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SALUS POPULI SUPREMA LEX ESTO

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



JASON KANDER
SECRETARY OF STATE

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REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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

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

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

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

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

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

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

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

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

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 44—Miscellaneous Fees and Taxes**

EMERGENCY AMENDMENT

12 CSR 10-44.100 Excess Traffic Violation Revenue. The director proposes to amend the purpose and sections (1) and (2).

PURPOSE: This amendment is necessary to reflect the substantial repeal of section 302.341.2, RSMo, the replacement of that section with similar obligations in section 479.359, RSMo, and the creation of new obligations in sections 479.350 to 479.372, RSMo.

EMERGENCY STATEMENT: Sections 479.350 through 479.372, RSMo, as amended by CCS for HCS for SS for SCS for Senate Bill 5, First Regular Session of the 98th General Assembly 2015, made substantial changes to the previously existing procedures and laws regarding municipal courts and traffic violations. Included in the changes were some technical matters and minor relocation of existing obligations into other sections, but primarily the legislation imposes new and different obligations on municipal courts as well as cities, towns, villages, and counties. The legislation, effective August 28, 2015, grants the Department of Revenue authority to promulgate regulations to effectuate the purposes of the bill. To comply with the new

provisions of the law, cities, towns, villages, and counties will require guidance regarding the dates and obligations imposed by the law, many of which will be due to occur as soon as December 31, 2015, and before a proposed amendment could be final. As a result the Department of Revenue finds a compelling governmental interest which requires an early effective date to permit the effective functioning of government and avoid additional disruption related to the delay of the implementation of this bill. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Revenue believes this emergency amendment is fair to all interested persons and parties under the circumstances. Emergency amendment was filed September 1, 2015, becomes effective September 11, 2015, and expires March 8, 2016.

PURPOSE: [Section 302.341, RSMo] Sections 479.350 to 479.372, RSMo, provide[s] for cities, towns, [and] villages, and counties to file certain addendums and remit to the Department of Revenue any amount from fines, bond forfeitures, and court costs for minor traffic violations occurring [on state highways] within cities, towns, villages, and counties that are in excess of [thirty-five percent (35%)] a statutory percentage of its total annual general operating [budget] revenue. This rule explains the procedure for remitting the excess amount to the department.

(1) [In general, any city, town, or village that receives more than thirty-five percent (35%) of its general operating revenue from fines and court costs for traffic violations occurring on state highways must submit the amount in excess of the thirty-five percent (35%) to the Department of Revenue.]

Definitions. For purposes of this rule and any determinations required to be made under sections 479.350 to 479.372, RSMo, the following definitions apply:

(A) “Annual general operating revenue”—as defined in section 479.350(1), RSMo;

(B) “Court costs”—as defined in section 479.350(2), RSMo;

(C) “Minor traffic violation”—as defined in section 479.350(3), RSMo; and

(D) “Statutory percentage”—the percentage of annual general operating revenue applicable to the city, town, village, or county pursuant to section 479.359, RSMo.

(2) [Basic Application of Rule.] **Submission of Excess Revenue.**

[(A) At the end of each city, town, or village’s fiscal year, the city, town, or village must calculate the percent of its general operating revenue that is derived from traffic fines and court costs for traffic violations that occur on state highways.]

[(B)](A) If the city, town, [or] village [determines that], or county, received more than [thirty-five percent (35%)] the applicable statutory percentage of its annual general operating revenues [are derived] from [traffic] fines, bond forfeitures, and court costs for minor traffic violations [on state highways], the [excess amount] amount in excess of the applicable statutory percentage must be remitted to the department.

[(C)](B) [Payment to the department should occur by the last day of the second month immediately following the end of the city, town, or village’s fiscal year.] Any city, town, village,

or county shall remit the amount in excess of the applicable statutory percentage to the Department of Revenue at the same time as the addendum is filed with the state auditor. The city, town, [or] village, or county must clearly mark the payment as “Excess Traffic Fees” and must include a copy of the addendum required by section 479.359, RSMo, with the payment.

[(D)](C) [If the city, town, or village determines it has not derived more than thirty-five percent (35%) of its general operating revenues from traffic fines and court costs for traffic violations on state highways, it does not need to report that fact to the department.] Any city, town, village, or county that fails to file its addendums required by sections 479.359 and 479.360, RSMo, or that fails to timely remit the correct amount of revenue in excess of the applicable statutory percentage at the same time as the addendum is filed with the state auditor, shall be subject to the penalties and remedies set forth in sections 479.350 to 479.372, RSMo.

AUTHORITY: section [302.341.2, RSMo Supp. 2010] 479.359, RSMo, as amended by CCS for HCS for SS for SCS for Senate Bill 5, First Regular Session, 98th General Assembly 2015. Original rule filed Sept. 27, 2010, effective March 30, 2011. Emergency amendment filed Sept. 1, 2015, effective Sept. 11, 2015, expires March 8, 2016. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 40—Family Support Division

Chapter 2—Income Maintenance

EMERGENCY AMENDMENT

13 CSR 40-2.300 Definitions Which Are Applicable for Benefit Programs Funded by the Temporary Assistance for Needy Families (TANF) Block Grant. The department is amending this regulation by adding new definitions and clarifying other definitions.

PURPOSE: The amendment rewrites the existing rule adding definitions of terms used in subsequent TA regulations.

[PURPOSE: This rule states the definitions which are applicable to benefit programs funded by the Temporary Assistance for Needy Families (TANF) Block Grant.]

PURPOSE: This rule provides the definition of terms which are applicable to the Temporary Assistance program funded by the Temporary Assistance for Needy Families (TANF) Block Grant.

EMERGENCY STATEMENT: This emergency amendment is necessary because the health and welfare of impoverished Missouri families and children will be negatively impacted if such regulation is not enacted. This regulation is required for the Family Support Division to implement changes to the Temporary Assistance (TA) program enacted in SB 24 (2015) and codified at section 208.040, RSMo. The Family Support Division has a compelling governmental interest to implement changes to the TA work requirements that go into effect August 28, 2015. The Family Support Division is required to apply the new eligibility and work participation requirements to all of its TA applications effective August 28, 2015, and to the approximately two thousand (2,000) to three thousand (3,000) families that apply for TA every month. Participants in the TA program must meet new require-

ments to qualify for benefits. The amendments to this regulation are necessary to enable the division to implement the new statutory requirements in the manner required by law. Many of these changes require new definitions, regulations, or amendments to existing regulations. The TA program provides vital assistance to Missouri families and children. This includes not just cash assistance for necessities, but critical job training and work ready resources to lift families out of poverty. Without a working regulatory framework in place, the families and children that this program assists will not receive the full aid available through the program as envisioned by the legislature. The division is compelled to file this emergency amendment because the amendment sets out the definition of terms used in the subsequent regulations that are necessary to enforce the terms of Senate Bill 24 (2015). Without the emergency amendment, the division’s authority to achieve these smooth transitions will be weakened since the current regulations will be inconsistent with Senate Bill 24 (2015). Families will be adversely impacted without this emergency amendment because the adult family members cannot move from unemployment to self-sustaining employment. Failure to obtain employment will negatively impact the health and welfare of the family. An overview of this amendment was shared with advocates concerned with the Senate Bill 24 implications on TA participants. The advocates had an opportunity to express concerns and their concerns were considered in the final drafting of this amendment. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Family Support Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 18, 2015, becomes effective August 28, 2015, and expires February 23, 2016.

[(1) The program for the provision of any public assistance funded in whole or part directly through the Temporary Assistance for Needy Families (TANF) Block Grant, section 603 of Title 42, United States Code shall be known as “Temporary Assistance.”

(2) As used in 13 CSR 40-2.300 through 13 CSR 40-2.370 and except as otherwise expressly provided, the term “assistance” means every form of support provided to families under the Temporary Assistance Program (including child care, work subsidies, and allowance to meet living expenses), except: services that have no direct monetary value to an individual family and that do not involve implicit or explicit income support, such as counseling, case management, peer support, and employment services that do not involve subsidies or other forms of income support; and one-time, short-term assistance (i.e., assistance paid within a thirty (30)-day period, no more than once in any twelve (12)-month period, to meet needs that do not extend beyond a ninety (90)-day period, such as automobile repair to retain employment and avoid welfare receipt and appliance repair to maintain living arrangements).]

(1) Agent: Any entity acting on behalf of the division under a contract or memorandum of understanding.

(2) Assistance: Every form of support provided to participants and their families under the Temporary Assistance (TA) Program, including child care, work subsidies, and allowances to

meet living expenses. Assistance does not include the cash diversion program in 13 CSR 40-2.480; services that have no direct monetary value to an individual family and that do not involve implicit or explicit income support, such as counseling, case management, peer support, and employment services that do not involve subsidies or other forms of income support; or one- (1-) time, short-term assistance authorized by a representative of the Family Support Division as part of an Individual Employment Plan (IEP) under 13 CSR 40-2.370(2), including assistance to pay for automobile repairs to retain employment and avoid welfare receipt, and appliance repair to maintain living arrangements.

(3) Community service programs: Structured programs and embedded activities in which TA recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. Community service programs must be limited to projects that serve a useful community purpose in fields such as health, social service, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and child care.

(4) Division: The Family Support Division of the Department of Social Services of the State of Missouri, or its agent.

(5) Household: A family that includes:

(A) Eligible children under the age of eighteen (18); or

(B) Eligible children who are age eighteen (18) and in secondary school or the equivalent vocational or technical school, if they are expected to graduate before turning age nineteen (19); and

(C) The natural or adoptive parents of one (1) or more of the eligible children; or

(D) Any needy non-parent caretaker relative or unrelated guardian of one (1) or more of the eligible children, if there are no natural or adoptive parents in the home. The non-parent caretaker relative or the guardian, if found to be eligible for inclusion, may exclude themselves from the assistance group.

(6) Investigation: A review conducted by the division to determine that a participant is not cooperating with a work participation activity requirement. The investigation may include a telephone or personal contact with the participant at the discretion of the division.

(7) Participant: Any individual who has applied for, or is receiving, or has been denied TA benefits or services administered by the Family Support Division.

(8) Temporary Assistance (TA): The division's program for the provision of any public assistance funded in whole or part directly through the Temporary Assistance for Needy Families (TANF) Block Grant, section 603 of Title 42, United States Code and Parts 260-284 of Title 45, Code of Federal Regulations.

(9) Satisfactory attendance at a secondary school, provided that the participant has not already completed secondary school: Regular attendance, in accordance with the requirements of the secondary school or course of study, at a secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate. This activity must be supervised on an ongoing basis no less frequently than daily.

(10) Work activities that any participant seeking TA shall engage in unless exempt include:

- (A) Unsubsidized employment;
- (B) Subsidized private sector employment;
- (C) Subsidized public sector employment;
- (D) Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
- (E) On-the-job training;
- (F) Job search and job readiness assistance;
- (G) Community service programs;
- (H) Vocational educational training (not to exceed twelve (12) months with respect to any participant);
- (I) Job skills training directly related to employment;
- (J) Education directly related to employment for participants who have not received a high school diploma or a certificate of high school equivalency;
- (K) Satisfactory attendance at a secondary school provided that the participant has not already completed secondary school; and
- (L) Providing child care services to a participant who is involved in a community service program.

(11) Subsidized Public Sector Employment: Employment in the public sector for which the employer receives a subsidy from TA or other public funds to offset some or all of the wages and costs of employing a recipient.

(12) Subsidized Private Sector Employment: Employment in the private sector for which the employer receives a subsidy from TA or other public funds to offset some or all of the wages and costs of employing a recipient.

(13) Vocational educational training: Organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training other than a baccalaureate or advanced degree. Vocational educational training must be supervised on an ongoing basis no less frequently than daily.

(14) Work Experience: A work activity, performed in return for TA, that provides an individual with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment.

(15) Unsubsidized employment: Full or part-time employment in the public or private sector that is not subsidized by TA or any other public program.

AUTHORITY: section[s 207.020] 207.022, RSMo Supp. 2014, and section 208.026, [208.040.5,] RSMo [1994] CCS HCS SS#2 SCS SB 24, First Regular Session, Ninety-eighth General Assembly, 2015. Emergency rule filed Feb. 18, 1998, effective March 1, 1998, terminated Aug. 10, 1998. Original rule filed Jan. 16, 1998, effective Aug. 1, 1998. Emergency amendment filed Aug. 18, 2015, effective Aug. 28, 2015, expires Feb. 23, 2016. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

EMERGENCY AMENDMENT

13 CSR 40-2.310 Requirements as to Eligibility for Temporary Assistance. The department is adding subsections (1)(G) and (H) and

amending subsection (8)(B).

PURPOSE: This amendment adds new requirements in TA regulations.

EMERGENCY STATEMENT: This emergency amendment is necessary because the health and welfare of impoverished Missouri families and children will be negatively impacted if such regulation is not enacted. This regulation is required for the Family Support Division to implement changes to the Temporary Assistance (TA) program enacted in SB 24 (2015) and codified at section 208.040, RSMo. The Family Support Division has a compelling governmental interest to implement changes to the TA eligibility requirements. The Family Support Division is required to apply the new eligibility requirements to all of its TA applications effective August 28, 2015, and to the approximately two thousand (2,000) to three thousand (3,000) families that apply for TA every month. Participants in the TA program must meet these new requirements to qualify for benefits. The amendments to the regulation are necessary to enable the division to implement the new statutory requirements in the manner required by law. Many of these changes require new regulations or amendments to existing regulations. The TA program provides vital assistance to Missouri families and children. This includes not just cash assistance for necessities, but critical job training and work ready resources to lift families out of poverty. Without a working regulatory framework in place, the families and children that this program assists will not receive the full aid available through the program as envisioned by the legislature. Without the emergency amendment, the division's authority to achieve the required goals of Senate Bill 24 (2015) will be weakened since the current regulation will be inconsistent with Senate Bill 24 (2015). Families will be adversely impacted because the adult family members cannot be helped by the division to move from unemployment to self-sustaining employment. Failure to obtain employment will negatively impact the health and welfare of the family's minor children since the lack of employment will leave them in poverty. An overview of this amendment was shared with advocates concerned with the Senate Bill 24 implications on TA participants. The advocates had an opportunity to express concerns and their concerns were considered in the final drafting of this amendment. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Family Support Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 18, 2015, becomes effective August 28, 2015, and expires February 23, 2016.

(1) The eligibility requirements for the Temporary Assistance Program shall include:

(E) Recipients of Supplemental Security Income (SSI) shall not be eligible for Temporary Assistance. The income, expenses, and resources of the SSI recipient are excluded when determining the eligibility of the household. The individual shall be excluded for purposes of determining household size; *[and]*

(F) Meeting other eligibility requirements contained in 13 CSR 40-2.300 through 13 CSR 40-2.370[.];

(G) Beginning August 28, 2015, any parent or caretaker who applies for TA under these regulations shall first complete a standardized orientation which informs participants of the program's rules and requirements, available resources for work activities,

and consequences if the program's requirements are not satisfied. Parents or caretakers who are applying for TA benefits for themselves shall sign a Personal Responsibility Plan in which they commit to participate in the program and specify the work activities in which they will participate; and

(H) Beginning August 28, 2015, any parent or caretaker whose TA case is closed due to work activity sanctions under these regulations shall first perform work activities for an average of thirty (30) hours per week in a one- (1-) month period before qualifying for TA again, unless such individual is otherwise exempt from work activities as provided for in these regulations.

(8) Determining the Amount of Cash Payments.

(B) Consideration of Available Income.

1. In Temporary Assistance cases, all income of the following persons who are in the household, irrespective of subsection (8)(A), shall be considered in determining whether the children (including stepchild and adopted child) are in need, and if so, the amount of that need:

A. Eligible children;

B. Biological or adoptive parents of one (1) or more of the eligible children;

C. Any needy non-parent caretaker relative or related or unrelated guardian if they desire to be included in the assistance group and are eligible for inclusion;

D. New spouse and stepparent income:

(I) Upon the marriage of a TA recipient, the division will disregard the income and resources of the TA recipient's new spouse for six (6) consecutive TA months. Only months in which a TA benefit is paid to the recipient will be counted toward the six (6) consecutive months. The disregard begins the first month following the marriage date, in which benefits would have been reduced without the application of this disregard. The TA recipient cannot receive this disregard again if he or she remarries. The TA recipient shall provide proof of a valid marriage to the division.

[D.](II) Except as otherwise excluded in part (8)(B)1.D.(I) of this subsection, [A] stepparent living in the same home as such child as exceeds the sum of a) the first ninety dollars (\$90) of the stepparent's earned income, for such month; b) the Standard of Need for a family of the same composition as the stepparent and those other individuals living in the same household as the dependent child and claimed or who could be claimed by such stepparent as dependents for purposes of determining the stepparent's federal personal income tax liability but whose needs are not taken into account; c) amounts paid by the stepparent to individuals not living in such household and claimed by him/her as dependents for purposes of determining the stepparent's federal personal income tax liability; and d) payments by such stepparent of court ordered alimony or child support with respect to individuals not living in such household;

E. Any biological or adoptive brother or sister of an eligible child, if such brother or sister meets the conditions described in 13 CSR 40-2.310(5) and 13 CSR 40-2.325(1)(A)1. and 2., and is living in the home;

F. With respect to an eligible child who is living with a parent or legal guardian who is under age eighteen (18), the income of such minor parent's own parents who are living in the home shall be included to the same extent that the income of a stepparent is included (see subparagraph (8)(B)1.D. above). The minor parent's parents' earned income shall be disregarded up to one hundred percent (100%) of the federal poverty level; and

G. Income of all other persons in the household will be considered in the amount made available to the household.

2. In computing the income of an applicant or recipient, or of the household of which s/he is a member, only that income which is available during the period under consideration shall be taken into account. To be considered as available, the income shall actually and presently exist (not to be a potential or remote income) and shall be sufficient to have some appreciable significance in meeting the immediate requirements of the applicant or recipient.

AUTHORITY: sections [207.020, RSMo 2000 and 208.040.5, RSMo Supp. 2003] 207.022, RSMo Supp. 2014 and 208.040, CCS HCS SS#2 SCS SB 24, First Regular Session, Ninety-eighth General Assembly, 2015. Emergency rule filed Feb. 18, 1998, effective March 1, 1998, terminated Aug. 10, 1998. Original rule filed Jan. 16, 1998, effective Aug. 1, 1998. Emergency amendment filed July 22, 2003, effective Aug. 1, 2003, expired Jan. 27, 2004. Amended: Filed Jan. 23, 2004, effective July 30, 2004. Emergency amendment filed Aug. 18, 2015, effective Aug. 28, 2015, expires Feb. 23, 2016. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

EMERGENCY AMENDMENT

13 CSR 40-2.315 Work Activity and Work Requirements for Recipients of Temporary Assistance. The department is amending section (1), removing section (3), and adding new sections (3)–(6).

PURPOSE: The amendment rewrites section (3) to identify new work activity requirements for the Temporary Assistance (TA) program that were created by SB 24. It also adds a new section (4), which addresses work activity sanctions and new requirements for participants who are already sanctioned. Portions of section (3) have been re-designated as sections (5) and (6). Since the definition of work activities will now appear in an emergency amendment to 13 CSR 40-2.300 – which governs all definitions for TA – it has been removed from this rule.

EMERGENCY STATEMENT: This emergency amendment is necessary because the health and welfare of impoverished Missouri families and children will be negatively impacted if such regulation is not enacted. This regulation is required for the Family Support Division (FSD) to implement changes to the Temporary Assistance (TA) program enacted in SB 24 (2015) and codified at sections 208.026 and 208.040, RSMo. The Family Support Division has a compelling governmental interest to implement changes to the TA work requirements that go into effect August 28, 2015. Participants in the TA program must meet these new requirements to qualify for benefits. The amendments to the regulation are necessary to enable the division to implement the new statutory requirements in the manner required by law. Many of these changes require new regulations or amendments to existing regulations. The TA program provides vital assistance to Missouri families and children. This includes not just cash assistance for necessities, but critical job training and work ready resources to lift families out of poverty. Without a working regulatory framework in place, the families and children that this program assists will not receive the full aid available through the program as envisioned by the legislature. For example, over nine thousand six hundred (9,600)

Missourians are currently sanctioned at a rate of twenty-five percent (25%) for non-cooperation with work requirements. The twenty-five percent (25%) sanction that was formerly codified in section 208.040, RSMo, no longer exists, and is replaced by a fifty percent (50%) sanction, which is imposed according to the new sanction policy outlined in this rule. Once sanctioned, these individuals will stop receiving TA if they do not meet work requirements for four (4) consecutive weeks during the ten (10) week period the sanction is imposed. The Family Support Division is also required to apply this policy to all of its TA applications effective August 28, 2015, and approximately two thousand (2,000) to three thousand (3,000) families apply for TA every month. Due to the changes, FSD is compelled to revise the exemptions to work requirements in order to maximize the TA recipient's ability to receive employment and training services and ensure FSD continues to receive the entire Temporary Assistance for Needy Families (TANF) block grant. An overview of this rule was shared with advocates concerned with the Senate Bill 24 implications on TA participants. The advocates had an opportunity to express concerns, and their concerns were considered in the final drafting of this amendment. A proposed amendment, which covers the same material, is published in the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Family Support Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 18, 2015, becomes effective August 28, 2015, and expires February 23, 2016.

(1) For the purpose of the administration of the Temporary Assistance Program, unless otherwise expressly provided in these rules, a parent or caretaker receiving assistance must engage in work activities when the Division of Family Services has determined that the individual is ready to engage in work or when the individual has received assistance for a total of twenty-four (24) months, whichever is earlier.

[(A) Work activities are defined as:

- 1. Unsubsidized employment;*
- 2. Subsidized private sector employment;*
- 3. Subsidized public sector employment;*
- 4. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;*
- 5. On-the-job training;*
- 6. Job search and job readiness assistance;*
- 7. Activities permitted under a federally approved waiver granted to the Department of Social Services at the time of filing this rule;*
- 8. Vocational educational training (not to exceed twelve (12) months with respect to any individual);*
- 9. Job skills training directly related to employment;*
- 10. In the case of a recipient who has not received a high school diploma or a certificate of high school equivalency, education directly related to employment; and*
- 11. Satisfactory attendance at a secondary school or, in the case of a recipient who has not completed secondary school or received such a certificate, in a course of study leading to a certificate of general equivalence.]*

[(3) Sanctions.

(A) If an individual in a family subject to work participation requirements refuses to engage in a work activity, without

good cause, as required in accordance with this section, the Division shall—

1. Reduce the amount of temporary assistance otherwise payable to the family, pro rata;

2. The division shall not reduce assistance provided through the Temporary Assistance Program because of a refusal to work if the individual is a single custodial parent caring for a child who is not yet six (6) years of age and if the individual has demonstrated the inability to work as determined by the division because of the unavailability of affordable, appropriate, suitable child care, within a reasonable distance from the home or work site.

A. *Affordable*—When determining whether child care is affordable, no recipient shall be required to accept child care if the only available child care requires the family to personally pay more than twenty percent (20%) of their gross household income (less medical insurance premiums) for child care. This twenty percent (20%) includes both the family's sliding fee and any additional co-payment the family would be required to pay. This twenty percent (20%) does not include federal, state, or local child care subsidy.

B. *Appropriate*—At a minimum, to be considered an appropriate provider, a provider must—

(I) Be licensed by the Missouri Department of Health; or

(II) If exempt from licensure, be registered by the Division of Family Services. In order to be registered by the Division of Family Services, a provider must comply with the terms set forth in 13 CSR 40-32.010(8) and (9). Grandparents, great-grandparents, aunts, uncles, and siblings of the child needing care (as long as the sibling does not reside in the child's home) are exempt from the minimum health and safety requirements but are required to be registered.

C. *Suitable*—A provider is suitable if the recipient does not believe the child is at risk of abuse or neglect while being provided care by the provider. A recipient must not be required to use a provider with whom the recipient has reason to believe the child is at risk of abuse or neglect. If other adults are residing in the household but the recipient does not believe the other adult is suitable, the recipient must provide a reasonable statement as to why the other adult(s) is unavailable or places the child at risk of abuse or neglect.

D. *Within a reasonable distance*—When determining whether a provider is within a reasonable distance, the division shall consider the following:

(I) Availability of personal transportation;

(II) Distance from public transportation to care and work; and

(III) What is reasonable within the community.

(B) *Good Cause*.

1. The following constitute good cause for failure to participate or accept employment:

A. The employment would result in the family of the recipient experiencing a net loss of cash income;

B. Net loss of cash income results if the family's gross income less necessary work-related expenses is less than the cash assistance the individual was receiving at the time the offer of employment is made. Gross income includes, but is not limited to, earnings, unearned income and cash assistance;

C. Court-required appearance or incarceration;

D. Emergency family crisis which renders participation unreasonable;

E. Breakdown in transportation arrangements with no readily accessible alternate means of transportation;

F. Breakdown in the child care arrangement or availability of child care not suited for special needs of the child for whom it is intended; or

G. Lack of identified social services necessary for participation and set forth in the self-sufficiency pact referenced in 13 CSR 40-2.370.]

(3) If the division determines after an investigation that a participant is not cooperating with a work activity requirement as provided for in 13 CSR 40-2.310 or this regulation, the division shall schedule a face-to-face meeting with the participant to explain potential sanctions and the requirements to avoid a sanction.

(A) The division shall send notice of the scheduled meeting to the participant at least ten (10) business days before the meeting date. The notice shall include the date, time, and place designated by the division for the participant to appear. If the participant is unable to attend the meeting, the participant must contact the division to reschedule the meeting prior to the scheduled meeting time, and request an alternative meeting date, time, or place. The meeting must occur prior to or during the same calendar week as the original meeting, unless good cause exists. When good cause exists, the participant may only request to schedule one (1) additional appointment which will be within a reasonable amount of time not to exceed ten (10) business days from the original meeting date.

(B) "Good cause" includes a mistake or conduct beyond the control of the TA participant that is not intentionally or recklessly designed to impede an eligibility determination under these or any other TA regulations. Good cause includes, but is not limited to:

1. A court-required appearance or incarceration lasting less than thirty (30) days;

2. An emergency family crisis that renders the participant unable to meet at the scheduled place, date, or time; and

3. A breakdown in transportation arrangements with no readily accessible alternate means of transportation.

(C) The participant shall have six (6) weeks from the first business day of the week following the meeting with the division to comply with the work activity requirements, as required by the division. The participant's TA benefits shall not be sanctioned during the six (6) week period.

(D) If the participant fails to appear for the scheduled face-to-face meeting and does not contact the division prior to the meeting to reschedule the meeting as described in section (3), the participant shall have six (6) weeks from the first business day of the week following the most recent scheduled meeting with the division to comply with the work activity requirements, as required by the division. The participant's TA benefits shall not be sanctioned during the six (6) week period.

(E) If the participant does not comply with the work activity requirements during the six (6) week period, as described in either subsection (3)(C) or (3)(D), the division shall apply a sanction terminating fifty percent (50%) of the full amount of TA benefit for which the participant and the participant's family is otherwise eligible, for a period of no more than ten (10) weeks. If the participant complies with the work activity requirements during the six (6) week period, described in either subsection (3)(C) or (3)(D), the division will take no further action against the participant's

TA benefits.

(F) During this ten (10) week period, the participant shall remain in sanction status and the division shall attempt to schedule a second face-to-face meeting with the participant as provided for in section (3). To end the sanction, the participant shall perform work activities for a minimum average of thirty (30) hours per week for one (1) month.

(G) Failure to complete the requirements in subsection (3)(F) shall result in the participant's TA case being closed.

(H) A participant whose case is closed under subsection (3)(G) will attend a temporary assistance eligibility interview if the individual wishes to re-apply for TA. The individual shall complete a minimum average of thirty (30) hours of work activities per week within one (1) month of the temporary assistance eligibility interview. The completion of work activities is a pre-requisite for any further eligibility for TA.

(4) Individuals who are already sanctioned by the division for non-cooperation with work activities as of August 28, 2015, shall comply with the following:

(A) Attend a face-to-face meeting with the division as set forth in subsection (3)(A);

(B) If the participant appears for the scheduled face-to-face meeting, the work requirement sanction in place prior to August 28, 2015, shall be ended. The participant shall have six (6) weeks from the first business day of the week following the meeting with the division to comply with the work participation activity requirements, as required by division;

(C) If the participant fails to appear for the scheduled face-to-face meeting required by subsection (3)(A), and does not contact the division prior to the meeting to reschedule the meeting, the participant shall have six (6) weeks from the first business day of the week following the originally scheduled meeting with the division to comply with the work activity requirements, as required by the division. The participant's TA benefits shall remain sanctioned at twenty-five percent (25%) during the six- (6-) week period;

(D) If the participant appears for the scheduled face-to-face meeting required by subsection (3)(A), and complies with the work activity requirements during the six- (6-) week period, no further action will be taken;

(E) If the participant does not comply with the work activity requirements during the six- (6-) week period, as described in subsections (3)(B) and (3)(C), the division shall apply a sanction terminating a total of fifty percent (50%) of the TA benefit amount the household would otherwise receive. This sanction shall apply for a period of no more than ten (10) weeks;

(F) During this ten- (10-) week period, the division shall attempt to schedule a second face-to-face meeting with the participant as provided for in subsection (3)(A). To end the sanction, the participant shall perform work activities for a minimum average of thirty (30) hours per week for one (1) month;

(G) Failure to complete the requirements in subsection (4)(F) shall result in the participant's TA case being closed; and

(H) If the participant re-applies for TA after his or her case was closed under subsection (3)(G), the application cannot be approved until the applicant completes a minimum of thirty (30) hours for one (1) week within one (1) month of the TA application.

(5) The Division shall not reduce assistance provided through the Temporary Assistance Program because of a refusal to work if

the individual is a single custodial parent caring for a child who is not yet six (6) years of age and if the individual has demonstrated the inability to work as determined by the division because of the unavailability of affordable, appropriate, suitable child care, within a reasonable distance from the home or work site.

(A) Affordable—When determining whether child care is affordable, no recipient shall be required to accept child care if the only available child care requires the family to personally pay more than twenty percent (20%) of their gross household income (less medical insurance premiums) for child care. This twenty percent (20%) includes both the family's sliding fee and any additional co-payment the family would be required to pay. This twenty percent (20%) does not include federal, state, or local child care subsidy.

(B) Appropriate—At a minimum, to be considered an appropriate provider, a provider must—

1. Be licensed by the Missouri Department of Health and Senior Services; or

2. If exempt from licensure, be registered by the Division of Family Services. In order to be registered by the Division of Family Services, a provider must comply with the terms set forth in 13 CSR 40-32.010(8) and (9). Grandparents, great-grandparents, aunts, uncles, and siblings of the child needing care (as long as the sibling does not reside in the child's home) are exempt from the minimum health and safety requirements but are required to be registered.

(C) Suitable—A provider is suitable if the recipient does not believe the child is at risk of abuse or neglect while being provided care by the provider. A recipient must not be required to use a provider with whom the recipient has reason to believe the child is at risk of abuse or neglect. If other adults are residing in the household but the recipient does not believe the other adult is suitable, the recipient must provide a reasonable statement as to why the other adult(s) is unavailable or places the child at risk of abuse or neglect.

(D) Within a reasonable distance—When determining whether a provider is within a reasonable distance, the division shall consider the following:

1. Availability of personal transportation;
2. Distance from public transportation to care and work; and
3. What is reasonable within the community.

(6) Good Cause.

(A) The following constitutes good cause for failure to participate or accept employment:

1. The employment would result in the family of the recipient experiencing a net loss of cash income;
2. Net loss of cash income results if the family's gross income less necessary work-related expenses is less than the cash assistance the individual was receiving at the time the offer of employment is made. Gross income includes, but is not limited to, earnings, unearned income, and cash assistance;
3. Court-required appearance or incarceration;
4. Emergency family crisis which renders participation unreasonable;
5. Breakdown in transportation arrangements with no readily accessible alternate means of transportation;
6. Breakdown in the child care arrangement or availability of child care not suited for special needs of the child for whom it is intended; or

7. Lack of identified social services necessary for participation and set forth in the self-sufficiency pact referenced in 13 CSR 40-2.370.

AUTHORITY: section[s] 207.020 and 208.040.5, RSMo 1994/207.022, RSMo Supp. 2014, and sections 208.026 and 208.040, CCS HCS SS#2 SCS SB 24, First Regular Session, Ninety-eighth General Assembly, 2015. Emergency rule filed Feb. 18, 1998, effective March 1, 1998, terminated Aug. 10, 1998. Original rule filed Jan. 16, 1998, effective Aug. 1, 1998. Emergency amendment filed Aug. 18, 2015, effective Aug. 28, 2015, expires Feb. 23, 2016. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 15—ELECTED OFFICIALS

Division 40—State Auditor

Chapter 3—Rules Applying to Political Subdivisions

EMERGENCY AMENDMENT

15 CSR 40-3.030 Annual Financial Reports of Political Subdivisions. The auditor is amending sections (1), (3), and (5).

PURPOSE: This amendment modifies when annual financial reports are due with the State Auditor's Office by providing additional time to file the financial report for political subdivisions who after August 28, 2015 will now be required by Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill 5, First Regular Session, Ninety-eighth General Assembly, 2015 to file additional information with the State Auditor's Office at the same time as their financial report.

EMERGENCY STATEMENT: Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill 5, First Regular Session, Ninety-eighth General Assembly went into effect on August 28, 2015. Senate Bill 5 changes the local government reporting obligations regarding the percent of annual general operating revenue from fines and court costs from traffic violations and directs the State Auditor's Office to allow reasonable opportunity for demonstration of compliance with additional filing requirements that local governments are to file in conjunction with the annual financial report that is the subject of this rule. While the State Auditor's Office engages in an open process to develop the rules that Senate Bill 5 specifies shall be set forth by December 31, 2015, local governments will require additional time to demonstrate compliance. As a result, the State Auditor's Office finds a compelling governmental interest which requires an early effective date for this amendment. The State Auditor's Office believes this emergency amendment is fair to all interested persons and parties under these circumstances. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. This emergency amendment was filed September 1, 2015, becomes effective September 11, 2015, and expires March 8, 2016.

(1) An annual financial report shall be filed with the State Auditor's Office by every political subdivision. The annual financial report

shall be set forth on the financial report form available from the State Auditor's Office and on its website, or may be in a form determined by the political subdivision which shall contain, as a minimum, the following:

(E) A statement of the bonded indebtedness at the beginning and end of the reporting period; **and**

(F) The property tax rate levied for each fund expressed in cents per one hundred dollars (\$100) assessed valuation[.];

[(G) The annual general operating revenue of the political subdivision; and

(H) An accounting of the percent of annual general operating revenue from fines and court costs from traffic violations, including amended charges from any charged traffic violation, occurring within the city, town, village, or county and charged in the municipal court of that city, town, village, or county.]

(3) Notwithstanding any other provision of this rule, a political subdivision whose cash receipts for the reporting period are ten thousand dollars (\$10,000) or less may file an annual financial report in a form determined by the political subdivision which need only contain the following:

(C) A summary of cash disbursements during the reporting period of each fund; **and**

(D) The cash balance at the end of the reporting period of each fund[.];

[(E) The annual general operating revenue of the political subdivision; and

(F) An accounting of the percent of annual general operating revenue from fines and court costs from traffic violations, including amended charges from any charged traffic violation, occurring within the city, town, village, or county and charged in the municipal court of that city, town, village, or county.]

(5) An unaudited annual financial report shall be submitted within *[four (4)]* **six (6)** months after the end of the political subdivision's fiscal year; an audit report prepared by a certified public accountant shall be submitted within six (6) months after the end of the political subdivision's fiscal year[.]; **any such reports due between August 28, 2015, and November 30, 2015, may be filed on or before December 31, 2015.**

AUTHORITY: section 105.145, RSMo Supp. [2014] 2013. Original rule filed Oct. 13, 1983, effective Jan. 13, 1984. Amended: Filed June 29, 2006, effective Jan. 30, 2007. Amended: Filed March 1, 2012, effective Aug. 30, 2012. Amended: Filed Sept. 23, 2014, effective April 30, 2015. Emergency amendment filed Sept. 1, 2015, effective Sept. 11, 2015, expires March 8, 2016. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN**

**Division 10—Health Care Plan
Chapter 2—State Membership**

EMERGENCY RESCISSION

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

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

*EMERGENCY STATEMENT: This emergency rescission must be in place by October 1, 2015, in accordance with the new plan year. Therefore, this emergency rescission is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and will allow members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rescission be filed as an emergency rescission to maintain the integrity of the current health care plan. This emergency rescission must become effective October 1, 2015, to fulfill the compelling governmental interest of offering continuous health insurance to officers, state employees, retirees, and their families. This rescission reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rescission complies with the protections extended by the *Missouri and United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rescission was filed August 28, 2015, becomes effective October 1, 2015, and expires March 28, 2016.*

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Aug. 28, 2015, effective Oct. 1, 2015, expires March 28, 2016. A proposed rescission covering this same material is published in this *Missouri Register*.*

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

EMERGENCY RULE

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

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

EMERGENCY STATEMENT: This emergency rule must be in place by October 1, 2015, in accordance with open enrollment for the new plan year. Therefore, this emergency rule is necessary to serve a com-

*elling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and allows members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be filed as an emergency rule in order to maintain the integrity of the current health care plan. This emergency rule must become effective October 1, 2015 to fulfill the compelling governmental interest of offering continuous health insurance to officers, state employees, retirees, and their families. This emergency rule reflects changes made to the plan by the MCHCP Board of Trustees. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rule complies with the protections extended in the *Missouri and United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed August 28, 2015, becomes effective October 1, 2015, and expires March 28, 2016.*

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

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

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

(A) Active employee subscribers;

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

(C) Non-Medicare subscribers.

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

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

(B) Dependent children;

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

(D) Spouse who has Medicare as primary coverage;

(E) TRICARE Supplement Plan subscriber;

(F) Spouse covered by ineligible subscriber; and

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

(5) Participation.

(A) Each eligible member must participate separately.

(B) In order to receive the Tobacco-Free Incentive, eligible members must complete one (1) of the following for the incentive to be effective the first day of the second month after MCHCP receives the Tobacco Promise form and the applicable requirements are completed:

1. Submit a Tobacco-Free Promise form; or
2. Submit a Quit Tobacco Promise form, enroll in an MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course. Quit tobacco programs completed prior to December 1, 2015 shall not qualify for the 2016 incentive.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2015 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. Submit a Tobacco-Free Promise form; or
2. Submit a Quit Tobacco Promise form, enroll in an MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course.

(D) All forms can be completed through the eligible member's myMCHCP account or downloaded from MCHCP's website and printed for completion. Completed printed forms must be submitted to MCHCP by fax, mail, or up-loaded to the eligible member's myMCHCP account.

(E) Eligible members participating in the Tobacco-Free Incentive whose coverage ends due to the subscriber's termination of all employment with the state and who then regain coverage effective in the same plan year because the subscriber is rehired as a new state employee, will receive the Tobacco-Free Incentive effective the first day his/her medical coverage is effective after the subscriber is rehired if one (1) of the following is completed:

1. Eligible members with a Tobacco-Free Promise form submitted in the same plan year have no further requirements;
2. Eligible members with a Quit Tobacco Promise form submitted in the same plan year, but who did not complete an MCHCP-approved quit tobacco program prior to the date the medical coverage terminated, must re-enroll in a quit tobacco program and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course within thirty-one (31) days of his/her medical coverage effective date after the subscriber is rehired.

(6) MCHCP-approved quit tobacco programs include:

- (A) Quit tobacco coaching program provided by MCHCP's vendor; or
- (B) Strive for Wellness[®] quit tobacco course (when available, for active employee subscribers only).

(7) An eligible member will lose the Tobacco-Free Incentive for the remainder of the plan year effective the first day of the second month after MCHCP learns the eligible member failed to remain tobacco-free or failed to complete an MCHCP-approved quit tobacco program or course. Failure to complete an MCHCP-approved quit tobacco program or course means the eligible member failed to:

- (A) Complete six (6) progressive quit tobacco program coaching calls; or
- (B) Attend six (6) Strive for Wellness[®] quit tobacco course classes during the scheduled course timeframe.

(8) Eligible members who completed the Tobacco-Free Promise form and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day.

(9) The Tobacco Free Incentive shall begin January 1, 2016 and end December 31, 2016.

(10) MCHCP will verify an eligible member's quit tobacco program or course participation.

(11) A waiver may be granted if an eligible member requests a waiver in writing along with a provider's written certification that it is medically inadvisable for the eligible member to complete the quit tobacco coaching program provided by MCHCP's vendor or the Strive for Wellness[®] Quit Tobacco Course.

(12) MCHCP and/or the vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to loss of the Tobacco-Free Incentive and/or prosecution.

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

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Aug. 28, 2015, effective Oct. 1, 2015, expires March 28, 2016. A proposed rescission and rule covering the same material is published in this issue of the Missouri Register.

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

EMERGENCY RESCISSION

22 CSR 10-2.120 Partnership Incentive Provisions and Limitations.

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

EMERGENCY STATEMENT: This emergency rescission must be in place by October 1, 2015, in accordance with the new plan year. Therefore, this emergency rescission is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and will allow members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rescission be filed as an emergency rescission to maintain the integrity of the current health care plan. This emergency

rescission must become effective October 1, 2015, to fulfill the compelling governmental interest of offering continuous health insurance to officers, state employees, retirees, and their families. This rescission reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rescission complies with the protections extended by the *Missouri and United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rescission was filed August 28, 2015, becomes effective October 1, 2015, and expires March 28, 2016.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Aug. 28, 2015, effective Oct. 1, 2015, expires March 28, 2016. A proposed rescission covering this same material is published in this *Missouri Register*.

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

EMERGENCY RULE

22 CSR 10-2.120 Partnership Incentive Provisions and Limitations

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

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

and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed August 28, 2015, becomes effective October 1, 2015, and expires March 28, 2016.

(1) Strive for Wellness® Partnership Incentive—The Partnership Incentive is a voluntary program that eligible members may elect to participate in to earn a reduction in premium.

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

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

- (A) Active employee subscribers; and
- (B) Non-Medicare subscribers.

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

- (A) Subscribers under the age of eighteen (18);
- (B) Dependents;
- (C) TRICARE Supplement Plan subscribers;
- (D) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage; and
- (E) When Medicare becomes a subscriber's primary insurance payer, the subscriber (with the exception of active employee subscriber) is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes primary.

(5) Participation.

(A) In order to receive the Partnership Incentive, eligible members must complete all of the following for the incentive to be effective the first day of the second month after the requirements are completed:

- 1. The Partnership Promise; and
- 2. The Health Assessment.

(B) The requirements must be completed through the member's myMCHCP account.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2015 must complete all of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

- 1. The Partnership Promise; and
- 2. The Health Assessment.

(D) An employee earning the Partnership Incentive who then terminates all employment with the state and is rehired as a new state employee with medical coverage effective in the same plan year, will receive the Partnership Incentive effective the first day his/her medical coverage is effective after s/he is rehired.

(6) Eligible members who have earned the incentive may earn a *de minimis* gift for completing one (1) or more of the following MCHCP-approved health actions. An eligible member must report the completion of the health action to MCHCP by December 31, 2016 and may receive only one (1) gift per year. MCHCP-approved health actions are as follows:

- (A) Receiving a preventive lab screening such as cholesterol and

blood sugar;

(B) Receiving an annual preventive exam;

(C) Attending two (2) online health education webinars provided by Strive for Wellness®;

(D) Attending two (2) lunch-and-learn health education sessions provided by Strive for Wellness®;

(E) Participating in a virtual health coaching program through the website of the MCHCP wellness vendor and achieving at least one (1) milestone;

(F) Participating in physical activity such as walking, jogging, Zumba, yoga, or weight-training for one hundred fifty (150) minutes each week for three (3) months;

(G) Standing for at least two (2) hours during each workday for three (3) months;

(H) Complete the Governor's 100 Missouri Miles Challenge; or

(I) Walking one (1) million steps.

(7) The Partnership Incentive shall begin January 1, 2016 and end December 31, 2016.

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

(9) MCHCP and/or the vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to loss of the Partnership Incentive and/or prosecution.

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

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Aug. 28, 2015, effective Oct. 1, 2015, expires March 28, 2016. A proposed rescission and rule covering the same material is published in this issue of the Missouri Register.

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

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

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

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

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

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

Proposed Amendment Text Reminder:
Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for *[Contested]*
Enforcement Cases**

PROPOSED AMENDMENT

1 CSR 50-2.015 Initiation of *[Contested]* Enforcement Case. The commission is amending the name of the chapter, the title of the rule, the purpose, sections (1) and (5), and adding section (6).

PURPOSE: This amendment includes commissioners and staff in the process for persons with a potential conflict of interest who must recuse from a case before the commission. It also authorizes the filing of an amended complaint without the commission's permission prior to the filing of a responsive pleading but not later than ten (10) days before a scheduled hearing, sets forth when a motion to amend a complaint has to be ruled on, and grants the commission authority

to extend the time for filing any motion filed by a party, and requires a written entry of appearance by a licensed attorney.

*PURPOSE: This rule sets forth the manner in which a *[contested]* case is initiated.*

(1) A *[contested]* case initiated pursuant to subsection 3 of section 105.961, RSMo, shall be commenced after the commission has received and reviewed a report from a special investigator made pursuant to subsection 1 of section 105.961, RSMo, or an audit conducted pursuant to section 105.959, RSMo, and the commission has concluded, based upon such report or upon such audit, that there are reasonable grounds to believe that a violation of any law has occurred which *[is not a violation of criminal law or that a criminal prosecution is not appropriate]* would authorize the commission to take action pursuant to section 105.961, RSMo. Upon such conclusion—

(C) If any commissioner, the attorney general or any member of their *[his/her]* staff is the subject of any investigation or complaint, or is in any manner related or connected to the subject of any investigation or complaint to a degree indicative or suggestive of a conflict of interest, neither the commissioner nor commission staff members, the attorney general *[and/or his/her]* nor any assistants shall *[not]* participate in any manner in the handling or disposition of the investigation and complaint.

(D) An amended complaint may be filed without the commission's leave any time before the respondent serves a responsive pleading, but no later than ten (10) days before a scheduled hearing. An amended complaint may be filed with the commission's leave at any time before the hearing by the requesting party filing a motion to amend the complaint with the commission. The motion shall include the amended complaint proposed to be filed. Nothing in this rule shall prevent an amendment of the complaint to conform to the evidence.

(5) Any period of time prescribed or allowed by these rules or by other order of the commission, which is not otherwise specifically provided for, shall be computed as provided by the *Missouri Rules of Civil Procedure* and Chapters 105 and 536, RSMo.

(A) The commission may extend the time set by these rules or set by the commission either before or after the time period has expired.

(B) A party may move for an extension of the time set by these rules or set by the commission. The motion shall be in writing and shall state whether any party objects to the extension or that efforts to contact the non-moving party have been futile.

(6) A licensed attorney who has not previously entered an appearance on behalf of a person before the commission pursuant to rule 1 CSR 50-4.010 shall enter an appearance in writing with the commission as provided in that rule.

AUTHORITY: sections 105.955.14(7) and 105.961.3, RSMo 2000. Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 4, 2007, effective Feb. 29, 2008. Amended: Filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

Missouri Ethics Commission, PO Box 1370, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for [Contested]
Enforcement Cases**

PROPOSED AMENDMENT

1 CSR 50-2.020 Pleadings. The commission is amending the name of the chapter, the purpose, sections (1) and (4), and deleting section (5).

PURPOSE: This amendment clarifies when an answer may be filed, changes the number of copies required of a pleading, and sets forth the process for electronic filing of a pleading.

PURPOSE: This rule defines the form and procedures for the filing of pleadings during the [contested] enforcement case hearing process.

(1) **Once a complaint has been filed under 1 CSR 50-2.015 [A] an answer to [a] the complaint shall not be required.** If no answer is filed, the allegations in the complaint shall be deemed denied. However, if an answer is filed, any allegation in the complaint not answered shall be deemed admitted. **If an answer is filed, it shall be filed within the time limits and in the same manner specified for filing an answer under the Missouri Rules of Civil Procedure, unless the commission grants an extension of time for filing for good cause shown upon written motion.** Any affirmative allegation and any allegation of new matter contained in an answer shall be deemed denied without the necessity of a reply.

(4) **When filing a pleading, the following process applies:**

(A) Any person filing any pleading or documents with the commission with respect to a complaint shall file an original [and seven (7) copies] with the commission, and shall provide one (1) copy to each of the other parties at the time the document is filed. The person filing the pleading or document shall certify that s/he has mailed, delivered, or otherwise provided a copy of the pleading or document to all other parties, or the commission shall not accept the pleading or document for filing. Copies of all written communications to the commission shall be served on all other parties[.];

(B) **For purposes of the rule, the parties may agree to electronic transmission of a pleading or motion by means of facsimile or e-mail. If filing by electronic transmission, any pleading or motion shall have the same effect as the filing of an original document. A facsimile or electronic signature shall have the same effect as an original signature. The person filing a pleading or other filing by electronic transmission shall retain the signed filing and make it available upon order of the commission; and**

(C) **Electronic filings received at the commission at or before 5:00 p.m. of a regular workday are deemed filed as of that day. Filings received after 5:00 p.m. are deemed filed on the next day not a Saturday, Sunday, or legal holiday. Time of receipt shall be determined by the commission machine or computer receiving the filing. If a document filing is not received by the commission or if it is illegible, it is deemed not filed.**

[(5) A responsive pleading shall be filed within the time limits specified for filing an answer under the Missouri Rules of Civil Procedure, unless the commission grants an extension of time for filing.]

AUTHORITY: sections 105.955.14(7), 105.961.3, and 536.068.1, RSMo 2000, and section 536.063, RSMo Supp. 2013. Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept.

4, 2007, effective Feb. 29, 2008. Amended: Filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Ethics Commission, PO Box 1370, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for [Contested]
Enforcement Cases**

PROPOSED AMENDMENT

1 CSR 50-2.030 Ex Parte Communications. The commission is amending the name of the chapter, section (1), and adding section (2).

PURPOSE: This amendment clarifies who may communicate with the commission in efforts to settle a case and the terms under which that communication may occur.

(1) A party or [his/her] the party's representative shall not communicate, directly [in] or indirectly, with any member of the commission in connection with any issue of fact or in connection with any other substantive issue relating to a specific case except upon notice and opportunity for all parties to participate.

(2) **The commission staff may communicate with the commission in an effort to settle cases pending before the commission without providing notice and an opportunity to be heard by all parties.**

AUTHORITY: section 105.955.14(7), RSMo [(Cum. Supp. 1996)] 2000. Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Ethics Commission, PO Box 1370, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for [Contested]
Enforcement Cases**

PROPOSED AMENDMENT

1 CSR 50-2.040 Prehearing Conferences. The commission is amending the name of the chapter and sections (1) and (2).

PURPOSE: This amendment clarifies that one (1) or more prehearing conferences may be held and the manner in which they are held.

(1) The commission, or a presiding commissioner designated for that purpose, may hold **one (1) or more** prehearing conferences for the purpose of facilitating the hearing process, ruling on procedural motions, and making other determinations as may be necessary for the efficient function of the hearing process.

(2) *[These]* **The** prehearing conference/s/ shall be held by *[telephone conference call]* **teleconference, or videoconference if available,** unless the commission or presiding commissioner shall decide an in-person conference is required.

AUTHORITY: section 105.955.14(7), RSMo [(Cum. Supp. 1996)] 2000. Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Ethics Commission, PO Box 1370, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for Enforcement Cases**

PROPOSED RULE

1 CSR 50-2.075 Motions

PURPOSE: This rule describes how the commission handles motions filed in enforcement cases.

(1) The commission may rule upon any motion filed with it. The commission shall not hear oral argument or evidence on the motion unless a party files a written motion requesting oral argument with good cause shown or upon the commission's own motion. The commission need not rule on a motion that does not clearly request action by the commission.

AUTHORITY: section 105.959, RSMo Supp. 2013, and section 105.961, RSMo 2000. Original rule filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Ethics Commission, PO Box 1370, Jefferson City MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for [Contested]
Enforcement Cases**

PROPOSED AMENDMENT

1 CSR 50-2.100 The Record at the Hearing. The commission is amending the name of the chapter and sections (1) and (2).

PURPOSE: This amendment clarifies the evidence that makes up the record at the hearing and sets forth who may request a transcript of the hearing.

(1) The record of the hearing shall include the notice of hearing; the *[verified]* complaint filed pursuant to 1 CSR 50-2.015 and any amendments; the answer, if any, and any amendments; the transcript of the testimony taken at the hearing; the exhibits and depositions admitted into evidence; **an offer of proof made by any party;** written *[applications,]* motions and stipulations; *[briefs submitted by the parties; orders entered by]* **decisions** of the presiding commissioner pursuant to 1 CSR 50-2.080; *[suggested findings of fact, conclusions of law, decisions and orders submitted by the parties;]* the final findings of fact, conclusions of law, and decision and order of the commission; and all other pleadings. *[The record shall not include rejected exhibits, unless received by the commission pursuant to an offer of proof made by any party.]* Prehearing discovery filed with the commission shall not be a part of the record unless specifically received into evidence at the hearing. **Unless a party specifically and in writing requests otherwise before the commission has certified the record, the record shall not include briefs and proposed findings of fact and conclusions of law.**

(2) A *[verbatim record]* **transcript** of the *[proceeding]* hearing shall be made and kept by the commission. The testimony may be recorded by stenographer, by videotape, by audiotape, or by any other means which would ensure that a verbatim record of the *[proceedings]* hearing is made. **A copy of the transcript of such a proceeding shall be made available to any party upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply.**

AUTHORITY: sections 105.955.14(7) and 536.130.1, RSMo [(Cum. Supp. 1996)] 2000. Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Ethics Commission, PO Box 1370, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for [Contested]
Enforcement Cases**

PROPOSED AMENDMENT

1 CSR 50-2.110 Stipulation. The commission is amending the name

of the chapter, the purpose, and section (1).

PURPOSE: This amendment removes the word “public” to conform to section 105.961.3, RSMo.

PURPOSE: This rule describes the scope of stipulations and possible waiver of a [contested] case hearing.

(1) Upon written motion of the parties and with approval of the commission, the parties may stipulate to all or any portion of the facts upon which the commission shall base its decision, and may waive a [public] hearing.

AUTHORITY: section 105.955.14(7), RSMo [(Cum. Supp. 1996)] and section 105.961.3, RSMo 2000. Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Ethics Commission, PO Box 1370, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for [Contested]
Enforcement Cases

PROPOSED AMENDMENT

1 CSR 50-2.120 Default. The commission is amending the name of the chapter, the purpose, and all sections of this rule.

PURPOSE: This amendment gives the commission the authority to set aside its findings and reopen the hearing if a respondent was in default because of an excusable mistake or circumstance beyond his/her control and also sets a deadline for a motion to reopen the hearing to be filed.

PURPOSE: This rule describes the procedures when a party fails to appear at a [contested] case hearing and for requesting relief from that default.

(1) [Default may occur where a]A party who has been served with notice of hearing and fails to appear at the scheduled hearing **shall be in default.**

(2) Unless **previously** notified by the party, the commission shall wait [no longer than] thirty (30) minutes from the time set [for hearing] in the notice of hearing to commence the hearing.

(3) When the respondent fails to appear [at the specified time and place] for the hearing **within the time specified in section (2)**, evidence shall be presented in support of the complaint, which shall constitute the sole evidentiary basis for disposition and the respondent shall be deemed to have waived any evidentiary and other objections at the hearing.

(4) The commission, in its discretion and upon such terms as may be just, may [entertain a motion for rehearing filed within five (5) days after the respondent defaults at hearing, if the respondent establishes that the default was the result of an excusable mistake or circumstance beyond his/her control.] set aside its findings of fact, conclusions of law, and order and reopen the hearing if the respondent files a written motion which establishes that the default was the result of an excusable mistake or circumstance beyond his/her control. The motion [for rehearing] shall be [in writing] filed within five (5) business days after the respondent defaults and accompanied by[C]—

(B) The opposing party [and any witnesses who appeared at the date and time originally scheduled for the hearing] shall have ten (10) days to reply to the motion [for rehearing] to reopen the hearing.

AUTHORITY: section 105.955.14(7), RSMo [(Cum. Supp. 1996)] 2000. Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Ethics Commission, PO Box 1370, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for [Contested]
Enforcement Cases

PROPOSED AMENDMENT

1 CSR 50-2.130 Post-Hearing Procedure. The commission is amending the name of the chapter and section (1) of this rule.

PURPOSE: This amendment sets forth when requests for findings of fact, conclusions of law and briefs shall be made, and also gives the commission the ability to order the parties to file the findings of fact, conclusions of law and briefs.

(1) The parties may file, or the commission may order the parties to file, suggested findings of fact and conclusions of law and briefs within the time limits as the commission may determine **prior to the commission issuing its final decision and order. Any request to file suggested findings of fact and conclusions of law and briefs shall be made on the record and prior to the close of the hearing.**

AUTHORITY: sections 105.955.14(7) and 536.080, RSMo [(Cum. Supp. 1996)] 2000. Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Ethics Commission, PO Box 1370, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for [Contested]
Enforcement Cases**

PROPOSED AMENDMENT

1 CSR 50-2.140 Orders. The commission is amending the name of the chapter and section (1) of this rule.

PURPOSE: This amendment clarifies how copies of the commission's orders shall be delivered.

(1) Copies of orders shall be served by [regular first class] certified mail or by personal service on all parties, accompanied by a notice of the statutory right to judicial review.

AUTHORITY: section 105.955.14(7), RSMo [(Cum. Supp. 1996)] and section 105.961.5, RSMo 2000. Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Ethics Commission, PO Box 1370, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 1—OFFICE OF ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 4—Investigative Process**

PROPOSED RULE

1 CSR 50-4.010 Representation by a Licensed Attorney; When Required

PURPOSE: This rule states when and how a party must be represented by a licensed attorney.

(1) Upon receiving notice of a complaint filed with the commission pursuant to section 105.957, RSMo, or a notice of investigation pursuant to section 105.959, RSMo, any person is entitled to be represented by counsel before the special investigator or the commission.

(2) A licensed attorney shall file a written entry of appearance on behalf of any person with the commission prior to any contact between the attorney and the special investigator or commission staff regarding the substance of an investigation. The entry of appearance shall state the persons and entities represented before the commission. An attorney filing a written entry of appearance for limited purposes shall adhere to *Missouri Supreme Court Rules of Civil Procedure* regarding entries of limited appearance.

(3) An entry of appearance filed with the commission shall be deemed to continue during any proceeding before the commission initiated pursuant to subsection 3 of section 105.961, RSMo.

(4) An attorney not authorized to practice in Missouri shall enter an appearance in accordance with Missouri Supreme Court Rules.

AUTHORITY: section 105.959, RSMo Supp. 2013, and section 105.961, RSMo 2000. Original rule filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Ethics Commission, PO Box 1370, Jefferson City MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 1—Wildlife Code: Organization**

PROPOSED AMENDMENT

3 CSR 10-1.010 Organization and Methods of Operation. The commission proposes to amend sections (1), (2), and (3); subsections (3)(A), (3)(B), (3)(C), (3)(E), (3)(F), (3)(H), (3)(I), and (3)(J); remove subsections (3)(K)-(L), add new subsections (3)(K)-(L); amend paragraph (5)(D)1., and subsection (5)(E) of this rule.

PURPOSE: This amendment updates the department's organizational structure to reflect recent changes and corrects punctuation to comply with the Government Printing Office Style Manual 2000.

(1) The head of the Department of Conservation is a four- (4-)/- member commission appointed by the governor with the advice and consent of the senate. The commission is charged with the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state.

(2) The commission appoints a director who serves as the administrative officer of the Department of Conservation. The director appoints other employees. [Three (3)] Two (2) [assistant] deputy directors, assistant to director, general counsel, and internal auditor[,] are responsible to the director and facilitate administration of the department. Programs and activities are carried out by the divisions of administrative services, design and development, fisheries, forestry, human resources, outreach and education, private land services, protection, resource science, and wildlife. Policy coordination unit serves the director, divisions and regions by assisting with environmental and regulatory issues.] and units of policy coordination and information technology.

(3) The department carries out its programs through the following major administrative divisions and units:

(A) Fisheries Division manages [five (5)] four (4) warmwater fish hatcheries (for rearing the fish needed to stock public waters, suitable private lakes, and waters used for special fishing events and aquatic resource education) and five (5) coldwater fish hatcheries (for rearing trout needed to stock public waters and trout parks); administers the Stream Team program; provides fisheries management of public

impoundments, rivers, and streams; offers technical guidance in stream and lake management to private landowners and other public agencies; oversees the acquisition and development of public fishing and boat access areas; administers community, agency, and partnership agreements; participates in recovery plans of threatened or endangered aquatic species; and educates and informs the public about aquatic resources through technical and popular written materials, electronic media, presentations to groups, workshops, interviews to journalists, and personal contacts;

(B) Wildlife Division assists with the administration of hunting seasons **on conservation areas**; acquires, develops, and manages **wildlife habitat**, *[public]* hunting, and other **public use on conservation areas**; assists private landowners with wildlife **population and habitat management** efforts; cooperates with federal and state agencies and farm organizations in wildlife management; develops improved management methods and promotes *[preservation and]* enhancement of wildlife habitat; provides *[oversight]* **coordination** in the agency for **management of** species of conservation concern; restores natural communities and recognizes the best examples through the Missouri Natural Areas Program; *[and]* provides international support for Missouri birds nesting in Canada and **overwintering** in Central America; **and provides wildlife damage control assistance**;

(C) Forestry Division controls *[forest]* **wildland** fires; manages *[many]* **forest and woodland habitat**, **restores natural communities**, and **facilitates public use on** conservation areas; provides rural fire protection, training, and assistance; provides planning advice in urban and community forestry; provides forest products utilization and marketing advice; provides advice and technical assistance to private forestland owners; provides educational programs about forests and forest management; **provides diagnosis and management of forest pest outbreaks**; and provides low-cost tree planting stock to Missouri residents;

(E) Outreach and Education Division administers the department's public information and education programs. Education programs include operating nature centers, visitor centers, and shooting ranges*[,]*; developing interpretive exhibits*[,]*; administering the hunter education program*[,]*; teaching outdoor skills*[,]*; and providing conservation education curricula, training, and materials to teachers and youth leaders. *[Outreach]* **The division** produces the department's magazine, books, and other publications; creates the Missouri Department of Conservation *[(MDC)]* website, digital media, audio, and video productions; issues news releases and coordinates with news media; and coordinates the Missouri Master Naturalist*[,] Grow Native!]* and No More Trash programs;

(F) Administrative Services Division administers the department's **financial and business** support services. *[of information technology, financial, and business and support. Information technology provides direction and management of the department's information technology assets, including computer hardware and software systems, telephone systems, two-way radio, and other telecommunications systems; and coordination of those systems with other state agencies.]* Financial services collect and processes funds received; processes accounts payable; and coordinates procurement. Business and support distributes hunting, fishing, and special permits; audits permit distributors; maintains inventory records, including the department's real property holdings; provides repair and disposition of fleet, aircraft, marine, and other mechanical equipment; maintains a distribution center and warehouse for department publications; and operates offset printing, mailing, and sign production services;

(H) Private Land Services Division provides technical assistance and resource training to private landowners; participates in media and other outreach efforts for resource management; coordinates with other governmental agencies and private organizations to integrate fish, forest, wildlife, and natural community considerations with agriculture and other private land initiatives; **and** provides cost-share to assist landowners with priority resource needs; *[and pro-*

vides wildlife damage control assistance;]

(I) Resource Science Division is the center of the department's resource inventory, monitoring, and research. The division helps department managers, **administrators**, and **commissioners** understand and conserve the biological diversity of Missouri's fish, forests, and wildlife. Other services of this division include: **administration of hunting seasons**; investigations of fish and wildlife impacted by pollution and contaminants; statewide information pertaining to fish, wildlife, and plant populations; **diagnostics and monitoring of disease outbreaks in wildlife populations**; surveys of habitats and natural communities; recommendations for Wildlife Code regulations; surveys of attitudes and satisfaction levels of constituents; surveys to determine hunter and angler harvests; monitoring **and research** of species of conservation concern; identification of plants, fish, and wildlife; development of management techniques for special natural communities and invasive species; and storage and development of geospatial databases of Missouri's natural resources; **and conducts environmental reviews of proposed development. The State Wildlife Veterinarian plans, directs, coordinates, and implements statewide programs for prevention, detection, control, and management of emerging and known diseases occurring in wildlife populations**;

(J) Human Resources Division provides a full range of services that help the department attract and retain a diversified, dynamic workforce. Services and programs include recruitment and selection, including Equal Employment Opportunity and *[Affirmative Action]* **Workforce Diversity**; compensation and classification administration; policy administration, including law and regulation compliance and employee relations; employee benefits administration, including administration of a comprehensive group life, medical, accidental death and dismemberment, and dependent life insurance program; maintaining official employee documents and records; manag*es/ing* a safety program (including workers' compensation); and new employee orientation, as well as in-service training in human relations, personal communications, and supervisory skills;

[(K) General Counsel provides legal advice to the commission and administrative staff and provides legal counsel in matters of litigation; aids in formulating policy; advises in the formulation of regulations; and performs review of legal documents, agreements, and memorandums of understanding. Deputy Counsel performs title and document review relating to the acquisition of real property; assists General Counsel as needed; and supervises the Realty Services and Grants and Donations staff; and]

(L) Internal Auditor reviews operations and programs to assure that resources are used efficiently and provides the commission and administration with information useful in directing and controlling department operations. Internal Auditor also serves as the department's Custodian of Records. Assistant Internal Auditor assists the Internal Auditor in performing audit responsibilities and also serves as the department's hearing officer for privilege suspensions associated with wildlife code and various other violations.]

(K) Policy Coordination Unit serves the director, divisions, and regions by assisting with environmental and regulatory issues; and

(L) Information Technology Unit provides direction and management of the department's information technology assets, including computer hardware and software systems, telephone systems, two-way radio and other telecommunication systems, and coordination of those systems with other state agencies.

(5) The performance of any duty or the exercise of any authority by the Conservation Commission shall be done in the following manner:

(D) Officers. The commission shall elect at the meeting in July of each year the following officers: chairman, vice chairman, secretary. These officers will hold office until their successors are elected.

1. The chairman shall conduct the meetings and be the presiding

officer of the commission. The chairman shall recognize the different members for the purpose of having the floor to speak, to state and put actions to vote, and shall rule on all points of order. The chairman may not make a motion, but may second a motion put on the floor and may vote on any issue before the body.

2. In the absence of the chairman, the vice chairman shall assume the duties of the chairman.

3. The secretary shall sign all minutes of the commission as prepared by the secretary for the commission.

(E) Delegation. The director is authorized to act for the commission in emergency matters subject to ratification by the commission at the next regular meeting. The director is authorized to execute any conveyances, easements, or other documents on behalf of the commission as it may direct.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 28, 1974, effective July 8, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-5.205 Permits Required[-]; Exceptions. The commission is amending the title and subsection (1)(O) of this rule.

PURPOSE: This amendment corrects the title of the rule and terms used to describe individuals with mental disabilities.

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses, or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping, or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(O) Any resident of Missouri with cerebral palsy or a mental [retardation] disorder or a mental illness as defined in section 630.005, RSMo, and who is so severely disabled that s/he cannot fish alone, may take fish, live bait, clams, mussels, turtles, and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing, s/he is accompanied by a licensed adult fisherman and possesses a certified statement of eligibility from a licensed physician qualified to evaluate and treat the developmentally disabled;

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

PUBLIC COST: This proposed amendment will not cost state agen-

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-6.505 Black Bass. The commission proposes to amend paragraphs (4)(B)1., (4)(B)4., and the authority section of this rule.

PURPOSE: This amendment reduces the minimum length limit for spotted bass at Truman Lake from fifteen inches (15") to twelve inches (12"), reorders text for consistency, and corrects an inaccurate reference in the authority section.

(4) Length Limits.

(B) Impoundments: No length limits, except:

1. All black bass less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught from Blue Springs Lake, Long Branch Lake, Longview Lake, Mark Twain Lake, Smithville Lake, **Stockton Lake**, Table Rock Lake, or Thomas Hill Lake[, Truman Lake, or Stockton Lake].

2. All black bass less than thirteen inches (13") in total length must be returned to the water unharmed immediately after being caught from Pomme de Terre Lake.

3. All black bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from the Clarence Cannon Reregulation Pool (below Mark Twain Lake dam).

4. All largemouth bass and smallmouth bass less than fifteen inches (15") and all spotted (Kentucky) bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from Bull Shoals Lake, Lake of the Ozarks, [or] Norfolk Lake, or Truman Lake.

5. All black bass less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught from Montrose Lake.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO

Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-7.410 Hunting Methods. The commission proposes to remove subsection (1)(P), re-letter subsequent subsections, and amend new subsection (1)(P) and the authority section of this rule.

PURPOSE: This amendment removes the requirement for individuals with physical disabilities to obtain a hunting method exemption to use a crossbow during the archery deer and turkey season, removes a reference to the urban zones portion of the fall firearms deer season, and corrects an inaccurate reference in the authority section.

(1) Wildlife may be hunted and taken only in accordance with the following:

[(P)] Any properly licensed person having a physical disability that would prevent them from hunting or taking wildlife by archery methods prescribed in this chapter, may hunt wildlife with a crossbow in lieu of a bow, provided while hunting s/he carries a physician's statement provided by the department and signed by a licensed physician which certifies the person has either a permanent or temporary disability which qualifies him/her to hunt with a crossbow. Printed copies of the physician's statement form can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org.

[(Q)](P) Hunter Orange. During the *[urban zones,]*youth, November, and antlerless portions of the firearms deer hunting season, all hunters shall wear a cap or hat and a shirt, vest, or coat having the outermost color commonly known as hunter orange which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. This requirement shall not apply to migratory game bird hunters, to hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited, to hunters on federal or state public hunting areas where deer hunting is restricted to archery methods, or to hunters in closed counties during the antlerless portion of the firearms deer hunting season.

[(R)](Q) Computer-Assisted Remote Hunting. Except as otherwise permitted in this Code, wildlife may be taken only in the immediate physical presence of the taker and may not be taken by use of computer-assisted remote hunting devices.

[(S)](R) Wildlife may not be hunted, pursued, or taken with the use of poisons or tranquilizing drugs.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with

Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-7.431 Deer Hunting Seasons: General Provisions. The commission proposes to amend subsections (5)(A) and (5)(C), add a new section (6), renumber subsequent sections, and amend new subsections (8)(C) and (8)(E) of this rule.

PURPOSE: This amendment allows the use of crossbows for all hunters during the archery deer and turkey season, reduces the combined limit of antlered deer from three (3) to two (2) for the archery and firearms deer seasons, and removes reference to the urban zones portion as it relates to hunter orange requirements.

(5) Deer Hunting Methods.

(A) Archery: longbows, recurve bows, compound bows, **crossbows**, and atlatl.

(C) Any legal method: archery and muzzleloader methods; atlatl; *[crossbows;]* shotguns; handguns or rifles firing expanding-type centerfire ammunition; and air-powered guns, .40 caliber or larger, charged only from an external high compression power source (external hand pump, air tank, or air compressor).

(6) A person may take only two (2) antlered deer during the archery and firearms deer hunting seasons combined, with no more than one (1) antlered deer taken during the firearms deer season and only one (1) antlered deer may be taken prior to the November portion of the firearms deer hunting season. Deer taken at managed deer hunts are not included in this limit.

[(6)](7) Deer may not be hunted, pursued, taken, or killed—

(A) While in a stream or other body of water;

(B) From a boat with a motor attached;

(C) With the aid of a motor-driven land conveyance or aircraft;

(D) With the aid of dogs, in use or possession;

(E) With the aid of artificial light or night vision equipment;

(F) Within any area enclosed by a fence greater than seven feet (7') in height that could contain or restrict the free range of deer. Exceptions are provided in other rules or by written authorization of the director; and

(G) With the aid of bait (grain or other feed placed or scattered so as to constitute an attraction or enticement to deer). Scents and minerals, including salt, are not regarded as bait; however, mineral blocks with food additives are prohibited. An area is considered baited for ten (10) days following complete removal of bait. A person shall be in violation of this provision if they take or attempt to take deer by the aid of bait, where the person knows or reasonably should know the area is or has been baited. It is illegal to place bait in a way that causes others to be in violation of the baiting rule.

[(7)](8) During the firearms deer hunting season and during managed firearms deer hunts on those areas where such hunts are held, all persons hunting any game, and also adult mentors accompanying them, must wear a cap or hat and a shirt, vest, or coat of the color commonly known as hunter orange, which must be plainly visible from all sides. Camouflage orange garments do not meet this requirement. The following are exempt from this requirement:

(A) Migratory game bird hunters;

- (B) Archery permittees during the alternative methods portion;
- (C) All hunters in counties closed during the *[urban zones and] antlerless portion/s*;
- (D) Hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited;
- (E) Hunters on federal or state public hunting areas and during managed hunts where deer hunting is restricted to archery *[or cross-bow]* methods; and
- (F) Hunters of small game and/or furbearers during the alternative methods portion.

[(8)](9) Hunters who kill or injure a deer must make a reasonable effort to retrieve and tag it, but this does not authorize trespass.

[(9)](10) Hunters who take a deer shall void their permit immediately by notching the month and date of harvest and shall keep the deer separate or distinctly identifiable from deer taken or possessed by another. When the deer is not personally attended and prior to reporting through the Telecheck Harvest Reporting System, the voided permit shall be attached to the deer. Deer may be possessed and transported only by the taker until reported through the Telecheck Harvest Reporting System. All deer taken shall be accurately reported by the taker or in the taker's immediate presence through the Telecheck Harvest Reporting System by 10:00 p.m. on the day taken. The Telecheck confirmation number shall be recorded immediately on the deer hunting permit. The deer shall remain intact or as a field-dressed carcass until the deer is reported through the Telecheck Harvest Reporting System. All deer shall be reported through the Telecheck Harvest Reporting System prior to processing or being removed from the state. After reporting through the Telecheck Harvest Reporting System, deer may be possessed, transported, and stored by anyone when labeled with the permit or any label that includes the full name and address of the taker, date taken, and Telecheck confirmation number.

[(10)](11) Deer (or parts thereof) reported in accordance with established procedures, when labeled with the full name and address of the taker, the date taken, and the Telecheck confirmation number of the deer, may be possessed, transported, and stored by anyone. Commercially processed deer meat may be donated to not-for-profit charitable organizations under guidelines established by the director.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. Original rule filed April 29, 2004, effective May 15, 2004. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-7.434 Deer: Landowner Privileges. The commission proposes to amend section (3) of this rule.

PURPOSE: This amendment reduces the combined limit of antlered deer from three (3) to two (2) for the archery and firearms deer seasons for landowners and lessees who take deer on landowner permits.

(3) All landowners and lessees who take deer on landowner permits may also purchase and fill other deer hunting permits but must abide by seasons, limits, and restrictions. A landowner or lessee may take only *[one (1)] two (2)* antlered deer during the **archery and firearms deer hunting seasons combined, with no more than one (1) antlered deer taken during the firearms deer season and/.** *A landowner or lessee may take only two (2) antlered deer during the archery deer hunting season except that] only one (1) antlered deer may be taken prior to the November portion of the firearms deer hunting season.*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits. The commission proposes to amend subsections (1)(B) and (1)(C) of this rule.

PURPOSE: This amendment allows the use of crossbows during the fall firearms and archery turkey seasons.

(1) Turkeys may be pursued, taken, killed, possessed, or transported only as permitted in this rule.

(B) Fall Firearms Season. Fall season annually will be October 1 through October 31. A person possessing the prescribed turkey hunting permit may take two (2) turkeys of either sex during the season. Turkeys may be taken only by shotgun, with shot no larger than No. 4, *atlatl, [or] bow, or crossbow*; without the use of dogs, bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to sunset in all counties except: Dunklin, McDonald, Mississippi, New Madrid, Newton, Pemiscot, and Scott. Possession of electronic calls or shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys. A person, while in the act of pursuing or hunting turkey on a fall firearms permit, shall not have both a firearm, and an *atlatl, bow, or crossbow* on his/her person with the following exceptions (Firearms possessed under these exceptions may not be

used to take wildlife while hunting with an **atlatl**, bow, or **crossbow**. Proof of this exception must be carried while hunting.):

1. Any person who has been issued a valid concealed carry permit and such permit has not been suspended, revoked, canceled, or denied may carry concealed firearms on or about his/her person while hunting; and

2. Any qualified law enforcement officer or qualified retired law enforcement officer as defined in the Federal Law Enforcement Officers Safety Act (18 USC 926B or 18 USC 926C) may carry concealed firearms on or about his/her person while hunting.

(C) Fall Archery Season. A person possessing the prescribed archer's hunting permit may take two (2) turkeys of either sex from September 15 through January 15, excluding the dates of the November portion of the firearms deer season. Turkeys may be taken only by **atlatls**, bows, and **crossbows** [*and atlatl*]; without the use of dogs, bait, electronic calls, or live decoys; from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. Possession of electronic calls is prohibited while hunting turkeys. An archer, while in the act of pursuing or hunting turkey on an archer's permit, shall not have a firearm on his/her person with the following exceptions (Firearms possessed under these exceptions may not be used to take wildlife while hunting with an **atlatl**, bow, or **crossbow**. Proof of this exception must be carried while hunting.):

1. Any person who has been issued a valid concealed carry permit and such permit has not been suspended, revoked, canceled, or denied may carry concealed firearms on or about his/her person while hunting; and

2. Any qualified law enforcement officer or qualified retired law enforcement officer as defined in the Federal Law Enforcement Officers Safety Act (18 USC 926B or 18 USC 926C) may carry concealed firearms on or about his/her person while hunting.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-10.722 Resident Roe Fish Commercial Harvest Permit. The commission proposes to amend the purpose statement and the authority section of this rule.

PURPOSE: This amendment corrects inaccurate references in the purpose statement and the authority section.

PURPOSE: This rule establishes a special permit required in addition to the Commercial Fishing Permit for residents of the state to harvest shovelnose sturgeon from the [Missouri] Mississippi River.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. Original rule filed Dec. 30, 2003, effective July 1, 2004. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-11.115 Closings. The commission proposes to remove subsection (3)(A), re-letter subsequent subsections, and amend the authority section of this rule.

PURPOSE: This amendment removes a reference to an area no longer owned by the department and corrects an inaccurate reference in the authority section.

(3) Department lands associated with offices, education centers, nature centers, hatcheries, staffed shooting ranges, and the following conservation areas are open to public use only as authorized by posting:

- [(A)] Louis H. Bangert Memorial Wildlife Area*
- [(B)](A) August G. Beckemeier Conservation Area*
- [(C)](B) Bellefontaine Conservation Area*
- [(D)](C) Blind Pony Lake Conservation Area*
- [(E)](D) Columbia Bottom Conservation Area*
- [(F)](E) Jean and Joan Goodson Conservation Area*
- [(G)](F) Gravois Creek Conservation Area*
- [(H)](G) Ronald and Maude Hartell Conservation Area*
- [(I)](H) Hickory Woods Conservation Area*
- [(J)](I) Roger Klamberg Woods Conservation Area*
- [(K)](J) Little Dixie Lake Conservation Area*
- [(L)](K) Phantom Forest Conservation Area*
- [(M)](L) James A. Reed Memorial Wildlife Area*
- [(N)](M) Rockwoods Range*
- [(O)](N) Rockwoods Reservation*
- [(P)](O) Wild Cherry Ridge Conservation Area*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-11.130 Vehicles, Bicycles, Horses, and Horseback Riding. The commission proposes to remove paragraph (5)(A)1., add paragraphs (5)(A)11.-12., and renumber subsequent paragraphs; amend new paragraphs (5)(A)2., (5)(A)4., (5)(A)8., (5)(A)10., and (5)(A)15.; add paragraph (5)(C)10. and renumber subsequent paragraphs; remove paragraph (6)(C)25., renumber subsequent paragraphs, and amend the authority section of this rule.

PURPOSE: This amendment enhances trail use opportunities on three (3) conservation areas, removes reference to an area no longer owned by the department, and corrects the names of five (5) conservation areas, and corrects an inaccurate reference in the authority section.

(5) Designated multi-use trails are open for use year-round as specified on the following department areas:

(A) Areas with multi-use trails open to bicycling—

[1. *Bangert (Louis H.) Memorial Wildlife Area*]

[2.]1. Big Creek Conservation Area

[3.]2. **August A. Busch [(August A.)] Memorial Conservation Area**

[4.]3. Columbia Bottom Conservation Area

[5.]4. **Lester R. Davis [(Lester R.)] Memorial Forest**

[6.]5. Hart Creek Conservation Area

[7.]6. Hinkson Woods Conservation Area

[8.]7. Howell Island Conservation Area

[9.]8. **Roger Klamberg [(Roger)] Woods Conservation Area**

[10.]9. Little Dixie Lake Conservation Area

[11.]10. **William R. Logan [(William R.)] Conservation Area**

11. Julian Steyermark Woods Conservation Area

12. Sunbridge Hills Conservation Area

[12.]13. Walnut Woods Conservation Area

[13.]14. Weldon Spring Conservation Area

[14.]15. **Mark Youngdahl [(Mark)] Urban Conservation Area**

(C) Areas with multi-use trails open to bicycling and equestrian use—

1. Bicentennial Conservation Area

2. Big Buffalo Creek Conservation Area

3. Busiek State Forest and Wildlife Area

4. Flag Spring Conservation Area

5. Huckleberry Ridge Conservation Area

6. James A. Reed Memorial Wildlife Area

7. Rockwoods Range

8. Saeger Woods Conservation Area

9. Stockton Lake Management Lands

10. Three Creeks Conservation Area

[10.]11. Wappapello Lake Management Lands

[11.]12. Wire Road Conservation Area

(6) Designated multi-use trails are open for use as specified except during all portions of the firearms deer hunting season and the spring turkey hunting seasons on the following department areas:

(C) Areas with multi-use trails open to bicycling and equestrian use—

1. Apple Creek Conservation Area

2. **Rudolf Bennitt [(Rudolf)] Conservation Area**

3. Bonanza Conservation Area

4. Bunch Hollow Conservation Area

5. Canaan Conservation Area

6. Caney Mountain Conservation Area

7. Castor River Conservation Area

8. Compton Hollow Conservation Area

9. Daniel Boone Conservation Area

10. Deer Ridge Conservation Area

11. Fort Crowder Conservation Area

12. **Charlie Heath [(Charlie)] Memorial Conservation Area**

13. Holly Ridge Conservation Area

14. Honey Creek Conservation Area

15. Lead Mine Conservation Area

16. Little Indian Creek Conservation Area

17. Little Lost Creek Conservation Area

18. Meramec Conservation Area

19. Pleasant Hope Conservation Area

20. Poosey Conservation Area (other than Green Hills Trail)

21. Riverbreaks Conservation Area

22. **Henry Sever [(Henry)] Lake Conservation Area**

23. Sugar Creek Conservation Area

24. **Robert E. Talbot [(Robert E.)] Conservation Area**

[25. *Three Creeks Conservation Area*]

[26.]25. University Forest Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to remove subsections (4)(E) and (4)(DDDDD), re-letter subsequent subsections, add subsections (5)(NN) and (5)(YY), re-letter subsequent subsections, amend section (14), remove section (15), renumber subsequent sections, and amend the authority section of this rule.

PURPOSE: This amendment removes reference to two (2) areas no longer owned by the department, establishes hunting regulations on three (3) areas owned or managed by the department, removes reference to waterfowl-related regulations on Settle's Ford Conservation Area, and corrects an inaccurate reference in the authority section.

(4) Hunting is prohibited on the following department areas except for deer and turkey hunting as authorized in the annual *Fall Deer & Turkey Hunting Regulations and Information* booklet and annual *Spring Turkey Hunting Regulations and Information* booklet:

[(E)](E) *Louis H. Bangert Memorial Wildlife Area*
 [(F)](E) Bat Cave Conservation Area
 [(G)](F) August G. Beckemeier Conservation Area
 [(H)](G) Bellefontaine Conservation Area
 [(I)](H) Bicentennial Conservation Area
 [(J)](I) Binder Community Lake
 [(K)](J) Bird's Blue Hole
 [(L)](K) Bittern Bottoms Conservation Area
 [(M)](L) Lois Arlene Boesl Outdoor Educational Area
 [(N)](M) Bolivar Forestry Office
 [(O)](N) Marguerite Bray Conservation Area
 [(P)](O) Brookfield Maintenance Center
 [(Q)](P) Buffalo Radio Facility
 [(R)](Q) Caldwell Memorial Wildlife Area
 [(S)](R) Camdenton Conservation Service Center
 [(T)](S) Cape Girardeau Conservation Campus Nature Center
 [(U)](T) Caruthersville Rookery Conservation Area
 [(V)](U) Clearwater District Headquarters
 [(W)](V) Climax Springs Towersite
 [(X)](W) Clinton Office
 [(Y)](X) Conservation Commission Headquarters
 [(Z)](Y) Robert G. DeLaney Lake Conservation Area
 [(AA)](Z) Doniphan Towersite
 [(BB)](AA) Drovers Prairie Conservation Area
 [(CC)](BB) Engelmann Woods Natural Area
 [(DD)](CC) Eugene Towersite
 [(EE)](DD) Forest 44 Conservation Area
 [(FF)](EE) Foxglove Conservation Area
 [(GG)](FF) Friendly Prairie Conservation Area
 [(HH)](GG) Gay Feather Prairie Conservation Area
 [(II)](HH) Goodson (Bittersweet Woods) Conservation Area
 [(JJ)](II) Grandpa Chipley's Conservation Area
 [(KK)](JJ) Gravois Creek Conservation Area
 [(LL)](KK) Gravois Mills Access
 [(MM)](LL) Great Spirit Cave Conservation Area
 [(NN)](MM) Grundy Memorial Wildlife Area
 [(OO)](NN) Ronald and Maude Hartell Conservation Area
 [(PP)](OO) James R. Harter Conservation Area
 [(QQ)](PP) Ruth and Paul Henning Conservation Area
 [(RR)](QQ) Hickory Canyons Natural Area
 [(SS)](RR) Hickory Woods Conservation Area
 [(TT)](SS) Hinkson Woods Conservation Area
 [(UU)](TT) Houston Forestry Office
 [(VV)](UU) Hurley Radio Facility
 [(WW)](VV) Hurricane Deck Towersite
 [(XX)](WW) Jefferson City Radio Facility
 [(YY)](XX) Joplin Towersite
 [(ZZ)](YY) Juden Creek Conservation Area
 [(AAA)](ZZ) Roger Klamberg Woods Conservation Area
 [(BBB)](AAA) La Petite Gemme Prairie Conservation Area
 [(CCC)](BBB) Lebanon Forestry Office
 [(DDD)](CCC) Lebanon Towersite
 [(EEE)](DDD) Lenox Towersite
 [(FFF)](EEE) Lichen Glade Conservation Area
 [(GGG)](FFF) Limpp Community Lake
 [(HHH)](GGG) Lipton Conservation Area
 [(III)](HHH) Little Osage Prairie
 [(JJJ)](III) Lower Taum Sauk Lake

[(KKK)](JJJ) Malta Bend Community Lake
 [(LLL)](KKK) Mansfield Shop
 [(MMM)](LLL) Maple Flats Access
 [(NNN)](MMM) Maple Woods Natural Area
 [(OOO)](NNN) Miller Community Lake
 [(PPP)](OOO) Mint Spring Conservation Area
 [(QQQ)](PPP) Mount Vernon Prairie
 [(RRR)](QQQ) Neosho District Headquarters
 [(SSS)](RRR) New Madrid Forestry Office
 [(TTT)](SSS) Niawathe Prairie Conservation Area
 [(UUU)](TTT) Northeast Regional Office
 [(VVV)](UUU) Northwest Regional Office
 [(WWW)](VVV) Onyx Cave Conservation Area
 [(XXX)](WWW) Ozark Regional Office
 [(YYY)](XXX) Parma Woods Range and Training Center (south portion)
 [(ZZZ)](YYY) Pawhuska Prairie
 [(AAAA)](ZZZ) Pelican Island Natural Area
 [(BBBB)](AAAA) Perry County Community Lake
 [(CCCC)](BBBB) Perryville District Headquarters
 [(DDDD)](CCCC) Phantom Forest Conservation Area
 [(EEEE)](DDDD) Pickle Springs Natural Area
 [(FFFF)](EEEE) Pilot Knob Towersite
 [(GGGG)](FFFF) Plad Towersite
 [(HHHH)](GGGG) Port Hudson Lake Conservation Area
 [(IIII)](HHHH) Powder Valley Conservation Nature Center
 [(JJJJ)](IIII) Ray County Community Lake
 [(KKKK)](JJJJ) Resource Science Center
 [(LLLL)](KKKK) Rocheport Cave Conservation Area
 [(MMMM)](LLLL) Rockwoods Range
 [(NNNN)](MMMM) Rockwoods Reservation
 [(OOOO)](NNNN) Rolla Public Contact Office
 [(PPPP)](OOOO) Runge Conservation Nature Center
 [(QQQQ)](PPPP) Rush Creek Conservation Area
 [(RRRR)](QQQQ) Ryden Cave Conservation Area
 [(SSSS)](RRRR) Saeger Woods Conservation Area
 [(TTTT)](SSSS) Salem Maintenance Center
 [(UUUU)](TTTT) F. O. and Leda J. Sears Memorial Wildlife Area
 [(VVVV)](UUUU) Sedalia Conservation Service Center
 [(WWWW)](VVVV) Shawnee Mac Lakes Conservation Area
 [(XXXX)](WWWW) Shepherd of the Hills Fish Hatchery
 [(YYYY)](XXXX) Sims Valley Community Lake
 [(ZZZZ)](YYYY) Southeast Regional Office
 [(AAAAA)](ZZZZ) Southwest Regional Office
 [(BBBBB)](AAAAA) Springfield Conservation Nature Center
 [(CCCCC)](BBBBB) Julian Steyermark Woods Conservation Area
 [(DDDDD)](CCCCC) *Sullivan Office*
 [(EEEEE)](CCCCC) Tszars Woods Conservation Area
 [(FFFFFF)](DDDDD) Thirtyfour Corner Blue Hole
 [(GGGGG)](EEEEE) Robert H. Thompson Conservation Area
 [(HHHHH)](FFFFFF) Tower Rock Natural Area
 [(IIIII)](GGGGG) Twin Borrow Pits Conservation Area
 [(JJJJJ)](HHHHH) Twin Pines Conservation Education Center
 [(KKKKK)](IIIII) Tywappity Community Lake
 [(LLLLL)](JJJJJ) Ulman Towersite
 [(MMMMM)](KKKKK) Upper Mississippi Conservation Area (Clarksville Refuge)
 [(NNNNN)](LLLLL) Wah'Kon-Tah Prairie (portion south of Highway 82)
 [(OOOOO)](MMMMM) Wah-Sha-She Prairie
 [(PPPPP)](NNNNN) Walnut Woods Conservation Area
 [(QQQQQ)](OOOOO) Warrenton Office
 [(RRRRR)](PPPPP) White Aloe Creek Conservation Area
 [(SSSSS)](QQQQQ) Wildcat Glade Natural Area
 [(TTTTT)](RRRRR) Wild Cherry Ridge Conservation Area
 [(UUUUU)](SSSSS) Walter Woods Conservation Area
 [(VVVVV)](TTTTT) Mark Youngdahl Urban Conservation Area

(5) Firearms firing single projectiles are prohibited on the following department areas except for deer hunting as authorized in the annual *Fall Deer & Turkey Hunting Regulations and Information* booklet:

(NN) Mockingbird Hill Access

[(NN)](OO) Mo-No-I Prairie Conservation Area

[(OO)](PP) Mon-Shon Prairie Conservation Area

[(PP)](QQ) Pacific Palisades Conservation Area

[(QQ)](RR) Parma Woods Range and Training Center (north portion)

[(RR)](SS) Pelican Island Natural Area

[(SS)](TT) James A. Reed Memorial Wildlife Area

[(TT)](UU) Reform Conservation Area

[(UU)](VV) Rocky Barrens Conservation Area

[(VV)](WW) Saint Stanislaus Conservation Area

[(WW)](XX) Dr. O. E. and Eloise Sloan Conservation Area

(YY) Sterling Price Community Lake

[(XX)](ZZ) Sunbridge Hills Conservation Area

[(YY)](AAA) Swift Ditch Access

[(ZZ)](BBB) Tipton Ford Access

[(AAA)](CCC) Treaty Line Prairie Conservation Area

[(BBB)](DDD) Tri-City Community Lake

[(CCC)](EEE) Valley View Glades Natural Area

[(DDD)](FFF) Vandalia Community Lake Conservation Area

[(EEE)](GGG) Archie and Gracie VanDerhoef Memorial State Forest

[(FFF)](HHH) Victoria Glades Conservation Area

[(GGG)](III) Vonaventure Memorial Forest and Wildlife Area

[(HHH)](JJJ) Wade and June Shelton Memorial Conservation Area

[(III)](KKK) Wigwam School Access

[(JJJ)](LLL) Young Conservation Area

(14) On Lake Girardeau Conservation Area, *[hunting is permitted only]* firearms firing a single projectile are prohibited, except a twenty-two (.22) caliber or smaller rimfire firearm may be used from November 1 through April 1.

[(15) On Settle's Ford Conservation Area, hunting of wildlife other than waterfowl is prohibited in designated waterfowl hunting areas from October 15 through the end of the prescribed Canada goose season.]

[(16)](15) Hunting of wildlife other than waterfowl is prohibited, except in designated areas, from October 15 through the prescribed waterfowl season on the following department areas:

(A) Bob Brown Conservation Area

(B) Columbia Bottom Conservation Area

(C) Coon Island Conservation Area

(D) Duck Creek Conservation Area

(E) Eagle Bluffs Conservation Area

(F) Fountain Grove Conservation Area

(G) Grand Pass Conservation Area

(H) Marais Temps Clair Conservation Area

(I) Montrose Conservation Area

(J) Nodaway Valley Conservation Area

(K) Otter Slough Conservation Area

(L) Schell-Osage Conservation Area

(M) Ted Shanks Conservation Area

(N) Ten Mile Pond Conservation Area

[(17)](16) On the portion of Nodaway River bordered by the portion of Nodaway Valley Conservation Area which has been designated a waterfowl refuge, all hunting is prohibited from October 15 through the end of the prescribed waterfowl season.

[(18)](17) On B. K. Leach Memorial Conservation Area, hunting of wildlife other than waterfowl is allowed during prescribed seasons, except that from October 15 through the end of the prescribed waterfowl season other wildlife may be hunted only by archery methods

and only in designated areas.

[(19)](18) On Dan and Maureen Cover Prairie Conservation Area and Carrick W. Davidson – Robert G. Paris Wildlife Area, rabbits may not be chased, pursued, or taken during the prescribed quail hunting season.

[(20)](19) Firearms firing single projectiles larger than twenty-two (.22) caliber rimfire are prohibited on the following areas:

(A) Anthony and Beatrice Kendzora Conservation Area

(B) Horton Farm Conservation Area

(C) Montrose Conservation Area

(D) Guy B. Park Conservation Area

(E) Platte Falls Conservation Area

[(21)](20) On Saint Stanislaus Conservation Area, hunting is permitted only during managed hunts or by holders of a valid area daily hunting tag, except that persons pursuing deer and fall turkey by archery methods are not required to possess a valid area daily hunting tag.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-11.186 Waterfowl Hunting. The commission proposes to remove subsection (4)(C), re-letter subsequent subsections, and amend section (6) and the authority section of this rule.

PURPOSE: This amendment clarifies the type of waterfowl hunting system used on two (2) conservation areas and corrects an inaccurate reference in the authority section.

(4) Waterfowl may be taken on the department areas listed below only by holders of a valid area Daily Waterfowl Hunting Tag and only from a blind or in a designated area, except that hunters may retrieve dead birds and pursue and shoot downed cripples outside the designated area. Waterfowl hunters must check out immediately after the close of their hunting trip and prior to processing birds by accurate completion and return of the Daily Waterfowl Hunting Tag to designated locations. These department areas are closed to waterfowl hunting on December 25. Only authorized persons are allowed within the waterfowl shooting areas during the waterfowl hunting season. Portions of these department areas may be open to fishing during all

or part of the waterfowl season.

[(C)] *Coon Island Conservation Area*

[(D)](C) *Duck Creek Conservation Area*

[(E)](D) *Eagle Bluffs Conservation Area*

[(F)](E) *Fountain Grove Conservation Area*

[(G)](F) *Four Rivers Conservation Area (August A. Busch, Jr. Memorial Wetlands at) (Designated waterfowl hunting areas of Units 1 and 2)*

[(H)](G) *Grand Pass Conservation Area*

[(I)](H) *B. K. Leach Memorial Conservation Area*

[(J)](I) *Marais Temps Clair Conservation Area*

[(K)](J) *Montrose Conservation Area*

[(L)](K) *Nodaway Valley Conservation Area*

[(M)](L) *Otter Slough Conservation Area*

[(N)](M) *Schell-Osage Conservation Area*

[(O)](N) *Ted Shanks Conservation Area*

[(P)](O) *Ten Mile Pond Conservation Area*

(6) On **Coon Island Conservation Area, Nodaway Valley Conservation Area (Open Zone portion), Settle's Ford Conservation Area, and Four Rivers Conservation Area (Units 3 and 4)**, waterfowl hunters must *[preregister and check out daily at designated hunter record boxes prior to and immediately after completing the hunt.] self-register at designated hunter record boxes prior to hunting by completing a Daily Waterfowl Hunting Tag and accurately report harvest and check out immediately after the hunt.*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule was previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing, Methods and Hours. The commission proposes to add subsections (2)(B), (2)(D), and (2)(G)–(I), remove subsections (2)(E)–(G) and (2)(I), reorder and re-letter subsequent subsections, amend new subsection (2)(C), and amend the authority section of this rule.

PURPOSE: This amendment establishes provisions for restricted public use on a department area, removes a restriction in order to allow additional fishing opportunity at the Ozark Regional Office Pond, reorders subsections for consistency, and corrects an inaccurate reference in the authority section.

(2) Fishing is permitted only by reservation by educational groups, and fish must be returned to the water unharmed immediately after being caught except as provided by special use permit on the following department areas or individually named lakes:

(B) Belladonna Pond (Shepherd of the Hills Fish Hatchery)

[(B)](C) *Bois D'Arc Conservation Area Aquatic Education Pond*

(D) Bray Pond (Marguerite Bray Conservation Area)

[(C)](E) *Burr Oak Woods Conservation Area Aquatic Education Pond*

[(D)](F) *Caldwell Memorial Wildlife Area*

[(E) *Bray Pond (Margurite Bray Conservation Area)*

[(F) *Ozark Regional Office Pond*

[(G) *Walter Woods Conservation Area Aquatic Education Pond*]

(G) Mule Camp Pond (Twin Pines Conservation Education Center)

[(H) *Sunfish Lake (Ronald and Maude Hartell Conservation Area)*

[(I) *Mule Camp Pond (Twin Pines Conservation Education Center)*]

(I) Walter Woods Conservation Area Aquatic Education Pond

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.109 Closed Hours. The commission proposes to amend subsection (1)(E) and the authority section of this rule.

PURPOSE: This amendment reflects the renaming of the four (4) reservoirs owned by the city of Cameron and corrects an inaccurate reference in the authority section.

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats, and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter.

(E) *Cameron [Reservoirs Nos. 1, 2, and 3 and] Century Lake, Eagle Lake, Grindstone [Reservoir] Lake, and Sunrise Lake*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. Original rule filed June 1, 2001,

effective Oct. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to amend subsections (2)(H), (6)(C), and the authority section of this rule.

PURPOSE: This amendment corrects the name of a lake owned by the city of Fenton, reflects the renaming of a reservoir by the city of Cameron, and corrects an inaccurate reference in the authority section.

(2) Boats are prohibited on the following areas:

(H) Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);

(6) Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:

(C) Cameron (Grindstone [Reservoir] Lake);

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] **252.040**, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.115 Bullfrogs and Green Frogs. The commission proposes to amend paragraph (1)(B)3. and the authority section of this rule.

PURPOSE: This amendment corrects the name of a lake owned by the city of Fenton and an inaccurate reference in the authority section.

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, atlatl, gig, bow, snagging, snaring, grabbing, or pole and line except as further restricted by this chapter.

(B) Only pole and line may be used to take frogs on the following areas:

1. Ballwin (New Ballwin Park Lake, Vlasik Park Lake);
2. Butler City Lake;
3. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
4. Ferguson (January-Wabash Park Lake);
5. Jennings (Koeneman Park Lake);
6. Kirksville (Spur Pond);
7. Kirkwood (Walker Lake);
8. Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
9. Macon County (Fairgrounds Lake);
10. Mineral Area College (Quarry Pond);
11. Overland (Wild Acres Park Lake);
12. Potosi (Roger Bilderback Lake);
13. Raymore (Johnston Lake);
14. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
15. St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);
16. St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);
17. Sedalia (Clover Dell Park Lake, Liberty Park Pond);
18. Sedalia Water Department (Spring Fork Lake);
19. Warrensburg (Lions Lake);
20. Watershed Committee of the Ozarks (Valley Water Mill Lake);
21. Wentzville (Community Club Lake); and
22. Windsor (Farrington Park Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] **252.040**, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.125 Hunting and Trapping. The commission proposes to amend paragraph (1)(B)8., subsection (1)(C), and the authority section of this rule.

PURPOSE: This amendment corrects the name of a lake owned by the city of Fenton, reflects the renaming of the four (4) reservoirs by the city of Cameron, and corrects an inaccurate reference in the authority section.

(1) Hunting, under statewide permits, seasons, methods, and limits, is permitted except as further restricted in this chapter and except for deer and turkey hunting as authorized in the annual *Fall Deer & Turkey Hunting Regulations and Information* booklet published in August and annual *Spring Turkey Hunting Regulations and Information* booklet published in March, which are incorporated in this Code by reference. A printed copy of these booklets can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and are also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

(B) Hunting is prohibited on the following areas:

1. Bethany (Old Bethany City Reservoir);
2. Buchanan County (Gasper Landing);
3. California (Proctor Park Lake);
4. Carthage (Kellogg Lake);
5. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lakes);
6. Dexter City Lake;
7. Farmington (Giessing Lake, Hager Lake, Thomas Lake);
8. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
9. Fulton (Morningside Lake, Truman Lake, Veterans Park Lake);
10. Hamilton City Lake;
11. Harrisonville (North Lake);
12. Jackson (Rotary Lake);
13. Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Fleming Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake);
14. Kirksville (Spur Pond);
15. Lawson City Lake;
16. Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
17. Macon County (Fairgrounds Lake);
18. Mexico (Lakeview Lake, Kiwanis Lake);
19. Mineral Area College (Quarry Pond);
20. Moberly (Rothwell Park Lake, Water Works Lake);
21. Mount Vernon (Williams Creek Park Lake);
22. Odessa (Lake Venita);
23. Overland (Wild Acres Park Lake);
24. Potosi (Roger Bilderback Lake);
25. Raymore (Johnston Lake);
26. Rolla (Schuman Park Lake);
27. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
28. St. James (Scioto Lake);
29. St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake);
30. Savannah City Lake;
31. Sedalia (Clover Dell Park Lake);

32. Sedalia Water Department (Spring Fork Lake);
33. Springfield City Utilities (Lake Springfield);
34. University of Missouri (Thomas S. Baskett Wildlife Research and Education Center);
35. Warrensburg (Lions Lake);
36. Watershed Committee of the Ozarks (Valley Water Mill Lake); and
37. Windsor (Farrington Park Lake).

(C) Firearms hunting is prohibited on Cameron (*[Reservoir Nos. 1, 2, and 3] Century Lake, Eagle Lake, Grindstone [Reservoir] Lake, Sunrise Lake*) and Maysville (Willow Brook Lake), except waterfowl hunting is permitted under statewide regulations on Cameron (Grindstone *[Reservoir] Lake*) and Maysville (Willow Brook Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The commission proposes to amend subsections (3)(B) and (4)(C), add subsections (8)(B) and (8)(C), re-letter subsequent subsections, and amend the authority section of this rule.

PURPOSE: This amendment corrects the name of a lake owned by the city of Fenton, reflects the renaming of four (4) reservoirs owned by the city of Cameron, creates bait restrictions for two (2) new winter trout fisheries being established in Farmington and Fulton, and corrects an inaccurate reference in the authority section.

(3) Gizzard shad may be taken from lakes and ponds by dip net or throw net, except at the following areas:

(B) Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake)

(4) Carp, buffalo, suckers, and gar may be taken by atlatl, gig, bow, or crossbow during statewide seasons on the following lakes:

(C) Cameron (*[Reservoir Nos. 1, 2, and 3] Century Lake, Eagle Lake, Grindstone [Reservoir] Lake, Sunrise Lake*)

(8) Only flies, artificial lures, and soft plastic baits (unscented) may be used from November 1 through January 31 on the following lakes:

- (B) Farmington (Giessing Lake)**
- (C) Fulton (Veterans Park Lake)**
- [(B)](D) Jackson (Rotary Lake)*
- [(C)](E) Jefferson City (McKay Park Lake)*
- [(D)](F) Jennings (Koeneman Park Lake)*
- [(E)](G) Kirksville (Spur Pond)*
- [(F)](H) Kirkwood (Walker Lake)*
- [(G)](I) Mexico (Kiwanis Lake)*
- [(H)](J) Missouri Western State University (Everyday Pond)*
- [(I)](K) Overland (Wild Acres Park Lake)*
- [(J)](L) Sedalia (Liberty Park Pond)*
- [(K)](M) St. Louis (Jefferson Lake)*
- [(L)](N) St. Louis County (Tilles Park Lake)*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 28, 2015.*

PUBLIC COST: This proposed amendment will cost the Department of Conservation an estimated three thousand eight hundred twenty-six dollars (\$3,826) to purchase and stock trout for the two (2) new proposed winter trout fisheries. It will cost the two (2) partnering municipalities six hundred seventy-two dollars (\$672) each to cost share fifty percent (50%) of the trout purchase cost.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Title 3 – Department of Conservation
 Division Title: Division 10 – Conservation Commission
 Chapter Title: Chapter 12 – Wildlife Code: Special Regulations for Areas Owned by Other Entities

Rule Number and Name:	3 CSR 10-12.135 Fishing, Methods
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$3,826.33
City of Farmington	\$672.06
City of Fulton	\$672.06

III. WORKSHEET

Department of Conservation

Fish Cost (Farmington): 2 acres * 400 fish/acre * \$2.24/trout*.50 percent = \$448.00
 Fish Cost (Fulton): 2 acres * 400 fish/acre * \$2.24/trout*.50 percent = \$448.00
 Mileage (Farmington Delivery): 220 miles * \$1.385/mile = \$304.70
 Mileage (Fulton Delivery): 278 miles * \$1.385/mile = \$385.03
 Staff Time (Delivery – Farmington): 2 staff*3/4 day*\$448.12/day = \$672.18
 Staff Time (Delivery – Fulton): 2 staff*3/4 day*\$448.12/day = \$672.18
 Staff time for Other Coordination: 2 cities*2 staff * 1/2 day*\$448.12/day = \$896.24 Subtotal:
 \$3,826.33

City of Farmington

Fish Cost: 2 acres * 400 fish/acre * \$2.24/trout*.50 [percent] = \$448.00
 Coordination/Administration: 1 staff*1/2 day*\$448.12/day = \$224.06
 Subtotal: \$672.06

City of Fulton

Fish Cost: 2 acres * 400 fish/acre * \$2.24/trout*.50 [percent] = \$448.00
 Coordination/Administration: 1 staff*1/2 day*\$448.12/day = \$224.06
 Subtotal: \$672.06

Total of Above: \$5,170.33 (Annual Cost)

IV. ASSUMPTIONS

- The Department will share fifty percent (50%) of the cost for the purchase of the trout with the cities.
- The cities will cover the other fifty percent (50%) of the cost of the trout.

- The cost per trout is two dollars and twenty-four cents (\$2.24). (Contract Price: Crystal Lakes Inc. beginning May 2015)
- Stocking rate is four hundred (400) per acre. (Source: A Plan for Allocation and Stocking Trout in MO (July 2009))
- Farmington (Giessing Lake) is two (2) acres.
- Fulton (Veterans Park Lake) is two (2) acres.
- The Department will provide for the delivery of the trout to the cities.
- The operation cost for a truck (road tractor – tandem axle) to deliver trout is one dollar and thirty-eight point five cents (\$1.385) per mile. (Source: MDC Operating Costs FY2013 vs.FY2014).
- Round trip from Montauk State Fish Hatchery to Farmington is two hundred twenty (220) miles (two (2) staff – three-fourths (3/4) of a day).
- Roundtrip from Bennett Spring State Fish Hatchery to Fulton is two hundred thirty-two (232) miles (two (2) staff – three-fourths (3/4) of a day).
- Coordination for program administration and stocking (one-half (1/2) day for each city).
- Estimated cost for Fisheries personnel (four hundred forty-eight dollars and twelve cents (\$448.12) per day; fifty-six dollars and two cents (\$56.02) per hour) (Source: Fiscal Year 2015 Daily Investigative Costs for MDC staff). Used same rates for municipal staff.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.140 Fishing, Daily and Possession Limits. The commission proposes to amend subsections (2)(H), (5)(B), (6)(A), and (8)(B), add subsections (9)(B)-(C), re-letter subsequent subsections, and amend the authority section of this rule.

PURPOSE: This amendment corrects the name for a lake owned by the city of Fenton, reflects the renaming of a reservoir by the city of Cameron, establishes a catch and release season for trout at Farmington's Giessing Lake and Fulton's Veterans Park Lake, and corrects an inaccurate reference in the authority section.

- (2) The daily limit for black bass is two (2) on the following lakes:
(H) Fenton (Preslar Lake, Upper Fabick Lake, Westside **Park** Lake);
- (5) The daily limit for crappie is fifteen (15) on the following lakes:
(B) Fenton (Preslar Lake, Upper Fabick Lake, Westside **Park** Lake);
- (6) The daily limit for white bass, striped bass, and their hybrids in the aggregate is four (4) on the following lakes:
(A) Cameron (*Reservoir No. 3*) **Eagle Lake**);
- (8) The daily limit for fish other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish is twenty (20) in the aggregate, except on the following lakes where the daily limit is ten (10) in the aggregate, and except for those fish included in section (7) of this rule:
(B) Fenton (Preslar Lake, Upper Fabick Lake, Westside **Park** Lake);
- (9) Trout must be returned to the water unharmed immediately after being caught from November 1 through January 31 on the lakes listed below. Trout may not be possessed on these waters during this season.
(B) Farmington (Giessing Lake)
(C) Fulton (Veterans Park Lake)
~~/(B)/(D)~~ Jackson (Rotary Lake)
~~/(C)/(E)~~ Jefferson City (McKay Park Lake)
~~/(D)/(F)~~ Jennings (Koeneman Park Lake)
~~/(E)/(G)~~ Kirksville (Spur Pond)
~~/(F)/(H)~~ Kirkwood (Walker Lake)
~~/(G)/(I)~~ Mexico (Kiwanis Lake)
~~/(H)/(J)~~ Missouri Western State University (Everyday Pond)
~~/(I)/(K)~~ Overland (Wild Acres Park Lake)
~~/(J)/(L)~~ Sedalia (Liberty Park Pond)
~~/(K)/(M)~~ St. Louis (Jefferson Lake)
~~/(L)/(N)~~ St. Louis County (Tilles Park Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] **252.040**, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 28, 2015.

PUBLIC COST: This proposed amendment will cost the department an estimated three thousand eight hundred twenty-six dollars (\$3,826) to purchase and stock trout for the two (2) new proposed winter trout fisheries. It will cost the two (2) partnering municipalities six hundred seventy-two dollars (\$672) each to cost share fifty percent (50%) of the trout purchase cost.

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. **Department Title: Title 3 – Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 12 – Wildlife Code: Special Regulations for Areas Owned by Other Entities

Rule Number and Name:	3 CSR 10-12.140 Fishing, Daily and Possession Limits
Type of Rulemaking:	Proposed Amendment

II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$3,826.33
City of Farmington	\$672.06
City of Fulton	\$672.06

III. **WORKSHEET**

Department of Conservation

Fish Cost (Farmington): 2 acres * 400 fish/acre * \$2.24/trout*.50 percent = \$448.00
 Fish Cost (Fulton): 2 acres * 400 fish/acre * \$2.24/trout*.50 percent = \$448.00
 Mileage (Farmington Delivery): 220 miles * \$1.385/mile = \$304.70
 Mileage (Fulton Delivery): 278 miles * \$1.385/mile = \$385.03
 Staff Time (Delivery – Farmington): 2 staff*3/4 day*\$448.12/day = \$672.18
 Staff Time (Delivery – Fulton): 2 staff*3/4 day*\$448.12/day = \$672.18
 Staff time for Other Coordination: 2 cities*2 staff * 1/2 day*\$448.12/day = \$896.24 Subtotal:
 \$3,826.33

City of Farmington

Fish Cost: 2 acres * 400 fish/acre * \$2.24/trout*.50 [percent] = \$448.00
 Coordination/Administration: 1 staff*1/2 day*\$448.12/day = \$224.06
 Subtotal: \$672.06

City of Fulton

Fish Cost: 2 acres * 400 fish/acre * \$2.24/trout*.50 [percent] = \$448.00
 Coordination/Administration: 1 staff*1/2 day*\$448.12/day = \$ 224.06
 Subtotal: \$672.06

Total of Above: \$5,170.33 (Annual Cost)

IV. **ASSUMPTIONS**

- The Department will share fifty percent (50%) of the cost for the purchase of the trout with the cities.
- The cities will cover the other fifty percent (50%) of the cost of the trout.

- The cost per trout is two dollars and twenty-four cents (\$2.24). (Contract Price: Crystal Lakes Inc. beginning May 2015)
- Stocking rate is four hundred (400) per acre. (Source: A Plan for Allocation and Stocking Trout in MO (July 2009))
- Farmington (Giessing Lake) is two (2) acres.
- Fulton (Veterans Park Lake) is two (2) acres.
- The Department will provide for the delivery of the trout to the cities.
- The operation cost for a truck (road tractor – tandem axle) to deliver trout is one dollar and thirty-eight point five cents (\$1.385) per mile. (Source: MDC Operating Costs FY2013 vs. FY2014).
- Round trip from Montauk State Fish Hatchery to Farmington is two hundred twenty (220) miles (two (2) staff – three-fourths (3/4) of a day).
- Roundtrip from Bennett Spring State Fish Hatchery to Fulton is two hundred thirty-two (232) miles (two (2) staff – three-fourths (3/4) of a day).
- Coordination for program administration and stocking (one-half (1/2) day for each city).
- Estimated cost for Fisheries personnel (four hundred forty-eight dollars and twelve cents (\$448.12) per day; fifty-six dollars and two cents (\$56.02) per hour) (Source: Fiscal Year 2015 Daily Investigative Costs for MDC staff). Used same rates for municipal staff.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.145 Fishing, Length Limits. The commission proposes to amend paragraphs (2)(A)6., (2)(B)2., (2)(B)3., subsection (3)(A), and the authority section of this rule.

PURPOSE: This amendment reflects the renaming of the four (4) reservoirs by the city of Cameron, corrects a reference to a city of Columbia lake and a city of Fenton lake in order to be consistent with their official names, and corrects an inaccurate reference in the authority section.

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(A) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Arrow Rock State Historic Site (Big Soldier Lake);
2. Bethany (Old Bethany City Reservoir);
3. Blue Springs (Lake Remembrance);
4. Big Oak Tree State Park (Big Oak Lake);
5. Butler City Lake;
6. Cameron (*Reservoir Nos. 1, 2, and 3*) **Century Lake, Eagle Lake, Grindstone [Reservoir] Lake, Sunrise Lake**);
7. Carthage (Kellogg Lake);
8. Columbia (Stephens Park Lake);
9. Concordia (Edwin A. Pape Lake);
10. Confederate Memorial State Historic Site lakes;
11. Dexter City Lake;
12. Farmington (Hager Lake, Giessing Lake, Thomas Lake);
13. Hamilton City Lake;
14. Harrison County Lake;
15. Higginsville (Higginsville City Lake, Upper Higginsville City Lake);
16. Holden City Lake;
17. Jackson (Litz Park Lake, Rotary Lake);
18. Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake);
19. Jefferson City (McKay Park Lake);
20. Keytesville (Maxwell Taylor Park Pond);
21. Kirksville (Hazel Creek Lake);
22. Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
23. Maysville (Willow Brook Lake);
24. Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake);
25. Mineral Area College (Quarry Pond);
26. Odessa (Lake Venita);
27. Pershing State Park ponds;
28. Potosi (Roger Bilderback Lake);
29. Raymore (Johnston Lake);
30. Unionville (Lake Mahoney);
31. University of Missouri (Dairy Farm Lake No. 1, McCredie Lake);
32. Warrensburg (Lions Lake);
33. Watkins Mill State Park (Williams Creek Lake); and
34. Windsor (Farrington Park Lake).

(B) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Ballwin (New Ballwin Park Lake, Vlasik Park Lake)

2. Columbia (Twin Lakes);
3. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
4. Ferguson (January-Wabash Lake);
5. Jennings (Koeneman Park Lake);
6. Kirkwood (Walker Lake);
7. Overland (Wild Acres Park Lake);
8. Sedalia Water Department (Spring Fork Lake);
9. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
10. St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);
11. St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);
12. University of Missouri (South Farm R-1 Lake); and
13. Wentzville (Community Club Lake);

(3) White bass, striped bass, and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on the following lakes:

(A) Cameron (*Reservoir No. 3*) **Eagle Lake**);

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://mdc.mo.gov/node/24141>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Financial and Administrative
Services
Chapter 4—General Administration**

PROPOSED AMENDMENT

5 CSR 30-4.030 Audit Policy and Requirements. The state board is proposing to add subsection (2)(A) and amend sections (3), (4), (5), and (6).

PURPOSE: This rule is being amended to include updates for new federal guidance.

(2) Audits of schools are primarily intended to express an auditor's opinion on the fairness of presentation of the financial statements. Audits also provide an independent review of financial operations, systems of internal control, and compliance with relevant state and federal laws and regulations.

(A) The financial statements must be prepared in accordance with the Generally Accepted Accounting Principles (GAAP), or a basis of accounting required by state law, as described in the *Federal Accounting Standards Advisory Board Handbook of Federal Accounting Standards and Other Pronouncements, as Amended*, revised June 30, 2014, which is incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education (department) and is available at the Accounting and Procurement Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(3) Responsibilities in the audit process are shared by the board, the independent auditor contracted by the board, and the Department of Elementary and Secondary Education (*DESE* department).

(4) The board's responsibilities are as follows:

(A) Each board is responsible for defining an appropriate scope of the audit.

1. At a minimum, the audit must include the school's:

A. General, Special Revenue, Debt Service, and Capital Projects funds;

B. Fiduciary funds;

C. Proprietary funds; and

D. Component units (unless a component unit issues its own audited financial statements).

2. A Single Audit of federal funds expended by the school may be required. State law provides for the acceptance of federal acts and funds and for their necessary administration and supervision. Audit requirements are a part of federal acts and the implementing regulations adopted by the administering federal agencies. The requirements of the Single Audit Act, as amended by *The Single Audit Act Amendments of 1996*, 62 Fed. Reg. 35278-35319 (1997), Office of Management and Budget (OMB) [*Circular A-133*] *Uniform Grant Guidance 2 CFR Part 200*, which is incorporated by reference and made a part of this rule as published by the Office of the Federal Register, Office of Administration and is available by contacting the Office of Administration, Publications Office, Room 2200, New Executive Office Building, Washington, DC 20503, and *Government Auditing Standards*, [July 2007] December 2011 Revision, issued by the Comptroller General of the United States, which is incorporated by reference and made a part of this rule as published by the U.S. Government Accountability Office, 441 G St. NW, Washington, DC 20548, are included in this audit policy. This rule does not incorporate any subsequent amendments or additions. Specific application of these requirements shall be as follows:

A. All schools that expend a total amount of federal awards equal to or in excess of the amount specified in OMB [*Circular A-133*] *Uniform Grant Guidance 2 CFR Part 200* as the Single Audit threshold or such other amount specified by the federal director of the OMB in any fiscal year shall either have a single audit or a program-specific audit made for such fiscal year in accordance with the requirements of *The Single Audit Act Amendments of 1996*, OMB [*Circular A-133*] *Uniform Grant Guidance 2 CFR Part 200* and the *Government Auditing Standards*; or

B. All schools that expend a total amount of federal awards of less than the amount specified in OMB [*Circular A-133*] *Uniform Grant Guidance 2 CFR Part 200* as the Single Audit threshold or such other amount specified by the director of the OMB in any fiscal year shall be exempt for such fiscal year from compliance with *The Single Audit Act Amendments of 1996*. However, the school must make the records available for review or audit by appropriate officials of the federal agency, department, and the Government Accountability Office (GAO). Also, these schools shall be required to have an audit performed in accordance with *Government Auditing Standards*.

3. All charter school audits shall be single entity reports com-

pleted on a July 1 to June 30 basis.

4. Schools that cease operations are not exempt from the audit requirements. A final audit of the school's activities through the date it ceases operations must be performed and submitted to *DESE* the department as otherwise described in this rule;

(B) Each board is responsible for procuring audit services. Audit services should be competitively bid in accordance with district procurement policy.

1. Each board is responsible for [*selecting*] procuring an independent auditor who holds a current permit to practice public accounting in the state of Missouri and meets the requirements for continuing professional education and peer review, as defined by the regulations of the Missouri State Board of Accountancy and *Government Auditing Standards*. Subcontractors must also meet these requirements.

2. When the board requests proposals for audit services, the objectives and scope of the audit must be made clear and the school must request a copy of the audit organization's peer review report which the auditor is required to provide under *Generally Accepted Government Auditing Standards (GAGAS)*, revised December 2011, which is incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education (department) and is available at the Accounting and Procurement Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480.

[2.3]. Auditors performing Single Audits pursuant to OMB [*Circular A-133*] *Uniform Grant Guidance 2 CFR Part 200* must not be suspended or debarred from doing business with the federal government;

(C) The audit report shall be submitted to *DESE* the department by school officials no later than December 31 of each year. If the audit is not received by the deadline, all funds disbursed by *DESE* the department to the school may be withheld until the audit is received;

(D) The board is responsible for transmitting one (1) copy of the report; the related management letter, if one is prepared by the independent auditor; and a copy of the final approved signed board minutes or board resolution, indicating approval of the audit report to *DESE* the department and other copies of the audit report as required by federal laws and regulations to the appropriate agency(ies). The management letter (if applicable) and a copy of the final approved signed board minutes or board resolution indicating approval of the audit report must be received by *DESE* the department before the audit file will be considered complete for the fiscal year:

1. The audit report, related management letter, and copy of the final approved signed board minutes or board resolution [*may*] must be submitted electronically to *DESE* the department by the board [*or its designee to an e-mail address established for this purpose*] through the Web Applications program. All signatures that would normally be included on the hard copy document must be present on the electronic document. Documents with scanned signatures will be accepted. Copies of unsigned audit reports, management letters, or board minutes or resolutions will not be accepted; and

2. Revisions to an audit report may also be submitted electronically to *DESE* the department but must be accompanied by a signed statement from the independent auditor on the firm's letterhead explaining the reason for the revision;

(E) Schools that have a Single Audit performed and have federal findings or questioned costs shall submit the school's Corrective Action Plan prepared in accordance with OMB [*Circular A-133*] *Uniform Grant Guidance 2 CFR Part 200* with their audit report and management letter as stated above[;].

1. The corrective action plan must be in a separate document from the audit report;

(F) The board must notify *DESE* the department's [*School*] Financial and Administrative Services section if fraud or embezzlement is discovered during the course of the audit;

(G) The board *[is responsible for the accuracy of the audited financial statements]* **must prepare financial statements that reflect its financial position**, notes to the financial statements, and assertions related to compliance with state and federal laws and regulations; and **also, the board is responsible for the accuracy of the audited financial statements; and**

(H) Each board is responsible for ensuring implementation of audit recommendations as appropriate and resolving any questions or discrepancies disclosed by the audit or noted by *[DESE]* **the department**.

(5) The independent auditor is responsible for conducting the audit in accordance with generally accepted auditing standards, government auditing standards, federal audit requirements, and *[DESE]* **the department** audit guidelines as contained or referenced in this rule; submitting the audit report to the client board; and assisting in resolving questions or problems which may be disclosed by the audit. Depending on the contract or agreement the school has with its independent auditor, this assistance may require additional compensation to be paid to the auditor.

(A) School audits must contain at a minimum the following:

1. A statement of the scope of examination;

2. A statement as to whether the audit was conducted in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States;

3. The independent auditor's opinion as to whether the financial statements included in the audit report present fairly the results of the operations during the period audited;

4. A statement as to whether the financial statements accompanying the audit report were prepared in accordance with generally accepted accounting principles or another comprehensive basis of accounting;

5. The reason or reasons an opinion is not rendered in the event the independent auditor is unable to express an opinion with respect thereto;

6. Except for charter schools, the independent auditor's opinion as to whether the school's budgetary and disbursement procedures conform to the requirements of Chapter 67, RSMo;

7. The independent auditor's opinion as to whether attendance and transportation records are so maintained by the school as to disclose accurately average daily attendance and average daily transportation of pupils during the period of the audit;

8. The schedule of selected statistics, as specified annually by *[DESE]* **the department**; and

9. Financial statements presented in such form as to disclose the operations of each fund of the school and a statement of the operations of all funds.

(6) *[DESE]* **The department** has the general responsibility to receive and review audits; to verify that minimum audit requirements have been met; and with the school's independent auditor, to resolve any questions or discrepancies. Specific responsibilities within *[DESE]* **the department** are assigned as follows:

(A) *[DESE]* **The department** has an advisory and supervisory relationship with the board through the school's administrative staff. Questions regarding audit reports and any audit problems, discrepancies, or findings will generally be resolved by *[DESE]* **the department** directly with the administrative staff at the school. However, in some cases, *[DESE]* **department** staff may communicate directly with the school's auditor. *[DESE]* **Department** staff will communicate with the federal cognizant agency (typically, the U. S. Department of Education) regarding compliance with various federal requirements. The cognizant agency has the authority to make periodic contacts with school officials and their auditors regarding specific questions, audit deficiencies, or review of the audit process; and

(B) *[DESE]* **The department's** *[School Administrative Services]* **Accounting and Procurement** section is the primary point of contact

with the school and their independent auditor regarding audit requirements and audit reports. This section is responsible for reviewing the audit reports for general acceptability in accordance with state and federal guidelines.

1. *[DESE]* **Department** staff will make a preliminary review to determine if the audit generally conforms to state and federal requirements referenced in this rule.

2. Schools which receive an audit with a disclaimer of opinion shall institute corrective measures to ensure that the subsequent audit does not contain a disclaimer of opinion. If a disclaimer of opinion is rendered on the subsequent audit, the audit shall be deemed unacceptable and all funds disbursed by *[DESE]* **the department** to the school may be withheld until such time as the school demonstrates to *[DESE]* **the department** that the situation resulting in the disclaimer of opinion has been corrected by the school.

3. Audit reports containing an adverse opinion will be evaluated by *[DESE]* **department** staff. Depending on the reasons for the adverse opinion, *[DESE]* **the department** may require the school to provide evidence that corrective action has been or is being taken to eliminate the adverse opinion from future reports. If corrective action is not taken as deemed necessary by *[DESE]* **the department** and an adverse opinion is rendered on the subsequent audit, the audit shall be deemed unacceptable and all funds disbursed by *[DESE]* **the department** to the school may be withheld until such time as the district demonstrates to *[DESE]* **the department** that the situation resulting in the adverse opinion has been corrected by the school.

4. Audits will be reviewed on a rotating basis via a formal desk review for adherence to the appropriate audit requirements (*The Single Audit Act Amendments of 1996*; OMB *[Circular A-133]* **Uniform Grant Guidance 2 CFR Part 200**; *Government Auditing Standards*, as well as the state requirements) included or referenced in this rule.

A. Any deficiencies with the audit, during this phase, will be communicated to school officials and/or the independent auditor depending on the severity and type of deficiency noted. Resolution of desk review items should occur within the time frame provided by *[DESE]* **the department** in the written communication with the school or the independent auditor. Failure to address noted deficiencies may result in the withholding of funds *[distributed]* **disbursed** by *[DESE]* **the department** to the school. Severe deficiencies and/or inaction by the school's independent auditor may result in the reporting of the independent auditor to the Missouri State Board of Accountancy.

B. Review of the independent auditor's working papers may be conducted by *[DESE]* **the department** as deemed appropriate to ensure appropriate work has been performed to support statements, opinions, findings, etc. of the independent auditor. Auditors may be requested to provide their most recent peer review report to *[DESE]* **the department**.

5. For audits conducted in accordance with OMB *[Circular A-133]* **Uniform Grant Guidance 2 CFR Part 200**, federal findings and questioned costs and the related Corrective Action Plan will be circulated to the appropriate *[DESE]* **department** program sections for follow-up with the school.

A. The program sections, both federal and state, are responsible for addressing relevant portions of the audit including follow-up with school officials and their independent auditors to resolve any questions, discrepancies, or audit findings.

B. The appropriate program section shall issue a written management decision to the school indicating approval/disapproval of the school's Corrective Action Plan. This must take place within six (6) months from the receipt of the audit.

C. When the program section review suggests questions or disclose discrepancies, the individual program section will correspond directly with the school. This correspondence initiates a procedure for resolving program audit questions and discrepancies which is outlined below/—/:

(I) Personnel of the various program sections will advise the school officials of the findings and the nature of any discrepancy found in the audit report;

(II) Within the time frame provided by [DESE] the department, school officials will be expected to respond with clarifying information and, as appropriate, corrected data or a corrected page of the audit report issued by the independent auditor who conducted the original audit. [DESE] Department staff will assist in every reasonable way to help a school and/or its independent auditor find a solution to audit problems; and

(III) If a discrepancy cannot be resolved, [DESE] the department may recover or withhold applicable state or federal funds from the affected program.

AUTHORITY: section[s] 160.405, RSMo Supp. 2013, [and] section 161.092, RSMo Supp. [2008] 2014, and sections 165.121, 167.201, and 178.430, RSMo 2000. Original rule filed April 28, 1982, effective Sept. 12, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 21, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Toni Wade, Accounting and Procurement Section, Division of Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102-0480, or by email to audits@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 1—Organization and Administration

PROPOSED AMENDMENT

11 CSR 45-1.090 Definitions. The commission is adding subsection (19)(G), and relettering the remaining subsections.

PURPOSE: This amendment adds a definition of supervisor.

(19) Definitions beginning with S—

(G) Supervisor—a person with one (1) or more identified subordinate job position(s) reporting to his or her job position according to the Class B licensee's organizational chart;

[(G)](H) Supplier—A person who sells or leases gambling equipment and gambling supplies to any licensee; and

[(H)](I) Support facility—A place of business which is part of, or operates in connection with, a riverboat gaming operation and is owned in whole or in part by a holder of a Class B license, or any of their key persons including, without limitation, riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

AUTHORITY: section 313.004, RSMo 2000, [and] section[s] 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, 313.817, and 313.830, RSMo Supp. 2014. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 27, 2015.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for November 4, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 4—Licenses

PROPOSED AMENDMENT

11 CSR 45-4.020 Licenses, Restrictions on Licenses, Licensing Authority of the Executive Director, and Other Definitions. The commission is amending section (6).

PURPOSE: This amendment changes the requirements for interim replacement for a Level I position.

(6) In the event that one of the positions, **other than the surveillance manager/director**, required by section (5) becomes vacant, an interim replacement licensee shall be immediately appointed to serve. The interim appointee may be one of the current Level I licensees required by section (5). The permanent position shall be staffed within one hundred eighty (180) days, unless otherwise approved by the commission.

AUTHORITY: section 313.004, RSMo 2000, and section 313.807, RSMo Supp. 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 27, 2015.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for November 4, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 4—Licenses

PROPOSED AMENDMENT

11 CSR 45-4.030 Application for Class A or Class B License. The commission is amending subsections (2)(L) and (2)(N).

PURPOSE: This amendment adds a requirement for political contributions to be reported for other locations as well as Missouri.

(2) For a Class A or Class B license an applicant must disclose on an application form obtained from the commission at a minimum—

(L) Whether any person currently serving, or any person who has within the past two (2) years served, as a member of the commission, an employee of the commission, a member of the general assembly, or as [a Missouri] an elected or appointed official of the state[,] or [if] of any city or county in Missouri in which the licensing of excursion gambling boats has been approved, has any ownership interest in applicant;

(N) The applicant must disclose all political contributions, loans, donations, or other payments of one hundred dollars (\$100) or more, applicant has made directly or indirectly to any candidate or officeholder [in Missouri], within five (5) years prior to application; and

AUTHORITY: section 313.004, RSMo 2000, and sections 313.805 and 313.807, RSMo Supp. 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 27, 2015.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for November 4, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED AMENDMENT

11 CSR 45-9.030 Minimum Internal Control Standards. The commission is deleting sections (3)–(22).

PURPOSE: This amendment deletes the listing of minimum internal controls by chapter that have been updated as separate rule numbers.

[(3) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter A—General and Administrative, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter A does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(4) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter B—Key Controls, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter B does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(5) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter C—Rules of the Game, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter C does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(6) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter D—Table Games (Live Games), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter D does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(7) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter E—Electronic Gaming Devices (EGDs), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter E does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(8) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter F—Poker Rooms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter F does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(9) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter G—Drops and Counts, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter G does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(10) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter H—Casino Cashiering, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter H does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(11) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter I—Casino Accounting, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter I does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(12) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter J—Admissions, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter J does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(13) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter K—Currency Transaction Reporting, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter K does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(14) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter L—Internal Audit, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter L does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(15) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter M—Surveillance, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter M does not incorporate any subsequent amendments or additions as adopted by the commission on May 30, 2000.

(16) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter N—Security, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter N does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(17) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter O—Purchasing and Contract Administration, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter O does not incorporate any subsequent amendments or additions as adopted by the commission on May 30, 2000.

(18) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter P—Excluded Persons, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter P does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(19) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter Q—Disassociated Persons, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter Q does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(20) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter R—Forms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter R does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(21) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter S—Management Information Systems (MIS), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter S does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2005.

(22) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter T—Tips, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter T does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.]

AUTHORITY: section 313.004, RSMo 2000, [and] section[s] 313.805, RSMo Supp. 2013, and section 313.800, RSMo Supp. [2008] 2014. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 27, 2015.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 4, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED AMENDMENT

11 CSR 45-9.050 Modifications of the Internal Control System.
The commission is amending section (1).

PURPOSE: This amendment updates the process for modifications of the internal control system.

(1) [At least fifteen (15) days b/Before the changes are to become effective, each Class B licensee[, unless otherwise] shall submit any changes to the approved internal control system to the commission in a time frame as directed by the commission[, shall submit to the commission any changes to the internal control system previously determined to be adequate in all respects]. The proposed changes to the system may be approved or disapproved by the commission. No licensee shall alter its internal control system unless and until the changes are approved by the commission.

AUTHORITY: section[s] 313.004, RSMo Supp. [1993] 2000, section 313.805, RSMo Supp. 2013, and section 313.800, RSMo Supp. 2014. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 27, 2015.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for November 4, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED AMENDMENT

11 CSR 45-9.060 Lack of Compliance with Chapter Requirements.
The commission is amending sections (3) and (4).

PURPOSE: This amendment updates the class designation.

(3) Violations of the minimum internal control standards by a Class A or Class B licensee or an agent or employee of a Class A or Class B licensee are deemed to be unsuitable conduct for which the Class A or Class B licensee and/or its agent or employee is subject to administrative penalty pursuant to section 313.805(6), RSMo and 11 CSR 45-1 et seq., as amended from time-to-time. Any agent or employee of a Class A or Class B licensee that is involved in a violation of the minimum internal control standards may be subject to fine, discipline, or license revocation.

(4) Violations of the Class [A] B licensee's internal control system by

the Class A or Class B licensee or an agent or employee of the Class A or Class B licensee shall be *prima facie* evidence of unsuitable conduct for which the Class A or Class B licensee and/or its agents or employees may be subject to discipline pursuant to section 313.805(6), RSMo and 11 CSR 45-1 et seq., as amended from time-to-time.

AUTHORITY: section[s] 313.004, RSMo 2000, section 313.805, RSMo Supp. 2013, and sections 313.800, 313.812, and 313.817, RSMo [1994] Supp. 2014. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed March 18, 1996, effective March 28, 1996, expired Sept. 23, 1996. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Aug. 27, 2015.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for November 4, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED RULE

11 CSR 45-9.101 Minimum Internal Control Standards (MICS)—Chapter A

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

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

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS)* Chapter A—General and Administrative, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter A does not incorporate any subsequent amendments or additions as adopted by the commission on August 26, 2015.

AUTHORITY: section 313.004, RSMo 2000, section 313.805, RSMo

Supp. 2013, and section 313.800, RSMo Supp. 2014. Original rule filed Aug. 27, 2015.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for November 4, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED RULE

11 CSR 45-9.103 Minimum Internal Control Standards (MICS)—Chapter C

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

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

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS)* Chapter C—Rules of the Game, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter C does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

AUTHORITY: section 313.004, RSMo 2000, section 313.805, RSMo Supp. 2013, and section 313.800, RSMo Supp. 2014. Original rule filed Aug. 27, 2015.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in

the *Missouri Register*. A public hearing is scheduled for November 4, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 44—Miscellaneous Fees and Taxes**

PROPOSED AMENDMENT

12 CSR 10-44.100 Excess Traffic Violation Revenue. The director proposes to amend the purpose and sections (1) and (2).

PURPOSE: This proposed amendment is necessary to reflect the substantial repeal of section 302.341.2, RSMo, the replacement of that section with similar obligations in section 479.359, RSMo, and the creation of new obligations in sections 479.350 to 479.372, RSMo.

PURPOSE: [Section 302.341, RSMo] Sections 479.350 to 479.372, RSMo, provide[s] for cities, towns, [and] villages, and counties to file certain addendums and remit to the Department of Revenue any amount from fines, bond forfeitures, and court costs for minor traffic violations occurring [on state highways] within cities, towns, villages, and counties that are in excess of [thirty-five percent (35%)] a statutory percentage of its total annual general operating [budget] revenue. This rule explains the procedure for remitting the excess amount to the department.

(1) [In general, any city, town, or village that receives more than thirty-five percent (35%) of its general operating revenue from fines and court costs for traffic violations occurring on state highways must submit the amount in excess of the thirty-five percent (35%) to the Department of Revenue.] **Definitions.** For purposes of this rule and any determinations required to be made under sections 479.350 to 479.372, RSMo, the following definitions apply:

- (A) "Annual general operating revenue"—as defined in section 479.350(1), RSMo;
- (B) "Court costs"—as defined in section 479.350(2), RSMo;
- (C) "Minor traffic violation"—as defined in section 479.350(3), RSMo; and
- (D) "Statutory percentage"—the percentage of annual general operating revenue applicable to the city, town, village, or county pursuant to section 479.359, RSMo.

(2) [Basic Application of Rule.] **Submission of Excess Revenue.**
[[A] At the end of each city, town, or village's fiscal year, the city, town, or village must calculate the percent of its general operating revenue that is derived from traffic fines and court costs for traffic violations that occur on state highways.]

[[B]](A) If the city, town, [or] village [determines that], or county, received more than [thirty-five percent (35%)] the applicable statutory percentage of its annual general operating revenues [are derived] from [traffic] fines, bond forfeitures, and court costs for minor traffic violations [on state highways], the [excess amount] amount in excess of the applicable statutory percentage must be remitted to the department.

[[C]](B) [Payment to the department should occur by the last day of the second month immediately following the end of the city, town, or village's fiscal year.] Any city, town, village, or county shall remit the amount in excess of the applicable statutory percentage to the Department of Revenue at the same time as the addendum is filed with the state auditor. The city, town, [or] village, or county must clearly mark the payment as "Excess Traffic Fees" and must include a copy of the addendum required by section 479.359, RSMo, with the payment.

[(D)](C) [If the city, town, or village determines it has not derived more than thirty-five percent (35%) of its general operating revenues from traffic fines and court costs for traffic violations on state highways, it does not need to report that fact to the department.] Any city, town, village, or county that fails to file its addendums required by sections 479.359 and 479.360, RSMo, or that fails to timely remit the correct amount of revenue in excess of the applicable statutory percentage at the same time as the addendum is filed with the state auditor, shall be subject to the penalties and remedies set forth in sections 479.350 to 479.372, RSMo.

AUTHORITY: section [302.341.2, RSMo Supp. 2010] 479.359, RSMo, as amended by CCS for HCS for SS for SCS for Senate Bill 5, First Regular Session, 98th General Assembly 2015. Original rule filed Sept. 27, 2010, effective March 30, 2011. Emergency amendment filed Sept 1, 2015, effective Sept 11, 2015, expires March 8, 2016. Amended: Filed Sept 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

PROPOSED AMENDMENT

13 CSR 40-2.300 Definitions Which Are Applicable for Benefit Programs Funded by the Temporary Assistance for Needy Families (TANF) Block Grant. The department is deleting the purpose and sections (1)–(2) and adding a new purpose and sections (1)–(15).

PURPOSE: The department is amending this regulation by adding new definitions and clarifying other definitions.

[PURPOSE: This rule states the definitions which are applicable to benefit programs funded by the Temporary Assistance for Needy Families (TANF) Block Grant.]

PURPOSE: This rule provides the definition of terms which are applicable to the Temporary Assistance program funded by the Temporary Assistance for Needy Families (TANF) Block Grant.

[(1) The program for the provision of any public assistance funded in whole or part directly through the Temporary Assistance for Needy Families (TANF) Block Grant, section 603 of Title 42, United States Code shall be known as "Temporary Assistance."

(2) As used in 13 CSR 40-2.300 through 13 CSR 40-2.370 and except as otherwise expressly provided, the term "assistance" means every form of support provided to families under the Temporary Assistance Program (including child care, work subsidies, and allowance to meet living expenses), except: services that have no direct monetary value to an individual fam-

ily and that do not involve implicit or explicit income support, such as counseling, case management, peer support, and employment services that do not involve subsidies or other forms of income support; and one-time, short-term assistance (i.e., assistance paid within a thirty (30)-day period, no more than once in any twelve (12)-month period, to meet needs that do not extend beyond a ninety (90)-day period, such as automobile repair to retain employment and avoid welfare receipt and appliance repair to maintain living arrangements).]

(1) Agent. Any entity acting on behalf of the division under a contract or memorandum of understanding.

(2) Assistance. Every form of support provided to participants and their families under the Temporary Assistance (TA) program, including child care, work subsidies, and allowances to meet living expenses. Assistance does not include the cash diversion program in 13 CSR 40-2.480; services that have no direct monetary value to an individual family and that do not involve implicit or explicit income support, such as counseling, case management, peer support, and employment services that do not involve subsidies or other forms of income support; or one- (1)-time , short-term assistance authorized by a representative of the Family Support Division as part of an Individual Employment Plan (IEP) under 13 CSR 40-2.370(2), including assistance to pay for automobile repairs to retain employment and avoid welfare receipt, and appliance repair to maintain living arrangements.

(3) Community service programs. Structured programs and embedded activities in which TA recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. Community service programs must be limited to projects that serve a useful community purpose in fields such as health, social service, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and child care.

(4) Division. The Family Support Division of the Department of Social Services of the State of Missouri, or its agent.

(5) Household. A family that includes:

(A) Eligible children under the age of eighteen (18); or

(B) Eligible children who are age eighteen (18) and in secondary school or the equivalent vocational or technical school, if they are expected to graduate before turning age nineteen (19); and

(C) The natural or adoptive parents of one (1) or more of the eligible children; or

(D) Any needy non-parent caretaker relative or unrelated guardian of one (1) or more of the eligible children, if there are no natural or adoptive parents in the home. The non-parent caretaker relative or the guardian, if found to be eligible for inclusion, may exclude themselves from the assistance group.

(6) Investigation. A review conducted by the division to determine that a participant is not cooperating with a work participation activity requirement. The investigation may include a telephone or personal contact with the participant at the discretion of the division.

(7) Participant. Any individual who has applied for, or is receiving, or has been denied, TA benefits or services administered by the Family Support Division.

(8) Temporary Assistance (TA). The division's program for the provision of any public assistance funded in whole or part directly through the Temporary Assistance for Needy Families (TANF)

Block Grant, section 603 of Title 42, *United States Code* and Parts 260–284 of Title 45, *Code of Federal Regulations*.

(9) Satisfactory attendance at a secondary school, provided that the participant has not already completed secondary school. Regular attendance, in accordance with the requirements of the secondary school or course of study, at a secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate. This activity must be supervised on an ongoing basis no less frequently than daily.

(10) Work activities that any participant seeking TA shall engage in unless exempt include:

- (A) Unsubsidized employment;
- (B) Subsidized private sector employment;
- (C) Subsidized public sector employment;
- (D) Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
- (E) On-the-job training;
- (F) Job search and job readiness assistance;
- (G) Community service programs;
- (H) Vocational educational training (not to exceed twelve (12) months with respect to any participant);
- (I) Job skills training directly related to employment;
- (J) Education directly related to employment for participants who have not received a high school diploma or a certificate of high school equivalency;
- (K) Satisfactory attendance at a secondary school provided that the participant has not already completed secondary school; and
- (L) Providing child care services to a participant who is involved in a community service program.

(11) Subsidized Public Sector Employment. Employment in the public sector for which the employer receives a subsidy from TA or other public funds to offset some, or all, of the wages and costs of employing a recipient.

(12) Subsidized Private Sector Employment. Employment in the private sector for which the employer receives a subsidy from TA or other public funds to offset some, or all, of the wages and costs of employing a recipient.

(13) Vocational educational training. Organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training other than a baccalaureate or advanced degree. Vocational educational training must be supervised on an ongoing basis no less frequently than daily.

(14) Work Experience. A work activity, performed in return for TA, that provides an individual with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment.

(15) Unsubsidized employment. Full- or part-time employment in the public or private sector that is not subsidized by TA or any other public program.

AUTHORITY: section[s] 207.020] 207.022, *RSMo Supp. 2014*, and section 208.026, [208.040.5,] *RSMo [1994] CCS HCS SS#2 SCS SB 24, First Regular Session, Ninety-eighth General Assembly, 2015. Emergency rule filed Feb. 18, 1998, effective March 1, 1998, terminated Aug. 10, 1998. Original rule filed Jan. 16, 1998, effective Aug. 1, 1998. Emergency amendment filed Aug. 18, 2015, effective Aug. 28, 2015, expires Feb. 23, 2016. Amended: Filed Aug. 28, 2015.*

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Family Support Division, Julie Gibson, Director, PO Box 2320, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 2—Income Maintenance

PROPOSED AMENDMENT

13 CSR 40-2.310 Requirements as to Eligibility for Temporary Assistance. The department is deleting the purpose and sections (1)–(21) and adding a new purpose and sections (1)–(22).

PURPOSE: The department is amending this regulation by adding new requirements and clarifying language. Overall, the regulation was amended to update the program terminology and to clarify wording used in the existing regulation to reflect current practice and definitions.

[*PURPOSE:* This rule states the requirements as to eligibility for Temporary Assistance.]

PURPOSE: This rule establishes the requirements for eligibility for Temporary Assistance (TA).

[(1) The eligibility requirements for the Temporary Assistance Program shall include:

(A) Requiring an applicant or recipient to participate in the program of work activities as defined in these rules, with exclusions as provided for by rule:

(B) Requiring a recipient of assistance and each dependent child to be a resident of the state of Missouri and:

1. A United States citizen; or

2. A qualified alien as defined in Title 8, section 1641 of the United States Code except as otherwise provided herein. Except as provided in 8 U.S.C. section 1622(b), a qualified alien who enters the United States on or after August 22, 1996, is not eligible for Temporary Assistance benefits for a period of five (5) years beginning on the date of the alien's entry into the United States. Qualified aliens who have entered the United States on or after August 22, 1996, and who do not meet the time limit exception may be eligible for Temporary Assistance after a period of five (5) years beginning on the date of the qualified alien's entry into the United States. An alien who is not a qualified alien under Title 8, sections 1641 or 1622(b) of the United States Code shall be ineligible to receive Temporary Assistance benefits. If an alien who is not eligible to receive Temporary Assistance benefits is found to be on the Temporary Assistance rolls then his or her benefits will be terminated and his or her case will be closed. If an applicant for Temporary Assistance benefits is not a qualified alien or does not otherwise fall within the exception set forth in 8 U.S.C. section 1622(b) then the applicant's application for Temporary Assistance will be denied;

(C) Requiring an applicant to provide all Social Security numbers for each parent, caretaker and child and by requiring the applicant for or recipient of assistance to cooperate with the division to obtain Social Security numbers;

(D) The assistance provided under the Temporary Assistance Program is used for the benefit of the child or children;

(E) Recipients of Supplemental Security Income (SSI) shall not be eligible for Temporary Assistance. The income, expenses and resources of the SSI recipient are excluded when determining the eligibility of the household. The individual shall be excluded for purposes of determining household size; and

(F) Meeting other eligibility requirements contained in 13 CSR 40-2.300 through 13 CSR 40-2.370.

(2) Application for benefits and timely investigation of eligibility for benefits will be consistent with sections 208.060 and 208.070, RSMo. In Temporary Assistance cases where an eligible individual does not receive the first payment for the month in which the thirtieth day after application falls, a delayed payment will be made for that month and any later months that occur before the application was approved.

(3) The real and personal property considered in determining eligibility for Temporary Assistance and how the value of that property is determined shall be as follows:

(A) Property of any kind or character which the participant owns or possesses or has an interest in, of which s/he is the record or beneficial owner, less encumbrances of record;

(B) The value of real property will be its current market value, less encumbrances of record, if sold on the open market;

(C) Personal Property.

1. The value of life insurance policy at any time shall be the cash surrender value of the policy, minus the amount of any lien, loan, accrued interest payments or assigned portion of the policy.

2. Personal property is defined as household goods, jewelry, farm surpluses, livestock, farm or business machinery or equipment, automobiles, trucks, and similar items.

3. The total amount on deposit in a joint bank account of which the applicant is one of the owners is considered as available to the applicant unless there is verification that the money placed in the account or a definite portion of it belongs to the other joint owner, who is not applying for or receiving Temporary Assistance. When both or all the owners of a joint bank account are applying for or receiving assistance, each is considered as owning his/her proportionate share of the account. If the applicant states s/he has not deposited any portion of the money in the account and past circumstances of the applicant indicate that this is reasonable, the total amount on deposit will not be considered as available to the applicant;

(D) In certain instances as defined in subsections (3)(E)–(H) of this rule, the property will be considered as a resource which the applicant or recipient can and should use in meeting his/her needs and will not be eligible for assistance. The policy applies to a child and to a parent(s) or, to step-parents, or if included in the grant, a needy non-parent caretaker relative or legal guardian with whom the child is living;

(E) Real Property.

1. When an applicant owns property, which is not furnishing shelter for him/her and its current market value less encumbrances of record is over one thousand dollars (\$1,000), it shall be considered a resource. The applicant will not be eligible for assistance on the basis of need, except that burial lots must be excluded from this computa-

tion. For recipients in self-sufficiency pacts, the value of property for exclusion is over five thousand dollars (\$5,000), less encumbrances of record. When the value of real property is less than the amounts stated previously, it shall be counted as a part of the combination of available resources in determining eligibility. Recipients in self-sufficiency pacts owning property valued at over five thousand dollars (\$5,000), less encumbrances of record, shall not be eligible.

2. For real property in which the applicant or recipient has lived—

A. Real property in which the applicant or recipient has lived will be counted as a resource the month after the month in which it is vacated for other than a temporary purpose, unless the spouse from whom the claimant is separated and the claimant own the home jointly and the spouse continues to remain in the home. In this case the home and forty (40) acres adjoining will not be included in determining equity in resources as long as the spouse remains in the home. In the event of divorce, the equity in the property must be considered as a resource immediately;

B. If a claimant or couple owns two (2) pieces of property, they shall be required to designate one (1) as their homestead and the other immediately shall be considered as an available resource. Also, when two (2) claimants marry and each owns a home in which s/he has been living, they will be required to designate one (1) of the properties as their homestead, the other immediately shall be considered as an available resource;

C. The land on which the home is located, up to forty (40) acres, is considered a part of the home as long as the land is adjoining, in the same city block, and there is no other dwelling on the forty (40) acres; or

D. The land on which the home is located up to forty (40) acres, which is part of a farming unit will be considered as part of the home so long as the land is adjoining and there is no other dwelling on the forty (40) acres. (Property will be considered as adjoining even though a road may separate two (2) tracts, if the property is farmed as a single unit.)

3. For all other property—All other real property will be included in determining the one thousand-dollar (\$1,000) limitation for applicants, or the five thousand-dollar (\$5,000) limitation for recipients in self-sufficiency pacts;

(F) There shall be disregarded any prearranged funeral or burial contract, or any two (2) or more contracts, which provide for the payment of one thousand five hundred dollars (\$1,500) or less per family member. The face value of an irrevocable burial contract will always be counted toward the one thousand five hundred-dollar (\$1,500) exemption. Any family who owns revocable prepaid burials (over and above the first one thousand five hundred dollars (\$1,500) in equity value) or insurance with cash surrender value over one thousand dollars (\$1,000) for applicants and five thousand dollars (\$5,000) for recipients in self-sufficiency pacts will not be eligible for assistance. If the cash surrender value of revocable prepaid burials (over and above the first one thousand five hundred dollars (\$1,500) in equity value) or insurance is one thousand dollars (\$1,000) for applicants or five thousand dollars (\$5,000) for recipients in self-sufficiency pacts or less, it shall be counted as part of the combination of available resources in determining eligibility as stated in subsection (3)(H) of this rule;

(G) An applicant may not own personal property with equity greater than one thousand dollars (\$1,000), and a recipient in a self-sufficiency pact may not own personal property with equity greater than five thousand dollars (\$5,000). However the following personal property will not be included in this determination:

1. Tools, supplies, livestock, farm surplus and similar items being used by the claimant in the course of his/her business. This does not include business or farm machinery;

2. Household furnishings, household goods and personal effects used by the claimant;

3. The first automobile shall be excluded, fifteen hundred dollars (\$1,500) equity in a second automobile;

4. Wedding and engagement rings and jewelry of limited value; and

5. For recipients only, earned income retained in an individual development account; and

(H) Any combination of more than one thousand dollars (\$1,000) for applicants, and five thousand dollars (\$5,000) for recipients who have signed self-sufficiency pacts, would make the family ineligible.

(4) *Earned Income*—In applying earned income exemptions the following definition of “earned income” will be used:

(A) The term “earned income” encompasses income in cash or in kind earned by a needy individual through the receipt of wages, salary, commissions, or profit from activities in which s/he is engaged as a self-employed individual or an employee. Such earned income may be derived from his/her own employment such as a business enterprise, or farming; or derived from wages or salary received as an employee. It includes earnings over a period of time for which settlement is made at one given time, as in the instance of sale of farm crops, livestock, or poultry. In considering income from farm operation, the option available for reporting under Old Age Survivor’s and Disability Insurance (OASDI), namely the “cash receipts and disbursements” method, i.e., a record of actual gross, of expenses, and of net, is an individual determination and is acceptable also for Temporary Assistance. With reference to commissions, wages, or salary, the term “earned income” means the total amount, irrespective of personal expenses, such as income tax deductions, lunches, and transportation to and from work. With respect to self-employment, the term “earned income” means the total profit from business enterprise, farming, etc., resulting from a comparison of the gross income received with the “business expenses,” i.e., total cost of the production of the income. Personal expenses, such as income tax payments, lunches, and transportation to and from work, are not classified as business expenses;

(B) The definition shall exclude the following from “earned income”: Returns from capital investment with respect to which the individual is not him/herself actively engaged, as in a business (for example, under most circumstances, dividends and interest would be excluded from “earned income”); benefits (not in the nature of wages, salary, or profit) accruing as compensation, or reward for service, or as compensation for lack of employment (for example, pensions and benefits, such as United Mine Workers’ benefits or Veterans benefits); and

(C) With regard to the degree of activity, earned income is income produced as a result of the performance of services by an applicant or a recipient; in other words, income which the individual earns by his/her own efforts, including managerial responsibilities, would be properly classified as earned income, such as management of capital investment in real estate. Conversely, for example, in the instance of capital investment wherein the individual carries no specific responsibility, such as where rental properties are in the hands of rental agencies and the check is forwarded to the recipient, the income would not be classified as earned income.

(5) Temporary Assistance shall be granted on behalf of eligible child(ren) in otherwise eligible families. Temporary Assistance may be granted to the parents or other needy relatives caring

for a child or children meeting all eligibility criteria, and who—

(A) Are deprived of parental support or care for the following reasons:

1. Death;

2. Continued absence from, or never living in, the home;

3. Physical or mental incapacity of a parent;

4. Divorce/separation;

5. Desertion;

6. Confinement in a penal, medical or custodial institution;

7. A physical restoration or training program developed by vocational rehabilitation, if the plan necessitates absence of a parent from the home; or

8. Unemployment;

(B) Physical or mental incapacity exists when the incapacity is expected to last at least thirty (30) days and is of such a debilitating nature as to substantially reduce or eliminate the parent’s ability to support or to care for the child. Physical or mental incapacity shall be certified by a competent medical or other appropriate authority designated by the division. Such certification is declared to be competent evidence in any proceedings concerning the eligibility of the claimant to receive Temporary Assistance. Physical or mental incapacity can also be verified by the parent’s receipt of Supplemental Security Income (SSI) or Social Security Disability Insurance;

(C) Unemployment of a parent is defined as a biological, or adoptive parent who meets all of the following criteria:

1. Be physically present in Missouri, living in the home with the child or children, actively seeking employment, and complying with requirements made by the Division of Family Services regarding employment training and work activities;

2. Have been unemployed for at least thirty (30) days prior to receiving benefits under this section and must apply for and receive any unemployment benefits to which s/he is entitled, such benefits to be considered as unearned income in determining eligibility for Temporary Assistance;

3. Not have refused without good cause, within such thirty (30)-day period prior to the receipt of such aid, any bona fide offer of employment which s/he is physically able to perform and otherwise qualified to engage in;

4. Not have refused, without good cause, vocational rehabilitation, education, training, work or special work projects offered;

5. Have six (6) or more quarters of work within any thirteen (13)-calendar-quarter period ending within one (1) year prior to the application for such aid or have received or have been qualified to receive unemployment compensation within such one (1)-year period;

6. The parent must be the principle earner. This can be determined by whichever parent, in a home in which both parents of such child are living, earned the greater amount of income in the twenty-four (24)-month period, the last month of which immediately precedes the month in which assistance is requested due to the unemployment of a parent.

A. If primary evidence of earnings for this period cannot be secured, the division shall designate the principle earner, using the best evidence available.

B. The earnings of each parent are considered in determining the principle earner regardless of when their relationship began.

C. The principle earner so defined remains the principle earner for each consecutive month for which the family receives such aid on the basis of such application.

D. If both parents earned an identical amount of income (or earned no income) in such twenty-four (24)-month period, the division shall designate which parent shall

be the principle earner; and

7. The parent who is unemployed must not be unemployed as a result of participation in a strike; and

(D) The relative with whom a child may be living, in order to be eligible for Temporary Assistance, includes father, mother, grandfather, grandmother, brother, sister, stepfather or stepmother (but not their parents), stepbrother, stepsister, uncle, aunt, first cousin, first cousin of a parent, nephew, niece, adoptive father or adoptive mother; grandfather-in-law or grandmother-in-law (meaning the spouse of a second marriage of one of the child's biological grandparents); great-grandfather or great-grandmother (including great-great grandfather or great-great grandmother); brother or sister of half-blood; adoptive brother or adoptive sister; brother-in-law or sister-in-law; uncle or aunt of the half-blood; uncle-in-law or aunt-in-law; great-uncle or great-aunt (including great-great uncle or great-great aunt); and other relatives by adoption, in addition to those specifically mentioned here, may be considered eligible payees within the same degree of relationship as apply to blood relatives. The biological relatives of an adopted child also continue to be eligible payees. A legal guardian may also serve as a payee for Temporary Assistance, and if the legal guardian is otherwise eligible, may be eligible for a cash payment.

(6) Home is interpreted to mean a family setting maintained or in the process of being established as evidenced by the assumption or continuance of responsibility for the child. Usually the child shares the family household with the parent or relative. A home exists as long as the parent or relative takes responsibility for the care and control of the child, even though circumstances may require temporary absence of either the child or the parent (or relative) from the customary family setting, subject to 13 CSR 40-2.365.

(7) For the purpose of the administration of Temporary Assistance, payments shall be defined as payments by electronic or other means made to the payee, at regular intervals. Temporary Assistance benefits will be made available on the same schedule as indicated in 13 CSR 40-2.150(1) (A)1.-4. The provisions of 13 CSR 40-2.150(2) apply to recipients of Temporary Assistance.

(8) Determining the Amount of Cash Payments.

(A) The following persons are considered members of the household for purposes of determining household size and Temporary Assistance grant, if eligible: eligible children under the age of eighteen (18) or age eighteen (18) and in secondary school or the equivalent vocational or technical school if expected to graduate, natural or adoptive parents of one (1) or more of the eligible children, and any needy non-parent caretaker relative or related or unrelated guardian. The non-parent caretaker relative or the guardian if found to be eligible for inclusion has the option to be excluded from the assistance group.

(B) Consideration of Available Income.

1. In Temporary Assistance cases, all income of the following persons who are in the household, irrespective of subsection (8)(A), shall be considered in determining whether the children (including stepchild and adopted child) are in need, and if so, the amount of that need:

A. Eligible children;

B. Biological or adoptive parents of one (1) or more of the eligible children;

C. Any needy non-parent caretaker relative or related or unrelated guardian if they desire to be included in the assistance group and are eligible for inclusion;

D. A stepparent living in the same home as such child

as exceeds the sum of a) the first ninety dollars (\$90) of the stepparent's earned income, for such month; b) the Standard of Need for a family of the same composition as the stepparent and those other individuals living in the same household as the dependent child and claimed or who could be claimed by such stepparent as dependents for purposes of determining the stepparent's federal personal income tax liability but whose needs are not taken into account; c) amounts paid by the stepparent to individuals not living in such household and claimed by him/her as dependents for purposes of determining the stepparent's federal personal income tax liability; and d) payments by such stepparent of court ordered alimony or child support with respect to individuals not living in such household;

E. Any biological or adoptive brother or sister of an eligible child, if such brother or sister meets the conditions described in 13 CSR 40-2.310(5) and 13 CSR 40-2.325(1)(A)1. and 2., and is living in the home;

F. With respect to an eligible child who is living with a parent or legal guardian who is under age eighteen (18), the income of such minor parent's own parents who are living in the home shall be included to the same extent that the income of a stepparent is included (see subparagraph (8)(B)1.D. above). The minor parent's parents' earned income shall be disregarded up to one hundred percent (100%) of the federal poverty level; and

G. Income of all other persons in the household will be considered in the amount made available to the household.

2. In computing the income of an applicant or recipient, or of the household of which s/he is a member, only that income which is available during the period under consideration shall be taken into account. To be considered as available, the income shall actually and presently exist (not to be a potential or remote income) and shall be sufficient to have some appreciable significance in meeting the immediate requirements of the applicant or recipient.

(9) Earned Income Exemption.

(A) In determining need and amount of grant for applicants or recipients of Temporary Assistance, the following earned income exemptions will apply and these amounts will be disregarded in determining the amount of income available to meet the family's needs:

1. All of the earned income of any child receiving Temporary Assistance will be exempted if the child is a full-time student or is a part-time student who is not a full-time employee.

2. The first ninety dollars (\$90) of the gross earned income will be disregarded from employment;

3. An amount equal to the first thirty dollars (\$30) of the actual total of earned income not already disregarded in the preceding provisions of this subsection (9)(A) plus one-third (1/3) of the remainder thereof;

4. An amount equal to thirty dollars (\$30) of the total of earned income not already disregarded in the preceding provisions of this subsection (9)(A), for an eight (8)-month period following the fourth consecutive month of the disregard provided for in paragraph (9)(A)3.;

5. An amount equal to expenditures for care in such month shall be disregarded from earned income for an eligible child, or an incapacitated individual living in the same home as the child, receiving Temporary Assistance and requiring such care for such month, to the extent that such amount for each such child or incapacitated individual does not exceed one hundred seventy-five dollars (\$175) for children age two (2) and over or two hundred dollars (\$200) for children under two (2) years of age; and

6. All of the earned income of a parent who is under the age of nineteen (19) and is a full-time student in a secondary school or equivalent program of education or training.

(B) The disregards applied against the earned income outlined in (9)(A) shall not be applied to the earned income of any person who—

1. Terminated his/her employment or reduced his/her earned income without good cause within such period, of not less than thirty (30) days, preceding such month;

2. Refused without good cause, within such thirty (30)-day period, to accept employment in which s/he is able to engage which is offered through the public employment offices of the state, or is otherwise offered by an employer if the offer of the employer is determined by the Division of Family Services or agency designated by the Division of Family Services, after notification by the employer, to a bona fide offer of employment; and

3. Failed without good cause to make a timely report to the Division of Family Services of earned income received in such month.

(C) The disregard applied against earned income as provided for—

1. In paragraph (9)(A)1. shall be applied when determining need for up to six (6) months within the calendar year of January through December and thereafter shall not be applied if the income without applying this disregard was in excess of the standard of need;

2. In paragraph (9)(A)3. shall not be applied if the income without applying this disregard was in excess of the standard of need unless the person received Temporary Assistance in one (1) or more of the four (4) preceding such month and this disregard has not already been applied to his/her income for four (4) consecutive months while s/he was receiving Temporary Assistance. If this disregard provided for in paragraph (9)(A)3. has been applied for four (4) consecutive months, the disregard shall not be applied for as long as the person continues to receive Temporary Assistance and shall not apply until the expiration of a period of twelve (12) consecutive months during which the person is not a recipient of Temporary Assistance; and

3. In paragraph (9)(A)4. shall be available only for the eight (8)-month period following the fourth consecutive month of the disregard provided for in paragraph (9)(A)3. If the eight (8)-month period for the disregard provided for in paragraph (9)(A)4. has expired, the disregard shall not be applied for as long as the person continues to receive Temporary Assistance and shall not apply until the expiration of a period of twelve (12) consecutive months during which the person is not a recipient of Temporary Assistance.

(D) The division may increase earned income disregards, consistent with section 208.325.11, RSMo, and may begin through pilot(s). If successful, such increase in disregards may be expanded statewide.

(10) 185% Test—No family shall be eligible for Temporary Assistance if for that month, the total income of the family (other than Temporary Assistance benefits) without application of the earned income disregards provided for in paragraphs (9)(A)2.–5. and for up to six (6) months within the calendar year of January through December with application of the earned income disregard provided for in paragraph (9)(A)1. equals or exceeds one hundred eighty-five percent (185%) of Standard of Need for a family of the same composition.

(11) Standard of Need Test—No family shall be eligible for Temporary Assistance if, for that month, the total income of the family (other than Temporary Assistance benefits) with-

out application of the earned income disregards provided for in paragraphs (9)(A)2.–5., except paragraphs (9)(C)1. and 2. would have application, and for up to six (6) months within the calendar year of January through December with application of the earned income disregard provided for in paragraph (9)(A)1. equals or exceeds the Standard of Need for a family of the same composition.

(12) Percentage of Need Test—No family shall be eligible for Temporary Assistance if for that month, the total income of the family (other than Temporary Assistance benefits) after application of the earned income disregards provided for in section (9) equals or exceeds 34.526% of the Standard of Need.

(13) When considering an application for Temporary Assistance, the income tests in sections (10), (11) and (12) must each indicate income below the respective standard. To be eligible, income shall be less than—

(A) 185% of the Standard of Need when applying the 185% Test;

(B) The Standard of Need for the Standard of Need Test; and

(C) 34.526% of the Standard of Need for the Percentage of Need Test.

If determined eligible after application of the tests in section (10), (11), and (12), the grant amount will be the deficit determined in the Percentage of Need Test. The table below indicates the maximum grant amount by application of the Percentage of Need (34.526%) to the Standard of Need, according to household size:

No. of Persons:	1	2	3	4	5	6	7	8	9	10	11
Standard of Need:	393	678	846	990	1123	1247	1372	1489	1606	1722	1839
34.526% of Need:	136	234	292	342	388	431	474	514	554	595	635

No. of Persons:	12	13	14	15	16	17	18	19	20	21	22
Standard of Need:	1956	2072	2188	2304	2420	2536	2652	2768	2884	3000	3116
34.526% of Need:	675	715	755	795	835	875	915	955	995	1035	1075

(14) In the payment of Temporary Assistance benefits, the amount shall always be lowered to the nearest dollar interval. If the determined amount results in a grant of less than ten dollars (\$10) no cash payment will be made.

(15) In Temporary Assistance cases, the initial assistance payment benefit must be prorated when the case is approved in the same month as the filing of the application. The payment will be determined by multiplying the amount payable for a whole month by the ratio of the days in the month from the date of application to the end of the month to the number of days in a standard thirty (30) day month.

(16) Legal immigrants meeting the eligibility criteria for Temporary Assistance, who would be eligible for food stamps but for the passage of P.L. 104-193, effective August 22, 1996, may be eligible for nutrition assistance calculated by use of the food stamp budgeting process set forth in section 2014 of Title 7, United States Code.

(17) All persons who meet the definition of a Temporary Assistance household must have their eligibility explored under Temporary Assistance (except under emergency situations when General Relief orders may be utilized) before having their eligibility for General Relief explored. Any person whose eligibility has been explored under Temporary Assistance and is found to be ineligible for Temporary Assistance cash payments because of the following reasons shall be ineligible for General Relief:

- (A) The person refuses to cooperate in establishing his/her eligibility for Temporary Assistance (this would include persons who refuse to apply for a Social Security number, refuse to participate in work activities, refuse to enter into a self-sufficiency pact, refuse to make an assignment of support rights, refuse to cooperate in the identification of absent parents and the like);
- (B) Relationship to the payee who is not a legal guardian cannot be established for children under eighteen (18);
- (C) The budget shows no need;
- (D) The available resources exceed the maximum allowed;
- or
- (E) The children are not deprived of parental support.

(18) State Hearing Procedures—The hearings procedures set forth in 13 CSR 40-2.160 apply to the Temporary Assistance Program.

(19) Confidentiality of Case Records—The provisions of 13 CSR 40-2.180 apply to the Temporary Assistance Program.

(20) Procedures for Collection of Overpayments—The provisions of 13 CSR 40-2.190 apply to the Temporary Assistance Program.

(21) Disposal of Excess Real Property—The provisions of 13 CSR 40-2.230 apply to the Temporary Assistance Program.

(1) All participants shall meet the eligibility requirements set forth in this rule to qualify for receipt of Temporary Assistance (TA):

- (A) Each participant and each dependent child shall be a resident of the state of Missouri; and
- (B) A United States citizen; or
- (C) A qualified alien as defined in section 1641 of Title 8, United States Code, except as otherwise provided herein. Except as provided in section 1622(b) of Title 8, United States Code, a qualified alien who enters the United States on or after August 22, 1996, is not eligible for TA benefits for a period of five (5) years beginning on the date of the alien's entry into the United States. Qualified aliens who have entered the United States on or after August 22, 1996, and who do not meet the time limit exception, may be eligible for TA after a period of five (5) years beginning on the date of the qualified alien's entry into the United States. An alien who is not a qualified alien under sections 1641 or 1622(b) of Title 8, United States Code shall be ineligible to receive TA benefits. If an alien who is not eligible to receive TA benefits is found to be on the TA rolls, then his or her benefits will be terminated and his or her case will be closed. If a participant in the TA program is not a qualified alien or does not otherwise fall within the exception set forth in section 1622(b) of Title 8, United States Code, then the participant's application for TA will be denied;
- (D) A participant shall provide all Social Security numbers for each parent, caretaker, and child for whom benefits are being requested, and shall be required to cooperate with the division to obtain Social Security numbers;
- (E) The participant shall use the assistance provided under the Temporary Assistance program for the benefit of the child or children;
- (F) Any household member receiving Supplemental Security Income (SSI) shall not be eligible for TA for themselves. The income, expenses, and resources of the SSI recipient are excluded when determining the eligibility of the household. The individual shall be excluded for purposes of determining household size;
- (G) The participant shall meet all other eligibility requirements contained in 13 CSR 40-2.300 through 13 CSR 40-2.370 and 13 CSR 40-2.400 through 13 CSR 40-2.450;
- (H) Beginning August 28, 2015, any parent or caretaker who applies for TA under these regulations shall first complete a standardized orientation which informs participants of the program's rules and requirements, available resources for work activities, and consequences if the program's requirements are not satisfied. Any parent or caretaker who is applying for TA benefits for himself or herself shall sign a Personal Responsibility Plan in which he or she commits to participate in the program and specifies the work activities in which he or she will participate;
- (I) Beginning August 28, 2015, any parent or caretaker whose TA case is closed due to work activity sanctions under these regulations shall first perform work activities for an average of thirty (30) hours per week in a one- (1-) month period before qualifying for TA again, unless such individual is otherwise exempt from work activities as provided for in these regulations; and
- (J) Beginning January 1, 2016, any parent or caretaker who

applies for TA benefits under these regulations shall complete an online job registration before receiving any payment of TA.

(2) Application for benefits and timely determination of eligibility for benefits will comply with sections 208.060 and 208.070, RSMo, and 13 CSR 40-2.010. In TA cases where an eligible individual does not receive his or her first payment for the month in which the thirtieth day after application falls, a delayed payment will be made for that month and any later months that passed before the application was approved.

(3) A participant is not eligible for Temporary Assistance if his/her total countable resources exceeds one thousand dollars (\$1,000). If the participant is participating in an Individual Employment Plan as defined in 13 CSR 40-2.370, the resource limit is five thousand dollars (\$5,000). This policy applies to a child and to a parent(s), or to step-parents, or if included in the grant, a needy non-parent caretaker relative or legal guardian with whom the child is living. Resources considered in determining eligibility for TA, and how the value of those resources is determined, shall be as follows, unless otherwise defined in subparagraph (8)(B)1.D.:

(A) Property of any kind or character which the participant owns or possesses, or has an interest in, of which s/he is the record or beneficial owner, less encumbrances of record:

1. The value of a life insurance policy at any time shall be the cash surrender value of the policy, minus the amount of any lien, loan, accrued interest payments, or assigned portion of the policy;

2. The value of a qualified tuition program (as defined at section 529 of Title 26, *United States Code*) and Individual Development Account (as defined at section 604(h) of Title 42, *United States Code*) does not count toward a person's eligibility for Temporary Assistance; and

3. The total amount on deposit in a joint bank account of which the participant is one (1) of the owners is considered as available to the participant, unless there is verification that the money placed in the account, or a definite portion of it, belongs to the other joint owner, who is not applying for or receiving TA. When both or all the owners of a joint bank account are applying for or receiving assistance, each is considered as owning his/her proportionate share of the account. If the participant states s/he has not deposited any portion of the money in the account, and past circumstances of the participant indicate that this is reasonable, the total amount on deposit will not be considered as available to the participant;

(B) For purposes of the Temporary Assistance program, personal property is defined as household goods, jewelry, farm surpluses, livestock, farm or business machinery or equipment, automobiles, trucks, and similar items;

(C) Real Property:

1. When a participant owns real property that is not furnishing shelter for him/her, the property shall be considered a resource, subject to the exceptions in paragraph 2. of this subsection. The countable value of the property is its current market value less encumbrances of record. The value of countable real property shall be counted as part of the combination of available resources in determining eligibility for TA;

2. Real property in which the participant has lived will be counted as a resource the month after the month in which it is vacated for other than a temporary purpose, unless the spouse from whom the participant is separated and the participant own the home jointly and the spouse continues to remain in the home. In this case, the home and forty (40) acres adjoining will not be included in determining equity in resources as long as the spouse remains in the home. In the event of divorce, the equity in the property must be considered as a resource immediately;

3. If a participant or legally married couple owns more than

one (1) piece of property, they shall be required to designate one (1) as their homestead, and the other real property shall be considered an available resource. Also, when two (2) participants marry and each owns a home in which s/he has been living, they will be required to designate one (1) of the properties as their homestead, and the other shall be considered as an available resource;

4. The land on which the home is located, up to forty (40) acres, is considered a part of the home as long as the land is adjoining, in the same city block, and there is no other dwelling on the forty (40) acres; or

5. The land on which the home is located up to forty (40) acres, which is part of a farming unit, will be considered as part of the home so long as the land is adjoining and there is no other dwelling on the forty (40) acres. Property will be considered as adjoining even though a road may separate two (2) tracts, if the property is farmed as a single unit; and

6. All other real property will be included in determining the one thousand dollar (\$1,000) limitation for participants, or the five thousand dollar (\$5,000) limitation for participants in Individual Employment Plans;

(D) There shall be disregarded any prearranged funeral or burial contract, or any two (2) or more contracts, which provide for the payment of one thousand, five hundred dollars (\$1,500) or less per family member. The face value of an irrevocable burial contract is not a countable resource; however, it will always be counted toward the one thousand, five hundred dollar (\$1,500) exemption. The face value of a revocable funeral or burial contract is a countable resource, minus the one thousand, five hundred dollar (\$1,500) exemption. If the same household member is the beneficiary of both an irrevocable prearranged contract and one (1) or more revocable prearranged contracts, the one thousand, five hundred dollar (\$1,500) exemption must be applied to the irrevocable contract first. If the irrevocable contract's cash value is less than one thousand, five hundred dollars (\$1,500), the remainder of the exemption can be applied to the revocable contracts;

(E) A participant may not own resources with equity greater than one thousand dollars (\$1,000), and a participant in an Individual Employment Plan may not own resources with equity greater than five thousand dollars (\$5,000); however, the following types of personal property will not be counted as a resource:

1. Tools, supplies, livestock, farm surplus, and similar items being used by the participant in the course of his/her business. This does not include business or farm machinery;

2. Household furnishings, household goods, and personal effects used by the participant;

3. The first automobile shall be excluded, plus one thousand, five hundred dollars (\$1,500) equity in a second automobile; and

4. For participants only, earned income retained in an individual development account (as defined at section 604(h) of Title 42, *United States Code*);

(F) Any combination of more than one thousand dollars (\$1,000) for a household, and five thousand dollars (\$5,000) for households in which participants have signed Individual Employment Plans, would make the family ineligible.

(4) In applying earned income exemptions the following definition of "earned income" will be used:

(A) The term "earned income" encompasses income in cash or in kind earned by a needy individual through the receipt of wages, salary, commissions, or profit from activities in which s/he is engaged as a self-employed individual or an employee. Such earned income may be derived from his/her own employment, such as a business enterprise or farming, or derived from wages or salary received as an employee. It includes earnings over a period of time for which settlement is made at one given time, as

in the instance of sale of farm crops, livestock, or poultry. In considering income from a farm operation, the option available for reporting under Old Age Survivor's and Disability Insurance (OASDI), namely the "cash receipts and disbursements" method, (i.e., a record of actual gross expenses and of net) is an individual determination and is acceptable also for Temporary Assistance. With reference to commissions, wages, or salary, the term "earned income" means the total amount, irrespective of personal expenses, such as income tax deductions, lunches, and transportation to and from work. With respect to self-employment, the term "earned income" means the total profit from business enterprise, farming, etc., resulting from a comparison of the gross income received with the "business expenses" (i.e., total cost of the production of the income). Personal expenses, such as income tax payments, lunches, and transportation to and from work, are not classified as business expenses;

(B) The definition shall exclude the following from "earned income":

1. Returns from capital investment with respect to which the individual is not him/herself actively engaged, as in a business (for example, under most circumstances, dividends and interest would be excluded from "earned income"); and

2. Benefits (not in the nature of wages, salary, or profit) accruing as compensation, or reward for service, or as compensation for lack of employment (for example, pensions and benefits, such as United Mine Workers' benefits or Veterans benefits); and

(C) With regard to the degree of activity, earned income is income produced as a result of the performance of services by a participant; in other words, income which the individual earns by his/her own efforts, including managerial responsibilities, would be properly classified as earned income, such as management of capital investment in real estate. Conversely, for example, in the instance of capital investment wherein the individual carries no specific responsibility, such as where rental properties are in the hands of rental agencies and the check is forwarded to the participant, the income would not be classified as earned income.

(5) Temporary Assistance shall be granted on behalf of eligible child(ren) in otherwise eligible families. TA may be granted to the parents or other needy relatives caring for a child or children meeting all eligibility criteria, and who—

(A) Are deprived of parental support or care for the following reasons:

1. Death;

2. Continued absence from, or never living in, the home;

3. Physical or mental incapacity of a parent when the incapacity is expected to last at least thirty (30) days and is of such a debilitating nature as to substantially reduce or eliminate the parent's ability to support or to care for the child. Physical or mental incapacity shall be certified by a competent medical or other appropriate authority designated by the division. Such certification is declared to be competent evidence in any proceedings concerning the eligibility of the participant to receive TA. Physical or mental incapacity can also be verified by the parent's receipt of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI);

4. Divorce/separation;

5. Desertion;

6. Confinement in a penal, medical, or custodial institution;

7. A physical restoration or training program developed by vocational rehabilitation, if the plan necessitates absence of a parent from the home; or

8. Financial need due to a lack of adequate income to properly provide for the needs of the child(ren), as determined in subsection (8)(B) of this rule;

(B) Are not deprived of parental support due to the parent's

participation in a strike; and

(C) Are living with a relative limited to the following: the child's father, mother, grandfather, grandmother, brother, sister, stepfather, or stepmother (but not their parents), stepbrother, stepsister, uncle, aunt, first cousin, first cousin of a parent, nephew, niece, adoptive father, or adoptive mother, grandfather-in-law, or grandmother-in-law (meaning the spouse of a second marriage of one (1) of the child's biological grandparents), great-grandfather, or great-grandmother (including great-great grandfather or great-great grandmother), brother or sister of half-blood; adoptive brother or adoptive sister, brother-in-law or sister-in-law, uncle or aunt of the half blood; uncle-in-law or aunt-in-law, great-uncle or great-aunt (including great-great uncle or great-great aunt). Relatives by adoption, in addition to those specifically mentioned here, may be considered eligible payees within the same degree of relationship as applies to blood relatives. The biological relatives of an adopted child also continue to be eligible payees. A legal guardian may also serve as a payee for TA, and if the legal guardian is otherwise eligible, may be eligible for a cash payment.

(6) Unless it is being used to refer to the physical dwelling owned by a participant, "home" shall be a family setting maintained or in the process of being established as evidenced by the assumption or continuance of responsibility for the child. A home exists as long as the parent or relative takes responsibility for the care and control of the child, even though circumstances may require temporary absence of either the child or the parent (or relative) from the customary family setting, subject to 13 CSR 40-2.365.

(7) For the purpose of the administration of Temporary Assistance, payments shall be defined as payments by electronic or other means made to the payee, at regular monthly intervals. TA benefits will be made available on the same schedule as indicated in 13 CSR 40-2.150.

(8) Determining the Amount of Cash Payments.

(A) The size and composition of the TA household is determined under the definition in 13 CSR 40-2.300.

(B) Consideration of available income to determine whether a need for TA exists—

1. In TA cases, all income of the following persons who are in the household, irrespective of subsection (8)(A), shall be considered in determining whether the children (including stepchild) are in need, and if so, the amount of that need:

A. Eligible children;

B. Parents of one (1) or more of the eligible children;

C. Any needy non-parent caretaker relative or related or unrelated guardian if they desire to be included in the assistance group and are eligible for inclusion;

D. New spouse and stepparent income:

(I) Upon the marriage of a TA recipient, the division will disregard the income and resources of the TA recipient's new spouse for six (6) consecutive TA months. Only months in which a TA benefit is paid to the recipient will be counted toward the six (6) consecutive months. The disregard begins the first month following the marriage date, in which benefits would have been reduced without the application of this disregard. The TA recipient cannot receive this disregard again if he or she remarries. The TA recipient shall provide proof of a valid marriage to the division;

(II) Except as otherwise excluded in part D.(I) of this subparagraph, the income of a stepparent living in the same home as an eligible child counts toward the TA household's eligibility, insofar as it exceeds the sum of—

(a) The first ninety dollars (\$90) of the stepparent's earned income, for such month;

(b) The Standard of Need for a family of the same

composition as the stepparent and those other individuals living in the same household as the dependent child, and claimed, or who could be claimed, by such stepparent as dependents for purposes of determining the stepparent's federal personal income tax liability, but whose needs are not taken into account;

(c) Amounts paid by the stepparent to individuals not living in such household and claimed by him/her as dependents for purposes of determining the stepparent's federal personal income tax liability; and

(d) Payments by such stepparent of court-ordered alimony or child support with respect to individuals not living in such household;

(III) Dissolution of a marriage severs the legal relationship of the stepparent to the stepchild unless legal guardianship is established by the court.

E. The income of any biological or adoptive brother or sister of an eligible child, if such brother or sister meets the conditions described in 13 CSR 40-2.310(4) and 13 CSR 40-2.325(1)(A)1. and 2., and is living in the home;

F. With respect to a parent or legal guardian who is under age eighteen (18) with an eligible child, the income of such minor parent's own parents who are living in the home shall be included to the same extent that the income of a stepparent is included (see part (8)(B)1.D.(II) above). The minor parent's earned income shall be disregarded up to one hundred percent (100%) of the federal poverty level; and

G. Income of all other persons in the household will be considered in the amount made available to the household.

2. In computing the income of a participant, or of the household of which s/he is a member, only that income which is available during the period under consideration shall be taken into account. To be considered as available, the income shall actually and presently exist (not to be a potential or remote income) and shall be sufficient to have some appreciable significance in meeting the immediate requirements of the participant.

(9) Earned Income Exemption.

(A) In determining need and amount of grant for participants of Temporary Assistance, the following earned income exemptions will apply, and these amounts will be disregarded in determining the amount of income available to meet the family's needs:

1. All of the earned income of any child receiving Temporary Assistance will be exempted if the child is a full-time student or is a part-time student who is not a full-time employee;

2. The first ninety dollars (\$90) of each participant's gross earned income will be disregarded;

3. An amount equal to the first thirty dollars (\$30) of the actual total of each participant's earned income not already disregarded in the preceding provisions of this subsection (9)(A) plus one-third (1/3) of the remainder thereof for four (4) consecutive months;

4. An amount equal to thirty dollars (\$30) of the total of each participant's earned income not already disregarded in the preceding provisions of this subsection (10)(A), for an eight- (8-) month period following the fourth consecutive month of the disregard provided for in paragraph (10)(A)3.;

5. An amount equal to expenditures for care in such month shall be disregarded from earned income for an eligible child, or an incapacitated individual living in the same home as the child, receiving Temporary Assistance and requiring such care for such month, to the extent that such amount for each such child or incapacitated individual does not exceed one hundred seventy-five dollars (\$175) for children age two (2) and over, or two hundred dollars (\$200) for children under two (2) years of age; and

6. All of the earned income of a parent who is under the age of nineteen (19) and is a full-time student in a secondary school or equivalent program of education or training.

(B) The disregards applied against the earned income outlined in subsection (9)(A) shall not be applied to the earned income of any person who—

1. Terminated his/her employment or reduced his/her earned income without good cause within such period of not less than thirty (30) days preceding such month;

2. Refused without good cause, within such thirty- (30-) day period, to accept employment in which s/he is able to engage, which is offered through the public employment offices of the state or is otherwise offered by an employer, if the offer of the employer is determined by the division or agency designated by the division, after notification by the employer, to be a *bona fide* offer of employment; and

3. Failed without good cause to make a timely report to the division of earned income received in such month.

(C) The disregards applied against earned income as provided for in subsection (9)(A) are subject to the following requirements:

1. The exclusion of a child's earned income in paragraph (9)(A)1. shall be applied when determining need for up to six (6) months within the calendar year of January through December, and thereafter shall not be applied if the income without applying this disregard was in excess of the standard of need;

2. The thirty dollar (\$30) plus one-third (1/3) disregard in paragraph (9)(A)3. shall not be applied if the income without applying this disregard was in excess of the standard of need, unless the person received TA in one (1) or more of the four (4) preceding such months, and this disregard has not already been applied to his/her income for four (4) consecutive months while s/he was receiving TA. If this disregard provided for in paragraph (9)(A)3. has been applied for four (4) consecutive months, the disregard shall not be applied for as long as the person continues to receive TA, and shall not apply until the expiration of a period of twelve (12) consecutive months during which the person is not a recipient of TA; and

3. The thirty dollar (\$30) disregard in paragraph (9)(A)4. shall be available only for the eight- (8-) month period following the fourth consecutive month of the disregard provided for in paragraph (9)(A)3. If the eight- (8-) month period for the disregard provided for in paragraph (9)(A)4. has expired, the disregard shall not be applied for as long as the person continues to receive TA, and shall not apply until the expiration of a period of twelve (12) consecutive months during which the person is not a recipient of TA.

(D) The division shall apply the two-thirds (2/3) earned income disregard, consistent with section 208.040.5(1), RSMo. The two-thirds (2/3) disregard shall apply for no more than twelve (12) consecutive months. Once the two-thirds (2/3) disregard is applied for twelve (12) consecutive months, the individual is not eligible for the two-thirds (2/3) disregard until the individual does not receive TA for twelve (12) consecutive months. The two-thirds (2/3) disregard is applied prior to allowing the thirty dollars (\$30) plus one-third (1/3) disregard as defined in paragraph (9)(A)3.

(10) 185% Test. No family shall be eligible for TA if for that month, the total income of the family (other than Temporary Assistance benefits), without application of the earned income disregards provided for in paragraphs (9)(A)2.-5. and for up to six (6) months within the calendar year of January through December with application of the earned income disregard provided for in paragraph (9)(A)1., equals or exceeds one hundred eighty-five percent (185%) of the Standard of Need for a family of the same composition.

(11) Standard of Need Test. No family shall be eligible for TA if, for that month, the total income of the family (other than TA benefits), without application of the earned income disregards provided for in paragraphs (9)(A)2.-5., except paragraphs (9)(C)1. and 2. would have application, and for up to six (6) months within the

calendar year of January through December with application of the earned income disregard provided for in paragraph (9)(A)1. equals or exceeds the Standard of Need for a family of the same composition.

(12) Percentage of Need Test. No family shall be eligible for TA if for that month, the total income of the family (other than TA benefits), after application of the earned income disregards provided for in section (9), equals or exceeds 34.526% of the Standard of Need.

(13) When considering an application for TA, the income tests in sections (10), (11), and (12) must each indicate income below the respective standard. To be eligible, income shall be less than—

(A) 185% of the Standard of Need when applying the 185% Test;

(B) The Standard of Need for the Standard of Need Test; and

(C) 34.526% of the Standard of Need for the Percentage of Need Test.

If the household is determined eligible after application of the tests in sections (10), (11), and (12), the grant amount will be the deficit determined in the Percentage of Need Test. The table below indicates the maximum grant amount by application of the Percentage of Need (34.526%) to the Standard of Need, according to household size.

No. of Persons:	1	2	3	4	5	6	7	8	9	10	11
Standard of Need:	393	678	846	990	1123	1247	1372	1489	1606	1722	1839
34.526% of Need:	136	234	292	342	388	431	474	514	554	595	635
No. of Persons:	12	13	14	15	16	17	18	19	20	21	22
Standard of Need:	1956	2072	2188	2304	2420	2536	2652	2768	2884	3000	3116
34.526% of Need:	675	715	755	795	835	875	915	955	995	1035	1075

(14) In the payment of TA benefits, the amount shall always be lowered to the nearest dollar interval. If the determined amount results in a grant of less than ten dollars (\$10), no cash payment will be made.

(15) In TA cases, the initial assistance payment must be prorated when the case is approved in the same month as the filing of the application. The payment will be determined by multiplying the amount payable for a whole month by the ratio of the days in the month from the date of application to the end of the month to the number of days in a standard thirty- (30-) day month.

(16) Legal immigrants meeting the eligibility criteria for TA, who would be eligible for food stamps but for the passage of P.L. 104-193, effective August 22, 1996, may be eligible for nutrition assistance calculated by use of the Food Stamp budgeting process set forth in section 2014 of Title 7, *United States Code*.

(17) Participants who meet the definition of a TA household must have their eligibility explored under TA (except under emergency situations when General Relief orders may be utilized) before having their eligibility for General Relief explored, if funds have been appropriated to the General Relief program. Any participant whose eligibility has been explored under TA and is found to be ineligible for TA cash payments because of the following reasons shall be ineligible for General Relief:

(A) The person refuses to cooperate in establishing his/her eligibility for TA, including persons who refuse to apply for a Social Security number, refuse to participate in work activities, refuse

to enter into an individual employment plan, refuse to make an assignment of support rights, refuse to cooperate in the identification of absent parents, and refusal to cooperate for any other reason;

(B) Relationship to the payee who is not a legal guardian cannot be established for children under eighteen (18);

(C) The budget shows no need;

(D) The available resources exceed the maximum allowed; or

(E) The children are not deprived of parental support.

(18) A participant who is aggrieved by a decision of the division under this regulation may appeal the division's decision pursuant to section 208.080, RSMo.

(19) The confidentiality provisions of 13 CSR 40-2.180 apply to the TA program.

(20) The provisions of 13 CSR 40-2.190, regarding the collection of overpayments, apply to the TA program.

(21) The provisions of 13 CSR 40-2.230, regarding the disposal of excess real property, apply to the TA program.

(22) By submitting information to the division, a participant is certifying that the information is true, accurate, and complete.

AUTHORITY: sections [207.020, RSMo 2000 and 208.040.5, RSMo Supp. 2003] 207.022, RSMo Supp. 2014 and 208.040, CCS HCS SS#2 SCS SB 24, First Regular Session, Ninety-eighth

General Assembly, 2015. Emergency rule filed Feb. 18, 1998, effective March 1, 1998, terminated Aug. 10, 1998. Original rule filed Jan. 16, 1998, effective Aug. 1, 1998. Emergency amendment filed July 22, 2003, effective Aug. 1, 2003, expired Jan. 27, 2004. Amended: Filed Jan. 23, 2004, effective July 30, 2004. Emergency amendment filed Aug. 18, 2015, effective Aug. 28, 2015, expires Feb. 23, 2016. Amended: Filed Aug. 28, 2015.

PUBLIC COST: This proposed amendment will cost the Department of Social Services, Family Support Division an estimated one hundred thirty thousand one hundred twenty dollars (\$130,120) in FY2016 to implement these changes.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Family Support Division, Julie Gibson, Director, PO Box 2320, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Social Services
Division Title: Family Support Division (FSD)
Chapter Title: Income Maintenance**

Rule Number and Name:	13 CSR 40-2.310 Requirements as to Eligibility for Temporary Assistance
Type of Rulemaking:	Amended Rulemaking

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services, Family Support Division	FY16 is estimated to exceed \$130,120 which will be absorbed with existing appropriation authority.

III. WORKSHEET

The Department is amending this regulation by adding new program requirements for the Temporary Assistance (TA) program.

40-2.310(2)(H) Costs incurred by FSD for the program orientation video is no more than \$10,000.

40-2.310(2)(J) Any applicant of TA must complete an online job registration with the state employment website before receiving any payment of TA. FSD plans to accomplish through a match with job.mo.gov and capture registration information electronically. The FSD assumes the total cost to create, transmit and receive this information will be similar to the costs incurred to match with the Missouri State Highway Patrol for criminal records regarding Temporary Assistance recipients. The initial cost to create that match was \$42,320 with ongoing maintenance cost of \$2,800 annually. That match is conducted quarterly; therefore, we assume the ongoing cost will be greater than \$2,800 since this will be a daily match. The estimated cost incurred by FSD for this is no less than \$45,120 in FY16 and greater than \$2,800 ongoing.

40-2.310(4)(A)2. FSD added clarifying language regarding certain excluded types of resources. The cost to program FAMIS for these exclusions is minimal and will be accomplished with existing resources.

40-2.310(6)(C) There is no cost to the FSD to add clarifying language regarding relationships.

40-2.310(9)(B)1.D.(I) The rule allows for the income and assets of a new spouse of a temporary assistance recipient to be disregarded for six months. The level of effort cost provided to the FSD to implement this change is estimated at \$75,000. (\$75 per hour x 1,000 hours).

40-2.310(10)(D) There is no cost to the FSD to add clarifying language regarding the two-thirds earned income disregard policy and when it is applied to a TA case.

IV. ASSUMPTIONS

These program requirements include

- 40-2.310(2)(H) A participant who applies for TA on or after August 28, 2015 must first complete a standardized orientation. The cost incurred by FSD for the program orientation video is \$10,000.
- 40-2.310(2)(J) Any applicant of TA must complete an online job registration with the state employment website before receiving any payment of TA. FSD is accomplishing this by collaborating with Department of Economic Development. The cost incurred by FSD for this is no less than \$45,120 in FY16 and greater than \$2,800 ongoing.
- 40-2.310(6)(C) Language was added to clarify relationships. There is no cost to the FSD.
- 40-2.310(9)(B)1.D.(I) The rule allows for the income and assets of a new spouse of a temporary assistance recipient to be disregarded for six months. The level of effort cost provided to the FSD to implement this change is estimated at \$75,000. (\$75 per hour x 1,000 hours).
- 40-2.310(10)(D) Language was added to clarify the two-thirds disregard policy and when to apply it to a participants TA case. There is no cost to the FSD.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

PROPOSED AMENDMENT

13 CSR 40-2.315 Work Activity and Work Requirements for Recipients of Temporary Assistance. The department is deleting the rule purpose and sections (1)–(3) and adding a new purpose and sections (1)–(13).

PURPOSE: This amendment clarifies new work participation requirements pursuant to sections 208.026 and 208.040, RSMo for the receipt of Temporary Assistance (TA) benefits.

[PURPOSE: This rule establishes work activities and participation requirements and rates for recipients of Temporary Assistance.]

PURPOSE: This rule establishes the work activities and participation requirements for receipt of Temporary Assistance (TA) benefits.

[(1) For the purpose of the administration of the Temporary Assistance Program, unless otherwise expressly provided in these rules, a parent or caretaker receiving assistance must engage in work activities when the Division of Family Services has determined that the individual is ready to engage in work or when the individual has received assistance for a total of twenty-four (24) months, whichever is earlier.

(A) Work activities are defined as:

- 1. Unsubsidized employment;*
- 2. Subsidized private sector employment;*
- 3. Subsidized public sector employment;*
- 4. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;*
- 5. On-the-job training;*
- 6. Job search and job readiness assistance;*
- 7. Activities permitted under a federally approved waiver granted to the Department of Social Services at the time of filing this rule;*
- 8. Vocational educational training (not to exceed twelve (12) months with respect to any individual);*
- 9. Job skills training directly related to employment;*
- 10. In the case of a recipient who has not received a high school diploma or a certificate of high school equivalency, education directly related to employment; and*
- 11. Satisfactory attendance at a secondary school or, in the case of a recipient who has not completed secondary school or received such a certificate, in a course of study leading to a certificate of general equivalence.*

(2) For purposes of the administration of the Temporary Assistance Program—

(A) A recipient in a single parent family is engaged in work if the recipient is participating in work activities for at least the minimum average number of hours per week, in an activity described in paragraphs (1)(A)1. through 11. until June 30, 2000. Beginning July 1, 2000, recipients must participate in twenty (20) hours of work activities as described in paragraphs (1)(A)1. through 6. Additional hours can be earned in paragraph (1)(A)8. through 11. The hours per month are as specified in the following table:

<i>If the Month is in Federal Fiscal Year</i>	<i>The Minimum Average Number of Hours per Week is:</i>
<i>1997</i>	<i>20</i>
<i>1998</i>	<i>20</i>
<i>1999</i>	<i>25</i>
<i>2000 or thereafter</i>	<i>30</i>

(B) The following individuals, if eligible for Temporary Assistance, are considered to be engaged in work:

1. A recipient in a two (2)-parent family is engaged in work if the individual is making progress in work activities for at least an average of the number of hours specified in subparagraph (2)(B)1.A. per week during the month, not fewer than an average of thirty (30) hours per week of which are attributable to an activity described in paragraphs (1)(A)1. through 11. until June 30, 2000. Beginning July 1, 2000, recipients must participate in thirty (30) hours of work activities as described in paragraphs (1)(A)1. through 6. After that time, additional hours can be earned in paragraphs (1)(A)8. through 11. The following provisions apply:

A. Thirty-five (35) hours per week during the month; and

B. If the family of the individual receives federally-funded child care assistance and an adult in the family is neither disabled nor caring for a severely disabled child, the individual's spouse is making progress in work activities during the month, not fewer than 20 hours per week of which are attributable to an activity as described in (2)(A) above;

2. Notwithstanding section (1), an individual who is a single parent head of household of one (1) or more children of any age who is him/herself not yet twenty (20) years of age is deemed to be engaged in work for a month if the individual—

A. Maintains satisfactory attendance, during the month, in a secondary school or a course of study leading to a certificate of general equivalence; or

B. Participates in education directly related to employment for at least the minimum number of hours specified in subsection (2)(A);

3. Notwithstanding earlier provisions in subsection (2)(A), a single parent of a child under the age six (6) shall be deemed to be meeting the work participation requirement if the parent is engaged in work activities for twenty (20) hours per week as defined in subsection (1)(A); and

4. Notwithstanding earlier provisions in subsections (2)(A) and (2)(B), an individual shall not be considered to be engaged in work by virtue of participating in an activity described in paragraph (1)(A)6. after such individual has participated in such activity for six (6) weeks or more in a federal fiscal year, only four (4) of which may be consecutive, or if the unemployment rate in this state is at least fifty percent (50%) greater than the unemployment rate of the United States, twelve (12) weeks in a federal fiscal year, only four (4) of which may be consecutive;

(C) The following individuals, if eligible for Temporary Assistance, are exempt from participating in work activities but may voluntarily participate:

1. Individuals who are permanently disabled if they have been determined to be eligible for Old Age Survivor's and Disability Insurance (OASDI), Supplemental Security Income (SSI), or employer-sponsored disability insurance. Individuals are exempt from work activities while an application for any of the aforementioned is pending unless or until an unfavorable determination is made;

2. A child as identified in 13 CSR 40-2.325(1)(A)1. and 2.;

3. Caretaker-payees sixty (60) years of age or older; or
4. An individual who is a single custodial parent caring for a child who has not attained twelve (12) months of age may claim an exemption from the work requirements.

(D) The following individuals, if eligible for Temporary Assistance, may be temporarily excluded from participating in work activities:

1. An individual who is temporarily disabled;
2. An individual who is needed in the home to care for a disabled child or adult who is a member of the household;
3. An individual who is pregnant and in her third trimester of the pregnancy; or
4. An individual who is a victim of domestic violence.

(3) Sanctions.

(A) If an individual in a family subject to work participation requirements refuses to engage in a work activity, without good cause, as required in accordance with this section, the division shall—

1. Reduce the amount of temporary assistance otherwise payable to the family, pro rata.

2. The division shall not reduce assistance provided through the Temporary Assistance Program because of a refusal to work if the individual is a single custodial parent caring for a child who is not yet six (6) years of age and if the individual has demonstrated the inability to work as determined by the vision because of the unavailability of affordable, appropriate, suitable child care, within a reasonable distance from the home or work site.

A. Affordable—When determining whether child care is affordable, no recipient shall be required to accept child care if the only available child care requires the family to personally pay more than twenty percent (20%) of their gross household income (less medical insurance premiums) for child care. This twenty percent (20%) includes both the family's sliding fee and any additional co-payment the family would be required to pay. This twenty percent (20%) does not include federal, state, or local child care subsidy.

B. Appropriate—At a minimum, to be considered an appropriate provider, a provider must—

(I) Be licensed by the Missouri Department of Health; or

(II) If exempt from licensure, be registered by the Division of Family Services. In order to be registered by the Division of Family Services, a provider must comply with the terms set forth in 13 CSR 40-32.010(8) and (9). Grandparents, great-grandparents, aunts, uncles, and siblings of the child needing care (as long as the sibling does not reside in the child's home) are exempt from the minimum health and safety requirements but are required to be registered.

C. Suitable—A provider is suitable if the recipient does not believe the child is at risk of abuse or neglect while being provided care by the provider. A recipient must not be required to use a provider with whom the recipient has reason to believe the child is at risk of abuse or neglect. If other adults are residing in the household but the recipient does not believe the other adult is suitable, the recipient must provide a reasonable statement as to why the other adult(s) is unavailable or places the child at risk of abuse or neglect.

D. Within a reasonable distance—When determining whether a provider is within a reasonable distance, the division shall consider the following:

- (I) Availability of personal transportation;
- (II) Distance from public transportation to care and work; and

(III) What is reasonable within the community.

(B) Good Cause.

1. The following constitute good cause for failure to participate or accept employment:

A. The employment would result in the family of the recipient experiencing a net loss of cash income;

B. Net loss of cash income results if the family's gross income less necessary work-related expenses is less than the cash assistance the individual was receiving at the time the offer of employment is made. Gross income includes, but is not limited to, earnings, unearned income and cash assistance;

C. Court-required appearance or incarceration;

D. Emergency family crisis which renders participation unreasonable;

E. Breakdown in transportation arrangements with no readily accessible alternate means of transportation;

F. Breakdown in the child care arrangement or availability of child care not suited for special needs of the child for whom it is intended; or

G. Lack of identified social services necessary for participation and set forth in the self-sufficiency pact referenced in 13 CSR 40-2.370.]

(1) A participant in a single parent family engages in work activities if he or she participates in the work activities described in 13 CSR 40-2.300(11)(A) through (I) for at least thirty (30) hours per week, unless otherwise required by section 261.31(d) of Title 45, *Code of Federal Regulations*. After the first twenty (20) hours, the participant can also earn additional hours by participating in the work activities described in 13 CSR 40-2.300(11)(J) through (L).

(2) A participant in a two- (2-) parent family with work eligible parents engages in work activities if he or she participates in a combined minimum of thirty-five (35) hours of work activities as described in 13 CSR 40-2.300(10)(A) through (I), unless otherwise required by section 261.31(d) of Title 45, *Code of Federal Regulations*. After the first thirty (30) hours, the participant can earn additional hours by participating in work activities described in 13 CSR 40-2.300(10)(J) through (L).

(3) A work eligible, two- (2-) parent family that receives federally-funded child care assistance, and which includes an adult who is neither disabled nor caring for a severely disabled child, must engage in at least fifty-five (55) hours of work activities per week, unless otherwise required by section 261.31(d) of Title 45, *Code of Federal Regulations*. After the first fifty (50) hours, the participant can earn additional hours by participating in work activities described in 13 CSR 40-2.300(10)(J) through (L).

(4) A participant who is married, or is a single parent head of household under twenty (20) years of age, who has one (1) or more children of any age, is deemed to be engaged in work activities, notwithstanding section (1) or (2) of this rule, if—

(A) The participant maintains satisfactory monthly attendance in a secondary school or a course of study leading to a certificate of general equivalence; or

(B) Participates in education directly related to employment for an average of at least twenty (20) hours per week each month.

(5) For a married participant, hours of engagement in the activities described in subsection (4)(A) or (4)(B) shall be reported as the greater of—

(A) The actual hours of participation in these activities; or

(B) Twenty (20) hours.

(6) A family with two (2) work-eligible parents under twenty (20) years of age will satisfy the work activities if both participate in the activities described in subsection (4)(A) or (4)(B).

(7) A single parent head of household or relative, as defined in 13 CSR 40-2.310(5)(C), who has a child under age six (6), shall be deemed to be meeting the work participation requirement if the parent head of household or relative engages in work activities for twenty (20) hours, notwithstanding section (1) of this rule, unless otherwise required by section 261.31(d) of Title 45, *Code of Federal Regulations*.

(8) Notwithstanding the requirements of this rule or any other rule governing the TA program, the job search and job assistance work participation activity set forth in 13 CSR 40-2.300(10)(F) shall be limited as set forth in section 261.34 of Title 45, *Code of Federal Regulations*.

(9) If the division determines, after an investigation, that a participant is not cooperating with a work activity requirement as provided for in 13 CSR 40-2.310 or this regulation, the division shall schedule a face-to-face meeting with the participant to explain potential sanctions and the requirements to avoid a sanction.

(A) The division shall send notice of the scheduled meeting to the participant at least ten (10) business days before the meeting date. The notice shall include the date, time, and place designated by the division for the participant to appear. If the participant is unable to attend the meeting, the participant must contact the division to reschedule the meeting prior to the scheduled meeting time, and request an alternative meeting date, time, or place. The meeting must occur prior to or during the same calendar week as the original meeting, unless good cause exists. When good cause exists, the participant may only request to schedule one (1) additional appointment which will be within a reasonable amount of time not to exceed ten (10) business days from the original meeting date.

(B) "Good cause" includes a mistake or conduct beyond the control of the TA participant that is not intentionally or recklessly designed to impede an eligibility determination under these or any other TA regulations. Good cause includes, but is not limited to—

1. A court-required appearance or incarceration lasting less than thirty (30) days;
2. An emergency family crisis that renders the participant unable to meet at the scheduled place, date, or time; and
3. A breakdown in transportation arrangements with no readily accessible alternate means of transportation.

(C) The participant shall have six (6) weeks from the first business day of the week following the meeting with the division to comply with the work activity requirements, as required by the division. The participant's TA benefits shall not be sanctioned during the six- (6-) week period.

(D) If the participant fails to appear for the scheduled face-to-face meeting and does not contact the division prior to the meeting to reschedule the meeting as described in this section, the participant shall have six (6) weeks from the first business day of the week following the most recent scheduled meeting with the division to comply with the work activity requirements, as required by the division. The participant's TA benefits shall not be sanctioned during the six- (6-) week period.

(E) If the participant does not comply with the work activity requirements during the six- (6-) week period, as described in either subsection (C) or (D) of this section, the division shall apply a sanction terminating fifty percent (50%) of the full amount of TA benefit for which the participant and the participant's family is otherwise eligible, for a period of no more than ten (10) weeks. If the participant complies with the work activity requirements during the six- (6-) week period, described in either subsection (C) or (D) of this section, the division will take no further action against the participant's TA benefits.

(F) During this ten- (10-) week period, the participant shall

remain in sanction status and the division shall attempt to schedule a second face-to-face meeting with the participant as provided for in this section. To end the sanction, the participant shall perform work activities for a minimum average of thirty (30) hours per week for one (1) month.

(G) Failure to complete the requirements in subsection (F) of this section shall result in the participant's TA case being closed.

(H) A participant whose case is closed under subsection (G) of this section will attend a temporary assistance eligibility interview if the individual wishes to re-apply for TA. The individual shall complete a minimum average of thirty (30) hours of work activities per week within one (1) month of the temporary assistance eligibility interview. The completion of work activities is a pre-requisite for any further eligibility for TA.

(10) Individuals who are already sanctioned by the division for non-cooperation with work activities as of August 28, 2015, shall comply with the following:

(A) Attend a face-to-face meeting with the division as set forth in section (9);

(B) If the participant appears for the scheduled face-to-face meeting, the work requirement sanction in place prior to August 28, 2015, shall be ended. The participant shall have six (6) weeks from the first business day of the week following the meeting with the division to comply with the work participation activity requirements, as required by the division;

(C) If the participant fails to appear for the scheduled face-to-face meeting required by subsection (9)(A), and does not contact the division prior to the meeting to reschedule the meeting, the participant shall have six (6) weeks from the first business day of the week following the originally scheduled meeting with the division to comply with the work activity requirements, as required by the division. The participant's TA benefits shall remain sanctioned at twenty-five percent (25%) during the six- (6-) week period;

(D) If the participant appears for the scheduled face-to-face meeting required by subsection (9)(A), and complies with the work activity requirements during the six- (6-) week period, no further action will be taken;

(E) If the participant does not comply with the work activity requirements during the six- (6-) week period, as described in either subsections (9)(C) or (9)(D), the division shall apply a sanction terminating a total of fifty percent (50%) of the TA benefit amount the household would otherwise receive. This sanction shall apply for a period of no more than ten (10) weeks. If the participant complies with the work activity requirements during the six- (6-) week period, described in either subsection (9)(C) or (9)(D), the division will take no further action against the participant's TA benefits;

(F) During this ten- (10-) week period, the division shall attempt to schedule a second face-to-face meeting with the participant as provided for in subsection (9)(A). To end the sanction, the participant shall perform work activities for a minimum average of thirty (30) hours per week for one (1) month;

(G) Failure to complete the requirements in subsection (F) of this section shall result in the participant's TA case being closed; and

(H) If the participant re-applies for TA after his or her case was closed under subsection (G) of this section, the application cannot be approved until the applicant completes a minimum of thirty (30) hours of work activities per week with one (1) month of the TA application.

(11) The following TA participants are exempt from work activities, but may voluntarily participate in work activities:

(A) Participants who are permanently disabled, if they have been determined to be eligible for Social Security Old Age Survivor's and Disability Insurance (OASDI), Supplemental

Security Income (SSI), or employer-sponsored disability insurance. Participants are exempt from work activities while an application for any of the aforementioned is pending unless or until an unfavorable determination is made;

(B) A child who is under the age of eighteen (18), or a child under age nineteen (19) who is attending secondary school and is not a head of a household;

(C) Caretaker-payees sixty (60) years of age or older;

(D) A participant who is a single custodial parent caring for a child who has not attained twelve (12) weeks of age;

(E) A participant caring for a disabled family member living in the home, provided that there is medical documentation to support the need for the participant to remain in the home to care for the disabled family member;

(F) The division may temporarily exclude TA recipients from work participation if any of the following conditions prevents them from participating:

1. The participant is determined by a physician, psychiatrist, or psychologist to have a temporary disability. The temporary disability must be expected to persist for at least thirty (30) days, and at most six (6) months. The participant shall produce a copy of medical records and a written report from a licensed medical professional providing the medical diagnosis, along with any supporting medical tests and examinations that establish the existence of the medical condition and the timeframe of the medical statement. The temporary waiver is removed when the period expires;

2. The participant is a victim of domestic violence, or participation in work activities would place the participant or his or her family in an unsafe or unstable situation. The temporary waiver will be removed once the participant informs the division that he or she can return to participation. The division shall review the ongoing necessity of the temporary waiver after thirty (30) days, regardless of whether the participant has contacted the division;

3. The participant has an active case with the Department of Social Service's Children's Division (CD). The division shall contact CD to confirm if the participant has an active case, the anticipated duration of the active case, and whether the participant's involvement in the case prevents the recipient from participating in work activities; and

4. The participant is unable to find child care or transportation. The participant shall be required to provide the division with documentation supporting the participant's efforts to obtain childcare or transportation, including information such as dates, contacts, and outcomes. The division will review the ongoing necessity of this temporary waiver every thirty (30) days.

(G) A single custodial parent caring for a child less than six (6) years of age because—

1. Appropriate child care within a reasonable distance from the home or work site is unavailable; or

2. Informal child care by a relative or under other arrangements is unavailable or unsuitable; or

3. Appropriate and affordable formal child care arrangements are unavailable; or

4. As used in this subsection, "affordable formal child care arrangements" shall mean that no participant shall be required to accept child care if the only available child care requires the family to personally pay more than twenty percent (20%) of their gross household income (less medical insurance premiums) for child care. This twenty percent (20%) includes any sliding-scale fee or additional co-payment the family would be required to pay. This twenty percent (20%) does not include any federal, state, or local child care subsidy; or

5. As used in this subsection, "appropriate child care" shall mean an appropriate provider that is:

A. Licensed by the Missouri Department of Health and Senior Services; or

B. If exempt from licensure, is registered by the Children's Division; or

6. As used in this subsection, "unsuitability of informal care" shall mean that the participant believes the child is at risk of abuse or neglect while being cared for by the provider. A participant shall not be required to use a provider with whom the participant has reason to believe will abuse or neglect the child. If another adult is residing in the household, but the participant does not believe the other adult is suitable, the participant must provide a reasonable statement as to why the other adult(s) is unavailable, or why this adult places the child at risk of abuse or neglect; or

7. As used in this subsection, "reasonable distance" shall be determined by the following:

A. The availability of personal transportation;

B. The distance from a public transportation access point to a child care facility or work site; or

C. What is considered to be a reasonable distance in the participant's community;

(H) The division shall determine if there is good cause for not participating in work activities prior to imposing a sanction. Good cause may include:

1. Employment that would result in the family of the participant experiencing a net loss of cash income;

A. Net loss of cash income results if the family's gross income, less necessary work-related expenses such as uniforms, background screenings and personal protective equipment, is less than the cash assistance the individual was receiving at the time the offer of employment was made.

B. For the purposes of this paragraph, gross income includes, but is not limited to, earnings, unearned income, and cash assistance;

2. A court-required appearance or incarceration that renders participation unreasonable;

3. A breakdown in transportation arrangements beyond the control of the participant, with no readily accessible alternate means of transportation;

4. A breakdown in a child care arrangement, or the unavailability of child care suited for the special needs of the child for whom it is intended;

5. A lack of identified social services necessary for participation as set forth in an individual employment plan referenced in 13 CSR 40-2.370;

6. The participant's home is rendered unlivable by fire or other natural disaster;

7. A temporary disability that causes the participant to be unable to work;

8. The accidental injury of a child or other family member that requires the participant to remain at home to care for the child or family member, and that prevents the participant from being able to seek work or maintain present employment;

9. A job loss due to company layoff, downsizing, or closing; or

10. The participant or a family member is a victim of a felony, as defined in the Missouri criminal statutes.

(12) All information provided to the division by a participant as required by this regulation shall be true, accurate, and complete.

(13) A participant who is aggrieved by a decision of the division under this regulation may appeal the division's decision pursuant to section 208.080, RSMo.

AUTHORITY: section[s] 207.020 and 208.040.5, RSMo 1994/ 207.022, RSMo Supp. 2014, and sections 208.026 and 208.040, CCS HCS SS#2 SCS SB 24, First Regular Session, Ninety-eighth General Assembly, 2015. Emergency rule filed Feb. 18, 1998, effective March 1, 1998, terminated Aug. 10, 1998. Original rule filed

*Jan. 16, 1998, effective Aug. 1, 1998. Emergency amendment filed Aug. 18, 2015, effective Aug. 28, 2015, expires Feb. 23, 2016. An emergency amendment covering this same material will be published in the October 1, 2015, issue of the **Missouri Register**.*

PUBLIC COST: This proposed amendment will cost the Department of Social Services, Family Support Division an estimated thirty-four thousand one hundred seven dollars (\$34,107) to implement these changes in FY2016, which will be offset by an estimated savings of \$3,710,526, with an ongoing estimated savings of \$12,368,421 in FY2017.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Family Support Division, Julie Gibson, Director, PO Box 2320, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Social Services**
- Division Title: Family Support Division (FSD)**
- Chapter Title: Income Maintenance**

Rule Number and Name:	13 CSR 40-2.315 Work Activity and Work Requirements
Type of Rulemaking:	Amended Rulemaking

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Family Support Division	FY16 Net Savings \$3,676,419 and on-going savings of \$12,368,421.

III. WORKSHEET

Anticipated Savings Due to Sanctions for SFY 2017						
	Subject to Work Requirements	Reduction Due to 45 Month Lifetime Limit	# of Households Remaining	% Anticipated to be Sanctioned	3 Months of Sanction	9 Months of Sanction
# of Single Parent Households	17,018	2,610	14,408	5,331	\$ 3,630,384	\$ 7,405,983
# of Two Parent Households	1,884	145	1,739	643	\$ 438,176	\$ 893,879
					\$ 4,068,560	\$ 8,299,862
					Total:	\$ 12,368,421
Anticipated Savings Due to Sanctions for SFY 2016			\$ 3,710,526			

This would result in a reduction of TANF spending on cash assistance, but not a savings in TANF or the general revenue maintenance of effort (MOE) funding because all TANF/MOE must be spent on one of the four purposes of the TANF program.

FSD expects a shift in spending from cash grants to eligible families to other purposes of the TANF program.

Programming changes to the MWA system and the FAMIS system are estimated at a one-time cost of \$30,150.

Mailing costs to send advance notice to TANF participants regarding the changes in work requirements were a one-time cost of \$3,957.

Therefore, total costs to implement these changes are \$34,107.

IV. ASSUMPTIONS

This rule is amended to establish the work activities and participation requirements for receipt of TA benefits.

Applicants of the temporary assistance program must engage in work activities before becoming eligible for benefits, unless the individual is exempt from the work requirement.

Non-Cooperation with Work Activity Requirements

This rule requires an investigation to determine that a person is not cooperating with work requirements. A representative of the department shall meet with the participant face-to-face to explain ramifications of the impending sanction if it is determined they are not meeting the work requirement.

Programming changes will be implemented to complete the work activity requirement at an estimate of \$75 per hour for 402 hours of work. Therefore changes to the MWA system and the FAMIS system are estimated at \$30,150.

Mailing costs to send advance notice to TANF participants regarding the changes in work requirements were a one-time cost of \$3,957. (9,650 letters x .41 cents mailing costs = \$3,957)

After such, the participant shall have six weeks to comply with the work activity requirement during which no sanction is imposed. If compliance is not met, 50% of the amount of TANF benefits will be sanctioned for a maximum of ten weeks. During the ten-week period, the case remains in sanction status and a representative of the department shall attempt to meet face-to-face with the person to explain the imposed sanction and how to cure the sanction.

In order to cure the sanction during that ten week period, the person must participate a minimum average of thirty hours per week for one month as described in 45 CFR 261.31(d). If the person does not comply, the case is closed.

According to research completed, it is reasonable to assume that 37% of those sanctioned at 50% would receive a full family sanction. Based on research done in other states that do full family sanctions, FSD anticipates that 32% could return to TANF and meet the work requirement within the first three months; therefore, an estimated 68% of this sanction population will remain closed permanently. Because the entire process is a minimum of 16 weeks, FSD assumes a four month cost savings for SFY16 of \$3,710,526. Cost savings for SFY17 is anticipated to be \$12,368,421. FSD expects a shift in spending from cash grants to eligible families to other purposes of the TANF program.

This would result in a reduction of TANF spending on cash assistance, but not a savings in TANF or the general revenue maintenance of effort (MOE) funding because all TANF/MOE must be spent on one of the four purposes of the TANF program:

- 1) To provide assistance to needy families;
- 2) To end dependence of needy parents by promoting job preparation, work and marriage;
- 3) To prevent and reduce out-of-wedlock pregnancies; and
- 4) To encourage the formation and maintenance of two-parent families.

After having been sanctioned and the case closing, the person must complete a minimum average of thirty hours per week within one month of the eligibility interview to return to TA.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

PROPOSED AMENDMENT

15 CSR 40-3.030 Annual Financial Reports of Political Subdivisions. The auditor is amending sections (1), (3), and (5).

PURPOSE: This amendment modifies when annual financial reports are due with the State Auditor's Office by providing additional time to file the financial report for political subdivisions who after August 28, 2015 will now be required by Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill 5, First Regular Session, Ninety-eighth General Assembly, 2015, to file additional information with the State Auditor's Office at the same time as their financial report.

(1) An annual financial report shall be filed with the State Auditor's Office by every political subdivision. The annual financial report shall be set forth on the financial report form available from the State Auditor's Office and on its website, or may be in a form determined by the political subdivision which shall contain, as a minimum, the following:

(E) A statement of the bonded indebtedness at the beginning and end of the reporting period; **and**

(F) The property tax rate levied for each fund expressed in cents per one hundred dollars (\$100) assessed valuation[;].

[(G) The annual general operating revenue of the political subdivision; and

(H) An accounting of the percent of annual general operating revenue from fines and court costs from traffic violations, including amended charges from any charged traffic violation, occurring within the city, town, village, or county and charged in the municipal court of that city, town, village, or county.]

(3) Notwithstanding any other provision of this rule, a political subdivision whose cash receipts for the reporting period are ten thousand dollars (\$10,000) or less may file an annual financial report in a form determined by the political subdivision which need only contain the following:

(C) A summary of cash disbursements during the reporting period of each fund; **and**

(D) The cash balance at the end of the reporting period of each fund[;].

[(E) The annual general operating revenue of the political subdivision; and

(F) An accounting of the percent of annual general operating revenue from fines and court costs from traffic violations, including amended charges from any charged traffic violation, occurring within the city, town, village, or county and charged in the municipal court of that city, town, village, or county.]

(5) An unaudited annual financial report shall be submitted within *[four (4)] six (6)* months after the end of the political subdivision's fiscal year; an audit report prepared by a certified public accountant shall be submitted within six (6) months after the end of the political subdivision's fiscal year[.]; **any such reports due between August 28, 2015, and November 30, 2015, may be filed on or before December 31, 2015.**

AUTHORITY: section 105.145, RSMo Supp. [2014] 2013. Original rule filed Oct. 13, 1983, effective Jan. 13, 1984. Amended: Filed June 29, 2006, effective Jan. 30, 2007. Amended: Filed March 1, 2012, effective Aug. 30, 2012. Amended: Filed Sept. 23, 2014, effective April 30, 2015. Emergency amendment filed Sept. 1, 2015, effective

Sept. 11, 2015, expires March 8, 2016. Amended: Filed Sept. 1, 2015.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Auditor's Office, Attention: Paul Harper, PO Box 869, Jefferson City, MO 65102 or via email at rules@auditor.mo.gov. To be considered, comments must be received by November 6, 2015. A public hearing is scheduled for 9:00 a.m. on November 2, 2015, at the Harry S. Truman State Office Building, Room 493/494, 301 West High Street, Jefferson City, Missouri.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-4213 at least five (5) working days prior to the hearing.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

PROPOSED RULE

15 CSR 40-3.170 Addendum Filed with the Auditor's Office

PURPOSE: This rule sets forth a procedure for a county, city, town, or village to provide the information required by section 479.359 of Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill 5, First Regular Session, Ninety-eighth General Assembly, 2015.

(1) Every county, city, town, or village shall annually file with the State Auditor's Office a completed form, which is included herein, and available on the State Auditor's website, and contains at a minimum, the following:

(A) The total annual revenue of the county, city, town, or village;

(B) The annual general operating revenue of the county, city, town, or village based on the definition in section 479.350;

(C) The total revenue from fines, bond forfeitures, and court costs for minor traffic violations occurring within the county, city, town, or village based on the definitions in section 479.350, including amended charges for any minor traffic violations; and

(D) The percent of annual general operating revenue from fines, bond forfeitures, and court costs for minor traffic violations as defined by section 479.350, including amended charges for any minor traffic violation.

(2) The annual form shall be mailed to the State Auditor's Office at PO Box 869, Jefferson City, MO 65102, or emailed to PolySubFS@auditor.mo.gov.

(3) The annual form shall be submitted within six (6) months after the end of the county, city, town, or village's fiscal year.

(4) To facilitate auditing, the county, city, town, or village shall retain documentation supporting the information provided on the form in accordance with prescribed record retention procedures.

(5) The form shall be signed by a representative of the county, city, town, or village with knowledge of the subject matter before a notary public.



OFFICE OF THE STATE AUDITOR
ADDENDUM
(Form A 15-1)

INSTRUCTIONS

Fill out via computer, print to apply signature.

Email completed addendum to: PolysubFS@auditor.mo.gov or mail to:

Missouri State Auditor's Office

P.O. Box 869

Jefferson City, MO 65102

If your county, city, town, or village has its own municipal court, submit your municipal court certification with this form.

* If you check "No" on line A do not fill out lines B and C.

Political Subdivision Number _____ Name of County, City, Town, or Village _____ Fiscal Year End (MM/DD/Year) _____

Mailing Address _____ City _____ State _____ Zip _____

Phone _____ Email Address _____

Does Your County, City, Town, or Village have its Own Municipal Court? Yes No

A Does your county, city, town, or village receive any revenue from fines, bond forfeitures, and court costs for minor traffic violations? Yes No

List Any Courts Which Provide Revenue from Fines, Bond Forfeitures and Court Costs for Minor Traffic Violations

Total Annual Revenue \$ _____ Annual General Operating Revenue \$ _____

B Total Revenue from Fines, Bond Forfeitures, and Court Costs for Minor Traffic Violations, including Amended Charges for Minor Traffic Violations \$ _____

C Percentage of Annual General Operating Revenue from Fines, Bond Forfeitures, and Court Costs for Minor Traffic Violations _____ %

REPRESENTATIVE'S CERTIFICATION

The undersigned representative of the county, city, town, or village hereby certifies, under penalties of perjury, that all of the information submitted in this addendum is true and complete.

Signature _____ Typed or Printed Name _____ Title _____

Mailing Address _____ City _____ State _____ Zip _____

NOTARY

State _____ Subscribed and Sworn Before Me, This _____ Day of _____ Year _____

Notary Public Signature _____

My Commission Expires _____

Notary Public Name (Typed or Printed) _____

County (or City of St. Louis) _____

NOTICE - Every county, city, town, or village is required to submit an addendum to the State Auditor's Office pursuant to sections 479.359 and 479.362 and 15 CSR 40-3.170.



OFFICE OF THE STATE AUDITOR
ADDENDUM
(Form A 15-1)

Please use this space to provide additional explanations if the space provided for any item was not sufficient.

A large, empty rectangular box intended for providing additional explanations.

AUTHORITY: section 29.100, RSMo 2000, and sections 479.359 and 479.362, CCS/HCS/SS/SCS/SB 5, First Regular Session, Ninety-eighth General Assembly, 2015. Original rule filed Sept. 1, 2015.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Auditor's Office, Attention: Paul Harper, PO Box 869, Jefferson City, MO 65102 or via email at rules@auditor.mo.gov. To be considered, comments must be received by November 6, 2015. A public hearing is scheduled for 9:00 a.m. on November 2, 2015, at the Harry S Truman State Office Building, Room 493/494, 301 West High Street, Jefferson City, Missouri.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-4213 at least five (5) working days prior to the hearing.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

PROPOSED RULE

15 CSR 40-3.180 Municipal Court Certifications Filed with the Auditor's Office

PURPOSE: This rule sets forth a procedure for a county, city, town, or village with a municipal court to certify its substantial compliance with the municipal court procedures specified in Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill 5, First Regular Session, Ninety-eighth General Assembly, 2015.

(1) Any city, town, or village with a municipal court shall annually file with the State Auditor's Office a completed certification, which is included herein, and available on the State Auditor's website, or any certification which substantially comports with the specified certification and certifies that the municipal court adopted and substantially complied with the municipal court procedures specified by subsection 1 of section 479.360 during the preceding fiscal year.

(2) Any county with a county municipal court shall annually file with the State Auditor's Office a completed certification, which is included herein, and available on the State Auditor's website, or any certification which substantially comports with the specified certification and certifies that the municipal court adopted and substantially complied with the municipal court procedures specified by subsection 1 of section 479.360 during the preceding fiscal year.

(3) If the county, city, town, or village's fiscal year ended before August 28, 2015, but the county, city, town, or village files its financial report with the State Auditor's Office after August 28, 2015, the certification may specify which, if any, procedures required by subsection 1 of section 479.360 the municipal court has adopted, and certify during which portion of the fiscal year, if any, the municipal court complied with each procedure.

(4) If the county, city, town, or village's fiscal year ended after August 28, 2015, but any period of time covered by the certification

includes a portion of a fiscal year that was prior to August 28, 2015, the certification may certify and specify substantial compliance for only that portion of the fiscal year after August 28, 2015 in which the municipal court complied with each procedure.

(5) The certification shall be signed by the municipal judge of the county, city, town, or village. If the municipal court has more than one (1) municipal judge, any municipal judge may sign the form or certification.

(6) The certification shall be mailed to the State Auditor's Office at PO Box 869, Jefferson City, MO 65102, or emailed to PolySubFS@auditor.mo.gov.

(7) The certification shall be submitted, together with the addendum required by 15 CSR 40-3.170, within six (6) months after the end of the county, city, town, or village's fiscal year.

(8) To facilitate auditing, the county, city, town, or village shall retain documentation supporting the information provided by the certification in accordance with prescribed record retention procedures.



OFFICE OF THE STATE AUDITOR
MUNICIPAL COURT CERTIFICATION
(Form MCC 15-1)

Instructions

Fill out via computer, print to apply signature.
Email completed certification along with required addendum to: PolysubFS@auditor.mo.gov or mail to:
Missouri State Auditor's Office
P.O. Box 869
Jefferson City, MO 65102

Name of County, City, Town, or Village

Mailing Address City State Zip

Phone Email Address

Name of Municipal Court

Mailing Address City State Zip

Phone Email Address Fiscal Year Certified

I certify that the municipal court over which I preside has adopted the procedures required by section 479.360 RSMo and substantially complied with the procedures during the fiscal year ended _____.

Signature Name of Municipal Judge (Printed or Typed)

Date (MM/DD/Year)

NOTICE - Each city, town, or village with a municipal court and each county with a municipal court is required to file a municipal court certification pursuant to sections 479.360 and 479.362 and 15 CSR 40-3.180.

AUTHORITY: sections 29.100, RSMo 2000, and sections 479.360 and 479.362, CCS/HCS/SS/SCS/SB 5, First Regular Session, Ninety-eighth General Assembly, 2015. Original rule filed Sept. 1, 2015.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Auditor's Office, Attention: Paul Harper, PO Box 869, Jefferson City, MO 65102 or via email at rules@auditor.mo.gov. To be considered, comments must be received by November 6, 2015. A public hearing is scheduled for 9:00 a.m. on November 2, 2015, at the Harry S Truman State Office Building, Room 493/494, 301 West High Street, Jefferson City, Missouri.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-4213 at least five (5) working days prior to the hearing.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 15—Division of Senior and Disability Services
Chapter 9—Electronic Visit Verification**

PROPOSED RULE

19 CSR 15-9.100 Definitions

PURPOSE: This rule defines terms used in establishing procedures for the Electronic Visit Verification requirements for in-home service providers and consumer-directed services vendors. These definitions apply solely to the information in this chapter.

(1) Electronic Visit Verification (EVV). A telephone and computer-based system or other electronic technology used for the purpose of verifying and reporting the delivery of in-home services from the participant's home and consumer directed services from the participant's home if the services are being provided there or other location where the service is being provided as authorized by the Department of Health and Senior Services (DHSS), Division of Senior and Disability Services (DSDS).

(2) Participant. An individual receiving Home and Community Based Services (HCBS), either a consumer through consumer-directed services, as defined in 19 CSR 15-8.100, or a service recipient, as defined in 19 CSR 15-7.005, in the in-home services program.

(3) Attendant. The individual providing the Home and Community Based Services to the participant.

(4) Service.

(A) Personal Care and Advanced Personal Care, as defined in 13 CSR 70-91.010;

(B) Consumer Directed Services, as defined in 19 CSR 15-8.100;

(C) Chore, Homemaker, Basic In-home Respite, Advanced Respite, Basic Block Respite, Advanced Block Respite, and Advanced Respite Daily as defined in 19 CSR 15-7.021.

(5) Task. Tasks for all HCBS service types, including, but not limited to, tasks defined in 19 CSR 15-7 and 19 CSR 15-8.

AUTHORITY: sections 208.909 and 660.023, RSMo Supp. 2013. Original rule filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Celesta Hartgraves, Director, Division of Senior and Disability Services, PO Box 570, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 15—Division of Senior and Disability Services
Chapter 9—Electronic Visit Verification**

PROPOSED RULE

19 CSR 15-9.200 Electronic Visit Verification

PURPOSE: This rule establishes the minimum necessary criteria of the telephone tracking system required of in-home services providers and consumer-directed services vendors in sections 660.023 and 208.909, RSMo, respectively.

(1) The Electronic Visit Verification (EVV) system must utilize one (1) or more of the following:

(A) The participant's personal landline or personal cellular phone;

(B) Location technologies including Near Field Communication (NFC), Global Position System (GPS), and Bluetooth Low Energy (BLE);

(C) An affixed electronic device at the participant's location;

(D) A biometric verification system which utilizes voice pattern identifications; or

(E) Alternative auditable technology.

(2) At a minimum, the EVV system must meet the following requirements:

(A) Document and verify the participant's identity, either by the participant's personal telephone, a unique number assigned to the participant, or through alternative technology;

(B) Document and verify the attendant by the assignment of a personal identification number unique to the attendant, or through alternative technology;

(C) Document and verify the location of service delivery;

(D) Document the vendor/provider's identity by either name of vendor/provider and/or National Provider Identifier (NPI);

(E) Document the exact date of services delivered;

(F) Document the exact time the services begin;

(G) Document the exact time the services end;

(H) Support changes in the care plan which are approved by the Department of Health and Senior Services;

(I) Allow for the addition of services approved by the Department of Health and Senior Services;

(J) Be capable of retrieving current and archived data to produce reports of services delivered, tasks performed, participant identity, beginning and ending times of service, and date of service in summary fashion that constitute adequate documentation of service delivery. Any report shall include an explanation of codes utilized by the provider/vendor (e.g., 10 - Personal Care); and

(K) Maintain reliable backup and recovery processes that ensure

that all data is preserved in the event of a system malfunction or disaster situation.

(3) Providers/Vendors, shall, either through EVV or other documentation—

(A) Accommodate more than one (1) participant and/or attendant in the same home or at the same phone number;

(B) Document the services delivered to each participant;

(C) Document the justification of manual time modifications, adjustments, or exceptions after the attendant has entered the information as required in subsections (2)(A)–(G) of this rule; and

(D) Retain all data regarding the delivery of services for a minimum of six (6) years.

(4) In instances where a telephone or other electronic verification options, as stated in section (1) of this rule, are not available or accessible in the participant's home, or the participant refuses to allow the use of EVV, the vendor/provider must have documentation on file explaining the reason the attendant is not using EVV. When not utilizing an EVV system, the vendor/provider shall file a claim for services rendered as specified in 13 CSR 70-3.030.

(5) In no way shall this rule prohibit the vendor/provider's ability to accrue partial units pursuant to 13 CSR 70-91.

(6) Reports from the EVV systems are subject to review and audit by the Departments of Social Services and Health and Senior Services or their designee.

(7) Vendors'/providers' EVV systems shall be capable of producing reimbursement requests for participant approval that ensure accuracy and compliance with program expectations for both the participant and vendor/provider.

AUTHORITY: sections 208.909 and 660.023, RSMo Supp. 2013. Original rule filed Sept. 1, 2015.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Celesta Hartgraves, Director, Division of Senior and Disability services, PO Box 570, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RESCISSION

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

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

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original

rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the Code of State Regulations. Emergency rescission filed Aug. 28, 2015, effective Oct. 1, 2015, expires March 28, 2016. Rescinded: Filed Aug. 28, 2015.

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

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

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

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

PROPOSED RULE

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

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

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

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

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

(A) Active employee subscribers;

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

(C) Non-Medicare subscribers.

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

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

(B) Dependent children;

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

(D) Spouse who has Medicare as primary coverage;

(E) TRICARE Supplement Plan subscriber;

(F) Spouse covered by ineligible subscriber; and

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

(5) Participation.

(A) Each eligible member must participate separately.

(B) In order to receive the Tobacco-Free Incentive, eligible members must complete one (1) of the following for the incentive to be effective the first day of the second month after MCHCP receives the Tobacco Promise form and the applicable requirements are completed:

1. Submit a Tobacco-Free Promise form; or

2. Submit a Quit Tobacco Promise form, enroll in an MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course. Quit tobacco programs completed prior to December 1, 2015 shall not qualify for the 2016 incentive.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2015 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. Submit a Tobacco-Free Promise form; or

2. Submit a Quit Tobacco Promise form, enroll in an MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course.

(D) All forms can be completed through the eligible member's myMCHCP account or downloaded from MCHCP's website and printed for completion. Completed printed forms must be submitted to MCHCP by fax, mail, or up-loaded to the eligible member's myMCHCP account.

(E) Eligible members participating in an MCHCP-approved quit tobacco program on the date MCHCP receives your Quit Tobacco Promise form, must complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course for the incentive to begin the first day of the second month following the completed coaching call or class.

(F) Eligible members participating in the Tobacco-Free Incentive whose coverage ends due to the subscriber's termination of all employment with the state and who then regain coverage effective in the same plan year because the subscriber is rehired as a new state employee, will receive the Tobacco-Free Incentive effective the first day his/her medical coverage is effective after the subscriber is rehired if one (1) of the following is completed:

1. Eligible members with a Tobacco-Free Promise form submitted in the same plan year have no further requirements;

2. Eligible members with a Quit Tobacco Promise form submitted in the same plan year, but who did not complete an MCHCP-approved quit tobacco program prior to the date the medical coverage terminated, must re-enroll in a quit tobacco program and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course within thirty-one (31) days of his/her medical coverage effective date after the subscriber is rehired.

(6) MCHCP-approved quit tobacco programs include:

(A) Quit tobacco coaching program provided by MCHCP's vendor; or

(B) Strive for Wellness[®] quit tobacco course (when available, for active employee subscribers only).

(7) An eligible member will lose the Tobacco-Free Incentive for the remainder of the plan year effective the first day of the second month after MCHCP learns the eligible member failed to remain tobacco-free or failed to complete an MCHCP-approved quit tobacco program or course. Failure to complete an MCHCP-approved quit tobacco program or course means the eligible member failed to:

(A) Complete six (6) progressive quit tobacco program coaching calls; or

(B) Attend six (6) Strive for Wellness[®] quit tobacco course classes during the scheduled course timeframe.

(8) Eligible members who completed the Tobacco-Free Promise form and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day.

(9) The Tobacco Free Incentive shall begin January 1, 2016 and end December 31, 2016.

(10) MCHCP will verify an eligible member's quit tobacco program or course participation.

(11) A waiver may be granted if an eligible member requests a waiver in writing along with a provider's written certification that it is medically inadvisable for the eligible member to complete the quit tobacco coaching program provided by MCHCP's vendor or the Strive for Wellness[®] Quit Tobacco Course.

(12) MCHCP and/or the vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to loss of the Tobacco-Free Incentive and/or prosecution.

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

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Aug. 28, 2015, effective Oct. 1, 2015, expires March 28, 2016. Rescinded and readopted: Filed Aug. 28, 2015.

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

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

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

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

PROPOSED RESCISSION

22 CSR 10-2.120 Partnership Incentive Provisions and Limitations.

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

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. For intervening history, please consult the Code of State Regulations. Emergency rescission filed Aug. 28, 2015, effective Oct. 1, 2015, expires March 28, 2016. Rescinded: Filed Aug. 28, 2015.

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

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

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

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

PROPOSED RULE

22 CSR 10-2.120 Partnership Incentive Provisions and Limitations

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

(1) Strive for Wellness® Partnership Incentive—The Partnership Incentive is a voluntary program that eligible members may elect to participate in to earn a reduction in premium.

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

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

- (A) Active employee subscribers; and
- (B) Non-Medicare subscribers.

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

- (A) Subscribers under the age of eighteen (18);
- (B) Dependents;
- (C) TRICARE Supplement Plan subscribers;
- (D) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage; and
- (E) When Medicare becomes a subscriber's primary insurance payer, the subscriber (with the exception of active employee subscriber) is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes primary.

(5) Participation.

(A) In order to receive the Partnership Incentive, eligible members must complete all of the following for the incentive to be effective the first day of the second month after the requirements are completed:

- 1. The Partnership Promise; and
- 2. The Health Assessment.

(B) The requirements must be completed through the member's myMCHCP account.

(C) Eligible members adding medical coverage with an effective

date on or after December 1, 2015 must complete all of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

- 1. The Partnership Promise; and
- 2. The Health Assessment.

(D) An employee earning the Partnership Incentive who then terminates all employment with the state and is rehired as a new state employee with medical coverage effective in the same plan year, will receive the Partnership Incentive effective the first day his/her medical coverage is effective after s/he is rehired.

(6) Eligible members who have earned the incentive may earn a *de minimis* gift for completing one (1) or more of the following MCHCP-approved health actions. An eligible member must report the completion of the health action to MCHCP by December 31, 2016 and may receive only one (1) gift per year. MCHCP-approved health actions are as follows:

(A) Receiving a preventive lab screening such as cholesterol and blood sugar;

(B) Receiving an annual preventive exam;

(C) Attending two (2) online health education webinars provided by Strive for Wellness®;

(D) Attending two (2) lunch-and-learn health education sessions provided by Strive for Wellness®;

(E) Participating in a virtual health coaching program through the website of the MCHCP wellness vendor and achieving at least one (1) milestone;

(F) Participating in physical activity such as walking, jogging, Zumba, yoga, or weight-training for one hundred fifty (150) minutes each week for three (3) months;

(G) Standing for at least two (2) hours during each workday for three (3) months;

(H) Complete the Governor's 100 Missouri Miles Challenge; or

(I) Walking one (1) million steps.

(7) The Partnership Incentive shall begin January 1, 2016 and end December 31, 2016.

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

(9) MCHCP and/or the vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to loss of the Partnership Incentive and/or prosecution.

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

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Aug. 28, 2015, effective Oct. 1, 2015, expires March 28, 2016. Rescinded and readopted: Filed Aug. 28, 2015.

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

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

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