

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

mit for trout fishing at Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park from 8:00 a.m. to 4:00 p.m. on Fridays, Saturdays and Sundays from the second Friday in November through the second Sunday in February. (In the four trout parks, during the winter catch-and-release season specified above, all fish must be released to the water unharmed immediately after being caught, and no fish may be possessed.) Fee: seven dollars (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.237. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 30, 2000.

PUBLIC COST: This proposed amendment removes the requirement for the no creel trout permit for the winter catch-and-release season. Lost revenue from no creel permits (\$5) will be offset by increased sales of trout permits. Potential decrease in state revenue is estimated at \$2,000.

PRIVATE COST: This proposed amendment will cost approximately 3,500 anglers who bought only the no creel trout fishing permit \$2 more under this proposal. Potential cost to catch-and-release trout anglers is estimated at \$7,000.

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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

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

PROPOSED AMENDMENT

3 CSR 10-5.430 Trout Permit. The department proposes to amend provisions of this rule.

PURPOSE: This amendment enhances the privileges provided to holders of a trout permit to include trout fishing the winter catch-and-release fishing season at Missouri's four trout parks.

Required in addition to the prescribed fishing permit to possess and transport trout, except in areas where a daily trout fishing tag is required. **Required in addition to the prescribed fishing per-**

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 10-5.430 Trout Permit**
Prepared: April 24, 2000
Affected Public Entities: Department of Conservation

This amendment enhances the privileges provided to holders of a trout permit to include trout fishing the winter catch-and-release fishing season at Missouri's four trout parks. This amendment also removes the requirement for the no creel trout permit for the winter catch and release season.

<u>CLASSIFICATION</u>	<u>ANNUAL COST¹</u>	<u>FIVE-YEAR AGGREGATE COST²</u>
Net decrease in State revenue	\$2,000.00	\$10,000.00

The lost revenue from no creel permits (\$5.00) will be mostly offset by increased sales of trout permits (\$7.00). Some anglers will see their cost for catch and release winter fishing increase by \$2 annually, but will also receive in return increased opportunity for fishing other trout waters statewide.

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

FISCAL NOTE
PRIVATE ENTITY COSTS

Proposed Amendment: **3 CSR 10-5.430 Trout Permit**
Prepared: April 24, 2000
Affected Private Entities: Individuals who require trout fishing permits

This amendment enhances the privileges provided to holders of a trout permit to include trout fishing the winter catch-and-release fishing season at Missouri's four trout parks. This amendment also removes the requirement for the no creel trout permit for the winter catch and release season.

<u>CLASSIFICATION</u>	<u>ANNUAL COST¹</u>	<u>FIVE-YEAR AGGREGATE COST²</u>
Catch and release trout anglers	\$7,000.00	\$35,000.00

Approximately 2,000 trout anglers who have in the past bought both the statewide trout permit and the no creel trout permit will save \$5 each, and approximately 3,500 anglers who bought only the no creel trout fishing permit will pay \$2 more under this proposal. These 3,500 anglers will see their cost for catch and release winter fishing increase by \$2 annually, but will also receive increased opportunity for fishing other trout waters statewide.

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

²Based 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 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.550 Other Fish. The department proposes to amend subsection (2)(C).

PURPOSE: This amendment liberalizes the hours fish may be taken by longbow on impounded waters.

(2) Methods and Seasons.

(C) Fish included in this rule may be taken by longbow from streams between sunrise and midnight and from impounded waters during all hours throughout the year; except that from February 1 through March 31 on impounded waters, fish may be taken by this method only between sunrise and midnight.

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 May 30, 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 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 1—Organization**

PROPOSED AMENDMENT

4 CSR 196-1.020 Landscape Architectural Council—General Organization. The council is proposing to delete section (7), renumber the remaining sections accordingly, and amend section (8).

PURPOSE: This amendment removes the requirement for the council to use only Robert's Rules of Order to conduct its meetings and removes the council's address and telephone number from this rule.

[(7) Unless otherwise provided by statute or regulation, the council shall conduct its meetings according to Robert's Rules of Order.]

[(8)] (7) Any person requiring information and/or application forms or wanting to register a complaint involving the landscape architectural profession may contact the council by writing to the council's executive director. [at P.O. Box 471, Jefferson City, MO 65102 or calling (314) 751-0889.]

AUTHORITY: section 327.609, RSMo [Supp. 1990] Supp. 1999. Original rule filed Feb 15, 1991, effective July 8, 1991. Amended: Filed June 1, 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 Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 2—Applications**

PROPOSED RESCISSION

4 CSR 196-2.010 Filing Deadline for Examination and Registration. This rule established the filing deadline for examinations and registrations as a landscape architect.

PURPOSE: The council is proposing to rescind this rule and include the language in 4 CSR 196-5.010 and delete the Application for Registration form that immediately follows this rule in the *Code of State Regulations*.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed June 1, 2000.

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

PRIVATE COST: This proposed rescission 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 rescission with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 2—Applications**

PROPOSED AMENDMENT

4 CSR 196-2.020 Submitting an Application. The council is proposing to amend the original purpose statement, section (1) and subsection (2)(F).

PURPOSE: This amendment provides requirements for filing an application for registration.

PURPOSE: This rule provides [procedures for obtaining] requirements for filing an application for registration.

(1) Applications shall be typewritten on forms provided by the council and shall be accompanied by [the required fee] a check payable to the Missouri Landscape Architectural Council for fees required by 4 CSR 196-6.010.

(2) The applicant shall—

(F) Include on each application a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application subject to the penalties of making a false affidavit or declaration. *[, and shall be accompanied by the required fee.]*

AUTHORITY: sections 327.609, RSMo [Supp. 1990] Supp. 1999 and 327.615, RSMo 1994. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 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 Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 5—Examinations**

PROPOSED AMENDMENT

4 CSR 196-5.010 Uniform National Examinations and Plant Material Examination—Adoption and Admission. The council is proposing to amend the title of the rule and the original purpose statement, and amend sections (1)–(4).

PURPOSE: This rule is being amended following the council's overall review of the rules in this chapter.

PURPOSE: This rule adopts the Council of Landscape Architectural Registration Boards' Uniform National Examination (UNE) or its predecessor/successor and provides standards for admission and sets forth the requirement of passing the plant material examination.

(1) *[The council adopts the Council of Landscape Architectural Registration Boards' Uniform National Examination (UNE) as its own.]* An applicant shall have either a degree in landscape architecture from an accredited school of landscape architecture and have acquired at least three (3) years' satisfactory landscape architectural experience after acquiring that degree, or have eight (8) years' or more satisfactory training and experience in the practice of landscape architecture to qualify for the Council of Landscape Architectural Registration Boards' (CLARB) Uniform National Examination (UNE), or its predecessor/successor and plant material examination.

(2) *[Applicant shall have either a degree in landscape architecture from an accredited school of landscape architecture and have acquired at least three (3) years' satisfactory landscape architectural experience after acquiring that degree, or have eight (8) years' or more satisfactory training and experience in the practice of landscape architecture.]*

[[3]] (2) For the purpose of admission to the examination, satisfactory training and experience shall include: site investigation;

selection and allocation of land and water resources for appropriate use; land use feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation, review and analysis of master plans for land use and site development; production of overall site plans, grading plans, irrigation plans, planting plans and related construction details; specifications; cost estimates and reports for site development; collaboration in the design of roads and site structures with respect to the functional and aesthetic requirements, but not involving structural design or stability; and field observation of land area construction, restoration and maintenance.

(3) **The council adopts the CLARBs' UNE or its predecessor/successor as its own. All applications for examination as a landscape architect shall be filed with the Missouri Landscape Architectural Council prior to the deadline established by CLARB or a substantially equivalent examination provider selected by the council. An applicant shall obtain a passing score on each portion of the examination in accordance with CLARB standards, or other approved examinations provided.**

(4) Any applicant taking *[the UNE]* a national examination prescribed by the council shall also take and pass an examination *[prescribed by the council]* which demonstrates the applicant's knowledge of plant materials, native and adapted, to Missouri.

AUTHORITY: sections 327.607 and 327.617, RSMo 1994 and 327.609, RSMo [(Cum. Supp. 1990)] Supp. 1999. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 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 Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 5—Examinations**

PROPOSED RESCISSION

4 CSR 196-5.020 Senior Landscape Architect's Examination. This rule created the Missouri Senior Landscape Architect's Examination.

PURPOSE: The council is proposing to rescind this rule because there is no classification of licensure for senior landscape architects.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed June 1, 2000.

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

PRIVATE COST: This proposed rescission 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 rescission with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 5—Examinations**

PROPOSED RESCISSION

4 CSR 196-5.030 Uniform National Examination—Passing Score. This rule adopted the Council of Landscape Architectural Registration Board's standards for passing the Uniform National Examination.

PURPOSE: The council is proposing to rescind this rule and include the language in 4 CSR 196-5.010.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed June 1, 2000.

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

PRIVATE COST: This proposed rescission 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 rescission with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 6—Fees**

PROPOSED AMENDMENT

4 CSR 196-6.010 Application, Registration, Renewal, Reinstatement and Miscellaneous Fees. The council is proposing to amend section (1).

PURPOSE: This amendment rescinds the fee for senior landscape architect's examination applications fees, rescinds the national examination fees since those fees are set by the national certifying body, and establishes a biennial renewal for the council's licensees.

(1) The following fees are established by the division for landscape architects:

(A) Application Fee	\$50.00
[(B) Senior Landscape Architect's Examination Application Fee	\$155.00]
[(C)] (B) Initial Registration Fee	\$145.00
[(D) Uniform National Examination (UNE) Fee	\$295.00]

[(E)] (C) Missouri Plant Material Examination Fee	\$ 30.00
[(F)] (D) Examination Administration Fee	\$ 20.00
[(G) Examination by Section Fee—	
1. Test 1 Legal and Administrative Aspects of Practice	\$ 15.00
2. Test 2 Programming and Environmental Analysis	\$ 20.00
3. Test 3 Conceptualization and Communication	\$ 65.00
4. Test 4 Design Synthesis	\$ 60.00
5. Test 5 Integration of Technical and Design Requirements	\$ 82.00
6. Test 6 Grading and Drainage	\$ 70.00
7. Test 7 Implementation of Design Through Construction Process	\$ 35.00]
[(H)] (E) [Annual] Biennial Renewal Fee [\$ 95.00]	\$190.00
[(I)] (F) Reinstatement Fee	\$ 50.00
[(J)] (G) Landscape Architect-in-Training Registration Fee	\$ 40.00
[(K)] (H) Landscape Architect Student Registration Fee	\$ 20.00
[(L) Photocopy Fee (per page)	\$.25]
[(M) Research Fee (per hour—one (1) hour minimum)	\$ 20.00]
[(N)] (I) Verification of Registration Fee	\$ 10.00
[(O)] (J) Insufficient Funds Check Charge	\$ 50.00
[(P)] (K) [Original] Wall Hanging Certificate Fee	\$ 25.00
[(Q)] (L) Duplicate Certificate of Registration Fee	\$ 10.00
[(R)](M) [Corporate] Corporation, Partnership, Association, or Limited Liability Company Registration Fee	\$100.00
[(S)](N) [Corporate] Corporation, Partnership, Association, or Limited Liability Company Biennial Renewal Fee	[\$100.00] \$200.00
[(T)] (O) Late Registration Fee. (Any person, corporation or partnership using the title landscape architect or LA, or the terms landscape architecture or landscape architectural pursuant to section 327.629, RSMo that has not filed with the council an application for registration, accompanied by the appropriate fee, by October 1, 1991 shall pay a late registration fee.)]	\$ 50.00

AUTHORITY: sections 327.609, RSMo [Supp. 1990] Supp. 1999 and 327.625, RSMo 1994. Original rule filed Feb. 15, 1991, effective July 8, 1991. Emergency amendment filed Aug. 14, 1991, effective Aug. 25, 1991, expired Dec. 23, 1991. Emergency amendment filed Sept. 4, 1991, effective Sept. 14, 1991, expired Jan. 11, 1992. Amended: Filed Sept. 4, 1991, effective March 9, 1992. Amended: Filed June 1, 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 as the council is merely going to a biennial renewal for its licensees.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 7—Complaints and Correspondence**

PROPOSED AMENDMENT

4 CSR 196-7.010 Handling Public Complaints and Routine Matters. The council is amending sections (3) and (4) and adding a new section (9).

PURPOSE: This rule amends the P.O. Box number for the Landscape Architectural Council and establishes that written complaints shall be a closed record of the council.

(3) A complaint shall be made in writing and may be mailed to Landscape Architectural Council, P.O. Box [471] 1335, Jefferson City, MO 65102, or delivered to 3605 Missouri Boulevard, Jefferson City, Missouri. Complainants shall fully identify themselves by name and address. Oral or telephone communications will result in the complainant receiving a complaint form.

(4) Written complaints shall be maintained by the council and shall contain the complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the council; a brief statement concerning the reason for the complaint, including the name of any person injured or victimized by the alleged acts or practices and a notation concerning the ultimate disposition of the complaint. This information shall be a closed record of the council. *[, but shall be available for inspection at the council's offices only by state senators, representatives or by qualified officials within the executive branch of Missouri government having supervisory, auditing, reporting or budgetary responsibilities or control over the council. Only upon receipt of a written request from a state senator, representative or qualified official which specifically assures that the request is directly related to his/her duties shall s/he be permitted inspection of the complaint record(s).]*

(9) The licensee shall respond in writing to the complaint within a time prescribed by the council.

AUTHORITY: sections 327.609, RSMo [Supp. 1990] Supp. 1999 and 327.631, RSMo 1994. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 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 Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 8—Council Seal**

PROPOSED RESCISSION

4 CSR 196-8.010 Official Seal of the Council. This rule described the official seal of the council.

PURPOSE: The council is proposing to rescind this rule following the council's overall review of the rules in this chapter.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed June 1, 2000.

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

PRIVATE COST: This proposed rescission 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 rescission with the Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 10—Corporations, [and] Partnerships,
Associations, and Limited Liability Companies**

PROPOSED AMENDMENT

4 CSR 196-10.010 Application for Registration of Business Associations. The council is proposing to amend the title of the chapter, the original purpose statement, sections (1)–(3), and the authority section.

PURPOSE: This rule amendment includes registration for associations and limited liability companies.

PURPOSE: This rule provides for registration of corporations, [and] partnerships, associations, and limited liability companies.

(1) No corporation, [or] partnership, **association or limited liability company** shall use the name landscape architect, landscape architectural, landscape architecture or LA in this state unless registering with the council.

(2) The corporation, [or] partnership, **association or limited liability company** annually shall submit an application to the executive director of the council, on forms provided by the council, and shall be accompanied by the required fee.

(3) The corporation, [or] partnership, **association or limited liability company** shall list on the form—

(A) The names of all officers, directors and partners;

(B) The individual employed by the corporation, [or] partnership, **association, or limited liability company** who is a registered landscape architect in responsible charge of all landscape architectural work. The words in responsible charge shall mean the person in direct control, supervising activities of the business pursuant to these described in section 327.600(5), RSMo. The landscape architect shall be a full-time employee of that corporation, [or] partnership, **association, or limited liability company**; and

(C) Other relevant information as required by the council.

AUTHORITY: sections 327.609, RSMo [Supp. 1990] Supp. 1999 and 327.630, RSMo 1994. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 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 Landscape Architectural Council, 3605 Missouri Boulevard, P.O. Box 1335, 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 200—State Board of Nursing
Chapter 4—General Rules**

PROPOSED AMENDMENT

4 CSR 200-4.010 Fees. The board is proposing to amend section (1).

PURPOSE: The purpose of this amendment is to increase renewal fees. Currently, the biennial renewal fees are not set at a level to produce sufficient revenue to cover the board's annual operational costs. In the past two fiscal years the board's expenses exceeded revenue. The fee increases are necessary so the board can continue its licensing and enforcement responsibilities under Chapter 335, RSMo, and still maintain a safe fund balance.

(1) The following fees are established by the State Board of Nursing:

(J) Biennial Renewal Fee—

- 1. RN [~~\$ 46.00~~] **\$ 60.00**
- 2. LPN [~~\$ 38.00~~] **\$ 52.00**

3. License renewal for a professional nurse shall be biennial; occurring on odd numbered years and the license shall expire on April 30 of each odd-numbered year beginning with the 1997-1999 renewal period. License renewal for a practical nurse shall be biennial; occurring on even numbered years and the license shall expire on May 31 of each even-numbered year beginning with the 1998-2000 renewal period. Renewal shall be for a twenty-four (24)-month period except in instances when renewal for a greater or lesser number of months is caused by acts or policies of the Missouri State Board of Nursing. Renewal applications [*see 4 CSR 200-4.020*] shall be mailed every even-numbered year by the Missouri State Board of Nursing to all LPNs currently licensed and every odd numbered year to all RNs currently licensed;

4. A renewal fee of [*forty-six dollars (\$46)*] **sixty dollars (\$60)** every other year for an RN effective with the [*1997-1999*] **2001-2003** renewal period and [*thirty-eight dollars (\$38)*] **fifty-two dollars (\$52)** every other year for an LPN effective with the [*1998-2000*] **2000-2002** renewal period shall be accepted by the Missouri State Board of Nursing only if accompanied by an appropriately completed renewal application; and

5. All fees established for licensure or licensure renewal of nurses incorporate an educational surcharge in the amount of one dollar (\$1) per year for practical nurses and five dollars (\$5) per year for professional nurses. These funds are deposited in the professional and practical nursing student loan and nurse repayment fund;

(K) Photostatic Copy Fee (per page) \$ 0.25

(L) *Gathering Data. Information requested from the board by members of the public which requires staff man hours for collection—first eight (8) hours*

- (per hour) \$ 0.00;
- each hour after that \$ 10.00;

(M) (L) Review and Challenge Fees—

- 1. LPN \$100.00
- 2. RN \$100.00

[(N)] (M) Uncollectible Fee (Charged for any uncollectible check or other uncollectible financial instrument submitted to the Missouri State Board of Nursing.)	\$ 25.00
[(O)] (N) Fee for Late Education Agenda Items	\$ 30.00
[(P)] (O) Application Fee for Proposals to Establish New Programs of Nursing	\$500.00
[(Q)] (P) Application Fee for Advanced Practice Nurse Eligibility	\$ 75.00

AUTHORITY: sections 335.036 and 335.046, RSMo [1994] Supp. 1999. Emergency rule filed Aug. 13, 1981, effective Aug. 23, 1981, expired Dec. 11, 1981. Original rule filed Aug. 13, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed June 1, 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 cost private entities \$1,052,860 during the first year of implementation of the rule with a continuous biennial increase of \$18,242 each odd numbered year thereafter. This proposed amendment will cost private entities \$366,082 during the second year of implementation of the rule with a continuous biennial increase of \$6,286 each even numbered year thereafter. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially 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.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Nursing, Calvina Thomas, Executive Director, P.O. Box 656, 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.

**FISCAL NOTE
PRIVATE ENTITY COSTS**

I. RULE NUMBERTitle 4 – Department of Economic DevelopmentDivision 200 – Missouri State Board of NursingChapter 4 – General RulesProposed Amendment: 4 CSR 200-4.010 Fees

Prepared May 31, 2000 by the Missouri State Board of Nursing for 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 compliance for the life of the rule:
74,505	*Currently Licensed RNs seeking licensure renewal (biennially each odd numbered year)	\$1,043,070
685	*Non-Current RNs	\$9,790
25,665	**Currently Licensed LPNs seeking licensure renewal (biennially each even numbered year)	\$359,310
481	**Non-Current LPNs	\$6,734

***Total estimated increase for the first year of implementation of the rule** **\$1,052,860**

****Total estimated increase for the second year of implementation of the rule** **\$366,044**

***Total estimated increase thereafter for each odd numbered year for the life of the rule** **\$1,052,860 biennially in odd numbered years with a continuous increase of \$18,242 each odd numbered year**

****Total estimated increase thereafter for each even numbered year for the life of the rule** **\$366,082 biennially in even numbered years with a continuous increase of \$6,286 each even numbered year**

III. WORKSHEET

RN Renewal Increase @ \$14.00
LPN Renewal Increase @ \$14.00

IV. ASSUMPTIONS

- The board anticipates 74,505 RNs will apply for renewal during the first year of implementation of the rule. The board estimates an increase of 1.75% in RN licensees in each odd numbered years causing a continuous increase of \$18,242 during each RN renewal period.
- The board anticipates 25,665 LPNs will apply for renewal during the second year of implementation of the rule. The board estimates an increase of 1.75% in LPNs licensees in each even numbered years causing a continuous increase of \$6,286 during each LPN renewal period.
- It is anticipated that the total costs will recur biennially 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 205—Missouri Board of Occupational Therapy
Chapter 3—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 205-3.030 Application for Limited Permit. The board is proposing to amend section (3) and delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This rule amendment will allow the board to accept written verification of a limited permit applicant from their academic institution, thereby reducing the application processing time.

(3) The applicant shall request *[the certifying entity to send verified evidence]* and submit to the board written verification from his/her academic institution or the certifying entity of the applicant's completion of the requirements and eligibility to sit for the applicant's first available certification examination as determined by the certifying entity. The applicant is responsible for the payment of any fee required by the certifying entity for verification.

AUTHORITY: sections 324.050, 324.056, 324.065, 324.068, 324.077, 324.083 and 324.086, RSMo Supp. [1997] 1999. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed June 1, 2000.

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

PRIVATE COST: The 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 Board of Occupational Therapy, Desmond Peters, 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 205—Missouri Board of Occupational Therapy
Chapter 3—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 205-3.040 License Renewal. The board is proposing to delete subsection (2)(E), renumber the remaining subsections accordingly, and delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This rule amendment will eliminate a duplicated renewal requirement, thereby reducing the renewal processing time for these licensees.

(2) Each occupational therapist and occupational therapy assistant shall provide the board with a completed renewal form issued by the division that shall contain—

[(E) Details regarding being a party in a civil suit other than divorce, custody matters or bankruptcy;]

[(F)] (E) Details regarding any restriction or discipline for unethical behavior or unprofessional conduct;

[(G)] (F) Details regarding a professional license, certification, registration, permit or an application in any state, United States territory, province, or country being denied, reprimanded, suspended, restricted, revoked or otherwise disciplined, curtailed or voluntarily surrendered under threat of investigation or disciplinary action; and

[(H)] (G) Details regarding any pending complaints before any regulatory board or agency.

AUTHORITY: sections 324.050, 324.056, 324.065, 324.068, 324.080, 324.083, [and] 324.086, [RSMo Supp. 1997] and 620.010.14, RSMo [1994] Supp. 1999. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed June 1, 2000.

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

PRIVATE COST: The 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 Board of Occupational Therapy, Desmond Peters, 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 235—State Committee of Psychologists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 235-2.005 Educational Requirements, Section 337.025, RSMo. The board is proposing to add a new section (5).

PURPOSE: This rule amendment defines the term "one year's residency" as used in section 337.025.3(h), RSMo.

(5) One year's residency as used in section 337.025.3(h), RSMo is defined as—at least nine (9) hours of weekly face-to-face psychological instruction, supervision, and/or consultation with multiple program faculty and students at the educational institution for a minimum of one (1) year.

AUTHORITY: sections 337.025, 337.033, and 337.050.9, RSMo Supp. [1989] 1999. Original rule filed Feb. 4, 1992, effective Dec. 3, 1992. Amended: Filed June 1, 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 Missouri State Committee of Psychologists, P.O. Box 1335, 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 50—Workers' Compensation
Chapter 7—Missouri Workers' Safety Program

PROPOSED AMENDMENT

8 CSR 50-7.050 Application for Certification: Safety Engineering and Management Program. The Division of Worker's Compensation is deleting from the *Code of State Regulations* the form following the rule.

PURPOSE: This proposed amendment removes the form following the rule from the *Code of State Regulations*.

AUTHORITY: sections 287.123 and 287.650, RSMo [Supp. 1993] Supp. 1999. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995. Amended: Filed May 23, 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 Division of Workers' Compensation; Attn: Larry Leip, Chief Legal Advisor, P.O. Box 58, Jefferson City, MO 65102-0058. 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 50—Workers' Compensation
Chapter 7—Missouri Workers' Safety Program

PROPOSED AMENDMENT

8 CSR 50-7.060 Requirements For Certification: Safety Engineers and Safety Consultants. The Division of Workers' Compensation is deleting from the *Code of State Regulations* the forms following the rule.

PURPOSE: This proposed amendment removes the forms following the rule from the *Code of State Regulations*.

AUTHORITY: sections 287.123 and 287.650, RSMo [Supp. 1993] Supp. 1999. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995. Amended: Filed May 23, 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 Division of Workers' Compensation; Attn: Larry Leip, Chief Legal Advisor, P.O. Box 58, Jefferson City, MO 65102-0058. To be considered, comments must be received within thirty days after publi-

cation of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 50—Workers' Compensation
Chapter 7—Missouri Workers' Safety Program

PROPOSED AMENDMENT

8 CSR 50-7.070 Application for Certification: Certified Safety Consultant/Certified Safety Engineer. The Division of Workers' Compensation is deleting from the *Code of State Regulations* the forms following the rule.

PURPOSE: This proposed amendment removes the forms following the rule from the *Code of State Regulations*.

AUTHORITY: sections 287.123 and 287.650, RSMo [Supp. 1993] Supp. 1999. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995. Amended: Filed May 23, 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 Division of Workers' Compensation; Attn: Larry Leip, Chief Legal Advisor, P.O. Box 58, Jefferson City, MO 65102-0058. 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 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

PROPOSED AMENDMENT

10 CSR 10-5.330 Control of Emissions From Industrial Surface Coating Operations. The commission proposes to amend subsections (1)(C) and (4)(B). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: The purpose of this rulemaking is to remove the aerospace restrictions from this rule, and therefore, avoid duplicate coverage with 10 CSR 10-5.295.

(1) Applicability.

(C) This rule is not applicable to the surface coating of the following metal parts and products:

1. Exterior refinishing of airplanes;
2. Automobile refinishing;
3. Customizing top coating of automobiles and trucks, if production is less than thirty-five (35) vehicles per day; and
4. Exterior of marine vessels.; and
5. The following aerospace assembly and component

coating operations and materials:
A. Adhesion promoters;
B. Adhesive bonding primer;
C. Flight test coatings;
D. Space vehicles coatings;
E. Fuel tank coatings; and
F. Dry film lubricants.]

(4) Tables of Emission Limitations and Dates of Compliance.
(B) Table B: VOC Emission Limits Based on Weight of VOC per Gallon of Coating (minus water and non-VOC organic compounds).

Surface Coatings Operations	Emission Limit lbs. VOC/gal. Coating (less water & non-VOC organic compounds)	Dates of Compliance (/S/see /N/note)
Large Appliance		
Topcoat	2.8	12/31/81
Final Repair	6.5	12/31/81
Magnet /w/Wire	1.7	12/31/81
Metal /f/Furniture	3.0	12/31/81
Auto///Light /d/Duty /t/Truck		
Chrysler Motor Co. (Car)		
Prime-Electrocoat	1.2	12/31/85
Spray Prime	4.2	12/31/79
	3.4	12/31/83
	2.8	12/31/85
Topcoat	3.9	12/31/79
	3.0	12/31/84
	2.5	12/31/85
Final Repair	4.8	12/31/81
Miscellaneous Metal Parts		
Extreme Performance and Air Dried Coatings	3.5	12/31/82
All Other Coatings	3.0	12/31/82
Chrysler Motor Co. (Truck)		
Prime-Electrocoat	1.2	12/31/84
Spray Prime	4.4	12/31/79
	3.4	12/31/82
	2.8	12/31/84
Topcoat	3.9	12/31/79
	2.5	12/31/84
Final Repair	4.8	12/31/84
Miscellaneous Metal Parts		
Extreme Performance and Air Dried Coatings	3.5	12/31/82
All Other Coatings	3.0	12/31/82
Ford Motor Company		
Prime-Electrocoat	1.2	12/31/82
Spray Prime	3.2	12/31/83
Topcoat	3.6	12/31/84
Final Repair	4.8	12/31/84
Miscellaneous Metal Parts		
Extreme Performance and Air Dried Coatings	3.5	12/31/82
All Other Coatings	3.0	12/31/82
General Motors Company		
Cathodic Electrocoat	1.2	12/31/82
Primer Surfacer	3.0	12/31/82
	2.8	12/31/84
Topcoat	5.8	12/31/79
	5.0	12/31/81
	2.8	12/31/84

Final Repair	6.5	7/1/79
	4.8	12/31/84
Miscellaneous Metal Parts		
Extreme Performance and Air Dried Coatings	3.5	12/31/82
All Other Coatings	3.0	12/31/82
Paper	2.9	12/31/81
Vinyl	3.8	12/31/81
Fabric	2.9	12/31/81
Coil	2.6	12/31/81
Can		
2 Piece Exterior Sheet	4.0	12/31/82
Basecoat	2.8	12/31/85
2 and 3 Piece Interior		
Body Spray	4.2	12/31/82
2 Piece End Exterior	4.2	12/31/82
3 Piece Side Seam	5.5	12/31/82
End Seal Compound	4.2	12/31/82
	3.7	12/31/85
[Aerospace Assembly and Components		
Primer	6.0	12/31/82
Topcoat	5.5	12/31/82
	5.0	12/31/85
Maskant	3.0	12/31/82
	1.0	12/31/85]
Railroad Cars, Farm Implements and Machinery, and Heavy Duty Trucks	3.5	12/31/82
Other Metal Parts		
Clear Coat	4.3	12/31/82
Extreme Performance and Air Dried Coatings	3.5	12/31/82
All Other Coatings	3.0	12/31/82
Plastic Parts	3.5	4/11/84
Mail /b/Boxes and /s/Shutters	3.5	4/11/85

Note: The emission limit associated with the latest compliance date for each surface coating process supersedes interim emission limits associated with earlier compliance dates. No coating operation shall have emission limits from Tables A and B that apply at the same time.

AUTHORITY: section 643.050, RSMo [1994] Supp. 1999. Original rule filed Dec. 15, 1978, effective July 12, 1979. Amended: Filed March 13, 1980, effective Sept. 12, 1980. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Dec. 13, 1983, effective Jan. 13, 1984. Rescinded and readopted: Filed June 30, 1989, effective Nov. 26, 1989. Amended: Filed May 19, 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 will begin at 9:00 a.m., August 31, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson 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., September 7, 2000. 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act**

PROPOSED RULE

11 CSR 10-12.010 General Organization

PURPOSE: This rule provides for the organization, administration and methods of operation of a program of certification for telecommunications. (The Department of Public Safety is proposing the general organization.)

(1) The objective of the Advisory Committee for 911 Service Oversight is:

(A) To improve services provided by telecommunications.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 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 Robb Pilkington, P.O. Box 116, 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—11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act**

PROPOSED RULE

11 CSR 10-12.020 Definitions

PURPOSE: This rule defines the terms used in the rules, which pertain to the training of telecommunications. (The Department of Public Safety is defining definitions.)

(1) Committee refers to the advisory committee for 911 service oversight established in section 650.325, RSMo.

(2) Department refers to the Missouri Department of Public Safety.

(3) Joint Communications Center refers to a public safety answering point in which dispatches fire, law enforcement, and emergency medical service agencies.

(4) Public Safety Answering Point (PSAP) refers to the location at which 911 calls are answered initially.

(5) Telecommunicator is any person employed as an emergency telephone worker, call taker, or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a Public Safety Answering Point.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 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 Robb Pilkington, P.O. Box 116, 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act**

PROPOSED RULE

11 CSR 10-12.030 Initial Training

PURPOSE: This rule defines the training levels and requirements for telecommunications. (The Department of Public Safety is proposing requirements.)

(1) Telecommunicators hired after August 28, 1999, must complete the following training within 12 months of the date of employment. Training must meet the requirements indicated in 11 CSR 10-12.060.

(A) In order to act as a telecommunicator for any law enforcement agency, 16 hours of police dispatcher training or 40 hours of joint communications dispatcher training.

(B) In order to act as a telecommunicator for any fire department, 16 hours of fire dispatcher training or 40 hours of joint communications dispatcher training.

(C) In order to act as a telecommunicator for any emergency medical service, 16 hours of emergency medical dispatcher training or 40 hours of joint communications dispatcher training.

(D) In order to act as a telecommunicator for a joint communications center, 40 hours of joint communications dispatcher training.

(2) Individuals who were employed as a telecommunicator prior to August 28, 1999, are not required to complete the initial training requirements, but are encouraged to attend applicable training disciplines as feasible.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 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 Robb Pilkington, P.O. Box 116, 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act**

PROPOSED RULE

11 CSR 10-12.040 Exemptions and Waiver of Initial Training Requirement

PURPOSE: This rule defines those individuals exempt from the training requirements, delineates those circumstances where the initial training requirements may be waived and how such requests shall be handled. (The Department of Public Safety is proposing requirements for waiver.)

(1) The following individuals shall be exempted from the requirements of this rule:

(A) Telecommunicators who meet the definition of an Emergency Medical Dispatcher as defined by 190.100, RSMo;

(B) Individuals who have received training by an entity accredited or certified under section 190.131, RSMo;

(C) Individuals who provide pre-arrival medical instructions and work for an agency, which meets the requirements, set forth in 190.134, RSMo.

(2) Any persons hired after August 28, 1999, as a telecommunicator, may have the initial training requirement waived upon furnishing proof to the committee that they have completed a training course in another state that meets the minimum requirements listed in 11 CSR 10-12.030.

(3) Typically, a certificate of training or college transcripts must be produced to meet the waiver requirement.

(4) If an individual received training in a single discipline and is not employed in a multi-discipline Public Safety Answering Point (PSAP) (2 disciplines) or joint communication center, they must complete the initial training requirements for the disciplines in which they are not certified.

(5) Requests for waivers from individuals who received training from organizations outside Missouri may submit certificates, transcripts or other proof of training to the Advisory Committee for 911 Service Oversight, P.O. Box 116, Jefferson City, MO 65102, for review and approval. Original documents are preferred and will be returned to the applicant.

(6) Upon completion of the review process, the committee will inform the applicant by letter of their decision.

(7) The waiver letter will suffice for proof of training by the PSAP.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 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 Robb Pilkington, P.O. Box 116, 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act**

PROPOSED RULE

11 CSR 10-12.050 Requirements for Continuing Education

PURPOSE: This rule defines the requirements for completion of continuing education and the terms for maintaining training records. (The Department of Public Safety is proposing requirements.)

(1) All telecommunicators employed in a Public Safety Answering Point (PSAP) must complete a minimum of 16 hours refresher or ongoing training every two years.

(2) Training must satisfy the requirements listed in 11 CSR 10-12.060.

(3) It is the responsibility of the PSAP to maintain training records, certificates and waivers for each telecommunicator employed. Certified copies of certificates and transcripts may be used in place of originals.

(4) It is incumbent upon the PSAP to certify telecommunicators meet the requirements.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 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 Robb Pilkington, P.O. Box 116, 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 12—911 Training and Standards Act**

PROPOSED RULE

11 CSR 10-12.060 Procedures for Certification of Training Providers

PURPOSE: This rule defines the documentation requirements and procedures for approval of a course provider of the training of telecommunicators. (The Department of Public Safety is proposing procedures for certification.)

(1) The Department of Public Safety, with the assistance and advice of the Advisory Committee for 911 Service Oversight, is the certifying agency for 911 telecommunicator training.

(2) Organizations, including Public Safety Answering Points (PSAP), which have developed telecommunicator training courses may submit the instructor's manual, handouts, course outline and supporting material to the Department of Public Safety for review and certification. Material submitted will be maintained on file with the department and will be considered proprietary material.

(3) Upon completion of the review process, a certification letter will be mailed, indicating whether the course is acceptable and meets the training intent.

(4) Organizations that have developed courses that are denied certification will be notified in writing as to the reasons for denial. Deficiencies may be corrected and the course resubmitted for consideration.

(5) Organizations may appeal the denial of certification for any course to the Director of the Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. The director is the final adjudication authority for course certification and denial.

(6) Once a course is certified, any changes or modifications, additions and deletions must be submitted to the department for review. Only the modifications need to be forwarded for review, a completely new set of course materials is not required.

(7) Instructor certification is the responsibility of the PSAP. The Department of Public Safety will not issue certification letters for instructors.

(8) PSAPs may contact the Advisory Committee for 911 Service Oversight for general guidelines regarding instructor qualifications and training.

AUTHORITY: section 650.340, RSMo Supp. 1999. Original rule filed May 16, 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 Robb Pilkington, P.O. Box 116, 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

PROPOSED AMENDMENT

11 CSR 45-11.110 Refund—Claim for Refund. The commission proposes to amend sections (1), (4) and (7) and delete Appendix A from the *Code of State Regulations*.

PURPOSE: This amendment changes the procedures for refunds due to overpayment to rectify problems identified in a recent review by the state auditor's office. The rule allows for an expedited refund process where there is no factual dispute as to whether a refund is due.

(1) If a tax or fee, penalty or interest has been paid [by reason of anything other than a clerical error or mistake on the part of the commission (for example, paid more than once, erroneously or illegally collected, or erroneously or illegally computed)] by a licensee that is in excess of the amount owed, the licensee may file a claim for refund or credit. No such claim for refund or credit shall be allowed unless duplicate copies of the claim are filed within three (3) years from the date of overpayment. No claim will be considered unless filed within that time. The three (3)-year period of limitation for the credit or refund begins

with the date the licensee pays taxes to the commission on account of the adjusted gross receipts in question or with the date the licensee pays fees to the commission on account of the tickets of admission in question.

(4) A claim for credit or refund shall be approved only—

(B) After the director has determined, in his/her discretion, that [the reason that the refund or credit was claimed is solely due to a clerical or typographical error by the licensee and that] **there are** no material facts [are] in dispute **regarding the validity of the refund or credit claim**, and the director then, in his/her discretion, issues an order setting forth findings of fact, conclusions of law and an order granting the claim for refund or credit.

(7) The claim for refund or credit forms may be requested by writing to Missouri Gaming Commission, [11775 Borman Drive, St. Louis, MO 63146] P.O. Box 1847, Jefferson City, MO 65102.

AUTHORITY: sections 313.004, 313.800, 313.805 and 313.822, RSMo 1994. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Emergency amendment filed June 5, 2000, effective June 16, 2000, expires Feb. 22, 2001. Amended: Filed June 23, 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: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Legal, P.O. Box 1847, Jefferson City, MO, 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing is scheduled for September 7, 2000 at 10:00 a.m. at the Commission's office located at 3417 Knipp Drive, Jefferson City, Missouri.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.004 Isolated or Occasional Sales. This rule was a general guideline to those matters considered by the Department of Revenue in determining whether a sale was an isolated or an occasional sale. This rule interpreted and applied sections 144.010 and 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as a rule no. 88 January 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-1 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 6, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 2000.

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

PRIVATE COST: This proposed rescission 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 rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.005 Isolated or Occasional Sales by Businesses. This rule set forth the situations in which an isolated or occasional sale would be nontaxable even though gross receipts exceeded three thousand dollars. This rule interpreted and applied sections 144.010 and 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Aug. 6, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 2000.

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

PRIVATE COST: This proposed rescission 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 rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.006 Isolated or Occasional Sales vs. Doing Business—Examples. This rule provided accurate examples of the treatment of isolated or occasional sales and interpreted and applied sections 144.010 and 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-2 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 6, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 2000.

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

PRIVATE COST: This proposed rescission 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 rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.007 Partial Liquidation of Trade or Business. This rule interpreted the sales tax law as it applied to the partial liquidation of a trade or business and interpreted and applied section 144.011, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed May 24, 2000.

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

PRIVATE COST: This proposed rescission 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 rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.166 Seller of Boats. This rule interpreted the sales tax law as it applied to sellers of boats and interpreted and applied sections 144.010 and 144.070, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-77A was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed May 24, 2000.

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

PRIVATE COST: This proposed rescission 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 rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.