

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 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)(D) and (H).

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:

(D) All full-time employees, regardless of such schedule, shall receive credit for the same number of paid holidays as employees whose regular work schedule is Monday through Friday.

1. Part-time employees, paid on a monthly pay period, who are in pay status from eighty to one hundred nineteen (80–119) hours in a month, 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) hours in a month, 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) or more hours in a month, including full credit for those eligible holidays, shall receive full credit. Other part-time employees are not entitled to compensation or credit for holidays not worked.

2. A part-time employee, paid on a semi-monthly pay period, who are in pay status from forty to fifty-nine (40–59) hours in a 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 sixty to seventy-nine (60–79) hours in a 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 eighty (80) or more hours in a 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 one-half (1/2) time 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 during the semi-monthly pay period.]*

3. Personnel whose normal duties require them to remain on duty at their workstation for shifts of twenty-four (24) hours or longer shall be exempt from the provisions of this section. Their holidays and holiday compensation shall be as established by the appointing authority, subject to review and approval by the personnel advisory board, consistent with the work schedule necessary to accommodate the safety and convenience of the public;

(H) Employees of the Missouri School for the Blind, Missouri School for the Deaf and State Schools for the Severely Handicapped, who are employed for the academic year established for those schools *[shall receive the same number of holidays during the academic year as received by other state employees during the same calendar period. Specific holidays for these employees will be designated in]* and whose work schedule and attendance are regulated by the class calendar of those schools, shall be exempt from the provisions of this section. In lieu of the holidays as provided in 1 CSR 20-5.010(2)(A), holidays and holiday compensation for these employees shall be as established by the appointing authority in a comprehensive leave policy consistent with the work schedule necessary to accommodate the annual academic calendar of their schools.

AUTHORITY: section 36.070, RSMo [Supp. 1998] Supp. 1999. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed April 12, 2000.

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

PRIVATE 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, July 11, 2000 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 subsections (1)(D), (E), (G) and (L) and adding subsection (2)(N).

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.

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

(D) **The maximum allowable [A]accumulation of [A]annual [L]leave**

1. For employees paid on a monthly pay period, at the end of any calendar month, unliquidated accumulation of annual leave which shall not exceed twenty-four (24) times [that] an employee's current full-time monthly accrual rate [shall lapse and credit for the excess leave shall not be carried forward to the next calendar month];

*2. For employees paid on a semi-monthly pay period, at the end of any semi-month, unliquidated accumulation of annual leave which exceeds] or forty-eight (48) times [that] an 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];. **This maximum accrual shall apply in the following manner:***

1. At the end of any calendar year, unliquidated accumulation of annual leave which exceeds the maximum allowable accumulation shall lapse and credit for the excess leave shall not be carried forward to the next calendar year;

2. An employee entitled to annual leave who has resigned or otherwise separated from the service shall be entitled to receive reimbursement for the amount of this accrued leave which does not exceed the maximum allowable accumulation;

3. An employee who transfers to another department or who is appointed to a position in another department without break in service shall be entitled to receive reimbursement, under the provisions of subsection (1)(G), for the amount of this accrued leave which does not exceed the maximum allowable accumulation;

(E) *[An employee entitled to annual leave who has resigned or otherwise separated from the service shall be entitled to receive reimbursement for all this accrued leave. **This] When applicable, reimbursement for accumulated annual leave shall be based on the employee's rate of pay at the time of separation and shall be computed uniformly on the basis of the standard annual hourly rate of pay of the employee as determined by dividing the employee's annual full-time salary rate by two thousand eighty (2080)]. For employees of the Missouri School for the Blind, Missouri School for the Deaf and State Schools for the Severely Handicapped who are employed on a school-term or on a part-time basis, the standard annual hourly rate of pay is determined by divid-***

ing the employee's annual salary rate by the total hours in their term of employment];

(G) An employee who transfers to another department or who is appointed to a position in another department without break in service shall be reimbursed for all his/her accrued leave **which does not exceed the maximum allowable accumulation** by the department which the employee is leaving, except that on the employee's request and with the approval of the appointing authority of the receiving department the employee may carry all or part of accrued annual leave to that department. *Accrued annual leave [in excess of that agreed to by the respective departments] under this subsection shall be reimbursed in the manner prescribed in subsection (1)(E). Each department will establish a policy providing for the consistent transfer reimbursement of accumulated annual leave[, or both,] when employees transfer or are appointed to positions in another division of service within the department;*

(L) *[Annual leave for e] Employees of the Missouri School for the Blind, Missouri School for the Deaf and State Schools for the Severely Handicapped, who are employed for the academic year established for those schools [shall be granted in the form of days off with pay which are designated as school holidays in the annual academic calendar of their schools and which are in addition to those holidays provided in 1 CSR 20-5.010(2)(H). Any annual leave which these employees are entitled to under the provisions of subsection (1)(A) which is in excess of the additional school holidays will be credited to these employees as annual leave. This annual leave shall be granted in accordance with subsection (1)(A).] and whose work schedule and attendance are regulated by the class calendar of those schools, shall be exempt from the provisions of this section. In lieu of annual leave or vacation with pay as provided in 1 CSR 20-5.020(1)(A), annual leave and annual leave compensation for these employees shall be as established by the appointing authority in a comprehensive leave policy consistent with the work schedule necessary to accommodate the annual academic calendar of their schools.*

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

(L) Employees who are incapacitated from performing their jobs due to injury or disease covered by Chapter 287, RSMo (Workers' Compensation Law) shall be permitted to use accrued sick leave only to the extent necessary to make up the difference between disability benefits paid under Chapter 287, RSMo and their salary at the time of injury; *[and]*

(M) 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 will be charged against the employee's accumulated sick leave unless the employee elects to use annual leave or compensatory time. 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./.; **and**

(N) **Employees of the Missouri School for the Blind, Missouri School for the Deaf and State Schools for the Severely Handicapped, who are employed for the academic year established for those schools and whose work schedule and attendance are regulated by the class calendar of those schools, shall be exempt from the provisions of this section. In lieu of sick leave with pay as provided in 1 CSR 20-5.020(2)(A), sick leave and sick leave compensation for these employees shall be as established by the appointing authority in a comprehensive leave policy consistent with the work schedule necessary to accommodate the annual academic calendar of their schools.**

AUTHORITY: section 36.070, RSMo [Supp. 1998] Supp. 1999. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For

intervening history, please consult the Code of State Regulations. Amended: Filed April 12, 2000.

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

PRIVATE 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, July 11, 2000, 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 65—Endowed Care Cemeteries Chapter 1—Organization and Description

PROPOSED AMENDMENT

4 CSR 65-1.020 Cemetery Advisory Committee. The board is proposing to amend section (8).

PURPOSE: This amendment establishes the election and role of the chairperson and vice-chairperson.

(8) The committee shall meet at least twice each year and shall report all actions of the committee to the director of the Division of Professional Registration. **Annually, the committee shall elect a chairperson and vice-chairperson by a majority of committee member votes and in the absence of the chairperson, the vice-chairperson shall preside.**

AUTHORITY: sections 214.280, RSMo [Supp. 1997] Supp. 1999 and 214.392, RSMo 1994. Original rule filed Sept. 11, 1997, effective March 30, 1998. Amended: Filed April 14, 2000.

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

PRIVATE 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 Endowed Care Cemeteries Committee, Vanessa Beauchamp, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 65—Endowed Care Cemeteries Chapter 1—Organization and Description

PROPOSED RULE

4 CSR 65-1.030 Definitions

PURPOSE: This rule defines terms used in 4 CSR 65.

(1) Applicant—an individual submitting an application for a certificate of authority.

(2) Committee—the Endowed Care Cemetery Advisory Committee.

(3) Division—the Division of Professional Registration.

(4) FDIC—Federal Deposit Insurance Corporation.

(5) Office—Office of Endowed Care Cemeteries.

AUTHORITY: sections 214.270, RSMo Supp. 1999 and 214.392.1(5), RSMo 1994. Original rule filed April 14, 2000.

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

PRIVATE COST: This proposed rule 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 rule with the Endowed Care Cemeteries Committee, Vanessa Beauchamp, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 65—Endowed Care Cemeteries Chapter 1—Organization and Description

PROPOSED RULE

4 CSR 65-1.040 Name and Address Changes

PURPOSE: This rule outlines the requirements and procedures for notifying the Office of Endowed Care Cemeteries of an owner/operator, trustee, cemetery, name and/or address change.

(1) The holder of the certificate of authority to own or operate a cemetery, endowed or nonendowed, shall ensure the office has the current legal name and address of the cemetery, the owner of the cemetery and the operator of the cemetery. If the new owner is a corporation, partnership or limited liability company, the holder shall also submit the names of the shareholders, partners or members.

(2) The holder of the certificate of authority to own or operate a cemetery shall notify the office in writing of a change of trustee within thirty (30) days of the change. The notice shall include evidence that the trustee is a state or federally chartered financial institution authorized to exercise trust powers within this state and located in this state.

(3) The office shall be informed in writing thirty (30) days prior to a change in ownership. Notice of all other changes shall be made within thirty (30) days after the change.

(4) If the endowed care cemetery funds are not permanently set aside in a trust fund, but instead held in a segregated bank account, the holder of the certificate of authority shall notify the office if the funds are transferred from one account to another, or if signatories are changed. Notice shall include evidence that the funds are insured by the Federal Deposit Insurance Corporation (FDIC) and held in a state or federally chartered financial institution authorized

to do business in Missouri and located in this state. If a new signatory is a licensed attorney, notice shall include the attorney's bar number, and evidence that the attorney has escrow powers in this state.

(5) Except as specifically stated otherwise, notice of all changes in information shall be provided within thirty (30) days after the change.

AUTHORITY: section 214.392.1(5), RSMo 1994 and 620.010.14(2), RSMo Supp. 1999. Original rule filed April 14, 2000.

PUBLIC COST: This proposed rule will cost the Office of Endowed Care Cemeteries an estimated \$4,216 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$3.30 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Endowed Care Cemeteries Committee, Vanessa Beauchamp, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 65 – Endowed Care Cemeteries

Chapter: 1 – Organization and Description

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-1.040 Name and Address Changes

Prepared March 1, 2000 by the Office of Endowed Care Cemeteries of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Endowed Care Cemeteries	\$4,216

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for per diem, staff time to handle inquiries, correspondence, and process name and address change requests and supporting documentation;
- 2) Expense and equipment costs are incurred for meeting preparation;
- 3) Transfers are costs incurred for committee and staff support provided by the Division of Professional Registration (also includes data processing and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 4%	Enforcement – 3%
Personal Service	\$ 551	\$ 619
Expense & Equipment	\$ 956	\$ 1,075
Transfers	\$ 478	\$ 537
TOTAL	\$ 1,985	\$ 2,231

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Endowed Care Cemeteries were determined by using the allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of committee activity were identified: licensure and enforcement. The committee estimates 40% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 60% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$34,414	Licensure	\$13,766
\$34,414	Enforcement	\$20,648

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$59,747	Licensure	\$23,899
\$59,747	Enforcement	\$35,848

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$29,849	Licensure	\$11,940
\$29,849	Enforcement	\$17,909

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 4% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 3% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Division of Professional Registration
FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 65 – Endowed Care Cemeteries

Chapter: 1 – Organization and Description

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-1.040 Name and Address Change

Prepared March 1, 2000 by the Endowed Care Cemeteries of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate cost of compliance with the rule by the affected entities:
10	Individuals (notification of change)	\$ 3.30

Estimated Annual Cost of Compliance for the Life of the Rule **\$ 3.30**

III. WORKSHEET

Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates that five percent (5%) of the board's licensees will notify the office of name and or address changes annually for the life of the rule. The board estimates this process will cost each applicant approximately \$.33.
2. The private entity cost for this proposed rule is estimated to be \$3.30 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 65—Endowed Care Cemeteries
Chapter 1—Organization and Description**

PROPOSED RULE

4 CSR 65-1.050 Complaint Handling and Disposition

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo.

(1) The Division of Professional Registration, in coordination with the Endowed Care Cemetery Advisory Committee, will receive and process each complaint made against any holder of a certificate of authority in which the complaint alleges certain acts or practices that may constitute one (1) or more violations of provisions of sections 214.270–214.516, RSMo, or administrative rules. No member of the Endowed Care Cemetery Advisory Committee may file a complaint with the division or committee while holding office, unless that member is excused from further committee deliberation or activity concerning the matters alleged within that complaint. Any division staff member or committee member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: Office of Endowed Care Cemeteries, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102.

(3) All complaints shall be made in writing on a form provided by the division and shall fully identify the complainant by name and address. Verbal or telephone communication will not be considered or processed as complaints, however, the person making such communication will be asked to supplement the communication with a written complaint. Complaints may be based upon personal knowledge, or upon information and belief, reciting information received from other sources. Individuals with special needs, as addressed by the Americans with Disabilities Act, may notify the committee office at (573) 751-0849 for assistance. The text for the hearing impaired is (800) 735-2966.

(4) Each complaint received under this rule will be logged and maintained by the division. The log will contain a record of each complainant's name; the name and address of the subject(s) of the complaint; the date each complaint was received by the division/committee; a brief statement concerning the alleged acts or practices and the ultimate disposition of the complaint. This log shall be a closed record of the committee.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant and licensee shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the authority to file a complaint with the Administrative Hearing Commission charging the committee's licensee with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the committee.

(7) The division interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the committee. This rule is not deemed to protect, or inure the benefit of those licensees or other persons against whom the committee has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 214.270–214.516, RSMo.

AUTHORITY: sections 214.392, RSMo 1994 and 620.010.15(6), RSMo Supp. 1999. Original rule filed April 14, 2000.

PUBLIC COST: This proposed rule will cost the Office of Endowed Care Cemeteries an estimated \$55,804 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule 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 rule with the Endowed Care Cemeteries Committee, Vanessa Beauchamp, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 65 – Endowed Care Cemeteries

Chapter: Chapter 1 - Organization and Description

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-1.050 Complaint Handling and Disposition

Prepared March 1, 2000 by the Office of Endowed Care Cemeteries of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Endowed Care Cemeteries	\$ 55,804

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for per diem, staff time to handle inquiries, correspondence, process complaints and supporting documentation, prepare meeting agendas, attend meetings of the committee and to implement committee/division directives;
- 2) Expense and equipment costs are incurred for meeting preparation and committee expenses incurred for monitoring complaint and investigations;
- 3) Transfers are costs incurred for committee and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 75%
Personal Service	\$ 0	\$ 15,486
Expense & Equipment	\$ 0	\$ 26,886
Transfers	\$ 0	\$ 13,432
TOTAL	\$ 0	\$ 55,804

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Endowed Care Cemeteries were determined by using the allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of committee activity were identified: licensure and enforcement. The committee estimates 40% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 60% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$34,414	Licensure	\$13,766
\$34,414	Enforcement	\$20,648

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$59,747	Licensure	\$23,899
\$59,747	Enforcement	\$35,848

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$29,849	Licensure	\$11,940
\$29,849	Enforcement	\$17,909

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 75% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 65—Endowed Care Cemeteries
Chapter 1—Organization and Description**

PROPOSED RULE

4 CSR 65-1.060 Fees

PURPOSE: This rule establishes fees for the Division of Professional Registration and the Endowed Care Cemetery Advisory Committee.

(1) The division establishes the following fees which are nonrefundable:

(A) Election to Operate Fee	\$25.00
(B) Copy of Register Fee (plus \$.25 per page)	\$ 5.00
(C) Insufficient Funds Check Fee Charge	\$25.00

(2) All fees are nonrefundable.

(3) The provisions of this rule hereby are declared severable. If any fixed fee by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of the rule shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 214.275, 214.280 and 610.026, RSMo Supp. 1999 and 214.283, RSMo 1994. Original rule filed April 14, 2000.

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

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The costs associated with the fees set by this rule are accounted for in the fiscal notes of the rules requiring their payment.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Endowed Care Cemeteries Committee, Vanessa Beauchamp, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

(A) Plot map showing any section that contains an endowed care plot;

(B) Affidavit ensuring that the endowed care funds will remain intact for the care and maintenance of the sections containing plots sold as endowed care;

(C) A statement regarding how the funds will be held consistent with section 214.330, RSMo; and

(D) Any other information requested by the office.

(2) The office shall inform the cemetery owner/operator whether the cemetery may operate as a nonendowed cemetery. The office may require an audit of the endowed care trust funds prior to evaluating a request to convert a cemetery from endowed to nonendowed care. If the letter of intent is approved by the office, the nonendowed section shall be separately designated from the remainder of the cemetery as required by law. All sections with burial spaces previously sold as endowed care shall remain as endowed care. The endowed care fund in place at the time the cemetery is converted to nonendowed shall remain intact and be maintained pursuant to the trust requirements as set forth in sections 214.240–214.516, RSMo. If the trust funds have not been maintained in compliance with the Endowed Care Cemetery Trust Fund Law prior to conversion to a nonendowed care cemetery, the holder of the certificate of authority shall be required to make all necessary deposits to the trust fund prior to conversion to a nonendowed care cemetery.

AUTHORITY: sections 214.280.2, RSMo Supp. 1999 and 214.392, RSMo 1994. Original rule filed: April 14, 2000.

PUBLIC COST: This proposed rule will cost the Office of Endowed Care Cemeteries an estimated \$8,929 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule 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 rule with the Endowed Care Cemeteries Committee, Vanessa Beauchamp, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 65—Endowed Care Cemeteries
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 65-2.020 Endowed Care Cemetery Converting to Nonendowed

PURPOSE: This rule establishes procedures for endowed care cemeteries to become a nonendowed cemetery.

(1) Any endowed care cemetery that wishes to become a nonendowed cemetery shall submit a letter of intent to the office which shall include a detailed plan regarding how the cemetery will meet contractual obligations for the delivery of services entered into prior to converting to the status of a nonendowed cemetery, including but not limited to:

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 65 – Endowed Care Cemeteries**Chapter:** 2 – General Rules**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 65-2.020 Endowed Care Cemetery Operating as Nonendowed

Prepared March 1, 2000 by the Endowed Care Cemeteries of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Endowed Care Cemeteries	\$8,929

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for per diem, staff time to handle inquiries, correspondence, and process renewal applications and supporting documentation, prepare meeting agendas, attend meetings of the committee and to implement committee/division directives;
- 2) Expense and equipment costs are incurred for meeting preparation and committee expenses incurred for issuing and mailing renewal endowed care licenses;
- 3) Transfers are costs incurred for committee and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 6%	Enforcement – 8%
Personal Service	\$ 826	\$ 1,652
Expense & Equipment	\$ 1,434	\$ 2,868
Transfers	\$ 716	\$ 1,433
TOTAL	\$ 2,976	\$ 5,933

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Endowed Care Cemeteries were determined by using the allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of committee activity were identified: licensure and enforcement. The committee estimates 40% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 60% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$34,414	Licensure	\$13,766
\$34,414	Enforcement	\$20,648

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$59,747	Licensure	\$23,899
\$59,747	Enforcement	\$35,848

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$29,849	Licensure	\$11,940
\$29,849	Enforcement	\$17,909

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 6% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 8% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 65—Endowed Care Cemeteries
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 65-2.030 Election to Operate as Endowed or Nonendowed

PURPOSE: This rule outlines the procedure for electing to operate as an endowed or nonendowed care cemetery.

(1) Election to operate shall be submitted on the form provided by the division. Forms may be obtained by contacting the Office of Endowed Care Cemeteries, P.O. Box 1335, Jefferson City, MO 65102, by calling (573) 751-0849 or by E-mail at endocare@mail.state.mo.us.

(2) An election to operate form is not considered officially filed with the division until it has been determined by the division that a fully completed form and the required fee has been submitted. Forms provided by the division must be completed, signed, notarized and accompanied by adequate documentation, as requested by the division to establish compliance with all state laws, rules and regulations, and county or municipal ordinances and regulations.

(3) An election to operate does not constitute an application for a certificate of authority. If an application, pursuant to section 214.275, RSMo, has not been made for a cemetery, it must accompany the election to operate form.

AUTHORITY: sections 214.280, RSMo Supp. 1999 and 214.392, RSMo 1994. Original rule filed April 14, 2000.

PUBLIC COST: This proposed rule will cost the Office of Endowed Care Cemeteries an estimated \$6,740 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$139.15 annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Endowed Care Cemeteries Committee, Vanessa Beauchamp, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 65 – Endowed Care Cemeteries

Chapter: 2 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-2.030 Election to Operate as Endowed or Nonendowed

Prepared March 1, 2000 by the Endowed Care Cemeteries of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Endowed Care Cemeteries	\$6,740

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for per diem, staff time to handle inquiries, correspondence, and process applications and supporting documentation;
- 2) Expense and equipment costs are incurred for meeting preparation;
- 3) Transfers are costs incurred for committee and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 6%	Enforcement – 5%
Personal Service	\$ 826	\$ 1,032
Expense & Equipment	\$ 1,434	\$ 1,792
Transfers	\$ 761	\$ 895
TOTAL	\$ 3,021	\$ 3,719

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Endowed Care Cemeteries were determined by using the allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of committee activity were identified: licensure and enforcement. The committee estimates 40% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$34,414	Licensure	\$13,766
\$34,414	Enforcement	\$20,648

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$59,747	Licensure	\$23,899
\$59,747	Enforcement	\$35,848

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$29,849	Licensure	\$11,940
\$29,849	Enforcement	\$17,909

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 5% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Division of Professional Registration
FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 65 – Endowed Care Cemeteries

Chapter: 2– General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-2.030 Election to Operate as Endowed or Nonendowed

Prepared March 1, 2000 by the Endowed Care Cemeteries of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate of compliance with the rule by the affected entities:
5	Individuals (Election to Operate Fee)	\$125
5	Individuals (notary)	\$12.50
5	Individuals (postage)	\$1.65

Estimated Annual Cost of Compliance for the Life of the Rule **\$ 139.15**

III. WORKSHEET

Election to Operate Fee @ \$25.00
Notary Fee @ \$2.50
Postage Fee @ \$0.33

VI. ASSUMPTIONS

1. The board anticipates five (5) individuals will apply for a certificate of authority annually. The board estimates this application process to cost each applicant approximately \$27.83.
2. The private entity cost for this proposed rule is estimated to be \$139.15 annually for the life of the rule. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 65—Endowed Care Cemeteries
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 65-2.040 Land Surveyor's Statement, Location of Cemetery

PURPOSE: This rule is to define the form and manner for land surveyors to submit statements to the Office of Endowed Care Cemeteries of the Division of Professional Registration of the location of cemeteries found during land surveys of property located in the state.

(1) For purposes of section 214.283(1), RSMo, the office shall create the form for land surveyors to report the location of cemeteries. The form shall request the following information:

- (A) Location of the property, including address, legal description and the city and/or county within which the cemetery is located;
- (B) Name of the cemetery;
- (C) County assessor's parcel number for the property;
- (D) Owner of the cemetery;
- (E) Name, telephone number and professional license number of the land surveyor; and
- (F) Any other information deemed appropriate by the office.

(2) The land surveyor is required in all cases to provide his/her name, license number and telephone number and an adequate description of the location of the cemetery so it can be found by another person.

(3) The land surveyor shall also provide all other information requested in the form that is known or easily obtained by the land surveyor.

(4) The form shall be submitted to the Office of Endowed Care Cemeteries, P.O. Box 1335, Jefferson City, MO 65102-1335.

AUTHORITY: sections 214.283(1) and 214.392, RSMo 1994. Original rule filed April 14, 2000.

PUBLIC COST: This proposed rule will cost the Office of Endowed Care Cemeteries an estimated \$2,974 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule 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 rule with the Endowed Care Cemeteries Committee, Vanessa Beauchamp, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 65 – Endowed Care Cemeteries

Chapter: 2 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-2.040 Land Surveyor’s Statement, Location of Cemetery

Prepared March 1, 2000 by the Endowed Care Cemeteries of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Endowed Care Cemeteries	\$2,974

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for per diem, staff time to handle inquiries, correspondence, and process request for duplicate licenses and supporting documentation;
- 2) Expense and equipment costs are incurred for meeting preparation;
- 3) Transfers are costs incurred for committee and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 4%
Personal Service	\$ 0	\$ 825
Expense & Equipment	\$ 0	\$ 1,433
Transfers	\$ 0	\$ 716
TOTAL	\$ 0	\$ 2,974

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Endowed Care Cemeteries were determined by using the allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of committee activity were identified: licensure and enforcement. The committee estimates 40% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$34,414	Licensure	\$13,766
\$34,414	Enforcement	\$20,648

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$59,747	Licensure	\$23,899
\$59,747	Enforcement	\$35,848

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$29,849	Licensure	\$11,940
\$29,849	Enforcement	\$17,909

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 4% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)