

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 the 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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 rule-making 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 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 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 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 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 10—Commissioner of Administration
Chapter 15—Cafeteria Plan**

PROPOSED AMENDMENT

1 CSR 10-15.010 Cafeteria Plan. The Office of Administration is amending the rule on the cafeteria plan by changing Appendix A, section 3.01, Appendix C, section 6.01, and section 6.03.

PURPOSE: This rule is being amended to comply with new COBRA regulations.

(2) The commissioner of administration shall maintain the cafeteria plan, the dependent care assistance plan and the flexible med-

ical benefits plan, in written form, denominated as the Missouri State Employees' Cafeteria Plan (Appendix A), the Missouri State Employees' Dependent Care Assistance Plan (Appendix B) and the Missouri State Employees' Flexible Medical Benefits Plan (Appendix C), **which are incorporated in this rule by reference**, for Plan Year 1998 and years following.

AUTHORITY: section 33.103, RSMo [1994] Supp. 1999. Original rule filed March 15, 1988, effective June 1, 1988. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$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 Division of Accounting, Jack Dothage, Assistant Director, Truman State Office Building, 5th Floor, Jefferson City, MO 65101, (573) 751-3289. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**APPENDIX A
MISSOURI STATE EMPLOYEES' CAFETERIA PLAN**

The State of Missouri through the Office of Administration hereby amends and restates the Missouri State Employees' Cafeteria Plan (hereinafter called the MSECPC) effective January 1, [1999] 2000. The MSECPC shall be in the form of a trust established by the State of Missouri for public employees of the state who participate in the MSECPC. The provisions of the MSECPC, as set forth in this document and the attendant documents for the Missouri State Employees' Dependent Care Assistance Plan (Appendix B, hereinafter called the MSEDCCAP) and the Missouri State Employees' Flexible Medical Benefits Plan (Appendix C, hereinafter called the MSECMBP), shall be applicable to each employee of the State of Missouri who elects to participate in the MSECPC beginning with Plan Year [1999] 2000.

**ARTICLE THREE
ELIGIBILITY AND PARTICIPATION**

3.01 The MSECPC does not apply to any individual who terminated employment with the employer prior to the effective date of this amended and restated MSECPC (January 1, [1999] 2000) unless such individual becomes reemployed by the employer on or after such effective date.

**APPENDIX C
MISSOURI STATE EMPLOYEES' FLEXIBLE MEDICAL
BENEFITS PLAN**

**ARTICLE SIX
CONTINUATION COVERAGE**

6.01 In accordance with Section 42 *United States Code* 300bb, and notwithstanding any other provision in the MSECMBP, a participant or his/her spouse or dependent may be eligible to elect to continue the coverage [elected] under the MSECMBP though the participant's election to receive benefits expired or was terminated, under the following circumstances:

- (a) Death of the participant;
- (b) Termination (other than for gross misconduct) or reduction of hours of the participant;
- (c) Divorce or legal separation of the participant; and
- (d) A dependent child ceasing to be a dependent child under the terms of this plan.

The right to continuation coverage shall only be available if on the date of the qualifying event the participant's remaining benefits for the current plan year are greater than the participant's remaining premium payments.

6.03 A premium may be charged to the participant, spouse or dependent, as the case may be, for any period of continuation coverage equal to not more than one hundred two percent (102%) of the cost of providing coverage for the period to similarly situated participants, spouses or dependents. Any additional premium amount in excess of one hundred percent (100%) of the cost of providing coverage for the period to similarly situated participants, spouses or dependents, shall not be credited to the participant's account and shall be treated as an additional administrative charge. [Continuation coverage will extend for a period of not more than thirty-six (36) months (eighteen (18) months if the participant terminates or is terminated from employment or reduces or has his/her hours reduced so as no longer to be a participant) but may extend for a shorter period of time if:

(a) The employer ceases to provide any group health plan to any employee;

(b) The premiums described above are not paid within thirty (30) days of their due date; or

(c) A party electing continuation coverage becomes covered under another group health plan or entitled to Medicare benefits. Continuation coverage shall be provided in accordance with the requirements of Section 42 U.S.C. 300bb, all of which requirements are incorporated herein by reference.] Continuation coverage will not extend beyond the end of the current plan year. However, coverage may terminate earlier if:

(a) The employer ceases to provide any medical reimbursement plan to any employee;

(b) The premiums described above are not paid within thirty (30) days of their due date; or

(c) A party electing continuation coverage becomes covered under another group health plan or entitled to Medicare benefits.

Continuation coverage shall be provided in accordance with the requirements of Section 42 U.S.C. 300bb, all of which requirements are incorporated herein by reference.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

PROPOSED AMENDMENT

1 CSR 20-5.010 Hours of Work and Holidays. The board is amending subsections (2)(C) and (D).

PURPOSE: The board is amending this rule to incorporate changes necessary as a result of the new SAM II HR system and other changes suggested by employees or agencies.

(2) Holidays shall be governed by the following provisions:

(C) An employee shall be credited for a holiday only if it falls during the employee's period of employment and the employee is in pay status. An employee whose effective date of appointment or

return to pay status is before or on the day of a holiday shall receive credit for the holiday. An employee whose appointment or return to pay status is effective after a holiday will receive no credit for the holiday, except when the holiday occurs at the start of a month and the employee's appointment or return to pay status is effective the first scheduled working day following the holiday. [An employee shall not receive credit for a holiday which occurs after s/he has ceased active duty preliminary to separation from the service] A terminating full-time employee shall receive credit for a holiday if s/he is in pay status through the last scheduled working day before the holiday and has worked an amount of time during the semi-monthly pay period;

(D) All full-time employees, regardless of [that] schedule, shall receive credit for the same number of paid holidays as employees whose regular work schedule is Monday through Friday. Part-time employees who are in pay status [from eighty to one hundred nineteen (80–119)] **forty (40) hours but less than sixty (60) hours in a [month] semi-monthly pay period**, including one-half (1/2) credit for those eligible holidays, shall receive one-half (1/2) credit, and those employees who are in pay status [from one hundred twenty to one hundred fifty-nine (120–159)] **sixty (60) hours but less than eighty (80) hours in a [month] semi-monthly pay period**, including three-fourths (3/4) credit for those eligible holidays, shall receive three-fourths (3/4) credit. Part-time employees who are in pay status [one hundred sixty (160)] **eighty (80) or more hours in a [month] semi-monthly pay period**, including full credit for those eligible holidays, shall receive full credit. Other part-time employees who are scheduled to work less than forty (40) hours in a semi-monthly pay period or who are paid on a per-diem basis are not entitled to compensation or credit for holidays not worked. **A terminating part-time employee shall receive pro-rated credit for a holiday as described in this section, if s/he is in pay status through the last scheduled working day before the holiday and has worked an amount of time during the semi-monthly pay period;**

AUTHORITY: section 36.070, RSMo [1986] Supp. 1998. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment is scheduled at 1:00 p.m., Tuesday, December 14, 1999, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Comments would be directed to the Director of Personnel, Office of Administration, P.O. Box 388, Jefferson City, MO 65102.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

PROPOSED AMENDMENT

1 CSR 20-5.015 Definition of Terms. The board is adding subsection (1)(F) and amending subsections (2)(B) and (3)(B).

PURPOSE: The board is amending this rule to revise definitions affected by the implementation of the SAM II HR system and to include service in agencies whose employees are state employees by statute.

(1) The following words and terms, used with specific intent throughout this rule and 1 CSR 20-5.020 or in their administration, are defined for clarity:

(D) Sick leave accrual is the accumulation of hours of eligibility for paid time off from work conferred upon an eligible employee as a benefit by the state for specific purposes and under specific conditions that are set forth in 1 CSR 20-5.020(2); *[and]*

(E) Paid time off from work authorized by the state and conferred upon the employee by the appointing authority and solely at the discretion of the appointing authority for the purpose deemed appropriate and in the best interest of the state may be called administrative leave~~/.~~; **and**

(F) **A semi-monthly pay period or semi-month is that period of one-half (1/2) of a calendar month established by the Office of Administration as the pay cycle for state employees.**

(2) For the purposes of leaves of absence as set out in 1 CSR 20-5.020, state service time shall be defined as—

(B) Time of state paid employment in the Offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, Treasurer, Attorney General, Houses of the Missouri State Legislature, *[and with]* the Missouri State Judiciary, **Missouri State Courts Administrator, Missouri Consolidated Health Care Plan and Missouri State Employees' Retirement System**, shall be recognized and accepted as time of state service for the purposes of eligibility for and accrual of paid leaves of absences; and

(3) For the purposes of leaves of absence as set out in 1 CSR 20-5.020, an eligible employee shall be defined as—

(B) Any state paid employee of elected state officials, specifically employees of the Offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, Treasurer, Attorney General, Houses of the Missouri State Legislature, the Missouri State Judiciary, **Missouri State Courts Administrator, Missouri Consolidated Health Care Plan, Missouri State Employees' Retirement System** and other state funded public entities, shall be considered eligible employees under 1 CSR 20-5.020 upon submission of written certification of adherence to the provisions of 1 CSR 20-5.020 and acceptance by the Personnel Advisory Board of the public entity for coverage under the rule.

AUTHORITY: sections 36.060, [RSMo Supp. 1993] and 36.070, RSMo [1986] Supp. 1998. Original rule filed July 21, 1994, effective Feb. 26, 1995. Amended: Filed Sept. 15, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment is scheduled at 1:00 p.m., Tuesday, December 14, 1999, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Comments would be directed to the Director of Personnel, Office of Administration, P.O. Box 388, Jefferson City, MO 65102.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence**

PROPOSED AMENDMENT

1 CSR 20-5.020 Leaves of Absence. The board is amending sections (1), (2), (5) and (8).

PURPOSE: The board is amending this rule to incorporate changes resulting from the implementation of the SAM II HR system and other changes suggested by employees or agencies or required by statutory change.

(1) Annual leave or vacation with pay shall be governed by the following provisions:

(A) Employees who are employed on a full-time basis in positions of a continuing or permanent nature shall be entitled to annual leave or vacation with full pay computed at the rate of *[ten (10)] five (5) hours for each [calendar] semi-month of service in which they are in pay status for [one hundred sixty (160)] eighty (80) or more hours, until they complete ten (10) years of total state service.*

1. Employees who have completed ten (10) years of total state service shall earn annual leave at the rate of *[twelve (12)] six (6) hours per semi-month.* Employees who have completed fifteen (15) years of total state service shall earn annual leave at the rate of *[fourteen (14)] seven (7) hours per semi-month.*

2. For purposes of this rule, any **semi-monthly period** during which an employee is eligible to earn any annual leave credit under this and subsequent sections shall be a **semi-month** of state service. Annual leave will be credited *[at the rate of one-half (1/2) the full-time accrual rate] on payday and cannot be used prior to that date. Leave shall be calculated based on the ratio expressed as a percent that the number of hours worked between forty (40) and eighty (80) bears to eighty (80) hours, for semi-months in which the employee is in pay status. [from eighty to one hundred nineteen (80–119) hours and three-fourths (3/4) the full-time rate for months in which they are in pay status from one hundred twenty to one hundred fifty-nine (120–159) hours.]*

3. Annual leave shall not be credited to employees who have ceased active duty preliminary to separation from the state service.

4. Except when granted in accordance with subsection (1)(E), annual leave or vacation with pay shall be granted at the times public service will best permit and only on written application approved by the appointing authority~~/.~~;

5. Annual leave shall not be credited to any employee while on a paid leave of absence for educational purposes when that leave is for a period of three (3) or more months;

(D) At the end of any *[calendar] semi-month*, unliquidated accumulation of annual leave which exceeds *[twenty-four (24)] forty-eight (48) times* that employee's current full-time **semi-monthly** accrual rate shall lapse and credit for the excess leave shall not be carried forward to the next calendar month;

(2) Sick leave shall be governed by the following provisions:

(B) Employees who are employed on a full-time basis in positions of a continuing or permanent nature shall be allowed sick leave with full pay computed at the rate of *[ten (10)] five (5) hours for each [calendar] semi-month of service in which they are in pay status for [one hundred sixty (160)] eighty (80) or more hours.* Sick leave will be credited *[at the rate of one-half (1/2) the full-time accrual rate] on payday and cannot be used prior to that date. Leave shall be calculated based on the ratio expressed as a percent that the number of hours worked*

between forty (40) and eighty (80) bears to eighty (80) hours, for semi-months in which they are in pay status. [from eighty to one hundred nineteen (80–119) hours and three-fourths (3/4) the full-time rate for months in which they are in pay status from one hundred twenty to one hundred fifty-nine (120–159) hours.]

1. Sick leave shall not be credited to employees who have ceased active duty preliminary to separation from the state service.

2. In all cases where an employee has been absent on sick leave, the employee immediately upon return to work shall submit a statement in a form the appointing authority may require indicating that the absence was due to illness, disease, disability or other causes for which sick leave is allowed under these rules. The appointing authority shall establish and advise employees of required procedures for initial and continuing notification by the employee to the appointing authority regarding absence due to illness and for submission of a written request for allowance of sick leave together with proof of illness as the appointing authority deems necessary.

3. Sick leave shall not be credited to any employee while on a paid leave of absence for educational purposes when that leave is for a period of three (3) or more months;

(L) When an employee's personal care and attention is required in connection with the adoption of a child, loss of time that is supported by appropriate documentation will be referred to as adoption leave. Such leave may be charged against the employee's accumulated sick leave. The final decision concerning the granting of leave under this section shall rest with the appointing authority and shall be based upon the degree to which the employee is responsible for providing personal care and attention.

(5) Leave for disaster relief shall be governed by the following provisions:

(D) An employee who returns to work from disaster relief shall be placed into his/her former position; *[and]*

(E) No more than twenty-five (25) full-time state employees may be absent in any state fiscal year. Each employee is subject to a cap of fifteen (15) calendar days per fiscal year of disaster relief leave./ ; **and**

(F) Upon written order of the governor, additional employees, who have not been absent on other disaster leave this fiscal year, not to exceed twenty-five (25) full-time equivalent state employees, may be granted leave pursuant to this section to participate in specialized disaster relief services for disasters occurring within the state.

(8) Time off with compensation shall be governed by the following provisions:

(B) With the approval of the appointing authority, an employee may be granted time off from duty, with compensation, for any of the following reasons:

1. Attendance at professional conferences, institutes or meetings when attendance, in the opinion of the appointing authority, may be expected to contribute to the betterment of the service. Proof of actual attendance at these meetings may be required by the appointing authority;

2. Attendance at in-service training and other courses designed to improve the employee's performance or to prepare the employee for advancement;

3. Absence, not to exceed five (5) consecutive workdays, due to the bereavement of an employee as a result of the death of the employee's spouse, child, sibling, parent, **step-parent**, grandparent or grandchild, and spouse's child, **sibling**, parent, **step-parent**, grandparent or grandchild, or a member of the employee's household. The final decision concerning the applicability and length of such leave under this section shall rest with the appointing authority. Other absences due to the death of loved ones, when approved by the appointing authority, shall be charged to an employee's accumulated annual or compensatory leave; *[and]*

4. Leaves of absence for volunteers tutoring in a formal tutoring or mentoring program as defined in Chapter 536, RSMo; and

[4.] 5. Because of extraordinary reasons sufficient in the opinion of the appointing authority to warrant such time off with compensation.

AUTHORITY: section 36.070, RSMo [Supp. 1997] Supp. 1998. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment is scheduled at 1:00 p.m., Tuesday, December 14, 1999, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Comments would be directed to the Director of Personnel, Office of Administration, P.O. Box 388, Jefferson City, MO 65102.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 5—Working Hours, Holidays and Leaves of
Absence**

PROPOSED AMENDMENT

1 CSR 20-5.025 ShareLeave. The board is amending subsection (1)(C).

PURPOSE: The board is amending this rule to incorporate changes suggested by employees or agencies.

(1) The state agencies that are covered under section 36.350, RSMo, may establish ShareLeave programs within their agencies for employees to donate leave to other employees. These programs may be established under the conditions set out within the following regulations:

(C) Annual leave as defined by 1 CSR 20-5.020(1) may be donated between employees. **Overtime or compensatory time as defined by 1 CSR 20-5.010(1)(C), (D), and (E) and 1 CSR 20-5.10(2)(E) may be donated between employees.** Sick leave benefits, which are a grant from the employer and in no sense the property of individuals, may not be donated;

AUTHORITY: sections 36.060 and 36.070, RSMo [1994] Supp. 1998. Original rule filed Oct. 31, 1996, effective May 30, 1996. Amended: Filed Sept. 15, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment is scheduled at 1:00 p.m., Tuesday, December 14, 1999, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Comments would be directed to

the Director of Personnel, Office of Administration, P.O. Box 388, Jefferson City, MO 65102.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.115 Special Regulations for Department Areas.
The Department of Conservation proposes to amend subsections (1)(B) and (P).

PURPOSE: This amendment changes the closed hours at Springfield Conservation Nature Center, and the fishing opportunities and methods in individual lakes on Otter Slough Conservation Area.

(1) The special regulations in this rule apply on all lands and waters (referred to as areas) owned, leased or managed under formal cooperative agreement by the Department of Conservation. The director may issue temporary written exceptions to provisions of this rule for emergency or special events and for other compatible uses.

(B) Closed Hours. All 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 rule. Parking or storage of watercraft and commercial vehicles is prohibited during the closed hours.

PUBLISHER'S NOTE: Paragraphs (1)(B)1.-5. remain as published in the Code of State Regulations.

6. On Bellefontaine Conservation Area, Conservation Commission Headquarters, Powder Valley Conservation Nature Center[,] and Runge Conservation Nature Center [and Springfield Conservation Nature Center], all public use is prohibited from 8:00 p.m. to 6:00 a.m. daily from April 1 to October 31, and from 6:00 p.m. to 6:00 a.m. daily from November 1 to March 31, except as otherwise provided.

7. On Springfield Conservation Nature Center, all public use is prohibited from 9:00 p.m. to 6:00 a.m. daily from March 1 to October 31, and from 6:00 p.m. to 6:00 a.m. daily from November 1 to February 28, except that specifically authorized meetings, programs and special events are permitted at any time on the area.

[7.] 8. On Rockwoods Range and Rockwoods Reservation, all public use is prohibited from one-half (1/2) hour after sunset to sunrise daily.

(P) Fishing. Fishing, under statewide seasons, methods and limits, is permitted, except as further restricted in this rule.

1. Fishing may be further restricted on designated portions of conservation areas.

2. Fishing is prohibited on the following conservation areas or individually named lakes:

- A. Allred Lake Natural Area
- B. Rudolf Bennett Lake
- C. Robert L. Blattner
- D. Burr Oak Woods
- E. Jerry P. Combs Lake
- [F. Cypress Lake]
- [G.] F. Gama Grass Prairie
- [H.] G. Gay Feather Prairie
- [I.] H. Charles W. Green
- [J.] I. Happy Holler Lake
- [K.] J. Hunkah Prairie

- [L.] K. Little Osage Prairie
- [M.] L. Chloe Lowry Marsh Natural Area
- [N.] M. Mo-Ko Prairie
- [O.] N. Mon-Shon Prairie
- [P.] O. Mount Vernon Prairie
- [Q.] P. Niawathe Prairie
- [R.] Q. Pawhuska Prairie
- [S.] R. Powder Valley Conservation Nature Center
- [T.] S. Springfield Conservation Nature Center
- [U.] T. Turtle Rock Lake
- [V.] U. Tzi-Sho Prairie
- [W.] V. Wah-Kon-Tah Prairie (only on portion owned by The Nature Conservancy)
- [X.] W. Wah-Sha-She Prairie
- [Y.] X. Henry J. Waters II and C. B. Moss Memorial Wildlife Area

3. On all impounded waters, fish may be taken only with pole or rod with attached line and not more than three (3) poles or rods with attached line may be used by one (1) person at any time, except as further provided in this rule.

A. On Forest Lake, Montrose Conservation Area, Schell-Osage Conservation Area, Ted Shanks Conservation Area and Thomas Hill Reservoir, fish may be taken with limb lines and bank lines.

B. Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following conservation areas or individually named lakes:

- (I) Atlanta
- (II) Bismarck
- (III) Blackjack Access
- (IV) Bob Brown
- (V) Cooley Lake
- (VI) Deer Ridge
- [(VII)](VII) Deroin Bend
- (VIII) Duck Creek
- (IX) Eagle Bluffs
- (X) Connor O. Fewel
- (XI) Fountain Grove
- (XII) Four Rivers
- (XIII) Forest Lake
- (XIV) Franklin Island
- (XV) Grand Pass
- (XVI) Hunnewell Lake
- (XVII) King Lake
- (XVIII) Kings Prairie Access
- (XIX) Lake Paho
- (XX) Lamine River
- (XXI) B. K. Leach Memorial
- (XXII) Limpp Community Lake
- (XXIII) Little Compton Lake
- (XXIV) Locust Creek
- (XXV) Manito Lake
- (XXVI) Marais Temps Clair
- (XXVII) Nodaway Valley
- (XXVIII) Otter [Slough] Lake
- (XXIX) Peabody
- (XXX) Ralph and Martha Perry Memorial
- (XXXI) Haysler A. Poague
- (XXXII) Pony Express Lake
- (XXXIII) Rebel's Cove
- (XXXIV) Shell-Osage
- (XXXV) Henry Sever
- (XXXVI) Settle's Ford
- (XXXVII) Ted Shanks
- (XXXVIII) Thurnau
- (XXXIX) Truman Reservoir
- (XL) Wakonda State Park Lakes
- (XLI) Worth County Community Lake

(XLII) Worthwine Island

PUBLISHER'S NOTE: Paragraphs (1)(P)4.-14. remain as published in the Code of State Regulations.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Dec. 15, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.116 Special Regulations for Areas Owned by Other Entities. The Department of Conservation proposes to amend subsection (2)(D).

PURPOSE: This amendment establishes or modifies fishing seasons and limits on certain areas as the result of spring sampling surveys—all to enhance and protect fish populations.

(2) The special regulations in this section apply on all lands and waters included in the department's Urban Fishing Program and Community Assistance Program.

(D) Fishing. Fishing, under statewide seasons, methods and limits, is permitted except as further restricted in this section.

PUBLISHER'S NOTE: Paragraphs (2)(D)1.-5. remain as published in the Code of State Regulations.

6. Statewide daily limits shall apply for all species, except as follows:

A. The daily limit for black bass is two (2) on the following lakes:

- (I) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (II) Bridgeton (Kiwanis Lake)
- (III) Butler City Lake
- (IV) California (Proctor Park Lake)
- (V) Columbia (Twin Lake)
- (VI) Concordia (Edwin A. Pape Lake)
- (VII) Ferguson (January-Wabash Lake)
- (VIII) Higginsville City Lake
- (IX) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
- (X) Jefferson City (McKay Park Lake)
- (XI) Kirksville (Hazel Creek Lake)
- (XII) Kirkwood (Walker Lake)
- (XIII) Macon (Blees Lake)
- [(XIII)] (XIV) Mineral Area College (Quarry Pond)
- [(XIV)] (XV) Overland (Wild Acres Park Lake)

[(XV)] (XVI) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

[(XVI)] (XVII) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake) (XVIII) University of Missouri (South Farm R-1 Lake)

[(XVIII)] (XIX) Warrensburg (Lion's Lake)

[(XVIII)] (XX) Wentzville (Community Club Lake)

[(XIX)] (XXI) Windsor (Farrington Park Lake)

PUBLISHER'S NOTE: Subparagraphs (2)(D)6.B.-H. remain as published in the Code of State Regulations.

7. Statewide length limits shall apply for all species, except that all 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. All black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

- (I) Bethany (Old Bethany City Reservoir)
- (II) Butler City Lake
- (III) California (Proctor Park Lake)
- (IV) Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)
- (V) Carthage (Kellogg Lake)
- (VI) Concordia (Edwin A. Pape Lake)
- (VII) Dexter City Lake
- (VIII) Hamilton City Lake
- (IX) Harrison County Lake
- (X) Higginsville City Lake
- (XI) Holden City Lake
- (XII) Iron Mountain City Lake
- (XIII) Jackson (Rotary Park Lake)
- (XIV) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
- (XV) Jefferson City (McKay Park Lake)
- (XVI) Lancaster City Lake
- (XVII) Maryville (Mozingo Lake)
- (XVIII) Mineral Area College (Quarry Pond)
- (XIX) Warrensburg (Lion's Lake)
- (XX) Windsor (Farrington Park Lake)
- (XXI) Unionville City Lake
- (XXII) University of Missouri (Dairy Farm Lake No. 1,/) and McCredie Lake [and South Farm R-1 Lake])

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

- (I) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (II) Bridgeton (Kiwanis Lake)
- (III) Columbia (Twin Lake)
- (IV) Ferguson (January-Wabash Lake)
- (V) Kirksville (Hazel Creek Lake)
- (VI) Kirkwood (Walker Lake)
- (VII) Macon (Blees Lake)

[(VIII)] (VIII) Overland (Wild Acres Park Lake)

[(VIII)] (IX) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

~~[(X)]~~ (X) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(XI) University of Missouri (South Farm R-1 Lake)

~~[(X)]~~ (XII) Wentzville (Community Club Lake)

C. All black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on LaBelle City Lake.

D. All 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 Cameron Reservoir No. 3 and Saint Louis County (Creve Coeur Lake).

[E. All bluegill less than ten inches (10") total length must be returned to the water unharmed immediately after being caught on University of Missouri (South Farm R-1 Lake).]

[F.] E. All bluegill less than nine inches (9") total length must be returned to the water unharmed immediately after being caught on University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake).

[G.] F. All channel catfish less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on Macon City Lake and Marceline City Lake.

[H.] G. All flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught on Concordia (Edwin A. Pape Lake), Higginsville City Lake and Saint Louis County (Bee Tree Lake, Sunfish Lake).

[I.] H. All muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught *[in]* on Kirksville (Hazel Creek Lake).

[J.] I. All walleye less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on Memphis (Lake Showme) and Maryville (Mozingo Lake).

8. Netting or trapping live bait is prohibited, except that on Concordia (Edwin A. Pape Lake), Jackson County (Lake Jacomo, Prairie Lee Lake) gizzard shad may be taken with dip net or throw net.

9. All trout must be returned to the water unharmed immediately after being caught and only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 to January 31 on Kirkwood (Walker Lake), Overland (Wild Acres Park Lake) and Saint Louis County (Tilles Park Lake). Trout may not be possessed on these waters during this season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 31, 1990, effective Dec. 31, 1991. For intervening history please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.125 Inspection. The Department of Conservation proposes to amend provisions of this rule.

PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet.

Every person, business concern or organization possessing, taking, transporting or using the wildlife or forestry resources of this state in any manner shall permit any agent of the department or any peace officer to inspect his/her permit(s), or temporary permit authorization number(s), and picture identification; to inspect and count any wildlife in his/her possession; and to inspect any devices or facilities used in taking, attempting to take, possessing or transporting wildlife, subject to the provisions of section 252.100, RSMo in order that such officer may ascertain whether this Code or the statutes pertaining to wildlife or forestry are being violated. No person, business concern or organization shall refuse to permit such inspection, or interfere with any officer in such inspection.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1964, effective Dec. 31, 1964. For intervening history, please consult the Code of State Regulations. Amended: File Aug. 11, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 for Hunting,
Fishing, Trapping**

PROPOSED AMENDMENT

3 CSR 10-5.205 Permits Required; Exceptions. The Department of Conservation proposes to amend subsections (1)(L)–(1)(O).

PURPOSE: This amendment honors resident veterans with service-related disabilities or who were prisoners of war during military service by exempting them from selected hunting and fishing permit requirements.

(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:

(L) Any resident of Missouri having a visual acuity not exceeding 20/200 in the better eye with maximum correction, or having twenty degrees (20°) or less field of visual concentric contraction,

[any honorably discharged resident veteran having a service related disability of sixty percent (60%) or greater,] and any resident who is so severely and permanently disabled as to be unable to move freely without the aid of a wheelchair, 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 carries a certified statement of eligibility from a licensed ophthalmologist or optometrist[, or from the Veterans Administration] or from a licensed physician.

(M) Any honorably discharged resident veteran having a service-related disability of sixty percent (60%) or greater, or who was a prisoner of war during military service, 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), and may take wildlife as provided in Chapter 7 without permit (except deer and turkey hunting permits and the Migratory Bird Hunting Permit as prescribed); provided, while hunting or fishing s/he carries a certified statement of eligibility from the Veterans Administration.

[[M]] (N) Any Missouri resident who is the owner of land that wholly encloses a body of water, or any member of his/her immediate household, may fish without permit in those waters. In the case of corporate ownership, this privilege shall apply to those corporate owners whose domicile is on such corporate-owned land.

[[N]] (O) Any person may fish without permit, trout permit and prescribed area daily tag during free fishing days. Free fishing days are the Saturday and Sunday following the first Monday in June.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.

PUBLIC ENTITY COST: This proposed amendment is estimated to cost the Department of Conservation \$49,470 per permit year in decreased revenue. A fiscal note containing a detailed estimate of cost of compliance has been filed with the secretary of state.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 for Hunting, Fishing, Trapping

FISCAL NOTE
PUBLIC ENTITY COSTS

Proposed Amendment: **3 CSR 10-5.205 Permits Required; Exceptions**

Prepared: July 30, 1999 by Department of Conservation

Affected Public Entities: Department of Conservation

Honoring resident veterans with service-related disabilities by exempting them from hunting permit requirements is expected to cost the Department of Conservation approximately \$34,650; honoring resident veterans who were prisoners of war during military service by exempting them from hunting and fishing permit requirements is expected to cost the Department of Conservation approximately \$14,820.

<u>CLASSIFICATION</u>	<u>ANNUAL COST¹</u>	<u>FIVE-YEAR AGGREGATE COST²</u>
DECREASE IN STATE REVENUE:		
(from resident veterans)	(3,850 x \$9) = \$34,650	\$173,250
	(780 x \$19) = \$14,820	\$74,100
	<u>- \$49,470</u>	<u>- \$247,350</u>

¹ Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

² Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping**

PROPOSED AMENDMENT

3 CSR 10-5.210 Permits to be Signed and Carried. The Department of Conservation proposes to amend provisions of this rule.

PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet.

All permits and method exemptions shall be signed and carried by the permittee. Permits, or temporary permit authorization number(s), and method exemptions shall be exhibited to any officer charged with the enforcement of this Code, or to any transportation company or postal employee when presenting wildlife for shipment.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Sept. 19, 1957, effective Dec. 31, 1957. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 for Hunting,
Fishing, Trapping**

PROPOSED AMENDMENT

3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable. The Department of Conservation proposes to amend section (5).

PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet.

(5) Permits are nontransferable and are valid from date of purchase through the last day of February of the prescribed permit year; except the Migratory Bird Hunting Permit shall be valid through March 10, and the Resident Trapping Permit and Nonresident Furbearer Hunting and Trapping Permit shall be valid through April 10. Except as provided for permits purchased by telephone or through the Internet, no affidavit, receipt or other document may be issued or used in lieu of the required permit. **Temporary permit authorization number(s) allowing immediate use of per-**

mit privileges may be provided for permits (except deer and turkey permits) purchased through the department's authorized telephone or Internet sales service provider. The temporary permit authorization number(s) and picture identification must be carried at all times while hunting, fishing or trapping until the actual permit(s) is received. Any permit issued or obtained by false statement or through fraud, or while privileges are revoked or denied by the commission, shall be invalid.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 10-6.405 General Provisions. The Department of Conservation proposes to amend subsections (1)(A) and (1)(C).

PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet; modifies reciprocal sport fishing privileges on the Missouri River with the state of Nebraska; and clarifies wording.

(1) Fish, mussels and clams, bullfrogs and green frogs, turtles and live bait may be taken only as provided in this chapter or as further restricted in 3 CSR 10-4.115, 3 CSR 10-4.116 or other rules as noted.

(A) Permits Required.

1. Any person, to exercise the privileges in this chapter, must obtain and have on his/her person the prescribed permit, **temporary permit authorization number(s)** or evidence of exemption. **The temporary permit authorization number(s) and picture identification must be carried at all times while fishing until the actual permit(s) is received.**

2. Any person possessing a valid sport fishing license issued by the state of Illinois, Kentucky, Tennessee, Arkansas[,] or Kansas [or Nebraska], or who is legally exempted from those license requirements, without further permit or license, may fish with hook and line in the flowing portions of the Mississippi, St. Francis or Missouri [River] Rivers within the boundary of Missouri [and] adjacent to the state where that person is licensed.

3. **Any person possessing a valid sport fishing license issued by the state of Nebraska, or who is legally exempted from those license requirements, without further permit or license, may fish with hook and line in the flowing portions and backwaters of the Missouri River within the boundary of**

Missouri adjacent to the state of Nebraska. These anglers may also fish with hook and line in the Missouri portion of any oxbow lakes through which the Missouri-Nebraska boundary passes.

(C) Reciprocal Privileges: Mississippi, Missouri and St. Francis Rivers.

1. All reciprocal privileges outlined in this rule shall be contingent upon a grant of like privileges by the appropriate neighboring state to the [duly] licensed or exempted hook and line anglers of Missouri.

2. Regulations of the state where the [fisherman] angler is licensed shall apply in Arkansas, Tennessee and Nebraska boundary waters. Missouri regulations shall apply in the Missouri portion of Illinois, Kentucky and Kansas boundary waters. [Anglers not licensed in Missouri may not fish in the tributaries, bayous or backwaters of the Mississippi, St. Francis or Missouri Rivers; nor may they fish from or attach any device or equipment to land under the jurisdiction of Missouri.] Anglers [who hold Illinois licenses] licensed in Illinois, when fishing in waters in which they are not licensed to fish by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

3. Anglers must be licensed in Missouri to fish in tributaries of the Mississippi, Missouri and St. Francis Rivers.

4. Anglers licensed in Arkansas, Illinois, Kansas, Kentucky or Tennessee may not fish from or attach any device or equipment to land under the jurisdiction of Missouri.

5. Anglers licensed in Nebraska may fish from or attach any device or equipment to land under the jurisdiction of Missouri.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 10-7.405 General Provisions. The Department of Conservation proposes to amend section (1).

PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet.

(1) Any person while hunting or while using dogs or birds of prey in pursuit of wildlife in any manner, including training, shall have

on his/her person the prescribed permit, **temporary permit authorization number(s)** or evidence of exemption. **The temporary permit authorization number(s) and picture identification must be carried at all times while hunting until the actual permit(s) is received.** Wildlife may not be held alive under hunting permits.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1964, effective Dec. 31, 1964. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty 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 8—Wildlife Code: Trapping: Seasons, Methods**

PROPOSED AMENDMENT

3 CSR 10-8.505 Trapping. The Department of Conservation proposes to amend provisions of this rule.

PURPOSE: This amendment provides for immediate authorization to use privileges that are purchased by telephone or through the Internet.

Any person, to exercise the privilege of trapping, shall obtain and have on his/her person the prescribed permit **or temporary permit authorization number(s)**, unless exempt under provisions of 3 CSR 10-5.205[(1)(A)]. **The temporary permit authorization number(s) and picture identification must be carried at all times while trapping until the actual permit(s) is received.** No person shall accept payment for furbearers taken by another Furbearers may not be held alive under trapping permits, except as provided in 3 CSR 10-8.515(4).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments

must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**

**Division 60—Missouri Commission on Human Rights
Chapter 3—Guidelines and Interpretation of
Employment Anti-Discrimination Laws**

PROPOSED AMENDMENT

8 CSR 60-3.040 Employment Practices Related to Men and Women. The Missouri Commission on Human Rights proposes to amend subsections (17)(B) and (C) of this rule.

PURPOSE: This amendment deletes language that creates strict liability on the part of the employer for supervisor harassment and replaces it with language that adopts federal case law and Equal Employment Opportunity Commission Guidelines for Sexual Harassment.

(17) Harassment on the basis of sex is a violation of Chapter 213, RSMo.

(B) In determining whether alleged conduct constitutes sexual harassment, the commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made **by applying relevant federal case law and Equal Employment Opportunity Commission Guidelines** and from the facts, on a case-by-case basis.

(C) *[Applying general principles of Chapter 213, RSMo, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as employer) is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence.]* The commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

AUTHORITY: sections 213.030(6) and 213.075.3, RSMo [1986] Supp. 1998. This rule was previously filed as 4 CSR 180-3.040. Original rule filed Oct. 31, 1973, effective Nov. 10, 1973. Amended: Filed July 1, 1980, effective Nov. 13, 1980. Emergency amendment filed Sept. 17, 1999, effective Sept. 27, 1999, expires March 24, 2000. Amended: Filed Sept. 17, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$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 Commission on Human Rights, Attn: Steve Skolnick, P.O. Box 1129, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RESCISSION

10 CSR 10-2.060 Restriction of Emission of Visible Air Contaminants. This rule specified the maximum allowable shade or opacity of visible air contaminant emissions and required the use of opacity monitoring devices on certain air contaminant sources. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

PURPOSE: This regulation is proposed for rescission because it is replaced by 10 CSR 10-6.220. This new rule consolidates the requirements of this rule and other area specific opacity rules. The new rule will clarify statewide emission requirements and exemptions and simplify enforcement.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed April 5, 1972, effective April 15, 1972. Amended: Filed Jan. 15, 1977, effective July 11, 1977. Amended: Filed July 16, 1979, effective Feb. 11, 1980. Rescinded: Filed Sept. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., December 9, 1999. The public hearing will be held at the Kansas City Downtown Marriott, 200 West 12th Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 16, 1999. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 3—Air Pollution Control Rules Specific to the
Outstate Missouri Area**

PROPOSED RESCISSION

10 CSR 10-3.080 Restriction of Emission of Visible Air Contaminants. This rule specified the maximum allowable shade or opacity of visible air contaminant emissions and required the use of opacity monitoring devices on certain air contaminant sources. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

PURPOSE: This regulation is proposed for rescission because it is replaced by 10 CSR 10-6.220. This new rule consolidates the requirements of this rule and other area specific opacity rules. The

new rule will clarify statewide emission requirements and exemptions and simplify enforcement.

AUTHORITY: section 643.050, RSMo Supp. 1997. Original rule filed March 24, 1971, effective April 3, 1971. Amended: Filed Jan. 31, 1972, effective Feb. 10, 1972. Amended: Filed Jan. 14, 1977, effective July 11, 1977. Amended: Filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed March 15, 1979, effective Nov. 11, 1979. Emergency amendment filed June 15, 1995, effective June 25, 1995, expired Oct. 22, 1995. Amended: Filed Sept. 14, 1995, effective May 30, 1996. Amended: Filed June 15, 1998, effective Jan. 30, 1999. Rescinded: Filed Sept. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., December 9, 1999. The public hearing will be held at the Kansas City Downtown Marriott, 200 West 12th Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 16, 1999. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 4—Air Quality Standards and Air Pollution
Control Regulations for the Springfield-Greene County
Area

PROPOSED RESCISSION

10 CSR 10-4.060 Restriction of Emission of Visible Air Contaminants. This rule specified the maximum allowable shade or opacity of visible air contaminant emissions and required the use of opacity monitoring devices on certain air contaminant sources. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

PURPOSE: This regulation is proposed for rescission because it is replaced by 10 CSR 10-6.220. This new rule consolidates the requirements of this rule and other area specific opacity rules. The new rule will clarify statewide emission requirements and exemptions and simplify enforcement.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Jan. 14, 1977, effective July 11, 1977. Rescinded: Filed Sept. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., December 9, 1999. The public hearing will be held at the Kansas City Downtown Marriott, 200 West 12th Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 16, 1999. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

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

PROPOSED RESCISSION

10 CSR 10-5.090 Restriction of Emission of Visible Air Contaminants. This rule specified the maximum allowable shade or opacity of visible air contaminant emissions and required the use of opacity monitoring devices on certain air contaminant sources. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

PURPOSE: This regulation is proposed for rescission because it is replaced by 10 CSR 10-6.220. This new rule consolidates the requirements of this rule and other area specific opacity rules. The new rule will clarify statewide emission requirements and exemptions and simplify enforcement.

AUTHORITY: section 643.050, RSMo 1994. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Jan. 14, 1977, effective July 11, 1977. Rescinded: Filed Sept. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., December 9, 1999. The public hearing will be held at the Kansas City Downtown Marriott, 200 West 12th Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 16, 1999. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.