

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 10—Food Safety and Meat Inspection

PROPOSED RULE

2 CSR 30-10.010 Inspection of Meat and Poultry

PURPOSE: This rule establishes the standards used to inspect meat/poultry slaughter and processing facilities in Missouri.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the the Office of the Secretary of State and the office

of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) The state meat inspection program is administered by the Division of Animal Health of the Missouri Department of Agriculture.

(2) The standards used to inspect Missouri meat and poultry slaughter and processing shall be those shown in Part 300 to end of Title 9, the *Code of Federal Regulations* (January 2000), herein incorporated by reference and made a part of this rule.

AUTHORITY: section 265.020, RSMo Supp. 1999. Original rule filed Sept. 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 Missouri State Veterinarian, Department of Agriculture, Division of Animal Health, P.O. Box 630, 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 150—State Board of Registration for the Healing Arts Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

PROPOSED AMENDMENT

4 CSR 150-3.060 [Annual] Biennial Registration. The board is proposing to amend section (1).

PURPOSE: This amendment will allow the board to implement a biennial renewal.

(1) **[The annual] Effective February 1, 2002, the biennial registration fee shall be an appropriate fee established by the board. Each applicant shall register with the board upon a form [see 4 CSR 150-3.020] furnished by the board before January 31 [of each year] of the year the license is due for renewal.**

AUTHORITY: sections 334.125, 334.570 and 334.675, RSMo Supp. [1997] 1999. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed March 13, 1985, effective May 25, 1985. Amended: Filed Sept. 10, 1998, effective March 30, 1999. Amended: Filed Sept. 15, 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 board is merely implementing a biennial renewal.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for

Physical Therapists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. 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 150—State Board of Registration for the
Healing Arts
Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants
PROPOSED AMENDMENT**

4 CSR 150-3.080 Fees. The board is proposing to amend subsections (1)(D), (1)(E) and (1)(G).

PURPOSE: This amendment will allow the board to implement a biennial renewal and increases the continuing education extension fee.

(1) The following fees are established by the State Board of Registration for the Healing Arts, and are payable in the form of a cashier's check or money order:

- (D) Renewal of Certificate of Registration Fee
(personal checks acceptable) *[\$ 10.00] \$20.00*
- (E) Delinquency Fee (failure to timely file
application for renewal of certificate of
registration) *[\$ 10.00] \$20.00*
- (G) Continuing Education Extension Fee
(personal checks acceptable) *[\$ 15.00] \$50.00[.]*

AUTHORITY: sections 334.090.1, [and] 334.090.2 and 334.580, RSMo 1994, and 334.125, 334.507, 334.540, 334.550 and 334.560, RSMo Supp. [1998] 1999. Original rule filed Aug. 10, 1983, effective Nov. 11, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 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 is estimated to cost private entities \$2,975 biennially for the life of the rule. It is anticipated that the total biennial cost will recur each year for the life of the rule, however, 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 Board of Healing Arts—Advisory Commission for Physical Therapists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. 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 COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 - State Board of Registration for the Healing Arts

Chapter: 3 - Licensing of Physical Therapists and Physical Therapist Assistants

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 150-3.080 Fees

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 Biennial Cost of Compliance for the Life of the Rule:
85	Physical Therapist Assistants	\$2,975

Total Biennial Cost for the life of the rule: \$2,975

III. WORKSHEET

Continuing Education Extension Increase @ \$35.00

IV. ASSUMPTIONS

1. The board estimates that approximately of the 4269 currently licensed physical therapist assistants approximately 2% (85 licensees) will apply for a continuing education extension each renewal period.
2. The private entity cost for this proposed rule is estimated to be \$4,250 biennially for the life of the rule. It is anticipated that the total biennial cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED AMENDMENT

4 CSR 150-3.170 Physical Therapist Assistant Licensure Fees.
The board is proposing to amend subsections (1)(D) and (1)(E) and adding subsection (1)(F).

PURPOSE: This amendment will allow the board to implement a biennial renewal.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

- (D) Renewal of Certificate of Registration
Fee (~~/P~~/personal/corporate checks acceptable) [~~\$ 10.00~~] **\$20.00**
- (E) Delinquency Fee (failure to timely file application for renewal of certificate of registration) [~~\$ 10.00~~] **\$20.00**.]
- (F) **Continuing Education Extension Fee (personal/corporate checks acceptable) \$50.00**

AUTHORITY: sections 334.125, 334.655, 334.660 and 334.670, RSMo Supp. 1999. Original rule filed Sept. 4, 1997, effective March 30, 1998. Amended: Filed April 14, 2000. Amended: Filed Sept. 15, 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 is estimated to cost private entities \$700 biennially for the life of the rule. It is anticipated that the total biennial cost will recur each year for the life of the rule, however, 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 Board of Healing Arts—Advisory Commission for Physical Therapists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. 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 COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 - State Board of Registration for the Healing Arts

Chapter: 3 - Licensing of Physical Therapists and Physical Therapist Assistants

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 150-3.170 Physical Therapist Assistant Licensure Fees

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 Biennial Cost of Compliance for the Life of the Rule:
14	Physical Therapist Assistants	\$700

Total Biennial Cost for the life of the rule: \$700

III. WORKSHEET

Continuing Education Extension Increase @ \$50.00

IV. ASSUMPTIONS

1. The board estimates that approximately of the 1385 currently licensed physical therapist assistants approximately 1% (14 licensees) will apply for a continuing education extension each renewal period.
2. The private entity cost for this proposed rule is estimated to be \$700 biennially for the life of the rule. It is anticipated that the total biennial cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.130 Monthly Report Requirement for Registered Manufactured Home Dealers. The commission is amending sections (2)–(4), and deleting the form that follows this rule in the *Code of State Regulations*.

PURPOSE: Registered manufactured home dealers must file monthly sales reports with the Missouri Public Service Commission and this amended rule clarifies the manner in which the reports must be filed.

[(2)] (4) Failure to [properly complete this] submit a completed monthly report [and submit it] by the due date could result in suspension or revocation of the dealer's registration under section [700.205] **700.090**, RSMo.

(3) [The commission will reject all reports not completely and properly filled out.] **The director may reject all monthly sales reports that are incomplete.**

[[4]] (2) The report may be filed only upon the commission's form for monthly sales reports. These forms may be obtained from the Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. [A copy of the required form is appended to this rule.]

AUTHORITY: section 700.460, RSMo [1986] 1994. Emergency rule filed Nov. 8, 1985, effective Nov. 18, 1985, expired March 18, 1986. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Amended: Filed Sept. 5, 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 Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the address stated within thirty days after publication of this notice in the *Missouri Register*. Comments should refer to Case No. MX-2000-441 and be filed with an original and eight copies. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED RULE

4 CSR 240-120.135 New Manufactured Home Inspection Fee

PURPOSE: This rule provides for the manner in which inspection fees assessed on new manufactured home sales are calculated by the commission and submitted by registered dealers.

(1) The commission may, prior to the beginning of each fiscal year starting with the fiscal year commencing on July 1, 2000, issue an

order establishing an inspection fee to be assessed on all new manufactured homes sold in the state of Missouri. Said inspection fee will be calculated as follows:

(A) The commission will determine the funding needs of the manufactured housing and modular units program;

(B) The director will determine through dealer monthly sales reports the aggregate number of new manufactured homes, pre-owned manufactured homes, and modular units sold in the 12-month period commencing May 1 and ending April 30 immediately preceding each fiscal year;

(C) The director will estimate the funds that the program will receive through dealer and manufacturer registrations, plan approvals, and any other fees that the program receives on a yearly basis, based on prior year's receipts; and

(D) The director will subtract the amount determined in subsection (C) above from the program's legislative appropriation. That amount will then be divided by the aggregate number of new manufactured homes, pre-owned manufactured homes, and modular units sold as determined in subsection (B) above. The resulting amount will be rounded up to the next nearest whole dollar amount. This amount will be presented to the commission for approval.

(2) New manufactured home dealers shall remit fees to the director in an amount that equals the number of new manufactured homes sold, multiplied by the inspection fee as approved by the commission. Dealers shall submit said fee with the monthly sales report that is required by 4 CSR 240-120.130 and 4 CSR 240-123. Said fee shall be received no later than the tenth day following the month when the sales were made.

(3) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a dealer's certificate of registration:

(A) Failure to pay fees within 30 days of their prescribed due date;

(B) Failure to pay fees by the prescribed due date for two consecutive months; or

(C) Failure to pay fees by the prescribed due date for any four of the preceding 12 months.

(4) If a dealer remits the inspection fee for a new manufactured home and the sale is rescinded within 60 days of the date of the sale, the dealer has 60 days from the date of said rescission to request that the inspection fee be credited to the next month in which a dealer has a sale subject to the inspection fee.

(5) The director shall deliver copies of the commission's order establishing the new manufactured home inspection fee for the fiscal year to all existing registered dealers no later than July 15 of each fiscal year. The director shall also deliver a copy of the commission's order establishing the fee with each approved certificate of dealer registration.

AUTHORITY: sections 700.040 and 700.115, RSMo Supp. 1999. Original rule filed Sept. 5, 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 is estimated to cost private entities approximately \$146,520 annually for the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the address stated within thirty days after publication

*of this notice in the **Missouri Register**. Comments should refer to Case No. MX-2000-438 and be filed with an original and eight copies. A public hearing on this proposed rule will be held at 10:00 a.m. on November 17, 2000, for interested persons to provide comments and respond to commissioners' questions. The hearing will be held at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri.*

SPECIAL NEEDS: The Governor Office Building meets the accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in this local public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4

Division: 240 Public Service Commission

Chapter: 120 New Manufactured Homes

Type of Rulemaking: Proposed Rule

Rule Number and Name: 135 - Inspection Fee

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
There are 346 active manufactured home dealers. Specific data separating new home dealers from used home dealers is unavailable. The number of new homes reported sold is used in calculating this fiscal impact.	New Manufactured Home Dealers	\$146,520 in the first year and a similar amount in succeeding years

III. WORKSHEET

1. New manufactured home dealers will be required to submit inspection fees per home sold as reported on monthly sales reports.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the total number of new manufactured homes sold in the State of Missouri, multiplied by the annualized inspection fee that is generated by annual calculations prescribed in this proposed rule.

IV. ASSUMPTIONS

1. Fiscal Year 1999 data was used to estimate costs in this summary. No adjustment for inflation has been applied.
2. Actual cost of compliance in succeeding years will vary depending on annual calculation of inspection fee.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned [Mobile] Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-121.180 Monthly Report Requirement for Registered Manufactured Home Dealers. The commission is amending sections (2)–(4).

PURPOSE: Registered manufactured home dealers must file monthly sales reports with the Missouri Public Service Commission and this amended rule clarifies the manner in which the reports must be filed.

[(2)] (4) Failure to [properly complete this] submit a completed monthly report [and submit it] by the due date could result in suspension or revocation of the dealer's registration under section [700.205] 700.090, RSMo.

(3) [The commission will reject all reports not completely and properly filled out.] The director may reject all monthly sales reports that are incomplete.

[(4)] (2) The report may be filed only upon the commission's form for monthly sales reports. These forms may be obtained from the Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. [A copy of the required form is appended to this rule and is incorporated into this rule by reference.]

AUTHORITY: section 700.460, RSMo [1986] 1994. Emergency rule filed Nov. 8, 1985, effective Nov. 18, 1985, expired March 18, 1986. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Amended: Filed Sept. 5, 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 Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. MX-2000-440, and be filed with an original and eight copies. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned [Mobile] Manufactured Homes

PROPOSED RULE

4 CSR 240-121.185 Pre-Owned Manufactured Home Inspection Fee

PURPOSE: This rule provides for the manner in which inspection fees assessed on pre-owned manufactured home sales are calculated by the commission and submitted by registered dealers.

(1) The commission may prior to the beginning of each fiscal year starting with the fiscal year commencing on July 1, 2000, issue an order establishing an inspection fee to be assessed on all pre-owned manufactured homes sold in the state of Missouri. Said inspection fee will be calculated as follows:

(A) The commission will determine the funding needs of the manufactured housing and modular units program;

(B) The director will determine through dealer monthly sales reports the aggregate number of new manufactured homes, pre-owned manufactured homes, and modular units sold in the 12-month period commencing May 1 and ending April 30 immediately preceding each fiscal year;

(C) The director will estimate the funds that the program will receive through dealer and manufacturer registrations, plan approvals, and any other fees that the program receives on a yearly basis, based on prior year's receipts; and

(D) The director will subtract the amount determined in subsection (C) above from the program's legislative appropriation. That amount will then be divided by the aggregate number of new manufactured homes, pre-owned manufactured homes, and modular units sold as determined in subsection (B) above. The resulting amount will be rounded to the next nearest whole dollar amount. This amount will be presented to the commission for approval.

(2) Pre-owned manufactured home dealers shall remit fees to the director in an amount that equals the number of pre-owned manufactured homes sold, multiplied by the inspection fee as approved by the commission. Dealers shall submit said fees with the monthly sales report that is required by 4 CSR 240-121.180. Said fees shall be received no later than the tenth day following the month when the sales were made.

(3) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a dealer's certificate of registration:

(A) Failure to pay fees within 30 days of their prescribed due date.

(B) Failure to pay fees by the prescribed due date for two consecutive months.

(C) Failure to pay fees by the prescribed due date for any four of the preceding 12 months.

(D) If a dealer remits the inspection fee for a pre-owned manufactured home and the sale is rescinded within 60 days of the date of the sale, the dealer has 60 days from the date of said rescission to request that the inspection fee be credited to the next month in which a dealer has a sale subject to the inspection fee.

(4) The director shall deliver copies of the commission's order establishing the pre-owned manufactured home inspection fee for the fiscal year to all existing registered dealers no later than July 15 of each fiscal year. The director shall also deliver a copy of the commission's order establishing the fee with each approved certificate of dealer registration.

AUTHORITY: sections 700.040 and 700.115, RSMo Supp. 1999. Original rule filed Sept. 5, 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 is estimated to cost private entities approximately \$63,855 annually for the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the

Missouri Register. Comments should refer to Case No. MX-2000-437, and be filed with an original and eight copies. A public hearing will be at 10:00 a.m. on November 17, 2000, for interested persons to comment and respond to commissioners' questions. The public hearing will be held at the Governor Office Building, Room Number 310, at 200 Madison Street, Jefferson City, Missouri.

SPECIAL NEEDS: The Governor Office Building meets the accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in this local public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

**FISCAL NOTE
 PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4
 Division: 240 Public Service Commission
 Chapter: 121 Pre-owned Manufactured Homes
 Type of Rulemaking: Proposed Rule
 Rule Number and Name: 185 - Inspection Fee

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
There are 346 active manufactured home dealers. Specific data separating new home dealers from used home dealers is unavailable. The number of pre-owned homes reported sold is used in calculating this fiscal impact.	Pre-owned manufactured home dealers	\$63,855 in the first year and a similar amount in succeeding years

III. WORKSHEET

1. Pre-owned manufactured home dealers will be required to submit inspection fees per home sold as reported on monthly sales reports.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the total number of pre-owned manufactured homes sold in the State of Missouri, multiplied by the annualized inspection fee that is generated by annual calculations prescribed in this proposed rule.

IV. ASSUMPTIONS

1. Fiscal Year 1999 data was used to estimate costs in this summary. No adjustment for inflation has been applied.
2. Actual cost of compliance in succeeding years will vary depending on annual calculation of inspection fee.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED RULE

4 CSR 240-123.075 Modular Unit Inspection Fee

PURPOSE: This rule provides for the manner in which inspection fees assessed on modular unit sales are calculated by the commission and submitted by registered dealers.

(1) The commission may, prior to the beginning of each fiscal year starting with the fiscal year commencing on July 1, 2000, issue an order establishing an inspection fee to be assessed on all modular units sold in the state of Missouri. Said inspection fee will be calculated as follows:

(A) The commission will determine the funding needs of the manufactured housing and modular units program;

(B) The director will determine through dealer monthly sales reports the aggregate number of new manufactured homes, pre-owned manufactured homes, and modular units sold in the 12-month period commencing May 1 and ending April 30 immediately preceding each fiscal year;

(C) The director will estimate the funds that the program will receive through dealer and manufacturer registrations, plan approvals, and any other fees that the program receives on a yearly basis, based on prior year's receipts; and

(D) The director will subtract the amount determined in subsection (C) above from the program's legislative appropriation. That amount will then be divided by the aggregate number of new manufactured homes, pre-owned manufactured homes, and modular units sold as determined in subsection (B) above. The resulting amount will be rounded up to the next nearest whole dollar amount. This amount will be presented to the commission for approval.

(2) Modular unit dealers shall remit fees to the director in an amount that equals the number of modular units sold, multiplied by the inspection fee as approved by the commission. Dealers shall submit said fees with the monthly sales report that is required by 4 CSR 240-120.130 and 4 CSR 240-123.070. Said fees shall be received no later than the tenth day following the month when the sales were made.

(3) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a dealer's certificate of registration:

(A) Failure to pay fees within 30 days of their prescribed due date;

(B) Failure to pay fees by the prescribed due date for two consecutive months; or

(C) Failure to pay fees by the prescribed due date for any four of the preceding 12 months.

(4) If a dealer remits the inspection fee for a modular unit and the sale is rescinded within 60 days of the date of the sale, the dealer has 60 days from the date of said rescission to request that the inspection fee be credited to the next month in which a dealer has a sale subject to the inspection fee.

(5) The director shall deliver copies of the commission's order establishing the modular unit inspection fee for the fiscal year to all existing registered dealers no later than July 15 of each fiscal year. The director shall also deliver a copy of the commission's order establishing the fee with each approved certificate of dealer registration.

AUTHORITY: sections 700.040 and 700.115, RSMo Supp. 1999. Original rule filed Sept. 5, 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 is estimated to cost private entities approximately \$13,200 annually for the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the address stated within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. MX-2000-439 and be filed with an original and eight copies. A public hearing on this proposed rule will be held at 10:00 a.m. on November 17, 2000, for interested persons to provide comments and respond to commissioners' questions. The hearing will be held at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri.

SPECIAL NEEDS: The Governor Office Building meets the accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in this local public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4
Division: 240 Public Service Commission
Chapter: 123 Modular Units
Type of Rulemaking: Proposed Rule
Rule Number and Name: 075 – Inspection Fee

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
There are approximately 132 active modular unit dealers.	Modular unit dealers	\$13,200 in the first year and a similar amount in succeeding years

III. WORKSHEET

1. Modular unit dealers will be required to submit inspection fees per home sold as reported on monthly sales reports.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the total number of modular units sold in the State of Missouri, multiplied by the annualized inspection fee that is generated by annual calculations prescribed in this proposed rule.

IV. ASSUMPTIONS

1. Fiscal Year 1999 data was used to estimate costs in this summary. No adjustment for inflation has been applied.
2. Actual cost of compliance in succeeding years will vary depending on annual calculation of inspection fee.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 1—General Organization**

PROPOSED RULE

11 CSR 10-1.020 Missouri National Guard Trust Fund

PURPOSE: This rule outlines the duties and responsibilities of the Adjutant General in administering the Missouri National Guard Trust Fund established by section 41.214, RSMo.

(1) The Missouri National Guard Trust Fund is a state fund established to receive monies generated by section 41.215, RSMo, state tax refund designation; section 313.835, RSMo, Gaming Commission Fund; grants; gifts; bequests; the federal government; or other sources granted or given for this specific purpose. This fund shall be administered by the Adjutant General for purposes authorized under section 41.214, RSMo, and appropriated by the state.

(2) The Adjutant General shall establish operational policies and procedures necessary to manage and expend, subject to appropriation, Missouri National Guard Trust Fund monies received from gifts, bequests, contributions (other than contributions made pursuant to section 41.215, RSMo), grants, and federal funds for purposes authorized by sections 41.010–41.1000 and section 173.239, RSMo.

(3) The Adjutant General shall establish accounting policies and procedures to ensure that state income tax refund monies received into the National Guard Trust Fund pursuant to section 41.215, RSMo, are managed and expended, subject to appropriation, to support the Military Honor Detail Program pursuant to section 41.958, RSMo.

(4) The Adjutant General shall establish internal accounting procedures which safeguard Missouri National Guard Trust Fund monies received as the collection agency for the fund.

AUTHORITY: section 41.214, RSMo 2000. Original rule filed Sept. 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 Office of the Adjutant General, ATTN: NGMO-SX, 2302 Militia Drive, Jefferson City, MO 65101-1203. 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 5—Missouri World War II Veterans'
Recognition Program**

PROPOSED RULE

11 CSR 10-5.010 Missouri World War II Veterans' Recognition Program

PURPOSE: This rule prescribes guidelines as required by section 42.175, RSMo, to administer the World War II Veterans'

Recognition and the Missouri World War II "D-Day" Invasion of Europe Medal Program. These guidelines provide a framework for World War II veterans to apply for medal, medallion, and certificates in recognition of their service to Missouri and our nation during World War II.

(1) Definitions as used in this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(A) Adjutant General—As defined in Chapter 41, *Revised Statutes of Missouri*, section 41.110 and all amendments thereto;

(B) Appropriate service records—Military records documenting the honorable service of a veteran in the armed forces of the United States eligibility for awards authorized under the Missouri World War II Recognition Program. A Department of Defense DD-214 or other document acceptable to the Adjutant General;

(C) Active service—As defined in Title 10, section 101 of the *United States Code* and all amendments thereto;

(D) Consanguinity—Of the closest blood relation;

(E) Certificate—A document containing a certified statement as to the truth that one has fulfilled the requirement for award or recognition;

(F) Director World War II Veterans' and "D-Day" Invasion of Europe Recognition Program—Person designated by the Adjutant General to administer the World War II Veterans' Recognition Program;

(G) Discharge—A certification of release from military service or duty;

(H) Eligible World War II veteran—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at any time beginning December 7, 1941 and ending September 30, 1945 provided 1) that such veteran was a legal resident of the state of Missouri on August 28, 2000 and 2) such veteran was honorably separated or discharged from military service or is still in active service in honorable status;

(I) Honorably separated—The release from military service or duty under honorable conditions;

(J) Honorable status—Attesting to creditable conduct while serving on active duty in the military;

(K) Intestate survivor—The survivor of a World War II veteran who has died without a will;

(L) Legal resident—A person (veteran) whose official United States mailing address is within the boundaries of the state of Missouri;

(M) Medal—A small object usually metal in nature bearing an emblem or picture that is issued to commemorate a person's participation in an event or is awarded for excellence or achievement;

(N) Medallion—An object or coin, usually round or oval in shape, resembling a medal;

(O) Veteran—Any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency;

(P) Veterans Commission—The commission created by section 42.007, RSMo;

(Q) World War II—The World War beginning December 7, 1941, and ending September 30, 1945;

(R) World War II Veterans' Recognition Award Fund—As defined in section 42.185, RSMo, consisting of gifts, bequests, and donations to be administered by the Adjutant General;

(S) "D-Day" Invasion of Europe veteran—Members of the Army, Navy, Coast Guard, Army Air Corps, Marines, or Merchant Marines who participated in the Battle of Normandy between June 6, 1944, and August 31, 1944;

(T) Jubilee of Liberty Medal—A medal created by the Regional Council of Normandy, France, in 1994 to commemorate the 50th anniversary of the June 6, 1944, "D-Day" invasion of Europe;

(U) Replica—A close reproduction or facsimile of the original.

(2) The Adjutant General is responsible for the administration of the Missouri World War II Veterans' Recognition and the World War II "D-Day" Invasion of Europe Medal Program and, subject to an appropriation for this purpose, will distribute a medal, medallion, and certificate to each qualified Missouri World War II veteran.

(3) Design.

(A) The Veterans Commission is responsible for the design of the form of the medallion, medal, and certificates and will provide the approved designs to the Adjutant General for distribution.

(B) The "D-Day" June 6, 1944, Invasion of Europe recognition medal is the "Jubilee of Liberty" created by the Regional Council of Normandy, France, in 1944.

(4) To be eligible for the World War II Veterans' Recognition Awards, the veteran must:

(A) Have served on active duty in the United States military service at any time beginning December 7, 1941, and ending September 20, 1945;

(B) Be a legal resident of Missouri on August 28, 2000; and

(C) Be honorably separated or discharged from military service or be currently in active service in an honorable status.

(5) To be eligible for the "Jubilee of Liberty" June 6, 1944, "D-Day" Invasion of Europe medal replica, veterans must have served honorably on active duty and participated in the Battle of Normandy between June 6, 1944, and September 30, 1944.

(6) World War II and "D-Day" Invasion of Europe veterans, to obtain authorized medals, medallions, and certificates, must complete an application form and provide copies of appropriate World War II service record verification forms to the Office of the Adjutant General, Attention: Director, WWII Veteran Recognition Program, 2303 Militia Drive, Jefferson City, MO 65101-1203. Applications must be submitted anytime after January 1, 2001, and before January 1, 2002. Applications and service forms will not be returned and will become property of the state of Missouri.

(7) Application forms may be obtained by contacting the Office of the Adjutant General or contacting local Missouri Veterans Commission offices. Forms will also be provided to Missouri veterans' organizations upon request to the Director, Veterans' World War II Recognition Program.

(8) If any person dies after applying for a medallion or medal and a certificate pursuant to sections 42.170 to 42.190, RSMo, and such person would have been entitled to the medallion, medal, and the certificate, the Adjutant General shall give the medallion, medal, and the certificate to the person to whom the largest portion of the veteran's estate was given in such veteran's will. If the estate was split evenly among two or more persons, the surviving spouse, the eldest living child or the closest relative by degree of consanguinity, in that order, shall receive the medallion, medal, and the certificate. If there is no will, the veteran's intestate survivor shall receive the medallion, medal, and the certificate.

(9) The distribution of specific state awards under this rule is subject to the availability of and receipt of funding and the approval of a state appropriation for that purpose. Upon receipt of funding and an approved appropriation, awards will be distributed as expeditiously as possible.

(10) Eligibility Determination.

(A) If the Adjutant General disallows any veteran's claim to a medallion, medal, and a certificate pursuant to sections 42.170 to 42.190, RSMo, for World War II and/or the "D-Day" Invasion of Europe recognition programs, a statement of the reason for the disallowance shall be filed with the application and a notice of ineli-

gibility will be mailed to the applicant at the applicant's last known address.

(B) The notice of ineligibility will include information on the appeal process for applicants whose requests for World War II Recognition Programs awards are denied. Denied applicants will have 30 days from receipt of notices of ineligibility to submit written appeals.

AUTHORITY: section 42.175, RSMo 2000. Original rule filed Sept. 14, 2000.

PUBLIC COST: This proposed rule will implement a new program statute passed by the General Assembly in 2000, relating to the Missouri World War II Veterans' Recognition and "D-Day" Invasion of Europe Program. For FY 01, the General Assembly will be asked to appropriate \$2,619,863 to the Office of the Adjutant General for Missouri World War II Veterans' Recognition Program and the "D-Day" Invasion of Europe "Jubilee of Liberty" medal program. The Office of the Adjutant General estimates total costs in FY 01 and FY 02 for these programs to be \$10,250,764.

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 amendment with the Office of the Adjutant General, Attn: NGMO-SX, 2302 Militia Drive, Jefferson City, MO 65101-1203. 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
PUBLIC ENTITY COST**

I. RULE NUMBERTitle: 11 - Department of Public SafetyDivision: 10 - Office of the Adjutant GeneralChapter: 5 - Missouri World War II Veterans' Recognition ProgramType of Rulemaking: Proposed RuleRule Number and Name: 11 CSR 10-5.010**II. SUMMARY OF FISCAL IMPACT**

Affected Agency	Estimated Cost of Compliance in the Aggregate
Office of the Adjutant General	\$10,220,764
Missouri Veterans Commission	30,000

III. WORKSHEET

Senate Bill 961 dealing with veteran's programs contained 5 separate sections. Costs identified in this fiscal note reflect costs to be incurred by the Office of the Adjutant General to implement sections 42.170 and 42.190 relating to the WWII Veterans' Recognition Program and section 1, the "Jubilee of Liberty" Normandy Invasion of Europe Veterans' Recognition Program. The Office of the Adjutant General does not anticipate incurring any additional costs associated with other sections of this bill.

Costs reflected are total estimated costs for the WWII and Normandy Invasion of Europe Veterans' Recognition Programs. Once all applications for the Veterans' Recognition Programs have been received and awards distributed, this program will be discontinued and any funds remaining in the WWII Veterans' Recognition Fund will be transferred to the Veterans Commission Capitol Improvement Trust Fund.

Total cost of the program is estimated to be \$10,250,764 general revenue. This estimate to administer the program includes contract employees, operating expense and equipment items, and the cost to procure the WWII medals, medallions, and certificates and the replicas of the "Jubilee of Liberty" medals for eligible veterans.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 5—World War II Veterans' Recognition
Program**

PROPOSED RULE

11 CSR 10-5.015 World War II Veterans' Recognition Award Fund

PURPOSE: This rule outlines the duties and responsibilities of the Adjutant General in administering the World War II Veterans' Recognition Award Fund established by section 42.185, RSMo.

(1) The World War II Veterans' Recognition Award Fund is a state fund established to receive monies generated from all gifts, donations, and bequests to the fund. This fund shall be administered by the Adjutant General for purposes authorized under section 42.185, RSMo and appropriated by the state.

(2) The Adjutant General shall establish procedures and agreements with other state agencies as necessary to manage the World War II Veterans' Recognition Award Fund. The Adjutant General shall develop operational policies and procedures to administer the World War II Veterans' Recognition Program using trust fund monies. Monies in the fund are to be used solely to promote solicitation for designs, aid in the manufacture, and aid in the distribution of medallions, medals, and certificates.

(3) The Adjutant General shall establish accounting procedures which safeguard World War II Veterans' Recognition Award Fund monies received.

(4) The fund will be automatically terminated when all authorized medallions, medals, and certificates have been distributed. Any balance in the fund will be transferred to the Veterans' Commission Capital Improvement Trust Fund created in section 313.835, RSMo.

AUTHORITY: section 42.185, RSMo 2000. Original rule filed Sept. 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 Office of the Adjutant General, Attn: NGMO-SX, 2302 Militia Drive, Jefferson City, MO 65101-1203. 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 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.200 Steering Mechanisms. The division proposes to amend subsection (4)(B).

PURPOSE: This proposed amendment deletes reference to the computer analyzer certificate which is now obsolete due to changes in the administration of the emission program.

(4) Ball Joints.

(B) In checking the condition of an unloaded ball joint, a ball joint gauge need not be used if the inspector is absolutely certain that the ball joint movement does not exceed the prescribed tolerances. A vehicle will not be rejected unless the vertical (up and down) or horizontal (side-to-side) movement in the load carrying ball joint has been accurately measured by a ball joint gauge and the measurement exceeds the prescribed tolerances. A vehicle requiring a special tool or method to measure ball joint movement will not be rejected unless the ball joint is obviously dangerous. Inspector/mechanics will contact the Motor Vehicle Inspection Division at the nearest troop headquarters to obtain information on ball joints not listed in this manual. If the ball joint movement exceeds the prescribed tolerances, the measured movement shall be listed with the defective part on the MVI-2 form (see 11 CSR 50-2.120) [and computer analyzer certificate].

AUTHORITY: section 307.360, RSMo 1994. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 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 Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. 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 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.270 Glazing (Glass). The division proposes to amend paragraph (5)(C)1.

PURPOSE: This proposed amendment deletes reference to the computer analyzer certificate which is now obsolete due to changes in the administration of the emission program.

(5) Reject vehicle if:

(C) Any manufactured vision reducing material is applied to any portion of the motor vehicle's windshield, side wings or windows located immediately to the left and right of the driver which reduces visibility from within or without the motor vehicle, except any label, sticker, decalcomania, or informational sign required by law, ordinance or regulation may be affixed as directed. (Do not reject vehicle for tinting material applied to the uppermost portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass);

1. Do not reject a motor vehicle for which the current vehicle owner submits a window tinting permit SHP-524B, issued by the Missouri State Highway Patrol. Record the number of the window tinting permit on the MVI-2 form (see 11 CSR 50-2.120) in the space entitled "Defective Parts" [or on the Missouri Analyzer System Certificates above the inspector/mechanic's signature] by entering the following statement: Tinting Permit # _____;

AUTHORITY: section 307.360, RSMo 1994. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 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 Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. 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 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.320 School Bus Inspection. The division proposes to amend subsection (9)(A).

PURPOSE: This proposed amendment attempts to clarify that all emergency doors and exits are required to be inspected and not just those located on the left and right side of the bus.

(9) Emergency Door(s), Exits and Buzzer.

(A) All school buses shall be equipped with an emergency door or exit located in the rear and may be equipped with additional emergency doors and exits [on the left or right side of the school bus]. The emergency door shall be designed to be opened from inside and outside. The device used to open the door from the outside shall be designed to prevent hitching to, but one which permits opening when necessary. The rear emergency door latch shall be equipped with an interior handle that lifts upward to release and all emergency doors and exits shall be equipped with a suitable electric switch connected with a buzzer audible in the driver compartment. The switch shall be installed in a manner that any movement of the slide bar or release mechanism will immediately sound the buzzer. All emergency doors and exits shall be identified by the words EMERGENCY DOOR or EMERGENCY EXIT both inside and outside the bus in letters two inches (2") high in the immediate area of the door or exit. A metal guard shall be placed over the door control on the inside of a rear door. The passageway to the emergency door shall be at least twelve inches (12") wide on all school buses. Type A school buses designed as 1974 or later models must be equipped with an emergency door buzzer. A lock may be placed on an emergency door or exit. However, the engine starting and operating system must not function if any emergency door or exit is locked from either the inside or outside of the bus.

AUTHORITY: section 307.360.2, RSMo 1994 and 307.375, RSMo Supp. 1999. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 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 Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. 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 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.330 Motorcycle Inspection. The division proposes to amend subsection (1)(H).

PURPOSE: This proposed amendment expands the inspection of fuel tanks on motorcycles to include the entire fuel system.

(1) This section of the inspection manual contains procedures which shall be followed when inspecting motorcycles and motor tricycles.

(H) Fuel [Tank] System.

1. Inspect the fuel tank(s), fuel lines and connections and filler cap.

2. Reject vehicle if:

- A. There is fuel leakage at [the fuel tank] any location;
- B. Fuel tank is not securely attached; or
- C. Filler cap is missing or does not fit.

AUTHORITY: section 307.360, RSMo 1994. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 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 Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

PROPOSED AMENDMENT

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services. The division is amending subsection (4)(A).

PURPOSE: This amendment outlines how the State Fiscal Year 2001 trend factor will be applied to adjust per-diem rates for ICF/MRs participating in the Medicaid program.

(4) Prospective Reimbursement Rate Computation.

(A) Except in accordance with other provisions of this rule, the provisions of this section shall apply to all providers of ICF/MR services certified to participate in Missouri's Medicaid program.

- 1. ICF/MR facilities.

A. Except in accordance with other provisions of this rule, the Missouri Medical Assistance Program shall reimburse providers of these LTC services based on the individual Medicaid-recipient days of care multiplied by the Title XIX prospective per-diem rate less any payments collected from recipients. The Title XIX prospective per-diem reimbursement rate for the remainder of state Fiscal Year 1987 shall be the facility's per-diem reimbursement payment rate in effect on October 31, 1986, as adjusted by updating the facility's allowable base year to its 1985 fiscal year. Each facility's per-diem costs as reported on its Fiscal Year 1985 Title XIX cost report will be determined in accordance with the principles set forth in this rule. If a facility has not filed a 1985 fiscal year cost report, the most current cost report on file with the department will be used to set its per-diem rate. Facilities with less than a full twelve (12)-month 1985 fiscal year will not have their base year rates updated.

B. For state FY-88 and dates of service beginning July 1, 1987, the negotiated trend factor shall be equal to two percent (2%) to be applied in the following manner: Two percent (2%) of the average per-diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1987, shall be added to each facility's rate.

C. For state FY-89 and dates of service beginning January 1, 1989, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per-diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1988 shall be added to each facility's rate.

D. For state FY-91 and dates of service beginning July 1, 1990, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per-diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1990, shall be added to each facility's rate.

E. FY-96 negotiated trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per-diem rates effective for dates of service beginning January 1, 1996, of six dollars and seven cents (\$6.07) per patient day for the negotiated trend factor. This adjustment is equal to four and six-tenths percent (4.6%) of the weighted average per-diem rates paid to nonstate-operated ICF/MR facilities on June 1, 1995, of one hundred and thirty-one dollars and ninety-three cents (\$131.93).

F. State FY-99 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per-diem rates effective for dates of service beginning July 1, 1998, of four dollars and forty-seven cents (\$4.47) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per-diem rate paid to nonstate-operated ICF/MR facilities on June 30, 1998, of one hundred forty-eight dollars and ninety-nine cents (\$148.99).

G. State FY-2000 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per-diem rates effective for dates of service beginning July 1, 1999, of four dollars and sixty-three cents (\$4.63) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per-diem rate paid to nonstate-operated ICF/MR facilities on April 30, 1999, of one hundred fifty-four dollars and forty-three cents (\$154.43). This increase shall only be used for increases for the salaries and fringe benefits for direct care staff and their immediate supervisors.

H. State FY-2001 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per-diem rates effective for dates of service beginning July 1, 2000, of four dollars and eighty-one cents (\$4.81) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per-diem rate paid to nonstate-operated ICF/MR facilities on April 30, 2000, of one hundred sixty dollars and twenty-three cents (\$160.23). This increase

shall only be used for increases for salaries and fringe benefits for direct care staff and their immediate supervisors.

2. Adjustments to rates. The prospectively determined reimbursement rate may be adjusted only under the following conditions:

A. When information contained in a facility's cost report is found to be fraudulent, misrepresented or inaccurate, the facility's reimbursement rate may be reduced, both retroactively and prospectively, if the fraudulent, misrepresented or inaccurate information as originally reported resulted in establishment of a higher reimbursement rate than the facility would have received in the absence of this information. No decision by the Medicaid agency to impose a rate adjustment in the case of fraudulent, misrepresented or inaccurate information in any way shall affect the Medicaid agency's ability to impose any sanctions authorized by statute or rule. The fact that fraudulent, misrepresented or inaccurate information reported did not result in establishment of a higher reimbursement rate than the facility would have received in the absence of the information also does not affect the Medicaid agency's ability to impose any sanctions authorized by statute or rules;

B. In accordance with subsection (6)(B) of this rule, a newly constructed facility's initial reimbursement rate may be reduced if the facility's actual allowable per-diem cost for its first twelve (12) months of operation is less than its initial rate;

C. When a facility's Medicaid reimbursement rate is higher than either its private pay rate or its Medicare rate, the Medicaid rate will be reduced in accordance with subsection (2)(B) of this rule;

D. When the provider can show that it incurred higher cost due to circumstances beyond its control and the circumstances are not experienced by the nursing home or ICF/MR industry in general, the request must have a substantial cost effect. These circumstances include, but are not limited to:

(I) Acts of nature, such as fire, earthquakes and flood, that are not covered by insurance;

(II) Vandalism, civil disorder, or both; or

(III) Replacement of capital depreciable items not built into existing rates that are the result of circumstances not related to normal wear and tear or upgrading of existing system;

E. When an adjustment to a facility's rate is made in accordance with the provisions of section (6) of this rule; or

F. When an adjustment is based on an Administrative Hearing Commission or court decision.

AUTHORITY: sections 208.153, 208.159, 208.201, RSMo 1994. This rule was previously filed as 13 CSR 40-81.083. Original rule filed Aug. 13, 1982, effective Nov. 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 15, 2000.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions \$163,275.45 in State Fiscal Year 2001.

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 Department of Social Services, Division of Medical Services, Director of Medicaid, P.O. Box 6500, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

13 -- Department of Social Services
 Title: _____
 70 -- Division of Medical Services
 Division: _____
 10 -- Nursing Home Program
 Chapter: _____
 Proposed Amendment
 Type of Rulemaking: _____
 13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-
 Rule Number and Name: _____
 Operated Facilities for ICF/MR Services

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	Annual Estimated Cost:\$163,275.45

III. WORKSHEET

Weighted average rate @ 4/30/00 \$160.23
 Trend Factor 3%
 Per Diem Trend \$ 4.47

IV. ASSUMPTIONS

Patient days for Nonstate-operated ICF/MR facilities will remain constant with patient days in fiscal year 2000. The trend factor will be arrived at through use of the April 2000 weighted average of all Nonstate-operated ICF/MR facilities.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 4—Postcard Voter Application and Forms**

PROPOSED AMENDMENT

15 CSR 30-4.010 Postcard Voter Application and Forms. The division is amending subsection (2)(D) and replacing the form that follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment clarifies language related to the use and dissemination of information collected on, and replaces the postcard voter application form. This amendment also corrects a typographical error in the previous amendment to the rule.

(2) Postcard Application Form Format and Content—

(D) The format and questions shall be printed in black ink, except that numbers 1–10 and the statement, “YOUR APPLICATION WILL BE CONFIRMED BY MAIL WITHIN SEVEN (7) BUSINESS DAYS. PLEASE CONTACT THE ELECTION AUTHORITY IF YOU DO NOT RECEIVE NOTIFICATION,” shall be printed in red ink.

(5) The postcard voter application form which is incorporated herein by reference shall be reproduced in the following form:

MISSOURI VOTER REGISTRATION APPLICATION

USE PEN - PLEASE PRINT CLEARLY

PC

YOUR APPLICATION WILL BE CONFIRMED BY MAIL WITHIN 7 BUSINESS DAYS. CONTACT THE ELECTION AUTHORITY IF YOU DO NOT RECEIVE NOTIFICATION.

1 NEW REGISTRATION ADDRESS CHANGE NAME CHANGE

FOR OFFICE USE ONLY
REGISTRATION NO.

2 Mr. LAST NAME FIRST NAME MIDDLE NAME SUFFIX (CIRC. F)
Mrs.
Miss
Ms. JR. SR. II III IV

3 ADDRESS WHERE YOU LIVE (HOUSE NO., STREET, APT. NO. OR RURAL ROUTE AND BOX NO.) CITY COUNTY ZIP CODE

4 ADDRESS WHERE YOU GET YOUR MAIL (IF DIFFERENT FROM #3 ABOVE) CITY STATE ZIP CODE

5 DATE OF BIRTH PLACE OF BIRTH (OPTIONAL)* 6 LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER** 7 DAYTIME PHONE NO. (OPTIONAL)*
MO. DAY YR.

8 NAME AND ADDRESS ON LAST VOTER REGISTRATION
NAME _____
ADDRESS _____
CITY _____ STATE _____
COUNTY _____

10 I hereby certify that I am a citizen of the United States and a resident of Missouri. I am at least seventeen and one half years of age. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or a misdemeanor connected with the right of suffrage, I have had the voting disabilities from such conviction removed pursuant to law. I swear under penalty of perjury that all statements made on this card are true to the best of my knowledge and belief.

9 RURAL VOTERS: COMPLETE THIS SECTION IF YOU LIVE OUTSIDE THE CITY LIMITS OF ANY CITY.
I live _____ miles N S E W (circle one) of _____ (landmark or junction).
Section, Township and range _____
My neighbors are _____

Date _____ Signature _____

Warning: Conviction for making a false statement may result in imprisonment for up to five years and/or a fine up to \$10,000.

MO 231-0169 (8-99)

*Information designated as optional is disclosed at the option of the registrant and will be used only by authorized officials to combat voter fraud and facilitate orderly elections.
**Required for registration unless no Social Security number exists for applicant.

PLACE
FIRST
CLASS
STAMP
HERE

MISSOURI VOTER REGISTRATION

_____ MO _____

MISSOURI VOTER REGISTRATION APPLICATION

USE PEN - PLEASE PRINT CLEARLY

PC

YOUR APPLICATION WILL BE CONFIRMED BY MAIL WITHIN 7 BUSINESS DAYS. CONTACT THE ELECTION AUTHORITY IF YOU DO NOT RECEIVE NOTIFICATION.

1			<input type="checkbox"/> NEW REGISTRATION <input type="checkbox"/> ADDRESS CHANGE <input type="checkbox"/> NAME CHANGE		FOR OFFICE USE ONLY REGISTRATION NO.	
2		Mr. Mrs. Miss Ms.	LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX (CIRCLE) JR. SR. II III IV
3			ADDRESS WHERE YOU LIVE (HOUSE NO., STREET, APT. NO. OR RURAL ROUTE AND BOX NO.)		CITY	COUNTY
4			ADDRESS WHERE YOU GET YOUR MAIL (IF DIFFERENT FROM #3 ABOVE)		CITY	STATE
5		DATE OF BIRTH MO. DAY YR.	PLACE OF BIRTH (OPTIONAL)	6	LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER*	7
8		NAME AND ADDRESS ON LAST VOTER REGISTRATION			10	
		NAME _____			I hereby certify that I am a citizen of the United States and a resident of Missouri. I am at least seventeen and one half years of age. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or a misdemeanor connected with the right of suffrage, I have had the voting disabilities from such conviction removed pursuant to law. I swear under penalty of perjury that all statements made on this card are true to the best of my knowledge and belief.	
		ADDRESS _____				
		CITY _____ STATE _____				
		COUNTY _____				
9		RURAL VOTERS: COMPLETE THIS SECTION IF YOU LIVE OUTSIDE THE CITY LIMITS OF ANY CITY.			Date _____ Signature _____	
		I live _____ miles N S E W (circle one) of _____ (landmark or junction).				
		Section, Township and range _____				
		My neighbors are _____				

Warning: Conviction for making a false statement may result in imprisonment for up to five years and/or a fine up to \$10,000.

MO 231-0169 (9-00)

*Required for registration pursuant to §115.155 RSMo and will be used only by authorized officials to combat voter fraud and facilitate orderly elections.

PLACE
FIRST
CLASS
STAMP
HERE

MISSOURI VOTER REGISTRATION

_____ MO _____

AUTHORITY: sections 115.155.5 and 115.159, RSMo [Supp. 1998] Supp. 1999. Emergency rule filed Nov. 10, 1993, effective Nov. 20, 1993, expired March 19, 1994. Emergency rule filed Feb. 23, 1994, effective March 20, 1994, expired May 8, 1994. Original rule filed Nov. 10, 1993, effective May 9, 1994. Amended: Filed Aug. 27, 1999, effective Feb. 29, 2000. Emergency amendment filed Sept. 26, 2000, effective Oct. 6, 2000, expires April 3, 2001. Amended: Filed Sept. 26, 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 Secretary of State, 600 West Main St., P.O. Box 1767, 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 15—ELECTED OFFICIALS

Division 60—Attorney General

Chapter 13—Rules for the Establishment of a Missouri No-Call Database

PROPOSED RULE

15 CSR 60-13.010 Definitions

PURPOSE: This rule clarifies that the definitions pertaining to the establishment of a Missouri no-call database created by residential subscribers providing notice to the Attorney General of their objection to receiving telephone solicitations are the same as those appearing in section 407.1095, RSMo 2000, and provides definitions for certain other terms used in that statute.

(1) The terms used in Chapter 13, Division 60, Title 15 of the *Code of State Regulations* bear the same meaning in the rules pertaining to the establishment of a no-call database as they do in section 407.1095, RSMo 2000, as amended from time-to-time. In addition, the term “telephone number” as used in Chapter 13, Division 60, Title 15 of the *Code of State Regulations*, is interchangeable with the term “telephone line” as used in section 407.1098, RSMo 2000, as amended from time-to-time.

(2) The following definitions further clarify terms used in section 407.1095, RSMo 2000 and Chapter 13, Division 60, Title 15 of the *Code of State Regulations*:

(A) “ADAD,” also known as “automatic dialing and announcing device,” means any device or system of devices which is used, whether alone or in conjunction with other equipment, for the purposes of automatically selecting or dialing telephone numbers and disseminating recorded messages to the numbers so selected or dialed;

(B) “Bona fide member,” for the purposes of section 407.1095(3)(c), RSMo means without regard to what a person is called in the articles or bylaws, any person or persons who on more than one occasion, pursuant to a provision of the Chapter 501(c)(3) entity’s articles or bylaws, have a right to vote for the election of a director or directors; but a person is not a “bona fide member” by virtue of any of the following:

1. Any rights such person has as a delegate;
2. Any rights such person has to designate a director or directors; or
3. Any rights such person has as a director;

(C) “Business contact” means a specific oral or written communication at a verifiable date and time pertaining to the residential subscriber’s income-generating activities, as opposed to his or her personal consumer activities;

(D) “Current business relationship” means a relationship characterized by reciprocal communication between the person or entity interested in calling the residential subscriber and pertaining to the residential subscriber’s income-generating activities, as opposed to his or her personal consumer activities;

(E) “Person” exclusively for the purposes of section 407.1095(2), RSMo means a human being who has reached the legal age set forth in section 431.055, RSMo, as amended, and authorized by the residential subscriber to grant telephone solicitors express invitation or permission to call the residential subscriber’s telephone number; and if the residential subscriber has not reached the legal age, set forth in section 431.055, RSMo, as amended, person shall mean his or her parent or legal guardian;

(F) “Prior express invitation or permission” means a specific oral or written grant of authority made by the residential subscriber at a verifiable date and time authorizing a person or entity interested in making telephone solicitations to call the residential subscriber’s telephone number for the purposes of making a telephone solicitation;

(G) “Referral” means a communication at a verifiable date and time to the person or entity interested in calling the residential subscriber’s telephone number by a third party if the residential subscriber has previously contacted the third party indicating that the residential subscriber would welcome the call to his or her telephone number; and

(H) “Working from his or her primary residence” means conducting income-generating activities from the location where the person interested in calling the residential subscriber’s telephone number resides, but does not include calls that are normally made from a location other than that person’s residence made by that person from his or her residence.

AUTHORITY: section 407.1101, RSMo 2000. Original rule filed Sept. 28, 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 Missouri Attorney General, Jeremiah W. “Jay” Nixon, c/o Ronald Molteni, Assistant Attorney General, P.O. Box 899, 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 15—ELECTED OFFICIALS

Division 60—Attorney General

Chapter 13—Rules for the Establishment of a Missouri No-Call Database

PROPOSED RULE

15 CSR 60-13.020 Methods by Which Residential Subscribers May Give Notice of Objection to Receiving Telephone Solicitations

PURPOSE: This rule describes the methods and mechanics of how residential subscribers may give the Attorney General notice of their objection to receiving telephone solicitations so that the Attorney General can establish Missouri’s no-call database.

(1) A residential subscriber living or residing in Missouri, may give notice of his or her objection to receiving telephone solicitations, and thus, have his or her telephone number listed in Missouri's no-call database by doing any of the following:

(A) Completing a written form designed by the Attorney General's Office for the purpose of recording a residential subscriber's notice of objection to receiving telephone solicitations and submitting that completed form to the Attorney General's Office; or

(B) Calling a toll-free number established by the Attorney General's Office for the purpose of recording a residential subscriber's notice of objection to receiving telephone solicitations and properly responding to the voice prompts; or

(C) Accessing the appropriate Internet site established by the Attorney General's Office for the purpose of recording a residential subscriber's notice of objection to receiving telephone solicitations and inputting the proper data requested by the website prompts.

(2) The no-call database shall consist of the aggregate collection of the telephone numbers of properly submitted notices of objection to receiving telephone solicitations. The Attorney General may maintain the no-call database in either a written or an electronic format.

(3) The telephone numbers of properly submitted notices of objection to receiving telephone solicitations shall become part of the no-call database in the quarter following the deadline for receipt of notice according to the following schedule:

Receipt Deadline	Calendar Quarter
November 1	January–March
February 1	April–June
May 1	July–September
August 1	October–December

AUTHORITY: section 407.1101, RSMo 2000. Original rule filed Sept. 28, 2000.

PUBLIC COST: This proposed rule will cost the Attorney General approximately \$654,853 during the first full fiscal year of implementation and \$542,466 annually thereafter. The cost will consist of establishing and providing the written material, costs for establishing a toll-free automated service, toll-free operator service and providing Internet access to register. The costs include personnel, equipment and software.

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 Missouri Attorney General, Jeremiah W. "Jay" Nixon, c/o Ronald Molteni, Assistant Attorney General, P.O. Box 899, 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
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 15 - Elected OfficialsDivision: 60 - Attorney GeneralChapter: 10 - Rules for Establishment of a Missouri No-Call DatabaseType of Rulemaking: New RuleRule Number and Name: 15 CSR 60-10.020 - Methods by which residential subscribers may give notice of objection to receiving telephone solicitations.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Attorney General's Office	\$654,853 FY 2001 (\$542,466 - annually thereafter)

III. WORKSHEET

In the section the Attorney General is required to consider several costs including personal services, data processing, furniture, travel, office expense, communication, and other items.

1. One-time cost or revenue fluctuations (do not include in analyzed fiscal impact)				
II. Fund Costs by Category	FY 01	FY 02	FY 03	Annualized Fiscal Impact
Salaries	\$ 201,250	\$ 247,538	\$ 253,726	\$ 247,538
Fringe Benefits	61,884	76,118	78,021	75,118
Equipment and Expense	241,719	218,811	225,375	218,811
Local Assistance	0	0	0	0
Other Costs (Start-up Costs)	75,000	0	0	0
Total Fund Costs - All Categories	654,853	542,466	557,122	542,466

IV. ASSUMPTIONS

1. The estimated cost of running this unit were considered. This included rental space for the unit in St. Louis. Additionally, it considers startup costs regarding an Internet access page, 800 - automated phone system, 800 toll free lines, and public outreach. This includes personnel services, data processing costs, furniture, office expense, and communication cost.
2. In regard to personal services the AGO assumed the need for one (1) AAG IV, one (1) AAG III, four (4) investigators, one (1) legal secretary and .5 information system technician.
3. The AGO explored and considered the State of Georgia which has similar no-call legislation and the State of Tennessee. The State of Tennessee has approximately 2.0 million residential lines. The State of Missouri has approximately 3.5 million residential lines. Tennessee has a no-call database consisting of approximately 500,000 residential phone lines. This equals approximately 25 % of available residential phone lines on the Tennessee database. Tennessee is a "no fee" state, similar to Missouri. Missouri used Tennessee's database numbers in considering its financial obligations.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 13—Rules for the Establishment of a Missouri
No-Call Database

PROPOSED RULE

15 CSR 60-13.030 Duration that a Residential Subscriber's Notice of Objection to Receiving Telephone Solicitations is Effective

PURPOSE: This rule sets forth the duration that a residential subscriber's notice of objection to receiving telephone solicitations is effective.

A notice of objection to receiving telephone solicitations shall remain in effect for two years from the date that telephone number first appears in the no-call database. The notice of objection shall be automatically renewed unless the residential subscriber to whom that telephone number is assigned provides written notice to the Attorney General's Office that he or she does not want the Attorney General to automatically renew the notice of objection. To facilitate a conscious choice by consumers, the Attorney General may send a notice letter explaining to the residential subscriber that his or her notice of objection to receiving telephone solicitation is due to expire and that it will be automatically renewed unless the residential subscriber returns the notice letter form indicating his or her preference otherwise.

AUTHORITY: section 407.1101, RSMo 2000. Original rule filed Sept. 28, 2000.

PUBLIC COST: This proposed rule will cost the Attorney General approximately \$919,500 for the first four years commencing during the first full fiscal year of implementation and cost will be incurred annually continuing indefinitely thereafter for the life of the rule. The cost will consist of maintaining the no-call database, materials and postage. The costs include personnel, equipment and software.

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 Missouri Attorney General, Jeremiah W. "Jay" Nixon, c/o Ronald Molteni, Assistant Attorney General, P.O. Box 899, 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
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 15 - Elected Officials

Division: 60 - Attorney General

Chapter: 13 - Rules for Establishment of a Missouri No-Call Database

Type of Rulemaking: New Rule

Rule Number and Name: 15 CSR 60-13.030 - Duration that a residential subscriber's notice of objection to receiving telephone solicitations is effective.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Attorney General's Office	\$919,500 first four years, \$267,000 annualized thereafter

The estimated cost of maintaining the no-call database list requires, in part, ongoing mailings by the Attorney General's Office. Duration on the list under this rule is effective for two years. Mailing of materials may occur in FY 01 and will occur in FY 02 and beyond for the life of the rule. The cost will begin in FY 01 and continue for the indefinite life of the rule. The calculations for the aggregate cost estimate is through FY 04. The annualized fiscal impact is \$165,000. The life of the rule is expected to be more than five years.

III. WORKSHEET

In this section the Attorney General has considered the costs of mailing, including materials and postage.

	FY 01	FY 02	FY 03	FY 04	Annualized Fiscal Impact
Estimated number of residential phone lines	250,000	500,000	500,000	500,000	
Cost of materials and postage	\$ 128,500	\$ 257,000	\$ 267,000	\$ 267,000	\$267,000

IV. ASSUMPTIONS

1. The Office of the Attorney General will conduct mailings at various times throughout the life of the rules to the Missouri consumers that comprise the no-call database. This will require material and postage costs on an annual basis. The personal costs for these efforts is set out in the fiscal note for 15 CSR 60-13.020.
2. The Office of the Attorney General will begin taking names on January 1, 2001. Therefore, for FY 2001, the total number of registered phone lines and the resulting mailings will be less than the number for subsequent fiscal years. Additionally, these costs will increase in FY 03 and FY 04 when the renewal periods will begin to run for phone lines on the database.
3. The numbers assume an increase in the price of materials and postage over time for the later fiscal years.
4. The Office of the Attorney General has assumed for this note that the number of registered phone lines will rise to 500,000 and hold.