, and herd inventory records will also improve the Department of Conservation's ability to monitor white-tailed deer, white-tailed deer-hybrids, mule deer, or mule deer-hybrids in breeding facilities and to conduct effective disease investigations. If animals are moved from a facility, these records will be necessary to trace the animal in the future if CWD is located at that facility or at

the facility to which the animal is transported. No changes to the rule have been made as a result of these comments.

COMMENT: Shawn Schafer, North Dakota, expressed opposition to the proposed requirement for captive cervid facilities to retain records for fifteen (15) years.

RESPONSE AND EXPLANATION OF CHANGES: The commission recognizes the potential difficulty of retaining records for fifteen (15) years and has incorporated changes to the rule to reflect a more common period of record retention found in veterinarian practices, five (5) years.

COMMENTS: The commission received fifty-nine (59) comments calling for a moratorium on all new captive cervid facilities in Missouri.

RESPONSE: The commission appreciates citizen input on this topic. No changes to the rule have been made as a result of these comments.

3 CSR 10-9.566 Licensed Hunting Preserve: Records Required

(1) Big game hunting preserve permittees shall keep a permanent record, by date, of the number of each species held, acquired, propagated, sold, released, the number of each species taken on the preserve, and the full name, address, and permit number (if applicable) of each buyer, seller, shooter, and/or taker, on forms provided by the department. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. The holder of a big game hunting preserve permit must establish and maintain a system of inventory for all acquired ungulates that includes the following for each animal: permanent physical identification, species, date of birth, gender, date of acquisition, complete address of source, complete address and name of both the current and previous owner, mortality date, cause of death (if known), official Chronic Wasting Disease test results as required in 3 CSR 10-9.565 (1)(B)4., method and location of carcass disposal, and the numbers from the Licensed Hunting Preserve Permit of the hunter and locking leg seal (if applicable). These records and applicable state and federal animal health and movement records and permits for each animal shall be maintained on the premises of the licensed big game hunting preserve for at least five (5) years and shall be subject to inspection by an authorized agent of the department at any reasonable time.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 85—Division of Business and Community
Services**

Chapter 5—Historic Preservation Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Division of Business and Community Services under section 536.023, RSMo Supp. 2014, the division amends a rule as follows:

4 CSR 85-5.020 Preliminary Application is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 2, 2014 (39 MoReg 1442–1443). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.159, RSMo 2000, and sections 208.153 and 208.201, RSMo Supp. 2014, the division amends a rule as follows:

13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2014 (39 MoReg 1373-1375). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, and 208.201, RSMo Supp. 2014, the division amends a rule as follows:

13 CSR 70-15.010 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 1265-1268). The section with a change is 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 Social Services, MO HealthNet Division (MHD) received one (1) comment on the proposed amendment.

COMMENT: The one (1) comment received was from the Missouri Hospital Association (MHA). MHA noted that while they agree with the proposed amendment, they are asking that MHD clarify the term "initial rate" as referenced in 13 CSR 70-15.010(4)(B).

RESPONSE AND EXPLANATION OF CHANGE: The MO HealthNet Division has amended subsection (4)(B) to clarify the regulation by adding a word to the second sentence.

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology

(4) Per Diem Rate—New Hospitals.

(B) Facilities Reimbursed by Medicare on a DRG Basis. In the absence of adequate cost data, a new facility's initial MO HealthNet rate shall be ninety percent (90%) of the average-weighted, statewide per diem rate for the year it became certified to participate in the MO HealthNet program until a prospective rate is determined on the facility's rate setting cost report as set forth below in paragraph (4)(B)1. The facility's rate setting cost report shall be the first full fiscal year cost report. If the facility's first full fiscal year cost report does not include any Medicaid costs, the facility shall continue to receive the initial rate, and the prospective rate will be determined

from the facility's second full fiscal year cost report. If the facility's second full fiscal year cost report does not include any Medicaid cost, the initial rate shall become the facility's prospective rate and shall be effective the date the facility was enrolled in the MO HealthNet program. The effective date for facilities whose prospective rate was based on the rate setting cost report shall be the first day of the SFY that the rate setting cost report is the base year cost report for determining the Direct Medicaid Add-On Payment.

1. Prospective Per Diem Reimbursement Rate Computation. Each new hospital shall receive a MO HealthNet prospective per diem rate based on the sum of the following components:

A. Total Allowable Cost, less Graduate Medical Education cost, adjusted by the Trend Indices included in (3)(B) from the year subsequent to the rate setting cost report period through the state fiscal year for which the rate is being determined, divided by Medicaid Inpatient Days; plus

B. Graduate Medical Education cost divided by Medicaid Inpatient Days.

2. The per diem rate shall not exceed the average MO HealthNet inpatient charge per day as determined from the rate setting cost report as adjusted by the applicable Trend Indices.

3. The per diem rate shall be adjusted for rate increases granted in accordance with subsection (5)(F) for allowable costs not included in the rate setting cost report.

4. The per diem rate shall be reduced as necessary to avoid any negative Direct Medicaid Payments computed in accordance with subsection (15)(B).

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.201 and 208.453, RSMo Supp. 2014, and section 208.455, RSMo 2000, the division amends a rule as follows:

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) 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 1269-1274). 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 Social Services, MO HealthNet Division received no comments on the proposed amendment.

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

ORDER OF RULEMAKING

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2000, the board amends a rule as follows:

17 CSR 10-2.040 Application Forms and Licensing Fees is amended.

A notice of proposed rulemaking containing the text of the proposed

amendment was published in the *Missouri Register* on August 15, 2014 (39 MoReg 1376–1378). 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 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security**

ORDER OF RULEMAKING

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2000, the board amends a rule as follows:

**17 CSR 10-2.050 Testing Requirements and Qualification
Standards is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2014 (39 MoReg 1379–1381). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2000, the board amends a rule as follows:

**17 CSR 10-2.055 Weapons Regulations and Firearms Qualification
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2014 (39 MoReg 1382–1384). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

Schedule of Compensation as Required by Section 105.005, RSMo

<u>Office</u>	<u>RSMo Citation</u>	<u>Statutory Salary FY 2014</u>	<u>Statutory Salary FY 2015</u>
<u>Elected Officials</u>			
Governor	26.010	\$133,821	\$133,821
Lt. Governor	26.010	86,484	86,484
Attorney General	27.010	116,437	116,437
Secretary of State	28.010	107,746	107,746
State Treasurer	30.010	107,746	107,746
State Auditor	29.010	107,746	107,746
<u>General Assembly</u>			
Senator	21.140	35,915	35,915
Representative	21.140	35,915	35,915
Speaker of House	21.140	38,415	38,415
President Pro Tem of Senate	21.140	38,415	38,415
Speaker Pro Tem of the House	21.140	37,415	37,415
Majority Floor Leader of House	21.140	37,415	37,415
Majority Floor Leader of Senate	21.140	37,415	37,415
Minority Floor Leader of House	21.140	37,415	37,415
Minority Floor Leader of Senate	21.140	37,415	37,415
<u>State Tax Commissioners</u>	138.230	105,320	105,570 **
<u>Administrative Hearing Commissioners</u>	621.015	102,680	102,930 **
<u>Labor and Industrial Relations</u>			
<u>Commissioners</u>	286.005	105,320	105,570 **
<u>Division of Workers' Compensation</u>			
Chief Legal Counsel *	287.615	95,486	95,486
Administrative Law Judge *	287.615	105,172	105,172
Administrative Law Judge in Charge *	287.615	110,172	110,172
Director, Division of Workers' Compensation	287.615	112,422	112,422 **
<u>Public Service Commissioners</u>	386.150	105,320	105,570 **

	<u>RSMo Citation</u>	<u>Executive Level FY 2014</u>	<u>Executive Level FY 2015</u>
<u>Statutory Department Directors</u>			
Administration, Agriculture, Corrections, Economic Development, Labor and Industrial Relations, Natural Resources, Public Safety, Revenue, and Social Services	105.950	I	I
<u>Probation and Parole</u>			
Chairman	217.665	III	III
Board Members		IV	IV

* Division of Workers' Compensation salaries are tied to those of Associate Circuit Judges, subject to appropriation; the Fiscal Year 2015 budget does not include funding to match judicial salary levels.

** Includes the remaining \$250 salary adjustment from Fiscal Year 2014. The 2015 general salary adjustment was one-percent for calendar year 2015; at publication time, this increase is in expenditure restriction and not included in above amounts.

Schedule of Compensation as Required by Section 476.405, RSMo

	<u>RSMo Citation</u>	<u>Highest Salary FY 2014</u>	<u>Highest Salary FY 2015</u>
<u>Supreme Court</u>			
Chief Justice	477.130	\$154,215	\$176,295
Judges	477.130	147,591	168,636
<u>Court of Appeals</u>			
Judges	477.130	134,685	154,176
<u>Circuit Court</u>			
Circuit Court Judges	478.013	127,020	145,343
Associate Circuit Judges	478.018	116,858	133,716
<u>Juvenile Officers</u>			
Juvenile Officer	211.381	47,374	47,624 **
Chief Deputy Juvenile Officer		41,218	41,468 **
Deputy Juvenile Officer Class 1		36,754	37,004 **
Deputy Juvenile Officer Class 2		33,490	33,740 **
Deputy Juvenile Officer Class 3		30,562	30,812 **
<u>Court Reporters</u>	485.060	56,362	56,612 **
<u>Probate Commissioner *</u>	478.266	127,020	127,020
	& 478.267		
Deputy Probate Commissioner *	478.266	116,858	116,858
<u>Family Court Commissioner *</u>	211.023	116,858	116,858
	& 487.020		
<u>Circuit Clerk</u>			
1st Class Counties	483.083	69,490	69,740 **
St. Louis City	483.083	112,203	112,453 **
Jackson, Jasper & Cape Girardeau	483.083	73,663	73,913 **
2nd & 4th Class Counties	483.083	62,650	62,900 **
3rd Class Counties	483.083	54,838	55,088 **
Marion-Hannibal & Palmyra	483.083	61,678	61,928 **
Randolph	483.083	59,914	60,164 **

* Salaries are tied to those of Circuit and Associate Circuit Judges, subject to appropriation; however, the Fiscal Year 2015 budget does not include funding to match judicial salary levels.

** Includes the remaining \$250 salary adjustment from Fiscal Year 2014. The 2015 general salary adjustment was one-percent for calendar year 2015; at publication time, this increase is in expenditure restriction and not included in above amounts.

**Missouri Executive Pay Plan
Fiscal Year 2015**

Executive Level	Minimum *	Maximum *
I	\$85,632	\$124,476
II	\$78,516	\$113,928
III	\$72,048	\$104,364
IV	\$67,488	\$95,544
V	\$54,864	\$76,788

* The 2015 general salary adjustment was one-percent for calendar year 2015; at publication time, this increase is in expenditure restriction and not included in above amounts.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, January 2, 2015.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* kathy.hatfield@modot.mo.gov
- *Mail:* PO Box 270, Jefferson City, MO 65102
- *Hand Delivery:* 830 MoDOT Drive, Jefferson City, MO 65102
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Kathy J. Hatfield, Motor Carrier Investigations Specialist, (573) 526-9926, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from

the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2014, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #210

Renewal Applicant's Name & Age: Kevin E. Tate, 50

Relevant Physical Condition: Vision Impairment.

Mr. Tate has corrected visual acuity of 20/400 Snellen in the right eye and has corrected visual acuity of 20/20 Snellen in the left eye. He has central visual reduction due to a retinal scar that occurred in early childhood. He currently holds a valid SPE Certificate for Missouri and is applying for a renewal.

Relevant Driving Experience: Mr. Tate is currently employed as a driver for a solid waste company. He has approximately thirty-two (32) years of commercial motor vehicle experience. Mr. Tate currently has a Class A CDL license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in August 2014, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Tate has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: November 3, 2014

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

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SUPPLEMENTARY INFORMATION:**Public Participation**

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2014, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants**Application #199**

Renewal Applicant's Name & Age: John K. Kauffman, 37

Relevant Physical Condition: Vision Impairment.

Mr. Kauffman has uncorrected visual acuity of 20/15 Snellen in the right eye and has uncorrected visual acuity greater than 20/400 Snellen in the left eye. He has light perception in his left eye due to an accident in 1994. He currently holds a valid SPE Certificate for Missouri and is applying for a renewal.

Relevant Driving Experience: Mr. Kauffman is currently employed as a trash truck driver. He has approximately thirteen (13) years of commercial motor vehicle experience. Mr. Kauffman currently has a Class B CDL license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in August 2014, a board-certified ophthalmologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Kauffman has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: November 3, 2014

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

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of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, January 2, 2015.

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COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

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SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2014, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #232

New Applicant's Name & Age: Burrill E. Rader, 84

Relevant Physical Condition: Vision Impairment.
Mr. Rader has uncorrected visual acuity of 20/200 Snellen in the right eye and has uncorrected visual acuity of 20/25 Snellen in the left eye. He has been diagnosed as having a macular scar in his right eye resulting in partial blindness and it is thought to be a birth defect.

Relevant Driving Experience: Mr. Rader is currently employed for a transportation company transporting people. He has approximately ten (10) years of commercial motor vehicle experience. Mr. Rader currently has a Class C CDL license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in October 2014, a board-certified ophthalmologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Rader has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: November 3, 2014

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

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

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
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

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Injunction</u>	<u>Debarment Period</u>
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

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

**NOTICE OF WINDING UP AND DISSOLUTION OF
LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
SUTHERLAND LUMBER COMPANY ENTERPRISES, LLC**

On October 30, 2014, Sutherland Lumber Company Enterprises, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective the date of the filing. All claims against Sutherland Lumber Company Enterprises, LLC should be presented in accordance with this notice. Written claims are to be addressed to Sutherland Lumber Company, c/o Steven W. Scott, 4000 Main Street, Kansas City, Missouri 64111. Each claim shall include the following: (1) the claimant's name, address and telephone number, (2) the amount of the claim, (3) the date on which the claim arose, (4) the basis of the claim and any documents related to the claim. Any and all claims against Sutherland Lumber Company Enterprises, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL
CREDITORS AND CLAIMANTS AGAINST CVC BUILDING PARTNERS, LLC**

On October 3, 2014, CVC Building Partners, LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

You are hereby notified that if you believe you have a claim against CVC Building Partners, LLC, you must submit a summary in writing of the circumstances surrounding your claim to: Bradshaw, Steele, Cochrane & Berens, L.C., Attn: Craig M. Billmeyer, 3113 Independence, P.O. Box 1300, Cape Girardeau, MO 63702-1300. The summary of your claim must include: (1) the name, address and telephone number of the claimant, (2) the amount of the claim, (3) the date the event on which the claim is based occurred, and (4) a brief description of the nature of the debt or the basis for the claim.

All claims against CVC Building Partners, LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL
CREDITORS AND CLAIMANTS AGAINST CVC EQUIPMENT LEASING 05, LLC**

On October 3, 2014, CVC Equipment Leasing 05, LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

You are hereby notified that if you believe you have a claim against CVC Equipment Leasing 05, LLC, you must submit a summary in writing of the circumstances surrounding your claim to: Bradshaw, Steele, Cochrane & Berens, L.C., Attn: Craig M. Billmeyer, 3113 Independence, P.O. Box 1300, Cape Girardeau, MO 63702-1300. The summary of your claim must include: (1) the name, address and telephone number of the claimant, (2) the amount of the claim, (3) the date the event on which the claim is based occurred, and (4) a brief description of the nature of the debt or the basis for the claim.

All claims against CVC Equipment Leasing 05, LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND
CLAIMANTS AGAINST CVC-PHYSICIANS, INC.**

On June 30, 2014 CVC-PHYSICIANS, INC., a Missouri corporation, filed its Articles of Voluntary Dissolution with the Missouri Secretary of State, effective on the filing date.

You are hereby notified that if you believe you have a claim against CVC-PHYSICIANS, INC., you must submit a summary in writing of the circumstances surrounding your claim to: Bradshaw, Steele, Cochran & Berens, L.C., Attn: Craig M. Billmeyer, 3113 Independence, P.O. Box 1300, Cape Girardeau, MO 63702-1300. The summary of your claim must include the following: (1) the name, address and telephone number of the claimant, (2) the amount of the claim, (3) the date the event on which the claim is based occurred, and (4) a brief description of the nature of the debt or the basis for the claim.

All claims against CVC-PHYSICIANS, INC. will be barred unless the proceeding to enforce the claim is commenced within two years after the publication of this notice.

**NOTICE OF WINDING UP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CORNERSTONE TITLE, LLC**

On September 4, 2014 Cornerstone Title, LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against Cornerstone Title, LLC, you must submit the claim in writing to: Guy N. Brandt, 8000 Maryland Avenue, Suite 1550, St. Louis, MO 63105. The claim must include:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event occurred on which the claim is based.
4. A brief description of the nature of or the basis for the claim.

All claims against Cornerstone Title, LLC will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
ARIZONA GRAYSTAR RETURN, LLC**

On September 3, 2014, Arizona Graystar Return, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CALIFORNIA CORNERSTONE DESERT RETURN, LLC**

On September 3, 2014, California Cornerstone Desert Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
LS HAZLET NJ RETURN, LLC**

On September 3, 2014, LS Hazlet NJ Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CALIFORNIA GENEVA COMMONS RETURN, LLC**

On September 3, 2014, California Geneva Commons Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CALIFORNIA OAKVILLE RETURN, LLC**

On September 3, 2014, California Oakville Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CALIFORNIA PALM FORUM RETURN, LLC**

On September 3, 2014, California Palm Forum Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CALIFORNIA POINTE VIEW RETURN, LLC**

On September 3, 2014, California Pointe View Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Dissolution of
Limited Liability Company
To All Creditors of and
Claimants Against
Lot 1 Shorewood, L.L.C.**

On September 24, 2014, Lot 1 Shorewood, L.L.C. ("the Company"), a Missouri limited liability company filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State, effective on September 24, 2014.

Any claims against the Company may be sent to: Blitz, Bardgett & Deutsch, L.C., Attn: Bridget M. Nave, 120 South Central Avenue, Ste 1650, St. Louis, MO 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
LA QUINTA QUAIL RIDGE RETURN II, LLC**

On September 19, 2014, La Quinta Quail Ridge Return II, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
LONG BEACH PPD RETURN, LLC**

On September 19, 2014, Long Beach PPD Return, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
SB Liquidation Corp.**

On October 29, 2014, SB LIQUIDATION CORP., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on July 1, 2014.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

SB LIQUIDATION CORP.
Attn: Charles A. Beyer, Registered Agent
2025 South Brentwood Boulevard, Suite 209
St. Louis, Missouri 63144

Or

Mara J. Lahnar, Esq.
Sandberg Phoenix & von Gontard P.C.
600 Washington Avenue, 15th Floor
St. Louis, Missouri 63101

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of SB LIQUIDATION CORP., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
MINNESOTA HOTEL PROPERTIES ACQUISITION, LLC**

On September 19, 2014, Minnesota Hotel Properties Acquisition, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
MISSOURI PRAIRIEVIEW RETURN, LLC**

On September 19, 2014, Missouri Prairieview Return, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
SAN DIEGO PPD RETURN, LLC**

On September 19, 2014, San Diego PPD Return, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

St. Louis Spirit Sports Association, LLC

On October 29, 2014, the St. Louis Spirit Sports Association, L.L.C., a Missouri Limited Liability Company (the "**Company**"), filed a Notice of Winding up with the Missouri Secretary of State. Claims against the company may be mailed to Damon Cannon, 130 Roderick Drive, St. Louis, MO 63137. The statement of claim must include the amount of the claim, the basis of the claim, and itemized documentation to support the claim.

All claims against the company will be barred unless proceeding to enforce the claim is commenced within three (3) years after publication of this notice.

St. Louis Spirit Sports Association, L.L.C.

**NOTICE TO THE UNKNOWN CREDITORS
OF
MOARK/FORT RECOVERY EGG MARKETING, LLC**

You are hereby notified that on August 8, 2014, pursuant to Section 347.137.1 of the Missouri Revised Statutes, the members of MoArk/Fort Recovery Egg Marketing, LLC, a Missouri limited liability company (the "Company"), the registered office of which is located in the City of Clayton/St. Louis County, Missouri, authorized the voluntary dissolution of the Company with the Secretary of State of Missouri.

Persons with claims against the Company should present them in accordance with the following procedure:

A. In order to file a claim with the Company, you must furnish (i) the amount of the claim; (ii) the basis for the claim; and (iii) all necessary documentation supporting the claim.

B. All claims must be mailed to:

MoArk/Fort Recovery Egg Marketing, LLC
c/o Bryan Cave LLP
211 N. Broadway, Suite 3600
St. Louis, MO 63102
Attention: Kevin Fischer

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				37 MoReg 1859 38 MoReg 2053 This Issue
1 CSR 10-4.010	Commissioner of Administration	39 MoReg 1637	39 MoReg 1658		
1 CSR 10-15.010	Commissioner of Administration	39 MoReg 1637	39 MoReg 1658		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health		This Issue		
2 CSR 30-2.020	Animal Health		This Issue		
2 CSR 30-6.020	Animal Health		This Issue		
2 CSR 30-10.010	Animal Health	39 MoReg 1559	39 MoReg 1568		
2 CSR 70-14.005	Plant Industries	39 MoReg 1638	39 MoReg 1735		
2 CSR 70-14.010	Plant Industries	39 MoReg 1639	39 MoReg 1735		
2 CSR 70-14.020	Plant Industries	39 MoReg 1640	39 MoReg 1736		
2 CSR 70-14.030	Plant Industries	39 MoReg 1641	39 MoReg 1739		
2 CSR 70-14.040	Plant Industries	39 MoReg 1642	39 MoReg 1742		
2 CSR 70-14.050	Plant Industries	39 MoReg 1643	39 MoReg 1744		
2 CSR 70-14.060	Plant Industries	39 MoReg 1643	39 MoReg 1744		
2 CSR 70-14.070	Plant Industries	39 MoReg 1644	39 MoReg 1744		
2 CSR 70-14.080	Plant Industries	39 MoReg 1644	39 MoReg 1744		
2 CSR 70-14.090	Plant Industries	39 MoReg 1645	39 MoReg 1745		
2 CSR 70-14.100	Plant Industries	39 MoReg 1646	39 MoReg 1748		
2 CSR 70-14.110	Plant Industries	39 MoReg 1648	39 MoReg 1751		
2 CSR 70-14.120	Plant Industries	39 MoReg 1648	39 MoReg 1753		
2 CSR 70-14.130	Plant Industries	39 MoReg 1649	39 MoReg 1755		
2 CSR 70-14.140	Plant Industries	39 MoReg 1650	39 MoReg 1757		
2 CSR 70-14.150	Plant Industries	39 MoReg 1651	39 MoReg 1759		
2 CSR 70-14.160	Plant Industries	39 MoReg 1651	39 MoReg 1761		
2 CSR 70-14.170	Plant Industries	39 MoReg 1652	39 MoReg 1764		
2 CSR 70-14.180	Plant Industries	39 MoReg 1653	39 MoReg 1766		
2 CSR 70-14.190	Plant Industries	39 MoReg 1653	39 MoReg 1769		
2 CSR 80-2.010	State Milk Board		39 MoReg 1431		
2 CSR 80-2.020	State Milk Board		39 MoReg 1431		
2 CSR 80-2.030	State Milk Board		39 MoReg 1432		
2 CSR 80-2.040	State Milk Board		39 MoReg 1432		
2 CSR 80-2.050	State Milk Board		39 MoReg 1433		
2 CSR 80-2.060	State Milk Board		39 MoReg 1433		
2 CSR 80-2.070	State Milk Board		39 MoReg 1433		
2 CSR 80-2.080	State Milk Board		39 MoReg 1436		
2 CSR 80-2.091	State Milk Board		39 MoReg 1436		
2 CSR 80-2.101	State Milk Board		39 MoReg 1436		
2 CSR 80-2.110	State Milk Board		39 MoReg 1437		
2 CSR 80-2.121	State Milk Board		39 MoReg 1437		
2 CSR 80-2.130	State Milk Board		39 MoReg 1438		
2 CSR 80-2.141	State Milk Board		39 MoReg 1438		
2 CSR 80-2.151	State Milk Board		39 MoReg 1439		
2 CSR 80-2.161	State Milk Board		39 MoReg 1439		
2 CSR 80-2.170	State Milk Board		39 MoReg 1439		
2 CSR 80-2.180	State Milk Board		39 MoReg 1440		
2 CSR 80-2.181	State Milk Board		39 MoReg 1440		
2 CSR 80-3.060	State Milk Board		39 MoReg 1441		
2 CSR 80-3.120	State Milk Board		39 MoReg 1441		
2 CSR 80-3.130	State Milk Board		39 MoReg 1441		
2 CSR 80-4.010	State Milk Board		39 MoReg 1442		
2 CSR 80-5.010	State Milk Board		39 MoReg 1442		
2 CSR 90-10	Weights and Measures				38 MoReg 1241 39 MoReg 1399
2 CSR 90-10.001	Weights and Measures		39 MoReg 1199	This Issue	
2 CSR 90-10.011	Weights and Measures		39 MoReg 1199	This Issue	
2 CSR 90-10.020	Weights and Measures		39 MoReg 1200	This Issue	
2 CSR 90-10.040	Weights and Measures		39 MoReg 1200	This Issue	
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.110	Conservation Commission		39 MoReg 1200	This Issue	
3 CSR 10-4.117	Conservation Commission		39 MoReg 1772		
3 CSR 10-6.550	Conservation Commission		39 MoReg 849	39 MoReg 1155	
3 CSR 10-6.610	Conservation Commission		39 MoReg 1772		
3 CSR 10-7.433	Conservation Commission		39 MoReg 1265	39 MoReg 1576	
3 CSR 10-7.440	Conservation Commission		N.A.	39 MoReg 1576	
3 CSR 10-9.110	Conservation Commission		39 MoReg 1772		
3 CSR 10-9.220	Conservation Commission		39 MoReg 1201	This Issue	
3 CSR 10-9.353	Conservation Commission		39 MoReg 1209	This Issue	
3 CSR 10-9.359	Conservation Commission		39 MoReg 1216	This Issue	
3 CSR 10-9.425	Conservation Commission		39 MoReg 1772		
3 CSR 10-9.560	Conservation Commission		39 MoReg 1220	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-9.565	Conservation Commission		39 MoReg 1220	This Issue	
3 CSR 10-9.566	Conservation Commission		39 MoReg 1224	This Issue	
3 CSR 10-9.625	Conservation Commission		39 MoReg 1773		
3 CSR 10-11.180	Conservation Commission		39 MoReg 1773		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-5.020	Division of Business and Community Services	39 MoReg 1113	39 MoReg 1442	This Issue	
4 CSR 85-8.010	Division of Business and Community Services	38 MoReg 1925 39 MoReg 489T			
4 CSR 85-8.020	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-8.030	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-9.010	Division of Business and Community Services	38 MoReg 1935 39 MoReg 489T			
4 CSR 85-9.020	Division of Business and Community Services	38 MoReg 1936 39 MoReg 489T			
4 CSR 85-9.030	Division of Business and Community Services	38 MoReg 1937 39 MoReg 490T			
4 CSR 85-9.040	Division of Business and Community Services	38 MoReg 1947 39 MoReg 490T			
4 CSR 85-9.050	Division of Business and Community Services	38 MoReg 1954 39 MoReg 490T			
4 CSR 85-10.010	Division of Business and Community Services		39 MoReg 721		
4 CSR 85-10.020	Division of Business and Community Services		39 MoReg 723		
4 CSR 85-10.030	Division of Business and Community Services		39 MoReg 724		
4 CSR 85-10.040	Division of Business and Community Services		39 MoReg 725		
4 CSR 85-10.050	Division of Business and Community Services		39 MoReg 726		
4 CSR 85-10.060	Division of Business and Community Services		39 MoReg 728		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 10-2.010	Commissioner of Education		This Issue		
5 CSR 10-2.020	Commissioner of Education		This Issue		
5 CSR 10-2.030	Commissioner of Education		This Issue		
5 CSR 20-400.450	Division of Learning Services		39 MoReg 1075	39 MoReg 1781	
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-2.140	Commissioner of Higher Education		39 MoReg 1029 39 MoReg 1568		
6 CSR 10-2.190	Commissioner of Higher Education		39 MoReg 1614		
6 CSR 10-6.040	Commissioner of Higher Education		39 MoReg 1614		
6 CSR 10-12.010	Commissioner of Higher Education		39 MoReg 1116		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-25.010	Missouri Highways and Transportation Commission				39 MoReg 1782 39 MoReg 1783 39 MoReg 1783 39 MoReg 1784 39 MoReg 1785 39 MoReg 1819 This Issue This Issue This Issue
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-5.220	Air Conservation Commission		39 MoReg 769	39 MoReg 1577	
10 CSR 10-6.040	Air Conservation Commission		39 MoReg 853	39 MoReg 1581	
10 CSR 10-6.110	Air Conservation Commission		39 MoReg 1509		
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board of Trustees		39 MoReg 1443		
10 CSR 100-6.010	Petroleum Storage Tank Insurance Fund Board of Trustees		39 MoReg 1445		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 30-14.010	Office of the Director		39 MoReg 1451		
11 CSR 45-1.090	Missouri Gaming Commission		39 MoReg 1451		
11 CSR 45-5.053	Missouri Gaming Commission	39 MoReg 1419	39 MoReg 1451		
11 CSR 45-5.090	Missouri Gaming Commission		39 MoReg 1452		
11 CSR 45-5.180	Missouri Gaming Commission		39 MoReg 1452		
11 CSR 45-5.183	Missouri Gaming Commission		39 MoReg 1453		
11 CSR 45-5.184	Missouri Gaming Commission		39 MoReg 1453		
11 CSR 45-5.185	Missouri Gaming Commission		39 MoReg 1455		
11 CSR 45-5.260	Missouri Gaming Commission		39 MoReg 1456		

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11 CSR 45-8.120	Missouri Gaming Commission		39 MoReg 1458		
11 CSR 45-8.140	Missouri Gaming Commission	39 MoReg 1420	39 MoReg 1458		
11 CSR 45-8.141	Missouri Gaming Commission	39 MoReg 1421	39 MoReg 1462		
11 CSR 45-8.142	Missouri Gaming Commission	39 MoReg 1422	39 MoReg 1464		
11 CSR 45-9.040	Missouri Gaming Commission	39 MoReg 1422	39 MoReg 1466		
11 CSR 45-9.104	Missouri Gaming Commission	39 MoReg 1423	39 MoReg 1466		
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11 CSR 45-9.109	Missouri Gaming Commission	39 MoReg 1426	39 MoReg 1475		
11 CSR 45-9.111	Missouri Gaming Commission	39 MoReg 1426	39 MoReg 1478		
11 CSR 45-9.112	Missouri Gaming Commission	39 MoReg 1427	39 MoReg 1480		
11 CSR 45-9.116	Missouri Gaming Commission	39 MoReg 1428	39 MoReg 1482		
11 CSR 45-9.117	Missouri Gaming Commission	39 MoReg 1429	39 MoReg 1482		
11 CSR 45-9.118	Missouri Gaming Commission	39 MoReg 1429	39 MoReg 1482		
11 CSR 45-10.040	Missouri Gaming Commission		39 MoReg 1569		

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12 CSR 40-15.010	State Lottery		39 MoReg 1349		
12 CSR 40-20.010	State Lottery		39 MoReg 1349		
12 CSR 40-20.020	State Lottery		39 MoReg 1349		
12 CSR 40-20.030	State Lottery		39 MoReg 1350		
12 CSR 40-20.040	State Lottery		39 MoReg 1350		
12 CSR 40-30.180	State Lottery		39 MoReg 1351		
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12 CSR 40-85.170	State Lottery		39 MoReg 1371		
12 CSR 40-85.175	State Lottery		39 MoReg 1372		
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13 CSR 40-13.030	Family Support Division	39 MoReg 1807	39 MoReg 1483		
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13 CSR 70-3.030	MO HealthNet Division		39 MoReg 1519		
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17 CSR 10-2.050	Kansas City Board of Police Commissioners		39 MoReg 1379	This Issue	
17 CSR 10-2.055	Kansas City Board of Police Commissioners		39 MoReg 1382	This Issue	
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18 CSR 10-5.010	Office of State Public Defender		39 MoReg 1275		
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19 CSR 20-12.010	Division of Community and Public Health		39 MoReg 1569		
19 CSR 20-51.010	Division of Community and Public Health	39 MoReg 1654	39 MoReg 1777		
19 CSR 60-50	Missouri Health Facilities Review Committee				39 MoReg 1786 39 MoReg 1820
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20 CSR	Applied Behavior Analysis Maximum Benefit				38 MoReg 432 39 MoReg 692
20 CSR	Construction Claims Binding Arbitration Cap				39 MoReg 167
20 CSR	Sovereign Immunity Limits				39 MoReg 167
20 CSR	State Legal Expense Fund Cap				39 MoReg 167
20 CSR 2070-2.090	State Board of Chiropractic Examiners	This Issue	This Issue		
20 CSR 2110-2.170	Missouri Dental Board	39 MoReg 1343	39 MoReg 1385	39 MoReg 1818	
20 CSR 2205-1.050	Missouri Board of Occupational Therapy		39 MoReg 1388	39 MoReg 1818	
20 CSR 2220-4.010	State Board of Pharmacy	39 MoReg 1343	39 MoReg 1391	39 MoReg 1818	
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20 CSR 2245-5.020	Real Estate Appraisers				39 MoReg 1582
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22 CSR 10-2.080	Health Care Plan		This Issue		
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22 CSR 10-2.090	Health Care Plan	This Issue	This Issue		
22 CSR 10-2.094	Health Care Plan	39 MoReg 1559R 39 MoReg 1560 39 MoReg 1612T	39 MoReg 1572R 39 MoReg 1572		
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1 CSR 10-4.010	Vendor Payroll Deductions39 MoReg 1637	Jan. 1, 2015	June 29, 2015
1 CSR 10-15.010	Cafeteria Plan39 MoReg 1637	Jan. 1, 2015	June 29, 2015
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2 CSR 30-10.010	Inspection of Meat and Poultry39 MoReg 1559	Aug. 28, 2014	Feb. 26, 2015
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2 CSR 70-14.005	Preemption of All Ordinances and Rules of Political Subdivisions39 MoReg 1638	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.010	Definitions39 MoReg 1639	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.020	Application for a Cultivation and Production Facility License39 MoReg 1640	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.030	Supporting Forms, Documents, Plans, and Other Information to be Submitted with the Applicant's Application for a Cultivation and Production Facility License39 MoReg 1641	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.040	Application-Selection Criteria39 MoReg 1642	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.050	Retention of the Application and Supporting Forms, Documents, Plan, and Other Information Submitted by the Applicant39 MoReg 1643	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.060	Rejection of Cultivation and Production Facility Application Request for Licensure and the Revocation or Suspension of a License39 MoReg 1643	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.070	Cultivation and Production Facility License Expiration39 MoReg 1644	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.080	License Not Transferable and Request to Modify or Alter License39 MoReg 1644	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.090	Cultivation and Production Facility License Stipulations and Requirements39 MoReg 1645	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.100	Requirements for Production, Manufacture, Storage, Transportation, and Testing of Hemp and Hemp Extract39 MoReg 1646	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.110	Hemp Monitoring System Records to be Maintained for Manufacture, Storage, Testing, and Distribution of Hemp and Hemp Extract39 MoReg 1648	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.120	Packaging and Labeling of Hemp and Hemp Extract39 MoReg 1648	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.130	Cultivation and Production Facility and Cannabidiol Oil Care Center Security Measures, Reportable Events, and Records to be Maintained39 MoReg 1649	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.140	Waste Disposal of Unusable Hemp and Hemp Extract39 MoReg 1650	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.150	Pesticide Record Keeping Requirements39 MoReg 1651	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.160	Inspection of Premises and Facility of License Holder, Samples Collected for Analysis, Issuance of Search Warrant, and Powers of Director During Investigation or Hearing, When the Director May Report Violations to Prosecuting Attorney for Action39 MoReg 1651	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.170	Stop Sale, Use, or Removal Orders39 MoReg 1652	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.180	Revocation, Suspension, or Modification of a Cultivation and Production Facility License39 MoReg 1653	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.190	Penalty for Violations of the Act or Any Regulation Issued Thereunder39 MoReg 1653	Oct. 18, 2014	April 15, 2015
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4 CSR 85-5.020	Preliminary Application39 MoReg 1113	May 15, 2014	Feb. 24, 2015
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8 CSR 30-3.060	Occupational Titles of Work DescriptionsNext Issue	Nov. 17, 2014	May 15, 2015

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11 CSR 45-8.140	Application and Verification Procedures for Granting Credit 39 MoReg 1420	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-8.141	Approval of Credit Limits39 MoReg 1421	Aug. 28, 2014	Feb. 26, 2015
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11 CSR 45-9.104	Minimum Internal Control Standards (MICS)–Chapter D . .39 MoReg 1423	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.107	Minimum Internal Control Standards (MICS)–Chapter G . .39 MoReg 1424	Aug. 28, 2014	Feb. 26, 2015
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11 CSR 45-9.109	Minimum Internal Control Standards (MICS)–Chapter I . .39 MoReg 1426	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.111	Minimum Internal Control Standards (MICS)–Chapter K . .39 MoReg 1426	Aug. 28, 2014	Feb. 26, 2015
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11 CSR 45-9.116	Minimum Internal Control Standards (MICS)–Chapter P . .39 MoReg 1428	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.117	Minimum Internal Control Standards (MICS)–Chapter Q . .39 MoReg 1428	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.118	Minimum Internal Control Standards (MICS)–Chapter R . .39 MoReg 1429	Aug. 30, 2014	Feb. 28, 2015
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13 CSR 40-13.030	Adjustment of Blind Pension Payments39 MoReg 1807	Oct. 18, 2014	April 15, 2015
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13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement RatesNext Issue	Nov. 17, 2014	Jan. 31, 2015
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology 39 MoReg 1259	July 1, 2014	Dec. 27, 2014
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)39 MoReg 1260	July 1, 2014	Dec. 27, 2014
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19 CSR 20-51.010	Hemp Extract Registration Card39 MoReg 1655	Oct. 18, 2014	April 15, 2015
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20 CSR 2070-2.090	FeesThis Issue	Nov. 6, 2014	May 4, 2015
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20 CSR 2110-2.170	Fees39 MoReg 1343	July 18, 2014	Feb. 26, 2015
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20 CSR 2220-4.010	General Fees39 MoReg 1343	July 18, 2014	Feb. 26, 2015
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22 CSR 10-2.020	General Membership ProvisionsThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.030	ContributionsThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.045	Plan Utilization Review PolicyThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.051	PPO 300 Plan Benefit Provisions and Covered Charges . .This Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.052	PPO 600 Plan Benefit Provisions and Covered Charges . .This Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.053	Health Savings Account Plan Benefit Provisions and Covered ChargesThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges . .This Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.075	Review and Appeals ProcedureThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary MembersThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.090	Pharmacy Benefit SummaryThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations (Res) .39 MoReg 1559	Oct. 1, 2014	March 29, 2015

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22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations39 MoReg 1560	Oct. 1, 2014	March 29, 2015
22 CSR 10-2.095	TRICARE Supplement PlanThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.110	General Foster Parent Membership ProvisionsThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-2.120	Wellness Program (Res)39 MoReg 1561	Oct. 1, 2014	March 29, 2015
22 CSR 10-2.120	Wellness Program39 MoReg 1562	Oct. 1, 2014	March 29, 2015
22 CSR 10-2.150	Disease Management Services Provisions and Limitations .This Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-3.010	DefinitionsThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-3.020	General Membership ProvisionsThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-3.045	Plan Utilization Review PolicyThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-3.053	PPO 1000 Plan Benefit Provisions and Covered Charges .This Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-3.055	Health Savings Account Plan Benefit Provisions and Covered ChargesThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges . .This Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges . .This Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-3.075	Review and Appeals ProcedureThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-3.090	Pharmacy Benefit SummaryThis Issue	Jan. 1, 2015	June 29, 2015
22 CSR 10-3.150	Disease Management Services Provisions and Limitations .This Issue	Jan. 1, 2015	June 29, 2015

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2014			
14-14	Declares a state of emergency exists in the state of Missouri and directs the Missouri State Highway Patrol with the St. Louis County Police Department and the St. Louis Metropolitan Police Department to operate as a Unified command and ensure public safety in the City of Ferguson and the St. Louis Region and further orders the Adjutant General to call and order into service such portions of the organized militia as he deems necessary.	Nov. 17, 2014	Next Issue
14-13	Closes state offices Nov. 28, 2014.	Oct. 31, 2014	39 MoReg 1811
14-12	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Activation Plan be activated.	Oct. 22, 2014	39 MoReg 1809
14-11	Establishes the Office of Community Engagement.	Sept. 18, 2014	39 MoReg 1656
14-10	Terminates Executive Orders 14-08 and 14-09.	Sept. 3, 2014	39 MoReg 1613
14-09	Activates the state militia in response to civil unrest in the City of Ferguson and authorizes the superintendent of the Missouri State Highway Patrol to maintain peace and order.	Aug. 18, 2014	39 MoReg 1566
14-08	Declares a state of emergency exists in the state of Missouri and directs the Missouri State Highway Patrol to command all operations necessary in the city of Ferguson, further orders other law enforcement to assist the patrol when requested, and imposes a curfew.	Aug. 16, 2014	39 MoReg 1564
14-07	Establishes the Disparity Study Oversight Review Committee.	July 2, 2014	39 MoReg 1345
14-06	Orders that the Division of Energy develop a comprehensive State Energy Plan to chart a course toward a sustainable and prosperous energy future that will create jobs and improve Missourians' quality of life.	June 18, 2014	39 MoReg 1262
14-05	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 11, 2014	39 MoReg 1114
14-04	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	April 3, 2014	39 MoReg 1027
14-03	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	March 20, 2014	39 MoReg 958
14-02	Orders the Honor and Remember Flag be flown at the State Capitol each Armed Forces Day, held on the third Saturday of each May.	March 20, 2014	39 MoReg 956
14-01	Creates the Missouri Military Partnership to protect, retain, and enhance the Department of Defense activities in the state of Missouri.	Jan. 10, 2014	39 MoReg 491
2013			
13-14	Orders the Missouri Department of Revenue to follow sections 143.031.1 and 143.091, RSMo, and require all taxpayers who properly file a joint federal income tax return to file a combined state income tax return.	Nov. 14, 2013	38 MoReg 2085
13-13	Advises that state offices will be closed on Friday November 29, 2013.	Nov. 1, 2013	38 MoReg 1859
13-12	Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	38 MoReg 1459
13-11	Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding.	Aug. 6, 2013	38 MoReg 1457
13-10	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
13-09	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
13-08	Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
13-07	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
13-06	Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
13-05	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505

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13-04	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
13-03	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
13-02	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
13-01	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461

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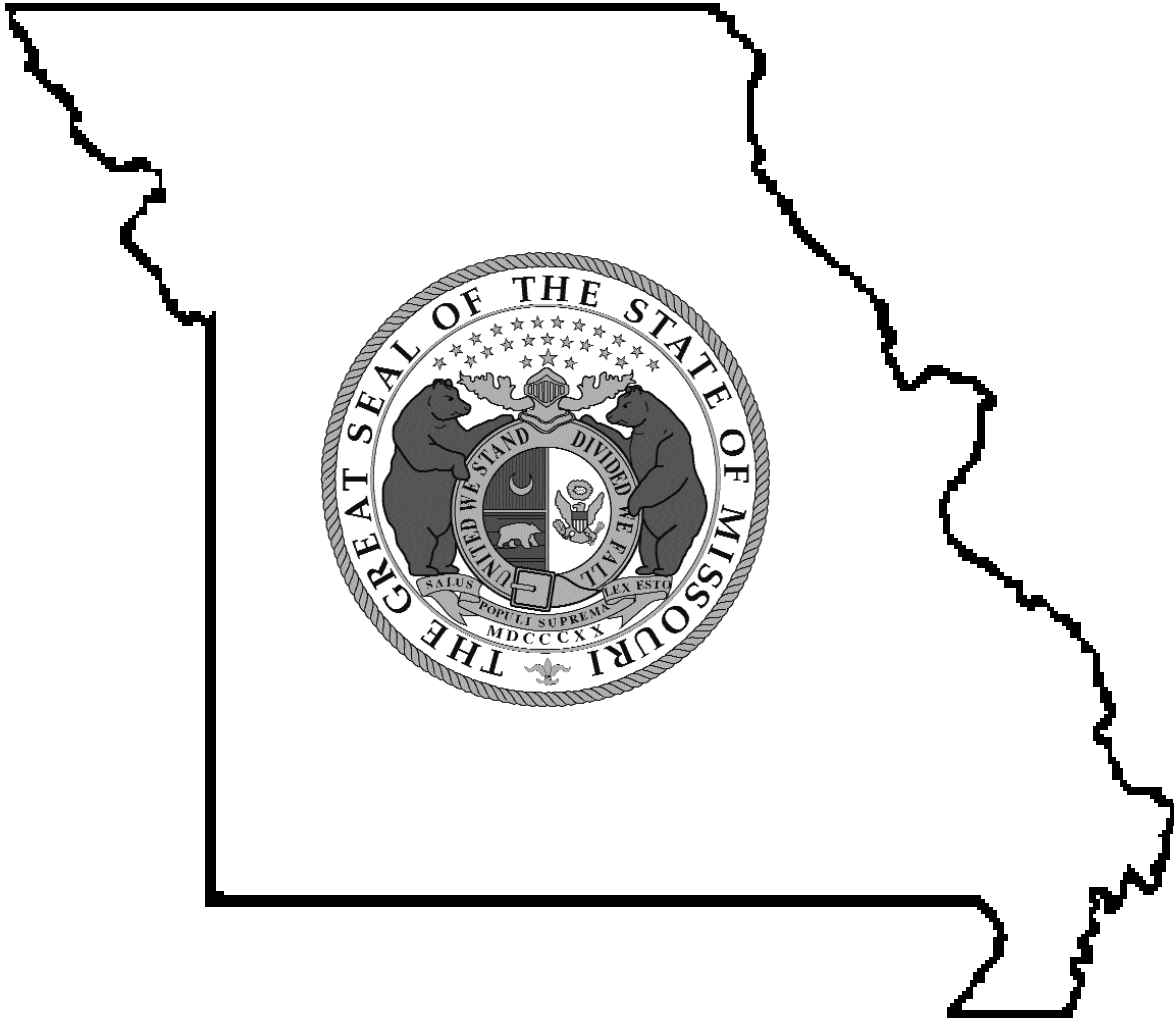
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